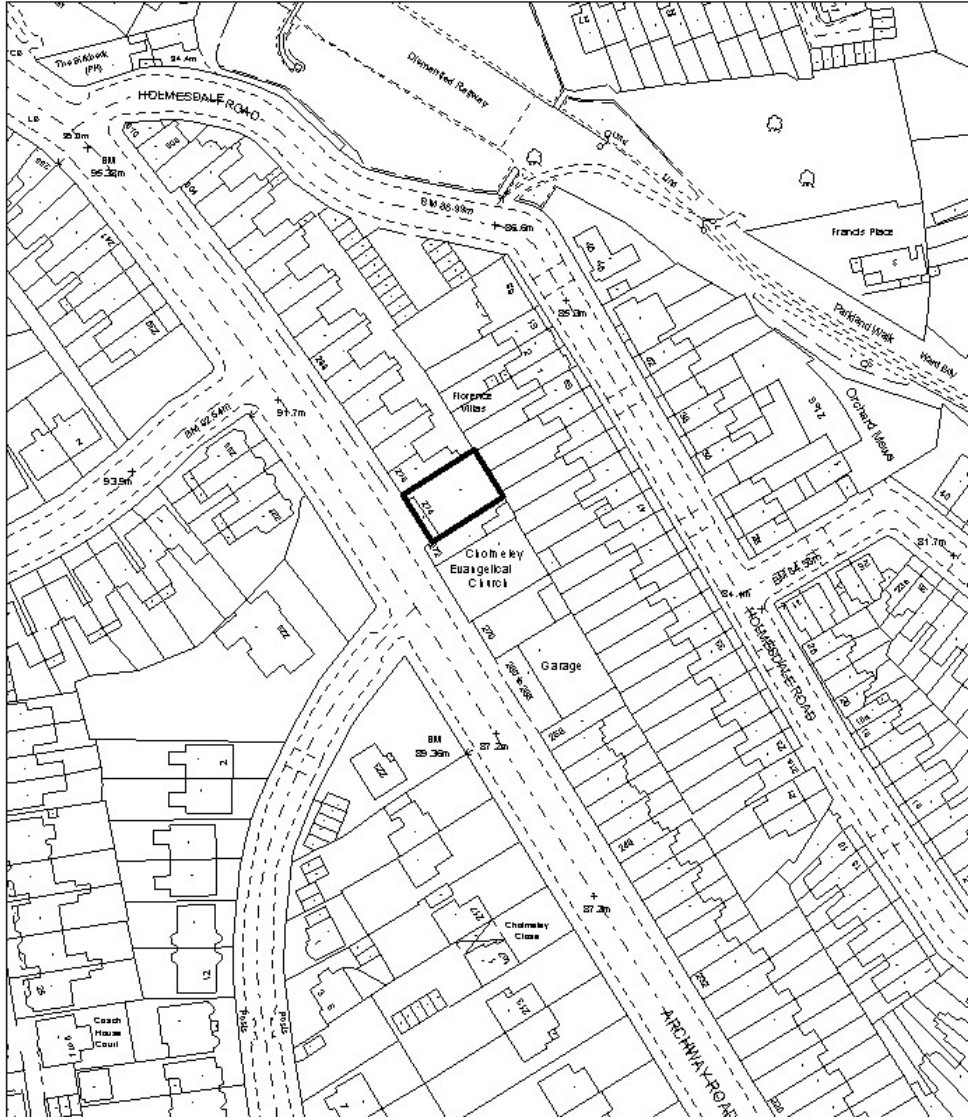


**REPORT FOR CONSIDERATION AT PLANNING COMMITTEE**

<b>Reference No:</b> HGY/2011/2229	<b>Ward:</b> Highgate
<b>Address:</b> 274 Archway Road N6 5AU	
<b>Proposal:</b> 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.	
<b>Existing Use:</b> Car Repair	<b>Proposed Use:</b> Residential
<b>Applicant:</b> Mr Modi Archway Exhausts Ex Tyres	
<b>Ownership:</b> Private	
<b>Date received:</b> 01/12/2011 <b>Last amended date:</b> DD/MM/YYYY	
<b>Drawing number of plans:</b> pB1106:1-5 Incl.	
<b>Case Officer Contact:</b> Matthew Gunning	
<b>PLANNING DESIGNATIONS:</b> Retrieved from GIS on 07/12/2011 Road Network: C Road, Conservation Area	
<b>RECOMMENDATION:</b> GRANT PERMISSION subject to conditions and subject to sec. 106 Legal	
<b>SUMMARY OF REPORT:</b> The current scheme for this site has been considered having regards to the previous refusal. The principle of residential use is now considered acceptable and will address the unsightly nature of the site, in particular removing the view of the single storey pitched workshop. The change of use of this space to residential use is compatible with the surrounding area. 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 issues of loss of sunlight, daylight, outlook or privacy to neighbouring/ adjoining occupiers. Whilst the proposed scheme will involve the loss of a small commercial space suitable for employment use, the level of current employment with this site (3 people) is not considered to be significant. The marketing of the site and constraints associated with the site are noted, namely the poor physical condition of the building and the difficult parking/ access arrangements associated with the red route. The change of use of this space to residential use is compatible with the surrounding area. This application will be subject to a S106 agreement securing an education contribution and a 'car free' development.	

