



Officer Report

Application Number: HGY/2023/1848
Application Type: Approval of details reserved by a condition
Address: Ground Floor And Basement Shop, 222 Archway Road, Hornsey, London, N6 5AX
Proposal: Partial approval of details pursuant to Condition 1 (Contamination) pursuant to planning permission HGY/2021/2307 as allowed on appeal: APP/Y5420/W/22/3294965 (AMENDED DESCRIPTION).
Case Officer: Cameron Sturges
Valid Date: 11/07/2023
Applicant: Mr Papaloizou
Agent:

RECOMMENDATION

Approve

Officer's Report

RECOMMENDATION

Approve

1. APPROVED DEVELOPMENT

HGY/2021/2307 (REFUSED) - Change of use from offices (B1a) to residential (C3) to provide 1no. flat (revised scheme with layout changes). An appeal was made for this application (APP/Y5420/W/22/3294965) and allowed, dated 15/12/2022.

2. CONSULTATION RESPONSE

LBH Carbon Management Team (Pollution):

Having considered the applicant submitted Remedial Strategy and Verification Plan with reference P3562J2287/HAH prepared by Jomas Associates Ltd, dated 21st August 2023 and taken note of Section 2 (Land Contamination Overview), 3 (Remedial Options Appraisal), 4 (Proposed Remediation Strategy) and 5 (Verification Plan) which outlines a remediation strategy consisting of a cover layer comprising a minimum 600mm thickness of clean subsoil/topsoil over a geotextile membrane/marker layer, we are satisfied with the applicant submitted Remedial Strategy and Verification Plan.

Whilst this service is satisfied with the applicant submitted report, which sufficiently addresses the first point of our previous comments (dated 15th August 2023 @1150hrs), before we can consider the discharge of Condition 1 (Contamination) as outlined on appeal: APP/Y5420/W/22/3294965 the applicant will need to address the final outstanding point of our previous comments. The outstanding point that the applicant needs to address is as follows:

1. *The applicant will need to submit a Verification Report which demonstrates that all the proposed and necessary remedial work has been completed in line with the submitted Remediation Strategy and approved in writing by the Local Planning Authority before the development is occupied.*

3. ANALYSIS/ASSESSMENT

Following the refusal of HGY/2021/2307, a condition was added in appeal APP/Y5420/W/22/3294965 which reads:

“Condition 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”.

Pursuant to the above condition, details have been submitted in respect of the required information pertaining to a Remedial Strategy and Verification Plan. The details submitted are considered acceptable and in line with the intentions of the condition.

It is considered that sufficient information has been submitted in support of this application to partially discharge this condition. As per the comments from LBH Carbon Management Team, the applicant will be required to submit a verification report which demonstrates that all the proposed and necessary remedial work has been completed in line with the submitted remediation strategy and approved in writing by the Local Planning Authority before the development is occupied. The recommendation is therefore one to partially discharge the condition as sought by this planning application.

4. RECOMMENDATION

GRANT PARTIAL discharge of condition.

INFORMATIVE

This permission only partially complies with the terms of condition 1 of the planning permission HGY/2021/2307 (APP/Y5420/W/22/3294965 allowed on appeal) dated 15/12/2022 and details of the verification report remains to be submitted and approved by the Local Authority.

Informatives:

- This permission only partially discharges the requirements of Condition 1 (Contamination) attached to planning permission reference HGY/2021/2307 (APP/Y5420/W/22/3294965 allowed on appeal) dated 15/12/2022. Details of the verification report shall be submitted to and approved.

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This permission only partially complies with the terms of condition 1 of the planning permission HGY/2021/2307 (APP/Y5420/W/22/3294965 allowed on appeal) dated 15/12/2022 and details of the verification report remains to be submitted and approved by the Local Authority.

This permission only partially discharges the requirements of Condition 1 (Contamination) attached to planning permission reference HGY/2021/2307 (APP/Y5420/W/22/3294965 allowed on appeal) dated 15/12/2022. Details of the verification report shall be submitted to and approved.