

## Application Details

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| <b>Case Ref:</b>            | HGY/2023/3302                                                                                                                                                                                                                                                                                                                              |
| <b>Case Type</b>            | Change of use Standard Application                                                                                                                                                                                                                                                                                                         |
| <b>Proposal</b>             | Change of use and conversion of part ground floor, and upper floors first and second from (vacant) office use to provide 5 no. self-contained flats, insertion of a new ground floor window opening for Flat No. 2 on southern elevation, and the installation of a new skylight (Flat No. 5), associated landscaping and bicycle storage. |
| <b>Address</b>              | Land to rear of 3 New Road, Hornsey, London, N8 8TA                                                                                                                                                                                                                                                                                        |
| <b>Ward</b>                 | Crouch End                                                                                                                                                                                                                                                                                                                                 |
| <b>Valid Date</b>           | 15/01/2024                                                                                                                                                                                                                                                                                                                                 |
| <b>Latest Decision Date</b> | 2024-08-12                                                                                                                                                                                                                                                                                                                                 |
| <b>Recommendation Date</b>  |                                                                                                                                                                                                                                                                                                                                            |
| <b>Report Author</b>        | Roland Sheldon                                                                                                                                                                                                                                                                                                                             |

### 1. Site location

The site contains part of a three-storey building in the north-east of a mixed residential/office development located on the land between New Road, Lynton Road and Park Road and is predominately surrounded by car parking. The site sits within the Crouch End Conservation Area. No. 3 New Road is a locally Listed Building. The neighbouring properties on New Road consist of semi-detached and terrace houses with rear gardens, and a 3-storey apartment block. Lynton Road's terraced houses with small rear gardens are located to the North of the site. Coulsden Court, a very high 4-storey apartment block accessed from Park Road is located to the West. All surrounding buildings are brick facing.

Park Road consists of shops, restaurants and bars, and is situated on the W7 bus route. The site is within walking distance of Crouch End which is the main high street with a large selection of stores, public houses, cafés and restaurants. Access to parkland and open space is close by in the form of Priory Park, Highgate Woods and Alexandra Palace.

Crouch End Playing Fields which include Cricket Grounds, Tennis Courts and Park Road Leisure Centre are located within walking distance up Park Road to the North. The site falls within PTAL level 3 and therefore enjoys a good level of accessibility via public transport.

The entrance to the site is located to the side of the 'Locally Listed Buildings of Merit' 1 and 3 New Road, which sits just outside of the application site.

## **2. Description of Proposal**

The proposal seeks to change the use and convert part of the ground floor, first and second floors from (vacant) office use to provide 5 no. self-contained flats, insertion of a new ground floor window opening for Flat No. 2 on the southern elevation, and the installation of a new skylight (Flat No. 5), associated landscaping and bicycle storage.

## **3. Relevant Planning and Enforcement history**

The most recent applications for this site are summarised as follows:

### *Planning History*

#### Land To Rear of 3, New Road, London, N8 8TA

HGY/2022/1759: Change of use and conversion of the ground, first and second floors from (vacant) office use to provide 7no. self-contained flats, together with accompanying external alterations to the property, i.e. the enlargement of an existing ground floor window opening (Flat No. 2) and the insertion of a new window opening for Flat No. 4 (both on the southern elevation), and the installation of a new skylight (Flat No. 7) - REVISED APPLICATION FOLLOWING REFUSAL DATED 8 SEPTEMBER 2021 (COUNCIL REF: HGY/2021/0929) – Withdrawn

HGY/2021/0929: Change of use and conversion of the ground, first and second floors from (vacant) Class B1 to provide 7no. self-contained flats (the application does not propose or involve any external physical alterations to the existing facades of the property) - Refused 08/09/2021

*1. The submitted marketing exercise undertaken in support of the application fails to supply sufficient evidence of recent, continuous and suitable marketing, covering a minimum period of 3 years and as such fails to address the requirements of policy DM40 of the Local Plan.*

*2. The proposed development would result in a change of use, causing unacceptable harm to the amenity of the neighbouring properties, in particular No23 Lynton Road by way of overlooking and loss of privacy experienced by neighbours. As such, the proposal is contrary to the London Plan (2021) policy D6 and policy DM1 of the Development Management DPD (2017).*

