

235 - 237 ARCHWAY ROAD N6 5BS

Request for Re-consideration of 'Car Free' element of Section 106 Agreement

Proposal; Erection of a part two, part three storey end of terrace building to provide 3 x two bed, 1 x three bed and 1 x one bed flat..

1. This application was put before Member at the September committee (8th September) for consideration at which it was decided to resolve to approve the application, subject to the applicant entering into a Section 106 agreement which among other things requesting the scheme to be 'car free' and a sum of £1,000.00 be paid towards the amendment of the relevant Traffic Management Order(s) (TMO) controlling on-street parking in the vicinity of the site.
2. Following the decision to resolve to approve this application Officers have been in contact with the applicant's agent about the detail of the Section 106 agreement. The applicant's however have refused to enter into a Section 106 agreement requiring the development to be 'car free' on the basis of the comments contained within the previous appeal decisions relating to car parking.
3. Bearing in mind the applicant's are unwilling to enter into such an agreement the Council would therefore have to refuse this application on the grounds of inadequate parking provision for the development. Such a decision could therefore in turn be subject to a planning appeal at which point it would be necessary for the LPA to demonstrate that the proposal would adversely affect parking conditions within the immediate vicinity of the site and amenities of neighbouring occupiers.
4. In respect of this point Officers are mindful of the Inspectors comments in the 2003 and 2007 appeal decisions (referred to within the previous Committee Report as attached).
5. It is specifically noted that there is a parking bay area, which can provided parking for 4 cars, immediately next to the side frontage of this site, fronting onto Southwood Avenue. The 'car free' restriction which would prevent any future occupiers from parking immediately next to this side frontage. This is considered somewhat onerous, particularly for the 3 bedroom family size unit.
6. As set out in 2001 National Statistics, 43% of residents of Highgate ward travel to work by underground; 8.4% by bus, 2.6% by train and 2.4% by bicycle. It is envisaged that these percentages will have increased further since the introduction of the central London congestion charge. In light of these figures it is envisaged that some of the future residents, particularly those of the smaller units, will not own cars and instead would rely on public transport for their day to day travelling needs.

7. It is considered that the actual on-street car parking generated with this proposal could be accommodated within the immediately vicinity of the site without adversely affecting the parking conditions of other local residents.
8. The principle of just allowing 3 or 4 permits be issued with this scheme has been considered by Officers (i.e. one or two of the units to be 'car free'). However, as set out above it is highly likely that one or perhaps two of the flats may not generate any on-street parking demand and as such brings into question, is it necessary and reasonable to use a 'car free' clause in this instance and necessary to amend the necessary Traffic Management Order? Had the site just fronted onto Archway Road alone, the case for the scheme to be 'car free' would understandably be viewed differently and also if there was a greater number of units provided on site the case for requiring some of the units to be 'car free' would also be viewed differently.
9. In light of the specific nature of this site, the comments contained in the previous appeal decisions and the existing level of public transport use within this ward, it considered that the request for this scheme to be 'car free' is onerous and one which would be difficult to successfully justified and defend on appeal..

RECOMMENDATION

That Members confirm their decision of 8th September 2008 to grant permission for the development of the site at 235-237 Archway Road for five flats, subject to a Section 106 Agreement in respect of Education Contribution of £20,000.00 plus £1,000.00 for recovery costs/administration, but without the request that the scheme be 'car free' and therefore without any need for an amendment of the Traffic Management Order.

REPORT FOR CONSIDERATION AT PLANNING COMMITTEE

Reference No: HGY/2008/0703

Ward: Highgate

Date received: 26/03/2008

Last amended date: 12/08/08

Drawing number of plans: 743/001, 010 Rev C, 011 Rev B, 012 Rev A, 013 Rev A, 014 Rev A, 020, 021 Rev A, 022 Rev A, 023, 030, 031, 032 Rev A, 033 Rev A, 040 Rev A, 041 Rev A.

Address: 235 - 237 Archway Road N6

Proposal: Erection of a part two, part three storey end of terrace building to provide 3 x two bed, 1 x three bed and 1 x one bed flat.

