

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012**

Councillors: Basu, Christophides, Demirci (Chair), Erskine, Mallett, McNamara, Newton, Peacock (Vice-Chair), Reid and Schmitz

Also Present: Councillors Allison and Hare

MINUTE NO.	SUBJECT/DECISION
PC200.	<p>APOLOGIES</p> <p>Apologies for absence were received from Cllr Beacham, for whom Cllr Erskine was substituting, and from Cllr Solomon, for whom Cllr Newton was substituting.</p>
PC201.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>
PC202.	<p>DECLARATIONS OF INTEREST</p> <p>Cllr Schmitz declared a personal interest as he had discussed matters on the agenda in general terms with Cllr Allison, but had not discussed the merits or otherwise of any particular application.</p> <p>Cllr Demirci declared a personal interest as one of the applicants had spoken to him during the site visit, but they had not discussed any aspect of the application.</p>
PC203.	<p>DEPUTATIONS/PETITIONS</p> <p>There were no deputations or petitions.</p>
PC204.	<p>PRINCIPLES OF BASEMENT DEVELOPMENT</p> <p>Paul Smith, Head of Development Management, presented the report on the interim draft guidance for applicants in dealing with the submission of planning applications including basement development. Mr Smith advised the Committee that paragraph 1 of the report should be amended to read "For Planning Sub-Committee to consider and <i>note</i>...". Mr Smith advised that the list of appendices on page 7 of the agenda pack should be amended to include appendix 9 "CPG4 Basements and Lightwells" and appendix 10 "Barnet – Design Guidance No.5". Mr Smith advised that the report had been amended in respect of the mandatory conditions, such that the Hydrological and Hydro-Geological Condition as set out at paragraph 20, on page 27 of the agenda pack, would apply to applications of Type 2, as well as Types 3 and 4. Mr Smith advised that in relation to cumulative development, on page 29, the definition should read "where two or more basements adjacent to one another, or in close proximity, are proposed or already exist (including a nearby neighbouring street if the construction is close to a corner junction</p>

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012**

where more than one site in any one street is under construction at any one point in time)”.

The committee asked whether there was any difference in the guidance relating to Basement Impact Assessment (BIA) between Haringey and Camden, when the special condition in relation to monitoring by engineer would be applied, and whether there was any guidance on whether a local authority could be sued in the event that someone’s land was damaged as a result of permission being granted for a neighbouring basement development. Allan Ledden, Legal Officer, advised that the relevant case was that of *Murphy v Brentwood District Council 1991*, where the House of Lords determined that there was no liability on the grounds that the loss caused was pure economic loss. Mr Ledden advised that the circumstances posited by the Committee were very similar, and that any such claim would be unlikely to succeed on the same basis. There was a range of other legislation in place to protect homeowners. Officers advised that the Haringey guidance was largely based on the Camden guidance, but that Haringey guidance did differ from Camden in respect of the information required at validation stage, as the Haringey guidance only proposed that a BIA was required at this stage for type 4 applications. This was on the risk-based assessment that all attached conditions needed to be satisfied before a development could proceed, and that requiring further information from applicants at an early stage for other types of application would be an additional financial burden on the applicants. Monitoring by Engineer was a condition which could be added where the Committee felt that this was required, and it was noted that this condition had been applied in respect of the Channing School application.

In response to a further question from the Committee, it was confirmed that hydrological and hydro-geological surveys would be based on trial holes on site as a minimum, and would not be purely desk-based. Marc Dorfman, Assistant Director, Planning, Regeneration and Economy, reported that for applications of type 4, a BIA would be required at validation stage. The Committee asked where information on existing basements in the area might be found, and Mr Dorfman advised that the planning and building control records were available for inspection, and that planning officers would be able to assist with any such enquiries.

The Chair permitted Gail Waldman from the Highgate Society and Professor Tony Wright, a local resident, to address the Committee on this item. Ms Waldman stated that the Highgate Society had raised issues regarding the impact of such development on neighbouring properties, and welcomed the suggestion that type 2 applications should now also be subject to hydrological and hydro-geological survey as a condition. Ms Waldman advised that the Party Wall Act was not intended to address issues of groundwater flow and soil erosion and should not be relied on for that purpose. Boroughs such as Kensington and Chelsea, Westminster and Camden had experience of the issues around basement developments and their impacts, and some boroughs were now considering the use of Article 4 direction in order to limit permitted development in respect of basement excavation. Ms Waldman urged Haringey to consider the adoption of such an Article 4 direction. With regard to safeguarding measures, Ms Waldman expressed concern as to how the Council would ensure such measures were maintained and certified. The

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012**

Committee was reminded that, once planning permission was granted, it could not be rescinded and so it was essential to get this right. Ms Waldman suggested that, where conditions were applied to a planning permission, neighbouring properties should be provided with a copy of the BIA and any relevant technical documents for their information.

