

REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE

1.1 APPLICATION DETAILS	
Reference No: HGY/2014/3139	Ward: Crouch End
<p>Address: 161 Tottenham Lane N8 9BU</p> <p>Proposal: Retention and renovation of the existing Tottenham Lane façade and side façade and erection of two additional floors comprising 6 x residential flats (Class C3) and 47sqm of flexible retail (Class A1) office floor space (Class B1(a)) and a building comprising 3 x 2 storey houses (amended plans) (amended description)</p> <p>Applicant: SecureA Sale Ltd</p> <p>Ownership: Private</p> <p>Case Officer Contact: Valerie Okeiyi</p> <p>Site Visit Date: 11/12/2014</p>	
Date received: 04/11/2014	Last amended date: 13/03/2015
<p>Drawing number of plans: 2 (01)00 Rev A, 2 (03)00 Rev A, 2 (03)01 Rev A, 2 (03)02 Rev A, 2 (04)00 Rev A, 2 (04)01 Rev A, 2 (04)02 Rev A, 2 (04)03 Rev A, 2 (05)00 Rev A, 2 (05)01 Rev A, 2 (05)02 Rev A, 2 (12)00 Rev F, 2 (12)01 Rev F, 2 (12)02 Rev F, 2 (12)03 Rev F, 2 (12)04 Rev F, 2 (13)00 Rev C, 2 (13)01 Rev E, 2 (13)02 Rev E, 2 (13)03 Rev D, 2 (14)00 Rev D 2 (14)01 Rev F & 2 (14)02 Rev D</p>	
<p>1.2 This planning application is being reported to Committee at the request of local member of the Planning Sub-committee. The application is also being reported as it will be subject to a S106/ legal agreement.</p>	
1.3 SUMMARY OF KEY REASONS FOR RECOMMENDATION	
<ul style="list-style-type: none"> • The principle of providing residential use with a small A1 (Retail) or B1a (Office) is considered acceptable including the associated dwelling mix and density of the scheme. • The residential accommodation would be of an acceptable layout and standard meeting the necessary internal floorspace standards and providing external amenity space. • The less than substantial harm caused by the roof extension has been given considerable weight and is considered to be outweighed by the retention of the art deco facade and is also outweighed by the benefits of finding a viable use of the site and from its contributions to the regeneration of this part of Tottenham Lane. • In terms of impact on the residential amenity of neighbouring properties the proposal is considered acceptable and would not cause unacceptable overlooking or loss of privacy or affect daylight/ sunlight/ visual amenity. • The scheme will have no adverse impact on the surrounding highway network or on car parking conditions in the area. 	

2. RECOMMENDATION

- 1) That the Committee resolve to GRANT planning permission and that the Head of Development Management is delegated authority to issue the planning permission subject to the prior completion of a Section 106 Legal Agreement.
- 2) That the section 106 legal agreement referred to in the resolution above is to be completed no later than 30 August 2015 or within such extended time as the Head of Development Management shall in her sole discretion allow; and
- 3) That, following completion of the agreement(s) referred to in resolution (1) within the time period provided for in resolution (2) above, planning permission be granted in accordance with the Planning Application subject to the attachment of all conditions imposed on application ref: HGY/2014/3139 including;

Conditions

- 1) Implementation within 3 years;
- 2) Development to be carried out in accordance with approved plans;
- 3) Precise details of the materials;
- 4) Details of soft and hard landscaping;
- 5) Details of boundary treatment;
- 6) Detailed scheme for the provision of refuse and waste storage arrangements;
- 7) Details of site levels;
- 8) Details of land contamination;
- 9) Land contamination/ remediation;
- 10) Code Level 4:
- 11) Construction Management Plan (CMP)
- 12) Details of any air conditioning plant, mechanical ventilation equipment;
- 13) Central satellite system;
- 14) Details of green roof;
- 15) Details of external lighting;
- 16) Cycle facilities to be provided in accordance with the approved details.

Informatives

- 1) Thames Water
 - 2) Asbestos Survey
 - 3) Hours of Construction
 - 4) Community Infrastructure Levy
 - 5) Naming & numbering
 - 6) Party Wall Agreement
 - 7) Shopfront & Adverts
 - 8) Land Ownership
 - 9) Pruning works to Leyland cypress
- 4) In the event that the Planning Application is refused for the reasons set out in resolution above, the Head of Development Management (in consultation with the Chair of Planning sub-committee) is hereby authorised to approve any further application for planning permission which duplicates the Planning Application provided that:
- (i) There has not been any material change in circumstances in the relevant planning considerations,

- (ii) The further application for planning permission is submitted to and approved by the Head of Development Management within a period of not more than 12 months from the date of the said refusal, and
- (iii) The relevant parties shall have previously entered into the agreement(s) contemplated in resolution (1) above to secure the obligations specified therein.

S106 Heads of Terms

- 1) £7,000 towards the future review of the existing Crouch End Controlled parking zone
- 2) No residents therein will be entitled to apply for an on street residents' parking permit under the terms of the relevant Traffic Management Order (TMO) controlling on-street parking in the vicinity of the development.
- 3) Three years free membership to a local Car Club and £50 (fifty pounds) car club credit for each unit, evidence of which must be submitted to the Transportation Team.

TABLE OF CONTENTS	
3.0	PROPOSED DEVELOPMENT AND SITE LOCATION DETAILS
4.0	CONSULTATION RESPONSE
5.0	LOCAL REPRESENTATIONS/CONSULTATION
6.0	MATERIAL PLANNING CONSIDERATIONS
7.0	RECOMMENDATION
8.0	APPENDICES: Appendix 1: Plans and images Appendix 2: Comments on local representation Appendix 3: Comments from Development Management Forum

3.0 PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

3.1 The proposed development is for the retention and renovation of the existing Tottenham Lane facade and side façades and the erection of two additional floors comprising 6 x residential flats (Class C3) and 47sqm of flexible retail (Class A1) /office floor space (Class B1(a)). The proposal is also for the erection of 3 x 2 storey houses mews houses to the rear of the site. The application has been amended since initially submitted and includes the following changes:

- Mews houses are now to be constructed of brickwork, instead of timber and zinc;
- Mews houses are now stepped in height therefore lowering the overall height of the end house next to the boundary with Fairfield Road properties;
- Ground levels of the area to be occupied by the mews houses have been lowered to the same level as the adjacent site at 159 Tottenham Lane;
- First floor of unit 1 is now set in by 1m from the Fairfield Road boundary with the facing wall now to have a green wall;
- Balcony to Unit 1 removed;
- The side facades of the existing building are to be retained with existing windows replaced, updated or bricked in;
- The existing front facade retained will be renovated and windows replaced and updated;
- The principle cladding material to the main building will now be brick and the two additional floors will be in a glazed curtain wall system;
- The lift overrun has been reduced and now will be less than 300 mm above the parapet;
- The position of the trees have been amended to reflect the Landmark Tree report;
- In terms of fire safety a dry riser system is now included where the outlet for the dry riser is no more than 45m from furthest point of unit 9.

Site and Surroundings

3.1 The application site comprises a ground plus two storey office building located on the southern side of Tottenham Lane. The building was last occupied as an office (Class B1a) in connection with North London Newspapers. The building has a cream stucco art deco facade fronting Tottenham Lane and red brick facade to the rear. The rear of the building comprises of hardstanding which sits on higher ground in comparison to the adjoining site (159 Tottenham Lane) which is currently used as a carwash.

3.2 The site backs onto the residential properties on Fairfield Road with the gardens of 3 residential properties directly abutting the site. A wire security fence divides these residential gardens from the hard paving located at the back of the site. Along the western boundary the site adjoins the Kwik Fit garage with a solid brick wall running along this entire side elevation with part of this boundary wall to the rear used for graffiti art.

3.3 Tottenham Lane consists predominantly of three storey terraced buildings comprising of ground floor retail / office floorspace with residential / ancillary uses at the upper levels. To the west of the site is a side alley, which is owned and used as external seating space and emergency access in connection with the Art House Cinema with the carwash facility at 159 located next to this.

- 3.4 Directly opposite the site is the YMCA building; a large 5 storey building located on a corner. The site's immediate context includes a number of sites which have recently been subject to planning applications for change of use and redevelopment.
- 3.5 The site is not located within a conservation area however the southern boundary of the site adjoins the Crouch End Conservation Area. The site is located approximately 100m to the east of Crouch End Town Centre. The site has a Public Transport Accessibility Level (PTAL) rating of 4, which indicates good access to public transport.