Existing Use: Vacant

Proposed Use: Residential

Applicant: Compstar Ltd

Ownership: Private

PLANNING DESIGNATIONS

Conservation Area Road Network: Classified Road

Officer contact: Matthew Gunning

RECOMMENDATION

GRANT PERMISSION subject to conditions and subject to sec.106 Legal Agreement

SITE AND SURROUNDINGS

The application site is a piece of open land, some 360m² in size, formerly occupied by two houses at the end of a terrace on the corner of Archway Road and Southwood Avenue. War time bombing destroyed one of these properties while the other was demolished in the 1970s. The cement rendered gable wall of what is now the end house in the terrace (239 Archway Road) forms the northern boundary of the site. That property has been converted into flats, one of which has a terrace on the flat roof of a single storey extension adjoining the site. The western boundary of the site is formed by a fence and detached garage adjoining

the end house on Southwood Avenue. The site contained a number of trees in the past but which were removed without consent.

The site is in part of the extensive Highgate Conservation Area that is largely residential in character, with terraces of houses on streets to the west of Archway Road. These terrace houses are substantial Victorian terraces with good proportions and strongly consistent detailing with vertical emphasis to front elevations.

Archway Road itself is a very busy arterial road that has been designated as a Priority (Red) Route. It is generally densely developed, with a mixture of residential and commercial properties along each side of the road, although there are small areas of incidental open space on the east side of the road. One of these, Coleridge Gardens, is a short distance to the north of the site and there is another, Peace Park, a few hundred metres further to the north, on the corner of Archway Road and Muswell Hill Road.

PLANNING HISTORY

HGY/2006/1549 - Retention of 1.8m high fence bordering Archway Road, N6 and Southwood Avenue, N6 – Approved 21/09/2006

HGY/2005/2124 - Erection of a two storey building comprising 1 x 3 bed house and 2 x 1 bed flats. – Refused 12/01/2006 – Dismissed on appeal June 2007

HGY/2004/2418 - Erection of two storey building comprising 4 x 1 bed self contained flats – Refused 13/01/2005

HGY/2003/0060 - Erection of two storey dwellinghouse with dormers in the roof at 237 Archway Road, and use of land at 235 Archway Road as public open space – Not determined – Allowed on Appeal October 2003.

HGY/2001/1523 - The erection of a two storey (with rooms in the roof) 5 bedroom house at 237 Archway Road and use of the land at 235 Archway road as public open space (a communal garden). – Refused 18/12/2001

HGY/2000/0598 - Crown reduce by 30% to 1 Sycamore tree (TPO). – Approved 3/06/2000

HGY/1995/0907 – Erection of two storey building comprising 4 x 1 bed self contained flats. – Refused 13/01/2005

DETAILS OF PROPOSAL

The proposal is for the erection of a part two, part three storey end of terrace building to provide 3 x two bed, 1 x three bed and 1 x one bed flat. The proposed building form will reinstate the original terrace properties on site.

CONSULTATION

Transportation – Highways

Ward Councillors
Conservation & Design
Legal
Highgate CAAC
Highgate Society
227-233 (o) 239-255 (o), 272-310 (e), 257-269 (o). 269a, 257a, 259a, 261a, 23a,
265a 267a, 269a
Achway Road
1-7(o) Highgate Avenue
1-7 (o), 2-8 (e) Southwood Avenue

RESPONSES

Highgate Society - We have seen the above application for two houses on this site in the Highgate Conservation Area, and are

- (1) Surprised that the planning history of the site does not appear to be shown on the on-line case history website, and
- (2) Dismayed that it was not immediately rejected as vexatious.

Among the many planning applications submitted on this site in recent years, all of them refused by Haringey, was one, like this, for two houses (HGY/2003/0060) covering the entire site. This was refused by Haringey, and the refusal was upheld on appeal (APPY/5420/A/03/1111589), the inspector concluding that the openness of the site, long used informally by the public as an open space, of sorts, was a critical factor in the visual amenity of this part of the Archway Road. The retention of the site as open space has long been a major point of contention locally, and the Inspector, in making his decision, directed that only one house was appropriate, to be built on half of the site at the end of the existing terrace, and that the other half of the site should be laid out as a public amenity open space. There can be no clearer indication than this of how the site should be treated.

