

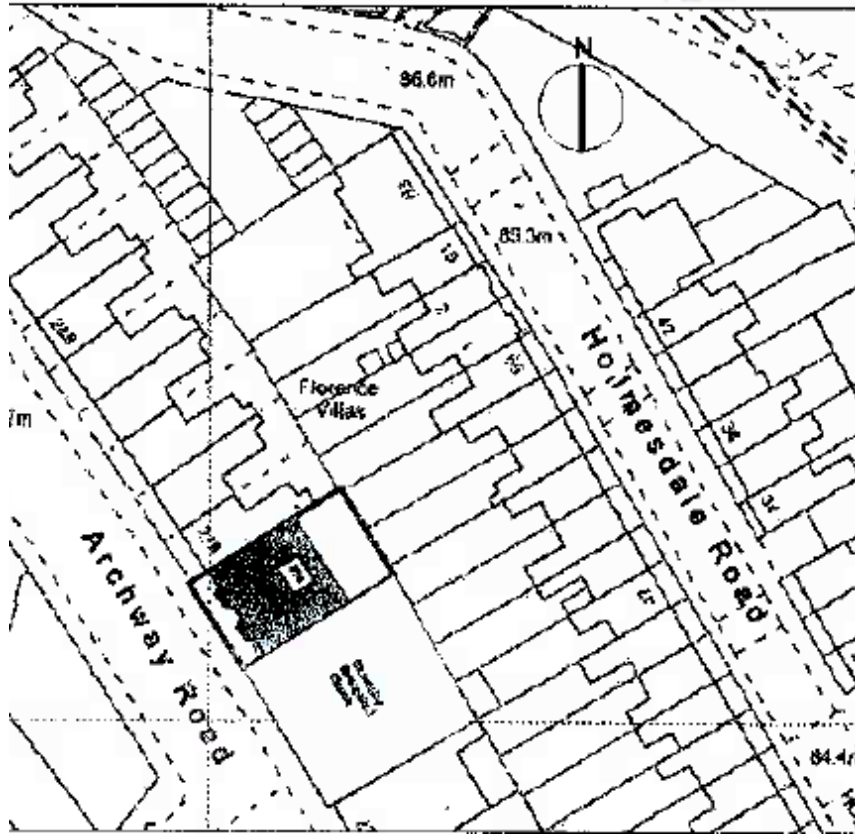
REPORT FOR CONSIDERATION AT PLANNING COMMITTEE

Reference No: HGY/2011/2229	Ward: Highgate
Address: 274 Archway Road N6 5AU	
Proposal: Demolition of existing workshop and erection of new 3 storey block to provide 2 x 3 bedroom and 5 x 2 bedroom self contained units incorporating garden areas to front and rear.	
Existing Use: Car Repair	Proposed Use: Residential
Applicant: Mr Modi Archway Exhausts Ex Tyres	
Ownership: Private	
Date received: 01/12/2011 Last amended date: DD/MM/YYYY	
Drawing number of plans: pB1106:1-5 Incl.	
Case Officer Contact: Matthew Gunning	
PLANNING DESIGNATIONS: Retrieved from GIS on 07/12/2011 Road Network: C Road, Conservation Area	
RECOMMENDATION: GRANT PERMISSION subject to conditions	
<p>SUMMARY OF REPORT: This application has addressed the main reasons for refusal to previous application HGY/2006/2223. This new and improved scheme seeks to demolish the existing workshop and erect a 3 storey development to provide 2 x 3 bedroom and 5 x 2 bedroom self contained units incorporating garden areas to front and rear. Furthermore, this proposed application has demonstrated that the building form, detailing and materials associated will be sensitive to distinctiveness and character of the surrounding area, and overall the proposal will preserve and enhance the character and appearance of the Highgate Conservation Area.</p> <p>As such this proposal is considered to be in accordance with relevant Planning Policies listed in this report. Therefore, having regards to all other matters raised, this application is recommended for APPROVAL.</p>	