Relevant Planning and Enforcement history

- 3.6 HGY/2014/1123 - Prior approval for change of use of property from B1 (a) (offices) to C3 (residential) – Approved - 17-06-14. (Comment: The above prior notification comprised of 6 residential units).

4.0 CONSULTATION RESPONSE

- 4.1 The following were consulted regarding the application:

Internal:

- 1) Enforcement
- 2) Conservation Officer
- 3) Arboricultural Officer
- 4) Cleansing
- 5) Housing Design and Major Projects
- 6) Building Control
- 7) Contaminated Land
- 8) Transportation Group

External:

- 9) Thames Water
- 10) London Fire Brigade (Edmonton)

- 4.2 The following responses were received:

Internal

- 1) Contaminated land – The Officer raises no objection and recommends the following conditions;
 - Contaminated land part A and B;
 - Control of construction dust;
 - Informative/ asbestos survey
 - 2) Conservation Officer - The site lies outside the Crouch End Conservation Area. Whilst the proposal would introduce a certain bulk to the existing building, this would correspond to the scale of the adjacent buildings. In addition, there is merit in the retention of this rather attractive Art Deco style building. Overall, whilst the proposal would have an impact on the setting of the conservation area, it would cause less than substantial harm to it. This should be weighed against the public benefits of the scheme.
- Transportation - The highway and transportation authority would not object to this application subject to the imposition of the following;

- S106 towards the amendment of the Traffic Management Order;
 - The applicant/developer to offer all new residents of the proposed development three years free membership to a local car club;
 - S106 towards the future review of the existing Crouch End Controlled parking zone
- 3) Cleansing (West) – Officer asks that the commercial waste is not separated from the domestic waste.
- 4) Arboricultural Officer - has no objection to the updated plans and made the following comments
- The investigations carried out on site have confirmed that the retaining boundary wall is of a depth to restrict rooting into the site. The trial pits excavated adjacent to the trees show no roots are present in the site;
 - The proposed pruning of T3 to facilitate the proposed development should not have a detrimental impact on the tree. T3 is an early mature Leyland cypress, which appears healthy for its age and species. Leyland cypresses will tolerate significant pruning without serious injury. The proposed pruning works must be carried out sensitively taking into consideration natural target pruning techniques. The pruning works must also be carried out under the supervision of the arboricultural consultant.
- 5) Building Control - Made the following comments in respect of emergency access:
- There will not be a problem with erecting scaffolding within the emergency egress route as long as the minimum egress width remains unobstructed.

External

- 6) Thames Water – Made the following comments/ raise no objection:
- With regards to sewerage infrastructure and water infrastructure capacity raise no objection;
 - With regards to surface water drainage where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required;
 - Imposition of planning condition - piling method statement details;
 - Recommend an informative regarding minimum pressure in the design of the proposed development.
- 7) London Fire Brigade - Is satisfied with the proposals for fire fighting access on reviewing the updated plans and 'Statement of Compliance with Part B5 of the Building Regulations'. The London Fire Brigade strongly recommends a sprinkler system for the new development.

5.0 LOCAL REPRESENTATIONS

- 5.1 The application was publicised by way of 490 letters. The number of representations received from neighbours, local groups etc in response to notification and publicity of the application are as follows:

No of individual responses: 61
 Objecting: 60
 Supporting: 1
 Others:

5.2 The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

Principle

- More retail space is not needed;
- Development is too dense for the site area;

Design & Appearance

- Excessive height of the building;
- Proposed front building would be totally out of scale with adjacent buildings;
- Proposed height is out of proportion to its short/narrow frontage/length leading it too looking like a matchbox;
- Proposal would appear significantly higher than the YMCA from the rear (2012 Planning Inspectors report on 163 Tottenham Lane dismissed scheme and said that the YMCA building should not to be considered a precedent for the area;
- Roof form does not reflect the adjoining buildings and surroundings;
- Flat roof of the proposed building is made higher by extra height of the rooftop housing of the lift mechanism and plant equipment;
- Proposal pays little respect to the local context and its historical significance;
- Lack of consideration to adjacent conservation area;
- Design of the scheme would be out of character with surroundings;
- Proposal does not constitute good design and does not enhance the built environment;
- In terms of material the proposed development has no regard to the Tottenham Lane Design Framework;
- Proposed dark grey zinc cladding is inappropriate;
- Detriment to the street scene, especially in relation to views gained from the north east of Tottenham Lane;
- Development would tower over both adjacent buildings on Tottenham Lane;
- Proposed houses at the rear do not reflect the form, rhythm or massing of the surrounding area;
- Rear houses would be ugly;
- Poor layout of mews houses;

Amenity

- Development fronting the street would be twice as high and result in very significant visual intrusion;
- Detriment to the quality of life of the people living in the vicinity;
- Proposed rear two storey house wall would lead to serious visual intrusion and lead to loss of light for Fairfield Road's gardens;
- Balconies of the flats on the rear of the front building will overlook the small rear garden of 22 Fairfield Road reducing privacy for the residents of Fairfield Road;
- Proposal would result in a two storey blank wall built up against small existing gardens, creating a looming, dark and oppressive solid mass for existing residents;
- Proposal would overshadow gardens of properties on Fairfield Road;
- Visual intrusion to properties on Fairfield Road;
- Overshadowing of Art House cinema next door;
- Noise pollution from houses, gardens and balconies of the development;
- Not enough information on the roof mounted air conditioning units proposed with regard to noise impact;
- Crammed development results in poor amenity for future occupants;

- Flats 6 and 8 of the development have only 6 sq.m. of amenity space which is inappropriate for 3 people;
- Duplex has a very small rear garden;
- All the proposed houses and half of the flats will be single aspect;
- Poor outlook for the future occupants of the development;
- Proposed small garden would be overshadowed by surrounding buildings;

Parking & Access

- No parking provision for the proposed accommodation;
- In addition to the new multi-screen cinema and the proposed housing development on the car wash site, this high density housing development will put further strain on the parking problems in the area;
- Concerns in respect of emergency access/ fire escape;
- Proposal would result in safety concerns as the site as existing is very secure and inaccessible to anyone without a key;

Other

- Security risk;
- Proposed green wall for the far end house could not be adequately maintained
- Impact on protected trees in the conservation area;
- No thoughts for future needs of school place;
- No affordable housing provision;
- No tree survey carried as all trees in conservation area are protected;
- Maintenance of boundaries with Fairfield Road gardens, hasn't been sufficiently considered;
- There is a planning precedent after the rejection of the proposed development at 163 Tottenham Lane on appeal.
- Inadequate consultation – Additional consultation was carried out after revised plans were submitted
- No community consultation carried out – A Development Management Forum was held on February 25;
- A large number of inaccuracies in the Planning Statement and the Design and Access Statement – The design and access statement and plans have been further revised to address any inaccuracies.

5.3 The following issues raised are not material planning considerations:

- Concerns the proposal would effect the foundations of the property at 22 Fairfield Road – This is not a material planning consideration;

5.4 The following ward Councillor (Cllr Sarah Elliot) made representations on the application, as summarised below:

- Density of scheme out of keeping with the surrounding area;
- Scale and design out of keeping with the surrounding area;
- Other approved developments such as the carwash should be taken into account when considering the overall appearance of this stretch of Tottenham Lane;
- The development would impact adjacent trees;
- The development will exacerbate parking problems in the area.

6. MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning issues raised by the proposed development are:

1. Land use and density;
2. Design and form;
3. Impact on the Character and Appearance of the adjoining Conservation Area;
4. Impact on the amenity of adjoining occupiers
5. Residential mix, quality of accommodation;
6. Affordable housing;
7. Access, parking and highway safety;
8. Impact on trees;
9. Sustainability;
10. Waste Management;
11. Planning Obligations.