Since then, a further application, for a single building comprising a house and two one-bedroom flats (HGY/2005/2124) was refused by Haringey and the refusal again upheld on appeal.

The current application is therefore the same size as that which was refused on appeal in 2003, and twice as large as that which was refused again in 2005. It is therefore clearly vexatious, should not even have been accepted, and will undoubtedly be rejected should it come to yet another appeal.

We would also point out that the site owner cut down a number of trees on the site several years ago, without planning consent; dismayingly, no enforcement action was ever taken by Haringey, despite being urged by the Society and local residents.

To grant permission for this application would therefore, in our view, fatally weaken Haringey's ability to refuse any application, however inappropriate, even when supported by appeal decisions; would endanger the status of the Conservation Area; and would send a clear signal to developers – such as, for

example those trying to exert sustained pressure to develop the Beer Garden of the Listed Bull Public House in North Hill, despite a clear appeal decision against any development on that site; and that sustained pressure will be sufficient to make the planning authority give in.

This will therefore be a landmark decision for all future applications in the Conservation Area, and we urge in the strongest possible terms that the application be refused.

Highgate CAAC – The land has been designated as open space on appeal. The loss of open space would be damaging to the appearance of the Conservation Area.

Transportation - This development adjoins Southwood Avenue which together with Archway Road, fall within the Council's Archway Road Restricted Conversion Area, an area identified with on-street parking pressure. The Council's UDP 2006 Policy HSG11 lists Archway Road as one of the areas where the "majority of properties have been converted into flats and are now experiencing problems of extreme parking pressure and a significant adverse effect on residential amenity" and that, "any additional increase in on-street parking would be detrimental to the effective operation of bus services. Therefore no more conversions will be allowed in these areas as they have reached their capacity for conversions". However, having considered the Inspector's comment on an appeal on previous application (HGY/2005/2124), where 4 car parking spaces would have been required compared to 5 car parking spaces requirement for this development, we have concluded that due to the site's characteristics, this development can be dedicated as 'car-free', in line with UDFP Policy M9.

The application has also been referred to TfL road network as TfL is the highway authority for Archway Road who say that: "whilst the disabled car parking spaces is accessed via a borough road, as the layout will force vehicles to reverse out onto the public highway, it will be more appropriate from a safety point of view to provide an on-street disabled space."

Building Control – The proposal has been checked for compliance with B5 'Access for Fire Services' and would conform.

Cllr Alison - Strongly believe that the application for 2 houses on this site should be rejected and that you should repeat all the arguments raised by the inspector at the most recent of the planning appeals. The aim would be to achieve one house with garden, plus public open space fronting Archway Road and Southwood Avenue equivalent to half the site.

Letters of objection have been received from the occupiers of the following properties 3, 3a, 14, 20, Southwood Avenue and 202 Archway Road, and are summarised as follows:

- Increased pressure on parking;
- Loss of green plot;
- Object to the filling of the site;

- Loss of much needed green visual relief form urban character of Archway Road;
- Need for replacement trees on site;
- Application should be turned down as it is vexatious as several applications were previously refused and the applicants felled several mature trees on site;
- Impact on adjacent properties on Archway Road;
- High density of development will have a detrimental impact on overall neighbourhood.

A signed petition with 31 names (from occupiers of Southwood Avenue) has also been received.

The occupiers of No 38 Southwood Avenue, 231 and 349 Archway Road support the application on the grounds that

- The area does not need more open space as it is already very fortunate with superb parks and woods nearby;
- In urban design terms the 're-linking' of the existing two terraces, either side of Southwood Lawn Road, would dramatically improve the streetscape and the application seems to include sufficient detail to provide assurances that the appearance of the development is in keeping with conservation area requirements;
- On regeneration grounds.

Thames Water – There are public sewers crossing this site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over / diversion application form, or other information relating to Thames Waters assets be required, the applicant should be advised to contact Thames Water Developer Services on 0845 850 2777.