*3. The proposed conversion involves the sub-division of a commercial property resulting in sub-standard living accommodation by reason of poor outlook, poor access to natural light, lack of privacy and absence of amenity space. The proposal is therefore contrary to London Plan Policy D6, Policies SP2 and SP11 of the Haringey Local Plan 2013 and DMDPD Policy (2017) DM12.*

The decision was appealed and dismissed by the Inspector. The revised plans submitted during the appeal could not be considered because accepting them would be deemed to prejudice the Council and neighbouring properties. The Inspector concluded the following:

- Insufficient evidence of marketing provided
- The proposal was not unacceptable in terms of neighbouring amenity impact
- The absence of amenity space for five of the flats was not acceptable or outweighed by floorspaces in excess of London Plan standards.
- Limited outlook was provided for the ground floor unit. A general poor outlook and daylight would be provided for occupants.

HGY/2018/2699: Non-material amendment following a grant of planning permission HGY/2016/1562 (as subsequently amended by Non-Material Amendment HGY/2017/2919) to facilitate changes to windows and grilles and bin store alterations following detail development of the scheme after planning approval - Grant permission

HGY/2017/3400: Non-material amendment to change wording of conditions 2 and 12 of application HGY/2016/1562 to: include 'Design and Access Statement (May 2016) and materials presented to members of the Planning sub-committee' (condition 2) and 'Details of the proposed 'living wall' which shall include maintenance and management requirements to be submitted and agreed with the local authority and implemented thereafter' (condition 12) - Grant permission

HGY/2017/2740: Approval of details pursuant to condition 18 of planning permission HGY/2016/1562 for details of the proposed Green Roof(s) - Grant permission

HGY/2017/3030: Non-material amendment to Condition 16 attached to planning permission

HGY/2016/1562. Condition 16 to refer to one dwelling rather than all - Grant permission

HGY/2016/1562: Demolition of the existing buildings and construction of 9 new residential homes (4 x houses and 5 x flats) and 446sq.m of office (Use Class B1a) floorspace in a building extending to between 2 and 4 storeys in height and associated car parking, landscaping and infrastructure works – Approved 06/02/2017

## *Planning Enforcement History*

DEP/2021/00400: Departure from Approved Drawings/Plan – Investigation closed as not expedient to take action 14/08/2023

### **4. Internal & Statutory Consultation**

The following were consulted regarding the application:

#### **Internal:**

LBH Conservation: No objections to the proposal.

LBH Transportation Group: Whilst the development is not within a site with a high PTAL, the development can be secured as a car-free development. A £4,000 contribution towards amending the Traffic Management Order would be required.

LBH: Carbon Management: (following submission of a number of revision to the energy statement)

Overall, it is considered that the proposal can be supported from a carbon management and sustainability point of view subject to appropriately worded conditions and a carbon offset contribution of £5,700, based on £2,850 per tonne of carbon emissions.

LBH: Building Control: No objections to the proposal. A full building regulations application review will be undertaken as part of the building control process.

#### **External:**

Crouch End Neighbourhood Forum:

### **5. Local Representations**

The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 14

Objecting: 14

Supporting:

The following issues were raised in representations received during the consultation period:

- Proposal could result in further parking congestion problems. Refuse collections have already been missed as a result of these issues.
- Insufficient marketing has been provided to support the loss of commercial use.
- The proposal is circumventing the requirement for a provision of affordable housing on the original consent, as it would increase the number of residential units on site from 9 to 14, above the ten units affordable housing threshold.
- Over-intensification of the residential use on site.
- Loss of commercial development
- The proposal will result in a loss of privacy by neighbouring occupants
- Fire safety
- Poor standard of accommodation
- Loss of light
- Increased noise and general disturbance from change to residential use and odour disturbance (placement of refuse store)

## **6. Material Planning Considerations**

### **Principle of development**

London Plan (2021) Table 4.1 sets out housing targets for London over the coming decade, setting a 10-year housing target (2019/20 – 2028/29) for Haringey of 15,920, equating to 1,592 dwellings per annum. Policy H1 'Increasing housing supply' states that boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites, especially sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m of a station or town centre boundary.

London Plan (2021) Policy H2A outlines a clear presumption in favour of development proposals for small sites (below 0.25 hectares in size) and sets out a minimum target in Table 4.2 for boroughs (Haringey –10 year target is 2,600).

