LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS 03/07/2015

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2015/0437 **Ward:** Bounds Green

Date received: 11/02/2015

Drawing number of plans: 0001-C, 0002-C , 0003-C , 0004-C, 0005-C, & 0006-C

Address: Land to r/o 453-455 High Road N22 8JD

Proposal: Demolition of 4 lock up garages at rear of 453-455 High Road and erection of a 2 storey development with professional / office use (Behavioural Optometrist Clinic) on ground floor and 2 x 2 bedrooms flats on the first floor with access from Marquis Road.

Applicant: Mr & Mrs Naresh & Smita Trivedi

Ownership: Private

Site Visit Date: 10/03/2015

Officer contact: William Story

2. SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to conditions

Conditions
1) Development begun no later than three years from date of decision
2) In accordance with approved plans

Informatives

1) Land ownership
2) Hours of construction
3) Party Wall Act
4) CIL liable

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

3.1 This is an application for demolition of 4 lock up garages at rear of 453-455 High Road and erection of a 2 storey development with professional / office use on ground floor and 2 x 2 bedrooms flats on the first floor with access from Marquis Road. The office space will be as a 'Behavioural Optometrist clinic'.

Site and Surroundings

3.2 The High Road is mixed in nature consisting of purpose built houses and flats, retail units and offices, often with residential properties above, many of which have now been converted to flats. Many of the side roads such as Elmhurst Road retain their residential character largely. The application site is not located within a conservation area.

3.3 The application site contains four lock-up garages to the rear of 455 High Road and the rear garden area of 453 High Road N22. No. 453 High Road has received planning permission for a single storey extension attached to the rear of the street facing building which extends over the entirety of the garage site.

Relevant Planning and Enforcement history

3.3 HGY/2010/1737 GTD 14-12-10 453 High Road London Conversion of upper floors into 1 x four bed self contained flat.

HGY/2014/0302 WDN 21-03-14 453 High Road London Demolition of existing rear one storey extension and erection of a three storey five office space extension in rear garden plot/space

HGY/2014/1371 GTD 12-08-14 453 High Road London Demolition of existing rear one storey extension to be replaced with a single storey extension with part first and second floor to accommodate five office units

4. CONSULTATION RESPONSE

4.1 The following were consulted regarding the application:

LBH Waste Management
LBH Building Control
LBH Transportation
London Fire Brigade
Thames Water Utilities

4.2 The following responses were received:

Internal:
1) LBH Waste Management

The professional office will require storage for both refuse and recycling waste either internally or externally, arrangements for a scheduled waste collection with a Commercial Waste Contractor will be required.

Each of the two x two bedroom flats will require

One x 240 litre residual waste bin
One x 240 litre recycling waste bin
One x food waste box
One x garden waste sack

The attached application provides plans showing a waste storage area, for the refuse and recycling waste bins, which seems to be of a sufficient size to contain the amount of waste bins required for both flats. The bin storage area must be kept clean and tidy to ensure that the refuse and recycling collection crews have access to the bin area on the scheduled collection days. All waste must be placed inside the bins provided and not left on the floor around the bins. All bins must be store off of the public highway.

4.3 LBH Transportation

This site is located in an area that has a medium public transport accessibility level of 3 and is served by the 121, 141, 232 and 329 bus routes, which run with a combined two-way frequency of 50 buses per hour. It is considered that public transport would be considered as a viable option for journeys to and from the site.

Although the proposal does not include the provision of any on-site parking spaces, the GFA of the unit relatively small and therefore unlikely to generate any significant level of traffic generation or parking demand.

Given that the above scheme is unlikely to result in any significant negative impact upon the surrounding highway network, the highway and transportation authority does not wish to raise an objection to the above proposal, subject to the imposition of the following condition:

1. Prior to the occupation of the development hereby permitted, the redundant crossover fronting the development site shall be removed and the footway re-instated.

Reason: In order to protect pedestrian amenity and in the interests of highway safety.

External:

4.4 Thames Water

No objection subject to informatives

5. LOCAL REPRESENTATIONS

5.1 The application has been publicised by way of 27 letters. No representations were received from neighbours, local groups etc in response to notification and publicity.

6. MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning issues raised by the proposed development are:

1. Principle of the development
2. Design and Appearance
3. Layout and standard of accommodation
4. Impact on the amenity of adjoining occupiers
5. Affordable housing
6. Parking and highway safety
7. Sustainability

Principle of the development

6.2 The NPPF provides guidance on decision taking and in particular, introduces a presumption in favour of sustainable development and also outlines a number of core planning principles that should be adhered to. In particular this includes to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and encouraging the effective use of land by reusing land that has been previously-developed, and to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Local Plan Policy SP0 advocates a positive approach and a presumption in favour of sustainable development, unless any adverse impacts of granting permission would outweigh this presumption.

6.3 The proposed mixed office / residential use is in a sustainable location located in an existing residential area immediately next to a busy High Road which has different uses. It is adjacent to the High Road and the proposal involves the re-use of previously developed land. Therefore the principle of mixed use on this site is considered to be acceptable subject to detailed considerations.

Design and Appearance

6.4 Local Plan Policy SP11 states that all new development should enhance and enrich Haringey's built environment and create places and buildings that are high quality, attractive, sustainable, safe and easy to use. Development shall be of the highest standard of design that respects its local context and character and historic significance, to contribute to the creation and enhancement of Haringey's sense of place and identity which is supported by London Plan Policies 7.4 and 7.6.

6.5 The application site is located behind a three storey building on High Road and is accessed via Marquis Road. A large two storey semi detached dwelling is located adjacent at No 1 Marquis Road and a two storey Edwardian terrace block is located across the road. The proposal would replace the existing four lock up garages buildings with a two storey development with professional / office use on ground floor and 2 x 2 bedrooms flats on the first floor. The proposed building is set back from the street and subordinate in scale. The upper floor would be stepped back to reflect the building line of No 1 Marquis Road and then stepped out to provide a transition between the 2 building lines.

6.6 It would be finished in white smooth rendering with elements of rock panel wood board panelling and copper sheeting on the roof. The proposal has been amended to improve symmetry of the ground and first floor elements. It is considered that the design would be a high quality modern addition to the street scene which would be subordinate to the surrounding development and would not compete or detract from its overall character.

Impact on the amenity of adjoining occupiers

6.7 Saved UDP Policy UD3 states that development proposals are required to demonstrate that there is no significant adverse impact on residential amenity or other surrounding uses in terms of loss of daylight or sunlight, privacy, overlooking. Similarly London Plan Policy 7.6 requires buildings and structures should not cause

unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy.

6.8 While it is accepted that the outlook and level of daylight/ sunlight to side widows/ doors to No 1 Marquis Road will be partly reduced as a result of the development, this is already in part restricted by vegetation along the boundary. The windows are however not serving habitable rooms and in addition a reasonable gap exists between the side of No 1 Marquis Road and the application site.

6.9 The first floor element here will sit behind the rear building line of No 1 Marquis Road as such minimising its impact on this property. Also having regards to the sun's trajectory and the orientation of the buildings in question the effect on daylight and sunlight to the windows/ doors in question will not be significant.

6.10 In terms of No's 453 and 455 given the current configuration of these building and the limited glazing on the rear elevation of these buildings, particularly at ground and first floor, the building here will have no adverse impact on daylight and sunlight. To the rear the site backs onto a car par and as such will have no adverse impact on this land use.

Layout and standard of accommodation

6.11 London Plan Policy 3.5 'Quality and Design of Housing Developments' requires the design of all new housing developments to enhance the quality of local places and for the dwelling in particular to be of sufficient size and quality. Local Plan Policy SP2 ' Housing' states that high quality new residential development in Haringey will be provided. The Mayor's Housing SPG sets out the space standards for all new residential developments to ensure an acceptable level of living accommodation offered.

6.12 The proposed flats would meet the floorspace minima as set out in the Major's Housing SPG.

Affordable housing

6.13 The NPPF recognises that to create sustainable, inclusive and diverse communities, a mix of housing based on demographic and market trends and the needs of different groups should be provided. London Plan Policy 3.8 'Housing Choice' of the London Plan seeks to ensure that development schemes deliver a range of housing choices in terms of a mix of housing and types. This approach is continued in Haringey Local Plan SP2 Housing, which is supported by the Council's Housing SPD.

