

**MINUTES OF THE SPECIAL PLANNING SUB COMMITTEE
THURSDAY, 19 DECEMBER 2013**

Councillors: Basu, Beacham, Browne, Demirci (Chair), Hare, Mallett (Vice-Chair), McNamara, Reid, Rice and Strang

MINUTE NO.	SUBJECT/DECISION
PC15.	APOLOGIES Apologies were received from Cllrs Reith and Solomon. Cllrs Browne and Hare substituted.
PC16.	56 MUSWELL HILL N10 3ST The Committee considered a report on the application to grant planning permission for the demolition of an existing special school and nightclub at 56 Muswell Hill and the conversion of retained buildings and construction of new buildings to provide a replacement specialist school, 28 residential units and a ground floor retail unit. The report set out details of the proposal, the site and surroundings, planning history, relevant planning policy, consultation and responses, analysis, equalities and human rights implications and recommended to grant permission subject to conditions and the signing of a s106 legal agreement. The planning officer gave a short presentation highlighting the key aspects of the report. The Committee were advised of a tabled correction to the report contained within the agenda pack. It was proposed to remove condition 8 as a repetition of condition 4. An amendment was made to the affordable housing financial contribution proposed from £275k to £365,615. A copy of a petition received in support of the construction of a new specialist school was also circulated to the Committee. The Committee raised the following points in discussion of the application: <ul style="list-style-type: none">• Members raised some concern regarding security in the proposed locating of residential units within a school building. Confirmation was provided that the residential units and school would have separate entrances and would be segregated internally.• The Committee requested clarification as to why the scheme would not be designated a car free development. Officers confirmed that the scheme would not meet the criteria for this designation in that a Controlled Parking Zone was not in place in Muswell Hill.• Concerns were raised over the potential for overlooking from the buildings in the new scheme onto Muswell Hill Primary School and properties on Dukes Avenue backing onto the site. Officers confirmed that a number of alterations had been made to the design following concerns from local residents including the setting back of the scheme to provide a 29-35m distance between the first floor rear windows of the new residential units and the Dukes Avenue properties and the provision of oblique views only to windows on the rear elevation. In terms of the potential for overlooking to the primary school, this would be mitigated through the variation in land levels in the area and the current landscaping screening in place. The Head of Development Management read out a statement on behalf of the

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governors of Muswell Hill Primary School who were unable to attend the meeting. Following a recent meeting with the applicant, the school's concerns regarding the risks of overlooking from the new development had been allayed. The school would support the scheme subject to a number of conditions:

- The permanent retention of the pathway from the school to Dukes Avenue and it being retained open during the course of construction works
- The phasing of construction works likely to cause excessive dust and/or noise to be outside of school hours
- That HGV movements to and from the site as well as the delivery of materials to the site be restricted during the 8.30-9am and 15.00-16.30 periods to reduce the risks to pupils entering and exiting the school.

A number of local residents addressed the Committee and raised the following points in objection to the scheme:

- The three storey residential units proposed would result in overlooking and a loss of privacy and light to properties on Dukes Avenue backing onto the site. One possible solution would be the construction of a high brick wall between the scheme and Dukes Avenue properties to mitigate overlooking, particularly in winter when the current deciduous trees providing screening were bare.
- The density of residential units proposed was too high for the size of site
- The development would cause noise disturbance to surrounding properties by virtue of the topography of the site which caused a natural amphitheatre effect thereby amplifying any noise generated on the site
- The design of the scheme was not in-keeping with the Conservation Area
- The development would add to existing parking pressures on surrounding roads particularly Dukes Avenue
- The proposed access route from the site onto Muswell Hill had the potential to impact on traffic flow in the area especially during rush hour periods and exacerbate congestion problems.

The applicant's agent and a supporter addressed the Committee and raised the following points:

- Approval of the scheme would allow for the construction of a new state of the art building for the London Centre for Children with Cerebral Palsy thereby allowing the school to extend the range and quality of services provided and offer to a greater number of users. The current school building was not fit for purpose
- The scheme included construction of a new community facility on site which would be available for use by local groups
- The design proposed was sensitive to the surrounding area, for example angled windows and no balconies to the rear elevation of residential units backing onto Dukes Avenue to reduce overlooking.
- Proposed density levels were at the lower end of levels set out within the London Plan
- The proposed demolition of the nightclub currently located on site would benefit local residents in terms of a reduction in reported anti-social behaviour issues
- The redevelopment of the site including provision of a larger school and commercial unit would provide new employment opportunities
- In response to the points made by Muswell Hill Primary School, it was

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confirmed that the applicant would commit to upgrading and maintaining the access pathway from Dukes Avenue to the primary school. In relation to the concerns raised by the primary school regarding noise and dust from construction works, this would be covered under the Construction Management Plan which would be submitted to the Council for approval. Although it would not be feasible to restrict construction works or construction vehicle movements to outside of school hours, the applicant would be willing to liaise with the primary school to reduce the impact where possible

- In terms of mitigating any overlooking of the playground to the specialist school from the flats located above, windows to that elevation would have oblique views and horizontal louvers.