Land Use and density

- 6.2 Local Plan Policy SP0 supports the broad vision of the NPPF and states that the Council will take a positive approach to reflect the Government's policy of presumption in favour of sustainable development. Therefore, planning permission will be granted by the Council for development that is sustainable unless any benefits are significantly outweighed by demonstrable harm caused by the proposal.
- 6.3 The principle of changing the use of the building from B1 (a) offices to C3 residential has in part been established via a 'prior approval' application (ref: HGY/2014/1123) for a change of use from Class B1a (office) use to (Class C3) to residential, approved in June 2014. This 'prior approval' scheme was for the conversion of the building into 6 residential units. The use of the site for residential accommodation is also considered acceptable in that it in part re-uses an empty building on a vacant brownfield site next to a town centre. Furthermore, the scheme optimises the potential of this site which is located in an area with good access to public transport (PTAL 4) in close proximity to a range of services. The proposal also contributes towards the meeting the Borough's housing needs in accordance with London Plan policies 3.3 'Increasing Housing Supply' and 3.4 'Optimising Housing Supply', which has a target of providing 1,502 new homes a year in Haringey; in addition to local plan policy SP2 'Housing',
- 6.4 The site is not located within a 'Defined Employment Area' but previously housed an employment generating use. Paragraph (c) of saved UDP policy EMP4 'Non Employment Generating Uses' seeks to ensure that when planning permission is granted to redevelop or change the use of land and buildings in an employment generating use, the redevelopment or re-use of such land would retain or increase the number of jobs permanently provided on the site and would result in wider regeneration benefits.
- 6.5 In this instance given there was a previous employment use on site 0 and also in part given the constraints of the site/ building (namely a ground floor positioned against the back edge of the pavement), a B1a (Office) or A1 (Retail) is considered appropriate here.
- 6.6 In this instance as the office floorspace has been vacant since October 2013 with the associated employment lost the redevelopment of the site here will ensure an element of employment is re-provided on site.

- 6.7 While concerns have been raised about the introduction of a retail unit here, given as outlined above, the building has had a commercial frontages onto Tottenham Lane and is located next to Crouch End Town Centre, a mixed-use development with a small A1 (Retail) or B1a (Office) is considered acceptable. It is important to bear in mind that this section of Tottenham Lane while outside the confines of the town centre has commercial/ retail activity at ground floor level and as such is linked to the town centre. A ground floor use here will also enable the development to have an active frontage following a similar pattern of development in the area.
- 6.8 The proposals here would involve a considerable investment to this part of Tottenham Lane and would be in accordance with the planning aims of the 'Tottenham Lane Design Framework' 2005 which encourages mixed-use development.
- 6.9 As such given the historical use of this site, its location and its constraints a residential scheme with a flexible A1 (Retail)/ B1a (Office) in part of the ground floor is considered appropriate.
- 6.10 Policy 3.4 of the London Plan encourages the optimisation of housing output for different types of location. Table 3.2 sets out broad ranges of densities in relation to different types of area and public transport accessibility. The density of the proposal in terms of habitable rooms per hectare would be approximately 510 habitable rooms per hectares (HRH). The London Plan categorises density ranges in terms of location, setting, existing building form and massing. The site is viewed to be an area characterised by terrace houses and blocks of flats and as such a density of 200-700 HRH is considered acceptable. In this instance the density would be acceptable being in mind the site's urban location with good access to public transport (PTAL 4).

Design and Form

- 6.11 Policy 3.5 of the London Plan seeks to enhance the quality of local places taking into account local character and density. Local Plan policy SP11 and saved UDP policy UD3 include similar requirements. Policies 7.4 and 7.6 of the London Plan also require that design takes into account context. Local Plan policy SP11 states that all new development should enhance and enrich Haringey's built environment and create places and buildings that are high quality, attractive, sustainable, safe and easy to use. To achieve this development is required to respect its local context and character and historic significance and to contribute to the creation and enhancement of Haringey's sense of place and identity.
- 6.12 The proposed development seeks to retain and refurbish the front and side facade of the main building fronting Tottenham Lane with two additional floors added to the existing form of the building, with the top floor as seen from Tottenham Lane recessed. The facing material to the two additional floors will be in a glazed curtain wall system with part brick. The window frames and balustrade will be in metal.
- 6.13 The proposed development includes the retention of the attractive stucco art deco facade which would be restored and this is strongly supported. This arrangement including the set back of the additional floor 2m ensures the form and appearance of the existing building is respected and the additional mass created by the new floors will have minimal effect on the appearance of the building as seen from street level. The existing facade of the building has a strong vertical emphasis and as such the new addition will provide a visual contrast to its appearance. Incorporating simple/ modern additions to historic buildings is often seen as the best design approach when dealing with the historic built environment.

- 6.14 The use of high quality materials is however considered to be the key to ensuring that the resulting appearance of this scheme is of high quality and therefore a condition will be imposed seeking details and samples of all materials to be agreed prior to commencement of the development.
- 6.15 A number of concerns have been raised in respect of the height of the building. Officers however consider that the issues of overall massing in terms of townscape impact has been appropriately addressed. The height and massing of the main building is considered to be in keeping with its surroundings and is reflective of building height established in respect of the approved scheme for the site at 159 (ref: HGY/2014/0484). While specific concerns were raised in a 2012 appeal decision for a five storey mixed use development on the Kwik-Fit site next door, Officers view the scheme here to be materially different in that it is one storey lower. In this case the Inspector acknowledged that the set back of the fourth and fifth storeys would be set back to help disguise the overall height. He went on to say that he was not persuaded that it would be completely successful in doing so.

“The proposed front block would be of five storeys. In terms of its actual height, it would be higher than either of the adjoining buildings. To mitigate this the fourth and fifth storeys would be set back from the frontage, the fifth storey by a considerable distance. Whilst this setback would help to disguise the overall height of the proposed front block I am not persuaded that it would be completely successful in doing so. I saw during my visit that Tottenham Lane rises as you travel to the north-east, and from locations around Inderwick Road the proposed fifth storey would be clearly visible, extending for almost the full width of the proposed block. Whilst the proposed building on the vacant plot at 159 Tottenham Lane has a fifth story, this is of a far smaller scale and, notwithstanding that it lies opposite a junction, would be less obtrusive than that proposed for the appeal site. The proposed block would also appear out of keeping with the more modest scale and mass of the parade next to the YMCA building.” Para. 7 - APP/Y5420/A/12/2168352 - 7 August 2012

- 6.16 While the development here will be taller than the Art House Cinema building (the former Salvation Army “Citadel”) the visual frame of two taller buildings to either side will not detract from the form, character and appearance of this stand alone symmetrical building. This building in question is not listed nor within a conservation area.
- 6.17 The proposed development also seeks to erect 3 x 2 storey flat roofed mews houses to the rear of the main building. The heights of these buildings are stepped in height moving towards the boundary of the gardens of Fairfield Road properties. The side flank wall of the nearest house (unit 1) would be built against the rear boundary of the gardens of 22 and 24 Fairfield Road with the first floor set back by 1m from this boundary. The first floors of these buildings are broken up and are smaller than their ground floor footprints. These houses would be faced in brick with green roofs and would have metal framed windows and balustrades. The materials proposed are considered acceptable and sensitive to the site’s context. The detailed materials here will also be subject to a condition.
- 6.18 The houses here are centred on a courtyard/ mews arrangement sitting at right angle to Fairfield Road gardens and the main building. The development here optimises this part of the site which currently has hard landscaping, while at the same time being sensitive to the amenity of neighbouring properties. Modern contemporary mews housing is a common development/ design approach for backland sites of this nature, with many good examples to be found in Crouch End (i.e. Frederick Mews).

- 6.19 The design of the mews houses are simple in appearance with the stepped appearance and recessed element at first floor level providing interesting visual articulation. The mews houses will be substantially smaller in scale to surrounding buildings and as such will not be overly bulky or out of scale in relation to the site and its surroundings.
- 6.20 Overall the design, massing, form and choice of materials of the proposed development are acceptable and sensitive to the visual amenity and character of the area; in accordance with London Plan policies 7.4 and 7.6, Local Plan policy SP11 and UD3.

Impact on the Character and Appearance of the adjoining Conservation Area

- 6.21 The Legal Position on impacts on heritage assets is as follows, and Section 72(1) of the Listed Buildings Act 1990 provides: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." Among the provisions referred to in subsection (2) are "the planning Acts"
- 6.22 The Barnwell Manor Wind Farm Energy Limited v East Northamptonshire District Council case tells us that "Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise."
- 6.23 The Queen (on the application of The Forge Field Society) v Sevenoaks District Council says that the duties in Sections 66 and 72 of the Listed Buildings Act do not allow a Local Planning Authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell, it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight. This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one, but it is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. An authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.
- 6.24 In short, there is a requirement that the impact of the proposal on the heritage assets be very carefully considered, that is to say that any harm or benefit to each element needs to be assessed individually in order to assess and come to a conclusion on the overall heritage position. If the overall heritage assessment concludes that the proposal is harmful then that should be given "considerable importance and weight" in the final

balancing exercise having regard to other material considerations which would need to carry greater weight in order to prevail.

