

## REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE

### 1. APPLICATION DETAILS

**Reference No:** HGY/2020/1615

**Ward:** Bounds Green

**Address:** 26-28 Brownlow Road N11 2DE

**Proposal:** Demolition of existing buildings; erection of a part 3 and part 4 storey building comprising 23 (1 x studio, 6 x 1 bed, 14 x 2 bed, 3 x 3 bed) flats; erection of 1 detached dwelling to the rear with 1 parking spaces, provision of 3 disabled parking spaces at the front; cycle, refuse and recycling storage; provision of new access onto Brownlow Road and accessway to the rear.

**Applicant:** Rawlins Abbeytown Limited

**Ownership:** Private

**Case Officer Contact:** Tobias Finlayson

1.1 The application has been referred to the Planning Sub-committee for a decision as it is a major application that is also subject to a s106 agreement.

#### 1.2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

1.2.1 The revised proposal satisfactorily addresses the Planning Inspector's reasons for refusal of the previous application (HGY/2018/0309) which can be summarised as (1) the effect of the proposed flats on the character and appearance of the area; and (2) the effect of the proposed flats on the living conditions of the occupants of neighbouring properties.

1.2.2 All other relevant material considerations including changes to policy context since the Planning Inspector's appeal decision have been taken into account.

1.2.3 The proposed development would contribute to the housing needs of the borough by providing 24 residential units including the maximum viable level of affordable housing (via an off-site contribution).

1.2.4 In accordance with the NPPF, permission should be granted as there are no significant adverse or harmful impacts of doing so that would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole.

## **2.0 RECOMMENDATION**

- 2.1 That the Committee resolve to GRANT planning permission and that the Head of Development Management or the Assistant Director Planning, Building Standards & Sustainability is authorised to issue the planning permission and impose conditions and informatives subject to the signing of a section 106 Legal Agreement providing for the obligations set out in the Heads of Terms below and a section 278 Highways Agreement.
- 2.2 That delegated authority be granted to the Head of Development Management or the Assistant Director to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions as set out in this report and to further delegate this power provided this authority shall be exercised in consultation with the Chair (or in their absence the Vice-Chair) of the Sub-committee.
- 2.3 That the section 106 legal agreement referred to in resolution 2.1 above is to be completed no later than 19 July 2021 or within such extended time as the Head of Development Management or the Assistant Director shall in her/his sole discretion allow.
- 2.4 That following completion of the agreement(s) referred to in resolution 2.1 within the time period provided for in resolution 2.3 above, planning permission be granted in accordance with the Planning Application subject to the attachment of the conditions listed in full at Appendix 1.

**Conditions summary** (the full text is contained in Appendix 1 to this report):

1. Time limit for implementation (3 years)
2. Development in accordance with approved drawings and documents
3. Removal of certain permitted development rights
4. Accessible dwellings
5. Satellite antenna restriction
6. Unexpected Contamination
7. Tree Protection Measures
8. Demolition and Construction Environmental Management Plan
9. NRMM
10. Piling
11. Updated Sustainability & Energy Statement
12. Materials
13. Updated Sustainable Urban Drainage System
14. Living roofs
15. Overheating
16. Landscaping
17. Secured by Design
18. Land Contamination Remediation Verification
19. Refuse management

20. Cycle parking
21. Obscure glazing

**Informatives summary** (the full text is contained in Appendix 1 to this report):

1. Working with the applicant
2. S106 agreement
3. CIL
4. Low Carbon Heating Strategy
5. Party Wall Act
6. Hours of construction
7. Asbestos
8. Groundwater Risk Management Permit
9. Underground Water Assets
10. Pressure
11. SbD accreditation – Metropolitan Police Advice
12. Fire safety
13. Street numbering

**Section 106 Heads of Terms:**

1. Affordable housing provision
  - Financial contribution (£384,903) towards provision of off-site affordable housing;
  - Early stage review if works do not commence within two years (24 months); and
  - Late stage review upon sale or let of 75% units.
2. Sustainable Transport Initiatives and Car Parking
  - Traffic Management Order amendment contribution (£4,000) for 'car capped' development; and
  - Car club membership provision for two years.
3. Carbon mitigation
  - Financial contribution towards carbon offsetting (estimate £16,481.55) to be confirmed by Energy Statement review and associated clauses; and
  - Be Seen: Commitment to uploading data to the GLA's Energy Monitoring platform.
4. Child play space
  - Financial contribution (£4,750) towards off-site provision.
5. Employment initiative – participation and financial contribution towards Local Training and Employment Plan
  - Provision of a named Employment Initiatives Co-Ordinator;

- Notify the Council of any on-site vacancies;
- 20% of the on-site workforce to be Haringey residents;
- 5% of the on-site workforce to be Haringey resident trainees;
- Provide apprenticeships at one per £3m development cost (maximum 10% of total staff); and
- Provide a support fee of £1,500 per apprenticeship towards recruitment costs.

6. Monitoring contribution

- 5% of total value of contributions (not including monitoring);
- £500 per non-financial contribution; and
- Total monitoring contribution to not exceed £50,000.

