

REPORT FOR CONSIDERATION AT PLANNING COMMITTEE

Reference No: HGY/2010/1161	Ward: Tottenham Green
<p>Address: Rear of The Fountain PH, 125 - 127 West Green Road N15</p> <p>Proposal: Erection of 5 x 3 bedroom houses and 1 x two bed and 1 x one bed flats to rear of public house, entailing demolition of existing outbuilding (revised scheme, drawings and design statement)</p> <p>Existing Use: Private Garden Space Proposed Use: Residential</p> <p>Applicant: Mackova Ltd</p> <p>Ownership: Private</p>	
<p>Date received: 28/06/2010 Last amended date: 7/12/2010</p> <p>Drawing number of plans: 040.10/001, 040.10/005A, 006B, 010A, 011A, 012A, 013A, 020A, 021A, 022A, 023A, 024A, 025A, 026A, 027, 028, 029, 030A, 031A, 040A, 041A & 50A; 040.10/005, 006C, 010C, 011C, 020C, 021C, 022C, 030C, 031C, 040C and 041C</p>	
<p>Case Officer Contact: Elizabeth Ennin-Gyasi</p>	
<p>PLANNING DESIGNATIONS:</p> <p>Road Network: Classified Road Conservation Area</p>	
<p>RECOMMENDATION</p> <p>GRANT PERMISSION subject to conditions and subject to sec. 106 Legal Agreement</p>	
<p>SUMMARY OF REPORT: The current scheme proposes 5 x 3 bedroom houses and 1 x two bed and 1 x one bed flats. There will be a provision front / rear garden space and balconies with three off-street parking space including one disabled parking bay accessible from Turner Avenue.</p> <p>The footprint of the current scheme has been set back from the fountain feature and the applicant would enter into Section 106 agreement to retain an area approximately 248m² including the fountain feature for use and benefit of the main pub building. Also the entrance width to the car parking space has been revised and now increased from 2.5m from 2.7m.</p>	

1. SITE AND SURROUNDINGS

- 1.1 The application site is the rear garden space of the 'The Fountain' public house, located on West Green Road close to the junction with Lawrence Road. The surrounding area is generally residential dating from mid 19th century houses to a mix of light industrial uses and modern flats. The pub building and the rear garden space lies within Clyde Circus Conservation Area. The rear garden space was designated a Conservation Area on 26 February 2007.

2. PLANNING HISTORY

- 2.1 Dates back from 1963, most recent includes the following:
- 2.2 **HGY/1997/1530** - Erection of first floor rear extension- refused 18/11/97
- 2.3 **HGY/1999/0133** -Erection of first floor extension and the installation of dormer to rear roof- approved 18/1/00
- 2.4 **HGY/2003/0427**- Demolition of existing building (Conservation Area Consent) in association with redevelopments of site –withdrawn 4/6/03
- 2.5 **HGY/2003/0444**-Demolition of existing building and erection of a four storey block comprising 15 x 1 bed and 1 x 2 bed flats - withdrawn4/6/03
- 2.6 **HGY/2004/2188**- Partial demolition of existing building and erection of 1 x 3 storey building and 1 x part 3/part 4 storey building comprising 27 flats with associated refuse storage and parking- refused 6/12/04
- 2.7 **HGY/2004/2189**-Conservation Area Consent for the partial demolition of existing buildings and erection of part 3/part 4 storey building comprising 27 flats with associated refuse storage and parking- refused 6/12/04
- 2.8 **HGY/2005/1584**-Demolition of existing buildings and erection of a 1 x 3 storey block comprising 3 x three bed houses and a 4 storey block comprising 4 x one bed flats and 24 x two bed flats with associated landscaping, car parking and cycle storage- refused 8/11/05- appeal dismissed 12/12/06 (APP/Y5420/A/06/2015782)
- 2.9 **HGY/2005/1585**-Conservation Area Consent for the demolition of existing buildings and erection of a 1 x 3 storey block comprising 3 x three bed houses and a 4 storey block comprising 4 x one bed flats and 24 x two bed flats with associated landscaping, car parking and cycle storage –refused 8/11/05
- 2.10 **HGY/2008/2314**-Erection of 2 x four storey buildings to provide 28 residential units comprising of 23 x one bed, 5 x two bed flats with 5 car parking spaces, 33 bike storage spaces and associated amenity space- refused 24/2/09- appeal dismissed 12/10/09 (APP/Y5420/A/09/2102035)
- 2.11 **HGY/2010/0536**-Erection of 8 x three bed houses to rear of public house, entailing demolition of existing outbuilding –withdrawn 6/5/10
- 2.12 **HGY/2010/0537**- Conservation Area Consent for erection of 8 x three bed houses to rear of public house, entailing demolition of existing outbuilding – withdrawn 24/5/10

