

REPORT FOR CONSIDERATION AT PLANNING COMMITTEE

Reference No: HGY/2009/0792

Ward: Hornsey

Date received: 12/05/2009

Last amended date: N / A

Drawing number of plans: 3073/PL.21, 3073/PL.22, 3073/PL.23, 3073/PL.24, 3073/PL.25, 3073/PL.26, 3073/PL.27, 3073/PL.28, 3073/PL.28, 3073/PL.30, 3073/PL.31, 3073/PL.32, 3073/PL.33, 3073/PL.34 & 3073/PL.35.

Address: Fyfe House, Chadwell Lane, N8

Proposal: Change of use to the first floor void and ground floor of Block F from doctor's surgery, crèche and A3 use to 8 residential units comprising 2 x one bed, 4 x two bed and 2 x three bed with associated private amenity space.

Existing Use: Vacant

Proposed Use: Residential

Applicant: St James Urban Living

Ownership: Private

PLANNING DESIGNATIONS

UDP 2006 Archeological Importance
Conservation Area
Road Network: Borough Road

Officer Contact: Robin Campbell

RECOMMENDATION

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

SITE AND SURROUNDINGS

New River Village is located to the north of Hornsey High Road and is also accessed off the High Road. Block F (Fyfe House) is located at the junction between New River Avenue and Chadwell Lane.

New River Village is bounded to the south by Hornsey High Road, to the west by residential properties, to the north by Hornsey Water Treatment Works and to the east by New River. Block F is located on the east side of the New River Village development. To the west of Block F is Chadwell Lane (private access road), with residential blocks beyond. Immediately to the north and south of Block F is landscaped public amenity space. To the east is a landscaped strip, beyond which is the New River and the east coast main line.

The ground floor of Block F (Fyfe House) is currently vacant, with chevron hoarding currently installed. The ground floor of Block F was designed with a double height design feature at the south east section of the building. There are 25 residential units on the upper floors of Block F. Fyfe House is developed over 4 to 6 levels. Access to the block is achieved through a secure lobby area in the south west corner of the building. Block F is within Hornsey Water Works & Filter Beds Conservation Area.

PLANNING HISTORY

HGY/2002/0245 - Redevelopment of the site for : i) the erection of 8 buildings (3 - 6 storeys in height) comprising 39 studios, 180 x 1 bed, 245 x 2 bed, and 3 x 4 bed residential units, (total 467 units) and provision of gymnasium/swimming pool complex for use by residents. ii) the creation of a doctors surgery, crèche and A3 Use on ground floor of Block F. iii) the change of use of the former Pumping Station building to A3 and D1 uses, iv) the creation of a new public open space alongside the New River and iv) the construction of a new vehicle access and signal-controlled junction onto Hornsey High Street – Granted 19/11/02

HGY/2004/0862 - The erection of 397 apartments (30 studios, 236 one bed, 105 two bed, 20 three bed and 6 four bed) in six blocks varying in height from two storeys to nine storeys plus car parking provision for 406 car parking spaces (365 in a two level basement and 41 on street) and landscaping – Granted 28/06/04.

HGY/2008/1041 - Variation of condition 13 (ground floor uses in Block F) attached to planning reference HGY/2002/0245 – Refused, 15/07/08.

HGY/2008/1042 - Change of use of part of the ground floor of Block F from Doctor's Surgery (D1) and A3 use to Creche (D1) including a 230sqm enclosed external play area and the provision of 2 x two bed units at first floor level – Refused, 15/07/08.

HGY/2008/1043 - Approval of Details pursuant to Condition 12 (elevational treatment on the ground floor of Block F) attached to planning permission reference HGY/2002/0245 – Granted, 01/07/08.

HGY/2009/0030 - Approval of Details pursuant to Condition 12 (elevational treatment on the ground floor of block F) attached to a planning permission reference HGY/2002/0245 – Granted, 10/03/09.

HGY/2009/0031 - Change of use to the first floor void and ground floor of block F from doctor's surgery, crèche and A3 use to 8 residential units comprising 2 x one bed, 4 x two bed and 2 x three bed flats with associated private amenity space – Refused, 13/02/09.