7. Section 278 highway agreement

2.5 That in the absence of the agreement referred to in resolution 2.1 above being completed within the time period provided for in resolution 2.3 above, the planning permission be refused for the following reasons:

- (i) In the absence of a legal agreement securing 1) the provision of a financial contribution in-lieu of onsite affordable housing and 2) viability review mechanisms, the scheme would fail to foster mixed and balanced neighbourhoods where people choose to live, and which meet the housing aspirations of Haringey's residents. As such, the proposal is contrary to London Plan Policy H4, Local Plan Strategic Policy SP2, and Development Management DPD Policies DM11, DM13 and DM48.
- (ii) In the absence of legal agreement securing 1) Traffic Management Order amendment contribution and 2) car club membership funding, the proposal would give rise to overspill parking impacts and unsustainable modes of travel. As such, the proposal is contrary to London Plan Policy T4, Local Plan Strategic Policy SP7 and Development Management DPD Policies DM31, DM32 and DM48.
- (iii) In the absence of a legal agreement securing a carbon offset payment, the proposal would fail to mitigate the impacts of climate change. As such, the proposal is unsustainable and contrary to London Plan Policy SI2, Strategic Policy SP4 and Development Management DPD Policies DM21, DM22 and DM48
- (iv) In the absence of a legal agreement securing a financial contribution towards child play space, the proposal would fail to deliver an acceptable level of play and informal recreation based on the expected child population generated by the scheme. As such, the proposal is contrary to London Plan Policy S4, the Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG and Local Plan Strategic Policy SP13.

- (v) In the absence of a legal agreement securing construction training and local labour initiatives, the proposal would fail to deliver an acceptable level of support towards local residents accessing the new job opportunities in the construction phase of the scheme. As such, the proposal is contrary to Haringey's Planning Obligations SPD 2018.

2.6 In the event that the Planning Application is refused for the reasons set out in resolution 2.7 above, the Head of Development Management or the Assistant Director (in consultation with the Chair of Planning Sub-committee) is hereby authorised to approve any further application for planning permission which duplicates the Planning Application provided that:

- (i) There has not been any material change in circumstances in the relevant planning considerations;
- (ii) The further application for planning permission is submitted to and approved by the Head of Development Management or the Assistant Director 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 2.1 above to secure the obligations specified therein.

### **Presumption in Favour of Sustainable Development (PFSD)**

2.7 In the event that members choose to make a decision contrary to the officer recommendation (that the proposed development accords with the development plan overall and material considerations do not indicate otherwise), it will be necessary to consider the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF). This is because the Council's delivery of housing over the last three years has been substantially below its housing target and so paragraph 11(d) of the NPPF is engaged by virtue of footnote 7 of the NPPF. Members must state their reasons including why it is considered that the presumption is not engaged.

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### **3.0 BACKGROUND**

3.1 A similar application at this site was appealed (APP/Y542/W/18/3209344) for non-determination and the Planning Inspectorate decision (**Appendix 5**) issued in June 2019. The appeal was dismissed with the Planning Inspector finding two reasons for refusal:

- 1) The effect of the proposed flats on the character and appearance of the area; and
- 2) The effect of the proposed flats on the living conditions of the occupants of neighbouring properties, with particular reference to outlook, privacy and day and sun light; and

3.2 This application seeks to address the Planning Inspector's two reasons for refusal with an amended proposal as set out in detail below. The recent appeal decision has been given appropriate weight.

### **4.0 PROPOSED DEVELOPMENT**

#### **4.1 Proposed development**

4.1.1 The revised planning application seeks full planning permission for the demolition of existing buildings and erection of a part 3 and part 4 storey building comprising 23 (1 x studio, 6 x 1 bed, 14 x 2 bed, 3 x 3 bed) flats; erection of 1 detached dwelling to the rear with 1 parking spaces, provision of 3 disabled parking spaces at the front; cycle, refuse and recycling storage; provision of new access onto Brownlow Road and accessway to the rear.

#### Amendments since submission

4.1.2 Since the current application was submitted and publicly consulted upon, the following amendments have been made to the proposed development:

- Top floor metal cladding changed to facing brickwork to enhance verticality;
- Recessed grey brickwork to top floor above balconies along street elevation;
- Glazed balustrades replaced with metal railings;
- Additional windows to north elevation at first, second and third floor to provide dual aspect; and
- Section of buff brickwork to south elevation to enhance verticality.

## Differences between appeal and current schemes

- 4.1.3 In addition to the above amendments since submission, to address the appeal grounds for refusal of the previous proposal, the current application differs from the previous proposal in the following aspects:
- Reduced building mass by one storey, bringing the roof top level in line with Beaumaris and eaves of no.30;
  - Removing a storey meaning one of the circulation cores can be omitted thereby reducing the circulation footprint, providing more liveable area;
  - Setting back of the proposal further away from Brownlow Road to align with neighbouring buildings and reducing its dominant presence on the streetscape;
  - Reduced massing on rear corner adjacent to no.30 to improve relationship and outlook from no.30;
  - Removed projecting balconies to the rear corner nearest to no.30 to stop overlooking into the property's garden

