

REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE

Reference No: HGY/2011/1157	Ward: Northumberland Park
<p>Address: 7 Orchard Place N17</p> <p>Proposal: Application for a new planning permission to replace an extant planning permission HGY/2008/0462 for redevelopment of site to provide 3 storey building comprising 2 x three bed and 4 x two bed self-contained flats with 3 no car parking spaces.</p> <p>Existing Use: Builder’s Yard</p> <p>Proposed Use: Residential/ C3</p> <p>Applicant: Mr Ali Mentesh Mems DIY Ltd</p> <p>Ownership: Private</p>	
Drawing number of plans: 01 rev D	
Case Officer Contact: Subash Jain	
PLANNING DESIGNATIONS: Road Network: Borough Road	
RECOMMENDATION GRANT PERMISSION TO REPLACE EXTANT CONSNET subject to conditions and a deed of variation to the current S106 Agreement.	
<p>SUMMARY OF REPORT: The application is to replace an extant planning permission HGY/2008/0462 granted on 6th May 2008. It seeks planning permission for the for redevelopment of site to provide 3 storey building comprising 2 x three bed and 4 x two bed self-contained flats with 3 no car parking spaces.</p>	

1. SITE AND SURROUNDINGS

- 1.1 The application site is situated to the south side of Orchard Place which lies outside the conservation area. The site is currently a two storey builder’s office with a single storey extension to the rear, adjacent to a yard for car repairs etc and the railway line to the west and a row of 3 storey residential houses to the east. To the rear of the site, tall conifer trees, 15m in height have grown to provide screening to the site.

2. PLANNING HISTORY

2.1 Planning Application History as retrieved from the Council records.

HGY/2005/2295 for the redevelopment to provide 3 storey building comprising 6 x 2 bed flats with 4 parking spaces and an amenity space was refused permission on 31/01/2006

HGY/2006/0247 for the redevelopment to provide 3 storey building comprising 6 x 2 bed flats with 4 parking spaces and an amenity space was refused on 04/04/2006

HGY/2008/0462 for the redevelopment of site to provide 3 storey building comprising 2 x three bed and 4 x two bed self-contained flats with 3 no car parking spaces was granted approval on 06/05/2008.

HGY/2009/0558 for the retention of the existing first floor and rear roof extension was refused permission on 19/05/2009

3. RELEVANT PLANNING POLICY

3.1 National Planning Policy

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing

3.2 London Plan

Policy 3A.1 Increasing London's supply of housing
Policy 3A.2 Borough housing targets
Policy 3A.3 Efficient use of stock
Policy 3A.4 Housing choice
Policy 4B.3 Maximising the potential of sites
Policy 4B.6 Sustainable design and construction
Policy 6A.5 Planning obligations

3.3 Unitary Development Plan

G2 Development and Urban Design
UDI Planning Statements
UD2 Sustainable Design and Construction
UD3 General Principles
UD4 Quality Design
UD7 Waste Storage
M10 Parking for Development
HSG1 New Housing Development
HSG4 Affordable Housing
HSG9 Density Standards
HSG10 Dwelling Mix
M10 Parking for Development

3.4 Supplementary Planning Guidance / Documents

SPG1a Design Guidance and Design Statements

Housing SPD 2008

SPG7a Parking Standards

SPG8b Materials

SPG10 The Negotiation, Management and Monitoring of Planning Obligations

SPG 12 Educational Needs Generated by New Housing Development

4. CONSULTATION

Internal	External
Transportation Group Environmental Health Ward Councillors Building Control	Transportation Group Thames Water Network Rail 5 Orchard Place 1 - 12 (c) Nursery Court, Nursery Street 1 - 8 (c) Williams House, Orchard Place 37 - 50 (c) Tenterden Road 66 - 88 (e) Church Road London Fire Brigade

5. RESPONSES

Councillor Bevan's

- 5.1 "I observe that the applicant is the same person / business that is at present using the site illegally to operate a building materials supply business. Enforcement action is in hand against this site and has been upheld by the planning inspectorate at Bristol. It has been put to me by local residents that this application has been submitted to try and defer the enforcement and demolition of the present illegal construction / use and will in fact encourage the present illegal use etc to continue. Extension of the time limit for this planning permission will give a perverse incentive for the illegal use to continue. Refusal of the planning permission would give a greater incentive to ensure works for the already existing planning permission would start prior to the existing planning permission expiry date, thus ceasing the illegal use at this site."

