



SFPLANNING

11th July 2023

Planning Department
Haringey Council
The High Road Wood Green
Civic Centre 255
London
N22 8LE

Dear Sir / Madam,

PLANNING, DESIGN & ACCESS STATEMENT

222 Archway Road, Highgate N6 5AX

Change of use of the basement and ground floors levels from offices (Use Class E) to residential (Use Class C3) with associated external works

Please find enclosed a full application for planning permission for the development as described above which we are submitting on behalf of our client, PAPA Architects Ltd. The application has been submitted via the Planning Portal (ref: PP-12262552).

The application is supported by the following:

- *Application forms;*
- *CIL Forms;*
- *This covering letter;*
- *Site location plan;*
- *Existing and proposed floor plans & elevations;*
- *Planning, Design & Access Statement (this letter);*
- *Noise Impact Assessment;*
- *Transport Statement;*
- *Contaminated Land Report;*
- *Daylight & Sunlight Report;*
- *Unilateral Undertaking for "permit free" scheme;*
- *Applicants details;*
- *Contact details for the agent for the applicant;*
- *Application fee of (to follow).*

It is important to note that this planning application exclusively pertains to the basement and ground floor levels and does not encompass the residential units located above.

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REGISTERED NO: ENGLAND 06114677

Site

The subject site encompasses a three-storey mid-terraced building situated on the western side of Archway Road in the Highgate area. The property currently houses an architectural practice at the basement and ground floor levels, while the first and second floors consist of residential units. The building, while not listed, is located in both the Highgate Conservation Area and the Highgate Neighbourhood Plan area. Additionally, it falls within the designated Archway Road Local Shopping Centre. The site benefits from its proximity to Highgate underground station, located approximately 450 meters north of the property.



Street view of the site

Planning History

Below is the complete list of the relevant planning history of the site:

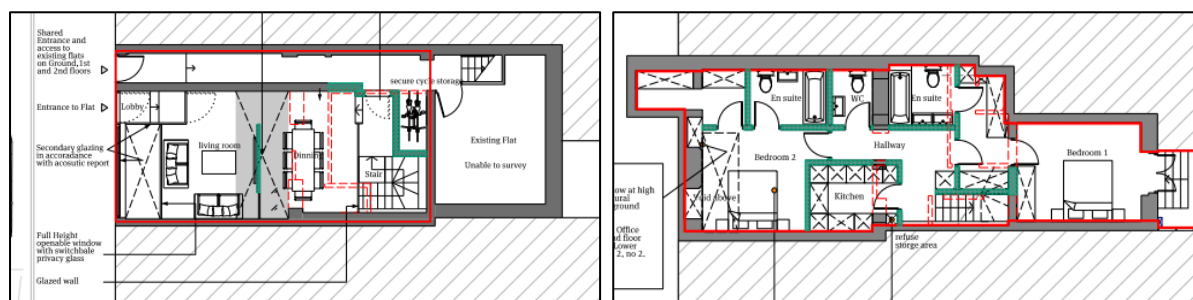
Application Reference	Proposal	Decision	Decision Notice Date
HGY/2021/2307	An application to determine if prior approval is required for a proposed: Change of Use from Offices (Class B1(a)) to Dwellinghouses (Class C3). Change of use from offices (B1a) to residential (C3) to provide 1no. flat (revised scheme with layout changes).	Appeal Allowed APP/Y5420/W/22/3294965	21/9/2021 15/12/2022
HGY/2021/2306	An application to determine if prior approval is required for a proposed: Change of Use from Offices (Class B1(a)) to Dwellinghouses (Class C3). Change of use from offices (B1a) to residential (C3) to provide 1no. flat (resubmission with additional justification).	Refuse	21/9/2021
HGY/2021/1508	An application to determine if prior approval is required for a proposed: Change of Use from Offices (Class B1(a)) to Dwellinghouses (Class C3). Change of use from offices (B1a) to residential (C3) to provide 1no. flat.	Refuse Appeal Dismissed	21/7/2021
HGY/2021/0973	Certificate of lawfulness for the existing use of lower ground and ground floors within the property as B1 office use.	Approve with Conditions	13/5/2021
HGY/2018/1808	Installation of a Rapid Charging Point, feeder pillar and associated works on the footway outside 222 Archway Road	Approve with Conditions	10/8/2018
HGY/2002/0310	Lower ground extension at rear of architectural office.	Not Determined	16/4/2002
HGY/2001/0715	Change of use from retail (A1) to professional services (A2) for the basement and ground floor and the installation of a new shopfront.	Approve with Conditions	21/6/2001
HGY/2000/0399	Use of property as three self-contained flats and shop.	Approve with Conditions	15/5/2000
HGY/1990/1157	Conversion of rear basement of ground floor, and first and second floor into three self-contained flats (1 x 2 bed and 1 bedsit).	Refuse	16/10/1991
OLD/1989/0972	1/11/88 Conversion of rear & ground floor & upper floors into 3 self-contained flats 1x2 bed, 1x1 bed and 1 bedsit.	Refuse	11/7/1989
OLD/1988/1232	11/3/88 Conversion of part basement and ground floor and first, second floors and roof space into three 2 bed self-contained flats, including the erection of a rear dormer window.	Withdrawn	19/10/1988