London Plan Policy D6 seeks to optimise the potential of sites, having regard to local context, design principles, public transport accessibility and capacity of existing and future transport services.

From this perspective, the proposal would work towards housing delivery targets within the borough. However, the floorspace in question is non-designated employment land.

Development Management DPD Policy DM40: Non-Designated Employment Land and Floorspace states that on non-designated employment sites within highly accessible or otherwise sustainable locations, the Council will support proposals for mixed-use, employment-led development where this is necessary to facilitate the renewal and regeneration (including intensification) of existing employment land and floorspace. All proposals for mixed-use development must satisfy the requirements of Policy DM38.A(a-f).

Part B of the the policy further states that on all other non-designated employment sites (i.e. those which do not meet the location criteria of (A) above), the loss of employment land and floorspace will only be permitted where it can be demonstrated that the building or land is no longer suitable for continued employment use having regard to:

- a Feasible alternative employment uses;
- b The age and condition of the existing building(s) and the potential for refurbishment or adaptation, in particular to more flexible unit sizes;
- c Site layout, access, and relationship to neighbouring uses;
- d Periods of long-term vacancy; and
- e Evidence of recent, continuous and suitable marketing, covering a minimum period of 3 years.

C. Subject to (B) above, where the Council is satisfied that the loss of non-designated employment land or floorspace is acceptable, support will be given to proposals that deliver community uses either as the sole use or as part of a mixed-use development.

D Where proposals involve the total loss of employment floorspace a financial contribution towards employment related initiatives may be sought, in line with Policy SP9 and DM48.

The site forms part of a mixed-use office and residential scheme which was granted via planning committee in 2016 (HGY/2016/1562) for demolition of the existing buildings and construction of 9 new residential homes (4 x houses and 5 x flats) and 446sq.m of office (Use Class B1a) floorspace in a building extending to between two and four storeys in height and associated car parking, landscaping and infrastructure works.

The committee report for the above application recommended approval for the mixed use proposal on a number of principles, notably the retention of an employment use on the site, in line with the pre-development use. The retention of the employment use on site had been a key objective of the site's redevelopment from pre-application discussions up to the granting of planning permission. The removal of this key objective would require significant justification in line with DMDPD policy DM40.

The previously refused planning application HGY/2021/0929 sought to convert all of the 446sq.m office space into 7 self-contained flats over the ground, first and second floors. Reason for refusal 1 for this application highlighted that the submitted marketing exercise undertaken in support of the application failed to supply sufficient evidence of recent, continuous and suitable marketing, covering a minimum period of 3 years and therefore failed to address the requirements of policy DM40 of the Local Plan.

The Inspector in the appeal for this application agreed with the Council position with regards to this aspect:

*"The appellant has submitted a marketing report detailing entries on independent third-party websites, various particulars and very brief details of interest in the site including a single offer that did not progress. With regards specific marketing activity and in particular any proactive marketing, there is little substantive evidence submitted by the appellant. The marketing efforts appear to be entirely passive and minimal in coverage".*

This current planning application seeks to retain 115sq.m of the vacant office space on the ground floor for office use, and convert the remaining vacant ground floor, first and second office floor space into 5 self-contained flats.

In support of the justification for loss of the employment floorspace, the applicant has submitted the following information:

- Marketing Report dated January 2021 prepared by Martyn Gerrard Commercial;
- Letter prepared by Union Street Partners dated 18 February 2021;
- Letter prepared by Martyn Gerrard dated 18 May 2021;
- Letter prepared by Union Street Partners dated 18 February 2021;
- Marketing Report dated May 2022 prepared by Martyn Gerrard Commercial;
- Letter prepared by Acorn Group dated 31 May 2022;
- Marketing Report dated 23 October 2023 prepared by Martyn Gerrard Commercial.

The submission has been reviewed on behalf of the Council by BNP Paribas Real Estate. BNP have noted that the property has been subject to a continuous marketing campaign over a minimum period of 3 years, has been subject to long-term vacancy and that feedback from prospective purchaser's has highlighted negative aspects of the property such as access, lack of parking and close proximity to neighbouring residents.

However, BNP initially considered that the marketing campaign was flawed because it did not allow the market to determine the value of the property. Interested parties may have submitted offers but chose not to because the expectations of rental/sale value were deemed unrealistic.