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1.0 PROPOSED SITE PLAN

Site Location Map Scale 1:1250



2.0 IMAGES



Views from Archway Road



Views from Holmesdale Road



Indicative Front/ Street Elevation



Indicative Front/ Street Elevation

3.0 SITE AND SURROUNDINGS

- 3.1 The application property is a car repair garage (car tyre and exhaust business) located on the eastern side of Archway and comprises of two buildings. The original building located to the rear, which runs parallel to the road, has a pitched roof with storage space in the loft area, while the front building sits at right angles to the road with a gable facing Archway Road. There is a full width crossover and a forecourt to front of the site which provides some off-street car parking spaces for this business. The site slopes steeply downwards from the front to the rear, and the rear building has a blank rear brick wall nearly 4 storeys high. Behind the site are 3-storey (including lower ground floors) terrace houses on Holmesdale Road. The site backs directly on to nos. 55 and 57. Each house has habitable room windows in the end of the rear extensions facing the high boundary wall, with 15m deep rear gardens.
- 3.2 To the north of the site is a long uniform 3-storey terrace of houses with full height front bays and long 4-storey (due to the fall in the land) “outrigger” extensions, with about 5m between the extensions and the rear boundary. This terrace is called ‘Prestwood Mansions’ and is possibly named after the ‘Prestwood Cottage’ seen in this site on the 1875 Ordinance Survey Map. The terrace has canted bay on each floor and original front doors, most of which still have stained glass in them, and all the porches have original brightly coloured tiles up to waist height. These terraces were designed as flats. There are no shops on the ground floor except for the last three houses on the corner of Holmesdale Road. Adjoining the site to the south is Cholmeley Evangelical Church, which has a relatively modern 2-storey frontage.
- 3.3 Archway Road is a very busy arterial road that has been designated as a Priority (Red) Route. It is generally densely developed, with a mixture of residential and commercial properties along each side of the road. Many of the properties along Archway Road and on the streets to the east and west of this arterial route have been converted into flats. The application site falls within the Archway Road Restricted Conversion Area. The application site is approximately 500m away from Highgate Tube Station.
- 3.4 The site also falls within the extensive Highgate Conservation Area; which is largely residential in character, with terraces of houses on streets to the west and east of Archway Road. These terrace houses are substantial Victorian terraces with good proportions and strongly consistent detailing with vertical emphasis to front elevations.

4.0 PROPOSAL

- 4.1 The proposal is for the redevelopment of the site to provide a three storey block comprising of 7 bedroom self contained units (2 x 3 bedroom and 5 x 2 bedroom) incorporating garden areas to front and rear.

5.0 PLANNING HISTORY

5.1 Planning Application History

HGY/2006/2223 - Demolition of existing single storey garage building and erection of 3 storey building with rooms in roof comprising 1 x one bed and 6 x two bed self contained flats with associated parking. – Refused 13/02/2007

5.2 Planning Enforcement History

No history

6.0 RELEVANT PLANNING POLICY

6.1 National Planning Policy

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement: 5 Planning for the Historic Environment
Planning Policy Statement 22: Renewable Energy

6.2 London Plan

Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 3.17 Health and social care facilities
Policy 5.3 Sustainable design and construction
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.9 Heritage-led regeneration

6.3 Unitary Development Plan

G1 Environment
G2 Development and Urban Design
G10 Conservation
UDI Planning Statements
UD2 Sustainable Design and Construction
UD3 General Principles
UD4 Quality Design
UD7 Waste Storage
UD9 Planning Obligations

EMP4 Non Employment Generating Uses
 ENV3 Water Conservation
 HSG1 New Housing Development
 HSG9 Density Standards
 HSG10 Dwelling Mix
 HSG11 Restricted Conversion Area
 M3 New Development Location and Accessibility
 M9 Car Free Residential Developments
 M10 Parking for Development
 CSV1 Development in Conservation Areas

6.4 Supplementary Planning Guidance / Documents

SPG1a Design Guidance and Design Statements
 SPG2 Conservation and Archaeology
 'Housing' Supplementary Planning Document 2008
 SPG8a Waste and Recycling
 SPG8b Materials
 SPG9a Sustainability Statement
 SPG10 The Negotiation, Management and Monitoring of Planning Obligations
 SPG 12 Educational Needs Generated by New Housing Development
 SPG 4.1 Revised Archway Road Neighbourhood Plan (2002)