- 2.13 HGY/2010/1162 - Conservation Area Consent for erection of 7 x 3 bedroom houses to rear of public house, entailing demolition of existing outbuilding - withdrawn 16/9/10

3. PROPOSAL DESCRIPTION

- 3.1 The original proposal has been revised and the current scheme would provide 7 residential units comprising of 5 x 3 bedroom houses, 1 x two bed and 1 x one bed flats. The houses are designed to be two-storey with rooms in the roof. Amenity provision includes front / rear garden space and balconies. Also there will be three off-street parking space including one disabled parking bay and vehicle access would be from Turner Avenue.
- 3.2 The footprint of the current scheme has been set back from the fountain feature and the applicant would enter into Section 106 agreement to retain an area approximately 248m² including the fountain feature for use and benefit of the main pub building.

4. RELEVANT PLANNING POLICY

- 4.1 National Planning Policy
PPS1 Delivering Sustainable Development
PPS1 2005 sets out the fundamental planning policies on the delivery of sustainable development through the planning system. PPS1 identifies the importance of good design in the planning system and that development should seek to improve rather than maintain the quality and character of towns and cities.

PPS3 Housing

PPS3 2006 sets out central Government guidance on a range of issues relating to the provision of housing. It states that the Government is committed to maximising the re-use of previously developed land -brownfield land in order to promote regeneration. PPS3 also sets out the Governments commitment to concentrating additional housing developments in urban areas, new emphasis on providing family housing with consideration given to the needs of children to include gardens & play areas. Also, the importance of ensuring housing schemes are well-designed and creates sustainable communities.

4.2 London Plan

The London Plan issued by the Greater London Authority, forms the Spatial Development Strategy for Greater London. It contains key policies covering housing, transport, design and sustainability in the capital. The current plan dated February 2008, sets housing targets for individual Boroughs for the period up to 2016/17. The target for Haringey is 6,800 additional 'homes' (680 per year).

In terms of density, the London Plan states that appropriate density ranges are dependent on location, setting and public transport accessibility (PTAL) rating. For instance, the suggested density range for a site with a PTAL rating of 1 within urban setting is 150 – 250 habitable rooms per hectare. Whilst a site such as this one with PTAL rating of 3, the density range suggested is 200 – 450 habitable rooms per hectare.

4.3 Unitary Development Plan

G3 Housing Supply

UD1 Planning Statements
UD2 Sustainable Design and construction
UD3 General Principles
UD4 Quality Design
UD7 Waste Storage
UD8 Planning Obligations

CLT2 Protecting Existing Facilities

OS 17 Tree Protection, Tree Masses and Spines
OS 16 Green Chains

M10 Parking for Development

HSG1 New Housing Developments
HSG10 Dwelling Mix

CSV1 Development in Conservation Areas
CSV5 Alterations and Extensions in Conservation Areas

4.4 Supplementary Planning Guidance / Documents

SPG1a Design Guidance
SPG2 Conservation & Archaeology
SPG8a Waste and Recycling
SPG10a The Negotiation, Management and Monitoring of Planning Obligations
SPG10c Education needs generated by new housing
Housing Supplementary Planning Documents (adopted October 2008)

5. CONSULTATION

Statutory	Internal	External
LFEPA	Ward Councillors Transportation Group Waste Management Conservation Officer Tree Officer Building Control	<u>Amenity Groups</u> Tottenham CAAC <u>Local Residents</u> <u>Total No of Residents</u> <u>Consulted: 260</u>

6. RESPONSES

6.1 Conservation Officer:-

'We have had an ongoing dialogue with the applicants / agent seeking to negotiate an acceptable scheme on this site, and have previously resisted more intrusive proposals. In design and conservation terms I consider that it is essential that the rear of the garden of the pub with the fountain on the south side be reinstated for the pub and for public use. I recommend that this be secured through S106

Agreement together with the planting of replacement trees close to the boundary fence line of the pub garden.