Since the May 2022 Martyn Gerrard report, limited information has been provided in relation to the marketing from Q.2 2022 to the present day. Further information was sought from the applicant with regards to how long the property had been marketed for a rent of £100,000 per annum and details of any viewings/interest.

Further information was received from the applicant in the form of a letter from Martyn

Gerrard. The letter confirmed that although the property was advertised with a purchase price in line with local comparables, the owner asked that anyone showing an interest to submit an offer regardless of quoted price/rent, and that they were flexible on terms and lease length, and they were willing to undertake fit-out works to incentivise offers. Unfortunately this did not result in a change in interest.

Further information was provided on the comparable property 1 and 2 Frederick Place which is 300 metres away, also does not benefit from off-street parking access and had three lettings with a rental value per square foot of a higher level than that asked for in the property subject to this application.

Following submission of the additional information, BNP concluded that the property has been subject to a sufficient duration and method of marketing without receiving any firm offers, and on that basis is not suitable for employment use.

Taking the above into consideration, officers consider that the principle of the loss of non-designated employment land and introduction of residential development is acceptable.

### **Design, character and heritage**

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.

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.

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. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.

Very minor alterations to the existing building are proposed, consisting of a small window opening at ground floor level on the southern elevation and an additional rooflight. Additional planting is proposed at ground floor level alongside the provision of a small storage box and hangers for bicycles. The alterations would not have any detrimental impact on the character and appearance of the host building and would preserve the character and appearance of the conservation area. The proposal would therefore be acceptable with regards to design, character and heritage considerations.

## **Standard and quality of residential accommodation**

London Plan Policy D6 requires housing developments to be of high-quality design, providing comfortable and functional layouts, benefiting from sufficient daylight and sunlight, maximising the provision of dual aspect units and providing adequate and easily accessible storage space as well as outdoor amenity space. Table 3.1 sets out the internal minimum space standards for new developments, while Table 3.2 of the London Plan provides qualitative design aspects that should be addressed in housing developments.

The proposal would see approximately half the existing ground floor area and the first and second floor commercial floorspace converted into 5 self-contained units; 2 on the ground floor, 2 on the first floor and 1 on the second floor.

### Floor space standards

Unit 1: No. beds/persons: 1-bed 2p - Floorspace (sqm): 52.2 / London Plan req: 50 / Amenity space provision (sqm) 14.6

Unit 2: No. beds/persons: 2-bed 4p - Floorspace (sqm): 70 / London Plan req: 70 / Amenity space provision (sqm) 11.9

Unit 3: No. beds/persons: 2-bed 4p - Floorspace (sqm): 75.7 / London Plan req: 70 / Amenity space provision (sqm) 0

Unit 4: No. beds/persons: 1-bed 2p - Floorspace (sqm): 62.8 / London Plan req: 50 / Amenity space provision (sqm) 0

Unit 5: No. beds/persons: 1-bed 2p - Floorspace (sqm): 62.6 / London Plan req: 50 / Amenity space provision (sqm) 0

As can be seen from the table above, all of the units would meet or exceed the minimum floorspace requirements within the London Plan.

All units would benefit from adequate storage internal storage space. Adequate floor-to-ceiling heights would be provided for all units to meet minimum requirements within the Technical Housing Standards.

### Access

London Plan policy D7 sets out that all dwellings should at least meet Part M4(2) standards of the building regulations with regards to access, which requires step-free access to be provided. The building is equipped with a lift and there are no steps on the floor for each unit, which would allow step-free access to be achieved for all of the proposed units.

## Daylight/sunlight

A Daylight and Sunlight report produced by CHP Surveyors has been submitted as part of the planning application. The report has been undertaken in accordance with the methodologies within the BRE guidance document "Site layout planning for daylight and sunlight. A guide to good practice" (2022).

With regard to daylight, analysis has been undertaken based on Climate Based Daylight Modelling, which sets out recommended levels of Lux daylighting that should be received by certain room types for 50% of daylighting hours.

All 12 habitable rooms across the proposed units were found to exceed the recommended targets within the BRE guidelines.

