

REPORT FOR CONSIDERATION AT PLANNING COMMITTEE

Reference No: HGY/2013/2169	Ward: Northumberland Park
<p>Address: Former Cannon Rubber Factory 881 High Road N17 8EY</p> <p>Proposal: Approval of details pursuant to condition 42 (boundary treatment) attached to planning permission HGY/2012/2128</p> <p>Existing Use: Vacant land - Former Industrial (Use B1/B2/B8)</p> <p>Proposed Use: Residential (Use Class C3); Education (Use Class D1); Commercial (Use Class B1, D1 & D2)</p> <p>Applicant: MsSarah Timewell Newlon Housing Trust</p> <p>Ownership: Newlon Housing Trust</p>	
<p>Date received: 23/10/2013 Last amended date: 23/10/2013</p> <p>Drawing number of plans: CR- BP - 001, 21206 004-C1, 21206 003-C2, and 11594 - 2804-P1</p>	
<p>Case Officer Contact: David Gurtler P: 0208 489 8617 E: david.gurtler@haringey.gov.uk</p>	
<p>PLANNING DESIGNATIONS: Defined Employment Area – Industrial Location Area of Archaeological Importance Road Network: C Road Adjacent to Conservation Area</p>	
<p>RECOMMENDATION</p> <p>DISCHARGE condition 42 (boundary treatment) attached to planning permission HGY/2012/2128 subject to sec. 106 Legal Agreement</p>	
<p>SUMMARY OF REPORT:</p> <p>The details of the boundary treatment are the subject of condition 42 attached to planning permission HGY/2012/2128 and would not normally be reported to the planning committee. However, in this instance it will be necessary to enter into a legal agreement with the applicant, since the treatment of part of the site should only be temporary, and when the adjoining site comes forward for redevelopment, the southern boundary wall should be removed and replaced by a more appropriate boundary treatment.</p> <p>It is recommended that condition 42 attached to planning permission HGY/2012/2128 be discharged once the legal agreement has been completed.</p>	