## **4.2 Site and surrounding context**

- 4.2.1 The application site is a rectangular plot of land that measures 75m by 35m, totalling 0.26 hectares. The site comprises two detached dwellings, one of which is derelict following a fire in 2017 and one of which is vacant.
- 4.2.2 The site fronts onto Brownlow Road with a central dropped kerb. No.26 is a two storey brick built dwelling with limited architectural merit. No.28 is a small two storey dwelling dating from the 19th Century, which has been severely damaged by the fire. Neither of the buildings are listed and the site is not within a conservation area.
- 4.2.3 The surrounding area has a broadly residential character defined by a mix of housing types, including four to five storey flatted blocks and two storey semi-detached dwellings. Immediately adjacent to the south is a four storey block of flats known as Beaumaris and to the north is a three storey Victorian dwelling (no.30). The character has a more retail feel to the south towards Bounds Green Station and Bounds Green Road and is a designated neighbourhood centre in the Local Plan.
- 4.2.4 The site has excellent access to public transport, with a PTAL rating of 6a. It is within a two-minute walk to Bounds Green Station on the Piccadilly line and has access to a range of bus routes on and around Bounds Green Road.



### **4.3 Other relevant planning history**

- 4.3.1 Planning permission (HGY/2016/3130) was granted in 2016 to the rear of 26 Brownlow Road (i.e. what is currently the rear garden) for the erection of two, three-bed detached dwellings with parking, cycle and refuse storage and formation of an access. The planning permission has technically commenced (but not yet completed) through the construction all of the drain connections in to the access road to the rear, which has been inspected and signed off by Building Control. These works of implementation followed the discharge of a number of pre-commencement planning conditions and the payment of CIL.

### **5.0 CONSULTATION REPOSES**

- 5.1 The following is a summary of the internal and external consultation responses received regarding the application. The full text of the consultation comments from internal and external consultees is contained in **Appendix 3**.

#### **Internal:**

- 5.1.1 Design Officer: No objection – number of single aspect flats reduced.
- 5.1.2 Transportation Group: No objection subject to conditions and s106 obligations.
- 5.1.3 Housing: No objection subject to s106 obligations.
- 5.1.4 Carbon Management (Climate Change): No objection subject to conditions and s106 obligations.
- 5.1.5 Carbon Management (Pollution): No objection subject to conditions.
- 5.1.6 Flood, Surface Water and Drainage: No objection subject to condition.
- 5.1.7 Building Control: No objection.
- 5.1.8 Waste Management: No objection subject to condition.

#### **External:**

- 5.1.9 London Borough of Enfield: No objection.
- 5.1.10 Transport for London: No objection subject to cycle parking provision increase.
- 5.1.11 Thames Water Utilities: No objection subject to condition and informatives.
- 5.1.12 London Fire Brigade: No objection.

## 6.0 LOCAL REPRESENTATIONS

6.1 The following consultation was undertaken in accordance with national requirements under the Town and Country Planning (Development Procedure) (England) Order 2015 as well as the Council's Statement of Community Involvement 2017:

- 355 owner/occupiers of neighbouring properties notified by letter;
- 2 resident/community associations (Bounds Green & District Residents Association; and Bowes Park Community Association);
- 2 site notices displayed near the application site - one to the front (Brigstock Road) and one to the rear (Queen's Road) on 24 July 2020; and
- 1 press notice placed in the local paper (Enfield & Haringey Independent) on 22 July 2020

6.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 50  
Objecting: 50

6.3 The following Member of Parliament made representations:

- Catherine West – Labour MP for Hornsey and Wood Green

6.4 The following Councillor made representations:

- Councillor Chiriyankandath

6.5 The fuller summary of representations received and the officer response are set out in **Appendix 4**. A summary of issues that are material considerations is given below:

Principle and housing  
Affordable housing  
Density, size, scale, design, character and appearance  
Neighbouring residential amenity  
Energy and climate change  
Environment (contamination, trees, landscaping, flooding, SuDs and ecology)  
Parking, transport, access and highways  
Construction impacts

## 7.0 ASSESSMENT OF PROPOSED DEVELOPMENT

7.1 The proposed application seeks to address the reasons for refusal given by the Planning Inspector in the appeal decision on the previous proposal, which were:

- 1) The effect of the proposed flats on the character and appearance of the area; and
- 2) The effect of the proposed flats on the living conditions of the occupants of neighbouring properties, with particular reference to outlook, privacy and day and sun light.

7.2 In addition to the above, although previously held as acceptable, as the policy context has changed since the Planning Inspector's decision, the following matters still need to be assessed:

- Changes to policy context;
- Principle of development;
- Character and appearance of the area
- Effect on the living conditions of the occupants of neighbouring properties
- Affordable housing
- Housing quality and unit mix
- Transportation, access, servicing, parking and highway safety
- Energy, climate change and sustainability
- Environment
- Ecology
- Fire safety
- Construction impacts
- S106 mitigation/planning obligations
- Equalities
- Conclusion

### **7.3 Principle of development**

#### Changes in policy context

7.3.1 Since the Planning Inspector's decision, there have been three material changes in the planning policy context.

7.3.2 Firstly, the NPPF has been updated (June 2019) and requires Local Planning Authorities to significantly boost the supply of housing (paragraph 59).

