

LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

Planning Committee 09 March 2009

Item No.

REPORT FOR CONSIDERATION AT PLANNING COMMITTEE

Reference No: HGY/2008/2320

Ward: Fortis Green

Date received: 04/12/2008

Last amended date: 15th January 2009

Drawing number of plans: PL.08.689.30, 031, 034, 035, 036, 037, 038, 039, 040A, 041A, 042A, 043A, 044A, 045A, 046, 047 & 048.

Address: 150 Fortis Green N10 3PA

Proposal: Demolition of existing building and erection of part four/part five storey building with basement level, comprising of community clinic at ground floor, health clinic at basement level, 4 x 2 bed, 3 x three bed and 2 x one bed flats above with 9 car parking spaces, bicycle store, refuse space and private amenity space (Amended Scheme).

Existing Use: Clinic

Proposed Use: Clinic/Residential

Applicant: ATH Alpha Ltd

Ownership: Private

PLANNING DESIGNATIONS

Road Network: C Road Conservation Area

Officer Contact: Tara Jane Fisher

RECOMMENDATION

GRANT PERMISSION sec. 106 Legal Agreement

SITE AND SURROUNDINGS

The application site is located on Fortis Green, which is situated off Fortis Green Road. The site is located on the road that lies between East Finchley and Muswell Hill. Part of this site lies on Spring Lane, the site is also situated in the Muswell Hill Conservation Area. Presently on the site is a two-storey detached redundant Health Clinic built in the early 70's. Adjacent to the site is Twyford Court a residential block comprising of three-storeys plus mansard roof. Opposite the site are more residential buildings named 'The Gables' that comprises of

three-storeys. To the rear of the site is Firemans Cottages that are single family dwelling houses comprising of three-storeys.

PLANNING HISTORY

Planning-**HGY/2007/2277**-REF-22-01-08-150 Fortis Green London -Conservation Area Consent for demolition of existing building and erection of a part 4 / part 5 storey building comprising clinic at ground floor level, 6 x three bed and 3 x two bed flats with 10 parking spaces, bicycle store, refuse and private amenity space.

Planning-**HGY/2007/2278**-REF-22-01-08-150 Fortis Green Hornsey London - Demolition of existing building and erection of a part four / part five storey building comprising of clinic at ground floor level, 6 x 3 bed and 3 x 2 bed flats with ten parking spaces, bicycle store, refuse and private amenity space. (This application was dismissed on appeal)

Planning-**HGY/2008/0499**-GTD-09-06-08-150 Fortis Green London -Demolition of existing building and erection of part four / part five storey building comprising community clinic at ground floor level and 2 x one bed, 4 x two bed and 3 x three bed flats above with 9 car parking spaces, bicycle store, refuse space and private amenity space (AMENDED SCHEME).

Planning-**HGY/2008/0500**-GTD-09-06-08-150 Fortis Green London -Conservation Area Consent for demolition of existing building and erection of part four / part five storey building comprising community clinic at ground floor level and 2 x one bed, 4 x two bed and 3 x three bed flats above with 9 car parking spaces, bicycle store, refuse space and private amenity space (AMENDED SCHEME).

DETAILS OF PROPOSAL

The proposal is for the creation of a basement to be used as part of the ground floor clinic that was approved under Planning Reference HGY/2008/0499. The proposal was for the demolition of the existing building and the erection of a part four/part five storey building comprising of a clinic at ground floor and two x one bedroom flats, four x two bedroom flats and three x three bedroom flats with 9 associated car parking spaces.

The proposal retains the 9 car-parking spaces for the future occupants of the flats but also incorporates 6 new car-parking spaces especially for the staff of the clinic. The proposed car-parking spaces will be behind a sliding gate that will be situated on Spring Lane.

The proposal will also include two lightwells to the front of the approved building, to allow some light into the lower ground floor level. The area created by the proposed basement will be 400m², with 115m² of the clinic floorspace on the ground floor level.

