

**MINUTES OF THE PLANNING SUB COMMITTEE
MONDAY, 8 JULY 2013**

Councillors: Basu, Brabazon, Demirci (Chair), Hare, Mallett (Vice-Chair), McNamara, Reid, Rice, Solomon and Strang

MINUTE NO.	SUBJECT/DECISION	ACTION BY
PC37.	<p>APOLOGIES</p> <p>Apologies were received from Cllrs Beacham and Reith for whom Cllrs Hare and Brabazon substituted.</p>	
PC38.	<p>MINUTES</p> <p>RESOLVED</p> <ul style="list-style-type: none"> • That the minutes of the Planning Committee on 10 June be approved as an accurate record and signed by the Chair. 	
PC39.	<p>PLANNING APPLICATIONS</p>	
PC40.	<p>50-52 QUEENS ROAD N11 2QU</p> <p>This item was withdrawn from the committee agenda.</p>	
PC41.	<p>196 - 198 WEST GREEN ROAD N15 5AG</p> <p>The Committee considered a report, previously circulated, on the application to grant planning permission for the demolition of the current building at 196-198 West Green Road and the erection of a new commercial unit at ground floor level and 2x one bed flats and 2x two bed flats at first and second floor level. The report set out details of the proposal, the site and surroundings, planning history, relevant planning policy, consultation and responses, analysis, equalities and human rights implications and recommended to grant permission subject to conditions. The Planning Officer gave a short presentation highlighting the key aspects of the report.</p> <p>The Committee raised the following points in discussion of the application;</p> <ul style="list-style-type: none"> • Concerns were raised regarding the likelihood of the site being contaminated as a result of its current use as a car wash and car garage including the potential for the presence of asbestos, and the importance of ensuring this was appropriately remedied before any construction works began. Officers advised that an additional condition could be imposed requiring the applicant to undertake a contamination assessment prior to any construction works starting on site to ensure any contamination issues would be appropriately addressed. Confirmation was provided that specific regulations covering the management of asbestos fell under the remit of the Environmental Health department. 	

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- Members raised concern over the proposed car free classification of the development, particularly in recognition of the crime levels in the area and therefore the potential for this to discourage future residents. Officers advised that the site was well served by public transport and confirmed that the nearest car club bay was approximately 250m from the development. It was agreed that an informative be added for officers to review the car club position with the applicant to explore the viability of the development supporting a bay. At a strategic level, an additional piece of work would be undertaken by officers to review car club viability and threshold levels for the borough under the Development Management DPD to provide a steer for schemes going forward.
- Confirmation was provided that the restoration of the dropped kerb currently located to the front of the site would be covered by a condition.
- Concerns were raised regarding the condition of the boundary wall adjacent to the dental surgery and it was advised that this issue had been referred to the Building Control service as a potential dangerous structure. Clarification would also be sought on the ownership of the wall.
- It was requested that the condition covering landscaping be reworded to cover both the front and rear of the site. It was also requested that the feasibility be looked into of planting a number of small, manageable trees such as silver birch on the site under the landscaping plan.
- Members expressed a preference for the use of darker stock bricks in construction if possible for the new buildings to be more in keeping with those used in the area.

Ms Onyett, a resident of neighbouring Dorset Road, addressed the Committee in objection to the application and raised the following points:

- The new development proposed would impact on the privacy of the block of flats on Dorset Road adjacent to the rear of the site and that clarification had not been provided on the distances involved between the buildings.
- Concern was also expressed over the potential for the new development to cause disturbance from construction noise to neighbouring properties.

In response to these comments, officers confirmed that under the design submitted, no windows were proposed above first floor level to the flank wall of the rear block and that windows at ground floor level would contain obscure glazing and face onto the boundary fence. The new block would also be farther away from the adjacent flats on Dorset Road than the current car garage area. In response to concerns regarding noise, it was agreed that an additional condition could be imposed covering noise attenuation up to the site boundary.

The applicant's representative addressed the Committee and made the following points;

- Arrangements for waste collection had been agreed with the Council, with an enclosed bin storage area to be provided to the rear of the site.

