

Committee: Planning Applications Sub Committee
Date: 25 July 2006

Report of: Interim Director of Environmental Services

Contact Officer: Paul Smith
Designation: Head Of Development Control (South) **Tel:** 020 8489 5507

Report Title: 27 – 31 Avenue Road N15
 – Planning application: Infill of ground floor and existing garage area to create 2 x 2 bed flats, an extension at third floor level to create 1 X 2 bed flat, 4 X 1 bed flats and the merging of an existing 1 bed flat to create 1 X 2 bed flat; and the rearrangement of car parking area, creation of lift and installation of front bay window to the ground, first and second floors.

1. PURPOSE: To reconsider the planning application HGY/2004/0585 in the light of legal advice regarding a resolution to draft a Section 106 Legal Agreement.

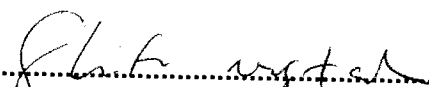
2. RECOMMENDATIONS: To agree the recommendation in the attached report.

3. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

With reference to the above Act the background papers in respect of the following reports summaries comprise the planning application case file.

The planning staff and case files are located at 639 High Road N17. Anyone wishing to inspect the background papers in respect of any of the following reports should contact Development Technical Support on 020 8489 5508.

Report Authorised by:



Shifa Mustafa
Assistant Director Planning, Environmental Policy & Performance.

REPORT FOR CONSIDERATION AT PLANNING APPLICATIONS SUB COMMITTEE

Reference No: HGY/2004/0585

Ward: St. Ann's

Address: 27 - 31 Avenue Road, N15

Proposal: To reconsider the Planning application in light of legal advice regarding a resolution to draft a Section 106 Agreement.

REPORT

This application was granted consent at the 6 May 2004 Planning Applications Sub Committee with a resolution to draft a "Section 106 Legal Agreement to secure the refurbishment and repair of the main block and that proceeds of sale of the development to be applied in that regard".

The application was for the infill of ground floor and existing garage area to create 2 x 2 bed flats. Extension at third floor level to create 5 x 1 bed flats and the merging of a bedsit and a 1 bed flat to create 1 x 2 bed flat. Re-arrangement of car parking area providing 10 car parking spaces, creation of lift and installation of front bay window to the ground, first and second floors and installation of a gabled roof. The agent has also outlined that minor works not requiring planning permission are also proposed to renovate the premises.

Over the past year the applicant and Council's Legal Department have come to the agreement that the above resolution is not something which is within the Council's power to control or which should be included in a Section 106 Agreement. This is because the Committee cannot legally seek to prescribe how the proceeds of a sale are applied in a Section 106 Agreement. There is no authority to refuse the application under delegation if a Legal Agreement cannot be reached. Therefore, the only solution is to refer the matter back to the Committee to reconsider its previous resolution and decide either to approve without the previous resolution or refuse.

It is considered that the following conditions could be attached to a consent to replace the previous resolution:

1. No development shall take place until details of a refurbishment and repair scheme for the block of flats has been submitted to and approved in writing by the Local Planning Authority. These details shall include detailed plans, drawings, materials used and specifications. Development shall be carried out in accordance with the approved details.

2. No more than 50% of the new dwellings comprised within the development hereby authorised shall be occupied until the refurbishment and repair scheme works carried out in accordance with the details submitted and approved in condition [above] have been carried out.

The previous report that went to the 6 May 2004 Planning Applications Sub Committee is included in the following pages with the two conditions above attached as Conditions 3 and 4 of the recommendation.

RECOMMENDATION

GRANT PERMISSION as agreed by the Planning Applications Sub Committee on 6 May 2004 and as minuted at and agreed at the 7 June 2004 meeting (see minutes attached as Appendix 2) without the added Section 106 agreement, but subject to the two added conditions below:

1. No development shall take place until details of a refurbishment and repair scheme for the block of flats has been submitted to and approved in writing by the Local Planning Authority. These details shall include detailed plans, drawings, materials used and specifications. Development shall be carried out in accordance with the approved details.
2. No more than 50% of the new dwellings comprised within the development hereby authorised shall be occupied until the refurbishment and repair scheme works carried out in accordance with the details submitted and approved in condition [above] have been carried out.

