



Officer Report

Application Number:	HGY/2023/0448
Application Type:	Full planning permission
Address:	Winchester Hall Tavern, 206 Archway Road, Hornsey, London, N6 5BA
Proposal:	Provision of condenser units serving split-system Heating/Cooling Heat-Pumps for Public House internal space and Cellar Cooling Heat-Pumps for internal beer cellar. Condenser Units are proposed to be visually disguised with the use of slatted wooden screens, painted to match existed painted brickwork walls.
Case Officer:	Nathan Keyte
Valid Date:	14/02/2023
Applicant:	Mr Sam Moss
Agent:	Mr Jonathan Legge

1. SITE AND SURROUNDINGS

- 1.1. The application site is known as the Winchester Tavern, a four-storey building located on the north-eastern side of Archway Road on the corner with Northwood Road with the application relating to the ground floor. The building used to accommodate a public house with a hotel and residential accommodation in the upper floors. The building is late Victorian erected in the 1880s as a purpose-built public house and hotel. The building has been somewhat altered but retains some handsome original bar fittings internally. The upper floors to the building and part basement were converted into residential use, as per consent granted in 2014. The building is locally listed.
- 1.2. Archway Road itself is a very busy arterial road that has been designated as a Priority (Red) Route. It is generally densely developed, with a mixture of residential and commercial properties along each side of the road. Many of the properties along Archway Road and on the streets to the east and west of this arterial route have been converted into flats.
- 1.3. The site falls within the Highgate Conservation Area, which is largely residential in character, with terraces of houses on streets to the west and east of Archway Road.

- 1.4. A visit was undertaken to the site 15.08.23.

2. PROPOSED DEVELOPMENT

- 2.1. This application is for the provision of 5 condenser units and other plant equipment serving as a split-system, providing heating/cooling heat-pumps for the internal space to this public house, and cellar cooling heat-pumps for the beer cellar. The condenser units are proposed to be visually disguised with the use of slatted wooden screens, painted to match existed painted brickwork walls.
- 2.2. It is noted that the mechanical units have been installed and therefore this is a part-retrospective application, with the screening not in place.
- 2.3. Following a site visit and discussions with Officers the applicant was given the opportunity to provide additional information relating to this plant equipment, so as to allow the LPA to fully understand the impact of the operation of such equipment on the living conditions of residents in relation to the upper floors to this building.

3. SITE HISTORY

Planning History:

June 2017: Application (ref HGY/2017/1395) granted for installation of terracotta clad cooling condenser to the rear elevation (associated with the extract flue approved under permission HGY/2016/0789); replacement and enlargement of existing timber sash ground floor rear window (to be fixed shut); and internal alterations.

August 2016: Application (ref HGY/2016/2871) refused for conversion of part of the pub (A4) unit into a residential (C3) flat.

March 2016: Application (ref HGY/2016/0789) granted for variation of condition 2 (plans and specifications) attached to planning permission HGY/2014/1710 in order to reconfigure internal layouts, reduce the size of the courtyard for Flat 2, introduce new windows for ground and lower ground flat, reposition the external bridge and include a flue to service the pub kitchen.

February 2016: Planning application (ref: HGY/2016/0003) refused for addition of two new residential units on the ground floor (from the central spine wall to the rear facade) and change of use from A4 to C3. Appeal (PINS ref: APP/Y5420/W/16/3156608) was dismissed.

December 2015: Planning permission (ref: HGY/2015/1469) granted for addition of one new residential unit to the rear of the ground floor (from the central spine wall to the rear facade) and change of use from A4 to C3.

November 2015: Planning permission (ref: HGY/2015/0566) granted for variation of condition (accordance with plans and specifications) attached to planning permission

HGY/2014/1710 to alter alignment of rear fenestration and introduce new flat roof with rooflights.

October 2015: Non-material amendment (ref: HGY/2015/2590) granted following planning permission HGY/2014/1710 for the installation of metal railings on the first floor roof/terrace space.

October 2014: Planning permission (ref: HGY/2014/1710) granted for extension and conversion of the Winchester Hotel including the creation of a new part basement to create ten new residential units.

4. CONSULTATION

4.1. The following were consulted on the planning application:

- LBH Conservation
- LBH Noise
- Highgate CAAC
- The Highgate Society
- Highgate Neighbourhood Forum.

4.2. The following responses were received following consultation on the application:

Internal:

1. LBH Conservation Officer: The Conservation Officer objects to the proposal, noting the adverse visual impact as a result of the prominence of the location for the proposed condenser units. The proposed screening/ casing is noted as partially, but not wholly, mitigating the harm caused, with the conclusion that the proposal will result in a low level of less than substantial harm.

2. LBH Environmental Health: No comment received.

Local representation:

4.3. The application has been publicised by the way of letters, public advert and site notice. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

Number of individual responses:

Objections:1 (on behalf the leaseholders of the building)

Support:0

The following local groups/societies made representations:

Highgate CAAC - Object on the following grounds (as summarised):

- Question why insulated pipework for air conditioning units is brought through a window frame.
- Question how proposed screening would be installed.