HGY/2009/0033 - Variation of condition 13 (ground floor uses in block F) attached to planning permission reference HGY/2002/0245 – Refused, 24/02/09.

DETAILS OF PROPOSAL

Change of use to the first floor void and ground floor of Block F from doctor's surgery, crèche and A3 use to 8 residential units comprising 2 x one bed, 4 x two bed and 2 x three bed with associated private amenity space.

CONSULTATION

29/05/2009

Neighbour Notification

1 – 76 (c) Amazon Apartments, New River Village, N8
1 – 90 (c) Blake Apartments, New River Village, N8
1 – 95 (c) Emerson Apartments, Chadwell Lane, N8
1 – 150 (c) Hudson Apartments, Chadwell Lane, N8
1 – 28 (c) Fyfe House, Chadwell Lane, N8
1 – 29 (c) Kinnear House, Chadwell Lane, N8
1 – 49 (c) Danube Apartments, Great Amwell Lane, N8
1 – 49 (c) Colorado Apartments, Great Amwell Lane, N8
1 – 5 (c) Gandi, Great Amwell Lane, N8
1 – 49 (c) Judd, Great Amwell Lane, N8
34 Chadwell Lane, N8

Internal / External Consultation

LBH Transportation Group
LBH Conservation Team
Hornsey CAAC
New River Village Residents Association c/o Concierge Desk, Amazon Apartments

RESPONSES

Neighbour Notification

1 objection has been received in relation to the proposed development. The grounds for the objection area summarised below:

- Space should be used as a community facilities / amenities.

1 letter of support has been submitted, which identifies that the completion on Block F is required, as it has been partly completed for 18 months.

LBH Conservation Team

No comment

LBH Transportation Group

No comment

RELEVANT PLANNING POLICY

Haringey Unitary Development Plan 2006

UD3 General Principles

UD4 Quality Design

UD6 Mixed Use Developments

UD7 Waste Storage

ENV6 Noise Pollution

ENV13 Sustainable Waste Management

HSG1 New Housing Developments

HSG2 Change of Use to Residential

M3 New Development Location and Accessibility

M4 Pedestrians and Cyclists

M8 Access Roads

M10 Parking and Development

OS5 Development Adjacent to Open Spaces

OS10 Other Open Space

CW1 New Community / Health Facilities

CW2 Protecting Existing Community Facilities

CSV1 Development in Conservation Areas

CSV5 Alterations and Extensions in Conservation Areas

Supplementary Planning Documents / Guidance

Housing SPD (2008)

ANALYSIS/ASSESSMENT OF THE APPLICATION

The existing planning permission which details the permitted use of Block F is HGY/2002/0245. The description of development of this permission includes the creation of a doctors surgery, crèche and A3 Use on ground floor of Block F.

Planning permission (HGY/2008/1042) was refused on 15/07/08 for the change of use of part of the ground floor of Block F from Doctor's Surgery (D1) and A3 use to Creche (D1) including a 230sqm enclosed external play area and the provision of 2 x two bed units at first floor level. In addition, planning permission HGY/2009/0031 was refused on 13/02/09 for the change of use to the first floor void and ground floor of block F from doctor's surgery, crèche and A3 use to 8 residential units due to the affordable housing requirement not being met.

This planning application again seeks to change the permitted use of the ground floor and first floor void of Block F, from doctors surgery, crèche and A3 use, to 8 residential

units; comprising 2 x one bed, 4 x two bed and 2 x three bed flats with associated private amenity space.

One other planning application has been submitted to the Local Planning Authority, in relation to this proposal. Planning application HGY/2009/0793 is for the variation of Condition 13 (ground floor uses in Block F) attached to planning reference HGY/2002/0245.

The application is accompanied by a Planning Statement, a Marketing Assessment Report (prepared by Grant Mills Wood) and associated plans and covering letters.

Block F (Fyfe House) has planning permission as a mixed use block. It's current use is purely residential due to the ground floor and first floor void being vacant. Block F is within the New River Village development, therefore, the immediate surrounds of the proposed development are primarily residential in nature. As such, the suitability of a residential use in this location (ground floor / first floor of Block F) is accepted.