Planning Applications Sub-Committee 06/05/2004

REPORT FOR CONSIDERATION AT PLANNING APPLICATION SUB-COMMITTEE

Reference No: HGY/2004/0585

Ward: St. Ann's

Date received: 27/02/2004

Last amended date:

Drawing number of plans: 0307/01A-05A.

Address: 27-31 Avenue Road, N15

Proposal: Infill of ground floor and existing garage area to create 2 x 2 bed flats. Extension at third floor level to create 5 x 1 bed flats and the merging of a bedsit and a 1 bed flat to create 1 x 2 bed flat. Re-arrangement of car parking area, creation of lift and installation of front bay window to the ground, first and second floors.

Existing Use: Residential

Proposed Use: Residential

Applicant: Lotus Investments Ltd

Ownership:

PLANNING DESIGNATIONS

ROAD - BOROUGH
RIM 1.2 UPGRADING GREATEST NEED

Officer contact: Brett Henderson

RECOMMENDATION

GRANT PERMISSION subject to conditions.

SITE AND SURROUNDINGS

The site is located on 27-31 Avenue Road, St. Ann's in the south of the Borough. On the western side of the street a four storey rectangular flat building currently occupies the site and provides 20 flats comprising 5 bedsits, 7 one bed flats and 8 two bed flats. There is on site parking for 15 cars and a substantial rear amenity space.

The surrounding area is residential and contains two storey terraced buildings.

PLANNING HISTORY

03/10/03 – Refused – 2003/1513 – Remodelling of existing block and erection of an additional floor to create 2 x bed-sits, 13 x 1 bed and 10 x 2 bed flats in main block and erection of single storey building to rear to create 1 x 1 bed and 2 x 2 bed flats and associated alterations.

DETAILS OF PROPOSAL

Infill of ground floor and existing garage area to create 2 x 2 bed flats. Extension at third floor level to create 5 x 1 bed flats and the merging of a bedsit and a 1 bed flat to create 1 x 2 bed

flat. Re-arrangement of car parking area providing 10 car parking spaces, creation of lift and installation of front bay window to the ground, first and second floors. Installation of a gabled roof

The agent has also outlined that minor works not requiring Planning permission are also proposed to renovate the premises.

CONSULTATION

Transportation Group
Ward Councillors
21-36 (incl.) Avenue Road
42 – 60 (e) North Grove
58b, 52, 40, 42 North Grove

RESPONSES

40 North Grove – Objection. The proposal would dominate the skyline and result in the removal of several trees in the rear amenity space to the detriment of the locality.

42 North Grove – Objection. The proposal will result in overlooking and overshadowing onto my property. The removal of several trees in the rear amenity space of the subject site will be to the detriment of the locality. The proposal will be unsightly and cause car parking problems.

Transportation – No objections.

RELEVANT PLANNING POLICY

NATIONAL POLICY BACKGROUND

Regional Planning Guidance Note 3

RPG3 is the regional planning guidance for London. One of its key objectives is to maximise housing provision in London. It sets a minimum net additional dwelling targets for Haringey of 6,700 units for the period 1992 – 2006 to be achieved through refurbishment and new build on underused and recycled urban land. These targets are reflected in the adopted Unitary Development Plan.

Planning Policy Guidance 3 Housing

The principal national policy guidance relating to residential development is contained in Planning Policy Guidance Note 3: Housing. This PPG provides guidance on a range of issues relating to the provision of housing. Circular 6/98 *Planning and Affordable Housing* will continue to apply, within the framework of policy set out in this guidance.