The following issues were raised in representations and are addressed further on in this report or below:

Amenity

- The submitted application makes direct reference to a previously approved application (HGY/2017/1395) without considering the differences. In particular with regard to noise.
- Running time of condenser units and noise impacts.
- Heat transfer of condenser unit into Flat 3 of the residential units.

Other

- Impact of proposed screen on existing residential parking space.

5. MATERIAL PLANNING CONSIDERATIONS

5.1. The main planning considerations raised by the proposed development are:

1. Background/Principle of development;
2. Design and heritage;
3. Impact on neighbouring amenity;
4. Other matters.

Background/Principle of development

- 5.2. As outlined above the use of this building as a public house is historic, with the façade of this building identifiable as a public house and being an important landmark on this part of Archway Road, and in turn locally listed. As such in determining this application and the 2014 application which consented the upper floors and part basement to be converted residential use, retaining a functional and viable public house is optimum to the historic value of this site and its contribution to the character and appearance to this part of the conservation area.
- 5.3. Officers also highlight that in considering such an application a balance between the twin objectives of supporting a business/ and protecting amenity needs to be met, with it often possible for residential and commercial uses to co-exist.
- 5.4. In considering this application it is also noted that the equipment installed is a form of low carbon, low emission source of heating and cooling, in turn in part addressing climate change and working towards Haringey's objective to be zero carbon by 2041 as set out in Haringey's Climate Change Action Plan (HCCAP) as well as meeting the requirements of policies SP4 and DM21.

- 5.5. In determining this application, the above points are considerations, however, as reflected below other material planning considerations also need to be taken into account.

Design & heritage

- 5.6. London Plan Policy HC1 seeks to ensure that development proposals affecting heritage assets and their settings, should conserve their significance. This policy applies to designated and non-designated heritage assets. Local Plan Policy SP12 and DPD Policy DM9 set out the Council's approach to the management, conservation and enhancement of the Borough's historic environment.
- 5.7. DPD Policy DM9 states that proposals affecting a designated or non-designated heritage asset will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance; setting out a range of issues which will be taken into account. In relation to extensions or alterations to residential buildings, including roof extensions, Policy DM9 requires proposals to be of a high, site specific, and sensitive design quality, which respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.
- 5.8. High quality matching or complementary materials should be used appropriately and sensitively in relation to the context. DPD Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6. DPD Policy D9 requires development to preserve or enhance the character and appearance of the Borough's conservation areas.
- 5.9. The proposal is for mechanical heating/ cooling units and plant associated with the operation of the Winchester Tavern. The development is proposed on the northeastern ground floor external wall, is visible from Northwood Road, and is located within a conservation area on a locally listed building.
- 5.10. Based on photographs provided and visits to the site, the bulk and siting of the mechanical plant on the external elevation is noticeable. This is exacerbated by location of the units, being on the ground floor of the building and therefore more obvious to passersby/ drivers, although it is noted that the location is such that the main frontage to the public house onto Northwood Road and Archway Road are not directly affected.
- 5.11. Screening in the form of horizontal slatted battens painted battleship grey to match the adjacent frontage of the Public House with acrylic screen matting behind is proposed to mitigate the visual impacts of the mechanical plant. The insulated pipes

that connect the units to the internal devices are also noted as being visible for a length of the front fascia of the Public House frontage.

- 5.12. As noted in Policy DM9(B) Applicants are to provide an assessment and justification of the impact of the new development on the asset and its setting. During the course of the application, the Applicant was invited to provide the reasoning for the number and location of the units. It was stated by the agent that:

“In my conversation with the AC installer, we discussed number and size of the units and his answer was that it was that the choice of evaporator and condenser units provided the most efficient installation to provide heat and cooling inside the Pub, but keep the external units working as quietly and unobtrusively as possible which, in practical terms, means having larger external units running at lower speeds and intervals, making them quieter in operation, which is needed in this location. The location was chosen to being the only space available.”

- 5.13. Feedback has been received from Council’s Conservation Officer noting that a low level of less than substantial harm is considered to arise as a result from the proposal, despite the screening proposed. While the submitted Design Statement notes the previously approved design for a kitchen flue in a similar location (HGY/2017/1395), a review of the approved plans notes that the slimmer bulk of that design compared to the massing of the multiple mechanical units proposed as part of the subject application.
- 5.14. It is acknowledged however by Planning Officers that suitable screening as well as agreeing the final positioning and alignment of the plant may mitigate the overall visual impact of the proposed units. However, in the absence of screening to such units as well as uncertainty as to whether an alternative arrangement of the units (i.e. better arranging the units to a smaller surface area of the building) is operationally possible, as well as uncertainty as to whether there is also an intention to install a kitchen flue in addition to the plant equipment here, make it difficult for the impact on the appearance of this building to be fully appreciated. Officers do accept that a subsequent drawing was submitted showing a better arrangement to the units with the lower edge of the proposed slatted screening raised to ensure a 2.8m clearance height for the parking space, however this was not formally submitted as it needed to be agreed with the AC installers.
- 5.15. Therefore, in the absence of clarity on such matters the LPA cannot conclude that the element of harm associated with the siting and presence of such equipment weighed against the significance of the conservation area as a whole is outweighed by their need. As such the LPA cannot satisfactorily conclude on this matter.