7.0 **CONSULTATION**

Internal	External
Conservation & Design Transportation Policy Building Control Legal Services	Transport for London LFEPA <u>Amenity Groups</u> Highgate CAAC The Highgate Society <u>Local Residents</u> 270, 272, Cholmeley Evangelical Church, 278- 288 (even) & 225-233 (odd) (including all flats) Archway Road; 47-61 (odd) & 1 & 2 Florence Villas, Holmesdale Road

8.0 RESPONSES

Waste Management Services: This proposed development of 2 x three bedroom and 5 x two bedroom developments will require a waste storage area of suitable size to store 2x 1100 refuse bins and 1x 1100 recycling bin. The site plan for this application shows waste storage areas at the front of the building but does not show how many 1100 bins can be stored in the waste storage areas. Bulk waste containers must be located no further than 10 metres from the point of collection and the route from waste storage points to collection point must be as straight as possible with no kerbs or steps. Gradients should be no greater than 1:20 and surfaces should be smooth and sound, concrete rather than flexible. Dropped kerbs should be installed as necessary. The site will require the managing agents to have a cleansing schedule to remove litter from the external areas of the site and cleansing of the waste storage areas. A clear instruction from the managing agents to residents of how and where to dispose of waste responsibly is recommended. This application has been given RAG traffic light status of AMBER for waste storage and collection arrangements.

274 Archway Road London N6 5AU Comments by: Gerry Feeny & Poppy Mercer: We are the owner/residents of the ground floor flat, 278, Archway Road, which is directly adjacent to the proposed demolition and rebuild site. We do not have specific objections to the plans as presented, but would like to raise the following concerns, with a view to them being directly addressed to our satisfaction within any final application and consent.

1. Noise and disruption is inevitable, but construction and demolition is going to be within inches of our dividing wall. Life will be intolerable if there are not limits to working hours., and we would like assurances that demolition/building works will only occur during week days, and only between 8.30 -4.30.
2. Demolition of existing back area of the property. The back side wall of the existing building creates the boundary to our back garden terrace. It is an apex wall of 3 storey height. It is in a dangerous condition, with bricks in the apex coming loose and falling into our garden where we sit, and near out W.C roof, and has been repaired/patched/pointed several times. It is sited where the plans indicate gardens. Its demolition is welcome but we have disturbance, safety and security concerns here:
 - a) How much access and encroachment to our land will occur during demolition / building works.
 - b) How will this be managed for our safety, privacy, security and ability to enjoy our garden during works.
 - c) What new boundary will be erected in place of the existing wall. We would prefer one of much lower height.

d) How will any ongoing clearing of arising building detritus, damage to property, and necessary repairs and making good after works be managed.

We are still thinking about the implications of this project and will send on supplementary comments as appropriate.

Flat 3, Souhwood Avenue, Highgate Comments by: Alia Rainald Baker:

This resident is mainly concerned with the increase in the numbers of vehicle parking that the redevelopment will introduce. There are also concerns with the waste disposal that the redevelopment of 7 new units would generate.

55 & 57 Holmesdale Road: These neighbouring residents situated to the rear of the proposed dwelling are concerned with the possibility that the proposed redevelopment may generate an increased level of noise from the balconies which face toward the rear of 55 & 57 Holmesdale Road. No 55 & 57 have requested that a condition be applied restricting amplified music after 10pm.

London Fire brigade and Emergency Planning Authority: The Fire brigade is satisfied with the proposals with regards to the fire brigade Access and Compliance with Building Regulations “AD” B5

Commercial EnvironmentalHealth: Contaminated land:

Before development commences other than for investigative work:

a) A 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. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable: - a risk assessment to be undertaken, refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements. The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post

remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site. Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

Control of Construction Dust:

No works shall be carried out on the site until a detailed report, including Risk Assessment, detailing management of demolition and construction dust has been submitted and approved by the LPA. (Reference to the London Code of Construction Practice) and that 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.

As an informative:

Prior to demolition of 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.

Transportation: The application site fronts onto highway controlled by TfL. We have therefore forwarded the consultation to TfL for comment. A response has been received from TfL, which reads as follows: With regards to the above mentioned site, TfL offers the following comments and recommendations:

1. The application site is situated on A1 Archway Road, which forms part of the Transport for London Road Network (TLRN).
2. A minimum of 2 cycle parking spaces should be provided to encourage use of cycling in inner London area.
3. It is recommended that the developer shall enter into S106 Car free 'agreement with the local authority to exempt future residents' eligibility for local permits.