In response to questions from the Committee, Ms Waldman reported that the Article 4 direction she proposed was to limit permitted development in respect of basement excavations, which currently allowed excavation below the footprint of an existing property and up to 3-4m beyond the footprint without the need for any hydrological assessment. Mr Dorfman advised that the position of officers was that this was nationally-agreed permitted development and there was insufficient evidence to warrant the introduction of an Article 4 direction, although if evidence were to emerge officers would look into this further. With regards to sustainable drainage, Mr Dorfman advised that Government were looking into strengthening the regulatory regime and making SuDS compulsory. It was reported that other boroughs were considering the possibility of an Article 4 direction in relation to basements, but none had implemented this as yet.

The Committee asked about flood risk in Haringey, and it was reported that the highest risk was in the upper lee valley, in the east of the borough; analysis of flood risk in the borough was currently taking place, and Mr Dorfman confirmed that if any increased risk was identified as a result of this work, the guidance would be adjusted accordingly and there may also be a change in policy. It was reported that, as a result of the concerns raised, the consultants working on the flood risk and Water Management Plan had been asked to look specifically at the issue of basements as part of their research. The Committee asked whether it would be beneficial to ask for BIAs at the validation stage for type 3 applications, in response to which Mr Dorfman advised that the approach needed to be appropriate and risk-based; currently there was no evidence of significant risk associated with permitted development in respect of basements and concerns could be addressed by means of planning conditions, but if such evidence were to emerge, policy would be altered accordingly. It was noted that there had to be an appropriate balance between the need to support developments coming forward and the valid concerns regarding the impact of development.

Professor Wright addressed the Committee on the impact that basement development at a neighbouring property had had on his home; this had led to subsidence and soil erosion, and had caused significant damage to his property as a result. The changes to the ground water had led to water bubbling up in front of his house. Professor Wright advised that basement developments were not a problem in and of themselves, but that the impact on neighbours needed to be fully understood. Photographs of the damage caused to Professor Wright's property were circulated to the Committee.

In response to questions from the Committee, Professor Wright reported that the basement development in question had been 1-storey, but with a swimming pool then dug into the basement. It was confirmed that such a development, under this proposed guidance, would be classified as type 4 and would therefore require a BIA at validation stage, as well as relevant

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012**

conditions. Professor Wright hoped that the proposed guidance note would help to ensure that such problems did not happen in the future.

The Committee noted that the guidance was intended as *interim* and would be reviewed and amended if circumstances were to change. Mr Dorfman confirmed that, as more information on this topic was gathered, this would be reported back to the Regulatory Committee and Planning Sub Committee as appropriate.

RESOLVED

That the draft guidance be noted as an interim measure for use by applicants and planning officers in determining planning applications for basement development in the borough.

PC205.

700-702 HIGH ROAD, N17 0AE

The Committee agreed to vary the order of the agenda to take the application for 700-702 High Road next.

The Committee considered a report, previously circulated, on the application for variation of condition 2 (plans and specifications) attached to planning permission HGY/2009/1122, to substitute existing drawings scheduled in the decision notice with revised drawings. The report set out details of the site and its surroundings, the proposal, planning history, relevant planning policy, consultation and responses, analysis, human rights and equalities issues, and recommended that permission be granted, subject to conditions and a variation to the current s106 Agreement. The Planning Officer gave a presentation outlining key aspects of the report, and advised that the architect had indicated that they would be amenable to using brickwork across the frontage, and taking references for detail from number 704 High Road. The wording of condition 17 reflected this.

The Committee asked about the Section 73 application, and it was reported that such an application could be made in respect of any planning permission and was a legitimate way of addressing issues. The Committee asked about the size of the windows on the Bromley Road frontage, and it was agreed that under condition 17 the local authority could look to maximise the window size. It was confirmed that waste storage would be at the rear of the property.

Mr Dorfman suggested that condition 15 be amended to make it clear that retail floorspace permission was for A1 use, and that in any case the premises was not to be used for a loan service or betting shop. Mr Dorfman suggested that an informative be added requesting that the applicant engage with the Council as to whether the ground floor units were proposed for retail, business or residential use.

In respect of conditions 3 and 4, it was suggested that Committee Members be invited to get involved in the process for approving the proposed materials.