Transportation

- 5.2 There are no principle objections to the renewal of planning permission for the above proposal subject to the imposition of a planning condition relating to access arrangements and Section 106/278 agreement towards an improvement scheme aimed at assisting pedestrians and cyclists, to the sites frontage onto Orchard Place.

Environmental Health

- 5.3 It is a contaminated land and before development commences other than for investigative work, the desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced.

Thames Water

- 5.4 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attended or regulated into the receiving public network through on or off site storage

Local Resident

- 5.5 The resident of 26 Nursery Street N17 has submitted an objection on the following grounds: The Site is the location of an illegal structure. This structure has been the subject of legal action and the owner has been obliged by law to remove it. The owner has not complied with the findings of the Local Authority or the decision of the Appeal heard in Bristol to remove the illegal structure.

6. ANALYSIS / ASSESSMENT OF THE APPLICATION

- 6.1 This application was received by the planning department under the procedure to apply for 'extensions to the time limits for implementing existing planning permissions'. The procedure was brought into force on 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order 2009 (SI 2009 No.2261) and the Planning (Listed Building and Conservation Areas) (Amendment) (England) Regulations 2009 (SI 2009 No.2262). This is a temporary measure that only applies to permissions granted before 1 October 2009 and which have not yet been implemented i.e. during the normal 3 year implementation period.
- 6.2 The accompanying guidance from central Government states that "while these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, local planning authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission." In the light of this advice, the main issue is whether changes to development plan policies or other material considerations are so significant as to justify a different decision to that taken in 2008.
- 6.3 The main issues are considered to be the same as those considered in respect of the previous application; namely; (1) Principle of residential development of the subject site (2) Layout (3) Design and appearance of the proposal (4) Impact on residential properties (5) Parking (6) Sustainability (7) Section 106 Head of Terms.

Principle of residential development

- 6.4 The proposal is to redevelop the site and erect a 3 storey residential dwelling comprising 2 x 3 bed flats and 4 x 2 bed flats with no car parking spaces. Although the change of use of the site to residential will mean the loss of office space but there was evidence submitted earlier which showed that the building had been advertised on a regular basis since 2005. A specimen copy of the advert dated the 25th of April 2007 was submitted earlier with the scheme. The use is operational at the present time although it is partly used. The architect states that the applicant has a builders merchants business at 24 Moorefield Road, Tottenham, London N17 and 7 Orchard Place is used for the storage of building materials ancillary to Moorefield Road site. The applicant fully intends to comply with the enforcement notice but is currently trying to find a suitable site within the area where he can relocate the storage of the materials and then commence the residential development (HGY/2008/0462).
- 6.5 The surrounding environment is residential in character. A site visit was carried out to show the proportions and proximity to the railway line but revealed many developments adjoining Council flats and flats to the rear of the site with similar distances. The proposal has a flank wall facing the railway, with bathrooms windows and just one ground floor bedroom facing the railway, it is considered that it would be difficult to sustain an objection based on proximity to the railway line alone.
- 6.6 The scheme has also been altered to provide two larger flats on the ground floor. Overall it was considered that the previous reasons for refusal had been overcome and the proposal under HGY 2008 / 0642 was approved.

Layout

- 6.7 Policy HSG 10 states that all new residential developments, including conversions, should provide an appropriate mix of dwelling types and sizes. The proposal must also be assessed in terms of dwelling size and room size requirements in line with Housing Supplementary Guidance 2008. The layout of the self contained units is as follows:
- Flat 1 is a three bedroom flat on the ground floor (65sqm)
 - Flat 2 is a three bedroom flat on the ground floor (65sqm)
 - Flat 3 is a two bedroom flat on the ground floor (56 sqm)
 - Flat 4 is a two bedroom flat on the first floor (56 sqm)
 - Flat 5 is a two bedroom flat on the first floor (56 sqm)
 - Flat 6 is a two bedroom flat on the first floor (56 sqm)
- 6.8 Although there is a slight shortfall to the minimum floor areas set out in table 4 of Housing Supplementary Planning Document 2008, the overall internal layout is satisfactory. The flats are also well lit and are of a good standard of accommodation.

Design and appearance of the proposal

- 6.9 Policy UD4 states that the Council will require development to be of a good design. The overall quality of the design of a proposal will be assessed and poorly designed schemes will be refused and a new development will often fill a gap and so needs to fit into its surrounding.

- 6.10 The proposed residential block provides sufficient amenity space to the rear with adequate landscaping aspects. It also provides a very small front garden most of which would be used for off-street parking purposes. The rear private amenity area is 272 sq. metres, which is well above the minimum standard for this number of flats (55 sq.metres). Adjacent to the site is a two storey residential block (at a raised level relative to application site on northern side) and further east is a four storey block. The bulk of the proposed development has already been reduced in the previously refused application. Therefore overdevelopment will not be an issue and the proposal would relate satisfactorily to the scale and character of the existing adjacent block.