4. Servicing for the proposed development should be undertaken in accordance with existing Red route stopping restrictions. Refuse collection strategy should be developed with agreed from the local authority.

5. It is requested that a Construction Management Plan (CMP) and Construction Logistics Plan (CLP) shall be submitted for TfL and local authority's approval prior to construction work commences on site. The Plans should provide details on how construction work (inc. demolitions) would be undertaken in a manner that disruption to traffic and pedestrians on A1 would be minimised. It is also requested that construction vehicle movements should be carefully planned and co-ordinated to avoid the AM and PM peak periods. Due to the importance of A1, on-going lane closure would not be permitted by TfL for the construction of the development.

6. No skip/ construction materials shall be kept on the footway or carriageway of A1 Archway Road at any time.

7. The developer shall enter into a S278 Agreement with TfL under Highways Act 1980 to remove existing vehicular crossovers and to improve/ renew footway along the frontage of the site on A1 Archway Road to TfL's requirement prior to the occupation of the site. TfL requests that the local planning authority shall condition this requirement. Subject to the above conditions being met, the proposal as it stands would not result in an unacceptable impact to the Transport for London Road Network (TLRN).

In addition to Transport for London comments above, whilst transport for London is the Highways authority for Archway Road, the Impact of the parking generated by the proposed 7 residential units will be on Cholmeley Park. Considering that this area has been identified by the Council's 2006 adopted UDP policy HSG 11 as an area that suffers from high parking pressures we will also require the applicant to enter into a S.106 agreement to dedicate the development proposal as a car free development in line with the council's UDP policy M9. We will also require the applicant to contribute to a car club scheme to mitigate the impacts of the development.

Therefore, the highway and transportation authority has no objection to the above proposals subject to the imposition of a condition requiring the applicant to enter into a S106 agreement to secure that:

1. "The residential unit is defined as 'car free' and therefore no residents therein will be entitled to apply for a resident's or visitor's parking permit under the terms of the relevant Traffic Management Order (TMO) controlling on-street parking in the vicinity of the development." The applicant must contribute a sum of £1000 (One Thousand pounds) towards the amendment of the TMO for this purpose.

2. The residents of the new development are provided with one year's free membership to the "car club scheme" to help mitigate the non-provision of off-street parking".

9.0 ANALYSIS / ASSESSMENT OF THE APPLICATION

Background

- 9.1 This application follows previous planning refusal (Ref: HGY/2006/2223) for the Demolition of existing single storey garage building and erection of 3 storey building with rooms in roof comprising 1 x one bed and 6 x two bed self contained flats with associated parking. This application was refused for the following reasons; Lack of evidence to show that the development would not result to the loss of an existing employment generating site and no evidence had been submitted to show that the site was no longer suitable for such use. The proposal therefore did not comply with Policy EMP4 'Employment Generating Uses' of the Council's Unitary Development Plan. The scheme produced an unbalanced front elevation that did not reflect the rhythm of the adjoining terrace, and lacked design quality, and therefore did not preserve or enhance the Conservation Area, contrary to Policy CSV1 'Development in Conservation Areas' of the Council's adopted Unitary Development Plan. The proposal adversely affected the residential amenities of houses in Holmesdale Road by reason of overlooking and loss of privacy, and loss of sunlight and did not therefore comply with Policy UD3 'General Principles' of the Council's adopted Unitary Development Plan. The mix of units provided in the previous scheme did not meet the dwelling mix guidance set out in the Council's SPG 3a 'Dwelling Mix, Floor space Minima, Conversions, Extensions and Lifetime Homes' and the scheme did not therefore comply with Policy HSG10 'Dwelling Mix' of the Council's adopted Unitary Development Plan.

Response to previous refused planning application

- 9.2 This current application is now for 7 units with 2 x 3 beds units and 5 x 2 bed units as opposed to 1 x 1 bed unit and 6 x 2 bed units considered as part of application ref: HGY/2006/2223. The main issues in regards to this application and to address the previous reasons for refusal are considered to be (1) the principle of a residential use/ change of use, (2) the layout/ standard/ mix of accommodation of the proposed residential units, (3) impact on the amenity of adjoining occupiers (4) transportation/ car parking and (5) planning obligations.