The revised proposals have been re-aligned to appear more as a continuous terrace. With this improved siting and footprint I believe that the height, bulk and massing of the proposal will be more in keeping with the Fountain Pub. I consider that the proposed re-aligned fence boundary with the pub garden is acceptable subject to detail design approval. I consider that there is a strong case in favour of the revised scheme subject to the selection of high quality facing materials.

There is one observation however which I find alarming ; the underpass for the cars to park at the rear. The proposed 2.510m clear width for cars under the building appears too tight - it looks like a narrow tunnel. I would recommend this be increased - ideally to 3m clear width. When examining the plans it appears the gap adjacent to the sub-station could be reduced to facilitate this. I also anticipate that a secure pair of double gates to the building frontage would be required to ensure the security of the rear parking area.'

(The Conservation Officer's comments have been noted. Further, the entrance to the car parking has been revised from 2.5m to 2.7m. The Council's Transportation Team considers the revised scheme acceptable.)

6.2 Local Residents:-

6.2.1 Four letters received- objecting on grounds including: overdevelopment, loss of green space/ loss of trees, noise and intrusion, loss of pub facility, etc.

- However, the scheme is not considered to be an overdevelopment of the site, as the scheme retains an area of 248m² rear garden space including the fountain feature for use and benefit of the main pub building. Also the density of the scheme is 258 habitable rooms per hectare (hrh), which is within 450hrh as set out by the Greater London Authority.
- The loss of green space and trees is considered to be minimal as the scheme retains an area of 248m² rear garden space including the fountain feature for use and benefit of the main pub building. Also the Council's Tree Officer has commented as follows: 'The revised scheme is an improvement on the original application and if robust tree protection measures are implemented to protect the remaining trees subject to TPO's, I would have no objection to the application'
- A condition has been attached to this report to ensure construction works are undertaken within reasonable hours.
- The main pub would be retained as such there would be no loss of that facility.

6.2.2 Tottenham CAAC – 'discussed this revised planning application at its meeting on 15th February. We are pleased to see that there is no building on any of the pub garden area and that most of the housing units are family homes. We would like clarification of the statement in the revised Access and Design Statement which says "The land of 248 square metres... will change ownership to the Fountain Public

House subject to a S106 agreement..." Is there any guarantee that the fenced-off southern part of the pub garden will be re-united with the existing pub garden?'

(The Tottenham CAAC's comments have been noted. The scheme will be subject to S106 Agreement to revert approximately 248m² of rear garden space including the fountain feature for use and benefit of the main pub building. The issue of the fenced-off southern part of the pub garden being re-united with the existing pub garden would be a matter for the pub management and has not been the subject of this planning application.)

- 6.3 Tree Officer:- 'The revised scheme is an improvement on the original application and if robust tree protection measures are implemented to protect the remaining trees subject to TPO's, I would have no objection to the application. It is now proposed to plant 11 new trees, to mitigate the loss of the existing trees. The 11 includes 4 within the Pubs garden, which will replace the TPO'd trees illegally felled in the past.

However, the applicant will have to produce a new Tree Protection Plan (TPP) as the whole of the Pubs Garden will be saved from development.

The applicant will also have to submit a tree planting specification to include, pit design, tree species, stock size and aftercare arrangements.

Robust planning conditions must be used to ensure protective measures are implemented for the safe retention of the existing trees. The following are minimum requirements:

A pre-commencement site meeting must be specified and attended by all interested parties, (Architect, Arboricultural Consultant, Planning Officer, LA Arboriculturist and Site manager) to confirm the protective measures to be installed for the trees.

Protective fencing must be installed prior to commencement of construction activities on site and retained until completion. It must be designed and installed as recommended in the Arboricultural report.

The protective fencing must be inspected by the LA Arboriculturist, prior to any works commencing on site and remain until works are complete.'

(The Tree Officer's comments have been noted. The conditions requested have been incorporated in this report).

- 6.4 Transportation:- 'I have looked at the revised drawings and can confirm that the amendments are acceptable in highway terms. Additionally, I have received a quote for off-site footway works which have been estimated at £8,461.31. I have attached the estimate for your information'

(The Transportation Officer's comments have been noted. The legal requirement requested in relation to contributions for highways improvements have been incorporated in this report).