6.14 The NPPF states that where it is identified that affordable housing is needed, planning policies should be set for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. However, such policies should be sufficiently flexible to take account of changing market conditions over time (para. 50).

6.15 Similarly, The London Plan (2011), Policy 3.12 states that Boroughs should seek "the maximum reasonable amount of affordable housing...when negotiating on

individual private residential and mixed-use schemes", having regard to their affordable housing targets, the need to encourage rather than restrain residential development and the individual circumstances including development viability". Local Plan Policy SP2 states that affordable housing shall be provided on-site subject to viability and schemes below the ten unit threshold are required to provide 20% affordable housing on site, based on habitable rooms, or provide financial contributions towards affordable housing provision subject to viability.

6.16 It is accepted that on sites of 1-9 net units it is not practical to provide affordable housing on site and therefore a financial contribution will be sought in this instance. The Council's Planning Obligations SPD (October 2014) sets out the rates for the provision of off-site financial contributions on sites of 1-9 net units. In the absence of a legal agreement securing a financial contribution in lieu of the provision of on-site affordable housing or viability assessment, the proposal is considered to be contrary to policy SP2 (Housing) of the London Borough of Haringey Local Plan: Strategic Policies March 2013 and Policy 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes) of the London Plan July 2011.

6.17 It is noted that Para 012 of the Nation Planning Policy Guidance was amended 27 02 2015 and states that National planning policy defines specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development, as set out in the Written Ministerial Statement on small-scale developers. Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm

6.18 This guidance is a material consideration but applications must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The weight to be ascribed to a material planning consideration is as a matter of law a matter for the decision maker. It is the council's current position that the obligation in the Council's SP2 (7) policy does not place a disproportionate burden on developers and is not an obstacle to the delivery of the development because developers have the opportunity to present viability arguments. As such we are determining applications in accordance with Development Plan Policy SP2 on the basis that the new Ministerial policy does not warrant sufficient weight to displace the Development Plan obligation and that in this case the objectives of the new Ministerial policy are not compromised by doing so.

6.19 In making a decision on this application Officers are also mindful that the proposal will enable the delivery of this Behavioural Optometrist Clinic. This facility currently operates from the ground floor of No 455 but needs to move. The site also has a residual land value in connection with planning permission granted for a single storey building, housing office suites on part of this site at the rear of 453.

Parking and highway safety

6.20 Local Plan (2013) Policy SP7 Transport states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access

to public transport and adopting maximum car parking standards and car free housing wherever feasible.

6.21 The Council's Transportation and Highways Team has been consulted and advises that the site is located in an area that has a medium public transport accessibility level of 3 and is served by the 121, 141, 232 and 329 bus routes, which run with a combined two-way frequency of 50 buses per hour. It is considered that public transport would be considered as a viable option for journeys to and from the site. Therefore although the proposal does not include the provision of any on-site parking spaces, the GFA of the unit relatively small and therefore unlikely to generate any significant level of traffic generation or parking demand.

6.22 It is therefore considered that the development is unlikely to have any significant adverse impact upon the local highway network or parking demand within the vicinity of the site.

Sustainability

6.24 The NPPF, London Plan and local policy requires development to meet the highest standards of sustainable design, including the conservation of energy and water; ensuring designs make the most of natural systems and the conserving and enhancing the natural environment. Chapter 5 of the London Plan and Local Plan Policy SP4 require all new homes to meet Level 4 of the Code for Sustainable Homes.

6.25 The development would be expected to meet (use best endeavours) to meet Code Level 4 of Code or Sustainable Homes.

Conclusions

6.26 The position, scale, mass, detail and alignment of the proposed building is considered acceptable. The building will be of modern design and is considered to be acceptable in this case given nature of this site and its subordinate nature in relation to adjoining/ neighbouring buildings. The proposal will not give rise to unacceptable harm to the amenity of surrounding land and buildings.