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- Confirmation was provided that a fully fenced boundary treatment would be undertaken.

The Chair moved the recommendation of the report subject to the inclusion of the additional conditions covering noise attenuation, contamination assessment, revising of the landscaping condition and an informative to review the car club bay and it was

RESOLVED

- That planning application HGY/2013/0790 be approved subject to conditions.

IMPLEMENTATION

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

Reason: This condition is imposed by virtue of Section 91 of the Town & Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.

2. Notwithstanding the information submitted with the application, the development hereby permitted shall only be built in accordance with the following approved plans: 1274-P-01-00, 02-00, 02-01, 03-00, 03-01, 03-02

Reason: To avoid doubt and in the interests of good planning.

PRE-COMMENCEMENT CONDITIONS

Materials

3. Samples of all materials to be used in conjunction with the proposed development for all the external surfaces of buildings hereby approved, areas of hard landscaping and boundary walls shall be submitted to, and approved in writing by, the Local Planning Authority before any development is commenced. Samples should include sample panels or brick types and a roofing material sample combined with a schedule of the exact product references. The development shall be implemented in accordance with the approved samples.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity.

Landscaping

4. Notwithstanding the details of landscaping referred to in the application, a scheme for hard and soft landscaping and treatment of the surroundings of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Any planting details approved shall be carried out and implemented in accordance with the approved details in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). Any plants, either existing or proposed, which, within a period of five

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years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be maintained and retained thereafter to the satisfaction of the local planning authority.

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

Boundary Treatment

5. Details of the proposed boundary treatment shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The approved boundary treatment shall thereafter be installed prior to occupation of the new residential unit.

Reason: In the interest of the visual amenity of the area and residential amenities of neighbouring occupiers.

Construction Management Plan

- 6 No development shall take place until a construction management plan (CMP) and construction logistics plan (CLP) have been submitted to and approved in writing by the local planning authority. The CMP and CLP must:

- provide details of how construction work (including work associated with demolition) will be undertaken in a manner to minimise disruption to traffic and pedestrians on West Green Road and roads surrounding the site including how construction vehicle movements will be planned and co-ordinated to avoid the AM and PM peak periods (defined as 0800 to 0900 hours and 1700 to 1800 hours on Monday to Friday); and

The development shall be constructed and completed in accordance with the approved CMP and CLP.

Reason: To reduce congestion and mitigate any obstruction to the flow of traffic on the transportation network.

Sustainable construction

7. Prior to the implementation of the consent hereby approved, the applicant shall submit a detailed energy assessment to demonstrate how the targets for carbon dioxide emissions reduction outlined above are to be met within the framework of the energy hierarchy set out under Policy 5.2 of the London Plan 2011 and that the residential elements of the scheme will achieve Code for Sustainable Homes Level 4 and the non-domestic elements BREEAM 'Very Good' standard. Thereafter the recommendations of the energy assessment shall be undertaken in full and required technology installed in accordance with the details approved and an independent post-installation review, or other verification process as agreed, shall be submitted to the Local Planning Authority confirming the agreed technology has been installed prior to the occupation of the building hereby approved.

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Reason: To ensure the development incorporates on-site renewable energy generation to contribute to a reduction in the carbon dioxide emissions generated by the development, in line with Local Plan Policy SP4 and London Plan Policy 5.2.

Reason: To promote sustainable construction in accordance with Chapter 5 of the London Plan.

Levels

8. The details of all levels on the site in relation to the surrounding area be submitted and approved by the Local Planning Authority.

Reason: In order to ensure that any works in conjunction with the permission hereby granted respects the height of adjacent properties through suitable levels on the site.

Waste Storage

9. No development shall take place until a detailed scheme for the provision of refuse and waste storage and recycling facilities has been submitted to and approved in writing by the Local Planning Authority. Such a scheme as approved shall be implemented and permanently retained thereafter.

Reason: In order to protect the amenities of the locality and to comply with Policy UD7 'Waste Storage' of the Haringey Unitary Development Plan and Policy 5.17 'Waste Capacity' of The London Plan.

