

REPORT FOR CONSIDERATION AT PLANNING APPLICATION SUB-COMMITTEE

Reference No: HGY/2005/0808

Ward: Hornsey

Date received: 27/04/2005

Last amended date:

Drawing number of plans: EX.01, EX. 02, EX.03, EX.04, PP.00, PP.02, PP.03, PP.04, PP.05, PP.06, PP.07, PP.08, PP.09, PP.10, PP.11, C.01, C.02, C.03, C.04

Address: Harvey Mews, Harvey Road N8

Proposal: Demolition of existing garages and erection of 5 x 3 storey 2 or 3 bedroom dwelling houses with rooms at lower ground floor, upper ground and first floor levels, balconys to front elevation and parking for 5 cars.

Existing Use: Mixture of garages and commercial uses.
Proposed Use: Residential:

Applicant: Ajaks Properties Ltd

Ownership: Private

PLANNING DESIGNATIONS

Local Shopping Centre
ROAD - BOROUGH

Officer contact: Frixos Kyriacou

RECOMMENDATION

GRANT PERMISSION with conditions and subject to a legal agreement

SITE AND SURROUNDINGS

The application concerns a 630m² backland site presently occupied by car repair workshops. The site is bounded by the rear gardens of residential properties to the south (Oakley Gardens), the west (Montague Road) and the east (Harvey Road). To the north, the site faces the rear of the properties on Tottenham Lane. These properties comprise commercial uses on the ground floor with residential accommodation above. Access to the site is via a narrow, poorly surfaced road adjacent to 2 Harvey Road.

PLANNING HISTORY

07/05/74 – Erection of a single-storey forward extension, part demolition of roof and re-erection as flat roof and alterations to front elevation GRANTED.

15/10/76 – Use as a light industrial workshop GRANTED.

13/09/76 – Change of use from office/warehousing to warehousing and printing GRANTED.

17/02/78 – Use for light industrial GRANTED.

10/12/85 – Erection of 6 new houses and associated parking and landscaping REFUSED.

24/09/01 – Partial demolition of existing garage buildings and reconstruction to provide 5 no. 2-bed houses with integral garages WITHDRAWN.

27/09/01 – Erection of 5 live/work units (two storeys) GRANTED.

18/03/03- Erection of five, 3 storey live-work units. REFUSED for the following reason :

1. The proposed development represents overdevelopment in relation to the area of the site and the properties in the locality by reason of its overall size and bulk and poor relationship to the existing pattern of development in the are, resulting in an overbearing impact on adjoining properties and loss of outlook for the occupants, contrary to policies DES 1.10 and DES 1.9 'Privacy and Amenity of Neighbours of the Haringey UDP.

DETAILS OF PROPOSAL

The proposal is to demolish the existing workshops and to erect 5 no. three-storey residential units on the site. The units would comprise on the lower ground floor two bedrooms, which would look out onto small gardens, on the ground floor there would be either a bedroom or living room and the first floor would contain an open plan kitchen, dining room and living room.

The houses would be in the form of a terrace , sited on the boundary with 4, 6, and 8 Harvey Road and stretching across the site to the boundary with 2a,2b and 2 Montague Road, The building would be stepped back from the rear boundaries of 2-12 Oakley Gardens. House 1 would be 4.7m back with house 5.3 m.

The properties would be three storeys in height with a maximum height of 8.8m from the new excavated lower ground level, but only 6.2m from existing ground level. The width of the terrace would be 32.7m.

The proposals would be a flat roof design, and the roof would be green sedum roof. The building would be built in predominantly white render, with some steel section and glass blocks.

CONSULTATION

2 – 26 Harvey Road

59 – 91 including flats above: Tottenham Lane

2 – 12 Oakley Gardens

2a,2c 2 – 20 Montague Road

Gilmartin Associates (managing agents for 73, 75, 77 & 79 Tottenham Lane)

Transportation

RESPONSES

One letter of objection was received from the occupant of 10 Oakley Gardens on the grounds that the development would remove the back wall of his property and demolish his shed.

Two Residents of Oakley Gardens object on the following grounds:

loss of privacy
noise from the car -park.
Security Issues
Clear infringement of boundaries.
Plans not in keeping
Safety of cars crossing the pavements

Transportation – No objection.
Scientific Officer- Condition on contamination.