Perhaps most relevant to these proposals is application HGY/2021/2307, which sought to change the use from offices (B1a) to residential (C3) in order to provide one flat. It was initially refused by the Council on the grounds of natural light. However, the appeal decision (Appendix A) concluded that there would be sufficient natural light in all habitable rooms, and prior approval was therefore granted. This is a significant fall back position and material consideration in these proposals.

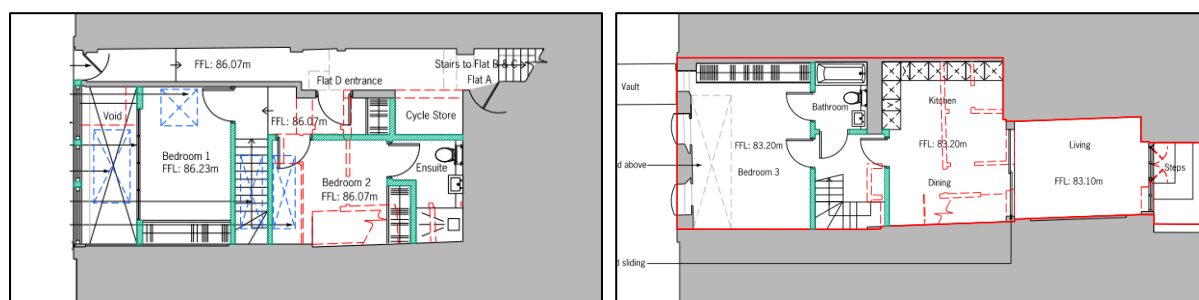
Proposals

The proposals seek a revised scheme to that approved via appeal APP/Y5420/W/22/3294965 which allowed the proposed change of use from offices (B1a) to residential (C3) to provide 1 x 2 bed flat.

This scheme proposed 1 x 3 bed flat, with proposed layout changes as highlighted below. In addition, external works to the building are proposed via a replacement enhanced shopfront as well as new larger doors opening out onto the garden of the



Approved ground floor (left) and basement (right) plans via appeal APP/Y5420/W/22/3294965



Proposed ground floor (left) and basement (right) plans

Considerations

- **Planning policy**

In terms of planning policy, the relevant documents to consider are the London Plan (2021), Haringey's Local Plan: Strategic Policies, the Development Management Development Plan Document (DPD, 2017), and the Highgate Neighbourhood Plan (2017).

- **Principle of Development**

The site is part of a 'local shopping centre', based on the Council's proposals map but isn't part of any primary or secondary shopping frontage or area.

Local plan policy DM43 relates to local shopping centres and states the use of ground floor units for appropriate town centre uses will be permitted where a) the overall number of units in non-retail use (including extant planning permissions) will not exceed 50% across the entire frontage, unless it can be demonstrated the proposal will significantly enhance the vitality and viability of the centre; and b) an active frontage is provided, or if this is not possible, a window display or other appropriate town centre frontage. The Neighbourhood Plan Policy EA3 re-iterates this approach.