7. ANALYSIS / ASSESSMENT OF THE APPLICATION

7.1 An application for residential use on the site of the main pub building known as the 'Fountain' was dismissed at an appeal in 2006 on grounds that it would be harmful to the character and appearance of the Clyde Circus Conservation Area (HGY/2005/1584 -APP/Y5420/A/06/2015782).

7.2 A subsequent application for the erection of 2 x four storey buildings to provide 28 residential units to be located on the rear garden space of the Fountain pub was also dismissed at an appeal in 2009. The Inspector was concerned that 'at four storeys in height the proposed blocks would be highly visible' and overall scheme would 'fail to preserve or enhance the character and appearance of the Clyde Circus Conservation Area.' However, with regards to the principle of residential on the rear gardens of the main pub building the Inspector stated that: 'There is no evidence that its loss as a facility for the pub would adversely affect viability of the pub. I am not convinced therefore that the proposal would conflict with the location of housing set out in UDP policy HSG1.' (HGY/2008/2314 -APP/Y5420/A/09/2102035).

7.3 The current scheme has been revised following submission and this proposal would provide 7 residential units comprising of 5 x 3 bedroom houses, 1 x two bed and 1 x one bed flats. Also the footprint of the current scheme has been set back from the fountain feature and the applicant would enter into Section 106 agreement to retain an area approximately 248m² including the fountain feature for use and benefit of the main pub building.

7.4 The main issues in respect of this application are considered to be:

- The principal of residential use on the site
- Density
- Dwelling Mix of new building
- Size bulk & design
- Impact upon the character and appearance of Clyde Circus Conservation Area
- Privacy and overlooking/loss of light
- Amenity provision
- Parking & waste disposal
- Sustainability
- Equalities impact assessment
- Section 106 agreement

7.4.1 The principle of residential use on the site

7.4.2 In 2008 an application for the erection of two four storey building to provide 28 residential units was refused on 26 February 2009, on grounds including harm to the Conservation Area and inappropriate form of development to the rear gardens of the main pub building. The application was then subject to an appeal. Although the appeal was dismissed on 12 October 2009, the Inspector concluded that: 'at four storeys in height the proposed blocks would be highly visible' and overall scheme would 'fail to preserve or enhance the character and appearance of the Clyde Circus Conservation Area.' However, with regards to the principle of residential on the rear gardens of

the main pub building the Inspector stated that: 'There is no evidence that its loss as a facility for the pub would adversely affect viability of the pub. I am not convinced therefore that the proposal would conflict with the location of housing set out in UDP policy HSG1.' (HGY/ 2008/2314 - APP/Y5420/A/09/2102035).

7.4.3 Therefore it is considered that residential within the grounds of the main pub building would be acceptable in line with policy HSG.1

7.5.1 Density

7.5.2 The current Council's policy on density has been superseded by regional advice from 'The Greater London Authority' as set out in 'The London Plan' dated February 2008. In terms of density, the London Plan states that appropriate density ranges are dependent on location, setting and public transport accessibility (PTAL) rating. For a site such as this one with PTAL rating of 2 to 3, within urban setting; the density range suggested is 200 – 450 habitable rooms per hectare.

7.5.3 The proposed scheme would provide five x 3 bed houses, one x 2 bed flat and one x 1 bed flat. This would have 25 habitable rooms and create a density of 258 habitable rooms per hectare. The proposed density therefore accords with current requirement as specified by the 'The London Plan'.

7.6.1 Dwelling mix for new build

7.6.2 In terms of the mix and standard of accommodation provided, Policy HSG 10 'Dwelling Mix' and Housing Supplementary Planning Documents (adopted October 2008) set out the Council's standards. The policy encourages the provision of a mix of dwelling types and sizes and outlines minimum flat and room size requirements for new residential developments, which ensures that the amenity of future occupiers is protected. In particular HSPD encourages three and four bedroom properties to meet the Borough's need for large units. This is based on 'The Housing Needs Survey' undertaken in 2007 which identifies a shortfall for all sizes of accommodation but particularly affordable housing for three and four bed properties.

7.6.3 This scheme would provide 5 X 3bed, 1X 2bed and 1 X 1bed, which is considered suitable, given the particular site and location. Although there are no five bedroom units proposed within the scheme, it is considered that the dwelling mix proposed is acceptable because the site is relatively small. Therefore it is considered that the proposed dwelling mix would be appropriate to the scheme and site and will contribute to meeting the need in the Borough for larger units.