Of the 4 units identified as having habitable rooms orientated within 90 degrees of due south, all were found to benefit from the recommended BRE guidelines of access to at least 1.5 hours of sunlight on 21<sup>st</sup> March, with the exception of the kitchen/living/dining room of first floor flat 3, which would have 1.3 hours according to the report. Notwithstanding this, this is a marginal shortfall and the more important measurement of daylight found that the minimum requirements would be comfortably exceeded for this room. A satisfactory means of natural light would therefore be considered to be provided for future occupants of the development.

## Amenity space

The ground floor units would benefit from private external courtyard amenity space that comfortably exceeds minimum standards within the London Plan. The 3 upper floor units would not benefit from any external private or shared amenity space provision. However, a 5m<sup>2</sup> winter garden private amenity space area is provided for the two first-floor units, with a 5.9m<sup>2</sup> winter garden provided for the second floor unit. Units 4 and 5 would benefit from floor space approximately 5m<sup>2</sup> in excess of minimum London Plan space standards without considering the provision of the winter garden space, whilst flat 3 would just exceed the minimum floor space standards without consideration of the winter garden space, by 0.7m<sup>2</sup>.

These winter garden areas would benefit from significant full-height glazing that would afford satisfactory means of outlook, and could act as acceptable means of amenity space in the absence of external areas, taking into consideration that the floorspace measurement would still exceed minimum London Plan standards without their inclusion.

## Outlook

It is acknowledged that the Inspector of the previously refused scheme reference HGY/2021/0929 highlighted concerns with regards to overall standard of outlook provided for future occupants.

2 of the ground floor units in that scheme are not included in this scheme. An additional window has been added to serve the second bedroom of flat 2 in the revised layout. It is acknowledged that the outlook from this particular bedroom would be limited, onto a boundary fence at 1 metre away. However, on balance, the unit would provide a satisfactory standard of accommodation taking into account its compliance with floor space standards and exceeding private amenity space quantity requirements. An adequate level of outlook would be provided for future occupants of developments overall in the revised layout.

Taking the above into consideration, the scheme would provide a satisfactory standard of accommodation for future occupants.

### **Impact on 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. London Plan 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. 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 amenity of neighbouring resident.

No extensions are proposed to the building that would create further impact on light, overshadowing or outlook of neighbouring residents over and above the existing situation.

The layout of the current scheme on the first and upper floors is nearly identical to the previously refused and appealed scheme. Reason for refusal 2 of the previously refused scheme set out that the development would result in an unacceptable loss of privacy/overlooking of neighbouring occupants, particularly No. 23 Lynton Road.

This aspect of the development was reviewed by the Inspector. Their view was that the layout and existence of the large open plan office with the same outlook would mean that the loss of privacy by the occupiers of no. 23 would not be materially worse than the existing situation.

The Inspector accepted that with the application of elements of opaque glazing which could be controlled by an appropriately worded condition, the development would not result in an unacceptable impact on the amenities of neighbouring occupants.

The current proposal seeks to apply an opaque privacy film between 1m-1.7m height to the living space of first floor flat 3 to limit scope for overlooking of the rear garden/windows of nos. 23 & 25 Lynton Road. Taking into consideration that the rear gardens and windows of these properties are set at an oblique angle to this window and the application of the privacy film, the impact on neighbouring privacy would not be so significant over and above the existing on site circumstances to warrant refusal on amenity impact grounds.

An appropriately worded condition could be applied to require this film to be applied prior to first occupation and maintained for the lifespan of the development, to ensure that the privacy of neighbouring occupants would be adequately protected. Subject to compliance with this condition, the proposal would be considered to be acceptable with regards to amenity impact considerations.

### **Transport considerations**

London Plan Policy T1 requires all development to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes, and to ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. Policies T4, T5 and T6 set out key principles for the assessment of development impacts on the highway network in terms of trip generation, parking demand and cycling provision.

Part B of London Plan policy T6 sets out that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite').

Local Plan (2017) Policy SP7 Transport states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This is supported by DM Policy (2017) DM31 'Sustainable Transport'.

The site is located within an area with public transport accessibility level (PTAL) of 3, which would be considered average. It is located within an area subject to a controlled parking zone (CPZ) which is in operation between 10:00 – 12:00 Monday – Friday.