In response to a number of questions from the Committee regarding landscaping and boundary treatment, officers confirmed that the Committee would be provided with the details of plans submitted by the applicant to discharge this condition prior to a future Planning Committee meeting.

Members expressed concern over the safety of children entering the specialist school building and whether a form of segregation could be provided via a landscaping treatment from vehicles entering the site. It was agreed that an informative would be added to state that the landscaping and boundary treatment plans should make provision for safe access for pupils at the entrance of the specialist school.

Officers confirmed that the pathway to Dukes Avenue was designated a public right of way and as such, maintenance would be covered under a separate legislative regime. It was however agreed to add an informative reiterating the need for the applicant to comply with any public right of way legislative requirements for the pathway.

An amendment was agreed to condition 6 to state *'prior to commencement of works of the development hereby permitted, a plan showing the proposed landscaping scheme **and boundary treatment** shall be submitted to and be approved in writing by the Local Planning Authority.'*

An amendment was also agreed to condition 13 to strengthen the wording to state *'~~it is also requested that construction vehicle movements should be carefully planned and co-ordinated to avoid the am and pm peak periods and arrival and departure from the school.~~ **HGV movements should not take place between 8.30-9.00am and 15.00-16.30 in term time** and the plans must also include measures to safeguard and maintain the operation of the school'.*

An informative was also requested for addition on the phasing of the construction works to encourage the applicant to work with the primary school to co-ordinate demolition works, concrete works and foundation works to avoid particularly sensitive times as far as possible.

The Committee asked that an informative be added requesting the applicant consult with local ward Councillors regarding the naming of the flats and houses in the scheme.

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The Chair moved the recommendation of the report including the proposed amended conditions and informatives listed above and it was

RESOLVED

- That planning application HGY/2013/2069 be approved subject to conditions and signing of a s106 agreement:
1. The development hereby authorised must be begun not later than the expiration of 3 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. The development hereby authorised shall be carried out in accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.
Reason: In order to avoid doubt and in the interests of good planning.
 3. Notwithstanding the provisions of Part 1 Schedule 2 of the Town and Country Planning General Development Order 1995 (or any subsequent re-enactment), no development including all domestic extensions/alterations to the six dwelling houses forming part of the development hereby permitted shall be carried out without the prior written consent of the Local Planning Authority
Reasons: To safeguard residential amenity and the appearance of the new development
 4. No development shall commence until a detailed report, including Risk Assessment, detailing management of demolition and construction dust has been submitted to, and approved in writing by the Local Planning Authority. This shall be with reference to the London Code of Construction Practice. In addition either the site or the Demolition Company must be registered with the Considerate Constructors Scheme. Proof of registration must be sent to the Local Planning Authority prior to any works being carried out on the site.
Reason: To ensure that the construction does not prejudice the ability of neighbouring occupiers' reasonable enjoyment of their properties.
 5. Notwithstanding the information submitted with this application, no development shall take place until precise details of the external materials to be used in connection with the development hereby permitted be submitted to, approved in writing by, in consultation with the planning committee. and implemented in accordance with the requirements of the Local Planning Authority and retained as such in perpetuity.
Reason: In order to retain control over the external appearance of the development in the interest of the visual amenity of the area
 6. Prior to commencement of works of the development hereby permitted, a plan showing the proposed landscaping scheme shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall include the following:

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- Full details of plants and trees (common and Latin names, size and pot height; density or number, tree girth and method of growth i.e. container or open ground);
- Maintenance schedule;
- Full details of materials to be used on paved areas and other hard surfaces;
- Suppliers or manufacturers;
- Guide to construction;
- Paving/fencing/colours/finishes;
- Location of lighting and details of lighting levels (wattage);
- Any play equipment (specs, manufacturer, British or European Standard);
- Any features or artworks; and
- All furniture

All planting, seeding or turfing shall be implemented in the first planting season following occupation of the buildings or the substantial completion of the development, whichever is the sooner.

Any plants or trees that die or are removed, damaged or diseased within a period of FIVE years from the substantial completion of the development shall be replaced to the satisfaction of the Local Planning Authority in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent for a variation.

The approved landscaping scheme shall be constructed/installed prior to the occupation of the development to the satisfaction of the Local Planning Authority and shall be permanently maintained thereafter to the satisfaction of the Local Planning Authority

Reason: To ensure a satisfactory standard of external appearance of the development.

7. a) No development shall commence until a desktop study and conceptual model shall be submitted to, and approved in writing by the Local Planning Authority. A desktop study 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. 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.

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 remedial monitoring shall be submitted to, and approved in writing by, the

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Local Planning Authority prior to that remediation being carried out on site. 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.