In this case, the unit isn't occupied by a retail use (being an office albeit in Class E) and there would be no loss of retail use. On this basis the proposals are in accordance with the development plan.

In addition, the unit already has permission to be converted to a 2 bed residential flat as set out in the planning history section of this statement via appeal APP/Y5420/W/22/3294965. The applicant fully intends to implement the residential conversion of the unit but is of the view these proposals represent a more attractive end result. This scheme would provide a 3 bed family sized garden flat with living room opening out directly onto the garden and making the best use of the site.

The approved scheme is a significant fall-back position and strong material consideration in the planning decision process. The NPPF also supports residential uses in town centres and therefore the proposed residential use should be considered entirely acceptable.

- *Transport and Highways*

The NPPF requires developments that generate significant movement are located where the need to travel will be minimized and the use of sustainable transport modes can be maximised. It also sets out development should protect and exploit opportunities for use of sustainable transport modes for the movement of goods or people.

Policy T6 of the new London Plan stresses how car-free development should be the starting point for all development proposals that are well-connected to public transport. Policy DM32 of the Development Management DPD Local Plan supports proposals for new development with no on-site parking where there is a high Public Transport Accessibility Level (PTAL) rating, and a Controlled Parking Zone (CPZ) exists.

The site is within a very accessible location in Highgate, with a PTAL rating of 4 and is located on an 'A Road' which offers a number of bus stop within easy walking distance. In addition, Highgate Underground Station is a comfortable walk (approximately 450m) to the north-west offering regular London Underground services. Furthermore, the site lies within a designated local centre which provides numerous local services to support day to day living for future residents including a range of shops, mini-supermarkets and restaurants.

The site lies within the Highgate Station (Outer) CPZ area and has a PTAL rating of 4, benefitting from access to alternative and accessible means of transport. The proposal is therefore considered to comply with adopted Policy DM32. Paragraph 5.9 of the Development Management DPD notes that the Council will require a unilateral undertaking for all new car-free developments of more than 4 residential units. Although this proposal is for less than 4 units, a draft unilateral undertaking for a parking permit free scheme has been provided should the Council feel this is necessary.

Adequate cycle parking has been included for this scheme, as illustrated on the accompanying drawings. When combined with the availability of public transport and the level of shopping, leisure and employment facilities within walking distance, it is considered that the occupants would be able to rely on the use of sustainable transport methods, as opposed to private car.

The officer report for the previous application (ref: HGY/2021/1508) confirmed *"In terms of net parking impacts, the proposal would only create 1 additional residential unit and it should be understood that the proposed use would generate a similar parking demand to that of the existing use and as such, would not result in an unacceptable increase in on-street parking pressure within the area."*

Given the accessible location and the lawful office use (which would generate traffic and parking demands in the peak hours) and the approved prior approval to convert the premises to a residential unit already, the proposal would not materially increase or change the character of traffic in the area and as such meet the local plan requirement. The accompanying transport statement supports this view.

- **Land Contamination**

As these proposals are only for the conversion of the building to residential accommodation. A desk top investigation has been undertaken and the resulting report found a moderate to low risk.

The officer report for the previous application (ref: HGY/2021/1508) confirmed the proposals were acceptable in land contamination terms.

- **Flood Risk**

The site is within flood zone 1 (low risk). The NPPF requires that applicants consider both impact of flooding on the occupants of buildings and also the impact of a development on flooding in the area.

The officer report for the previous application (ref: HGY/2021/1508) confirmed *"Given that the proposal does not result in any external alterations and that there would be adequate means of escape from the ground floor level to the street and lower ground floor level to the rear garden, therefore the proposal is not considered a concern from a flood risk perspective."*

When viewing the Surface Water Flood Map the property itself is located within the very low section although it is noted that Archway Road is susceptible to surface water flooding. Additionally, the proposed conversion is just a change of use, and no footprint is to be added to the building. Therefore, the proposal is considered to be in accordance with the NPPF and would not impact on or be affected by flooding.

- **Noise Impacts**

In relation to the impacts of noise from commercial premises on the intended occupiers of the development, the site is located in an area where there are a wide mix of uses including a high proportion of residential dwellings and other commercial uses.