7.3.3 Secondly, the 2020 Housing Delivery Test (HDT) results were published on 19 January 2021 and as a result, Haringey Local Planning Authority is now subject to the presumption in favour of sustainable development and paragraph 11d of the NPPF is highly relevant. The Council's delivery of housing over the last three years has been substantially below its housing target and so paragraph 11d of the NPPF is engaged by virtue of footnote 7 of the NPPF. Nevertheless, the proposed development has been found to be in accordance with development plan policies and, therefore, consideration of paragraph 11(d) is not specifically required in this instance (but would be if the application were to be refused).

- 7.3.4 Thirdly, the Mayor of London published the new London Plan on 2 March 2021. This means that for the purposes of S38(6) of the Planning and Compulsory Purchase Act 2004, the development plan includes the Strategic Policies Development Plan Document (DPD), Development Management Policies DPD and the London Plan (2021). Officers have taken full account of this and the adopted London Plan policies when assessing this application and have reviewed all references to London Plan policies referred to in the previous appeal decision (Appendix 5) where relevant.

#### Assessment of principle

- 7.3.5 The Inspector did not raise the principle of development (including demolition of existing buildings) as a reason for refusal of the previous application. The principle of developing this site for housing remains acceptable.
- 7.3.6 Furthermore, the published London Plan (2021) Table 4.1 sets out housing targets for London over the coming decade, setting a 10-year housing target (2019/20 – 2028/29) for Haringey of 15,920, equating to 1,592 dwellings per annum. London Plan (2021) Policy H1 'Increasing housing supply' states that boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites (of which this is one, notwithstanding that garden land is excluded from the definition of 'brownfield'), especially sites with good public transport access levels (PTALs) or which are located within 800m of a station or town centre boundary – again, of which this site is one.
- 7.3.7 Given the above, the principle of development remains acceptable and furthermore, when considered against the changes in policy context, the provision of housing should be afforded additional weight compared to when it was previously considered.

### **7.4 Character and appearance of the area**

#### Policy context

- 7.4.1 Published London Plan Policies D1 (London's form, character and capacity for growth), D4 (Delivering good design) and D6 (Housing quality and standards) replace former London Plan Policies 7.4, 7.5 and 7.6 referred to in the previous appeal decision (Appendix 5) however, the policy objectives are largely similar.

## Quality Review Panel

- 7.4.2 Whilst the Quality Review Panel (QRP) has not reviewed the current scheme, it reviewed the previously appealed scheme of larger bulk and mass. The QRP report on the previous scheme is set out in full at **Appendix 6** with the summary from the final report as below:

*The Quality Review Panel feels that the combined sites at 26-28 Brownlow Road offer great potential for redevelopment due to their proximity to Bounds Green Underground Station. Whilst it welcomes the plans to replace the two low-density houses on the combined site with a higher density residential scheme, the panel considers that some further refinements to the proposal will be required in order to ensure that the development fulfils its obvious potential.*

*The panel broadly supports the scale and configuration of the development; however, it feels that scope remains to improve the entrance and circulation of the main block of accommodation, the quality and accessibility of the communal garden, and the arrangements for servicing and cycle storage. The panel would also encourage further consideration of the ground floor plan in the south-eastern corner of the main block, and some refinement of the fenestration and architectural expression.*

## Assessment of design differences between appeal and current schemes

- 7.4.3 To address the appeal grounds for refusal of the previous proposal relating to the character of the area as well as the QRP suggested amendments, the current application differs from the previous proposal in the following aspects:
- Reduced building mass by one storey, bringing the roof top level in line with Beaumaris and eaves of no.30;
  - Removing a storey meaning one of the circulation cores can be omitted thereby reducing the circulation footprint, providing more liveable area;
  - Setting back of the proposal further away from Brownlow Road to align with neighbouring buildings and reducing its dominant presence on the streetscape; and
  - Reduced massing on rear corner adjacent to no.30.
- 7.4.4 To further improve the design of the scheme and how it relates to the character of the area, since the current application was submitted, the following further amendments have been made to the proposed development:
- Top floor metal cladding changed to facing brickwork to enhance verticality;
  - Recessed grey brickwork to top floor above balconies along street elevation;
  - Glazed balustrades replaced with metal railings;
  - Additional windows to north elevation at first, second and third floor to provide double aspect; and
  - Section of buff brickwork to south elevation to enhance verticality.