Principle of Residential Use/ Change of Use

- 9.3 The very first issue in considering an application of this nature is the loss of the employment use. While the application site does not fall within a defined employment area (DEA) the requirement of policy EMP4, which outlines criteria for the change of use of land and buildings previously in employment generation apply in this case. The policy states that planning permission will be granted to redevelop or change the use of land and buildings in an employment generating use provided:

- a) the land or building is no longer suitable for business or industry use on environmental, amenity and transport grounds in the short, medium and long term; and
- b) there is well documented evidence of an unsuccessful marketing/advertisement campaign, including price sought over a period of normally 18 months in areas outside the DEAs, or 3 years within a DEA; or
- c) The redevelopment or re-use of all employment generating land and premises would retain or increase the number of jobs permanently provided on the site, and result in wider regeneration benefits.
- 9.4 The application site is located within an established residential area, situated I between Highgate and Archway Underground Station and close to a number of public transport facilities. A residential development on this site was considered appropriate and to be in accordance with the sequential approach advocated in policy HSG1 'New Housing Development'.
- 9.5 The applicant's agent argues that despite the marketing campaign the commercial premises has not let. It has been brought to the Local Planning Authority's attention that commercial viability of the existing Archway Exhaust firm has undoubtedly been seriously impaired by the creation of the 'red route', and a continuation of this type of business on the site would therefore be considered unworkable. It is also noted that a further difficulty with the site, in terms of alternative commercial occupiers is the layout and construction of the existing building. There is also the issue of the very poor physical condition of these structures. The poorly exposed workshop 'shed' fronting onto the adjoining two-storey Victorian storage building located at the rear of the site has a very basic construction and poor levels of day lighting.
- 9.6 In the supporting statement submitted the applicant points out that another important issue affecting the saleability of this site for commercial use was a lack of demand locally, and the changing nature of the patterns of use for small workspace commercial lettings and sales along this part of Archway Road had become difficult. These difficulties in finding tenants for the existing poorly maintained and declining service has been further exacerbated due to its placement within an awkward and predominantly residential setting.
- 9.7 Furthermore, in respect of the refusal of previous planning application not meeting the dwelling guidance set out in the Local Planning Authority's SPG 3a 'Dwelling Mix, Floor space Minima, Conversions, Extensions and Lifetime Homes', the proposed scheme is now considered to meet the 'Life Time Homes' guidelines and incorporates well proportioned rooms with generous hallways and bathrooms. The family sized ground level garden maisonettes could easily be adapted to satisfy current guidelines for fully wheelchair – accessible housing. All the flats would incorporate level access into their private external garden, terraces or balcony amenity spaces.

- 9.8 Within the supporting information submitted the agent outlined that the business has declined markedly in recent years and the owners seek to retire and redevelop the site as a new three storey residential flats that would be sympathetic and matching the neighbouring Victorian style residential dwellings. The proposed flats would also now accommodate a 2 x 3 bed family sized dwelling with rear garden amenity space.
- 9.9 Based on the information submitted the LPA accept that the commercial space in question has been actively marketed for 18 months with little interest, and as such accept an alternative use may be appropriate.

Design & form

- 10.0 The proposed building form on site is for a three storey terrace property that will be designed to a similar dimension with the adjoining terrace and the original properties on site. The proposed front elevation will be an exact replica of the adjoining terrace. The new development will be constructed of brick with slate tiles to match the existing terrace. The building will have white painted timber framed windows with decorative surround and will display the same features as the adjoining and neighbouring terrace properties; namely brick built, bay windows, a recessed doorway with a pediment features above the entrance, a Dutch gable roof.
- 10.1 This scheme respects the “consistency of form and detailing” of the adjoining and neighbouring terraces and its height and scale are positioned to align to the front building line of the adjoining Victorian residential terraces (no’s 278-304 Archway Road) and is set back from the existing tall rear brick boundary wall to preserve the privacy and amenity of the residents in Holmesdale Road. The street façade of the proposed new building constructed in brick will be recognizable and would echo the existing terraces on the street. In terms of the scale, form, proportions and appearance, the new building façade will have a gradual step down that would be consistent with the existing façade to follow the slope along Archway leading towards Holloway Road. The dominant rhythm of the paired full-height canted bay windows of the existing terrace is repeated, whilst the steeply – pitched roof form matches the existing and incorporates a ‘hip’ end, which is similar to the design at the north end of the terrace.
- 10.2 At ground floor level, hedging is set behind painted metal railings to screen the front garden area and the refuse/recycling containers.
- 10.3 All of the room and unit sizes are consistent with the floor space minima identified in SPG 3a ‘Density, Dwelling Mix, Floor space Minima, Conversions, Extensions and Lifetime Homes’.

