

Officer Report

Application Number:	HGY/2023/0649
Application Type:	Approval of details reserved by a condition
Address:	37 Lanchester Road, Hornsey, London, N6 4SX
Proposal:	Approval of details for condition 5 (H&SL), condition 6 (Enclosures and screening of the recycling and refuse storage) and condition 7 (Cycle storage) attached to planning permission HGY/2021/0814.
Case Officer:	Matthew Gunning
Valid Date:	06/03/2023
Applicant:	3
Agent:	Mr and Ms Gabe / Lauren Turner / Gold
	Mr Charles Tashima

RECOMMENDATION

Approve

1. APPROVED DEVELOPMENT

HGY/2021/0814 – Demolition of existing dwelling and erection of new single family dwelling – Approved 10/08/2021.

2. COMMENTS RECEIVED

Internal:

1. LBH Arboricultural Officer - Hold no objections to the submitted details, therefore Condition 5- Treatment of the surroundings of the proposed development including the timescale for the planting of replacement of a minimum of 7 trees in addition to shrubs and appropriate hard landscaping, can be discharged.

2. LBH Waste Management – “Have looked at condition 6 concerning screening of the recycling containers, wheeled refuse bins and/or other refuse storage containers. This design looks acceptable to me and so agreed. If there are any locks or codes used to access the containers, could keys / details be provided to Veolia so they are able to service the bins. Please also contact Veolia if any additional containers are required.

More information about the waste and recycling service is available at Refuse and recycling | Haringey Council. Veolia’s contact details are Tel: 0208 885 7700 and enquiries.haringey@veolia.com”

External:

One representation was received in respect of this application as summarised below.

- Occupation of dwelling has occurred before discharge of conditions/ planting has already been installed prior to approval of details. (Comment: In respect of this condition concerning planting it is accepted that occupation has occurred before the formal discharge of this condition, however in view that the heart of the condition has been addressed and implemented satisfactorily as well as taking account of the provisions of Section 172(1) and Section 187A of the Town and Country Planning Act 1990 and Paragraph 59 of the National Planning Policy Framework etc, it is deemed not to be expedient to take formal enforcement action in respect of this breach).
- Extensive area of artificial grass installed / never mentioned in DAS nor shown in any previously approved plans. (Comment: It is accepted that landscaping details are not shown in the approved plans/ DAS, however as with many build projects landscaping details are typically not developed until later after the subsequent grant of planning permission and as such can be reserved by a condition, as is the case here).
- Need for a 2-metre-high acoustic fence running along the boundary. (Comment: The LPA have no grounds to compel a 2-metre-high acoustic fence to be installed. Equally installing a 2m fence does not require planning permission as per Town and Country Planning (General Permitted Development) (England) Order 2015] and so can be installed if parties agree).
- Planting of bamboo (*Phyllostachys Aurea*) an invasive species of will not provide the necessary visual or acoustic screening and as well may compromise drains and foundations to No 39 (Comment: The roots spread to the bamboo is restricted by the use of a root barrier and can grow within a small footprint, as well as tall and fast. Officers did write to the agent suggesting other alternative planting in the hope that parties could agree on an alternative specie, however ultimately there are no grounds on which to reject the use of bamboo).
- Noise from use of garden/ artificial surface for football training. (Comment: The site has historically been used as a private residential dwelling with a rear garden and in land use terms planning application ref: HGY/2021/0814 did not change the use of this site, nor were any conditions imposed requiring acoustic fencing to be installed. The imposition of such a condition would not have met the relevant planning tests when it comes to imposing planning conditions. As noted above installing a 2m fence along a side boundary, equally does not require planning consent as this is 'permitted development').
- Creation of large sterile area/ football training area immediately adjacent to an ecological corridor of Highgate Wood and impact/ destroying biodiversity. (Comment: While accepting an area of artificial grass has been installed there is equally generous new planting over and above previous site conditions, which were characterised by extensive amount of concrete paving within the back garden which have been removed, with new tree planting provided in the rear garden, particularly along the boundary with the ecological corridor. Highgate Wood were consulted on this application with no response provided).
- Plans for a larger shed in a slightly different position closer to boundary of No 39. (Comment: Drawings showing the position and height of the re-located garden structure have been provided and consulted on. This structure is smaller in footprint to the previous shed and is sited in from the fence line with No 39, so as not to affect amenity).
- Extensive incursions into the root protection area of T6 and compaction may have made the tree less resilient. (Comment: Matters in relation to root protection areas were dealt with accordingly in the Arboricultural Method Statement, in line with the relevant guidance set out in BS 5837:2012 in relation to asymmetrically RPAs, with such detail assessed accordingly by an Arboricultural Officer with requisite technical expertise to make such judgement. Post development this tree and others were inspected by an Arboricultural Officer and found to have good vigour, vitality and full crowns).
- Certificate of lawfulness/compliance with Microgeneration Certification Standards should be submitted (Comment: An informative in respect of this matter has been added).
- Location of bins insensitive and damaging to amenity (Comment: The location of bins to the side of this new dwelling are considered acceptable, with such siting separated by vegetation, a garden fence, difference in ground levels, as well as the enclosure proposed. The bins with this property historically appear to have been placed on this side of the property, with this a common arrangement with many domestic properties).

