LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS 28/03/2016

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2016/0543 **Ward:** Noel Park

Date received: 16/02/2016

Drawing number of plans: Application document dated 15/02/2016

Address: Land at Haringey Heartlands, between Hornsey Park Road, Mayes Road, Clarendon Road and the Kings Cross / East Coast Mainline N8

Proposal: Certificate of lawfulness for demolition of gas holders

Applicant: National Grid Properties Ltd

Ownership: Private

Case Officer: Adam Flynn

2. SUMMARY OF RECOMMENDATION

GRANT CERTIFICATE

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

3.1 Proposed development

Certificate of lawfulness for demoltion of gas holders.

3.2 Site and Surroundings

The application site forms part of the wider Haringey Heartlands area and is situated on land between Hornsey Park Road, Mayes Road and the London Kings Cross/East Coast Main Line, Clarendon Road and Coburg Road. The site covers an area of 4.83 ha and includes land, buildings and structures owned by National Grid Property and the Greater London Authority. The site is currently characterised by cleared, derelict land on the southern portion but also includes an occupied single storey call centre office building. The middle of the site contains two large unlisted operational gas holders. A car parking area is located adjacent to the largest gas holder and is used as a car compound by Haringey Council.

3.3 Relevant Planning and Enforcement history

In 2009, an Outline planning application (accompanied with an Environmental Impact Assessment) (ref. HGY/2009/0503), was submitted for the demolition of existing structures and redevelopment of the site to provide a residential led, mixed-use development, comprising:

- between 950 to 1,080 residential units (C3);
- 460sqm to 700sqm of office uses (B1);
- 370sqm to 700sqm of retail/financial and professional services uses (A1/A2);
- 190sqm to 550sqm of restaurant/cafe/drinking establishment uses (A3/A4);
- 325sqm to 550sqm of community/assembly/leisure uses (D1/D2);
- new landscaping, public and private open space,
- energy centre, two utility compounds,
- up to 251 car parking spaces, cycle parking, access and other associated infrastructure works.

This planning application was approved on 18 June 2009 subject to a section 106 legal agreement.

A revised planning application (Section 73) (ref. HGY/2013/2455) was submitted in 2013 (accompanied with an Environmental Impact Assessment) for a variation of conditions to existing planning permission HGY/2009/0503. This planning application was approved on 3 April 2014 subject to a section 106 legal agreement. Essentially, this second planning application allows remediation and site preparation works to take place without having to discharge all pre-commencement planning conditions.

A further and current revised planning application (Section 73) (ref. HGY/2016/0026) was submitted this year (accompanied with an Environmental Impact Assessment) for a variation of conditions to existing planning permission HGY/2013/2455. This current S73 application has a resolution to grant permission subject to a S106 agreement.

4. CONSULTATION RESPONSE

4.1 No consultation was required.

5. LOCAL REPRESENTATIONS

5.1 One objection was received on the basis of an objection to the redevelopment of the site.

6. RELEVANT PLANNING LEGISLATION

Section 192 of the Town and Country Planning Act 1990 provides for an application to be made to the Local Planning Authority to determine whether a proposed development would be lawful.

This application requests a certificate to the effect that the development permitted by planning permission HGY/2013/2455 (which amends planning permission HGY/2009/0504) will be lawfully implemented through the demolition of the Gas holders on the site.

The applicant has provided evidence to demonstrate that the material operations proposed are lawful, and on that basis, planning permission HGY/2014/2455 will be lawfully implemented. The evidence demonstrates:

- Planning Permission HGY/2014/2455 is extant and will not lapse until 20th March 2017.

- The demolition of the existing gas holders on the site is permitted by the relevant planning permission which provides '*Outline planning application for demolition of existing structures and redevelopment……'*
- Demolition is a material operation as defined in section 56 of the 1990 Act.
- All of the necessary 'pre-commencement' conditions relating to demolition of the gas holders and the site preparation works ("SPW") phase of development have been, or will be, discharged prior to the commencement of development.

The key consideration is Section 56 of the 1990 Act, *Time when Development Begun,* sets out the provisions under which the development of land shall be taken to have been initiated for the purpose of the implementation of planning permissions. Parts (1) and (2) State:

(1) Subject to the following provisions of this section, for the purpose of this Act development of land shall be taken to be initiated –

a. If the development consists of the carrying out of operations, at the time when those operations are begun;

(2) For the purposes of the provisions of this Part mentioned in subsection (3) development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.

Part (4) goes on to define *'material operation'* as follows:

(a) any work of construction in the course of the erection of a building;
(aa) any work of demolition of a building;
(b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;
(c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);
(d) any operation in the course of laying out or constructing a road or part of a road;
(e) any change in the use of any land which constitutes material development.

In the case of planning permission HGY/2013/2455, the first works which will be undertaken are the demolition of the existing gas holders on the site, which would comprise a material operation under section 56(4)(aa) of the 1990 Act.

The demolition of the existing gas holders on the site is permitted by the 2012 permission as amended by the 2014 planning permission, which refers to demolition works within the description of development *'Works of demolition (including the removal of the gas holders and ……"*

On this basis, the demolition of the gas holders would implement the 2014 planning permission, and the proposed development constitutes permitted development by virtue of Section 56 of the Town and Country Planning Act 1990.

7. Conclusions

The proposed development constitutes permitted development by virtue of Section 56 of the Town and Country Planning Act 1990.

8. RECOMMENDATION

GRANT CERTIFICATE

Registered No. HGY/2016/0543

Applicant's drawing No.(s) Application document dated 15/02/2016

In pursuance of their powers under the above Acts and Order, the London Borough of Haringey as Local Planning Authority hereby CERTIFIES that the above proposal described by the applicant constitutes PERMITTED DEVELOPMENT and is therefore LAWFUL.