Impact on neighbouring amenity

- 5.16. The overarching requirements of national policy, as set out in the National Planning Policy Framework (NPPF) and the Noise Policy Statement for England (NPSE), are that adverse impacts from noise from new development should be mitigated and reduced

to a minimum and that significant adverse impacts on health and quality of life should be avoided.

- 5.17. Planning Practice Guidance advises on when noise is likely to be of concern. Noise above the 'lowest observed adverse effect level' boundary (LOAEL) starts to cause small changes in behaviour and/or attitude. Consideration needs to be given to mitigating and minimising those effects, taking account of the economic and social benefits being derived from the activity causing the noise.
- 5.18. London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, while Policy D14 requires development proposals to reduce, manage and mitigate noise impacts. DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. DM23 'Environmental Protection' requires proposals for potentially noisy development must suitably demonstrate that measures will be implemented to mitigate its impact.
- 5.19. Due to the nature of the proposal, there are no issues raised in respect of impacts on the privacy, impact on conditions of daylight/ sunlight for adjoining neighbours etc.
- 5.20. Noise resulting from the units as well as heat transfer has been raised in the objections received, specifically from occupiers of the building. No noise assessment was submitted with the application, with the Design Statement instead noting:

"As a part of that Application and Approval [HYG/2017/1395] was a Noise Report that provides a basic maximum noise level to be achieved by external plant, which has been referred to in the specification of equipment provided".

- 5.21. The noise assessment referred to for HGY/2017/1395 provided for the kitchen flue noted that a level of 31 dB was outlined, however the spec sheets provided for the outdoor units subject to this application appear to be far above this (45dB+).
- 5.22. Following advice from Officers the applicant has been provided with multiple opportunities/ time frame to provide a noise assessment to support this planning application, specifically to demonstrate the predicted rating noise levels from such equipment in the context of background noise levels. This application is therefore being determined on the level of information available as of 26 February 2024, as well as observations from having visited the site.
- 5.23. While it is accepted consent was previously granted for a kitchen flue to be installed on this part of the building, such equipment will operate differently, have different sound levels and in turn different perceptible qualities and possible impacts for amenity.
- 5.24. In the case here the LPA has no cogent evidence indicating that the current operations would not materially be detrimental to neighbouring residents' living conditions in respect of noise. Specifically, whether the noise level from such equipment in relation

to the nearest flats would exceed a recommended limit, i.e. when background noise is lower or when windows to such flats are open etc.

- 5.25. Equally in the absence of such information there is no technical information for the LPA to formulate a condition which may satisfy the requirement of adequate mitigation. As such the LPA cannot satisfactorily assess this proposal in relation to impact on neighbouring amenity.

Other Matters

- 5.26. It was noted within the objections that the added bulk of the proposed screen for the condenser units would impact the parking space over which it will project, and which may result in the restriction of that space by its user. In particular, were there to be a larger vehicle to park in the space.
- 5.27. It is noted that Condition 8 of Planning Permission HGY/2014/1710 which created the residential units required the car parking area as referenced. This aspect has not been addressed in this application. Were the application to otherwise be found to be acceptable, information would have been sought from the applicant to outline how this matter would be addressed.
- 5.28. As referred to above Officers acknowledge that a drawing was submitted showing a better arrangement to the units with the lower edge of the proposed slatted screening raised to ensure a 2.8m clearance height for the parking space, however this was not formally submitted as it needed to be agreed with the AC installers, for which formal confirmation was not provided to the LPA.

Conclusion

- 5.29. In conclusion insufficient information has been provided to allow the LPA to satisfactorily assess the proposal, without which it is considered that the element of harm caused to the appearance of this locally listed building and the conservation area is not satisfactorily outweighed, with equally implications for the amenity of adjoining residents not appropriately addressed so as to demonstrate no adverse impact is caused.
- 5.30. All other relevant policies and considerations, including equalities, have been considered. Planning permission should be refused for the reasons set out above. The details of the decision are set out in the report above.

6. RECOMMENDATION.

6.1. Reasons for refusal:

Insufficient information has been provided to allow the Local Planning Authority to satisfactorily assess the proposal, without which it is considered that the element of harm caused to the appearance of this locally listed building and the conservation area is not satisfactorily outweighed with equally implications for the amenity of adjoining residents not appropriately addressed so as to demonstrate no adverse impact is caused, as such contrary to London Plan (2021) Policies HC1 and D14, and to policies DM1, DM9, and DM23 of the Development Management, Development Plan Document 2017, and policies SP11 and SP12 of Haringey's Local Plan Strategic Policies 2017.