RELEVANT PLANNING POLICY

National Planning Policy

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Guidance 15: Planning and the Historic Environment

London Plan

Policy 3A.1 Increasing London's supply of housing
Policy 3A.2 Borough housing targets
Policy 3A.3 Efficient use of stock
Policy 3A.4 Housing choice
Policy 4B.3 Maximising the potential of sites
Policy 4B.6 Sustainable design and construction
Policy 4C.21 Design statements
Policy 6A.5 Planning obligations
Policy 4B.10 London's built heritage
Policy 4B.11 Heritage Conservation

Adopted Unitary Development Plan, 2006

G1 Environment
G2 Development and Urban Design
G10 Conservation
UDI Planning Statements
UD2 Sustainable Design and Construction
UD3 General Principles
UD4 Quality Design
UD7 Waste Storage
UD9 Planning Obligations
ENV3 Water Conservation
HSG1 New Housing Development
HSG9 Density Standards
HSG10 Dwelling Mix
HSG11 Restricted Conversion Area
M3 New Development Location and Accessibility
M9 Car Free Residential Developments
M10 Parking for Development
CSV1 Development in Conservation Areas

Supplementary Planning Guidance

SPG1a Design Guidance and Design Statements
SPG2 Conservation and Archaeology
SPG3a Density, Dwelling Mix, Floor space Minima, Conversions, Extensions and Lifetime Homes
SPG3b Privacy/Overlooking, Aspect/Outlook and Daylight/Sunlight
SPG8a Waste and Recycling
SPG8b Materials
SPG9a Sustainability Statement
SPG10 The Negotiation, Management and Monitoring of Planning Obligations
SPG 12 Educational Needs Generated by New Housing Development
SPG 4.1 Revised Archway Road Neighbourhood Plan (2002)

ANALYSIS/ASSESSMENT OF THE APPLICATION

This application was put before Member at the September committee (8th September) for consideration and which it was decided to resolve to approve the application, subject to the applicant's entering into a Section 106 agreement to secure an education contribution of £20,000.00, the scheme be a 'car free development'; a sum of £1,000.00 be paid towards the amendment of the relevant Traffic Management Order(s) (TMO) controlling on-street parking in the vicinity of the site and a £1,000.00 charge for recovery/ administration / monitoring costs.

Following the decision to resolve to approve this application Officers have been in contact with the applicant's agent about the detail of a Section 106 agreement. The applicant's however have refused to enter into a Section 106 agreement requiring the development to be 'car free' on the basis of the comments from the previous appeal decision. This point is discussed in more detail in section below dealing with transportation and car parking.

Background

The application site has a long history and included a number of applications for the reintroduction of residential use on site. The recent applications and appeal decisions are discussed within this report. The analysis of the current application begins with an explanation of the historical background of the site followed by an examination of the issues associated with the current proposal, namely: (1) principle of flatted development; (2) design, form and layout; (3) impact on the Conservation Area; (4) privacy and amenity; (5) transportation/ car parking and (6) planning obligations.

As outlined above the application site has been vacant for many years as a result of the original end terrace property being destroyed during the war and the other being removed in the early 1970s. In addition the site was blighted by plans to widen the Archway Road. Consent for the display of advertisement hoardings were refused in 1981, 1982 and 1984. In July 1986 planning permission was granted for the temporary use of the site as an amenity area with seating which came into effect in 1987. Conditions attached to that permission required this use to cease by 31st December 1990. A further condition of the 1986 consent required the erection of a sign on site indicating that the area was not to be considered open space. Photographic evidence shows that this space was well maintained with trees, grass and flowerbed. The subject site was sold by the Department of Transport in 1990s after plans for the widening of the A1 were finally abandoned.