It is common for residences to be located adjacent to other commercial uses in central locations such as this and the National Planning Policy Framework recognises that residential development can play an important role in ensuring the vitality of centres.

A noise impact assessment (NIA) has been undertaken and submitted in support of the proposed development. In order to mitigate any potential noise impact from the street side activity, internal secondary glazing is to be installed to the front elevation in accordance with the findings with the NIA.

The officer report for the previous application (ref: HGY/2021/1508) confirmed the proposals were acceptable terms of noise levels, subject to the implementation of mechanical ventilation.

These mitigation measures will enable suitable internal noise levels for all residential accommodation of the development. Accordingly, the scheme would provide a satisfactory noise environment for future occupiers of flats within the building and is thus considered to be acceptable.

- *Amenity*

The NPPF emphasises the need for creating better places in which to live and work and the GDPO amended in recognition of this. The proposal provides adequate provision of natural light to all habitable rooms through a combination of existing windows, roof lights and proposed changes to the fenestration.

Brooke Vincent and Partners (BVP) have conducted further analysis to assess the proposed layout, and their Daylight & Sunlight report submitted alongside this application provides an assessment of the daylight and sunlight within the proposed development at 222 Archway Road. The report follows the guidelines and policies set out by the Building Research Establishment (BRE) and local planning policies, including those of Haringey Council and the London Plan.

The daylight analysis is based on the illuminance method, which calculates the illuminance from daylight at different points on the reference plane within the proposed accommodation. The results show that all habitable rooms within the proposed development meet or exceed BRE's criteria for daylight.

The sunlight analysis considers the availability of direct sunlight in relation to the habitable rooms. While all three bedrooms exceed the recommended 1.5 hours of sunlight, the living/dining room does not receive direct sunlight due to its north-facing orientation. However, it achieves 52% daylight, which aligns with the advice provided in the London Plan.

Overall, the proposed development has been designed to meet the daylight and sunlight requirements outlined in the relevant guidelines and policies, including those of BRE, Haringey Council, and the London Plan.

Given that all habitable rooms have at least one window and pass the relevant BRE standards, the proposed units are considered to receive a good level of natural light in all habitable rooms.

- *Design & External Works*

Local plan Policy DM8 relates to Shopfronts, Signs and On-Street Dining and requires shopfronts to be designed to a high standard and contribute to a safe and attractive environment.

Highgate Neighbourhood Plan Policy DH2 states that development proposals in Highgate's conservation areas should preserve or enhance the area's character and appearance, as well as respect the setting of listed buildings and heritage assets.

The proposed development aligns with this policy by ensuring the enhancement of the neighbourhood character through a replacement enhanced and more appropriate shopfront for the building as well as appropriate external works to the building.

Conclusions

In conclusion, the proposed change of use from office to residential is well-aligned with the relevant local policies with the NPPF also supporting residential uses in town centres. In addition, the unit already has permission to be converted a residential premises as set out in the planning history section of this statement. This is a significant fall back position and strong material consideration in the planning decision process.

Please contact me if you require any further information at any stage.

Yours faithfully

P Jenkins

Paul Jenkins
SF Planning Limited



Appeal Decision

Site visit made on 15 November 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2022

Appeal Ref: APP/Y5420/W/22/3294965

222 Archway Road, London N6 5AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by PAPA Architects against the decision of the Council of the London Borough of Haringey.
- The application Ref HGY/2021/2307, dated 27 July 2021, was refused by notice dated 21 September 2021.
- The development proposed is 'change of use from offices (B1a) to residential (C3) to provide 1no. flat (revised scheme with layout changes)'.

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for 'change of use from offices (B1a) to residential (C3) to provide 1no. flat' at 222 Archway Road, London N6 5AX in accordance with the application ref HGY/2021/2307 dated 27 July 2021 and the plans and details submitted with it including plan Nos 198-001 Rev P01, 198-101 Rev P01, 198-200 Rev P01, 98-201 Rev P01, 100-200 Rev P01, 100-202 Rev P01, and subject to the following conditions:
 - 1) The development hereby approved shall not commence until an intrusive assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the Local Planning Authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the Local Planning Authority.
 - 2) The development hereby approved shall not be occupied until long-stay cycle parking spaces have been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The cycle parking spaces shall be retained thereafter for this use only.