6.27 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION

7. CIL APPLICABLE

7.1 Based on the information given on the plans, the Mayor's CIL charge will be £4,354.00 (124.4 x £35) and the Haringey CIL charge will be £20,526.00 (124.4 x £165). This will be collected by Haringey after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.

8. RECOMMENDATION

GRANT PERMISSION subject to conditions

Registered No. HGY/2015/0437

Applicant's drawing No.(s) 0001-C, 0002-C , 0003-C , 0004-C, 0005-C, & 0006-C

Subject to the following condition(s)

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

   Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The development hereby authorised shall be carried out in accordance with the following approved plans and specifications: 0001-C, 0002-C , 0003-C , 0004-C, 0005-C, & 0006-C.

   Reason: In order to avoid doubt and in the interests of good planning.

3. Notwithstanding the information submitted with this application, no development shall take place until precise details of the external materials to be used in connection with the development hereby permitted be submitted to, approved in writing by and implemented in accordance with the requirements of the Local Planning Authority and retained as such in perpetuity.

   Reason: In order to retain control over the external appearance of the development in the interest of the visual amenity of the area and consistent with Policy SP11 of the Haringey Local Plan 2013 and Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

4. Details of a scheme depicting those areas to be treated by of soft landscaping shall be submitted to, approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details. Any trees which die within a period of 5 years from the completion of the development; are removed, or become seriously damaged, or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

   Reason: In order to provide a suitable setting for the proposed development in the interests of visual amenity of the area.

5. Details of the proposed front boundary treatment shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The approved boundary treatment shall thereafter be installed prior to occupation of the new residential unit.

   Reason: In the interest of the visual amenity of the area and residential amenities of neighbouring occupiers.

6. No occupation of the development hereby approved until details of refuse waste storage and recycling facilities arrangements have been submitted to and approved in writing by the Local Planning Authority. Such a scheme as approved shall be implemented and permanently retained thereafter.

   Reason: In order to protect the amenities of the locality and to comply with Policy UD7 'Waste Storage' of the Haringey Unitary Development Plan and Policy 5.17 'Waste Capacity' of the London Plan.

7. The premises shall be used for health/clinical uses only and for no other purpose (including any other purpose in Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, without the prior approval, in writing, of the Planning Authority.

   Reason: In order to restrict the use of the premises in the interest of the amenities of the area and to ensure there is no impact on the Transportation and Highways network.

8. The use hereby permitted shall not be operated:

   - before 08:00 hours or after 19:00 hours Monday to Friday
   - before 08:00 hours or after 13:00 hours Saturdays
   - and not at all on Sundays and Bank Holidays.

   Reason: This permission is given to facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished consistent with Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

9. The residential units hereby approved shall use best endeavours to achieve Level 4 of the Code for Sustainable Homes (or the equivalent replacement standard). No unit shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 (or the equivalent replacement standard) has been achieved.

   Reasons: To ensure that the development achieves a high level of sustainability in accordance with Policies 5.1, 5.2, 5.3 and 5.15 of the London Plan 2015 and Policies SP0 and SP4 the Haringey Local Plan 2013.

INFORMATIVE: Land Ownership
The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.

INFORMATIVE: Hours of Construction Work
The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00am - 6.00pm Monday to Friday
8.00am - 1.00pm Saturday
and not at all on Sundays and Bank Holidays.

INFORMATIVE: Party Wall Act
The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements

for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

INFORMATIVE : Community Infrastructure Levy
The applicant is advised that the proposed development will be liable for the Mayor of London and Haringey CIL. Based on the information given on the plans, the Mayor's CIL charge will be £4,354.00 (124.4 x £35) and the Haringey CIL charge will be £20,526.00 (124.4 x £165). This will be collected by Haringey after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.

INFORMATIVE: Planning permission has been granted without prejudice to the need to get advertisement consent under the Town & Country Planning (Control of Advertisements) (England) Regulations 2007 for any new advertisements or signage.

INFORMATIVE: Thames Water
Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

INFORMATIVE: The new development will require numbering. The applicant should contact the Local Land Charges at least six weeks before the development is occupied (tel. 020 8489 3472) to arrange for the allocation of a suitable address.