- 6.25 NPPF chapter 12 'Conserving and enhancing the historic environment' and London Plan policy 7.8 'Heritage Assets and Archaeology' states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Similarly Local Plan policy SP12 seeks to ensure the conservation of heritage assets, their setting, and the wider historic environment. London Plan policy 7.4 'Local character and 7.6 'Architecture' require development proposals to be of the highest design quality and have appropriate regard to local context.
- 6.26 The policy tests above concerns development within a conservation area but also covers development that affects the setting of a conservation area, including significant views into or out of the area.
- 6.27 The Conservation Officer has set out that less than substantial harm is caused to the adjoining Conservation Area by the bulk of the proposed roof extension. This less than substantial harm has been given significant weight. It is considered that the retention of the art deco facade outweighs the less than significant harm.
- 6.28 The site's presence next to a conservation area does not preclude development from taking place, nor does it require it to imitate a particular style. As outlined above simple/modern additions to historic buildings/ the historic built environment is often seen as the best design solution rather than a mock or pastiche of an earlier style.
- 6.29 In this particular instance it is also important to bear in mind that there is no specific uniformity in terms of buildings heights and styles along this part of Tottenham Lane. Rather its character is of varied styles, scales and types of buildings. Equally views from within the conservation area from Fairfield Road properties is a view of the backs of buildings of various heights, forms and styles with some much taller buildings sitting next to the boundary of the conservation area, most of which are of functional, utilitarian appearance.
- 6.30 There are no significant views into or out of the conservation area obstructed by the proposed development. The position of the mews development and its scale and choice of materials will not cause harm to the character or appearance of the area.
- 6.31 The particular strength of this scheme is the retention of the art deco facade and the less than substantial harm caused is outweighed by the benefit of the retention of the art deco facade.

Impact on the amenity of adjoining occupiers

- 6.32 London Plan policies 7.6 and 7.15 and saved UDP policies UD3 and ENV6 require that development must not cause unacceptable harm to the amenity of surrounding land and buildings and the residential amenity of adjoining occupants in terms of loss of daylight, sunlight, privacy and overlooking.
- 6.33 The application here is supported by daylight and sunlight analysis in accordance with BRE 'Site Layout Planning for Daylight and Sunlight'. In this particular case the development will not breach a 25 degree angle test measured from the centre of the lowest window to the properties on Fairfield Road. In this particular case it is important to bear in mind that the backs of the garden of the properties in question are north-west

facing and are in the line of vision of the taller Kwik Fit garage building and as such will receive limited sunlight from this direction.

- 6.34 The part of the development sitting next to garden boundaries in question is sited and designed to be sensitive to the amenity of adjoining properties and gardens. As pointed out above the building heights of the mews houses are stepped, reducing in height moving towards the boundary line. The side flank wall of Unit 1 would be built against the rear boundary of the gardens of 22 and 24 Fairfield Road with the first floor set back by 1m from this boundary. This first floor side element would have planting running along its side to soften the building face. The ground level to this area of the site has been lowered as per the amended plans to the same level as the adjacent site at 159 Tottenham Lane, with the floor level of unit 1 matching the level of the Fairfield Road gardens.
- 6.35 The rear facing windows to the properties on Fairfield Road are 20m away from the side of the Unit 1. As pointed out above given the orientation of the side of Unit 1 (due north-west) and the sun's trajectory the presence of a wall here will not affect sunlight or lead to overshadowing of the gardens in question. The mews houses are sited at right angles to the Fairfield Road gardens / properties as such minimising overlooking. The balcony at first floor level to Unit 1 has been removed with the balconies to unit 2 and 3 recessed to minimise overlooking.
- 6.36 Given the distances in question between the back of the additional floors to the main building and the gardens in question (approximately 49m) there would be no material loss of amenity. The positioning of the buildings/ extensions will not affect the functioning of the commercial uses to either side, namely the Art House Cinema and Kwik Fit garage. The positioning/ footprint of the proposed scheme on site is also not an unusual relationship between properties in an urban environment of this nature; similar to that currently found along Tottenham Lane.
- 6.37 The potential noise emanating from the amenity space of the new houses and flats would not exceed a level of noise and disturbance over and above that of a typical dwelling/flat in an urban location. Equally such additional noise would not be above current background noise associated principally with road traffic noise and that associated with the activities with the commercial uses surrounding this site.
- 6.38 In this particular case any external plant or air conditioning equipment installed would require separate planning consent.
- 6.39 Overall it can be demonstrated that there will be no adverse infringements to daylight/sunlight of the nearby residential properties and gardens in question given the position of the development due north-west of the affected gardens/ properties and also the distances in question. Officers view that the siting, form and design of the scheme coupled with the later amendments to the scheme address the many concerns raised in respect of visual amenity. As such the scheme is considered to be in accordance with London Plan policy 7.6 and saved UDP policy UD3.

Residential Mix & Quality of accommodation

- 6.40 London Plan policy 3.8 highlights that new developments should offer a range of housing choices in terms of the mix of housing sizes and types. Local Plan policy SP2 states that high quality new residential development in Haringey will be provided by ensuring that new development provides a range of dwelling types and sizes to meet local housing requirements. London Plan policy 3.5 requires the design of all new

housing developments to enhance the quality of local places and for the dwelling in particular to be of sufficient size and quality. The Mayor's Housing SPG sets out the space standards for new residential developments to ensure an acceptable level of living accommodation is offered.

- 6.41 The proposed development provides 5 x 2-bed/3 person, 3 x 2 bed/4 person and 1 x 3-bed units. Although there is only one family unit proposed and no one bed units, the dwelling mix which includes very large 2 bed units is considered acceptable given the location of the site and its constraints.
- 6.42 The size of each unit exceeds the minimum standards as set out in table 3.3 of London Plan policy 3.5. The minimum standards prescribed for individual rooms also conform comfortably with these standards.
- 6.43 All of the units are well proportioned and laid out and provide an acceptable level of amenity for future occupiers of a development within an urban setting. The units would have balconies, winter gardens or private gardens which meet the requirements set out in the Housing Design Guide (2010). All units have also been designed to meet Lifetime Homes Standards.
- 6.44 Given the nature of the site, its urban location and the presence of the Kwik Fit garage next to it, there are constraints resulting in the mews houses being single aspect units with some of the flats also single aspect. The front elevation of the mews houses are however well pulled back from the side of the Kwik Fit building facing into a courtyard which is subdivided to form private gardens with planting to create a more pleasant aspect and outlook. The front elevation of the mews houses will benefit from generous floor to ceiling height glazing to maximise natural light to the rooms in question. The houses will also benefit from natural light via the glazed flat roofs to the winter gardens. Equally the generous glazing to the proposed flats will ensure they receive adequate natural light.
- 6.45 It is important to bear in mind that while the Mayor's Housing Design Guide strongly encourages dual aspect units it recognises that where single aspect dwellings are proposed it needs to be demonstrated that good levels of ventilation, daylight will be provided to each habitable room and kitchen; which is considered to be met here.
- 6.46 The overall layout and access arrangements to the scheme are also considered acceptable. The entrance to the flats and mews houses would be clearly distinct from the entrance to the commercial unit. The entrance to the flats and houses will be made secure via an internal security door. The refuse/recycling enclosure will be set inside the security entrance facing onto Tottenham Lane.
- 6.47 Along this side passageway serving the flats and houses a secure and enclosed communal bike store would be located. This access way is also ramped to allow ease of movement for disabled users and bicycles. The commercial unit would benefit from a storage area to the rear which could potentially be used as cycle storage for the commercial unit.
- 6.48 Overall the proposed scheme will provide an acceptable residential mix and provide an acceptable standard and layout of accommodation for its future occupants.