- 10.4 All entrances will have level access. The front door will have a clear opening width of 1m. The doors, lobbies and corridors are wide enough to allow wheelchair users to access all rooms.

Impact on Conservation Area

- 11.0 The application site in its present form with its heavy signage stating 'Archway Exhaust & Tyres' is heavily completely out of context with the overall general street scene formed of mainly three storey Victorian style residential dwellings. It is considered that the re-development of this site will bring several benefits. The reinstatement of these terrace properties will address the unsightly nature of this typical industrial style vehicle workshop, which is currently out of keeping with the visual character of the surrounding. The proposal will complete the terrace on Archway Road and will provide associated landscaping. The building form, detailing and materials associated with the proposal will be sensitive to distinctiveness and character of the surrounding area and overall the proposal will preserve and enhance the character and appearance of the Conservation Area. As such the proposal is considered to be in accordance with policies CSV1 'Development in Conservation Areas' and SPG2 'Conservation and Archaeology'.

Impact on the amenities/ privacy of adjoining occupiers.

- 11.1 The proposed buildings have been designed in such a way so not to have an adverse impact on neighbouring properties. It is not considered that the proposed development will have an impact on the level of daylight, sunlight on the adjoining neighbouring properties of no 278 & 272 Archway Road. The proposed re-development will follow the gradual step down height arrangement and would also flush with the building line of the existing properties on the street, therefore, maintaining and enhancing the relationship of the overall street scene.

Transportation/ Car Parking

- 11.2 The application site falls within a PTAL 3 area and is within walking distance of Highgate Tube Station and a number of different bus services. The application site fronts onto highway controlled by TfL. A response has been received from TfL, and has identified key issues stated within the Transportation consultation response. Further to the response from TfL the developer is minded to enter in to a S106 'Car free' agreement with the Local Authority in order to exempt future resident's eligibility for local permits.

Planning Obligations/Section 106

- 11.3 Under Section 106 of the Town and Country Planning Act, the terms of Circular 05/2005 Planning Obligations, and in line with Policy UD8 and Supplementary Planning Guidance 10a 'The Negotiation, Management and Monitoring of Planning Obligations' the Local Planning Authority (LPA) will seek financial

contributions towards a range of associated improvements immediately outside the boundary of the site.

- 11.4 In line with Supplementary Planning Guidance SPG10c, it is appropriate for the Local Planning Authority to seek a financial contribution towards the cost associated with the provision of facilities and services arising from additional demand generated for school places. The education contribution associated with this development is calculated to amount to £33,000.00.

Layout / standard & mix of residential accommodation

- 12.0 The proposed residential accommodation will consist of 7 self contained units, all to be located on the ground floor. The unit sizes will be as follows; for the 2 x ground floor three bed family units with rear garden, this will measure 72sq.m including 38sq.m of rear garden. The two bed units on the first floor measuring 63sq.m in size. The two bed units on the second floor will also consist of 63sq.m in size with small balconies to the rear measuring 12sq.m The 1 x two bed unit on the third floor will be 77sq.m in size. Therefore, this proposed internal room arrangements would meet the floor space requirements set out in SPD 'Housing' for 2 and 3 bedroom units.
- 12.1 All of the room sizes are consistent with the floor space minima outlined in Figure 8.1 of the Housing SPD. While the scheme provided a high number of 2 bedroom units, the mix is considered acceptable as the scheme would also accommodate 2 x 3 bed family size units on the ground.
- 12.2 At ground floor level the 3 bedroom family garden maisonettes incorporate compact semi-basement are, providing a bedroom and bathroom, with small light wells excavated from the gardens. All the upper floors incorporate either small terrace or balconies to the rear. The overall mix of the proposed scheme is for 2 x 3 bed maisonettes and 5 x 2 bed flats totalling to 7 units. It is considered that all of the flats and maisonettes are generously proportioned, with habitable room sizes in excess of the minimum floor areas set out in the guidelines.
- 12.3 As the proposal is below the 10 unit threshold, no affordable housing provision is required in this case.