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012**

The Chair moved the recommendations of the report, including the proposed amendment to condition 15 in respect of approved uses and the additional informative, and it was:

RESOLVED

That planning permission be granted in accordance with planning application no. HGY/2012/0996 subject to a pre-condition that the owners of the application site shall first have entered into a deed of variation to the current s106 Agreement (attached to planning ref: HGY/2009/1122) and following completion planning permission be granted in accordance with drawing No's 1704/C/002, 100B, 101B, 103B, 110B, 120B, 121A, 130B, 151A, 152A, 153, 161A, 162A, 171A, 172A, 181A, 182A, 451A and 452A and subject to the following conditions, with the wording of condition 15 amended in respect of approved uses and an additional informative requesting that the applicant engage with the Council as to whether the ground floor units were proposed for retail, business or residential use:

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.

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

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

4. Notwithstanding the application plans, elevations and sections, fully annotated and dimensioned elevation and section drawings of the proposed front elevation to the High Road, at a scale of 1:20, illustrating the detailed design of all architectural features and facing materials, including design details of ground floor shopfronts, upper floors timber windows and their architrave surrounds, pilasters, cornice, parapet wall and coping, as well as the detailed design of the set back roof shall be submitted to and approved in writing by the Planning Authority prior to the commencement of work.

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012**

Reason: To ensure that the development is of a highest quality standard to preserve the character and appearance of North Tottenham Conservation Area.

5. Details of a scheme depicting those areas to be treated by means of hard and soft landscaping shall be submitted to, approved in writing by, and implemented in accordance with the approved details. Such a scheme shall include a schedule of species and a schedule of proposed materials/samples to be submitted to, and approved in writing by the Local Planning Authority.

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

6. Details of proposed boundary treatment including all walls, fencing, gateways and means of enclosure shall be submitted to and approved in writing by the local planning authority prior to completion of the development hereby approved, such detailed work to be carried out as approved prior to occupation of the buildings.

Reason: To ensure a satisfactory appearance and to safeguard the visual amenity and appearance of the locality

7. Prior to occupation of the residential dwellings hereby approved a supporting statement demonstrating consistency with the submitted Energy Assessment, which indicates that at least 20% of the overall power generation to be from renewable sources, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any written approval given by the Local Planning Authority.

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

8. 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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any part of Class A, B, D & E of Part 1 to Schedule 2 of that Order shall be carried out on site.

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012**

Reason: To safeguard the amenities of neighbouring occupiers and the general locality.

10. The first floor windows shown on the rear elevation of the dwellings to face onto Argyle Passage/ Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties.

11. The section of flat roof to the Bromley Road properties shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area without the benefit of the grant of further specific permission in writing from the Local Planning Authority.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

12. Details of on-site lighting including within the site, shall be submitted to and approved in writing by the local planning authority prior to any work commencing on site. Such lighting as approved to be installed prior to occupation of the development, and permanently maintained thereafter

Reason: In the interests of safety, amenity and convenience.

13. No development shall take place until detailed site investigation outlining previous and existing land uses, potential land contamination, risk estimation and remediation work if required have been submitted to and approved in writing by the Local Planning Authority and thereafter these works shall be carried out as approved.

Reason: In order for the Local Planning Authority to ensure the site is contamination free.

14. 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.

15. The retail floorspace hereby permitted shall not be used for Class A3, A4 or A5 purposes within the Schedule to the Town and Country Planning Use Classes Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure the retail floorspace associated with this development does not adversely affect the residential amenities of residents occupying the

MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012

building or neighbouring residents.

16. 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

17. Notwithstanding the elevational treatments to the proposed houses on Bromley Road and Argyle Road shown on Drawings K/80/09/09 Revision A, 18 Rev A, and 19 Rev A, detailed drawings shall be submitted to the Local Planning Authority for approval, showing the use of brick to match adjacent properties, and detailing to include soldier arches and string courses, or reconstituted stone as appropriate.

Reason; In order that the development shall not detract from the character and appearance of the locality.

18. Before the development hereby approved is commenced, the developer shall enter into an agreement under S 278 of the Highways Act 1980 with the Local Highway Authority for works required with the removal of existing crossovers and reinstatement of footway as well as the creation of the new vehicular crossover associated with the car parking spaces along Bromley Road.

Reason; In order that the development may be carried out without harm to the safety and free flow of pedestrians and vehicles on the adjacent Highway Network.

19. No development shall take place until the applicant has secured the implementation of a programme of Archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason; In order to safeguard any remains of archaeological interest which might occur within the site, given its position on the High Road, which follows the line of a Roman Road and saw extensive development during Mediaeval times.