Affordable Housing

- 6.49 In line with London Plan policies s 3.9, 3.10, 3.11, 3.12 and 3.13, Local Plan Policy aims to provide affordable housing by:
- Achieving 20% affordable units on sites of 1 - 9 net units in line with Local Plan Policy SP2
 - Using a residual land value approach, with the difference in value of providing an affordable unit included, in order to establish a robust per unit contribution that reflects both the 20% requirement in the policy, and availability of the borough in line with the newly adopted Planning Obligations SPD (2014)
- 6.50 Paragraph 173 of the NPPF seeks to ensure viability, the cost of any requirements for affordable housing, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- 6.51 Whilst in most cases Affordable Housing, as part of a S106 Agreement, is located on the application site, there is provision in the newly adopted Planning Obligations SPD (2014) to allow for an off-site contribution on sites for 1 – 9 units where it would not be practicable to provide on-site affordable housing.
- 6.52 The Ministerial statement is a material consideration to which the Council will have to give regard to in relation to this application. Determination of the application will need to be in accordance with the statutory development plan unless material considerations indicate otherwise. The weight to be ascribed to a material planning consideration is as a matter of law a matter for the decision maker. Whilst the developer can be said to meet the small developer criteria to which the policy applies it cannot be said that the obligation in the Council's SP2 (7) policy places a disproportionate burden on the developer or would be an obstacle to the delivery of the development applied for because the developer has had the opportunity to present viability arguments and has chosen not to do so. As such this application is being determined in accordance with Development Plan Policy SP2 on the basis that the new Ministerial policy in this particular case does not warrant sufficient weight to displace the Development Plan obligation and that in this case the objectives of the new Ministerial policy are not compromised by doing so.
- 6.53 The applicant has submitted an economic viability assessment which sets out that the development cannot afford to provide any affordable housing. An independent assessment of the viability assessment commissioned by the Council has verified this. This is principally because the residual value generated by the scheme falls below the benchmark land value (ie existing). This a product of the fact that the site has already received prior approval for change of use from office to residential.

Parking, Highway Safety & Access

- 6.54 The NPPF chapter 4 'Promoting sustainable transport' and saved policy M10 'Parking for Development' seeks to ensure that proposed developments do not adversely affect the free flow of traffic around the site and that they do not result in a material impact on existing parking levels.
- 6.55 The proposal provides no off street parking however it would include secure cycle storage for 10 bicycles. The Council's Transportation Team has assessed the proposal and do not object subject to the applicant entering into a S106 agreement securing a 'car free' development here therefore preventing future residents to apply for parking permits under the terms of the relevant Traffic Management Order (TMO), which

controls on-street parking in the vicinity of the development.

- 6.56 The developer will be required to offer all new residents of the units three years free membership and a £50 car club credit. The developer is also required to contribute a sum of £7,000 towards the future review of the operating hours of the existing Crouch End Controlled Parking Zone (CPZ).
- 6.57 Concerns have been raised in respect of fire safety, which although not a planning issue but rather a building regulations issue (covered under Part B 'Approved Document B' of schedule 1 of the Building Regulations) has been looked into at this stage in designing the scheme. In this case a dry risers system will be used to supply water within the site for fire-fighting reasons. A concern has also been raised about impact on fire safety arrangements for the Art House Cinema in connection with the construction of the development here. A Building Control Surveyor has indicated that the positioning of scaffolding here within the emergency egress will not affect fire safety arrangements so long as the minimum egress width of the gated entrance remains unobstructed. The positioning of scaffolding here will however need to be agreed between both parties.
- 6.58 Given the scheme here will be 'car free' it will not exacerbate on-street parking conditions and as such will not unduly harm the amenity of nearby residents.

Impact on trees

- 6.59 Saved UDP Policy OS17 seeks to protect and improve the contribution of trees, tree masses and spines to the local character.
- 6.60 There are no trees within the site but there are a number of trees in the neighbouring rear gardens. A Council Arboricultural Officer was consulted on the application and has no objection and concludes that the proposed development would not impact the roots of the adjacent trees. The proposed pruning of a T3 (early mature Leyland cypress) which is not a significant species would have to be agreed with the owner of the property in question. A trial pit was carried out on site on 11th of March 2015 to examine for the presence of roots to this tree in question; the results show that a retaining wall surrounding the rear of property will have discourage all roots entering the site.

Sustainability

- 6.61 London Plan policy 5.2 states that from 2013 to 2016 energy assessments should be produced to meet a target of 40 per cent carbon reduction beyond Part L 2010 of the Building Regulations. Local Plan policy SP4 requires residential developments to achieve Code for Sustainable Homes Level 4
- 6.62 A Code for Sustainable Homes Pre-Assessment has been carried out showing the scheme will meet Code Level 4 and the requirements of 2013 Building Regulations. An Energy Assessment and Sustainability Statement has also been submitted which considers a combined heat and power (CHP) system fuelled by natural gas as the energy efficiency measure to be used, achieving the 40% CO2 saving target.

Waste Management

- 6.63 London Plan policy 5.17 'Waste Capacity' and Saved UDP Policy UD7 'Waste Storage' requires development proposals to make adequate provision for waste and recycling storage and collection.

- 6.64 Refuse/recycling will be stored on site inside the security entrance onto Tottenham Lane and out of public view. The Council's Waste Management Team has raised concerns with the arrangements proposed, namely the commercial waste not being separated from the domestic waste. The proposed ground floor plan has been revised to address this concern by allocating the commercial waste in the rear store of the commercial unit, where waste can be taken to the front of the building on pick up days. A condition will be imposed to confirm the exact waste management arrangements prior to the first occupation of the development.

Planning Obligation

- 6.65 Section 106 of the Town and Country Planning Act 1990 allows the Local Planning Authority (LPA) to seek financial contributions to mitigate the impacts of a development. Below are the agreed Heads of Terms:

- A requirement to amendment of the relevant Traffic Management Order (TMO) controlling on-street parking in the vicinity of the site to reflect that the 9 new residential units shall be designated 'car free' and therefore no residents therein will be entitled to apply for on street residents.
- The developer to pay 3 years free membership to a local Car Club and pay a £50 car club credit for each unit, evidence of which must be submitted to the LPA.
- A contribution of £7,000.00 towards the future review of the existing Crouch End Controlled Parking Zone operating hours.

- 6.66 Based on the information given in the plans, the Mayor's CIL charge will be £11,795 (337 x £35) and Haringey CIL charge will be £89,305 (337 x 265). This will be collected by Haringey after the scheme is 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. An informative will be attached advising the applicant of this charge.

Conclusion

- 6.67 The principle of providing residential use with a small A1 (Retail) or B1a (Office) is considered acceptable including the associated dwelling mix and density of the scheme. The residential accommodation would be of an acceptable layout and standard meeting the necessary internal floorspace standards and providing external amenity space.

- 6.68 The less than substantial harm caused by the roof extension has been given considerable weight and is considered to be outweighed by the retention of the art deco facade and is also outweighed by the benefits of finding a viable use of the site and from its contributions to the regeneration of this part of Tottenham Lane. In terms of impact on the residential amenity of neighbouring properties the proposal is considered acceptable and would not cause unacceptable overlooking or loss of privacy or affect daylight/ sunlight. The scheme will have no adverse impact on the surrounding highway network or on car parking conditions in the area

- 6.69 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION

7.0 RECOMMENDATIONS

7.1 GRANT PERMISSION subject to conditions and S106 Agreement

Applicant's drawing No.(s) 2 (01)00 Rev A, 2 (03)00 Rev A, 2 (03)01 Rev A, 2 (03)02 Rev A, 2 (04)00 Rev A, 2 (04)01 Rev A, 2 (04)02 Rev A, 2 (04)03 Rev A, 2 (05)00 Rev A, 2 (05)01 Rev A, 2 (05)02 Rev A, 2 (12)00 Rev F, 2 (12)01 Rev F, 2 (12)02 Rev F, 2 (12)03 Rev F, 2 (12)04 Rev F, 2 (13)00 Rev C, 2 (13)01 Rev E, 2 (13)02 Rev E, 2 (13)03 Rev D, 2 (14)00 Rev D 2 (14)01 Rev F & 2 (14)02 Rev D

Subject to the following conditions:

1. The development hereby authorised must be begun not later than the expiration of three years from the date of this permission, failing which the permission shall be of no effect.

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

2. Notwithstanding the information submitted with the application, the development hereby permitted shall only be built in accordance with the following approved plans:
2 (01)00 Rev A, 2 (03)00 Rev A, 2 (03)01 Rev A, 2 (03)02 Rev A, 2 (04)00 Rev A, 2 (04)01 Rev A, 2 (04)02 Rev A, 2 (04)03 Rev A, 2 (05)00 Rev A, 2 (05)01 Rev A, 2 (05)02 Rev A, 2 (12)00 Rev F, 2 (12)01 Rev F, 2 (12)02 Rev F, 2 (12)03 Rev F, 2 (12)04 Rev F, 2 (13)00 Rev C, 2 (13)01 Rev E, 2 (13)02 Rev E, 2 (13)03 Rev D, 2 (14)00 Rev D 2 (14)01 Rev F & 2 (14)02 Rev D

Reason: To avoid doubt and in the interests of good planning.