DOCUMENTS

Brook House – CPs Appendix 6 – Boundary Wall Proposals

Email from Gary Dyer (Galliford Try) 24 May 2013

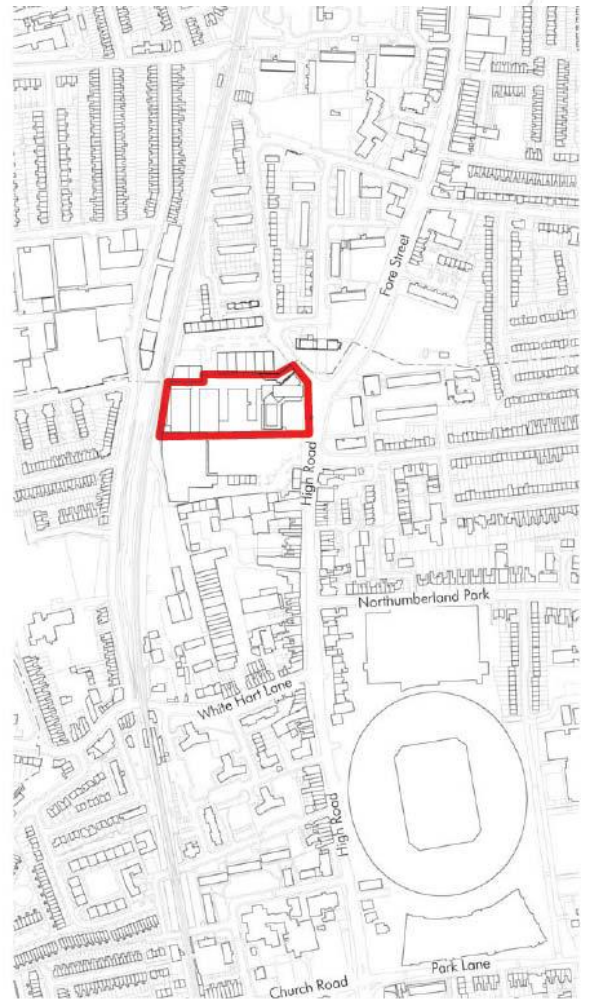
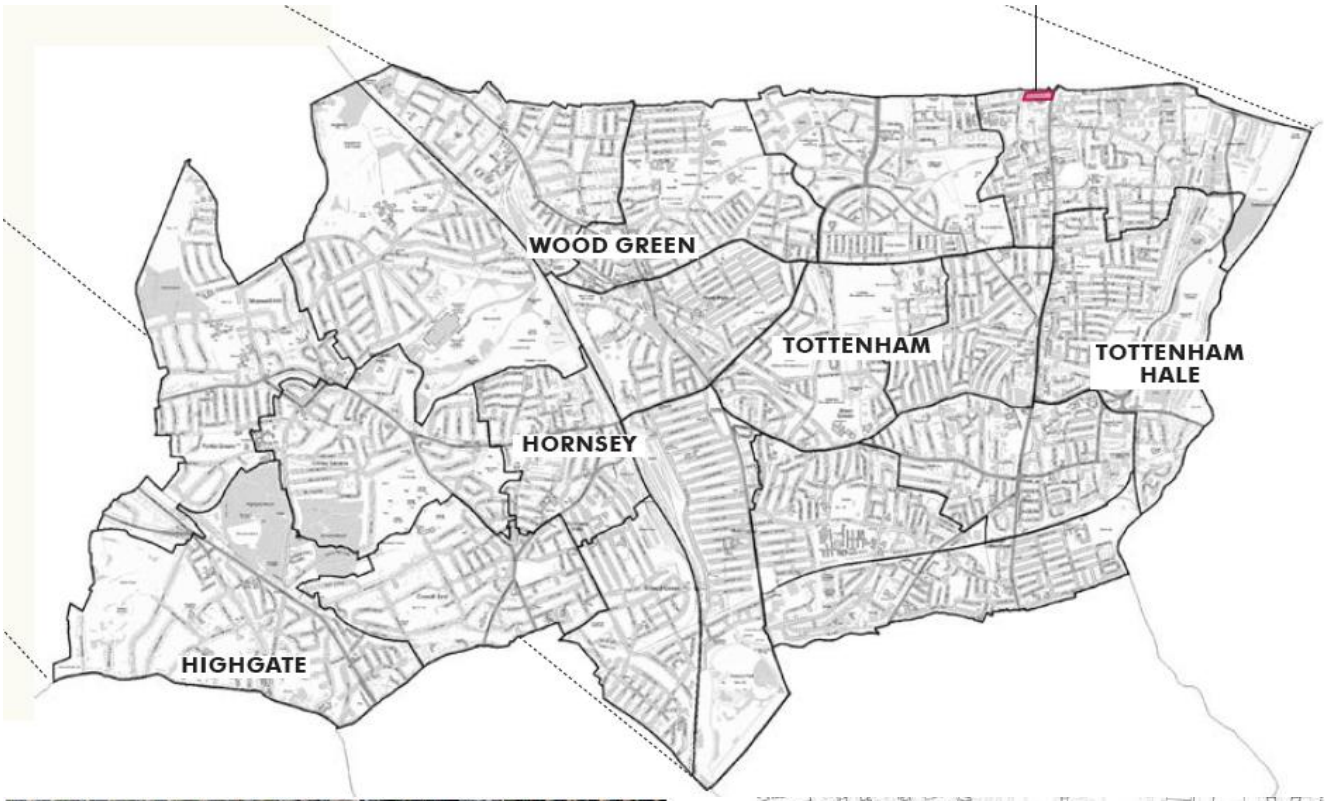
DRAWINGS

Plan Title	Plan Number
Brook House – CPs Appendix 6 – Wall Types Drawing	CR-BP-001
South Boundary Wall Restraint	21206 004-C1
South Boundary Wall Restraint	21206 003-C2
Section front boundary fence	11594 - 2804-P1