7.7.1 Size bulk & design

7.7.2 Policy UD3 'General Principles' & UD4 'Quality Design' require that new buildings are of an acceptable standard of design and be in keeping with the character of the surrounding area. The overriding aim of these criteria based policies is to encourage good design of new buildings in order to enhance the

overall quality of the built environment and the amenity of residents. These policies reflect the advice in PPS1 and PPS3.

7.7.3 The scheme consists of a 5 x 3 bedroom houses and 1 x two bed and 1 x one bed flats. The houses are designed to be two-storey in height with rooms in the roof and a two storey block comprising of 1 x two bed and 1 x one bed flats.

7.7.4 The design of the scheme, takes the form of the existing pub with a pitched roof to the front and a flat roof to the rear with dormer windows. The scheme would match the brick colour and bond of the existing pub, to ensure the development blends in with the main building. Also the proposed development will have painted timber sash windows with a solid brick course above and follow the dimensions and style of the pub building.

7.7.5 The area is characterised by a mix of four/six storey block of flats and two – storey terraced buildings, with the immediate surroundings of the site to the west and southwest mainly being four storey residential along Turner Avenue. All other buildings within close proximity to the site are higher. As the immediate surrounding area comprises of mixed building styles and heights , it is considered the design and scale of the proposed scheme would not compromise the main pub building or the local area in general consistent with policies UD3 & UD4.

7.8.1 Impact upon the character and appearance of Clyde Circus Conservation Area

7.8.2 The Fountain Public House and its rear garden space are attractive local amenities that have a prominent role in the West Green Road streetscene. English Heritage has acknowledged that ‘although not of national interest, the pub has good townscape interest for its distinctive green faience façade that makes an important contribution to the conservation area’.

7.8.3 It is considered that the scale of the proposed houses which are two-storey in height with rooms would relate well with the main pub building and existing properties within the Conservation Area. Also the overall design which incorporates features of the main pub building would be in keeping within the Conservation Area. Further, the applicant has agreed to enter into S106 to retain an area approximately 248m² including the fountain feature for use and benefit of the main pub building. This will enable the retention of more trees on the site. The Conservation Officer has comments as follows:

7.8.4 ‘The revised proposals have been re-aligned to appear more as a continuous terrace. With this improved siting and footprint I believe that the height, bulk and massing of the proposal will be more in keeping with the Fountain Pub. I consider that the proposed re-aligned fence boundary with the pub garden is acceptable subject to detail design approval. I consider that there is a strong case in favour of the revised scheme subject to the selection of high quality facing materials.’

7.8.5 Policy OS 17 and SPG 2. 4.1 establishes the importance of trees within conservation areas. In assessing any application, regard will be had to the value of the trees on site including any trees which are the subject of tree preservation orders, the impact of the development on the existing trees, and proposals for replacement trees on and around the site. Particular attention will be paid to protecting and enhancing tree masses and spines contributing to Urban Open Space as outlined by policy OS 17 of the Plan. The Council's Tree Officer has commented on the impact of the development on the existing trees as follows:

7.8.6 'The revised scheme is an improvement on the original application and if robust tree protection measures are implemented to protect the remaining trees subject to TPO's, I would have no objection to the application. It is now proposed to plant 11 new trees, to mitigate the loss of the existing trees. The 11 includes 4 within the Pubs garden, which will replace the TPO'd trees illegally felled in the past.

However, the applicant will have to produce a new Tree Protection Plan (TPP) as the whole of the Pubs Garden will be saved from development.

The applicant will also have to submit a tree planting specification to include, pit design, tree species, stock size and aftercare arrangements.

Robust planning conditions must be used to ensure protective measures are implemented for the safe retention of the existing trees. The following are minimum requirements:'

7.8.7 Therefore it is considered that the proposed scheme would be in keeping within the Clyde Circus Conservation Area in line with policies CSV1 and OS17.

7.9.1 Privacy and overlooking/loss of light

7.9.2 The proposed development is arranged to prevent overlooking and loss of privacy impact to the neighbouring properties. The planting of trees on the rear boundary line and existing trees will form a natural visual barrier between the pub and the proposed development. In addition it is proposed that each terrace has a 1.9m high frosted glass screen to prevent any potential overlooking to minimise loss of privacy.