3. Samples of all materials to be used in conjunction with the proposed development for all the external surfaces of buildings hereby approved, areas of hard landscaping and boundary walls shall be submitted to, and approved in writing by, the Local Planning Authority before any development is commenced. Samples should include type and shade of cladding, window frames and balcony frames, sample panels or brick types and a roofing material sample combined with a schedule of the exact product references. The development shall thereafter be implemented in accordance with the approved samples.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity.

4. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include detailed drawings of the planting. The landscaping scheme, once implemented, is to be retained thereafter.

Reason: In order for the Local Planning Authority to assess the acceptability of any landscaping scheme in relation to the site itself, thereby ensuring a satisfactory setting for the proposed development in the interests of the visual amenity of the area consistent with Policy 7.21 of the London Local Plan, Policy SP11 of the Haringey Local Plan 2013 and Policy UD3 of the Haringey Unitary Development Plan 2006.

5. Details of the proposed boundary treatment shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The approved boundary treatment shall thereafter be installed prior to occupation of the new residential unit.

Reason: In the interest of the visual amenity of the area and residential amenities of neighbouring occupiers.

6. The details of all levels on the site in relation to the surrounding area be submitted and approved by the Local Planning Authority.

Reason: In order to ensure that any works in conjunction with the permission hereby granted respects the height of adjacent properties through suitable levels on the site.

7. No occupation of the development hereby approved until final details of refuse waste storage and recycling facilities arrangements have been submitted to and approved in writing by the Local Planning Authority. Such a scheme as approved shall be implemented and permanently retained thereafter.

Reason: In order to protect the amenities of the locality and to comply with Policy UD7 'Waste Storage' of the Haringey Unitary Development Plan and Policy 5.17 'Waste Capacity' of the London Plan.

8. Before development commences other than for investigative work:

(a) A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

(b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority for written approval

(c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post

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remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

9. Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority, before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy 5.21 of the London Plan and Saved Policy UD3 of the Haringey Unitary Development Plan.

10. The development hereby approved shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

Reason: To ensure that the development achieves a high level of sustainability in accordance with Policies 5.1, 5.2, 5.3 and 5.15 of the London Plan and Policies SP0 and SP4 the Haringey Local Plan 2013.

11. No development shall take place, including any works of demolition, until a Construction Management Plan, to include details of:

- a. Measures for propping/ safeguarding the façade during construction;
- b. loading and unloading of plant and materials;
- c. storage of plant and materials;
- d. programme of works (including measures for traffic management);
- e. provision of boundary hoarding behind any visibility zones;
- f. wheel washing facilities.

have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented and retained during the part demolition and construction period.

Reason: 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 6.3, 6.11 and 7.15 of the London Plan Policies SP0 of the Haringey Local Plan 2013 and Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

12. a) Any proposal relating to the installation of possible noise creating equipment (i.e. air conditioning plant, mechanical ventilation equipment) shall first be submitted to and approved in writing by the Local Planning Authority prior to any development taking place.

b) Noise resulting from the use of any external plant, machinery or equipment (or any which is audible outside the site) shall not exceed a level of 5dB(A) below the existing lowest background noise level during the time of operation (or 10dB(A) below if there is a particular tonal quality), when measured according to British Standard BS4142-1997.

Reason: In order to ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties

13. The proposed development shall have a central dish/aerial system for receiving all broadcasts for all the residential units created, details of such a scheme shall be submitted to and approved by the Local Planning Authority prior to the occupation of the property and the approved scheme shall be implemented and permanently retained thereafter.

Reason: In order to protect the visual amenities of the neighbourhood.

14. No development shall commence until details of a scheme for the green roofs for the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include its (their) type, vegetation, location and maintenance schedule. The development shall be implemented in accordance with the approved scheme prior to its first occupation and the vegetated or green roof shall be retained thereafter. No alterations to the approved scheme shall be permitted without the prior written consent of the Local Planning Authority.

Reason: To ensure a sustainable development consistent with Policy 5.11 of the London Plan and Policies SP0, SP4 and SP11 of the Haringey Local Plan 2013.

15. No development shall take place until details of a scheme for installing external lighting within the site, including night-time security lighting and its means of actuation, light spread and average illuminance, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved details.

Reason: In order to retain control over the external appearance of the development and in the interest of the visual amenity of the area.

16. No occupation of the flats hereby approved shall be occupied until the cycle facilities serving it have been provided in accordance with the approved details, and they shall thereafter be retained for their intended purpose unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the London Plan.

INFORMATIVE 1: -- Thames Water

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

INFORMATIVE 2: -- Asbestos Survey

Prior to refurbishment of existing buildings, an asbestos survey should be carried out to identify the location and type of asbestos containing materials. Any asbestos containing materials must be removed and disposed of in accordance with the correct procedure prior to any demolition or construction works carried out.

INFORMATIVE 3: - 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 4: - Community Infrastructure Levy

The application is advised that the proposed development will be liable for the Mayor of London's CIL. Based on the information given in the plans, the Mayor's CIL charge will be £11,795 (337 x £35) and Haringey CIL charge will be £89,305 (337 x 265). This will be collected by Haringey after the scheme is 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. An informative will be attached advising the applicant of this charge.

INFORMATIVE 5: 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 5573) to arrange for the allocation of a suitable address.

INFORMATIVE 6: 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.

INFORMATIVE 7: A separate application will be required for either the installation of a new shopfront or the display of any illuminated signs.

INFORMATIVE 8: 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 9: The proposed pruning works to the Leyland cypress in the garden/ ownership of an adjoining property must be carried out sensitively taking into consideration natural target pruning techniques with the works carried out under the supervision of the arboricultural consultant.