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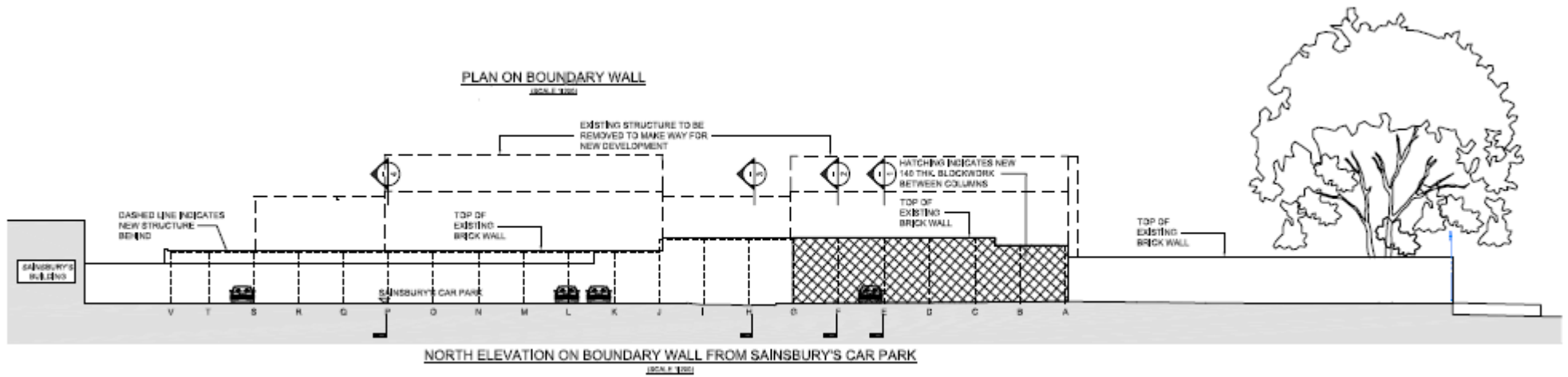
1.0 SITE PLAN



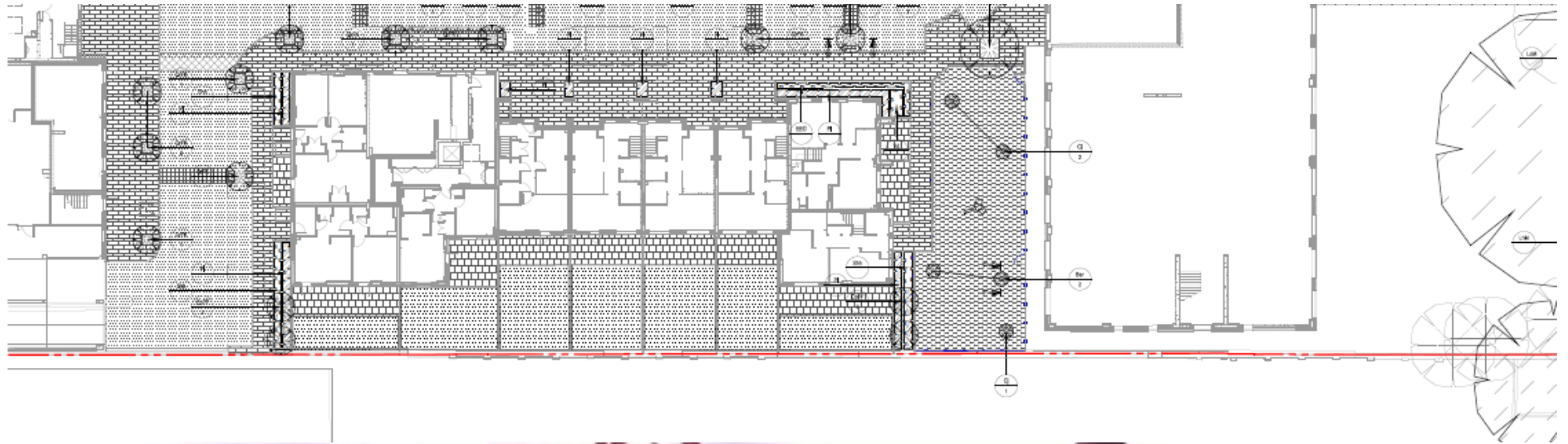
Layout of Buildings and site (as approved)



Southern Boundary Wall (from Sainsbury's Car Park)