Control of Construction Dust

10. No works shall be carried out on the site until a detailed report, including Risk assessment, detailing management of demolition and construction dust has been submitted and approved by the LPA. (Reference to the London Code of Construction Practice) and that the site or Contractor Company be registered with the Considerate Constructors Scheme. Proof of registration must be sent to the LPA prior to any works being carried out on the site.

Reason: In order to ensure that the effects of the construction upon air quality is minimised

Biodiversity

11. Notwithstanding the description of the green roof in the application, a detailed green roof plan, shall be submitted to and approved in writing by the Local Planning Authority before the development is brought into use.

Reason: to support biodiversity on the site and provide a suitable setting for the proposed development in the interests of visual amenity.

POST-COMMENCEMENT CONDITIONS

Lifetime Homes

12. The residential units hereby approved shall be designed to Lifetime Homes Standard.

Reason: To ensure that the proposed development meets the Council's standards in relation to the provision of Lifetime Homes.

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Obscure glazed windows

13. No unit shall be occupied until the obscure glazed windows shown on the approved drawings have been installed. The windows shall thereafter be retained and not removed without the prior written consent of the Local Planning Authority.

Reason: To prevent overlooking to adjoining neighbours in accordance with Saved UDP policy UD3 'General Principles' and Local Plan Policy SP11 'Design'

Surface Water Drainage

14. The applicant shall ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

INFORMATIVE – Commercial Environmental Health

Prior to demolition existing of 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 being carried out.

INFORMATIVE – Naming

The new development will require naming. The applicant should contact the Local Land Charges section/department at least six weeks before the development is occupied (tel. 020 8489 5573) to arrange for the allocation of a suitable address.

INFORMATIVE - Waste

The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site in order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance

PC42.

ST LUKES WOODSIDE HOSPITAL WOODSIDE AVENUE N10 3JA

The Committee considered a report, previously circulated, on the application to grant planning permission and listed building consent for the demolition of the buildings on the above site excluding the Grade II listed Administration Building and locally listed buildings; refurbishment of Listed Buildings (providing 25 flats) and construction of 8 apartment blocks (providing 110 flats) and a basement car park with 100 spaces; construction of 21 terraced houses and 5 apartment units; some surface parking and comprehensive landscaping. The report set out details of the proposal, the site and

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surroundings, planning history, relevant planning policy, consultation and responses, analysis, equalities and human rights implications and recommended to refuse permission for both the planning application and the Listed Building Consent application.

The Planning Officer gave a presentation highlighting the key aspects of the report and drew the Committee's attention to a tabled document which had been unavailable at the time of agenda dispatch. This included a revised affordable housing offer for the site submitted by the applicant, Hanover Housing Developments Ltd, on 1 July and a number of additional responses received during the consultation period. A revised officer recommendation was also included within the tabled report, unchanged in recommending refusal of both applications but making this subject to the Mayor's Office raising no objections to the Council's draft decision to refuse planning permission.

The Planning Officer outlined that the primary grounds for the recommendation to refuse both applications was the lack of progress in negotiating with the applicant an acceptable affordable housing offer for the site that would be in line with Council policies setting out a borough wide affordable housing target of 50% and also met the particular recognised need for additional general needs affordable housing units in the west of the borough. Confirmation was provided that despite the revised offer from Hanover Housing constituting an increase in the original level of affordable housing proposed for the site from 24 units to 51, the units would be provided solely as affordable housing for the over 55s and not the general needs housing units originally proffered. Confirmation was provided that the Council had not identified or evidenced a significant need for additional over 55s housing provision within the borough. Officers outlined the extensive efforts made both prior to the sale of the site and before the submission of the planning application to clearly convey the Council's expectations for the site in relation to affordable housing provision. Protracted negotiations had also been held in this regard following the submission of the application. Officers outlined that the fundamental divergence on the position of affordable housing provision related to the lack of agreement between the applicant and the Council in relation to assessments of the viability of the scheme underpinning the original affordable housing offer. The Council additionally had not been provided with an updated study supporting the revised affordable housing offer put forward by the applicant. As a knock on, negotiations had been unable to progress towards the agreement of a s106 legal agreement for the scheme to secure certain mitigation measures relating to community infrastructure, which in turn rendered the scheme unacceptable to the Council.