8.0 APPENDICES

Appendix 1: Drawings and Images



Site Location Plan



Photo 1: Existing front elevation

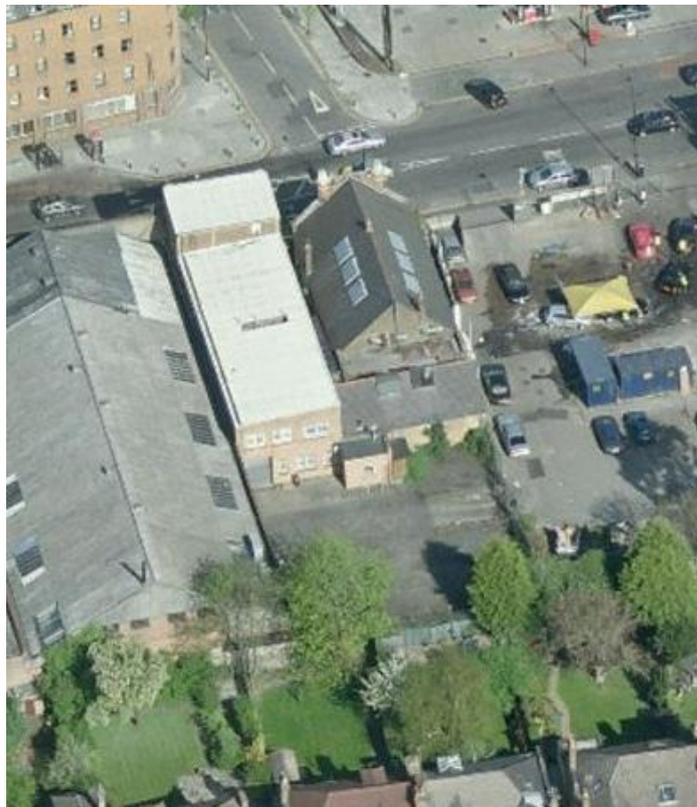


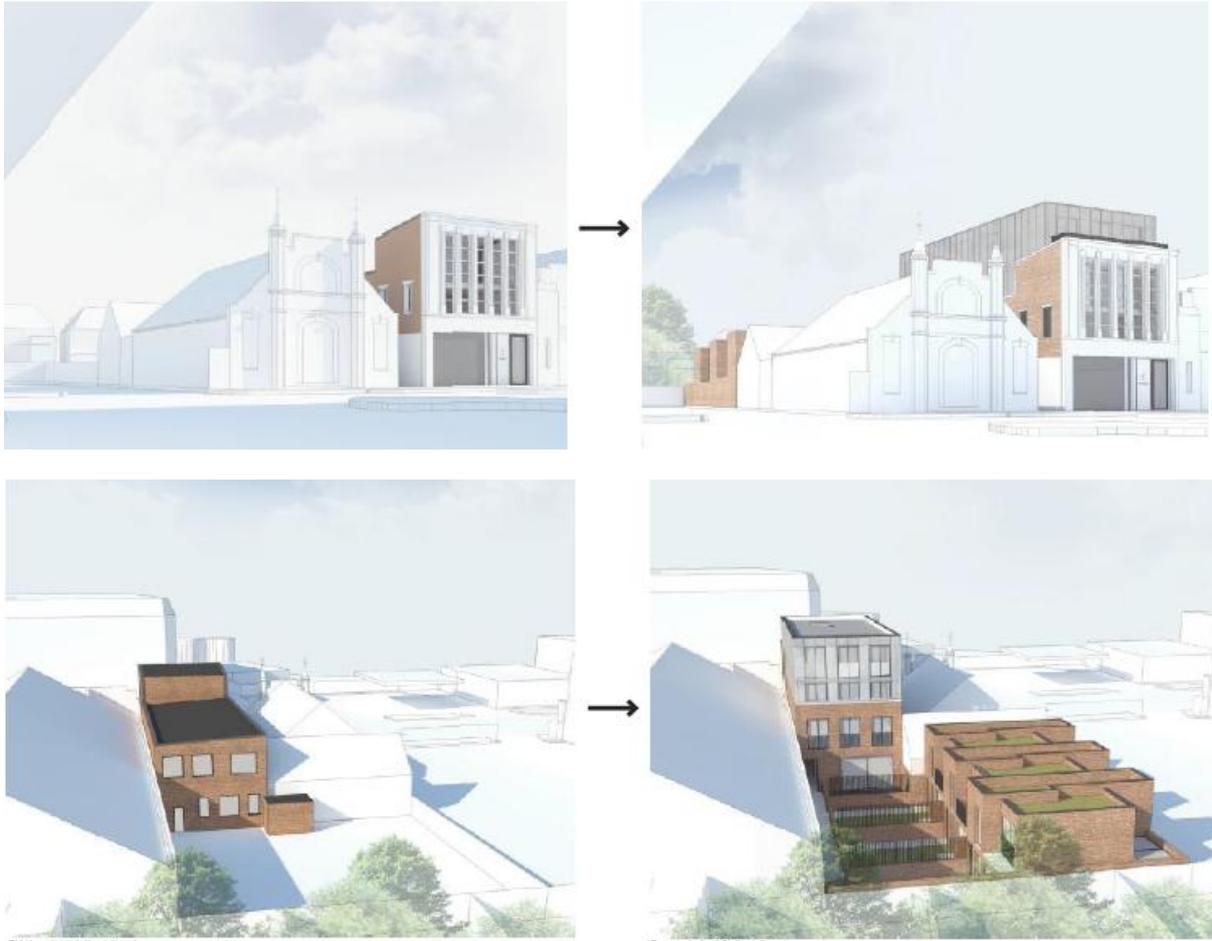
Photo 2: Aerial View of Site



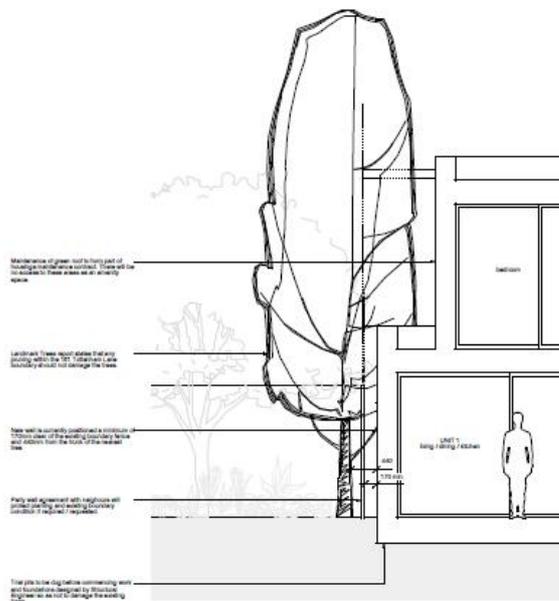
Photo 3: Existing front elevation with Art House Cinema to left and Kwik Fit garage to right



Photo 4: View further along Tottenham Lane



Visualisations of existing bulk/ mass to existing and proposed buildings



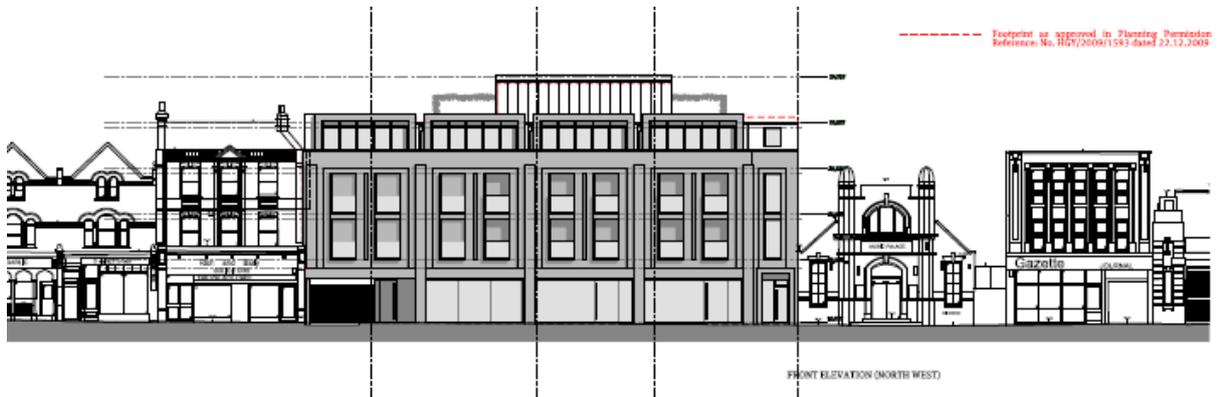
Cross section showing relationship with neighbouring garden



Visualisations of proposed scheme



Visualisation from neighbouring garden



Front elevation of scheme approved for No 159 – Ref: HGY/2014/0484

Appendix 2: Comment on Local Consultation Representations

Comment	Response
<p>More retail space is not needed</p>	<p>Given there was a previous employment use on site and the constraints of the site/ building with a ground floor positioned against the back edge of the pavement), a B1a (Office) or A1 (Retail) is considered appropriate here.</p>
<p>Development is too dense for the site area</p>	<p>The density is acceptable and in accordance with London Plan range.</p>
<p>Excessive height of the building Proposed front building would be totally out of scale with adjacent buildings Proposed height is out of proportion to its short/narrow frontage/length leading it too looking like a matchbox</p>	<p>The height and mass of the main building is considered to be in keeping with its surroundings and is reflective of building height established in respect of the approved scheme for the site at 159.</p>
<p>Proposal would appear significantly higher than the YMCA from the rear (2012 Planning Inspectors report on 163 Tottenham Lane dismissed scheme and said that the YMCA building should not to be considered a precedent for the area</p>	<p>The scheme is not as tall as the YMCA building opposite, which is a five storey building.</p>
<p>Roof form does not reflect the adjoining buildings and surroundings Flat roof of the proposed building is made higher by extra height of the rooftop housing of the lift mechanism and plant equipment</p>	<p>There is no specific uniformity in terms of building heights, roof forms and styles along this part of Tottenham Lane; rather its character is of varied styles, scales and types of buildings.</p>
<p>Proposal pays little respect to the local context and its historical significance</p>	<p>As above</p>
<p>Lack of consideration to adjacent conservation area</p>	<p>The design approach is considered acceptable as outlined in the report – 6.11-6.20.</p>
<p>Design of the scheme would be out of character with surroundings</p>	
<p>Proposal does not constitute good design and does not enhance the built environment</p>	
<p>In terms of material the proposed development has no regard to the Tottenham Lane Design Framework</p>	<p>The proposal is considered to be in accordance with the planning aims of the 'Tottenham Lane Design Framework' 2005.</p>