Policy HSG10 of Haringey UDP (2006) requires that new residential development, should, where possible, provide a mix of dwelling types and size in order to meet the housing needs of the local community. The proposal includes comprises 2 x one bed, 4 x two bed and 2 x three bed flats.

This is considered acceptable taking into account the nature of the existing property. In terms of minimum floorspace standards, it is considered the proposed unit sizes are acceptable as are generally inline with the indicative total floor areas as per the Housing SPD (2008).

A key factor in the proposed change of use relates to the implications, in terms of loss of a potential 'Community' facility, as evidently, the subject floorspace has planning permission for a doctor's surgery, crèche and A3 use. This section of Block F was originally identified as providing community facilities to serve the residents of New River Village.

Policy CW2 of Haringey UDP (2006) identifies that the change of use or demolition of a community facility will only be granted planning permission if a) the facility is derelict or out of use, and no other community groups are willing or able to use it; and b) if alternative accommodation is provided.

Although at present the floorspace is vacant, it does have the potential for community uses by virtue of the existing planning permission and S106 agreement, agreed through planning permission HGY/2002/0245.

The applicant has submitted a Market Assessment Report (prepared by Grant Mills Wood – Dec 2008) to demonstrate the marketing process which has been undertaken and the level of interest from occupiers to take on the available floorspace. This report identifies that active marketing of the property begun in June 2007 and this involved the targeting of occupiers suitable for the doctors surgery, crèche and A3 use. The marketing report concludes that there are significant issues with the prominence of the

available floorspace and that there is no prospect of interest levels increasing in the property, particularly taking into account the current economic climate.

It is understood that the subject property has been vacant since construction was completed, which is understood to be July 2007. Based on the Marketing Report submitted by the applicant, and taking into account the period of vacancy (i.e. never occupied), it is accepted that there is limited commercial interest in the property to satisfy the permitted mix of uses. In terms of potential occupiers for the doctor's surgery, the Haringey Primary Care Trust (PCT) has confirmed that by virtue of the location and size of the premises, it would not wish to pursue the opportunity of occupying this space.

The proposed change of use to residential is considered acceptable in relation to the requirements of policy HSG2. In terms of policy HSG1 (New Housing Development), the proposed residential units would be acceptable in relation to the sequential approach and a mix of house types and sizes is proposed. The issue of mix of tenure is addressed below. It is considered the proposed residential units would have good access to local facilities / transportation, in line with what the existing residents have access to. It is considered the proposed development would be subject to a S106 agreement, to include provision for an education contribution and affordable housing.

Affordable Housing

Within Haringey Housing SPD (Adopted 2008), para 5.23 (Phased and Split Developments) states that where 'a phased residential development with planning permission is subsequently amended and the total units are increased the Council will apply the normal UDP affordable housing requirement of 50% on any net additional units over that already approved'. The New River Village development has been a phased project, and it is considered the conversion of the ground floor of Block F to residential properties is part of this development as it is evidently within one of the blocks (Block F) of the development and not separate or stand alone.

The use of the ground floor of Block F was an integral part of the overall New River Village development, therefore, amending the use of this area, is naturally still considered to be part of the overall development. As such, it is considered that the proposed development is be subject to the affordable housing requirement by virtue of the cumulative increase in the total number of units of the New River Village as a whole.

In terms of the proportion of affordable housing required, had the ground floor of Block F been released as part of the original residential development, it would have been subject to the same proportion of affordable housing contribution as the rest of the development. As such, when considering this planning application, it would seem reasonable to apply this same level.

Through planning permission HGY/2002/0245 and HGY/2004/0862, a total of 157 on site affordable units were provided. In addition, a financial contribution was agreed, which equated to approximately 14 units. When this is assessed against the total number of units permitted at New River Village, it represents 27.5% affordable housing.

When this percentage is applied to this application, this would represent the provision of 2 affordable housing units.

The applicant had proposed a financial contribution of £160,000, in relation to a 1 x 3 bed social rented unit and a 1 x 1 bed shared ownership unit.

The Housing SPD (2008) identifies the Council's position on 'cash in lieu' payments towards affordable housing, in place of on-site provision. It states that financial payments are not normally acceptable, except under certain circumstances. These circumstances include:

- Where no Registered Social Landlord (RSL) is willing to take on the units;
- The size of the site is too small;
- Practicalities of design.