INFORMATIVE: The new development will require naming/numbering. The applicant should contact the Transportation Group at least six weeks before the development is occupied (tel.020 8489 5573) to arrange for the allocation of a suitable address.

INFORMATIVE: This permission is granted without prejudice to the necessity to obtaining consent under the Town & Country Planning (Control Of

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012**

Advertisements) Regulations 2007.

INFORMATIVE: The applicant is reminded that an application for Conservation Area Consent for complete demolition is required in a Conservation Area under the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVE: You are advised that, in order to deal with concerns of the London Fire and Emergency Planning Authority regarding inadequate access from Fire Service vehicles, it may be necessary to install hydrants, dry risers, or sprinkler systems, and advice should be sought from the Fire Authority in this respect.

REASONS FOR APPROVAL

The scale, bulk, mass and design of the proposed residential blocks and dwelling units are considered acceptable and will achieve an acceptable relationship with adjoining buildings and will not adversely affect the residential amenities of adjoining occupiers. The design and treatment to the frontage onto Tottenham High Road will help improve the appearance of this part of the High Road as well as its vitality and viability. 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. The development is considered to be consistent with Policies AC3 'Tottenham High Road Regeneration Corridor', UD3 'General Principles', UD4 'Quality Design', HSG9 'Density Standards', HSG1 'Dwelling Mix', G10 'Conservation', CSV1 'Development in Conservation Areas', CSV5 'Alteration and Extensions in Conservation Areas', TCR1 'Development in Town and Local Shopping Centres' of the adopted Haringey Unitary Development Plan and Supplementary Planning Guidance SPG1a 'Design Guidance and Design Statements', SPG2 'Conservation and Archaeology', SPG6a 'Shopfront, Signage and Security' and the Council's 'Housing' SPD.

Please note that the conditions referred to in the minutes are those as originally proposed in the officer's report to the Sub-Committee; any amended wording, additional conditions, deletions or informatives agreed by the Sub-Committee and recorded in the minuted resolution, will, in accordance with the Sub-Committee's decision, be incorporated into the Planning Permission as subsequently issued.

PC206.

6A GRANGE ROAD, HIGHGATE, N6

The Committee considered reports, previously circulated, on the Planning and Conservation Area Consent applications relating to 6A Grange Road, N6. The reports set out details of the proposal, site and surroundings, planning history, relevant planning policy, consultation and responses, analysis and assessment, human rights and equalities issues, and recommended that the applications for planning permission and Conservation Area Consent be granted, subject to conditions. The planning officer gave a presentation on key aspects of the report, and responded to questions from the Committee.

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012**

The Committee asked whether the proposed basement for the previous scheme, which went to appeal on the grounds of non-determination, had been of a similar size to the one currently proposed, and whether the Planning Inspector had made any comment regarding the basement element of the application. Mr Smith advised that the previous application had a basement of a similar size to the current proposal; the fact that the Inspector had not raised any issues in respect of the previous basement suggested that this had been considered acceptable. Mr Smith further confirmed that the Inspector had had information with regards to other basements constructed in the area and the issues raised by Professor Wright earlier in the meeting. The Committee asked whether it would be possible to mitigate against any issues that might be revealed by a hydrological survey, in response to which Mr Smith advised that measures could be taken as long as the issues were known and that this was why a hydrological and hydro-geological survey condition was proposed. It was unlikely that the outcome of a survey would mean that construction of a basement would not be possible.

The Committee asked further about whether it was possible for hydrological surveys to look at neighbouring properties to ensure all relevant issues were identified, and whether the authors of such surveys made firm recommendations or conclusions on the basis of their findings, or whether they presented the evidence and final conclusions were made by planning officers. Mr Smith reported that such surveys did take into account the impact of cumulative development in an area, and that any conclusions were made by the professional who was qualified in relation to basement issues, and not planning officers. If the Council were to have concerns regarding a surveyor's professional qualifications then it would be open to them to challenge their findings with an independent survey of its own, but this would be in extraordinary circumstances only. Mr Dorfman suggested that in order to address any concerns, an informative could be added highlighting those concerns, an additional condition could be imposed requiring construction to be monitored and a further condition could be imposed in respect of cumulative effects, with suggested wording along the lines of "No work shall be carried out on the site until a detailed report examining the cumulative impact of all basements granted planning permission, built and not built, and all permitted development basements built, with regard to ground water flow, land stability, surface water flooding in Grange Road and the necessary mitigating construction methods and the extent of studies to be agreed by the local authority".