The development is located on a private estate which has an internal courtyard used for car parking, primarily by the users/occupants of Coulsden Court. The originally approved development HGY/2016/1562 secured 4 off-street parking spaces for the 4 houses within the development, but without being subject to a car-free agreement. The proposal would remove 400m<sup>2</sup> of vacant commercial floorspace and would introduce a further 3 x 1 bedroom, and 2 x 2 bedroom dwellings to the site. No off-street parking for the proposed 5 units would be provided. The applicant has indicated that they are willing to enter into a car-free agreement with the Council, which given the extensive coverage of CPZs in the locality, would ensure that the proposal would not result in a displacement of parking demand that cannot be accommodated on-street within the locality. Whilst it would be preferable that the development benefitted from a PTAL of

4 or above, there is satisfactory means of public transport accessibility available for future occupants to rely on in the absence of access to parking permits.

This would be secured via a section 106 agreement which would be required to be signed and sealed by both parties prior to the issue of a decision notice for the development. The applicant has also agreed to pay contributions for future occupants to have membership of an existing Car Club for 5 years following occupation, and £100 (one hundred pounds in credit) per year/per unit for the first 5 years.

Following submission of revised plans, the development would provide secure cycle parking in line with London Plan cycle parking standards. 9 secure long-stay and 2 short-stay spaces are provided, 7 of which would be provided within the main entrance, with 2 bike hangers provided for visitors on the northern extent of the building. A condition can be imposed to require further details of the cycle storage to be in line with London Plan standards and the London Cycle Design Standards.

A construction management plan that has a level of detail and scope proportionate to the size of development will need to be submitted.

Subject to compliance with such conditions, if the development was to be approved, the proposal would be considered to be acceptable with regards to highways and transportation considerations.

## **Waste management**

DM Policy (2017) DM4 'Provision and Design of Waste Management Facilities' requires all proposals to make on-site provision for general waste, recycling and waste organic materials ensuring adequate internal and external storage space to manage the volume of waste arising from the site.

The Haringey 'Waste management guidance note for residential and mixed- use developments' sets out waste and recycling guidelines for residential and mixed- use developments within the borough.

The proposal would remove 400sq.m of commercial floorspace and a further 5 self-contained would be added to the site.

The Haringey waste guidelines document outlines that for high rise housing and communal collections, 1 x 1,100 litre bin should be provided for refuse per 6 dwellings, 1 x 1,1000 litre bin for dry recycling per 10 dwellings, and 20 litres food waste per dwelling.

The existing bin store provided for the office space would be provided for the 5 self-contained flats, providing 2 x 1,100 litre bins in a covered enclosure.

In addition to this, one 240 litre general bin would be provided within the private garden amenity space of flat 1. Whilst the provision for waste and recycling is adequate, there is an absence of storage for food waste. Whilst space within the site to provide this is restricted, although not an ideal arrangement, it is considered that there would be scope to provide some space within the site by the main entrance door for 1 x 140 litre bin.

## **Biodiversity Net Gain**

In November 2023 (as a result of the Environment Act 2021), Biodiversity Net Gain (BNG) became a mandatory part of the planning process. This took effect from November 2023 for major planning applications and April 2024 for minor planning applications. Minor developments for the purposes of mandatory BNG are those:

- For residential: where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares; and
- For non-residential: where the floor space to be created is less than 1,000 square metres OR where the site area is less than one hectare.

All minor planning applications will be required to consider BNG requirements from the very on-set, prior to site design. A 'biodiversity gain plan' will need to be submitted with such applications documenting and describing how the development will achieve a 10% BNG, informed by a biodiversity metric assessment.

As the application was submitted prior to April 2024, it is not mandatory for the development to demonstrate a 10% BNG. However, it should be noted that this is an existing recently built building, that already benefits from an extensive green roof.

## **Energy and sustainability**

The London Plan sets out detailed policies in relation to energy efficiency, renewable energy, climate change and water resources. Local Plan Policy SP4 promotes and requires all new developments to take measures to reduce energy use and carbon emissions during design, construction and occupation. Low- and zero-carbon energy generation are required with all new development, specifically to achieve a reduction in predicted carbon dioxide emissions through on-site renewable energy generation.

DPD Policy DM21 also requires new development to consider and implement sustainable design, layout and construction techniques, with proposals required to apply the energy hierarchy to minimise energy use in order to meet/ exceed, minimum carbon dioxide reduction requirements.

