



Officer Report

Application Number:	HGY/2024/0399
Application Type:	Full planning permission
Address:	Land to the north of, Lebus Street, London, N17 9FD
Proposal:	Temporary permission for use of site for car parking, a construction compound and ball court.
Case Officer:	Adam Silverwood
Valid Date:	16/02/2024
Applicant:	Hale Village Properties LLP
Agent:	Mr Tom Cole

RECOMMENDATION

Approve with Conditions

SITE DESCRIPTION

The application site forms part of Hale Village development in Tottenham Hale, located to the north of the site. To the south are several newly developed high-rise dwellings, to the east the River Lee and Hale Wharf, to the north lies Hale studios and Watermead Way to the west.

THE PROPOSAL

The application under consideration seeks permission for the temporary retention of a ball court, a delivery and storage compound and associated parking. It is advised that the storage compound and parking are utilised as a supporting area that serves refurbishment works to the adjacent tall buildings.

RELEVANT PLANNING AND ENFORCEMENT HISTORY

HGY/2017/2005 - Mixed use development ranging from 11 to 33 storeys comprising 1,588 sqm commercial space (flexible A1/A3/A4/B1/D1 uses), 279 residential units including affordable housing, together with roof garden and associated landscaping, the provision of basement car parking, bicycle spaces, associated plant including building maintenance unit and internal refuse storage at Plot SW, Hale Village. Approved: 02/05/2018.

HGY/2023/0891 - Temporary permission for use of portacabins as a general practitioner surgery (Use Class E) to be in place for a period of one year. Associated car parking and landscaping also to be retained for the temporary period. Approved: 21/06/2023.

HGY/2021/1970 - Temporary permission for use of site for car parking, a construction compound and ball court – Approved: 13/05/2022

CONSULTATION RESPONSES

The application sought consultation responses from 6 adjacent occupiers and no responses have been received.

PLANNING CONSIDERATIONS

The considerations relevant to the assessment of this application are:

- Principle of Development
- Impact Upon Character and Appearance
- Impact Upon Amenity
- Impact Upon the Highways Network

Principle of Development

This application seeks permission for a temporary planning permission to retain the existing use and operations on site until 2027.

With regard to Section 72 of the Town and Country Planning Act 1990 and Planning Policy Guidance Paragraph 14, it is stated that a local planning authority may grant temporary period only and that 'circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that planning circumstances will change in a particular way at the end of that period'.

It is further stated that 'it will rarely be justified to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is a clear reason for doing so, and there is no presumption that a temporary grant of planning permission will be granted permanently'.

The proposed works relate to ongoing works by the applicant to the existing buildings within Hale Village, where a number of the buildings are to be upgraded with fire retardant cladding. The applicants advise that the car park partly serves contractors working as part of this scheme. This was considered acceptable within the previously approved temporary planning application HGY/2021/1970 as approved on the 13th May 2022.

Although guidance advises that a second temporary planning permission would rarely be considered acceptable, it is considered by officer that remediation of external materials to the existing blocks surrounding the site would be an ongoing project with indeterminate timescales, and that in this instance a repeat of a temporary planning permission would be on balance acceptable.

Using the planning practice guidance as a foundation, it falls to this application to consider if the proposed development, were it to be permitted, would have the effect of a) hindering the implementation of planning permissions already approved, b) the material planning benefits of this site for a period not exceeding the three years from the date of this decision notice.

It is noted that there is an existing GP's surgery, approved within the application HGY/2023/0891, that has ceased operation and is now pending removal from the site. The GP's surgery is outside the red-line boundary of this application and will be expected to be removed in compliance with the conditions outlined within HGY/2023/0891.

The applicants have advised that a condition requiring the removal of the structures currently retained temporarily on site would be acceptable - this is welcomed and will be secured by the imposition of a temporary timeline condition. Considering the recent approval for a temporary consent - planning permission ref HGY/2021/1970 against the requirements of the Planning

Practice Guidance paragraph 14, it is considered that this application is acceptable in terms of applying for a second temporary permission.

It is considered by officers that the reasoning provided by the applicants is sound and that, subject to the imposition of a suitably worded condition, would not have a material impact upon the works currently approved under the application HGY/2023/0891. As such, it is considered that the proposal, as part of a continued temporary consent is acceptable in principle. The remaining sections of this report will consider the relative planning merits of the work.

Impact Upon Character and Appearance:

Policy SP11 of the Strategic Plan and Policy DM1 of the Development Management DPD (DM DPD) both aim to enhance the built environment through high quality design that respects local context and positive aspects of the area. Policy DM1 of the DM DPD sets out that proposals for new development should relate positively to its locality in terms of building height, form, scale, massing, building lines and architectural details and styles.

The existing buildings and use on the site are 'in-situ' - which consist of a construction compound, car park, ball court and servicing area. these structures are not particularly inkeeping with the overall existing character and appearance of the locality. Clearly, by extending the temporary consent, this issue regarding character and appearance would remain. However, the structures and uses would again be temporary (by virtue of this application to extend the temporary consent, for reasons already justified in the above section), the proposal to extend the temporary consent is acceptable, given that the site is to be developed as part of the overall (approved) Hale Village Masterplan (in particular planning permissions HGY/2009/1105 and HGY/2006/1177).

Impact Upon Neighbouring Amenity

London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing.

Policy DM1 'Delivering High Quality Design' of the DM DPD states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and aspects to adjacent buildings and land, and to provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy and detriment to the amenity of neighbouring residents.

The proposed application seeks to retain features already existing on site. The ball court, storage compound and car parking are generally 'open' minimum built structures. The temporary structures will not materially block day/sunlight to nearby dwellings or unduly impact upon the amenity of adjoining occupiers through noise or over intensification of use and is therefore considered to be acceptable.

Impact Upon the Highways Network

Policy DM6 of the DM DPD requires that all residential conversions should be supported by a car parking survey that demonstrates that there is a residual car parking supply to meet the need of create by the proposal.

Policy DM32 (Parking) of the DM DPD (2017) states that 'development proposals will be assessed against the car parking and cycle parking standards set out in the London Plan' and that 'The council will support proposals for new development with limited or no on-site parking where a) there are alternative and accessible means of transport available, b) public transport availability is at least 4 (Pta) as defined in the public transport accessibility index, c) a controlled parking zone

(CPZ) exists or will be provided prior to the occupation of the development, d) parking is provided for disabled people, e) parking is designated for occupiers of development specified as car capped'.

The site is currently in use as a car parking area and ball court with additional space marked out for servicing the remediation works on the adjacent flats. The existing car parking is not considered to be unduly detrimental to the highways network and is therefore considered to be on balance acceptable during the period until three years from the date of this decision notice.

Conclusion

The proposed application to extend the temporary permission is considered to be acceptable subject to the imposition of conditions.

Conditions:

- 1 The development under consideration shall be for a limited period expiring three years from the date of this decision notice.

Reason: This condition is imposed by virtue of Section 91 of the Town and Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.

- 2 The development hereby permitted shall be retained in accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 This permission shall be for a limited period only expiring three years from the date of this permission when the structure(s) and land use(s) hereby approved shall be removed and the land developed in accordance with the approved Hale Village Masterplan (in particular planning permissions HGY/2009/1105 and HGY/2006/1177).

Reason: The structure(s)/land use(s), because of their design, size, materials, siting, and/or incompatibility with previous planning permission(s) which are yet to be completed, are not considered suitable for permanent retention.

Informatives:

In dealing with this application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our pre-application advice service and published development plan, comprising the London Plan 2021, the Haringey Local Plan 2017 along with relevant SPD/SPG documents, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.