The Committee asked about the impact of the proposed development on the conservation area; it was reported that this application differed in design from the previous proposal and was of a more 'traditional' design in order to fit in with the character of existing properties on Grange Road. Mr Ledden advised that the requirements in respect of conservation areas were that the building should preserve and/or enhance the conservation area; the impact could be neutral and did not need to make a positive contribution.

The Committee asked about how potential issues in future could be managed, for example where there may be issues arising in respect of mitigating construction measures for basement developments. Mr Ledden advised that construction of the development would only be able to commence once it was

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012**

confirmed that a professional with expertise in this field was satisfied that no harm would result from the development. Were such satisfaction not obtained, the entire development could not proceed and a new application would be required. In response to a question regarding whether residents of neighbouring properties would have the opportunity to participate in the production of the professional report, Mr Ledden advised that the condition would be satisfied by the submission of an expert's report and that this submission would be a formal record which anybody would have the right to consult. It would be expected that neighbours would be consulted.

At 9:30pm, the Committee agreed to suspend standing orders in order to conclude the application under discussion. It was confirmed that items 15 and 16 would be the only remaining items considered on the agenda.

Carolyn Purves, resident at the neighbouring property, addressed the Committee in objection to the application. Ms Purves advised that 6A adjoined her property at ground floor level, and had access to the rear of her property. Mr Purves advised that she had not objected to any of the previous applications for extensions at the site, but that this particular application represented a significant extension of the building lines at the upper-floor and basement levels; this would cause drainage problems and place additional load on the party wall, and she had obtained professional advice that the development could lead to an artesian well forming below her kitchen. No BIA had been produced, or an assessment made of the cumulative impact of the development, despite the scale of the proposal. Ms Purves stated that the fact that the Planning Inspector had made no comment in respect of the basement could not be taken as approval, as the Inspector had only been required to consider the above-ground elements of the previous application. The current application was still not in line with the previous appeal decision, and the Committee was asked not to approve it.

The Committee asked about the professional advice that had been received with regards to the hydrological and hydro-geological impact of the basement, and it was confirmed that this had been on the basis of a desktop assessment by a professional who was qualified in this field. In response to questions regarding whether this application would qualify as a type 4 application, Mr Dorfman advised that, since the interim guidance had been agreed by the Committee earlier in the meeting, there would be a transitional period where some applications categorised as type 4 would be coming forward, and which would already been validated prior to the requirement for a BIA at the validation stage. Future applications submitted would be subject to the guidance now in place. Mr Smith confirmed that this application would constitute a type 4 application. Mr Ledden advised that paragraph 8.5.2 of the report addressed the concerns regarding the lack of hydrological survey, and outlined why it was felt that this issue could be addressed by the addition of a conditions in this case. It was noted that the proposed conditions would have the same effect as a BIA and the surveys required would need to be of an equivalent standard to a BIA. The surveys would identify any issues, along with any design or construction measures necessary to mitigate against these.

Mr Dorfman advised that the procedures in place would ensure that, during

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012**

this interim period as well as in future, the concerns raised would be fully and professionally assessed and that, were any issues identified that could not be satisfactorily addressed by mitigation, a development would not be able to proceed. There was not felt to be any risk as a result of following the appropriate procedures. In response to concern raised by the objector that issues of such complexity ought to be fully resolved before the principle of planning permission was granted, Mr Ledden advised that it was usual for issues to be addressed by means of conditions limiting the commencement of construction until such time as those conditions were satisfied, and that this was a fully enforceable approach. The Committee asked Ms Purves if she had any comments on other aspects of the scheme other than the basement, in response to which Ms Purves stated that she did not believe that the Planning Inspector's findings had been addressed, that the building extended excessively at the front and at the back, that the proposal was overbearing, that there were issues with the design details, the proposed building was too large for the site and would crowd the street-scene; Ms Purves concluded that she did not feel that the proposal could be granted as applied for.

The Committee considered the issue of the risk that measures put in place to mitigate against hydrological or hydro-geological issues might not last indefinitely, and asked whether there was any scope for adding a condition that, once the professional report had been obtained, the matter could be referred back to the Committee for determination of whether the scheme should go ahead or not. Mr Ledden advised that officers were experienced in dealing with a range of professional reports and applied an appropriate level of scrutiny, but where a report had been prepared to an acceptable standard by a qualified professional, it would be highly exceptional for the conclusions of that report to be challenged. As a solution, Mr Dorfman suggested that for all such applications in the Highgate area, a cumulative impact condition – as proposed earlier – should be applied.