Impact on Residential Amenity

- 12.4 The proposed scheme would be accommodated within the existing building envelope and all additional windows/openings would be in line with the adjoining properties on the street as the proposed site would not protrude beyond the building line of the existing properties. Furthermore, the proposed building height would be set lower than the adjoining property of 278 Archway Road, thus maintaining the natural step down rhythm of properties on the street. The proposed development would be in scale with the adjoining buildings, and in proportion to the average street width as defined by building

frontages on Archway Road. The proposed development is not considered to result in overlooking or loss of amenity to adjoining occupiers.

Transportation & Car Parking

- 13.0 The proposed development is located where the public transport accessibility level (PTAL 3) is high, with Highgate tube station within walking distance. The Council's transportation team consider that the majority of the prospective residents of this site would travel by public transport, especially with the proximity of the underground station. The site is also situated within a 'red route' stopping restriction zone to prevent car parking on Archway Road.
- 13.1 Taking into account the high PTAL rating for this site, and the fact that the 7 residential units are already 'car free', it is considered that the nature of this development is also suitable for a 'car-free' development. This will be secured by way of a Section 106 agreement and will prevent future occupiers from applying for residents parking permits under the terms of the relevant traffic management order.

Planning Obligations

- 14.0 In line with Supplementary Planning Guidance 10a 'The Negotiation, Management and Monitoring of Planning Obligations' and SPG 10c 'Educational Needs Generated by New Housing', the LPA will seek an educational contribution in connection with this development. The education contribution as per the scheme submitted and calculated in accordance with SPG 10a would amount to £33,000.00.
- 14.1 As outlined above it is also requested that the residential unit are defined as 'car free' by Section 106 and that no residents therein will be entitled to apply for a residents parking permit under the terms of the relevant Traffic Management Order (TMO) controlling on-street parking in the vicinity of the development". A contribution of £1,000.00 is sought towards the amendment of the TMO and an administration / monitoring cost of £1,000.00 in connection with this Section 106 agreement.

CONCLUSION

- 15.0 Whilst the proposed scheme will involve the loss of a commercial space suitable for employment use which has been actively marketed for a period of over two years, the proposed conversion of this space to residential use is compatible with the use within the rest of the building and surrounding area. The associated changes to the design and layout of the building are considered sensitive to its surrounding and the character of the area and overall the proposal will provide adequate living accommodation.
- 15.1 As such the proposal is considered to be in accordance with policies: G2 'Development and Urban Design', UD3 'General Principles', UD4 'Quality Design', HSG1 'New Housing Development', HSG9 'Density Standards',

HSG10 'Dwelling Mix' of the adopted Haringey Unitary Development Plan 2006 and with supplementary planning guidance SPG1a 'Design Guidance and Design Statements', and the Council's 'Housing' Supplementary Planning Document (2008). Given the above this application is recommended for APPROVAL.

HUMAN RIGHTS

- 16.0 All applications are considered against a background of the Human Rights Act 1998 and in accordance with Article 22(1) of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 where there is a requirement to give reasons for the grant of planning permission. Reasons for refusal are always given and are set out on the decision notice. Unless any report specifically indicates otherwise all decisions of this Committee will accord with the requirements of the above Act and Order.

EQUALITIES

- 17.0 In determining this planning application the Council is required to have regard to its obligations under equalities legislation including the obligations under section 71 of the Race Relations Act 1976. In carrying out the Council's functions due regard must be had, firstly to the need to eliminate unlawful discrimination, and secondly to the need to promote equality of opportunity and good relations between persons of different equalities groups. Members must have regard to these obligations in taking a decision on this application.