- 7.4.5 The revised design has reduced the height of the building by a whole storey and set the top floor in from the boundary with no. 30, which brings the roof's top level in line with Beaumaris and the eaves of no.30. This reduction in height ensures that the building better responds to and sits comfortably within its street scene context and would no longer appear notably taller than its neighbours, as previously found by the Inspector. The building now responds to the prevailing height.
- 7.4.6 The Inspector also found that the previously excessive height was compounded by the massing and forward projection of the building, making it appear dominant and out of place. As noted above, in response, the revised scheme has brought the building line back so that it aligns with both of its neighbours. This has a significant effect on its dominance within the street which, when coupled with the reduction in height, ensures the building respects its context. In addition, the massing has been broken up with a series of three projecting, solid brick elements intertwined with recessed balconies. This again lessens the overall scale of the building and is considered to address the Inspector's concerns regarding the building's dominance.
- 7.4.7 The architectural approach has changed slightly, however, still retains the core of the architecture of the previous scheme that was commended by the Inspector. The approach taken is the New London Vernacular and includes the use of robust and durable brickwork that directly responds to the local context. As the building is now a whole storey lower and the footprint of the storey has been reduced, the upper floor appears as a distinct roof element that helps to cap the architectural composition. Finally, powder coated aluminium glazing helps to off-set the brick and the use of recessed balconies with metal railings adds a good degree of depth and relief to the façade.
- 7.4.8 The Council's Design Officer has assessed the current proposal and advises that it is much improved in terms of the height as the building addresses its context and mediates between its 3 storey and 4 storey neighbours. They highlight that the proposed building has been pushed back to realign with the frontages of no.30 and the Beaumaris apartment block. The 3D views demonstrate how these changes allow the building to sit more harmoniously into the context of the street. The design impact of the proximity to the adjoining property at no.30 has been reduced by the changes made in alignment and scale. The Design Officer is convinced and satisfied with the changes made and that some necessary compromises have been made to improve the architectural and urban design qualities of the scheme.

### Conclusion

- 7.4.9 Given the above, the Inspector's reason for refusal regarding the effect of the development upon the character of the area with particular emphasis on height and dominance within the street has been overcome and the development is acceptable and in accordance with London Plan Policies D1, D4 and D6.

## **7.5 Effect on the living conditions of the occupants of neighbouring properties**

### Policy context

- 7.5.1 Published London Plan Policy D6 (Housing quality and standards) replaces former London Plan Policy 7.6 referred to in the previous appeal decision (Appendix 5) however, the policy objectives are largely similar.

### Outlook

- 7.5.2 The revised proposals address the Inspector's concerns by stepping the building mass in further away from the boundary with no.30 where it projects beyond this property. The revised proposals also project beyond no.30 less at first and second floor when compared with the previous scheme and the rearmost projection is further stepped-in from the boundary, which increases the separation between the neighbour and the stepped out part of the building. This approach ensures that a '45-degree line' BRE guide is preserved from the nearest habitable window in the neighbouring property. In addition, the overall height of the building adjacent to no.30 has been reduced by a storey and is now of the same height as this property. Overall, these amendments are considered to help significantly reduce the impression of an imposing mass of structure to the neighbouring property. Whilst the new building may be visible in oblique views from the neighbouring house, it is considered to be sufficiently set away and stepped in to not result in a sense of enclosure or overwhelming loss of outlook for its occupiers who will continue to maintain an open outlook along their garden.
- 7.5.3 Furthermore, whilst not raised by the Inspector, the building no longer projects beyond the front building line of no.30, which will also improve the relationship and ensure an open outlook at the front. This improvement, together with the improvements at the rear, will ensure that the occupiers of no.30 do not feel enclosed by a 'wall' of development.
- 7.5.4 The relationship with Beaumaris is largely unchanged, with the proposed flats only projecting marginally beyond the line of the previous scheme but still within the '45-degree line' BRE guide. Therefore, the Inspector's previous conclusion that "the flats would be located far enough in from the boundary with Beaumaris to ensure no harmful effect upon the outlook from that building" is still applicable.
- 7.5.5 The relationship between the rear dwelling and surrounding properties is considered to remain acceptable as per the Inspector's conclusions and the findings of the Council in granting permission for the two dwellings at the rear of no.26.

## Privacy

- 7.5.6 The proposed development addresses the Inspector's concern by removing all overhanging balconies on the part of the building adjacent at the border with no.30. The originally submitted version of the current application also removed all windows from the flank elevation where it extends beyond the neighbouring property. However, whilst not a concern raised by the Inspector, to make an additional two units dual aspect, at the request of officers, the applicant inserted obscure glazed oriel windows at first and second floor within the western flank elevation. Given the angle nature of the oriel windows, in conjunction with the obscure glazing, separation distance and boundary treatment of established mature trees, there would be no loss of privacy or harmful perception of overlooking for the occupants of no.30.
- 7.5.7 In addition, bringing the balconies within the envelope of the façade with a slight walled projection beyond the usable area of the balcony will ensure that the outlook is over the communal garden and not towards no.30. It also removes the visual presence of projecting balconies close to the neighbouring property. However, as required by relevant policies, it is beneficial to provide some outdoor amenity space for each flat and the design measures have addressed the Inspector's concerns about the possibility of overlooking and loss of privacy arising.
- 7.5.8 As per the Inspector's previous finding, the development would preserve the privacy of the flats and gardens of Beaumaris as there is no change in relationship here. In addition, the building would continue to preserve the privacy of the properties on Queen's Road, which was not raised as a reason for refusal by the Inspector.

## Sunlight and daylight

- 7.5.9 The application includes a daylight and sunlight assessment on the effect of their proposed development on neighbouring dwellings. The report has been prepared fully in accordance with council policy following the methods explained in the Building Research Establishment's publication "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" (2nd Edition, Littlefair, 2011) known as "The BRE Guide".
- 7.5.10 The daylight sunlight assessment confirms that the proposed development would be in accordance with the BRE guide and not have any harmful impact on neighbouring properties with regard to harmful loss of sunlight or daylight. Therefore, as concluded by the Inspector in considering the previous scheme of greater mass and bulk than the current proposal, in the absence of evidence to the contrary, the relationship is considered to be acceptable in this respect.