Background and Preliminary Matters

2. The conditions at O.2 of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO') establish a requirement for developers to apply to the local planning authority for a determination as to whether prior approval will be required in relation to a number of specified matters. In determining such an application, Schedule 2, Part 3, paragraph W(10) requires the local planning authority to take into account any representations made to them as a result of consultation, and to have regard to the National Planning Policy Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application. I have considered the appeal on the same basis.
3. Since the appeal was submitted, the Building Research Establishment ('BRE') issued a new edition of its guide 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' ('BRE 2022'). This revised and replaced the 2011 version of the guide ('BRE 2011') which had been referred to within the appellant's Daylight and Sunlight Report ('DSR'). The main parties were therefore invited to comment on the updated BRE 2022 guidance and its relevance to their cases.
4. The appellant's response included an updated daylight and sunlight analysis prepared with reference to the BRE 2022 guidance ('updated DS Analysis'), and amended plans which are also considered as part of the assessment within the updated DS Analysis. The first amended plan, plan No 100-202 Rev P01, shows a revised layout at lower ground floor level that would reduce the size of Bedroom 1 ('the Amended LG Floor Plan'). This would be only a minor internal alteration to the proposal, and the resulting room would exceed the nationally described space standard requirement for a room with a single bedspace as would be required under Article 3(9A) of the GPDO. Although the bedroom would be changed from a double to a single bedroom, this would not in my judgement materially alter the nature of the development that has been proposed. The Council was also afforded an opportunity to comment on the updated DS Analysis as well as the amended plan, albeit that it has not done so, and I am satisfied that my consideration of the updated DS Analysis and the Amended LG Floor Plan would not be prejudicial to any party. I have therefore taken them into account.
5. In the event that I was not minded to accept the Amended LG Floor Plan, the appellant submitted a further amended plan (plan No 100-202 Rev P02) which does not alter the layout of the development, but which shows an internal finishes specification. However, given my findings above and on the main issue, I have not found it necessary to consider this additional amended plan further.

Main Issue

6. Having assessed the proposal, the Council raised objections only in relation to the prior approval matter concerning the provision of adequate natural light in all habitable rooms of the dwellinghouse. The Council has not indicated that the proposal would fail to comply with Class O in other respects, and I have no compelling reasons to find otherwise.
7. The main issue is therefore whether or not prior approval should be granted having regard to whether or not there would be adequate natural light in all habitable rooms of the dwellinghouse.

Reasons

8. The GPDO does not define what is meant by 'adequate natural light'. The DSR and updated DS Analysis refer to the BRE guidance and criteria as indicators, but these are not mandatory. Nevertheless, the Council has not directed me to any alternative standards or guidance relevant to my assessment of light to the development, and from the evidence before me, I consider it reasonable to assess whether or not there would be adequate natural light having regard to the BRE guidance and criteria.
9. The appeal proposes the change of use of the ground and lower ground floor levels of the appeal building to a dwelling. The Council has not raised concerns in relation to sunlight for the development, nor in relation to daylight for the living/dining room which is proposed on the ground floor of the building, and I have no compelling reason to take a different view. The Council did however raise concerns about daylight to the bedrooms which are proposed at lower ground floor level, comprising Bedroom 1 to the rear of the building and Bedroom 2 to the front.
10. The DSR assessed daylight on the basis of Average Daylight Factor (ADF) in accordance with BRE 2011 guidance which recommends a value of 1% for bedrooms. It identifies that both bedrooms would meet the recommended ADF, albeit only just in the case of Bedroom 1 which the DSR indicates would have an ADF of 1.01%. The appellant's evidence further demonstrates that there would be good daylight distribution across the floor area of both bedrooms.
11. The Council has queried the difference in ADF for the two bedrooms, but it seems to me that the higher value for Bedroom 2 would be consistent with the larger overall area of glazing that would serve this room, together with the position of the glazing to Bedroom 1 set between adjacent buildings which would be likely to affect light reaching it. The evidence before me further shows that Bedroom 2 is of smaller size and different layout to the living/kitchen/dining room that was proposed at lower ground floor level as part of an earlier scheme dismissed at appeal¹. Since these factors would affect the assessment of ADF, I do not find it surprising or unlikely that the DSR would indicate a higher ADF value for Bedroom 2 than the living/kitchen/dining room of the dismissed scheme. Moreover, the evidence before me confirms that the assessed ADF does not include any allowance for light transmission through the glazed brick floor which would be above part of Bedroom 2, and that the BRE 2011 default values for reflectance have not been adjusted. In the absence of compelling evidence to suggest that the calculations within the DSR are inaccurate or otherwise misleading, I am satisfied that the DSR indicates accordance with the recommendations of BRE 2011.
12. Moreover, the updated DS Analysis confirms that the development would continue to meet recommendations for sunlight under the updated BRE 2022 guidance. It also indicates that the living/dining room and Bedroom 2 would both notably exceed BRE 2022 recommendations for daylight according to the Spatial Daylight Autonomy ('SDA') method, without allowance for light transmission to Bedroom 2 through the glazed brick floor. I find that there would accordingly be adequate natural light to these rooms.