Southern Boundary and Southern Residential Block



3.0 SITE AND SURROUNDINGS

- 3.1 The application site is 1.04 hectares and is on the northern edge of the borough at the top end of Tottenham High Road bordering with Enfield. The site is bounded by Langhedge Lane Industrial Estate to the north, Langhedge Lane to the northeast, a bus stand and Tottenham High Road (A1010) to the east, Sainsbury's supermarket to the south and the Liverpool St.- Enfield Town-Cheshunt branch of the West Anglia Mainline to the west.
- 3.2 The surrounding area comprises a mix of uses - residential uses predominate to the west and east, industrial and residential uses to the north and retail and commercial uses to the south.
- 3.3 The site falls just outside of the North Tottenham Conservation Area which covers the area of the High Road to the east. A number of the buildings along the High Road are Grade II or locally listed buildings, though none of these are adjacent to the site. The nearest listed building is at 867 and 869 High Road to the south which is a Grade II listed 3 storey brick building.
- 3.4 There is a London Plane tree on the eastern edge of the site which is protected by a Tree Preservation Order (TPO).
- 3.5 Construction is now underway on the site. Prior to this the site was occupied by Cannon Rubber Automotive Ltd, though the former industrial buildings have now been demolished. A high brick wall surrounds the site.
- 3.6 The Industrial Estate to the north comprises a row of six 2 storey warehouse units with two separate units located closer to the railway line. The warehouses are brick built and have pitched roofs. Beyond the industrial estate, the area is predominantly residential with a mixture of 4 and 5 storey blocks of flats and 2/3 storey terraces. A 9 storey residential block, Boundary Court, sits on the junction of the High Road with Fore Street adjacent to the site to the north. Across the High Road to the east is another predominantly residential area containing a 19 storey residential tower block known as Stellar House and a number of surrounding 3 storey terraces.
- 3.7 A Sainsbury's supermarket plus some small retail units occupies the site immediately to the south separated from the supermarket by a high brick wall of varying height up to approximately 6m.
- 3.8 The site has a good Public Transport Accessibility Level (PTAL) of 4 with buses along the High Road and White Hart Lane Station about 500m. to the south.

4.0 PLANNING HISTORY

- 4.1 Previous planning permissions relate mostly to the site's former industrial uses. The site's full planning history has been reviewed and there are no issues relevant to this current application apart from the most recent permission and the pending approval of details applications which are detailed below:

- Planning HGY/2012/2128 GTD 28-01-13 (subject to a sec. 106 Agreement). Former Cannon Rubber Factory 881 High Road London Comprehensive redevelopment of the Brook House (former Cannon Rubber Factory site), including the erection of a 22 storey building (plus a part top floor mezzanine) providing 100 residential units (use class C3) and 190 sqm of commercial floorspace (use class B1, D1 and D2), two buildings of 6 and 9 storeys respectively providing 101 residential units (use class C3) and a part 2/part 5 storey building comprising a 2,388 sqm 2 form entry primary school (use class D1) and 21 residential units (use class C3), together with associated car and cycle parking, refuse stores, highways, infrastructure, open space and landscaping works.
- Planning HGY/2013/0351 GTD 11-06-13 Former Cannon Rubber Factory 881 High Road Tottenham London - Approval of details pursuant to conditions 6 (microclimate), 7 (Construction Management Plan and Construction Logistics Plan), 8 (control of construction dust), 9 (contaminated land), 10 (piling method statement (Thames Water and Environment Agency)), 11 (water supply infrastructure), 14 (drainage), 17 (archaeological mitigation), 18 demolition method statement (Network Rail), 20 (ventilation), 27 (secured by design) and 43 (waste storage and recycling) attached to planning permission HGY/2012/2128
- Planning HGY/2013/0485 GTD 16-04-13 Brook House, 881 High Road London Approval of details pursuant to Condition 5 (external design and appearance of the School elevation) attached to planning permission HGY/2012/2128.
- Planning HGY/2013/0487 GTD 16-04-13 Brook House, 881 High Road London Approval of details pursuant to Condition 4 (Design) attached to planning permission HGY/2012/2128.
- Planning HGY/2013/1120 GTD 28-10-13 Brook House, 881 High Road London Approval of details pursuant to Condition 15 (Energy Centre) attached to planning permission HGY/2012/2128.
- Planning HGY/2013/1241 GTD 29-10-13 Brook House, 881 High Road London Approval of details pursuant to condition 3 (materials), 16 (green/brown roofs), 21 (landscaping scheme), 23 (green screen), 28 (satellite antennae), 39 (ecology mitigation and enhancements), 41 (birds and bat boxes) and 44 (commercial unit frontage design) attached to planning permission HGY/2012/2128
- Planning HGY/2013/1333 GTD 31-07-13 Brook House, 881 High Road London Non-material amendment following a grant of planning permission HGY/2012/2128 for construction of new party wall at the boundary with 19/20 Snells Park Industrial Estate to provide weather protection to the wall exposed by the demolition of the existing warehouse.