As pointed out by a Planning Inspector in respect of the 2003 application (referred hereafter as '2003 appeal decision') the use of the land as an amenity area ceased in 1990". This appeal decision stated that "the siteceased to be an amenity space and reverted to its lawful use as vacant residential land". In this same appeal decision the Inspector recognised the aspirations of the Neighbour Plan (first published in 1995 and reviewed in 2002) as a material planning consideration while at the same time he was critical of the Council's approach to the designation of the site in this Neighbourhood Plan. The revised 2002

Neighbourhood Plan included a proposal to retain the site as public open space for community use. The Inspector is critical of this as it implies that the site is currently in such a use. Secondly he is also critical of this designation as there is no allocation in the UDP reserving it for that purpose. The Inspector states that:

“The test is whether the site is suitable for open space – nearly all the land in the Borough could be used for that purpose. The UDP makes no such designation in respect of the appeal site. A proposal in the Draft UDP that the site be designated as Public Open Space was dropped as soon as the Appellants sought to enter an objection.

The Inspector also points out that there is a significant difference in planning terms between a vacant site and open space. The former is simply a cleared site which the latter is a space specifically set aside for amenity or recreational purposes. The 2003 appeal decision granted permission for a four bedroom dwelling on land at 237 Archway Road and the use of 235 as public open space.

In the most recent appeal decision (2007 appeal decision relating to planning application ref: HGY/2005/2124) another Inspector makes a similar point: “from the evidence, any use of the site as open space was temporary and ceased lawfully in 1990, though may have in practice have continued until around 1995”. This Inspector disagrees with the Council “that the length of time it has remained vacant has in way allowed it to take on the character of informal open space”. He states that it “does not have the character of open space, notwithstanding its physical presence as a gap; allowing views across it” and goes on to say that the site has “little amenity value and detracts from the appearance of the conservation area”.

This application was for a two-storey three bedroom house and adjoining two-storey development on the corner incorporating two flats, at ground and first floor level. This application provided a re-configured area of public open space mainly at the rear of the building. The Inspector has no principle objection to the proposal, however he considered “the design of the proposed dwellings, taken together as a single building would detract from the proportions and vertical emphasis of the neighbouring terraced dwelling on Archway Road and have a substantial roof mass, accentuated by the full hip to the side elevations, giving it a horizontal emphasis”.

The Inspector considered that the proposal would be harmful to the appearance of the Conservation Area as “consistency of form and detailing make an important contribution to both its character and appearance”. In addition the Inspector considered that this proposed scheme to be inadequate on the grounds of the “inadequate provision of private amenity space”.

While the aspirations of the local residents to retain this land as a small area of informal open land (a pocket park) are recognised this issue has been comprehensively covered in these previous appeals resulting a situation where the Local Planning Authority (LPA) has no policy position to view this site other

than a vacant residential site. These previous appeal decisions have established the principle of residential use on this site.

Given the above Officers would therefore point out that the Council would not be in a position to refuse this application on the loss or the potential use of this site as open space. The only avenue through which the use of the site as public open space could be secured is through acquiring ownership of the site.

Principle of Flatted Development

A lot of the residential properties along Archway Road have been converted into smaller units. The Council has specific policies in regards to the conversion of properties into smaller units; namely policy HSG11 'Restricted Conversion Areas'. This policy seeks to restrict further conversion in certain areas (which included the Archway Road area) as further conversions can result in significant increases in on-street parking and the further loss of family housing.

However, policy HSG11 is concerned with the conversion of existing dwellings into flats. In the 2007 appeal decision, the Inspector considered that "this policy can only be given limited relevance to the proposal as it does not involve the conversion of an existing dwelling" and goes on to say that he is "not convinced that the proposal would cause any unacceptable harm to highway safety or neighbouring occupiers' living conditions". Bearing in mind this comment and the nature of residential accommodation along Archway Road, the LPA has no in-principle objection to flatted development on this site.

Design, Form & Layout

The proposed building form on site is for two terrace properties of the same dimension as the adjoining terrace and the original properties on site. The proposed front elevation will be an exact replica of the original terrace with the exception of the dormer windows and rooflights. The front and rear dormer windows will be of the same size and scale as the adjoining terrace property. These properties will be brick built with slate tiles to match the existing terrace. The building will have white-painted timber-framed windows with decorative surrounds and will display the same features as the adjoining and neighbouring terrace properties; namely brick built, bay windows, a recessed doorway with a pediment feature above the entrance, a Dutch gable roof.