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# 1.0 SITE PLAN



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## Site plan

**Directorate of  
Place &  
Sustainability**

Marc Dortman  
Assistant Director  
Planning, Regeneration & Economy

	Drawn by	AA
	Scale	1:1250
	Date	12/03/2012

## 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**

<b>Internal</b>	<b>External</b>
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

- 8.1 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.
- 8.2 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.
- 8.3 Flat, 278, Archway Road, 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.

- 8.4 Flat 3, Souhwood Avenue 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.
- 8.5 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.
- 8.6 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
- 8.7 Environmental Health: 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.

8.8 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).

8.9 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 are an area that suffers from high parking pressures we will also require the applicant to enter in to a S.106 agreement to dedicate the development proposal as a car free development in line with the councils UDP policy M9. We will also require the applicant to contribute to car club scheme to mitigate the impacts of the development.

8.10 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 years 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 the existing single storey garage building and the erection of a 3 storey building with rooms in roof, to accommodate 1 x one bed and 6 x two bed self contained flats with associated parking. This application was refused for the following reasons;

- loss of an existing employment generating site and no evidence being submitted to show that the site was no longer suitable for such a use;
- 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;
- The proposal adversely affected the residential amenities of houses in Holmesdale Road by reason of overlooking and loss of privacy, and loss of sunlight;
- The mix of units provided in the previous scheme did not meet the dwelling mix guidance.

9.2 The main issues in respect of the current application (1) the principle of a residential use/ change of use, (2) design & form, (3) he layout/ standard/ mix of accommodation of the proposed residential units, (4) impact on the

conservation area, (5) impact on the amenity of adjoining occupiers (6) transportation/ car parking and (7) 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 in between Highgate and Archway Underground Station and close to a number of public transport facilities. A residential development on this site is considered appropriate and to be in accordance with the sequential approach advocated in policy HSG1 'New Housing Development'.
- 9.5 The applicant has submitted a letter, which raises the issues of loss of employment in this part of Archway Road stating that despite the marketing campaign the commercial premises has not been let. The letter states that the 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. The difficulties in finding tenets 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 Within the supporting information submitted the agent outlined that the business has declined markedly in recent years and the owners seek to retire. The agent has provided the following information below to demonstrate the loss of employment in terms of this car repair workshop would not be significant nor would the closure of this facility.

1) The business currently employs 3 people (1 part-time). In 2006, 5 people were employed (1 self-employed), and prior to the creation of the 'Red Route' there were 7 people employed full-time.

2) The Applicant has dealt with Mr. Cassem at SCR (detailed letter included in application submission) as they are the local estate agents. The letter specified the issues relating to loss of employment and business trade to the car repair garage located within this mainly residential part of Archway Road.

3) The agent has pointed out that both 'Highgate Tyres' (north up Archway Road) & 'Highgate Motors' (in Highgate village) will have benefited from his decline, whilst 'Kwikfit' (in Crouch End) is also well-known locally. The Applicant has occasionally directed people to 'Holloway Tyres' (on Holloway Road). More recently, supermarket and internet retailing of tyres has taken a significant part of the market. The applicant has also stated that before the 'Red Route' the applicant sold roughly 200 tyres & 50 exhausts a week, nowadays he sells about 50 tyres & 10 exhausts.

9.8 It has also been pointed out by the agent that the other nearby car repair garages are continuing to benefit from the increase in trade as they are more suitably located within a prominent existing local shopping parade.

9.9 In pre-application discussion the agent did submit a scheme which incorporated 'B1' office use in order to overcome the loss of employment issue. Officers had concerns that such a B1 use would not work well with the design and form of the proposed building which would have a residential character and appearance.