The applicant has put forward the following justification for accepting financial contributions towards affordable housing.

- No RSL is willing to take on two affordable housing units within the ground floor of a private block. This is due to issues over management, as the units would have shared access / areas with the private units and due to the issue of service charge. The levels of service charge are in the order of three times higher than an RSL would normally expect to pay. The applicant has identified that Circle Anglia have indicated that they would not be willing to take two affordable units located within Fyfe house;
- The applicant still maintains that the proposed development of 8 units should not be subject to the affordable housing requirement;
- All of the private residential units within Fyfe House have been purchased on the basis that the building is of private tenure with the on-site affordable housing provision for NRV being provided in Blocks D, D1, D2 and J;
- There is no opportunity to provide additional affordable housing elsewhere on the NRV site as all of the buildings are fully constructed and occupied;
- St James is not aware of any other sites in the area where a small number of affordable housing units could be provided and the costs of this would render the proposal unviable.

Haringey Council Enabling Team (Strategic and Community Housing) have been consulted on the planning application and have identified that the financial contribution sought as a commuted sum for affordable housing on the site is equivalent to **£210,000**. This amount is based on 1 x 3 bed (5 habitable rooms) for rent (£34,000 x 5 = £170,000 and 1 x 1 bed (2 habitable rooms) for shared ownership (£20,000 x 2 = £40,000).

This is based on the average grant figures per person for rent as £34,000 and £20,000 for shared ownership

In addition, the Enabling Team have identified that payment should be required on completion of the agreement or before start on site.

Based on the feedback from the Housing enabling team, it is considered that a sum of £210,000 should be sought as a financial contribution towards affordable housing. The timing of the payment is considered reasonable as half of the payment prior to commencement of development and the other half upon completion of the development.

Taking into account the justification put forward by the applicant for a 'cash in lieu' payment towards affordable housing, this is considered appropriate in these circumstances and consistent with policy. The applicant has indicated their acceptance to meet the level of financial contribution sought as a commuted sum for affordable housing provision, by the Housing enabling team, and based on the above, the application would be considered acceptable in terms of the Council's affordable housing policy (HSG4 and Housing SPD 2008).

Education Contribution

Confirmation has been received from Haringey Education Department that an education contribution would be sought from the proposed development. The proposal shall result in the creation of 2 x 1 bed apartments, 4 x 2 bed apartments and 2 x 3 bed apartments. When assessed against the education matrix, taking an average from the Owner Occupier and Private Rented amounts, the 4 x 2 bed and 2 x 3 bed apartments would incur an Education contribution of £27,600.

Based on the above, the application would be considered acceptable in terms of the Council's policy on education contribution: Draft SPG 10c 'Education needs generated by new housing' (Draft 2006).

Transportation

The applicant has identified that the existing ratio of parking spaces per residential dwelling at NRV is at a ratio of 0.65 spaces per dwelling. As such, the applicant has proposed to provide 6 parking spaces, which shall be provided an existing surplus of spaces as part of the original development. In addition, the applicant shall provide 8 x secure cycle parking spaces in the basement of Blocks E and H. This is considered acceptable in terms of policy M10 'Parking for Development' of Haringey UDP (2006).

SUMMARY AND CONCLUSION

The principle for residential use in the proposed location is accepted due to the existing residential uses in the block and being part of the New River Village development as a whole. It is considered the proposal would not result in unreasonable detrimental impact on the residential amenity of neighbouring properties, it would result in the protection of the existing external amenity space and there is no objection on transportation grounds. In terms of loss of the floorspace which has planning permission for a crèche, doctor's surgery and A3 use, it is considered that appropriate justification has been provided to demonstrate there is limited commercial interest in the floorspace and Haringey PCT have confirmed that they would not wish to occupy the property. Overall, therefore, the principle for the change of use is considered acceptable. The proposal has provided sufficient justification to demonstrate that a 'cash in lieu' payment to meet the affordable housing requirement is acceptable in this case and has agreed to meet the financial contribution sought by the housing enabling team. In addition, the applicant has agreed to meet the education contribution which is sought. As such, the proposed development is considered consistent with policies UD3 'General Principles', HSG1 'New Housing Development' HSG2 'Change of use to residential', HSG4 'Affordable Housing', HSG10 'Dwelling Mix', M10 'Parking for Development', CW2 'Protecting existing community facilities' of Haringey UDP (2006) as well as Housing SPD (2008) and Draft SPG10c 'Educational needs generated by new housing'.