The building form as now proposed now successfully overcomes the Inspector's concerns in respect of the 2005 application. This scheme respects the "consistency of form and detailing" of the adjoining and neighbouring terraces. The choice of materials is also sensitive to the adjoining buildings and the distinctiveness and character of the surrounding area. The proposed side elevation has been amended and now incorporates two side dormer windows. All of the room and unit sizes are consistent with the floorspace minima identified in SPG 3a 'Density, Dwelling Mix, Floorspace Minima, Conversions, Extensions and Lifetime Homes'. The building form will accommodate 5 self-contained flats, one in the ground and first floors of the individual terrace with one unit within the shared roofspace.

Flat 1 will be a three bed family unit with rear garden measuring 93 sq.m; Flat 2 a one bed unit measuring 50.8sq.m in size with its own individual garden space, Flat 3 will be a two bed unit with balcony and will measure 69.6 sq.m; Flat 4 (a two bed unit with balcony) measuring 67.9 sq.m while Flat 5 (a two bed unit) will be 75.6 sq.m in size.

All entrances will have level access. The front door will have a clear opening width of 800mm. The doors, lobbies and corridors are wide enough to allow wheelchair users to access all rooms.

Impact on Conservation Area

The application site in its present form is heavily overgrown and is surrounded by a 1.8m high picket fence. In the most recent appeal decision the Inspector stated that the site has "little amenity value and detracts from the appearance of the conservation area". The development of this site will bring several benefits. The reinstatement of these terrace properties will address the unsightly nature of the site and problems associated with fly tipping. The proposal will complete the terrace on Archway Road and will provide associated landscaping. In addition it will remove views of the cement rendered wall of No 239 which detracts from the appearance of the area. The building form, detailing and materials associated with the proposal will be sensitive to distinctiveness and character of the surrounding area and overall the proposal will preserve and enhance the character and appearance of the Conservation Area. As such the proposal is considered to be in accordance with policies CSV1 'Development in Conservation Areas' and SPG2 'Conservation and Archaeology'.

Impact on the amenities/ privacy of adjoining occupiers.

The proposed buildings have been designed in such a way so not to have an adverse impact on neighbouring properties. The main impact this proposal will have is on the level of daylight, sunlight and outlook from the first floor side window to No 239 Archway Road. The distance between the side elevation of this projecting wing and proposed projecting wing to No 237 will be 4.2m. While it is considered that there will be some detriment to the amenities of the occupiers of this neighbouring flat given that this neighbouring flat/ house initially sat in between two properties it would be difficult for the L:PA to refuse this application on such grounds. The relationship between No 237 and 239 in an urban environment especially within the context of the rest of Archway Road is not an unusual relationship between buildings.

The proposal will also introduce some additional overlooking to 2 Southwood Avenue, however again bearing in mind the urban context of this surrounding area and existing levels of overlooking the proposal will not adversely diminish the residential amenities to the occupier(s) of this property. The proposal is considered to be in accordance with policy UD3 and SPG3b.

Transportation/ Car Parking

The application site falls within a PTAL 3 area and is within walking distance of Highgate Tube Station and a number of different bus services. The proposal initially provided one off street car parking space with 5 secure cycle space. In light of the comments from TFL above this off street car parking space has been removed. The creation of this off street car parking space would have resulted in the loss of one on-street car parking space. The removal of this off-street car parking space will also allow for more landscaping on site.

In respect of the demand for on street car parking associated with this proposal and the impact this will have on the amenities of neighbouring occupiers, Officers are mindful of the Inspectors comments in the 2003 and 2007 appeal decisions. The 2003 appeal decision states that:

“Although some officers had previously expressed concern about parking, parking issues had formed no part of the analysis presented to Council members and there was no reference to parking in the Committee’s eventual resolution. There is no call for parking on this site. It is two minutes walk from a tube station and faces a busy road carrying myriad of buses”

“Not only is the appeal site close to an underground station but there are frequently bus services on Archway Road, providing access to central London and there are many shops and other local services available nearby on Archway Road”.

In the 2003 appeal decision the Inspector considered that the creation of two parking spaces would seriously detract from the amenity value of the area. In the 2005 application there was no off street car parking provided with the scheme. The Inspector did not consider this proposal to be contrary to policy M10. It is considered that the additional on-street car parking in association with the proposal can be accommodated within the parking bay along the southern boundary of this site fronting onto Southwood Avenue.