## Conclusion



- 7.5.11 Given the above, the Inspector's reason for refusal regarding the effect of the proposed flats on the living conditions of the occupants of neighbouring properties, with particular reference to outlook, privacy and day and sun light has been overcome and the development is acceptable and in accordance with London Plan Policy D6 and Development Management DPD Policy D1.

## **7.6 Affordable housing**

### Policy context

- 7.6.1 The NPPF 2019 (paragraph 62) states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
  - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
- 7.6.2 London Plan 2021 Policy H4 states that affordable housing should be provided on site and only be provided off-site or as a cash in lieu contribution in exceptional circumstances. The Mayor's Affordable Housing and Viability SPG 2017 further states that all schemes which propose off-site affordable housing or cash in lieu payments are required to provide a detailed viability assessment as part of the justification that off-site or cash in lieu is acceptable, in-line with the London Plan and relevant local policies. In addition, viability alone is insufficient justification for off-site affordable housing provision or a cash in lieu payment.
- 7.6.3 Policy SP2 of the Local Plan requires developments of more than 10 units to provide a proportion of affordable housing subject to viability to meet an overall borough target of 40%.
- 7.6.4 Development Management DPD Policy DM13(F) states that on-site provision of affordable housing will be required. Only in the following exceptional circumstances may an off-site provision be acceptable - where a development can:
- a) Secure a higher level of affordable housing, on an alternative site;
  - b) Secure a more inclusive and mixed community in accordance with Policy DM11; and
  - c) Better address priority housing needs.
- 7.6.5 Haringey's Planning Obligations SPD 2018 states that although the Council's preference is to negotiate on-site affordable housing there may be circumstances where the Council agrees that a cash in lieu of provision contribution may be suitable. Cases where a case for financial payment could be made are:

- Where no RP is identified, or the Council not is willing to take the units on;
- The size of the site is too small; or
- Practicalities of design and management.

7.6.6 The Planning Obligations SPD 2018 further adds that all schemes that propose off-site provision or a cash-in-lieu payment are required to provide a detailed viability appraisal to justify this approach.

#### Viability

7.6.7 Haringey's viability consultant has assessed the development and considers the scheme could provide two on-site affordable homes or a contribution in-lieu of towards off-site affordable housing provision of £384,903, which is the maximum reasonable amount. However, on the same basis as the previous concessions (values and profit), the applicant's viability assessment shows a surplus of only £280,383 against the viability benchmark, which is more than £100k less than officers' position.

7.6.8 Despite the differing position, in the interests of progressing the development, the applicant has agreed to accept officers' position on the sum of 'in lieu' financial contribution. The applicant has also agreed to s106 obligations ensuring an 'early stage' review should the development not commence within 24 months of permission being granted and a 'late stage' review upon sale or let of 75% of the units. Both review mechanisms are to ensure that the maximum reasonable amount of financial contribution towards affordable housing is delivered.

#### Payment in lieu of on-site affordable housing provision

7.6.9 The council's Housing Team advises that the Council would not wish to acquire the low number of affordable units (two) of different tenure within this scheme due to the associated practicalities of design and management issues. He also advises it unlikely Registered Providers of Affordable Housing (RP) would be will to take on the units for the same reasons. A commuted s106 contribution in this case can be used against the Council's own Housing Delivery Programme to support the delivery of larger family homes, which are difficult to make viable with grant and will therefore better address priority housing needs. Furthermore, it is likely that a higher level of affordable housing could be secured on an alternative site given the relatively high value of the units. Therefore, the development can be considered an exceptional circumstance in this instance and a financial contribution towards off site provision would better benefit the borough.

#### Conclusion

7.6.10 Whilst the proposed development does not provide any on-site affordable housing, exceptional circumstances of the site have been demonstrated. Therefore, a financial contribution of £384,903 in lieu of on-site provision to be secured by s106 obligation is acceptable in this instance and in accordance with relevant policies as it would allow the development to come forward whilst also providing the maximum reasonable amount of contribution towards affordable housing.

## 7.7 Housing quality and unit mix

### Housing quality

7.7.1 London Plan Policy D6 requires housing developments to be of high quality design, providing comfortable and functional layouts, benefiting from sufficient daylight and sunlight, maximising the provision of dual aspect units and providing adequate and easily accessible storage space as well as outdoor amenity space.

7.7.2 The Inspector did not raise housing quality as a reason for refusal of the previous application. Therefore, as the current proposal maintains compliance with the prescribed space and amenity standards as well as increasing the number of dual aspects units by two, the proposed development is considered acceptable in housing quality terms.

### Unit mix

7.7.3 London Plan 2021 Policy H12C notes that boroughs should not set prescriptive dwelling size mix requirements (in terms of numbers of bedrooms) for market homes.

7.7.4 Haringey's Housing Strategy does not set out a target dwelling mix for market housing. However, Development Management DPD Policy DM11 requires proposals for new residential development to provide a mix of housing with regard to site circumstances, the need to optimise output and in order to achieve mixed and balanced communities.