CONCLUSION

- 18.0 The current scheme for this site has been considered having regards to the previous refused decision and has addressed all the underlying principles in respect of the development of this site. The proposed building form will be an exact replica of the original properties with the exception of the dormer windows. The reinstatement of these terrace properties will address the unsightly nature of the site, in particular removing view of the single storey pitched workshop. The building form, detailing and materials associated with the proposal will be sensitive to distinctiveness and character of the surrounding area and overall the proposal will preserve and enhance the character and appearance of the Highgate Conservation Area. The proposal will not give rise to significant loss of sunlight, daylight, outlook loss or privacy to neighbouring occupiers. Therefore, having regards to all other matters raised, this application is recommended for APPROVAL.
- 18.1 As such the proposal is considered to be in accordance with policies UD3 'General Principles', UD4 'Quality Design', UD8 'Planning Obligations', HSG1 'New Housing Development', HSG10 'Dwelling Mix', M10 'Parking for Development', CSV1 'Development in Conservation Areas' of the adopted Haringey Unitary Development (2006) and with Supplementary Planning Guidance SPG1a 'Design Guidance and Design Statements', SPG2

'Conservation and Archaeology', SPG3a 'Density, Dwelling Mix, Floor Space Minima, Conversions, Extensions and Lifetime Homes', SPG3b 'Privacy/Overlooking, Aspect/Outlook and Daylight/Sunlight', SPG8b 'Materials', SPG10 'The Negotiation, Management and Monitoring of Planning Obligations' and SPG 12 'Educational Needs Generated by New Housing Development'. For the reasons given above

19.0 RECOMMENDATIONS

RECOMMENDATION 1

20.0 The Sub-Committee is recommended to RESOLVE as follows: (1) that planning permission be granted in accordance with planning application no. HGY/2011/2229, subject to a pre-condition that the owners of the application site shall first have entered into an Agreement or Agreements with the Council under Section 106 of the Town & Country Planning Act 1990 (As Amended) and Section 16 of the Greater London Council (General Powers) Act 1974 in order to secure:

(1.1) A contribution of £33,000.00 towards educational facilities within the Borough (£16,000.00 for primary and £17,000.00 for secondary) according to the formula set out in Policy UD8 and Supplementary Planning Guidance 10c of the Haringey Unitary Development Plan July 2006;

(1.2) A sum of £1,000.00 towards the amendment of the relevant Traffic Management Order(s) (TMO) controlling on-street parking in the vicinity of the site to reflect that the residential units shall be designated 'car free' and therefore no residents therein will be entitled to apply for a residents parking permit under the terms of this Traffic Management Order(s) (TMO);

(1.3) the developer to pay an administration / monitoring cost of £1,000.00 in connection with this Section 106 agreement. This gives a total amount of £35,000.00.

RECOMMENDATION 2

21.0 That in the absence of the Agreement referred to in the resolution above being completed by 30TH April 2012, planning application reference number HGY/2011/2229 is refused for the following reason:

21.1 In the absence of a formal undertaking to secure a Section 106 Agreement for appropriate contribution towards education the proposal is contrary to Policy UD8 'Planning Obligations' of the adopted Haringey Unitary Development (2006) and Supplementary Planning Guidance SPG10a 'The Negotiation, Management and Monitoring of Planning Obligations' and SPG10c 'Educational Needs Generated by New Housing Development'

RECOMMENDATION 3

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

- (i) There has not been any material change in circumstances in the relevant planning considerations, 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 contemplated in resolution (1) above to secure the obligations specified therein.

RECOMMENDATION 4

23.0 That following completion of the Agreement referred to in (1) above, planning permission be GRANTED in accordance with planning application no HGY/2011/2229 and the Applicant's drawing No.(s) pB1106:1-5 Incl. subject to the following conditions:

24.0 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.

EXTERNAL APPEARANCE / SITE LAYOUT

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 new front boundary treatment, including landscaping, have been submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with such

approved detail and prior to the occupation of the residential units hereby approved.

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

- 25.0 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)

RECOMMENDATION

GRANT PERMISSION subject to conditions

Registered No. HGY/2011/2229

Subject to the following condition(s) pB1106:1-5 Incl

- 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

- 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 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.

- 4 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins and/or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

- 5 Notwithstanding the Provisions of Article 4 (1) and part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, no satellite antenna shall be erected or installed on the building hereby approved. The proposed development shall have a central dish or aerial 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.

6 Control of Construction Dust:

No works shall be carried out on the site until a detailed report, including Risk Assessment, detailing management of demolition and construction dust has been submitted and approved by the LPA. (Reference to the London Code of Construction Practice) and that 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.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

26.0 Informative

- 1 Prior to demolition of 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.
- 2 A 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. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.