8. No development shall commence until a detailed report, including Risk Assessment, detailing management of demolition and construction dust has been submitted to, and approved in writing by the Local Planning Authority. This shall be with reference to the London Code of Construction Practice. In addition either the site or the Demolition Company must be registered with the Considerate Constructors Scheme. Proof of registration must be sent to the Local Planning Authority prior to any works being carried out on the site.

Reason: To minimise loss of amenity to neighbouring residential premises during the construction of the development.

9. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to, and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure.

10. Prior to installation details of the boilers to be provided for space heating and domestic hot water should be forwarded to the Local Planning Authority. The boilers to be provided for space heating and domestic hot water shall have dry emissions not exceeding 40 mg/kWh (0%).

Reason: To ensure that the Code for Sustainable Homes assessment obtains all credits available for reducing pollution.

11. The residential 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.

Reasons: To ensure that the development achieves a high level of sustainability

12. The non-residential development hereby permitted shall not be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating 'Very Good' has been achieved for this development

Reason: To ensure that the development achieves a high level of sustainability

13. No development shall commence until a construction management plan

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(CMP) and construction logistics plan (CLP) have been submitted to and approved in writing by the Local Planning Authority 3 months (three months) prior to construction work commencing on site. The Plans should provide details on how construction work (inc. demolition) would be undertaken in a manner that disruption to traffic and pedestrians on the Dukes Mews and Muswell Hill and the road surrounding the site is minimised. It is also requested that construction vehicle movements should be carefully planned and co-ordinated to avoid the AM and PM peak periods, and arrival and departure from the school, the plans must also include measures to safeguard and maintain the operation of the School.

Reason: To reduce congestion and mitigate any obstruction to the flow of traffic on the transportation and Highways network.

14. No development shall commence until a delivery and servicing plan (DSP) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce congestion and mitigate any obstruction to the flow of traffic.

15. Prior to the occupation of the development hereby permitted, electric charging points shall be installed within the site in accordance with the 2011 London Plan with 20% active and a further 20% passive provision.

Reason: To encourage other sustainable modes of travel.

16. The D1 unit hereby permitted shall be used for specialist school (Class D1) and for no other purpose (including any other purpose in Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, without the prior approval, in writing, of the Planning Authority.

Reason: In order to restrict the use of the premises in the interest of the amenities of the area.

17. The A1/A2/A3 use hereby permitted shall not operate before 08:00 hours or after 23:30 hours Monday to Saturday and before 10:00 hours or after 22:00 hours on Sundays and Public Holidays.

Reason: To facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished.

The D1 use hereby permitted shall not operate before 07:00 hours or after 22:30 hours Monday to Friday and Saturdays and before 09:00 hours or after 22:00 hours on Sundays and Public Holidays.

Reason: To facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished.

18. At no time shall any amplified speech or music generated from the site be audible within the adjoining residential premises.

Reason: To prevent loss of amenity to neighbouring residential premises due to noise generated from the premises

19. The construction works of the development hereby granted shall not be carried out before 0800 hours or after 1800 hours Monday to Friday or before 0800 hours or after 1300 hours on Saturday and not at all on Sundays or Bank Holidays.

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Reason: In order to ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.

Informatives:

a) Thames Water

Waste - Legal changes under the Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk

Surface Water Drainage - with regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Piling - Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

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.

b) Environmental Health

Prior to demolition 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.

c) Secure by Design

The applicant is advised that the new development should:

- adopt the principles and practices of 'Secure by Design'-Schools and New Homes 2010; and
- complies with the physical security requirements within the current SBD New Homes and Multi Storey Dwellings-Code for Sustainable Homes -

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Section 1. The Development -'Layout and Design' and Section 2. Physical Security (Building Control Code for Sustainable Homes Issues)

d) Advertisement

Planning permission has been granted without prejudice to the need to get advertisement consent under the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

e) Community Infrastructure Levy

The applicant is advised that the proposal will be liable for the Mayor of London's CIL. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge will be £69,650 (£35 x 1990sqm)). 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.

f) Street Naming and Numbering

The new development will require naming/numbering. The applicant should contact the Transportation Group at least six weeks before the development is occupied (tel. 020 8489 1000 to arrange for the allocation of a suitable address.

g) Working with the applicant

In dealing with this application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our development plan comprising the London Plan 2011, the Haringey Local Plan 2013 and the saved policies of the Haringey Unitary Development Plan 2006 along with relevant SPD/SPG documents, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant during the consideration of the application.

Please note that the conditions referred to in the minutes are those as originally proposed in the officer's report to the Sub-Committee; any amended wording, additional conditions, deletions or informatives agreed by the Sub-Committee and recorded in the minuted resolution, will, in accordance with the Sub-Committee's decision, be incorporated into the Planning Permission as subsequently issued.

PC17. DATE OF NEXT MEETING

The next ordinary Planning Committee meeting was scheduled for 13 January.

COUNCILLOR ALI DEMIRCI
Chair