5.0 DESCRIPTION OF PROPOSED DEVELOPMENT

5.1 This application seeks approval of details pursuant to Condition 42 (boundary treatment) attached to planning permission HGY/2012/2128.

5.2 The details of the different boundary walls are shown as follows (the letters refer to the sections shown on the 'Boundary Walls Location' plan [drawing CR-BP-001]):

- **WALL AREA A [South-east corner]:** The wall is approximately 4.0-4.50 Metres in height and runs from the eastern end/front of the site to the edge of the demolished Brook House buildings. This wall is in the ownership of the adjoining landowner who was advised that the height of the wall is deemed un-stable. This is part of the wall that will need replacing in the future.
- **WALL AREA B [Southern section]:** This wall is some 5.3m in height and is in the ownership of the adjoining landowner (Sainsbury is the leaseholder) and is to remain. The former wall to the Brook House factory building has been removed, but this building was providing protection to the adjoining landowners wall from winds from the north, and also acted as a support to that wall if the wind was from the south.

With the removal of the factory buildings, there was no agreement to remove the adjoining landowners wall and therefore it was necessary to support that wall during the period of construction. The factory wall has been replaced with a King-Post and blockwork infill solution which has been agreed with the adjoining land owner in a licence agreement dated May 2013. This wall is approximately 5.0m high (slightly lower than the adjoining landowners wall) and will receive a painted finish.

- **WALL AREA C [Southern section adjacent to Sainsbury's store]:** The wall remaining, following completion of the first phases of demolition of the Brook House buildings has been reduced in height to approximately 2.1m. The wall that remains is considered to be stable in its own right, therefore there are no works expected to this wall, save for the building of a weathered / over-sailing concrete coping stone to the wall, for the sake of weatherproofing and the minor cosmetic repair and painting of the wall face.
- **WALL AREA D [South-west corner]:** The wall of the former Pump house/sub-station is to be retained as far as possible, however the wall is to be lowered to a level consistent with wall C i.e. 2.1m. The wall that remains is considered to be stable in its own right, therefore there are no works expected to this wall, save for the building of a weathered / over-sailing concrete coping stone to the wall, for the sake of weatherproofing and the minor cosmetic repair and painting of the wall face.
- **WALL AREA E [Western boundary]:** The wall that remains is 2.1m high and is stable in its own right, therefore there are no works expected to this

wall, save for the building of a weathered / over-sailing concrete coping stone to the wall, for the sake of weatherproofing and the minor cosmetic repair and painting of the wall face. In addition, the damaged section of this wall forming the Langhedge Lane boundary will be re-built.

- **WALL AREA F [North-west, boundary to]:** The removal of the 'Mill House' building exposed the 'overhand built' blockwork and the steel portal frame of 19&20 Snells Park Industrial Estate. A temporary weather protection was provided for this comprising roofing felt and batten protection.

In July 2013 a non material amendment to the original planning permission was granted (see planning history ref: HGY/2013/1333) that allowed the removal of the temporary protection, the installation of a new footing and the building of a single skin brickwork façade up-to 3 Metres above finished level of the newly developed 'Cannon Rubber' site, with profiled metal sheeting above. The metal sheeting was fixed to the blockwork façade of 19&20 Snells Park Industrial Estate, with a profiled metal capping between this and the top of the brickwork cladding below. This provides full protection and allows for differential movement between the brickwork wall on a new foundation and the metal cladding, over.