7.7.5 The overall unit mix of housing within the proposed development:

Unit type	Number of units	Proposed mix
One bedroom flat	7	29.17%
Two bedroom flat	14	58.33%
Three bedroom flat	2	8.33%
Three bedroom house	1	4.17%
Total	24	100%

7.7.6 The overall unit mix of housing within the previously refused development:

Unit type	Number of units	Proposed mix
One bedroom flat	14	46.67%
Two bedroom flat	12	40%
Three bedroom flat	1	3.33%
Three bedroom house	3	10%
Total	30	100%

7.7.7 The Inspector did not raise unit mix as a reason for refusal of the previous application. However, it is important to note that the revised design of the current proposal results in a greatly reduced percentage of 1 bedroom units with a greater percentage of 2 to 3 bed units, which is supported.

7.7.8 Overall, the proposed unit mix is considered acceptable given the site's location within a highly sustainable area i.e. in close proximity to public transportation and when weighed against the need to provide additional housing to meet the borough's housing target.

## **7.8 Transportation, access, servicing, parking and highway safety**

7.8.1 Published London Plan 2021 Policy T1 (Strategic approach to transport) continues to support development that generates high levels of trips at locations with high levels of public transport accessibility and encourages shifts to more sustainable modes and promotes walking by ensuring an improved urban realm (effectively replacing Policy 6.1 in the previous London Plan). Similarly, Published London Plan Policies T2 (Healthy Streets), T5 (Cycling) and T6 (Car parking) replace previous London Plan Policies 6.9, 6.1 and 6.13 and former Intend to Publish London Plan Policy T5. In doing so, they continue to promote walking and cycling.

7.8.2 The Inspector did not raise transportation, access, parking and highway safety as a reason for refusal of the previous application. Furthermore, when considered against the previous scheme, the current proposal is likely to result in less demand given there are less units. Therefore, given the site's highly sustainable location (PTAL 6a), subject to the recommended conditions and s106 obligations such as removing permits and car club membership, the proposed development is acceptable in transportation, access, parking and highway safety terms.

## **7.9 Energy, climate change and sustainability**

- 7.9.1 Former adopted London Plan Policies 5.1, 5.2, 5.3, 5.7, 5.8, 5.9, 5.10 and 5.11 have been replaced by published London Plan Policies SI 2 (Minimising greenhouse gas emissions), SI 3 (Energy infrastructure) and SI 4 (Managing heat risk). These continue and strengthen the approach to climate change and require developments to meet the highest standards of sustainable design, including the conservation of energy and water; ensuring designs make the most of natural systems and the conserving and enhancing the natural environment.
- 7.9.2 Energy, climate change and sustainability were not raised as a reason for refusal on the previous application. However, policy has moved on since then and the Council's Climate Change Officer has assessed the application against current policy (including new London Plan 2021 requirements) and considers it acceptable. It is important to note that the revised design of the current proposal is an improvement on the previous scheme in that it results in a greater carbon reduction (71.5%) when compared against the previous proposal (43.7%). It is therefore considered policy compliant and is acceptable.

## **7.10 Environment**

### Contamination

- 7.10.1 Development DPD Policy DM32 requires development proposals on potentially contaminated land to follow a risk management-based protocol to ensure contamination is properly addressed and carry out investigations to remove or mitigate any risks to local receptors.
- 7.10.2 Contamination was not raised as a reason for refusal in the previous application. Like that previous application, the current application includes a Report on a revised Remediation Strategy and Remedial Action Plan to appropriately manage and dispose of the contamination on site. The Council's Pollution Officer has assessed the report and confirms that having considered all the submitted supportive information, he has no objection to the proposed development in relation to land contamination subject to the imposition of a (standard) planning condition requiring a contamination verification report. Therefore, the proposed development is acceptable in land contamination terms.

### Trees and landscaping

- 7.10.3 Published London Plan 2021 Policy G7 (Trees and woodlands) seeks to ensure that existing trees of value are retained and encourages the planting of new trees.
- 7.10.4 Whilst the Inspector did not raise trees and landscaping as a reason for refusal of the previous application the current application has been reassessed against current policy. Like the previous proposal, the current scheme includes an

arboricultural report assessing the impact of the development on the trees on and around the site. Due to the contamination remediation necessary, several existing trees need to be removed. However, a condition requiring a detailed landscaping plan is recommended and will ensure a balance between a suitable number and species of trees are planted whilst at the same time allowing sufficient space for open gardens and movement/access space. The proposed development is therefore acceptable in trees and landscaping terms.

#### Flooding and Sustainable Urban Drainage Systems (SUDS)

- 7.10.5 Former London Plan Policies 5.12, 5.13 and 5.14 have been replaced by published London Plan Policies SI 5 (Water infrastructure), SI 12 (Flood risk management) and SI 13 (Sustainable drainage) and continue to call for development to utilise Sustainable Urban Drainage Systems (SUDS) and ensure adequate wastewater infrastructure capacity is available.
- 7.10.6 When assessing the previous application, no concerns were raised with regards to energy, climate change and sustainability. The proposed development follows relevant, current policy guidance and the SUDS hierarchy to maximise the use of SUDS solutions (green roofs, water butts to collect rain water for reuse to irrigate the planted gardens, permeable paving, rain gardens and a small swale) to control the surface water. Attenuation of surface water will be achieved using a cellular storage system before being discharged at an appropriate rate (2l/s) to the public sewer network. Furthermore, a comprehensive management maintenance schedule has been provided and will be in place for the lifetime of the development with the maintenance being undertaken by a management company. The council's Drainage Engineer has assessed the proposed development and confirms it acceptable.