RECOMMENDATION

GRANT PERMISSION

Registered No. HGY/2009/0792

Applicant's drawing No.(s) PL21 - PL35 incl.

RECOMMENDATION 1

That planning permission be granted in accordance with planning application reference number HGY/2009/0792 and associated conditions and subject to a pre condition that St James Urban Living shall first have entered into an agreement with Haringey Council under Section 106 of the Town and Country Planning Act 1990 (As Amended) and Section 16 of the Greater London Council (General Powers) Act 1974 in order to secure:

1. A financial contribution towards off-site affordable housing provision to the value of £210,000;
2. An education contribution to the value of £27,600;
3. Administration charge of £5,940.

The total amount of s106 contribution would be **£243,540**.

RECOMMENDATION 2

GRANT PERMISSION subject to the following conditions:

Registered No. HGY/2009/0792

Applicant's drawing No.(s) 3073/PL.21, 3073/PL.22, 3073/PL.23, 3073/PL.24, 3073/PL.25, 3073/PL.26, 3073/PL.27, 3073/PL.28, 3073/PL.28, 3073/PL.30, 3073/PL.31, 3073/PL.32, 3073/PL.33, 3073/PL.34 & 3073/PL.35.

Subject to the following condition(s)

TIMESCALE / PLANS

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.

CONSTRUCTION PERIOD

3. The construction works of the development hereby granted shall not be carried out before 0730 or after 1830 hours Monday to Friday or before 0800 or after 1300 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

You are advised that as the use of the ground floor and part first floor void of Block F, New River Village, shall be varied, it shall be necessary to vary the Section 106 Agreement which exists in relation to the development.

RECOMMENDATION 3

In the event that an agreement under Section 106 of the Town and Country Planning Act 1990 (As Amended) is not signed by 31/08/2009 or within such extended time as the Council's Assistant Director (Planning and Regeneration) shall in his direction allow, the application shall be refused for the following reason:

The proposal fails to meet the affordable housing requirement as set out in policy HSG4 'Affordable Housing' and Housing SPD (2008) and fails to provide an Education contribution in accordance with the requirements set out in Draft Supplementary Planning Guidance SPG10c 'Educational needs generated by new housing' of Haringey Unitary Development Plan (2006).

RECOMMENDATION 4

In the event that the planning application is refused for the reason set out in recommendation 3 above, the Assistant Director (Planning Policy and Development), in consultation with the Chair of the Planning Applications Sub - Committee, is hereby authorised to approve any further application for planning permission which duplicates this planning application, provided that: -

- (i) there has not been any material change in circumstances relevant to planning considerations, and;
- (ii) the further application for planning permission is submitted to and approved by the Assistant Director (Planning and Regeneration) within a period of no more than 12 months from the date of the refusal, and;
- (iii) the relevant parties shall have entered into an agreement under section 106 of the Town and Country Planning Act (As Amended) as outlined above to secure the obligations specified therein.

REASONS FOR APPROVAL

The application involves the conversion of a vacant ground floor and part first floor void, forming part of a large residential development, to provide an additional 8 flats. The principle of residential use in this location is established. The applicant has demonstrated that an extensive marketing campaign has been undertaken in order to secure suitable community uses, which has been to no avail. Through a S106 agreement, the applicant shall meet the requirements of affordable housing and education contributions. Sufficient justification has been provided to demonstrate that a 'cash in lieu' payment for the affordable housing is suitable in this case. By virtue of the above, the proposed development is considered consistent with Policies UD3 'General Principles', HSG1 'New Housing Development', HSG2 'Change of Use to Residential', HSG4 'Affordable Housing', HSG10 'Dwelling Mix', M10 'Parking for Development', CW2 'Protecting Existing Community Facilities' of Haringey UDP (2006) as well as Housing SPD (2008) and Draft SPG10c 'Educational Needs Generated by New Housing'.