CONSULTATION

Transportation Group

Ward Councillors
Muswell Hill & Fortis Green CAAC
Muswell Hill & Fortis Green Association
London Fire Brigade
Building Control
The Cottages, Charles Clore House, Flats 1-26 (c) Woodside, Flats 1-33 (c)
Twyford Court, 1-9, 14-32 (c) Firemans Cottages, Fortis Green
74-86 (e) Twyford Avenue
63-75 (o) Twyford Avenue
Flat 1-35 (c) Jubilee Court, Spring Lane
1-7 (o), 5a, 7a Tetherdown
Flat 1-18 (c) Leaside Mansions, Flat 1-16 (c) The Gables, Fairport, Flat 1-26 (c),
Fortis Court, Fortis Green

RESPONSES

Transportation Group - This development proposal is sited on the bus route Fortis Green Road, which offers some 26 buses per hour (two-way), for frequent bus connections to East Finchley tube station and, within a short walking distance of Muswell Hill Broadway where additional 44 buses per hour (two-way) can be boarded for regular connections to Highgate tube station. We have subsequently considered that the majority of the prospective residents/patrons/staff of this development would use sustainable travel modes for their journeys to and from the site. In addition, our interrogation with TRAVL database suggests that based on comparable sites (Crown Dale Medical Centre-SE19, Days Lane Dental Surgery-DA15 and Torrington Park Health Centre), the clinic aspect of this development proposal, some 515sqm GFA, would only generate 29 vehicle movements in and out of the site, during the critical morning peak hour. Similarly, the residential part (853sqm GFA) of the proposed development has been predicted to generate 3 combined vehicle movements, in and out of this development, in the same period. It is therefore deemed that this level of vehicular trips (32 overall, in the morning peak hour) would not have any significant adverse impact on the existing traffic or indeed car parking demand at this location.

Moreover, notwithstanding that this site has not been identified within the Council's UDP as that renowned to have car parking pressure, the applicant has proposed 15 car parking spaces (9 and 6 for the residents and 3 doctors/7 part-time staff correspondingly) and 10 bicycle racks which are enclosed in a secure shelter, with the access to the car parking area taken from Spring Lane, as detailed on Plan No.PL.08.689.047A. There is also parking control immediately east of this site, indicated by "Pay & Display" parking bays with 2 hours limited stay and operating from Monday to Saturday between 0930hrs and 1700hrs. However, there is the concern that the applicant has not explored the possibility of encouraging delivery vehicles to enter the cul-de-sac Spring Lane, travel past the proposed access towards the northern periphery of this road and ultimately reverse onto the circulatory area of the car park, in order to service this development. Our preliminary vehicle swept path analysis has shown that, with improvement to the turning radii of the proposed access, a 10 metre-long rigid vehicle can complete this manoeuvre successfully. We also observed that the footway section on the other side of this stretch of Fortis Green is sub-standard

with uneven surface, due to the damage ensuing from the recurring utility works in this area, over time. Hence, we will require the applicant to make some financial contribution towards upgrading this footway.

London Fire Brigade – The access road to The Cottages is too narrow and does not comply with Approved document B. The minimum width requirement is 3.7 metres.

Muswell Hill & Fortis Green Association & 12 Local residents object on the following grounds:

- The large building would reduce light levels in the surrounding area
- The parking provisions makes no allowances for visitors & tradesmen
- Insufficient parking space and cars will park in surrounding streets
- Increasing the clinic will increase the number of staff and clients requiring more car-parking spaces
- Building too high and unattractive architecturally
- Loss of open land

RELEVANT PLANNING POLICY

UD3 General Principles

UD4 Quality Design

M10 Parking for Development

CSV5 Alterations & Extensions in Conservation Areas

CW2 Protecting Existing Community Facilities

SPG1a Design Guidance

SPG2 Conservation & Archaeology

ANALYSIS/ASSESSMENT OF THE APPLICATION

This application is for an amendment to a scheme which has Planning Permission. The proposal is for the creation of a basement to be used as part of the clinic that was approved at ground floor level as part of Planning Permission HGY/2008/0499. The approved clinic at ground floor level is part of a mixed use development that also comprises of 9 residential units varying from one bedroom units to three bedroom units. At present the site has a two-storey building that is vacant but was previously used as a NHS ante-natal clinic. This building will be demolished (as approved under Reference HGY/2008/0500) to create the part four storey, part five storey building.

Principally the appearance of the proposed building remains the same, the only external changes being the introduction of two light wells to the front elevation of the building and the provisions of 6 more car-parking spaces to the rear. The proposal will be assessed on the following:

- The proposed clinic use

- The impact on the Conservation Area/Streetscene
- Parking
- Comments on residents objections

Background

The approved proposals reference numbers HGY/2008/0499 and 0500, dealt with the erection of the part four-storey, part five storey building comprising of 9 units on the upper levels and a clinic use on the ground floor. This application relates solely to the proposed lower ground floor level relating to the approved clinic and the associated car-parking spaces. The material planning issues above ground floor level have already been considered and will not be addressed again as part of this application.