¹ Appeal ref APP/Y5420/W/21/3279974

13. The SDA for Bedroom 1 as originally submitted would be 34%, below the 50% level recommended for a bedroom. However, as proposed by the Amended LG Floor Plan, SDA for Bedroom 1 would be increased to 51%. This would meet the BRE 2022 recommendation, and I am satisfied that there would also therefore be suitable daylight, and adequate natural light, to this bedroom.
14. On the basis of the Amended LG Floor Plan, I conclude for these reasons and from the evidence before me that there would be adequate natural light provided to all habitable rooms of the dwelling and prior approval should be granted. Accordingly, and insofar as they are relevant to the prior approval matter, I find that the proposal would accord with Policy D6 of the London Plan 2021 ('LP') which includes a requirement for sufficient daylight and sunlight for development, and Policy SP2 of Haringey's Local Plan Strategic Policies 2017 ('LPSP') which requires regard to standards within the LP. The Council has additionally referred to Policy SP2 of the LPSP and Policy DM12 of the Development Management Development Plan Document 2017, but since these policies do not directly address natural light, I consider them less relevant to the prior approval matter.

Other Matters

15. The appeal site is within flood zone 1 (low risk of flooding), and while the Council has identified that it is within a critical drainage area, the Lead Local Flood Authority has confirmed that it is not aware of any specific flooding issues in the vicinity of this site, and that it has not been notified by the Environment Agency of any critical drainage problem. The Council is satisfied that there would be adequate means of escape from the site, and has not identified flood risk to be a concern. I have no firm reason to find differently.
16. Matters relating to noise or pollution generated by traffic, and possible overlooking of the dwelling from upper floor flats are outside the scope of the prior approval matters relevant to the assessment of the appeal.

Conditions

17. Development permitted under Class O of the GPDO must adhere to the conditions set out at Paragraph O.2. These include that the development must be completed within a period of 3 years starting with the prior approval date. The provisions at Paragraph W(12) of Part 3 further require that the development must be carried out in accordance with the approved details. Conditions suggested by the Council that would duplicate these requirements are not therefore necessary.
18. Paragraph W(13) of Part 3 also allows that prior approvals may be granted subject to conditions reasonably related to the subject matter of the prior approval. A condition to secure cycle parking is necessary to support sustainable transport choices and address the prior approval matter of the transport and highways impacts of development. I have however amended the Council's suggested condition in the interests of clarity and precision as to what is required, and to avoid unnecessary prescription of standards which the Council would be able to consider in assessing the details submitted.
19. Although not included on the Council's list of suggested conditions, the Council's report on the application noted that a condition would be attached in relation to land contamination investigation works and remediation. Given the

Desk Study/Preliminary Risk Assessment report submitted with the application which recommended that an intrusive investigation is undertaken, I agree that such a condition would be necessary to address contamination risks on the site. The main parties were able to comment on the wording of the condition.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

J Bowyer

INSPECTOR