7.9.3 The applicant has undertaken 'Day and Sunlight Study', which indicates that the proposed development has a minimal effect on the light receivable by its neighbouring properties. The conclusion of the report is that the proposed development performs particularly well, given the urban location of the site. In accordance with findings of the study, the proposed development satisfies the requirements as set out in BRE Digest 209 'Site Layout Planning for Daylight and Sunlight' Therefore the proposal would meet guidelines as set in UD3, UD4, SPG1a & HSPD.

7.10.1 Amenity provision

7.10.2 Amenity space has been designed into scheme in the form of private gardens and balconies, with all the houses having the provision of front and rear garden space. It considered that the combined amenity provision is sufficient and acceptable in line with guidelines as set out in HSPD (adopted October 2008).

7.11.1 Parking & waste disposal

7.11.2 National planning policy seeks very clearly to reduce the dependence on the private car in urban areas such as Haringey. The advice in both PPS3 'Housing' and PPS13 'Transport' make clear recommendations to this effect. This advice is also reflected in the London Plan and the local policy M10: 'Parking for Development' sets out the Councils requirements for parking for this type of use.

7.11.3 The proposed development would provide three car parking spaces including one parking bay for wheelchair users. There would also be the provision of a secured cycle storage area to enable future occupiers to use sustainable modes for travel to and from the site. Vehicle access will be from Turner Avenue. It is considered that the proposed car parking is acceptable, because of the closeness of the site to public transport links. The site benefits from several bus links, on the High Road, as well as the tube and British Railway line within close proximity at Seven Sisters.

7.11.4 Further, the Council's Transportation Team has no objection to the proposed development subject to a Section 278 legal agreement for off-site footway works near to the site. Also the vehicle access width to the proposed car parking has been revised and increased from 2.5m to 2.7m.

7.11.5 The scheme has been design with a refuse management system by allocating an area for storage of refuse and recyclable waste products accessible from Turner Avenue. However, to ensure that the Council's standard of waste management is adhered to, a condition has been attached to this report requiring detail submission of a waste management scheme for approval.

7.12.1 Sustainability

7.12.2 The re-use of land in this case for residential purposes is regarded as important sustainable features of the development in themselves which comply with the thrust of both national and London wide guidance. In addition, the scheme provides secure cycle parking bays and the configuration of the proposed buildings, for example all the units are provided with good natural ventilation and daylighting. The proposed development is expected and required to achieve Code for Sustainable Homes Level 4.

7.13.1 Equalities impact assessment

7.13.2 In determining this application the Committee is required to have regard to its obligations under the Equalities Act 2010. The impact of this scheme has been considered in relation to Section 71. The proposed development has been considered in terms of its Equality and Race Relations impacts. The key equalities protected characteristics include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual

orientation. The new building will be fully accessible for disabled users. Otherwise, there is no indication or evidence (including from consultation with relevant groups) that different groups have or will have different needs, experiences, issues and priorities in relation to the particular planning application.

7.13.3 In terms of the key equalities protected characteristics it is considered there would be no significant specific adverse impacts as a result of the development.

7.14.1 Section 106 /278 Agreement

7.14.2 Policy UD8 Planning Obligations and SPG10c 'Education needs generated by new housing' set out the requirement for development in the borough to provide contributions to enhance the local environment where appropriate. In line with national guidance set out in Circular 05/2005

7.14.3 It is considered that an education contribution is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly reasonably related in scale and kind to the development.

7.14.4 The applicant has agreed to enter into an Agreement of S106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980 to include provision to achieve improvements to the local environment and facilities in the development. The main features of the S106 Agreement and Section 278 are:

7.14.5 Under Section 278

7.14.6 An agreement under section 278 of the Highway Act 1980 for a monetary contribution towards the implementation of a highway improvements including off-site footway works in the immediate vicinity.

7.14.7 Under Section 106

- An education contribution as required under SPG10c 'Education needs generated by new housing' to a value of £44,764.00
- The reinstatement of 248m² of land including the fountain feature for use as a pub garden for the benefit of Fountain Public House'.
- An administration cost of £1.342 .00

8. CONCLUSION

8.1 The scale and position of the proposed buildings is such that, any loss of amenity to existing occupiers would be minimised. The proposed height of the buildings at two-storey with rooms in the roof would be in keeping with the predominate height of existing buildings in the locality and the overall design would not comprise the local area in general. The proposed density conforms to current guidelines as set out in the London Plan. The proposed development is expected and required to achieve Code for Sustainable Homes Level 4.