Planning Obligations/ Section 106

Under Section 106 of the Town and Country Planning Act, the terms of Circular 05/2005 Planning Obligations, and in line with Policy UD8 and Supplementary Planning Guidance 10a ‘The Negotiation, Management and Monitoring of Planning Obligations’ the Local Planning Authority (LPA) will seek financial

contributions towards a range of associated improvements immediately outside the boundary of the site.

In line with Supplementary Planning Guidance SPG10c, it is appropriate for the Local Planning Authority to seek a financial contribution towards the cost associated with the provision of facilities and services arising from additional demand generated for school places. The education contribution associated with this development is calculated to amount to £20,000.00.

SUMMARY AND CONCLUSION

The current scheme for this site has been considered having regards to the previous appeal decisions which have established a number of underlying principles in respect of the development of this site. The proposed building form will reinstate the two original terrace properties and will be an exact replica of the original properties with the exception of the dormer windows and rooflights. The reinstatement of these terrace properties will address the unsightly nature of the site, in particular removing view of the cement rendered wall of No 239 and providing associated landscaping on site. The building form, detailing and materials associated with the proposal will be sensitive to distinctiveness and character of the surrounding area and overall the proposal will preserve and enhance the character and appearance of the Conservation Area. The proposal will not give rise to significant loss of sunlight, daylight, outlook loss or privacy to neighbouring occupiers.

As such the proposal is considered to be in accordance with policies UD3 'General Principles', UD4 'Quality Design', UD8 'Planning Obligations', HSG1 'New Housing Development', HSG10 'Dwelling Mix', M10 'Parking for Development', CSV1 'Development in Conservation Areas' of the adopted Haringey Unitary Development (2006) and with Supplementary Planning Guidance SPG1a 'Design Guidance and Design Statements', SPG2 'Conservation and Archaeology', SPG3a 'Density, Dwelling Mix, Floor Space Minima, Conversions, Extensions and Lifetime Homes', SPG3b 'Privacy/Overlooking, Aspect/Outlook and Daylight/Sunlight', SPG8b 'Materials', SPG10 'The Negotiation, Management and Monitoring of Planning Obligations' and SPG 12 'Educational Needs Generated by New Housing Development'. For the reasons given above and having regards to all other matters raised, this application is recommended for APPROVAL.

RECOMMENDATION 1

The Sub-Committee is recommended to RESOLVE as follows: (1) That planning permission be granted in accordance with planning application no. HGY/2008/0703, subject to a pre-condition that the owners of the application site shall first have entered into an Agreement or Agreements with the Council under Section 106 of the Town & Country Planning Act 1990 (As Amended) and Section 16 of the Greater London Council (General Powers) Act 1974 in order to secure:

- (1.1) A contribution of £20,000.00 towards educational facilities within the Borough (£10,000.00 for primary and £10,000.00 for secondary) according

to the formula set out in Policy UD10 and Supplementary Planning Guidance 10c of the Haringey Unitary Development Plan July 2006.

- (1.2) Plus 5% of this amount as recovery costs / administration / monitoring which equates to £1,000.00. This gives a total amount for the contribution of £21,000.00.

RECOMMENDATION 2

That in the absence of the Agreement referred to in resolution (1) above being completed by 31st December 2008, planning application reference number HGY/2008/0703 be refused for the following reason:

In the absence of a formal undertaking to secure a Section 106 Agreement for appropriate contribution towards education provision the proposal is contrary to Policy UD10 Planning Obligations' of the adopted Haringey Unitary Development Plan (2006) and Supplementary Planning Guidance SPG10a 'The Negotiation, Management and Monitoring of Planning Obligations' and SPG10c 'Educational Needs Generated by New Housing Development'.

RECOMMENDATION 3

In the event that the Planning Application is refused for the reasons set out in resolution (4) above, the Assistant Director (PEPP) (in consultation with the Chair of Planning 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, and
- (ii) the further application for planning permission is submitted to and approved by the Assistant Director (PEPP) 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 contemplated in resolution (1) above to secure the obligations specified therein.