1. The proposed clinic use

The approved scheme made provisions for a clinic use at ground floor level with its own separate entrance. At that time there was no specific occupier for the clinic and the approval was conditioned to ensure that this use would be retained, so as not to lose a community facility.

Since the previous application a local Doctors Practice currently located in Queens Avenue are seeking to relocate and use the existing approved space and extend into the basement. In total the proposed clinic would provide just over 500m² floorspace. This surgery will provide modern facilities that will continue to serve the local community.

2. The impact on the Conservation Area/Streetscene

The external alterations or changes are the incorporation of two lightwells to the front elevation and more car-parking spaces to the rear. The two lightwells have dimensions of 9.4 metres x 1.8 metres and 4.8 metres x 1.8 metres (length x depth). The approved building is set back from the street and has soft landscaping to the front of the property. The front boundary line includes low rise vegetation and shrubbery. Given the buildings setback, the depth of the lightwells and the shrubbery the proposed lightwells will be partially obscured from the streetscene.

The degree of excavation in the front garden area needed for the creation of the lightwells is minimal and will not adversely affect the character and appearance of the Muswell Hill Conservation Area. Originally there was a third lightwell proposed located to the rear of the property. Since the revision of the rear this lightwell has been omitted from the plans.

These revisions do however include the introduction of 6 new car parking spaces for the staff of the clinic to be able to use. The existing car-parking spaces will remain and will still be allocated for the future occupiers of the flats.

Increasing the amount of car-parking spaces increases the amount of hardstanding reducing the greenery. However the car-parking spaces both

residential and otherwise will be located behind a sliding gate and a 2.25 metre boundary wall that also has trees along the rear wall. Therefore this area for car-parking will not necessarily have wide views. This area will not affect the streetscene as it will be located beyond the building and will not materially harm the Conservation Area.

3. Parking

As stated before there will now be 15 car-parking spaces, 9 for the residents and 6 for the staff of the clinic. Transportation has been consulted and is now satisfied with the proposal. The site is within easy reach of local buses and tube stations and a proportion of residents, staff and clients will use these modes of transport.

Regrettably the extra car-parking spaces means that the resident's private amenity space has been reduced. However the approved scheme does have an area of private amenity space on the roof and some flats offering private balconies. The loss of private amenity space at ground floor level is not ideal but goes some way to complying with the parking spaces required for a development of this nature.

There is no justification for seeking a financial contribution to repair the footpath on the other side of Fortis Green, as the condition of that footpath is not to be attributed to the current application.

4. Comments on the residents objections

12 local residents and Muswell Hill & Fortis Green Association objected to the proposal. Some of the concerns relate to the building above ground level, including the design and the impact on adjoining properties. These issues can not be dealt with again. One of the reoccurring concerns was to do with the parking; this issue has been addressed and meets with the criteria as set out by the Councils Transportation and Highways Team.

The London Fire Brigade have commented on the application and expressed a concern that the access road to The Cottages is too narrow. With this particular application the access road has not been altered, changed or made narrower; the access road did not and does not form part of the application site.

SUMMARY AND CONCLUSION

To conclude, the extension to the previously approved scheme which includes the lower ground floor level to be created as an extension of the ground floor clinic, the introduction of lightwells and additional car-parking spaces is acceptable. The proposal should be approved on the grounds that allowing more floorspace for the clinic use will enable a local Doctors surgery to continue serving the

community with modern facilities. The lightwells are modest in size and do not involve the vast excavation of the front garden area. In addition the buildings setback and the front boundary screened with shrubbery and trees means that the lightwells will be partially obscured from the streetscene and will not adversely affect the character and appearance of the Muswell Hill Conservation Area.

In addition the proposed car-parking spaces satisfy the number required for a development of this nature. The parked cars will be hidden behind the 2.25 metre high boundary wall and a sliding gate so will not be visible from the streetscene. As such these amendments are compliant with Policies UD3 General Principles, UD4 Quality Design, CSV5 Alterations and Extensions in Conservation Areas and M10 Parking for Development of the Haringey Unitary Development Plan.

RECOMMENDATION

GRANT PERMISSION subject to Section 106 Agreement

Registered No. HGY/2008/2320

Applicant's drawing No.(s) PL.08.689.30, 031, 034, 035, 036, 037, 038, 039, 040A, 041A, 042A, 043A, 044A, 045A, 046, 047 & 048.