Dr Susan Rose, Chair of the Highgate CAAC, addressed the Committee in objection to the application on the grounds of its impact on the conservation area. Dr Rose advised that Grange Road fell within the Bishops section of the conservation area, which was characterised by large houses on ample plots. Under section 12 of the National Planning Policy Framework (NPPF), there was a requirement to consider the preservation and enhancement of the historic environment, including conservation areas, and this report did not appear to take that into consideration. The development had to be considered within the context of its setting, and there was no question that this would affect the setting of the neighbouring properties. Dr Rose concluded that the design itself was unsatisfactory.

The Committee asked Dr Rose to comment further on the concern that the proposal was too large for the plot, in response to which Dr Rose advised that the effect created as a result of this development would be that of a terrace between the two houses and would therefore be contrary to the character of the conservation area. In response to a question regarding the variety of the existing buildings in the vicinity, Dr Rose stated that the existing property at 6A was a modest building, but that the proposed building would be dominating and overbearing and would affect the setting of neighbouring properties, contrary to the NPPF. Mr Ledden indicated to the Committee that

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012**

paragraphs 8.3.1 to 8.3.6 of the report addressed the issues regarding the impact on the conservation area.

Cllrs Allison and Hare, Ward Councillors, addressed the Committee in objection to the application. Cllr Allison advised of other basement developments in the area which had encountered problems as a result of hydrology and that there were major concerns with regards to cumulative impact. Cllr Allison felt that this scheme did not differ from the previous application in terms of scale and massing and that it felt overbearing. The proposal was felt to be contrary to the policies set out in the UDP and as a combination of contemporary design and pastiche, was seen as a 'mish-mash' of styles with little architectural merit and out of keeping with the conservation area. Cllr Hare indicated that the Planning Inspector's lack of comment on the basement aspect of the previous proposal was not relevant. Cllr Hare noted that the proposed basement would 'wrap around' the party wall and affect subterranean groundwater flow as a consequence, the shape of the basement, as an L-shape, was felt to be of particular concern. The basement would divert water flow to neighbouring properties, and would cause potential issues of wetness and flooding for the property at number 8; Cllr Hare felt that the potential risk of damage to the neighbouring property was too great to take a chance on, and that a smaller application might be more appropriate on this site. Cllr Allison concluded by saying that she did not believe that the Committee had sufficient evidence to be able to take a decision and to be confident that the application would not result in harm.

The Committee asked how the proposal compared with neighbouring properties, in response to which Cllr Allison reported that it was bigger, and extended further across its plot. The Committee asked for clarification on the projection of the building at ground floor level, and how this compared with the neighbouring property at number 8; Mr Smith advised that this would be examined in closer detail when the Committee went to look at the drawings.

Mr Howard Carter, the applicant, addressed the Committee. Mr Carter advised that there was a long planning history at the site, and that they had worked hard to address previous issues. It was reported that there were no objections to the principle of constructing a replacement house on the site, as the existing building was tired and did not currently sit well within the conservation area. Replacing the property could only enhance the area as a consequence. Neighbouring properties had been improved and extended over the years, which was why the existing property appeared smaller by comparison. Any new building on the site would need to be larger, otherwise it would not look right. With regard to the 2010 decision of the Planning Inspectorate, the Planning Inspector had looked at every aspect of the scheme proposed at that time, and had raised very few issues; the application had only been rejected on the grounds that the gap between the neighbouring property was not preserved and on the bulk at the rear of the proposed scheme. Mr Carter reported that the properties in Grange Road were large, and that although the plot of 6A was smaller than some others, the proposal would not feel out of scale with neighbouring properties.

While the Planning Inspector had felt that a modern design would be acceptable at this site, on the basis of the eclectic nature of buildings on

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012**

Grange Road, Mr Carter stated that they had been struck by some of the comments made at the time and had amended this application to a more traditional design as a consequence. It was fair to say that the front of the property was traditional, with a more modern design to the rear, but this was the pattern of many properties on the street; it was reported that the front was modelled on the Victorian villas on the other side of the street in order to maintain some architectural theme in the area. Although the Planning Inspector had been happy with the previous proposed roof and balcony design, it had been felt that a pitched roof and smaller balconies would be more appropriate by the applicant, and the design had been adjusted accordingly.

With regard to the basement, no guidance had been available at the time the application was submitted, but the applicant was conscious of the issues, although basement problems were very rare, and as a homeowner had no interest in constructing a building that would fail. The design and access statement proposed similar conditions to those discussed in relation to hydrological and hydro-geological surveys with full testing and leading to engineering solutions for the design of the basement. Mr Carter advised that he would be very happy to accept any such conditions, as these seemed perfectly appropriate, and that he fully understood that all surveys and proposed solutions would have to be to the satisfaction of the local authority; in the event that the local authority did not agree, Mr Carter accepted that the development would not be able to go ahead and would be happy to accept an informative to that effect.