PPG3 states that Local planning authorities should:

- provide sufficient housing land but give priority to re-using previously-developed land within urban areas, bringing empty homes back into use and converting existing buildings, in preference to the development of greenfield sites;
- promote improved quality of developments which in their design, layout and allocation of space create a sense of community; and
- Introduce greater flexibility in the application of parking standards, which the Government expects to be significantly lower than at present.

Planning Policy Guidance 13 Transport

Planning Policy Guidance 13 Transport was issued in March 2001. It aims to:

- promote more sustainable transport choices for people and for moving freight
- promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling
- reduce the need to travel especially by car

THE LONDON PLAN

The London Plan was issued in 2004 by the Greater London Authority and forms the emerging Spatial Development Strategy for Greater London. It contains key policies covering housing, transport, design and sustainability in the capital. It will replace Regional Planning Guidance Note 3 - Regional Planning Guidance for London.

The London Plan sets housing targets for individual boroughs for the period up to 2016. The target for Haringey is 19,370 additional 'homes' (970 per year) out of a target for London of 457,950 (23,000 per year). It is likely however that the Council will object to this target. Nevertheless, any future target will include the more efficient use of existing stock as well as new-build.

LOCAL POLICY BACKGROUND

Unitary Development Plan

HSG 1.1: Strategic Housing Target

Sets out the Council's strategic housing targets based on central government advice.

HSG 2.1: Dwelling Mix For New Build Housing

The Council will normally expect all new development to include a mix of housing types to cater for both family and non-family households.

DES 1.1 Good Design and how Design Will Be Assessed

The Council will require development to be of good design. The overall quality of the design of a proposal will be assessed and poorly designed schemes will be refused.

DES 1.3 Assessment of Design Quality (2): Enclosure, Height and Scale

The Council will assess the design of development schemes in relation to enclosure, height and scale.

DES 1.4 Assessment of Design Quality (3): Building Lines, Layout, Form, Rhythm and Massing

In assessing the design of new development, alterations and extensions the Council will have regard to building lines, layout and form, rhythm and massing.

DES 1.9 Privacy and Amenity of Neighbours

Seeks to protect the reasonable amenity of neighbours planning permission for development

DES 1.11 Design of Alterations and Extensions

Alterations and extensions should normally be in keeping with the plan, height, form, richness, architectural characteristics, style, period and detailing of the original building.

DES 5.3 Residential Alterations and Extensions

To promote local distinctiveness and to maintain the character of residential neighbourhoods, alterations and extensions should be subordinate to and be restrained by the character of the original buildings.

DES 5.8 Additional Floors On Blocks of Flats

Seeks to protect the character of the existing building and the amenity of the existing and adjoining residents.

TSP 7.1: Parking for Development

The proposal should provide an acceptable level of parking in line with current national and local policy advice.

Emerging Unitary Development Plan

ANALYSIS/ASSESSMENT OF THE APPLICATION

The main issues created by the proposal are i) size, bulk and design, ii) privacy and overlooking, iii) parking, iv) objectors comments, v) changes from previous refused application. Each of these issues is discussed below.

Size, Bulk and Design

Policies DES 1.1 Good Design and How Design Will Be Assessed, DES 1.2 Assessment of Design Quality (1): Fitting New Buildings into the Surrounding Area and DES 1.4 Assessment of Design Quality (3): Building Lines, Layout, Form, Rhythm and Massing require that new buildings are of an acceptable standard of design and fit in with the surrounding area.

The proposal is in keeping with the height, form and architectural style of the existing building. The proposal will substantially improve the appearance of the existing building, which currently appears unsightly and uncompleted. The proposal will complete the top floor, which is half built to the rear, creating a uniform structure with a gable roof; while the ground floor will be filled in almost entirely.