9.10 It is considered that along this stretch of Archway Road the use of B1 premises would be better accommodated within an existing local shopping parade, which has historically had a high vacancy rate.

9.11 On balance based on the information submitted and the points discussed above, a change of use to residential use is considered acceptable.

Design & form

9.12 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. 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.

- 9.13 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). The building will be set back from the existing tall rear brick boundary wall to the back of the site in order to preserve the privacy and amenity of the residents in Holmesdale Road. The new building façade will have a gradual step down that would be consistent with the existing façade to follow the slope along Archway. 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.
- 9.14 At ground floor level, hedging will be set behind painted metal railings to screen the front garden area and the refuse/recycling containers.
- 9.15 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.

#### Layout / standard & mix of residential accommodation

- 9.16 The proposed residential accommodation will consist of 7 self contained units. 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.
- 9.17 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. 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.
- 9.18 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.
- 9.19 As the proposal is below the 10 unit threshold, no affordable housing provision is required in this case.

- 9.20 While the current proposal will consist of more habitable accommodation in comparison to the previously refused scheme, this is because the previous schemes incorporated car parking on site.

#### Impact on Conservation Area

- 9.21 The application site in its present form with its heavy signage stating 'Archway Exhaust & Tyres' is 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 introduction 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.
- 9.22 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.

- 9.23 The proposed building height, form and fenestration pattern is designed to be sensitive to the amenities of adjoining and neighbouring properties. The proposed building height will be set lower than the adjoining property of 278 Archway Road, thus maintaining the natural step down rhythm of properties on the street.
- 9.24 With regards to the existing rear brick boundary wall this is to be retained, adjoining the new maisonette gardens. Bearing in mind the height of this wall and the positioning of the building back from this wall the scheme will not result in overlooking or loss of privacy to the amenities of adjoining residents on Holmesdale Road. Equally the proposed development is not considered to result in overlooking or loss of daylight, sunlight to the adjoining neighbouring properties on Archway Road.

#### Transportation/ Car Parking

- 9.25 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.
- 9.26 Taking into account the PTAL rating for this site, 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/Section 106

9. 27 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.
9. 28 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.

#### **HUMAN RIGHTS**

9. 29 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**

9. 30 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**

10. 0 The current scheme for this site has been considered having regards to the previous refusal. The principle of residential use is now considered acceptable and 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 issues of loss of sunlight, daylight, outlook or privacy to neighbouring/ adjoining occupiers.

- 10.1 Whilst the proposed scheme will involve the loss of a commercial space suitable for employment use, the level of current employment with this site is not considered to be significant. The marketing of the site and constraints associated with the site are noted. The change of use of this space to residential use is compatible with the surrounding area.
- 10.2 As such the proposal is considered to be in accordance with policies: G2 'Development and Urban Design', policies UD3 'General Principles', UD4 'Quality Design', UD8 'Planning Obligations', HSG1 'New Housing Development', HSG10 'Dwelling Mix', 'Housing' Supplementary Planning Document 2008, 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 this application is recommended for APPROVAL.

## **RECOMMENDATIONS**

### **11.0 RECOMMENDATION 1**

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.

#### 11.1 RECOMMENDATION 2

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:

##### 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 development, including details of the front boundary treatment, 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. Notwithstanding the details of landscaping referred to in the application, a scheme of hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted, is commenced.

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. 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 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.

#### PERMITTED DEVELOPMENT & USE

6. 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.

7. No music or other amplified sound shall emanate from the site before 09:00hrs and after 23:00hrs at any day, which in the opinion of the Environmental Health Service acting on behalf of the Local Planning Authority would cause nuisance to any adjacent occupier.

Reason: In order to ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their property.

#### CONSTRUCTION

8. No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days unless previously approved in writing by the Local Planning Authority

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

9. 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.

Reason: Due to the importance of A1, on-going lane closure would not be permitted by TfL for the construction of the development

10. 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.

#### REASON FOR APPROVAL

The current scheme for this site has been considered having regards to the previous refusal. The principle of residential use is now considered acceptable and 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 issues of loss of sunlight, daylight, outlook or privacy to neighbouring/ adjoining occupiers.

As such the proposal is considered to be in accordance with policies: G2 'Development and Urban Design', policies UD3 'General Principles', UD4 'Quality Design', UD8 'Planning Obligations', HSG1 'New Housing Development', HSG10 'Dwelling Mix', 'Housing' Supplementary Planning Document 2008, 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'.

#### INFORMATIVES:

1. The developer will be required to 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.
2. 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.
3. 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)