Residential and non-residential developments are expected to achieve zero carbon standards, including a 35% reduction on Building Regulations 2013 Target Emission Rates (TER) achieved on site, in accordance with London Plan Policy SI2. It is noted that since the submission of the planning application, the Building Regulations have been updated with a 2022 version.

Following a request for a number of amendments by the Carbon Management Officer, a final Energy Statement was received on 22 May 2024. The statement has been reviewed by the Carbon Management Officer who observed that the development would result in a 78% reduction in carbon dioxide emissions on site, which overall is supported. The statement demonstrates that it would not be possible for the roof to accommodate solar panels on top of the green roof. Air source heat pumps are proposed to provide heating/hot water for the apartments.

The proposal can be supported from an energy and sustainability perspective. A condition shall be imposed that requires further details of the energy strategy to be submitted to and approved by the LPA, to ensure that the development meets its 78% minimum improvements on carbon emissions over 2021 Building Regulations Part L.

Further details of the location of water butts shall also be required.

A carbon offset contribution of £5,700 would also be required to be paid prior ground construction works. This would be secured via a section 106 agreement.

Subject to compliance with conditions and payment of the carbon offset contribution, the proposal is acceptable with regards to energy and sustainability considerations.

## **Section 106**

The applicant has agreed to the following Heads of Terms in drafting a Section 106 agreement for the development:

- The applicant will be required to enter into a Section 106 Agreement to pay contributions for future occupants to use a car club scheme, and must include the provision of five years' free membership for all residents and £100 (one hundred pounds in credit) per year/per unit for the first 5 years.
- A car-free agreement to remove future occupants from access to parking permits for the adjoining CPZs. This would require a £4,000 payment for the Council to amend the Traffic Management Order that would be secured via a section 106 agreement.
- Payment of carbon offset contribution prior to the above ground construction works at £5,700, based on £2,850 per tonne of carbon emissions.

The legal agreement shall be required to be completed prior to the granting of planning permission for the development.

## **Conclusion**

It has been adequately demonstrated that there is not sufficient demand for the commercial floorspace to allow for the floorspace to be converted to residential use. A satisfactory standard of accommodation would be provided for future occupants without unduly compromising the amenities of neighbouring occupants.

All other relevant policies and considerations, including equalities, have been taken into account. Subject to compliance with conditions and the completion of a legal agreement to secure the agreed contributions and commitments by the applicant, planning permission should be granted for the reasons set out above.

## **7. CIL Applicable**

Based on the information given on the plans, the Mayoral CIL charge is estimated to be £28,436 (400m<sup>2</sup> x £71.09) and the Haringey CIL charge is estimated to be £173,416 (400m<sup>2</sup> x £433.54). This will be collected by Haringey after/should the scheme is/be implemented and could be subject to relief, surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the RICS CIL index. An informative will be attached advising the applicant of this charge.

## **8. Recommendation**

GRANT PERMISSION Subject to the following conditions and subject to the completion of a Section 106 agreement.

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### **Conditions:**

- 1 The development to which this permission relates must be begun no later than three years from the date of this decision notice, failing which the permission shall be of no effect.

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 carried out in complete 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 No development shall take place, including any works of demolition, until a Construction Management Plan including details of:
  - a) A programme of works (including measures for traffic management).
  - b) Vehicle routing and if any reversing manoeuvres on public highway land is required, provision for the management of their movement by a qualified and certificated banksman.
  - c) Parking of vehicles, and details of any parking bay suspension required.
  - d) Storage of plant and materials used in constructing the development.
  - e) Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure.
  - f) The erection and maintenance of scaffolding where appropriate, and measures to minimise impact on pedestrian movements.
  - g) Details in respect of how existing owners or occupiers' ingress and egress will be managed throughout the development.
  - h) Details in respect of how any adverse impact of noise, dust, vibration and traffic on adjoining and owners or occupiers and occupiers of the existing building will be mitigated, have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented and retained during the demolition and construction period.

Reasons: To ensure there are no adverse impacts on the free flow of traffic on local roads and to safeguard the amenities of the area consistent with Policies T4, T7 and D14 of the London Plan 2021, Policies SP0 of the Haringey Local Plan 2017 and with Policy DM1 of The Development Management DPD 2017.

- 4 The opaque privacy film shall be applied to the first floor east-facing window of flat 3 in accordance with approved plan nos. 146/302 Rev. C, and 146/305 (01/11/2023) prior to first occupation of the development, and shall be maintained as such for the lifespan of the development.