The Committee asked Mr Carter about paragraph 15 of the appeal decision and the reference to the 'set back elements of the ground and first floors of the front elevation' which would 'go some way to reduce the perceived bulk of the building', and why the current proposal was not set back, but projected forwards. Mr Carter felt that the Inspector had been describing that the previous proposal had been set back from the ground floor to first floor level; the current scheme was not as close to the neighbouring property in order to preserve the gap between them, and the third floor was now under a pitched roof in order to reduce massing, compared with the previous scheme. The Committee asked how the current proposed basement compared with the previous scheme, and Mr Carter reported that this was almost identical, although as a result of different construction methods it would be very slightly wider and the length had been adjusted to include the bay windows. The Committee asked about the suggestions made that 6A should be a smaller house, in response to which Mr Carter advised that he did not agree; the property had originally been an infill between two smaller cottages, which had then themselves been extensively extended and rebuilt.

The Committee asked about the concerns raised with regard to the basement, in response to which Mr Carter advised that at least six basements had been granted permission and were being built in the immediate vicinity of this site; all of these were type 4 and most, if not all, were larger than this proposal as the plot sizes were larger. Mr Carter acknowledged that this application had been submitted at a time of change and supported the process suggested; he had no objection to accepting the conditions proposed and had he submitted the application under the new guidance, he would have been happy to comply

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012**

with those requirements.

The Committee asked about the design of the current scheme, when the Planning Inspector had preferred the principle of a modern design on the site; Mr Carter advised that the Inspector had commented on the scheme before him at that time, which had been for a modern house. Comments made by other parties at that time had suggested that a traditional approach would be more suitable for the area, and the present design responded to those comments.

The Committee examined the plans and drawings relating to the application.

Mr Ledden addressed the Committee in respect of the Planning Inspectorate decision letter, previously referred to in discussion. Mr Ledden clarified that this had been in respect of an appeal for non-determination, so the Inspector had approached the application as though he were determining whether permission should be granted or not, in the same way as the Committee or planning officers would. The Inspector would therefore have considered all elements of the scheme and it could not be said that he did not consider the basement. This was a material consideration for the Committee. In response to a question from the Committee, Mr Ledden advised that the Inspector's decision would have been based on written representations, but that he would have been aware of all of the issues raised.

The Committee asked officers whether it would be possible to include View Road in the condition relating to the cumulative impact, and it was agreed that this would be possible.

The Chair moved the recommendations of the report, with the additional conditions in respect of construction monitoring and cumulative impact assessment (to include View Road), and an additional informative in respect of the concerns raised regarding the potential impact of basement developments, and on a vote it was:

RESOLVED

That application HGY/2011/2236 be granted, subject to the conditions set out below, additional conditions in respect of construction monitoring and a cumulative impact assessment, to include View Road, and an informative highlighting the concerns raised in respect of the potential impact of basement developments.

Conditions:

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.

MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012

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

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

4. Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning General Permitted Development Order 2008, no enlargement, improvement or other alteration of any of the dwellings hereby approved in the form of development falling within Classes A to H shall be carried out without the submission of a particular planning application to the Local Planning Authority for its determination.

Reason: To avoid overdevelopment of the site.

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

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

6. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall include identification of potential impacts of basement developments methods of mitigation of such impacts and details of ongoing monitoring of the actions being taken. The approved plans should be adhered to throughout the construction period and shall provide details on:

- i) The phasing programming and timing of the works.
- ii) The steps taken to consider the cumulative impact of existing and additional basement development in the neighbourhood on hydrology.
- iii) Site management and access, including the storage of plant and materials used in constructing the development;
- iv) Details of the excavation and construction of the basement;
- v) Measures to ensure the stability of adjoining properties,
- vi) Vehicle and machinery specifications

Reason: In order to protect the residential amenity and highways safety of the locality

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012**

7. Prior to the commencement of the development hereby permitted an assessment of the hydrological and hydro-geological impacts of the development and any necessary mitigation measures found to be necessary shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details approved.

Reason: To ensure the development provides satisfactory means of drainage on site and to reduce the risk of localised flooding

8. The site or contractor company must be registered with the Considerate Constructors Scheme. Proof of registration must be sent to the Local Planning Authority prior to any works being carried out on the site.