Impact on residential properties

- 6.11 Policy UD3 seeks to ensure that the amenities of adjacent occupiers and the area as a whole are not materially harmed and will not approve applications which have unacceptable effects on the amenities of residents. As the overall bulk and scale of the development is satisfactory due to past amendments the proposed three storey residential block would have only minimal impact on the street scene and occupiers residing at Nursery Court, Nursery Road N17.

7. CONCLUSION

- 7.1 This application for a planning permission to replace an extant planning permission HGY/2008/0462 should be approved on the grounds that since the approval of this application there has been no overriding change in the Council's policy position or no new material considerations to take account of. As such the proposal is in accordance with policies UD3 General Principles, UD4 Quality Design, UD2 Sustainable Design and Construction, HSG 1 New Housing Developments, HSG 2 Change of Use to Residential,, M10 Parking for Development and the Councils SPG 1 Design Guidance and Housing SPD 2008 requirements. It is therefore appropriate to recommend that planning permission be GRANTED for a further period of 3 years.

8. RECOMMENDATION

- 8.1 The Sub-Committee is recommended to RESOLVE to grant permission to replace extant Planning Permission reference number HGY/2008/0462 subject to the conditions (as set out below) continuing to apply in all respects other than as modified by the approval of this Planning Permission and subject to Section 106 agreement attached to this previous consent also continuing to apply other than any variation to Section 106 Agreement considered necessary to the Councils Legal Department.

IMPLEMENTATION

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.

MATERIALS & EXTERNAL APPEARANCE

3. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in connection with the development hereby permitted have been submitted to, approved in writing by and implemented in accordance with the requirements of the Local Planning Authority.

Reason: In order to retain control over the external appearance of the development in the interest of the visual amenity of the area.

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 the hard surfacing for the car parking area and footpaths in front of the proposed building shall be submitted to and approved by the Local Planning Authority prior to commencement of the development; such details shall include the provision of permeable paving or surfacing.

Reason: In order that the Council shall be satisfied as to the external appearance of the frontage to the property.

6. 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.

PERMITTED DEVELOPMENT RIGHTS

7. Notwithstanding the provisions of Article 4 (1) and Part 25 of Schedule 2 of the General Permitted Development Order 1995, no satellite antenna shall be erected or installed on any building hereby approved. The proposed development shall have a central dish / arial system for receiving all broadcasts for the residential units created: details of such a scheme shall be submitted to and approved by the Local Planning Authority prior to the occupation of the property, and the approved scheme shall be implemented and permanently retained thereafter.

Reason: In order to prevent the proliferation of satellite dishes on the development.

CONSTRUCTION

8. 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 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.

9. Prior to commencement of development, details of a scheme of sound insulation between the ground floor commercial floorspace and the residential accommodation above shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of the residential accommodation.

Reason: In order to ensure that the proposed conversion does not give rise to an unacceptable loss of amenity for occupiers within the property as a result of inadequate insulation & soundproofing.

10. The desktop study and Conceptual Model covering risk assessment, refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements shall be submitted to the Local Planning Authority until approved in writing by the Local Planning Authority.

Reason: In order to protect the environmental aspects of the site & the locality.

TRANSPORTATION

11. The parking and access arrangement shall be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, and thereafter retained for that specific use.

Reason: To protect pedestrian amenity and in the interests of highway safety.

REASONS FOR APPROVAL

The application for a new planning permission to replace an extant planning permission HGY/2008/0462 should be approved on the grounds that since the approval of this application there has been no overriding change in the Council's policy position or no new material considerations to take account of. It is felt that residential development is an appropriate use on the subject site as other existing residential buildings are in close proximity to the yard and the railway line. The overall layout is satisfactory, the proposal would relate satisfactorily to the scale and character of the existing adjacent block, there would be no adverse impact on the neighbouring properties, there is reasonable car parking and cycle stands provided on the site. As such the proposal is in accordance with Policies UD3 'General Principles', UD4 'Quality Design', HSG 1 'New Housing Developments', HSG 2 'Change of Use to Residential', M10 'Parking for Development' and the Councils SPG 1 'Design Guidance' and Housing SPD 2008 of the Haringey Unitary Development Plan and Haringey Supplementary Planning Guidance Document contexts.