Cllr Bevan addressed the Committee in capacity of Cabinet Member for Housing and raised the following points in support of the officer recommendation to refuse permission:

- Both the original and the revised offer from Hanover breached Council policy in relation to affordable housing and that the applicant had had full knowledge of the Council's position prior to purchasing the site.
- No recognised need had been identified within the borough for the

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provision of additional housing for older people.

- The claim made by the applicant that the sale of the open market residential units on the site would release under-occupied social housing properties elsewhere in the borough was refuted.

A number of objectors addressed the Committee and raised the following comments about the application:

- Concerns were raised regarding the massing of the proposed development to the north of the site adjacent to Grand Avenue, with views expressed that this area of the scheme by design would be overdeveloped and cramped. Concerns were also expressed over the accuracy of the separation distances outlined on the plans to the variable size gardens of the Grand Avenue properties abutting the site, with the associated risk of subsequent overlooking and overshadowing.
- The potential for the development to exacerbate existing parking pressures in the area.
- The potential exacerbation of school place pressures in the area were of concern.
- General support was provided for the Council's position in relation to the proportion of affordable housing provided for the scheme.

Mr Moore, the representative for the applicant, Hanover Housing, addressed the Committee and raised the following points including responses to questions from Members:

- The focus of the scheme would be to provide housing for older people wishing to downsize, thereby meeting a housing need as well as freeing up larger family housing elsewhere in the borough including through the offering of financial incentives.
- The scheme would support a number of Council policies including the Older People's Housing Strategy etc.
- The focus on the housing of the over 55s age client group would mitigate the impact of the development on infrastructure in the local area. Following a question from the Committee, confirmation was provided that Hanover as an older peoples charity had a legal obligation to focus on this client group which impacted on its ability to proffer general needs affordable housing.
- It was considered that the Council's policy in relation to affordable housing did not constitute an absolute requirement but an aspiration and in addition was stated to be subject to the undertaking of a viability assessment.
- Hanover Housing had undertaken a full viability assessment for the scheme forming the basis of the subsequent affordable housing offer put forward. The land value calculations used by the Council to review the viability assessment were disputed.
- The new affordable housing offer put forward would be supported using charitable resources, which would also remove any profit from the scheme with the sale of open market properties covering the affordable housing provision. It was considered that the revised offer would also address a number of issues identified by the GLA for the original offer.

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Marc Dorfman, the Council's Assistant Director for Planning, Regeneration and Economy, addressed the Committee to provide further clarification on the Council's position. It was reiterated that the primary disagreement between the applicant and the Council was over the proposed affordable housing provision for the development. The Council had employed consultants to review the viability of the scheme and to look at the amount of general needs affordable housing that could be provided, with the Council fundamentally disagreeing with the land value attributed to the site by the applicant in their viability assessment which had been based on market value levels. The Council considered that viability should be assessed using existing benchmark land use values, an approach supported by the GLA and assessed as being reasonable according to Counsel advise. Under these calculations, it had been identified that additional affordable housing provision for the scheme would be viable. The Council also had concerns regarding the lack of housing mix proposed for the site and the value for money associated with the overpayment of incentives. In summary, the officer recommendation was to reject the application on the basis of the affordable housing offer not being in accordance with Council policy as set out in the Local Plan and Unitary Development Plan as well as the London Plan in terms of meeting the housing need identified in the borough, and the subsequent absence therefore of an agreed s106 legal agreement to secure mitigation measures for the scheme.