- **WALL AREA G [Northern boundary between industrial buildings in Snells Park]:** The wall is to remain and be retained at its current height of 1.8m. No works are envisaged as required to this wall, other than the in-filling of the Fire Escape / Gate opening from the 'Cannon Rubber' site onto the Snells Park Industrial Estate. This opening will be in-filled using bricks to match the existing and will be connected to the existing wall using 'block bond' and will be painted.
- **WALL AREA H [Northern boundary rear of buildings 2-5 Snells Park]:** The wall is to be removed as part of the temporary works, therefore the permanent solution is the construction of a new footing, with a 1.8m high, 215mm (1 brick) thick wall, in red brick to match the adjacent [Wall Area G and I], on top. As for the remedial works to Wall I, a weathered and over-sailing concrete coping stone capping will be placed on top of the wall, for the sake of weatherproofing.
- **WALL AREA I (Northern boundary to Langhedge Lane):** The wall that remains is considered to be stable in its own right, at only 1.8M in height, therefore there are no works proposed to this wall, save for the building of a weathered and over-sailing concrete coping stone capping to the wall, for the sake of weatherproofing and the minor cosmetic repair and painting of the wall face, facing 'Cannon Rubber' site.
- **WALL AREA J [Eastern boundary fronting Langhedge Lane]:** The existing 2.4M high wall is the boundary between the public highway and the site. This wall will be demolished and replaced with hoarding, until the permanent works are undertaken. The permanent works in this area will comprise the formation of the new vehicular and pedestrian access routes to the site and

the formation of the new boundary wall to the front of the school premises as shown on the architect's drawings associated with the discharge of conditions re materials and hard/soft landscaping (ref: HGY/2013/1241).

The treatment includes a 'green screen' to the school play area (comprising a mixture of fast growing specimens that will create a dense screen in the future), whilst behind this is proposed a post and mesh fence, 2.4m in height, which allows the planting to grow up, but also keeps the students secure in the school play area.

6.0 RELEVANT PLANNING POLICY

5.1 The planning application is assessed against relevant national, regional and local planning policy, including relevant policies within the:

- National Planning Policy Framework
- The London Plan 2011
- Haringey Local Plan: Strategic Policies
- Haringey Unitary Development Plan (2006) (Saved remnant policies)
- Haringey Supplementary Planning Guidance and Documents

5.2 For the purpose of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the London Plan 2011, the Haringey Local Plan 2013 and 39 remnant saved policies in the Haringey Unitary Development Plan 2006.

National Planning Policy Framework

5.3 The National Planning Policy Framework (NPPF) was adopted in March 2012. This document rescinds the previous national planning policy statements and guidance.

The London Plan

5.4 The London Plan published in July 2011 includes strategic policies, of relevance are Policies 7.3 (Designing out Crime), 7.4 (Local Character) and 7.5 (Public Realm).

Local Plan

5.5 The Local Plan was adopted in March 2013 and Policy SP11 (Design) is relevant, together with saved policy UD3 (General Principles) from the Unitary Development Plan (adopted 2006).

5.6 In addition the following supplementary planning documents have some relevance: SPG1a (Design Guidance); Housing SPD and Sustainable Design and Construction SPD.

7.0 CONSULTATION

None.

8.0 ANALYSIS / ASSESSMENT OF THE APPLICATION

- 8.1 The application seeks approval for the details pursuant to Condition 42, namely the boundary treatment. Since the application will require a variation to the sec. 106 Agreement associated with the original permission (HGY/2012/2128), the proposal is being reported to Committee.
- 8.2 Boundary treatment has been dictated by existing buildings and structures that adjoin the site. On the southern boundary the existing wall is within the site for which Sainsbury's is the leaseholder. This wall has been reliant upon the former Brook House factory buildings for its support and protection. The removal of these buildings has meant the stability of the wall could not be guaranteed. However, it has not been possible to negotiate an agreement with the freeholder of the adjoining site to secure an appropriate boundary structure and consequently a similar height wall (with pillar and blockwork) has been constructed on the application site.
- 8.3 On the northern boundary, part of the boundary wall is formed by the exposed wall of the industrial building 19&20 Snells Park. This wall has been made good and clad. The rest of the northern wall, backing on to units 1-6 Snells Park, is then constructed as a 1.8m high wall (sections G, H and I).
- 8.4 The proposed E-ACT school fronts the boundary to the High Road. This boundary will be partially open and partially fenced, with steel post and mesh fence (2.4m high) providing the support for the fast growing green screen.
- 8.5 The sec. 106 Agreement attached to the original permission (HGY/2012/2128), included the following clauses:

"4.14.1 To support the regeneration of the wider area, the Owner and Canvax agree that, at any time, the Council may request them as freehold/leasehold owners and in control of the management company for the on-site roads and footpaths to enter into an agreement(s) with adjoining landowners to allow a vehicular, cycle and/or pedestrian route connection to be built on land within the site (as identified on the Plan) up to the site's boundary and linking with adjoining land to the north and/or south as appropriate subject to that land being used for primarily residential traffic. Such an agreement(s) shall include the granting of all necessary rights of way (at all reasonable times) across the roads and footpaths within the Development (but without granting unencumbered public rights in perpetuity [other than access rights for all occupiers of the buildings to be built on the adjoining land]). For the avoidance of doubt, neither the Owner, Canvax [sic] nor the on-site management company shall be required to pay for or contribute towards any physical works required on the site to facilitate a connection to adjoining land.

"4.14.2 The Owner and Canvax (and including the on-site management company) agree to require no payment from the adjoining landowner/developer(s) for that agreement and the grant of vehicle, cycle and/or pedestrian rights of way except for being reimbursed for reasonable legal costs incurred in executing such an agreement(s). The purpose of this agreement will be to enable effective vehicle, cycle and/or pedestrian links to adjoining land that may in the future be redeveloped to support the continuing regeneration of this part of Tottenham."

- 8.6 The sec. 106 Agreement therefore makes provision for works to be undertaken in relation to the areas where access linking the site to adjoining sites is envisaged, but has no provision for other areas, such as the area to the gardens of the southern residential block or the school's southern boundary.

- 8.7 The substantial wall that has been erected to the southern boundary may be necessary to ensure the structural stability of the existing wall on the adjoining land, but is not considered an acceptable long term boundary treatment. A variation to the legal agreement is therefore required to ensure that when the adjoining sites come forward for redevelopment, not only will the access linkages be provided (with the sections of wall removed in those locations), but that other parts of the boundary wall can be removed – at no cost to the owners of the Brook House site or the school site – and appropriate replacement boundary treatment provided by the developers of the adjoining site.
- 8.8 It will be necessary for this legal agreement to involve all those with an interest in the land (including Newlon and Canvax). The appropriate boundary treatment will need to be agreed with the local planning authority and this will need to be in discussion with Newlon and the school. It is anticipated that a suitable boundary wall/fence will be 2.4m high, and that the demolition and rebuilding programme will need to be agreed with both parties (to ensure that works are undertaken during school holidays) and any hard/soft landscaped areas made good.

9.0 SUMMARY AND CONCLUSION

- 12.1 The details of the boundary treatment are the subject of condition 42 attached to planning permission HGY/2012/2128 and would not normally be reported to the planning committee. However, in this instance it will be necessary to enter into a legal agreement with the applicant, since the treatment of part of the site should only be temporary, and when the adjoining site comes forward for redevelopment, the southern boundary wall should be removed and replaced by a more appropriate boundary treatment.
- 12.2 It is recommended that condition 42 attached to planning permission HGY/2012/2128 be discharged once the legal agreement has been completed

10.0 RECOMMENDATIONS

GRANT PERMISSION subject to sec. 106 Legal Agreement that secures the following:

1. The boundary treatment approved shall be retained only for a temporary period (until the adjoining site(s) is redeveloped).
2. The owner will not unreasonably withhold their permission for the developer of the adjoining site(s) to come on to their land and remove the wall on their land and erect a replacement boundary treatment, such detail to be first agreed in writing with the local planning authority.
3. That the replacement boundary treatment will be erected at no expense to the owner of the Brook House or school site.

Applicant's drawing No.(s) CR- BP – 001, 21206 004-C1, 21206 003-C2, and 11594 - 2804-P1