Privacy and Overlooking

Policy DES 1.9 Privacy and Amenity of Neighbours seeks to protect the existing privacy and amenity of neighbouring occupiers. It is considered that the proposal will not be unacceptably detrimental to the amenity of adjacent residents or occupiers. Furthermore, the degree of privacy enjoyed by adjoining properties will not be unacceptably reduced and there will be no significant impact on sunlight and daylight to any adjoining property as a result of the development.

Parking

One complainant raised the issue of car parking congestion, which may result from the proposal. However, given the close proximity to the public transport offered at Seven Sisters Tube Station and several Bus services on St. Ann's Road, Seven Sisters Road and the High Road, the car parking proposal for 10 spaces is considered quite satisfactory. This view has been supported by Council's Transportation Group. Furthermore, Government policy supports a reduction in car parking spaces offered, provided the proposal is located close to public transport nodes, which is the case in this circumstance, in order to encourage the use of

public transport in preference to the use of cars to achieve sustainable development in the future.

Objectors comments

1. The proposal will cause car parking problems.

The Council's Transportation Group was consulted and recommends that the proposal will not lead to adverse traffic conditions or congestion in the area.

2. Loss of natural light and privacy.

It is considered that the proposal does not lead to detrimental loss of natural light and privacy to neighbouring properties in that the development is primarily to the front of the site away from the residential properties at the rear.

3. Loss of amenity.

Although there is an increase in bulk and mass on the site, it is considered that there is no detrimental loss of amenity that results. The proposal provides good design that will enhance rather than detract from the streetscape.

4. Loss of vegetation.

Regarding the loss of vegetation, there is only one small existing tree in the rear garden. The loss of this tree is not considered to have a significant negative impact on the amenity of the area.

Changes from previous refused application

The previous proposal included a fifth floor. This aspect was considered excessive and harmful to the amenity of the area.

SUMMARY AND CONCLUSION

The proposal at 27-31 Avenue Road, N15 for the infill of ground floor and existing garage area to create 2 x 2 bed flats. Extension at third floor level to create 5 x 1 bed flats and the merging of a bedsit and a 1 bed flat to create 1 x 2 bed flat. Re-arrangement of car parking area providing 10 car parking spaces, creation of lift and installation of front bay window to the ground, first and second floors; complies with policies DES 1.11 'Design of Alterations and Extensions'; DES 1.9 'Privacy and Amenity of Neighbours'; DES 5.3 'Residential Alterations and Extensions'; DES 5.8 'Additional Floors On Blocks of Flats'; and TSP 7.1 'Parking For Development' in the Haringey Unitary Development Plan, it is not detrimental to the character of the original building or any adjoining property. It would therefore be appropriate to recommend that planning permission be granted.

RECOMMENDATION

GRANT PERMISSION

Registered No. HGY/2004/0585

Applicant's drawing No.s 0307/01A-05A.

Subject to the following conditions

1. The development hereby authorised must be begun not later than the expiration of 5 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of Section 91 of the Town & Country Planning Act 1990 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. The external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building.

Reason: In order to ensure a satisfactory appearance for the proposed development, to safeguard the visual amenity of neighbouring properties and the appearance of the locality.

4. Notwithstanding the details of landscaping referred to in the application, a scheme for the landscaping and treatment of the surroundings of the proposed development to include detailed drawings of:

a. those existing trees to be retained.

b. those existing trees to be removed.

c. those existing trees which will require thinning, pruning, pollarding or lopping as a result of this consent. All such work to be agreed with the Council's Arboriculturalist.

d. Those new trees and shrubs to be planted together with a schedule of species shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. Such an approved scheme of planting, seeding or turfing comprised in the approved details of landscaping shall be carried out and implemented in strict accordance with the approved details in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). Any trees or plants, either existing or proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be maintained and retained thereafter to the satisfaction of the Local Planning Authority.