The Chair moved the revised recommendation of the report and it was

RESOLVED

- That subject to the Mayor's Office raising no objection to the Council's draft decision, that permission for planning application HGY/2013/0061 and Listed Building Consent application HGY/2013/0068 be refused

Reasons:

1. The proposed development, with the provision of only 15% of units (12% of habitable rooms) as affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, for which there is a demonstrable need, contrary to policy SP2 Housing of the London Borough of Haringey Local Plan: Strategic Policies March 2013 and Policy 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes) of the London Plan July 2011.
2. The proposed development, in the absence of a legal agreement securing a contribution towards educational infrastructure, would place an unacceptable strain on local educational resources, contrary to policies SP16 (Community Facilities) of the London Borough of Haringey Local Plan: Strategic Policies March 2013.
3. The proposed development, in the absence of a legal agreement Securing contributions towards the feasibility, design and consultation relating to the implementation of a controlled parking zone in the area surrounding the site, and the absence of an agreement to the dedication of

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the development as 'Car Restricted Development', would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policy SP7 (Transport) of the London Borough of Haringey Local Plan: Strategic Policies March 2013 and saved policy UD3 (General Principles) of the Haringey Unitary Development Plan July 2006

4. The proposed development, in the absence of a legal agreement securing a travel plan, contributions to a travel plan co-ordinator, and agreement on car club provision and car club contributions, would be likely to give rise to significantly increased car-borne trips and would result in an unsustainable form of development, contrary to policy SP7 (Transport) of the London Borough of Haringey Local Plan: Strategic Policies March 2013 and saved policy M10 (Parking for Development) of the Haringey Unitary Development Plan July 2006

5. The proposed development, in the absence of a legal agreement securing financial contributions towards local safety improvements in the area, would fail to mitigate the impact of the development created by increased trips contrary to policy SP7 (Transport) of the London Borough of Haringey Local Plan: Strategic Policies March 2013 and saved policy UD3 (General Principles) of the Haringey Unitary Development Plan July 2006

6. The proposed development, in the absence of a legal agreement securing financial contributions towards bus stop accessibility measures (including the two bus stops on Muswell Hill), cycling and walking improvements in the surrounding area, would fail to promote measures to influence behavioural change and improve access to public transport, particularly for the mobility impaired, contrary to policy SP7 (Transport) of the London Borough of Haringey Local Plan: Strategic Policies March 2013, saved policy UD3 (General Principles) of the Haringey Unitary Development Plan July 2006 and policy 3.16 (Protection and Enhancement of Social Infrastructure) of the London Plan July 2011.

7. The proposed development, in the absence of a legal agreement securing the submission of, and implementation in accordance with, a demolition and construction management plan, and a construction logistics plan, would be likely to contribute unacceptably to traffic disruption and dangerous situations for pedestrians (including children attending the local schools) and other road users, and would be detrimental to the amenities of the area generally, contrary to policy SP7 (Transport) of the London Borough of Haringey Local Plan: Strategic Policies March 2013 and saved policy UD3 (General Principles) of the Haringey Unitary Development Plan July 2006

8. The proposed development, in the absence of a legal agreement securing local labour and procurement, would fail to contribute towards the creation of local employment and business opportunities and to contribute to the regeneration of the area, contrary to policies SP9 (Improving Skills and Training to Support Access to Jobs and Community Cohesion and Inclusion) of the London Borough of Haringey Local Plan: Strategic Policies March 2013

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	<p>9. The proposed development, in the absence of a legal agreement securing contributions for public open space and formal areas of play, would be likely to contribute to pressure and demand on the facilities in the area, contrary to policy SP13 (Open Space and Biodiversity) of the London Borough of Haringey Local Plan: Strategic Policies March 2013 and the London Plan SPG: Shaping Neighbourhoods; Play and Informal Recreation September 2012.</p> <p>10. The proposed development, in the absence of a legal agreement to secure contributions towards community facilities, would be likely to result in unacceptable additional pressures on existing facilities in the area, contrary to policy SP16 (Community Facilities) of the London Borough of Haringey Local Plan: Strategic Policies March 2013</p> <p>Reasons for refusal of Listed Building Consent:</p> <p>1. In the absence of an approved scheme for the redevelopment of the site, the proposal would result in a harmful gap site which would fail to preserve or enhance the character or appearance of this part of the Muswell Hill Conservation Area, contrary to policy CSV7 'Demolition in Conservation Areas' of the adopted Haringey Unitary Development Plan 2006 and SPG2 Conservation and Archaeology.</p>
PC43.	DATE OF NEXT MEETING The next scheduled meeting would be on 9 September.

COUNCILLOR ALI DEMIRCI

Chair