Reason: In the interests of protecting the privacy levels of neighbouring residential occupants, in accordance with policy DM1 of the Haringey Development Management Plan DPD (2017).

- 5 No development shall take place until 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 11 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.

- 6 Prior to first occupation of the development, details of a scheme for the storage and collection of refuse and recycling for the development shall be submitted to and approved by the Local Planning Authority prior, including a swept path diagram demonstrating how an 11.6m refuse vehicle can leave and enter the site in a forward gear. The approved scheme shall be implemented and permanently retained to the satisfaction of the Local Planning Authority.

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.

- 7 The development hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2) as indicated on the approved plans and supplementary information.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time.

- 8 The development hereby approved shall be constructed in accordance with the Energy Statement and requirements prepared by Energist London (dated 22 May 2024) delivering a minimum 78% improvement on carbon emissions over 2021 Building Regulations Part L, with high fabric efficiencies, and air source heatpumps(ASHPs).

(a) Prior to the commencement of all works on site, details of the Energy Strategy shall be submitted to and approved by the Local Planning Authority. This must include:

- Confirmation of how this development will meet the zero-carbon policy requirement in line with the Energy Hierarchy;
  - Confirmation of the necessary fabric efficiencies to achieve a minimum 12% reduction, including details to reduce thermal bridging;
  - Location, specification and efficiency of the proposed ASHPs (Coefficient of Performance, Seasonal Coefficient of Performance, and the Seasonal Performance Factor), with plans showing the ASHP pipework and noise and visual mitigation measures;
  - Specification and efficiency of the proposed Mechanical Ventilation and Heat Recovery (MVHR), with plans showing the rigid MVHR ducting and location of the unit;
  - Specification of any additional equipment installed to reduce carbon emissions.
- The development shall be carried out strictly in accordance with the details so approved prior to first operation and shall be maintained and retained for the lifetime of the development.

(b) The air source heat pump must be installed and brought into use prior to first occupation of the relevant block.

Reason: To ensure the development reduces its impact on climate change by reducing carbon emissions on site in compliance with the Energy Hierarchy, and in line with London Plan (2021) Policy SI2, and Local Plan (2017) Policies SP4 and DM22.

- 9 No dwelling shall be occupied until details of the location of a water butt of at least 120L internal capacity to be installed to intercept rainwater draining from the roof of each dwelling has been submitted to and approved in writing by the Local Planning Authority and subsequently provided at each dwelling. The approved facilities shall be retained.

Reason: To reduce the risk of flooding and demand for water, increase the level of sustainability of the development and in line with Haringey Local Plan Policy SP5, DM21, DM24 and DM25.

## **Informatives:**

### INFORMATIVE: Hours of Construction Work

The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00am - 6.00pm Monday to Friday

8.00am - 1.00pm Saturday

and not at all on Sundays and Bank Holidays.

INFORMATIVE: The new development will require numbering. The applicant should contact the Local Land Charges at least six weeks before the development is occupied (tel. 020 8489 3472) to arrange for the allocation of a suitable address.

### INFORMATIVE: Fire safety

The submission/approval of this planning application does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations, with such a matter needing careful consideration in the context of these 5 new units and the existing units/ residents within this building.

### INFORMATIVE: Land Ownership

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.

### INFORMATIVE: Party Wall Act

The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building. The development here should be designed in line with SBD Design Guides and accreditation scheme. For further information the applicant can contact North East Hub Designing Out Crime Officer - Lee Warwick - [Lee.J.Warwick@met.police.uk](mailto:Lee.J.Warwick@met.police.uk).

### INFORMATIVE : Community Infrastructure Levy

The applicant is advised that the proposed development will be liable for the Mayor of London and Haringey CIL. Based on the information given on the plans, the Mayoral CIL charge is estimated to be £28,436 (400m<sup>2</sup> x £71.09) and the Haringey CIL charge is estimated to be £173,416 (400m<sup>2</sup> x £433.54). (Indexation included)). This will be collected by Haringey after/should the scheme is/be implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.

Note: The CIL rates published by the Mayor and Haringey in their respective Charging Schedules have been inflated in accordance with the CIL regulations by the inflation factor as published on-line.