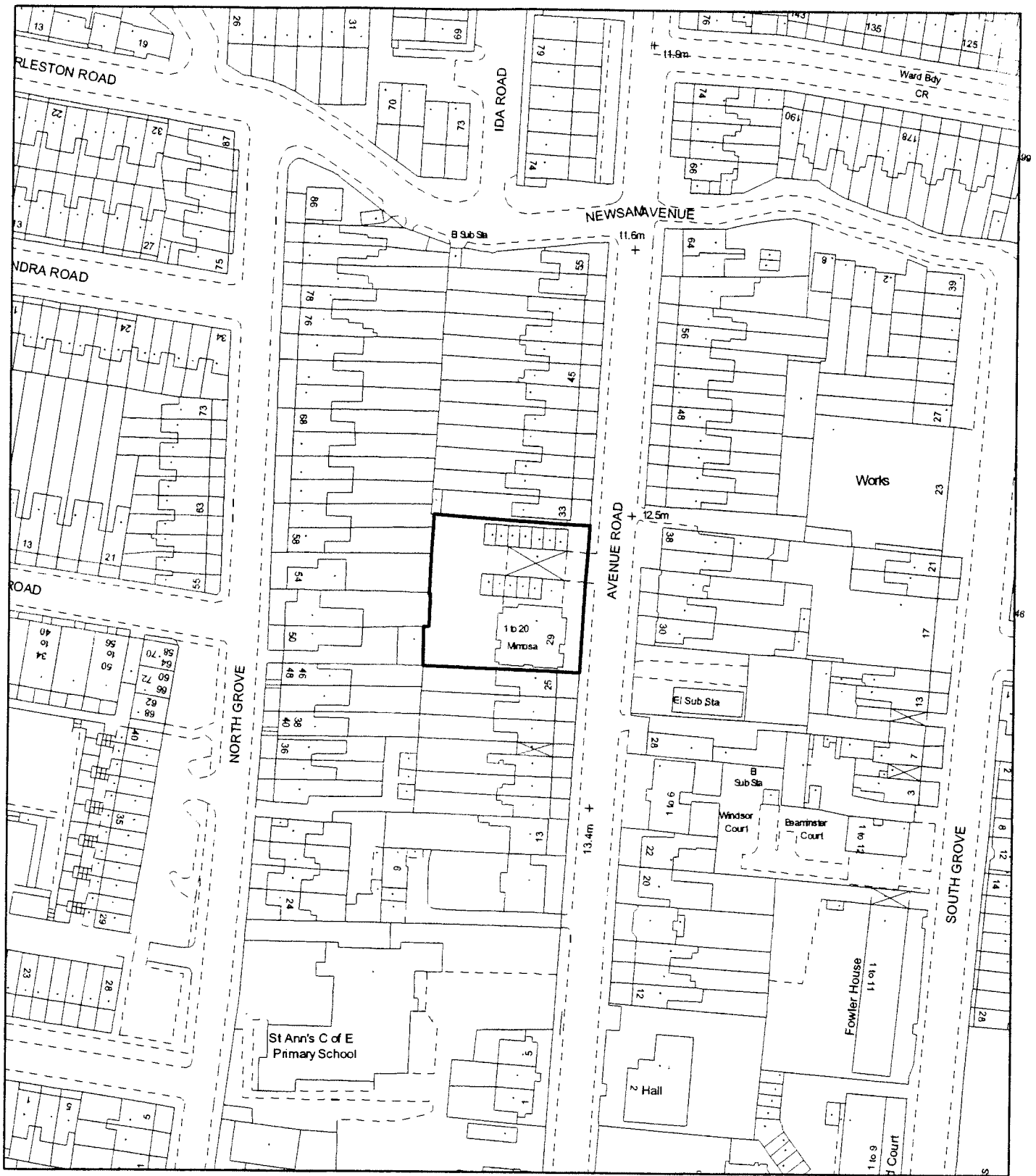
Reason: In order for the Local Authority to assess the acceptability of any landscaping scheme in relation to the site itself, thereby ensuring a satisfactory setting for the proposed development in the interests of the visual amenity of the area.