RECOMMENDATION 4

That following completion of the Agreement referred to in (1) above, planning permission be GRANTED in accordance with planning application no HGY/2008/0703 and Applicant's drawing No.(s) 743/001, 010 Rev C, 011 Rev B, 012 Rev A, 013 Rev A, 014 Rev A, 020, 021 Rev A, 022 Rev A, 023, 030, 031, 032 Rev A, 033 Rev A, 040 Rev A, 041 Rev A incl: subject to the following conditions:

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 the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

3. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in connection with the development hereby permitted, including details of boundary treatment, have been submitted to, approved in writing by and implemented in accordance with the requirements of the Local Planning Authority.

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

4. Notwithstanding the details of landscaping referred to in the application, a scheme of hard and soft landscaping including details of replacement trees shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted, is commenced.

Reason: In order for the Local 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.

5. The species, size and siting of the replacement trees shall be agreed in writing by the Local Planning Authority and the trees shall be planted within 6 months (or as otherwise agreed in writing) of the commencement of the approved treatment (either wholly or in part). The replacement trees shall be maintained and/or replaced as necessary until they are established in growth.

Reason: To maintain the visual amenities of the area.

6. The construction works of the development hereby granted shall not be carried out before 0800 or after 1800 hours Monday to Friday or before 0800 or after 1200 hours on Saturday and not at all on Sundays or Bank Holidays.

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

INFORMATIVE: There are public sewers crossing this site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over / diversion application form, or other information relating to Thames Waters assets be required, the applicant should be advised to contact Thames Water Developer Services on 0845 850 2777.

INFORMATIVE: Transport for London (TFL) would ask the developer to observe that restrictions apply to the contractors as follows:

- The Archway Road (A1) is a Transport for London Road Network (Red Route) therefore no stopping is permitted during the operating hours of the Red Route and footway, except at during specific times and at specific locations.
- Scaffolding or hoardings should not be erected on the footway without TFL's prior approval.
- In order to co-ordinate construction works with TFL's general maintenance and improvement programme, please contact Gordon Adam, Principal Development Control Engineer Road Network Development (North Area), TFL's Road Network Management, Transport for London 4th Floor. 84 Eccleston Square London SW1V 1PX.

INFORMATIVE: Further to condition 3 above, where that condition relates to boundary treatment, the Council will wish to see a low brick wall with hedging behind, on that part of the boundary fronting Archway Road and for a length of 6 metres on the return frontage to Southwood Avenue: in a style to harmonise with that of nearby properties.

REASONS FOR APPROVAL

The current scheme for this site has been considered having regards to the previous appeal decisions which have established a number of underlying principles in respect of the development of this site. The proposed building form will reinstate the two original terrace properties and will be an exact replica of the original properties with the exception of the dormer windows and rooflights. The reinstatement of these terrace properties will address the unsightly nature of the site, in particular removing view of the cement rendered wall of No 239 and providing associated landscaping on site. The building form, detailing and materials associated with the proposal will be sensitive to distinctiveness and character of the surrounding area and overall the proposal will preserve and enhance the character and appearance of the Conservation Area. The proposal will not give rise to significant loss of sunlight, daylight, outlook or loss of privacy to neighbouring occupiers.

As such the proposal is considered to be in accordance with Policies UD3 'General Principles', UD4 'Quality Design', UD8 'Planning Obligations', HSG1 'New Housing Development', HSG10 'Dwelling Mix', M10 'Parking for Development', CSV1 'Development in Conservation Areas' of the adopted Haringey Unitary Development (2006) and with Supplementary Planning Guidance SPG1a 'Design Guidance and Design Statements', SPG2 'Conservation and Archaeology', SPG3a 'Density, Dwelling Mix, Floor Space Minima, Conversions, Extensions and Lifetime Homes', SPG3b 'Privacy / Overlooking, Aspect / Outlook and Daylight / Sunlight', SPG8b 'Materials', SPG10 'The Negotiation, Management and Monitoring of Planning Obligations' and SPG 12 'Educational Needs Generated by New Housing Development'.