Reason: In the interests of residential amenity

9. No work shall be carried out on the site until a detailed report, including Risk Assessment, detailing management by the LPA. (Reference to the London Code of Construction Practice) and that the site or Contractor 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: In order to protect the amenities of adjoining properties.

10. The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the Council prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area.

11. A detailed report by an appropriately qualified person, concerning the effects of the proposed basement on combination with any existing basement structures in the vicinity as outlined in the Council's Draft Guidance on Basements excavation be submitted to and approved by the LPA prior to the commencing of works. The agreed details and mitigations to be implemented and carried out to the satisfaction of the LPA during the construction process.

Reason: In order to protect the amenities of the adjoining residents in relation to safety of construction and noise, nuisance and disturbance.

INFORMATIVE: Prior to demolition of existing buildings, an asbestos survey should be carried out to identify the location and type of asbestos containing

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012**

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.

REASONS FOR APPROVAL

The proposal is approved on the grounds that the proposed dwelling has been designed to overcome the previous reasons for refusal and has taken the approach to have a more traditional two-storey pitched roof design on the front elevation and been designed to retain the existing gap and to have little or minimal impact on the adjoining properties and the area. The proposed dwelling given the context of the area and road would not adversely affect the character and appearance of the Highgate Conservation Area. The proposed dwelling is less cubic in form and less bulky to the previous proposal and therefore takes on the concerns of the Planning Inspectorate. On balance it is considered that the proposal is acceptable and in accordance with Policies UD3 'General Principles', UD4 'Quality Design', CSV1 'Development in Conservation Areas', HSG1 'New Housing Development' and SPG2 'Conservation & Archaeology' of the Haringey Unitary Development Plan.

Section 106: No

Please note that the conditions referred to in the minutes are those as originally proposed in the officer's report to the Sub-Committee; any amended wording, additional conditions, deletions or informatives agreed by the Sub-Committee and recorded in the minuted resolution, will, in accordance with the Sub-Committee's decision, be incorporated into the Planning Permission as subsequently issued.

PC207.

6A GRANGE ROAD, HIGHGATE, N6

The Chair moved the recommendations of the report and on a vote it was:

RESOLVED

That Conservation Area Consent application HGY/2011/2237 be granted, subject to conditions:

Conditions:

1. The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990

2. The demolition hereby permitted shall not be undertaken before a contract

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012**

for the carrying out of the works of redevelopment of the site has been made and full planning permission has been granted for the redevelopment for which the contract provides.

Reason: In order to ensure that the site is not left open and vacant to the detriment of the character and visual amenities of the locality

REASONS FOR APPROVAL

The demolition of the building on this site is acceptable in principle as it makes a limited contribution on the character and appearance of Highgate Conservation Area. Subject to conditions, demolition is acceptable and accords with the National Planning Policy Framework, policies 7.8 and 7.9 of the London Plan 2011, Policy CSV7 'Demolition in Conservation Areas' of the adopted Haringey Unitary development Plan 2006 and SPG2 'Conservation & Archaeology'.

Section 106: No

PC208.

NEW ITEMS OF URGENT BUSINESS

As no objectors had attended to speak on the following items, the Committee agreed to delegate the following applications to officers:

Bracken Knoll
31 Sheldon Avenue
17 Denewood Road
26 Lordship Lane

In response to concerns regarding delegating these items, Mr Smith advised that the items on Bracken Knoll, 31 Sheldon Avenue and 17 Denewood Road would have usually been dealt with under delegated powers but had been brought to Committee as the planning issues involved related to those covered under the interim guidance note relating to basement developments. In line with the now agreed interim guidance, all the appropriate conditions would be applied as necessary to these applications and in fact for several of the sites technical information such as survey data had already been submitted. The Committee noted that it would not be good practice to make a habit of running out of time at meetings and delegating the remaining items, and that this should be avoided in future. The Committee requested that the discretionary condition in respect of construction monitoring should be applied to any such basement application delegated to officers, and it was agreed that this would be implemented.

With regard to the application in respect of Ridgefield, Courtenay Avenue, it was reported that this application had gone to appeal for non-determination. The Committee considered the application and indicated that, had the application come before them for determination prior to the appeal being lodged, they would have been minded to grant permission, in line with officers' recommendations.

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 30 JULY 2012**

	<p>The remaining applications in respect of 54 Sheldon Avenue and 12 Denewood Road would be brought back for consideration by the Committee.</p>
PC209.	<p>DATE OF NEXT MEETING</p> <p>Monday, 10 September 2012, 7pm.</p> <p>The meeting closed at 23:25hrs.</p>

COUNCILLOR ALI DEMIRCI

Chair