- Impact of siting of the garden structure on trees/ RPA.- (Comment: The location of this structure close to the Lawson Cypress tree and the foundations to be used, specifically foundation pads to raise the timber floor of this structure, have been reviewed by an Arboricultural Officer and considered acceptable).

3. ANALYSIS/ASSESSMENT

Condition 5 reads: Prior to the first occupation of the development, a scheme for the treatment of the surroundings of the proposed development including the timescale for the planting of replacement of a minimum of 7 trees in addition to shrubs and appropriate hard landscaping has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be implemented in accordance with the approved details.

Reason: In order to provide a suitable setting for the proposed development in the interests of visual amenity consistent with Policy G7 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

Pursuant to condition 5, details have been submitted in respect of tree planting and landscaping. The details submitted have been reviewed by an Arboricultural Officer, including visually inspecting what has been planted etc.

As per the detail submitted and inspected on site it is noted that a level area at the rear of the site has been covered with artificial grass. While it is accepted that a natural garden turf would be preferable here, in the context of the wording of the condition above and that the planning system typically cannot control the use of artificial grass in residential gardens, the refusing of consent here would not be warranted. The artificial grass finish to the area covered retains the appearance of a garden, with there being generous planting around the edges of the site and within the site itself.

As outlined above noting previous site conditions, which were characterised by extensive amount of concrete paving within the back garden, the rear garden setting to this property has been improved with new planting also secured, as such protecting the amenities of the area and being sensitive to the adjoining ecological corridor.

It is also pointed out that the removal of such artificial grass is easily reversible in the future if no longer necessary, i.e. in the case here if no longer used for playing by small children with there being no hard base below such a surface in question.

Condition 6 reads: Notwithstanding the approved drawings and before the occupation of the residential unit hereby permitted full details of the enclosures and screening of the recycling containers, wheeled refuse bins and/or other refuse storage containers shall be submitted to and approved in writing by the Local Planning Authority and thereafter provided and maintained on site.

Reason: In order to protect the amenities of the locality and to comply with Policy DM4 of The Development Management DPD 2017 and Policies SI 7 and SI 8 of the London Plan 2021.

Comment: Detail in terms of the siting and screening of refuse bins are provided in the drawings submitted, with such details considered acceptable to comply with the requirements of the condition. It is accepted the drawing showing the bin enclosure is not scaled, however its scale is shown in relation to the height of a typical refuse bin, with it therefore of an acceptable and commensurate size to house and screen such bins.

Condition 7 reads: Prior to the first occupation of the development, details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of 2 cycle parking

spaces for users of the development, have been installed in accordance with the approved details. Such spaces shall be retained thereafter for this use only.

Reason: To promote sustainable modes of transport in accordance with policy T5 of the London Plan 2021 and Policy SP7 of the Haringey Local Plan 2017.

Comment: The submitted plan confirms that covered cycle parking will be provided in a garden shed/ structure at the back of the garden. This will provide secure and covered cycle parking for a minimum of 2 cycles. In the context of this being a residential property with access to the rear garden from either side of the new dwelling, providing cycle parking in such a garden structure is acceptable and a proportionate approach as well as secure. As such, this arrangement for cycle parking is considered acceptable.

The location of this structure and the foundations to be used, specifically foundation pads to raise the timber floor of this structure were reviewed by an Arboricultural Officer and are considered acceptable.

4. RECOMMENDATION - GRANT DISCHARGE

Your attention is drawn to any INFORMATIVES that may be listed below:

Informatives:

INFORMATIVE: Air Source Heat Pump (ASHP)

While the installation of one ASHP in a domestic premises is permitted development, provided the installation complies with the Microgeneration Certification Scheme planning standards (MC20), to demonstrate that the installation here falls below the permitted noise level of 42dB associated with an ASHP unit, you are advised to submit a certificate of lawful development to the LPA with the necessary information, MCS Certificate, calculation sheet etc.