#### Ecology

- 7.10.7 Former adopted London Plan Policy 7.19 has been replaced by published London Plan Policy G6 (Biodiversity and access to nature) which continues to indicate that whenever possible development should make a positive contribution to the protection enhancement creation and management of biodiversity. Local Plan Policy SP13 states that development shall contribute to providing ecological habitats including through providing green roofs plus other methodologies.
- 7.10.8 The Inspector did not raise ecology as a reason for refusal of the previous application and the site is not designated for its nature conservation value. However, the revised design of the current proposal includes a green roof and a condition securing submission of hard and soft landscaping details, including nest boxes etc is recommended.
- 7.10.9 Given the above, the proposed development is acceptable in ecology terms.

## **7.11 Fire safety**

- 7.11.1 Fire safety is generally assessed at Building Regulations stage along with other technical building requirements relating to structure, ventilation and electrics, for example. However, since the Planning Inspector's decision, published London Plan 2021 Policy D12 makes clear that all development proposals must achieve the highest standards of fire safety and requires all major proposals to be supported by a Fire Statement.
- 7.11.2 The statement consists of a high-level review of fire safety requirements for the proposed development based on relevant British Standards and addresses means of escape, fire safety systems, internal fire spread, external fire spread and access and facilities for the fire service.
- 7.11.3 The development would be required to meet the Building Regulations in force at the time of its construction by way of approval from a relevant Building Control Body. As part of the Building Control plan checking process a consultation with the London Fire Brigade would be carried out. On completion of work, the relevant Building Control Body would issue a Completion Certificate to confirm that the works comply with the requirement of the Building Regulations.
- 7.11.4 Upon consultation, the London Fire Brigade and Haringey Building Control have confirmed that they are satisfied with the proposed development at this stage.

## **7.12 Construction impacts**

- 7.12.1 The Inspector did not raise construction impacts as a reason for refusal of the previous application. Furthermore, the impacts of construction such as noise, dust and traffic are temporary and are proposed to be controlled by condition, notably construction logistics and management plans. The applicant will also be required to join the Considerate Constructors Scheme with proof of registration provided to the Local Authority.
- 7.12.2 It is also noted that hours of construction are controlled by other legislation (Control of Pollution Act) and an informative is recommended in this regard.

## **7.13 S106 mitigation/planning obligations**

- 7.13.1 Section 106 of the Town and Country Planning Act 1990 allows the Local Planning Authority to seek planning obligations to mitigate the impacts of a development. As such, the s106 Heads of Terms are listed in section 2 of this report and are all considered necessary, directly related to the development and reasonably related in scale and kind.

## **7.14 Equalities**

- 7.14.1 In determining this planning application, the Council is required to have regard to its obligations under equalities legislation including obligations under the Equality Act 2010. In carrying out the Council's functions, due regard must be had, firstly to the need to eliminate unlawful discrimination, and secondly to the need to promote equality of opportunity and to foster good relations between persons who share a protected characteristic and persons who do not share it. Members must have regard to these duties in taking a decision on this application.
- 7.14.2 The proposed development provides additional housing, which would add to Haringey's stock of market homes and also providing the maximum viable amount of financial contribution towards affordable housing.
- 7.14.3 An employment and skills plan, recommended to be secured by a S106 obligation, would ensure a target percentage of local labour is utilised during construction. This would benefit priority groups that experience difficulties in accessing employment.
- 7.14.4 The proposed development would add to the stock of (private) wheelchair accessible and adaptable dwellings in the locality in accordance with London Plan and local planning policy requirements.



## **7.15 Conclusion**

- 7.15.1 The revised proposal satisfactorily addresses the Planning Inspector's reasons for refusal of the previous application (HGY/2018/0309) which were, the effect of the proposed flats on the character and appearance of the area; and the effect of the proposed flats on the living conditions of the occupants of neighbouring properties.
- 7.15.2 All other relevant material considerations including changes to policy context since the Planning Inspector's appeal decision have been taken into account.
- 7.15.3 The proposed development would contribute to the housing needs of the borough by providing 24 residential units including the maximum viable level of financial contribution towards affordable housing provision.
- 7.15.4 In accordance with the NPPF, permission should be granted as there are no significant adverse or harmful impacts of doing so that would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole.

## **8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 8.1 Based on the information given in the application, the Mayoral CIL charge will be £95,729.55 (Net GIA 1,581sqm x £60.55 with indexation) and the Haringey CIL charge for the Central Zone will be £363,471.90 (Net GIA 1,581sqm x £229.90 with indexation). This results in a combined CIL total estimate of £459,201.45.
- 8.2 CIL will be collected by Haringey after/should the scheme is/be 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 RICS CIL Index. An informative will be attached advising the applicant of this charge.

## **9.0 RECOMMENDATION**

- 9.1 **GRANT PERMISSION as set out in section 2 above.**