<p>Proposed dark grey zinc cladding is inappropriate</p> <p>Detriment to the street scene, especially in relation to views gained from the north east of Tottenham Lane</p> <p>Development would tower over both adjacent buildings on Tottenham Lane</p> <p>Proposed houses at the rear do not reflect the form, rhythm or massing of the surrounding area</p> <p>Rear houses would be ugly</p> <p>Poor layout of mews houses</p>	<p>Materials proposed are considered to be acceptable for a modern addition to this building.</p> <p>The street elevation will largely be the same as the existing with the retention of the art deco facade with top floor set back 2m.</p> <p>The height and massing of the main building is considered to be acceptable.</p> <p>As above</p> <p>Siting, form, height and use of materials for the mews houses are considered to be acceptable.</p>
<p>Development fronting the street would be twice as high and result in very significant visual intrusion.</p> <p>Detriment to the quality of life of the people living in the vicinity</p> <p>Proposed rear two storey house wall would lead to serious visual intrusion and lead to loss of light for Fairfield Road's gardens</p> <p>Balconies of the flats on the rear of the front building will overlook the small rear garden of 22 Fairfield Road reducing privacy for the residents of Fairfield Road</p> <p>Proposal would result in a two storey blank wall built up against small existing gardens, creating a looming, dark and oppressive solid mass for existing residents</p> <p>Proposal would overshadow gardens of properties on Fairfield Road Visual intrusion to properties on Fairfield Road</p> <p>Overshadowing of Art House cinema next door</p> <p>Noise pollution from houses, gardens and balconies of the development</p>	<p>This aspect of the development is positioned sufficiently far away from neighbouring properties and gardens.</p> <p>No adverse harm to amenity will be caused.</p> <p>Height, bulk and mass of this aspect of the proposal has been changed from that initially submitted and achieves an acceptable relationship with neighbouring gardens.</p> <p>The distances in question meet the necessary privacy standards.</p> <p>As above.</p> <p>Backs of the garden of the properties in question are north-west facing and as such no overshadowing is caused.</p> <p>The positioning of the buildings/ extension will not affect the functioning of the commercial uses to either side, namely the Art House Cinema and Kwik Fit garage.</p> <p>Potential noise emanating from the amenity</p>

<p>Not enough information on the roof mounted air conditioning units proposed with regard to noise impact</p> <p>Crammed development results in poor amenity for future occupants Flats 6 and 8 of the development have only 6 sq.m. of amenity space which is inappropriate for 3 people</p> <p>Duplex has a very small rear garden</p> <p>All the proposed houses and half of the flats will be single aspect Poor outlook for the future occupants of the development</p> <p>Proposed small garden would be overshadowed by surrounding buildings</p>	<p>space of the new houses and flats would not exceed a level of noise and disturbance over and above that of a typical dwelling/flat in an urban location.</p> <p>Details of any air conditioning plant, mechanical ventilation equipment is required to be submitted to the LPA as per condition 12</p> <p>Amenity space provision is considered acceptable.</p> <p>The front elevation of the mews houses will benefit from generous floor to ceiling height glazing to maximise natural light to the rooms in question. The houses will also benefit from natural light via the glazed flat roofs to the winter gardens.</p> <p>The constraints of the site are acknowledged, however the front elevation of mews houses are sufficiently pulled away from the side wall.</p>
<p>No parking provision for the proposed accommodation</p> <p>In addition to the new multi-screen cinema and the proposed housing development on the car wash site, this high density housing development will put further strain on the parking problems in the area</p> <p>Concerns in respect of emergency access/ fire escape</p> <p>Proposal would result in safety concerns as the site as existing is very secure and inaccessible to anyone without a key</p>	<p>As scheme here will be 'car free' it will not exacerbate on-street parking conditions.</p> <p>Addressed in para. 6.57</p> <p>Addressed in para. 6.57</p>
<p>Security risk</p> <p>Proposed green wall for the far end house could not be adequately maintained</p>	<p>The scheme is designed with an inner and outer security entrance as such controlling access to the site.</p> <p>Green walls often require little maintenance and can have an automated irrigation</p>

<p>Impact on protected trees in the conservation area</p> <p>No thoughts for future needs of school place</p> <p>No affordable housing provision</p> <p>No tree survey carried as all trees in conservation area are protected;</p> <p>Maintenance of boundaries with Fairfield Road gardens, hasn't been sufficiently considered</p> <p>There is a planning precedent after the rejection of the proposed development at 163 Tottenham Lane on appeal.</p> <p>Inadequate consultation</p> <p>A large number of inaccuracies in the Planning Statement and the Design and Access Statement</p>	<p>systems.</p> <p>Council Arboricultural Officer was consulted on the application and has no objection and concludes that the proposed development would not impact the roots of the adjacent trees.</p> <p>The development will be subject to Community Infrastructure Levy which in part contributes to the cost of providing more school places.</p> <p>The applicant has submitted an economic viability assessment which sets out that the development cannot afford to provide any affordable housing</p> <p>A report was submitted and a trial pit carried out on site to understand the impact.</p> <p>This would be a party wall/ civil matter.</p> <p>Each application is assessed on its own merits.</p> <p>Additional consultation was carried out after revised plans were submitted. A Development Management Forum was held on February 25.</p> <p>The design and access statement and plans have been further revised to address any inaccuracies.</p>
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Appendix 3: Development Management Forum Comments

Development Management Forum

After the submission of the application a Development Management Forum was held on February 25th 2014 and was attended by 45 people. The concerns raised at the meeting were as follows;

- Fire access for residents of Fairfield Road;
- Concerns with London Fire Brigade's response
- Access for emergency;
- Distance of the development from Fairfield Road;
- Side windows along the Art House Cinema facade;
- Height of the main block and the relationship with the adjacent Art House Cinema;
- Concerns with what the Planning Inspector mentioned regarding height;
- The building is a storey too high;
- The development is out of scale;
- The height needs to reference the width and frontage;
- If the carwash is developed access to the houses is a concern;
- Size of access a concern;
- Disturbance and noise from building works and whether there will be Saturday working, as well as disturbance works in conjunction with the cinema approval
- Overlooking;
- Concerns with the green roof and residence having access to the roof as a roof garden;
- How is the green roof maintained without access;
- Builders in the garden of properties on Fairfield Road;
- Relationship of the height of the main building with properties on Fairfield Road;
- The building is unattractive and has a box appearance;
- The building is not in character with the area;
- Concerns the developers are using buildings north of the site as a template for the height;
- Equivalent to a small tower block;
- The development is out of character with Fairfield Road;
- Excessive mass;
- Concerns with the scheme if Kwik Fit develop their site;
- The tree is shown inaccurately on the presentation and CGI's;
- Querying servicing/refuse wheelie bin distance;
- Are wheelie bins sufficient for 9 units;
- Mews houses are not attractive to live in;
- Buy to Let concerns;
- Maintenance of the green roof and wall;
- Marketing of the units;
- Affect views from Fairfield Road;
- The development does not enhance the conservation area;
- Concerns how the existing timber fence on the rear boundary of Fairfield Road would be maintained and the impact it will have on the residents;
- Scaffolding over fire exit of Art House Cinema;
- Position of rear mews;
- Positioning of trees;
- Concerns whether the tree surgeons report is based on the revised plans;
- Concerns with flowerbeds and trees;
- Number of residential units proposed;
- Noise from new development an issue;
- Concerns developers have failed to read the planning inspectors appeal decision for the Kwik Fit site that was dismissed;
- The scheme would add to the existing parking problems;
- Concerns about restricted daylight for the flats;

- Concerns with London Fire Brigade response;
- How do London Fire brigade get to the dry risers;
- Access;
- Huge amounts of development in the surrounding area taking place over the years;
- The scheme fronting Tottenham Lane needs to be viewed with the development approved at no. 159;
- Further clarification required on commercial element;
- The preferred commercial element should avoid office use to keep the front active;
- Concerns with vacant commercial units;

In response to the concerns raised the developers made the following comments;

- Concerns whether the tree surgeons report is based on the revised plans - The developers will get the tree surgeons to visit the site again for clarification
- Disturbance and noise from building works and whether there will be Saturday working – The developers have confirmed that they are unable to restrict Saturday working as it will make the duration of the construction work longer
- Concerns about restricted daylight for the flats – The flats have winter gardens and rooflights to meet standards of daylight
- Concerns with London Fire Brigade’s response – The developers have confirmed that they are using dry risers at the rear of the property. Revised drawings will be provided to show the proposed dry riser system
- The scheme fronting Tottenham Lane needs to be viewed with the development approved at no. 159 - Revised drawings will be provided which show the approved scheme at no. 159 in context with the proposal
- Additional CGI’s will be provided which show the scheme at no. 159 for ease of reference, and location of trees
- Position of garden fence on Fairfield Road boundary to be amended