8.2 Further, the proposal would reinstatement of 248m² of land including the fountain feature for use as a pub garden for the benefit of Fountain Public House'. This would be valuable to the character and appearance of the Conservation Area.

8.3 The proposal is therefore acceptable consistent with policies: UD3 'General Principles', UD4'Quality Design', UD7 'Waste Storage', M10 'Parking for Development', HSG1 'New Housing Developments', HSG10 'Dwelling Mix', OS 17 Tree Protection, Tree Masses and Spines ,CSV1 Development in Conservation Areas, SPG1a 'Design Guidance', SPG10c 'Education needs generated by new housing' and 'Housing Supplementary Planning Document ' (adopted October 2008).

9. RECOMMENDATION 1

That planning permission be granted in accordance with planning application reference number HGY2010/1161 ("the Planning Application"), subject to a pre-condition that [the applicant and] [the owner(s)] of the application site shall first have entered into an agreement or agreements with the 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] [and] [under Section [278] of the Highways Act 1980] in order to secure:

Under Section 278:

An agreement under section 278 of the Highway Act 1980 for a monetary contribution towards footways in the immediate vicinity.

Under Section 106:

- An education contribution as required under SPG10c 'Education needs generated by new housing' to a value of £44,764.00
- The reinstatement of 248m² of land including the fountain feature for use as a pub garden for the benefit of Fountain Public House'.
- An administration cost of £1.342 .00

RECOMMENDATION 2

That, in the absence of the agreement(s) referred to in resolution (1) above being completed by 14 August 2011, planning application reference number HGY/2010/1161 be refused for the following reasons:

In the absence of a formal undertaking to secure a Section 106 Agreement for appropriate contribution towards education provision the proposal is contrary to Policy UD8 'Planning Obligations' of the adopted Haringey Unitary Development Plan (2006) and SPG10c 'Education needs generated by new housing' .

RECOMMENDATION 3

In the event that the Planning Application is refused for the reasons set out in resolution (2) above, the Assistant Director (PEPP) (in consultation with the Chair of PASC) is hereby authorised to approve any further application for planning permission which duplicates the Planning Application provided that:

- (i) there has not been any material change in circumstances in the relevant planning considerations, and

- (ii) the further application for planning permission is submitted to and approved by the Assistant Director (PEPP) within a period of not more than 12 months from the date of the said refusal, and
- (iii) the relevant parties shall have previously entered into the agreement(s) contemplated in resolution (1) above to secure the obligations specified therein.

RECOMMENDATION 4

That following completion of Agreement referred in (1) above, planning permission be GRANTED in accordance with planning application no HGY/2010/1161 Applicant's drawing

No.(s) 040.10/001, 040.10/005A, 006B, 010A, 011A, 012A, 013A, 020A, 021A, 022A, 023A, 024A, 025A, 026A, 027, 028, 029, 030A, 031A, 040A, 041A & 50A; 040.10/005, 006C, 010C, 011C, 020C, 021C, 022C, 030C, 031C, 040C and 041C

Subject to the following condition(s)

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

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

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

3. Samples of all materials to be used for the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority before any development is commenced. Samples should include sample panels or brick types and a roofing material sample combined with a schedule of the exact product references.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity.

4. A scheme for the treatment of the surroundings of the proposed development including the planting of trees and/or shrubs shall be submitted to, approved in writing by the Local Planning Authority, and implemented in accordance with the approved details.

Reason: In order to provide a suitable setting for the proposed development in the interests of visual amenity.

5. Details of a scheme depicting those areas to be treated by means of hard landscaping shall be submitted to, approved in writing by, and implemented in accordance with the approved details. Such a scheme to include a detailed drawing of those areas of the

development to be so treated, a schedule of proposed materials and samples to be submitted for written approval on request from the Local Planning Authority.

Reason: In order to ensure the development has satisfactory landscaped areas in the interests of the visual amenity of the area.

6. Prior to occupation, a statement demonstrating energy efficient measures including design, building fabric improvements, use of on-site equipment and where applicable connection to decentralised energy networks for reduction in fossil fuel use and CO2 emissions in line with an energy statement shall be submitted to and approved by the Local Planning authority and shall be implemented prior to the occupation of the dwellings hereby permitted and be maintained thereafter for the life of the development.

Reason: To ensure the development incorporates on-site renewable energy generation and in order to contribute to a reduction in carbon dioxide emissions generated by the development in line with national and local policy.