The Sub-Committee is recommended to RESOLVE as follows :(1) That planning permission be granted in accordance with planning application no. HGY/2008/2320, subject to conditions as set below, and 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 £45, 382. Towards educational facilities within the Borough (£21, 390 for primary and £23,992 for secondary) according to the formula set out in Policy UD10 and Supplementary Planning Guidance 12 of the Haringey Unitary Development Plan July 2006. Plus 5% of this amount as recovery costs / administration / monitoring which equates to £2,269. This gives a total amount for the contribution of. £47.651.

RECOMMENDATION 2

That the Agreements referred to in Resolution (1) above is to be completed no later than 09/03/09 or within such extended time as the Council's Assistant Director (Planning, Environmental Policy and Performance) shall in his sole discretion allow; and

RECOMMENDATION 3

That in the absence of the Agreements referred to in resolution (1) above being completed within the time period provided for in resolution (2) above, the planning application reference number HGY/2008/2320 be refused for the following reason:

The proposal fails to provide an education contribution in accordance with the requirements set out in Supplementary Planning Guidance 12 'Educational Needs Generated by New Housing Development' attached to the emerging Haringey Unitary Development Plan.

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, in particular amended plans received 15th January 2009, PL.08.689, 040A, 041A, 042A, 043A,044A,045A.
Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.
3. A detailed plan shall be submitted to and approved in writing to the Local Planning Authority to show that a 10 metre-long servicing vehicle can reverse onto the proposed parking area from the Northern end of Spring Lane.
Reason: In order to ensure that the majority of the servicing to this development is contained within the site.
4. A detailed scheme for the provision of storage facilities for separate refuse for the ground floor clinic use and residential shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the work for the following domestic refuse and recycling containers: 2 x 1100 litre refuse bins, 1 x 1100 recycling bin.
Reason: In order to protect the amenities of the locality.
5. 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.
6. 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 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.

7. Notwithstanding the details of landscaping referred to in the application, a scheme for the landscaping and treatment of the surroundings of the proposed development to include detailed drawings of:
 - a. Those new trees and shrubs to be planted together with a schedule of species shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. Such an approved scheme of planting, seeding or turfing comprised in the approved details of landscaping shall be carried out and implemented in strict accordance with the approved details in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). Any trees or plants, either existing or proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be maintained and retained thereafter to the satisfaction of the Local Planning Authority.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.
8. Notwithstanding the Provisions of Article 4 (1) and part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development Order 1995), no individual satellite antenna shall be erected or installed on any building hereby approved. The proposed development shall have a central dish or aerial system for receiving all broadcasts for the residential units created: details of such a scheme shall be submitted to and approved in writing 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 prevent the proliferation of satellite dishes on the development.
9. The car parking spaces shown on the approved drawings shall be marked out on the site to the satisfaction of the Local Planning Authority, and these spaces shall thereafter be kept continuously available for car parking and shall not be used for any other purpose without prior permission in writing of the Local Planning Authority.
Reason: In order to ensure that adequate provisions for car parking is made within the site.
10. The ground floor and basement clinic/community use shall be permanently retained as such.

Reason: In order to compensate for the loss of the existing clinic/community use on the site.

NAMING/NUMBERING

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

CROSSOVER COSTS

INFORMATIVE: The necessary works to construct the crossover will be carried out by the Assistant Director Street Scene at the applicants expense once all the necessary internal site works have been completed. The applicant should telephone 020 8489 1316 to obtain a cost estimate and to arrange for the works to be carried out.

REASONS FOR APPROVAL:

The proposal should be approved on the grounds that allowing more floorspace for the clinic use will enable a local Doctors surgery to continue serving the community with modern facilities. The lightwells are modest in size and do not involve the vast excavation of the front garden area. In addition the buildings setback and the front boundary screened with shrubbery and trees means that the lightwells will be partially obscured from the streetscene and will not adversely affect the character and appearance of the Muswell Hill Conservation Area. In addition the proposed car-parking spaces satisfy the number required for a development of this nature. The parked cars will be hidden behind the 2.25 metre high boundary wall and a sliding gate so will not be visible from the streetscene. As such these amendments are compliant with Policies UD3 General Principles, UD4 Quality Design, CSV5 Alterations and Extensions in Conservation Areas and M10 Parking for Development of the Haringey Unitary Development Plan.