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

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

REASONS FOR APPROVALThe proposal at 27-31 Avenue Road, N15 for the infill of ground floor and existing garage area to create 2 x 2 bed flats. Extension at third floor level to create 5 x 1 bed flats and the merging of a bedsit and a 1 bed flat to create 1 x 2 bed flat. Re-arrangement of car parking area providing 10 car parking spaces, creation of lift and installation of front bay window to the ground, first and second floors; complies with policies

DES 1.11 'Design of Alterations and Extensions'; DES 1.9 'Privacy and Amenity of Neighbours'; DES 5.3 'Residential Alterations and Extensions'; DES 5.8 'Additional Floors On Blocks of Flats'; and TSP 7.1 'Parking For Development' in the Haringey Unitary Development Plan, it is not detrimental to the character of the original building or any adjoining property. It would therefore be appropriate to recommend that planning permission be granted.



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Site plan

27 - 31 Avenue Road, N15

HARINGEY COUNCIL
**Directorate of
 Environmental
 Services**

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	Drawn by	SG
	Scale	1:1250
	Date	26/04/2004

MINUTES OF PLANNING APPLICATIONS SUB-COMMITTEE

6 May 2004

APPENDIX 2

Councillors: *Davidson (Chair), *Rice, *Adamou, *Bevan, Bloch, *Engert (substitute for Councillor Bloch), *Hare, Knight and *Peacock.

Councillors Lister and Robertson were present also.

*Members present

6. Location: 27 - 31 Avenue Road N15

Proposal Infill of ground floor and existing garage area to create 2 x 2 bed flats. Extension at third floor level to create 5 x 1 bed flats and the merging of a bedsit and a 1 bed flat to create 1 x 2 bed flat. Re-arrangement of car parking area, creation of lift and installation of front bay window to the ground, first and second floors.

Recommendation GRANT

Decision GRANT SUBJECT TO S 106 LEGAL AGREEMENT LEGAL TO SECURE THE REFURBISHMENT AND REPAIR OF THE MAIN BLOCK AND THAT PROCEEDS OF SALE OF THE DEVELOPMENT BE APPLIED IN THAT REGARD.

Drawing Nos. 0307/01A, 02A, 03A, 04A & 05A.

Conditions

1. The development hereby authorised must be begun not later than the expiration of 5 years from the date of this permission, failing which the permission shall be of no effect.
Reason: This condition is imposed by virtue of Section 91 of the Town & Country Planning Act 1990 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. The external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building.
Reason: In order to ensure a satisfactory appearance for the proposed development, to safeguard the visual amenity of neighbouring properties and the appearance of the locality.
4. Notwithstanding the details of landscaping referred to in the application, a scheme for the landscaping and treatment of the surroundings of the proposed development to include detailed drawings of:
 - a. those existing trees to be retained.
 - b. those existing trees to be removed.
 - c. those existing trees which will require thinning, pruning, pollarding or lopping as a result of this consent. All such work to be agreed with the Council's Arboriculturalist.
 - d. Those new trees and shrubs to be planted together with a schedule of species shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. Such an approved scheme of planting, seeding or turfing comprised in the approved details of landscaping shall be carried out and implemented in strict accordance with the approved details in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). Any trees or plants, either existing or proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be maintained and retained thereafter to the satisfaction of the Local Planning Authority.
Reason: In order for the Local Authority to assess the acceptability of any landscaping scheme in relation to the site itself, thereby ensuring a satisfactory setting for the proposed development in the interests of the visual amenity of the area.

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

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

6. The existing trees on the site shall not be lopped, felled or otherwise affected in any way (including raising and lowering soil levels under the crown spread of the trees) and no excavation shall be cut under the crown spread of the trees without the prior written permission of the Local Planning Authority.

Reason: In order to safeguard the trees in the interest of visual amenity of the area.

7. 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.

Section 106 YES