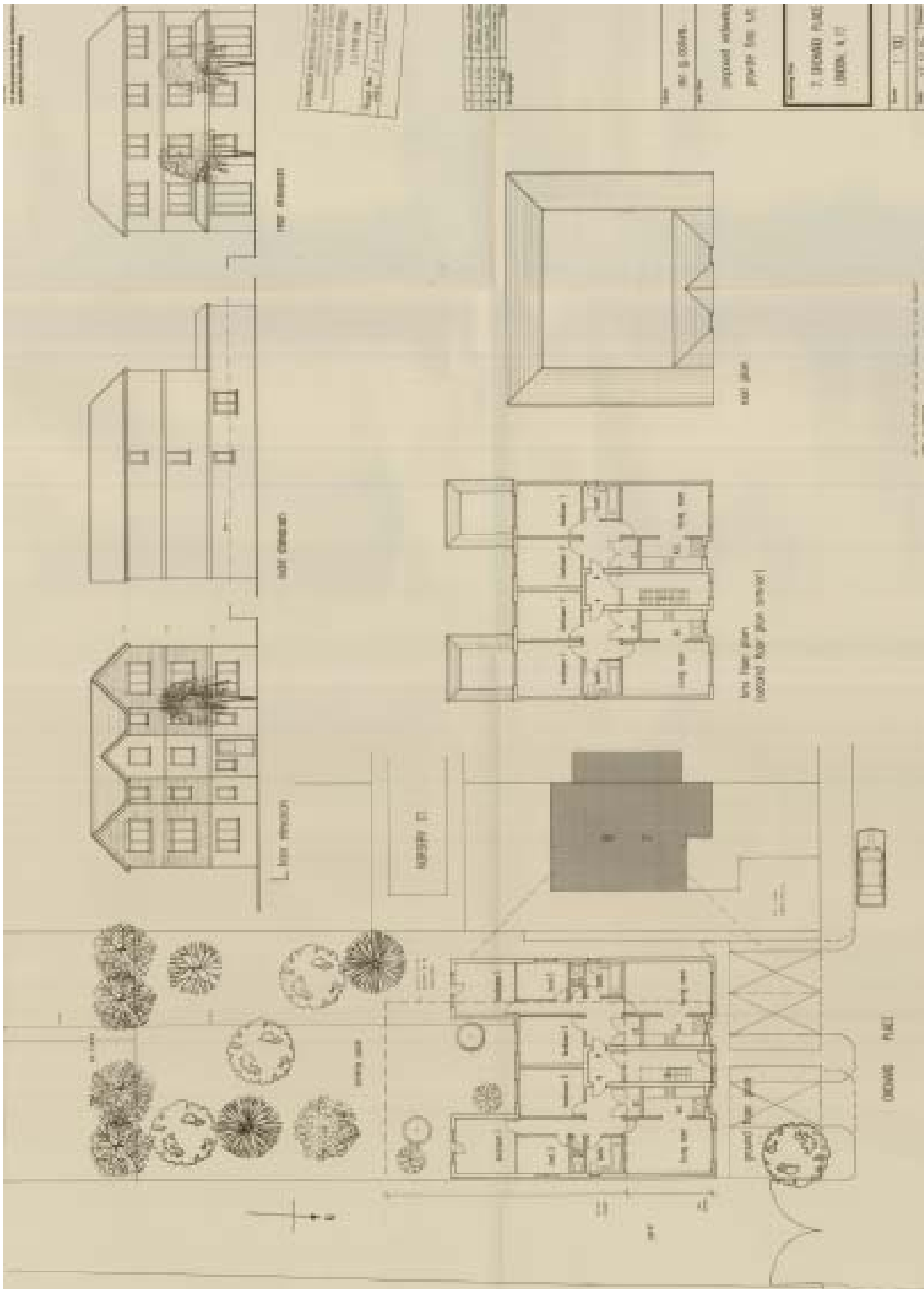
INFORMATIVE: Prior to demolition existing buildings, an asbestos survey should be carried out to identify the location and type of asbestos containing materials. Any asbestos containing materials must be removed and disposed of in accordance with the correct procedure prior to any demolition or construction works carried out.

INFORMATIVE: No works shall be carried out on the site until a detailed report, including Risk Assessment, detailing management of demolition and construction dust as specified in condition 10. The site or Contractor Company be registered with the Considerate Constructors Scheme. Proof of registration must be sent to the LPA prior to any works being carried out on the site.

INFORMATIVE: The new development will require numbering. The applicant should contact the Local Land Charges at least six weeks before the development is occupied (tel. 020 8489 5573)



Site Photos



Drawing 2: Proposed Floor Plans/ Elevations