7. Prior to occupation of the residential development hereby approved, a statement demonstrating consistency with the submitted Energy Statement Assessment, which indicates the use of renewable technologies on site will lead to 20% reduction in predicted CO2 emissions (measure against a base building according to current Building Regulations), shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any written approval given by the LPA.

Reason: To ensure the development incorporates on-site renewable energy generation and in order to contribute to a reduction in carbon dioxide emissions generated by the development in line with national and local policy.

8. Prior to occupation of the residential dwellings hereby approved, a certificate demonstrating consistency with the proposed and approved Code Level for Sustainable Homes shall be submitted to and approved in writing by the Local Planning authority and thereafter implemented in accordance with any written approval given by the Local Planning authority.

Reason: To ensure the development meets the Code Level for sustainable Homes as approved in order to contribute to a reduction in carbon dioxide emissions generated by the development in line with national and local policy guidance and improve environmental quality and resource efficiency.

9. The proposed development must achieve level 4 Code for Sustainable Homes.

Reason: To ensure the development meets the Code Level for sustainable Homes as approved in order to contribute to a reduction in carbon dioxide emissions generated by the development in line with national and local policy guidance and improve environmental quality and resource efficiency.

10. 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.

11. That a detailed scheme for the provision of refuse and waste storage within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Such a scheme as approved shall be implemented and permanently retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order to protect the amenities of the locality.

12. Before the commencement of any works on site, a fence or wall, materials to be agreed with the Local Planning Authority, shall be erected and permanently retained for all site boundaries.

Reason: In order to ensure a satisfactory means of enclosure for the proposed development.

13. Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning General Permitted Development Order 1995, no enlargement, improvement or other alteration of any of the dwellings hereby approved in the form of development falling within Classes A to H shall be carried out without the submission of a particular planning application to the Local Planning Authority for its determination.

Reason: To avoid overdevelopment of the site.

14. Before any works herein permitted are commenced, all those trees to be retained, as indicated on the approved drawings, shall be protected by secure, stout, exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and must be inspected by the Local Authority Arboriculturist, prior to any works commencing on site and remain until works are complete.

Reason: In order to ensure the safety and well being of the trees on the site during constructional works that are to remain after building works are completed.

15. Before any works herein permitted are commenced, the applicant shall produce: a new Tree Protection Plan (TPP) and submit a tree planting specification to include, pit design, tree species, stock size and aftercare arrangements and a protective fencing must be installed prior to commencement of construction activities on site and retained until completion. The protective fencing must be inspected by the LA Arboriculturist, prior to any works commencing on site and remain until works are complete.

Reason: In order to ensure the safety and well being of the trees on the site during constructional works that are to remain after building works are completed.

16. Pre-commencement site meeting must be specified and attended by all interested parties, (Architect, Arboricultural Consultant, Planning Officer, LA Arboriculturist and Site manager) to confirm the protective measures to be installed for the trees.

Reason: In order to ensure the safety and well being of the trees on the site during constructional works that are to remain after building works are completed.

INFORMATIVE: The development requires naming / numbering. Please contact Local Land Charges (tel. 0208 489 5573) at least weeks 8 weeks before completion of the development to arrange allocation of suitable address(es).

REASONS FOR APPROVAL

The scale and position of the proposed buildings is such that, any loss of amenity to existing occupiers would be minimised. The proposed height of the buildings at two-storey with rooms in the roof would be in keeping with the predominate height of existing buildings in the locality and the overall design would not comprise the local area in general. The proposed density conforms to current guidelines as set out in the London Plan. The proposed development is expected and required to achieve Code for Sustainable Homes Level 4.

Further, the proposal would reinstatement of 248m² of land including the fountain feature for use as a pub garden for the benefit of Fountain Public House'. This would be valuable to the character and appearance of the Conservation Area.

The proposal is therefore acceptable consistent with Policies: UD3 'General Principles', UD4'Quality Design', UD7 'Waste Storage', M10 'Parking for Development', HSG1 'New Housing Developments', HSG10 'Dwelling Mix', OS 17 Tree Protection, Tree Masses and Spines ,CSV1 Development in Conservation Areas, SPG1a 'Design Guidance', SPG10c 'Education needs generated by new housing' and 'Housing Supplementary Planning Document ' (adopted October 2008).