Three letters of support were received.

RELEVANT PLANNING POLICY

Adopted UDP 1998

EMP 1.1 'Employment Protection'
EMP 1.4 'Sites Outside Defined Employment Areas'
HSG 2.1 'Dwelling Mix for New Build Housing'
HSG 2.2 'Residential Density'
HSG 2.3 'Backland Housing'
DES 1.1 'Good Design and How Design Will be Assessed'
DES 1.2 'Assessment of Design Quality (1): Fitting New Buildings into the Surrounding Area'
DES 1.3 'Assessment of Design Quality (2): Enclosure, Height and Scale'
DES 1.9 'Privacy and Amenity of Neighbours'
DES 1.10 'Overdevelopment'
DES 5.1 'Character of Residential Areas'
TSP 7.1 'Parking for Development'

Haringey Unitary Development Plan 2004:

UD1A SUSTAINABLE DESIGN AND CONSTRUCTION
UD2 GENERAL PRINCIPLES
UD3 QUALITY DESIGN
UD9 PARKING FOR NEW DEVELOPMENT
EMP3R NON EMPLOYMENT GENERATING USES

HSG8 DENSITY STANDARDS
HSG 1 NEW HOUSING DEVELOPMENTS

ANALYSIS/ASSESSMENT OF THE APPLICATION

The main planning issues to be considered are:

- i) Whether the proposed use of the residential units is acceptable in principle;
- ii) The impact of the development on the amenity of adjoining occupiers.

Acceptability of the use in principle

a) Loss of Employment

The land is currently in employment generating use. Policy EMP 1.1 'Employment Protection' of the UDP states that: "*Land or buildings in employment generating use, for which there is a clear demand, will be retained in that use.*" Paragraph 1.27 states that: "*Exceptions to retention may be considered where the land or buildings are not considered suitable for continued employment use on environmental, amenity or transport grounds.*"

Policy EMP 1.4 'Sites Outside Defined Employment Areas' of the UDP states that: "*Proposals for redevelopment of sites currently in employment generating use will be considered against the criteria set out in Policy EMP 1.1.*"

No marketing has taken place of the existing employment buildings on the site. The area from site visit appears to be used for the storage of cars and car repairs, Site visits reveal that the environmental conditions of the site at the rear is poor and while there would be some loss of employment, in this case there is would be a significant improvement in the quality of the environment. In addition residential development has in part been approved in the form of live-work units and the current level of employment is low.

It is therefore considered that there is a case for allowing residential development on this site and allowing a loss of employment on the basis of an environment improvement to the site.

b) Density

The development is well above the density for backland development however bearing in mind there is an existing planning position which in mass terms is of a similar impact, it is considered the proposals could not be refused planning permission on this ground. In this case density it is considered to be of secondary significance to the impact on the surrounding properties.

The density calculation is based on a site area of 0.0617 hectares and 25 habitable rooms.

Planning Policy Guidance Note 3 (PPG3 March 2000) and the Town and Country Planning (Residential Density) (London, South East England, South West England, East of England and Northamptonshire) Direction 2005 requires that schemes should not be developed at densities of below 30 dwellings per hectare (approximately 150 habitable rooms per hectare). Local planning authorities should encourage housing development which makes more efficient use of land (between 30 and 50 dwellings

per hectare) and should seek greater intensity of development at places with good public transport accessibility. However, PPG3 states that new housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. Therefore, appropriate densities are determined by location and public transport accessibility, setting in terms of existing building form and massing and housing type and mix. **In this case the development proposals equate to 90 dwellings per hectare.**

Section 38(2) of the Planning and Compulsory Purchase Act 2004 states that in London, the "development plan" comprises the London Plan and the local development plan (currently Haringey's UDP). London Plan policy 4B.3 seeks to ensure that development proposals achieve the highest possible intensity of use compatible with local context. Boroughs should develop UDP policies in accordance with the density ranges set out in Table 4B.1 of the Plan. Table 4B.1 is a density location matrix, which allows sites to be assessed against location and setting (character and townscape) criteria to calculate the appropriate density range for different types of residential development. Setting is defined by three categories:- central, urban and suburban. The Mayor of London has produced an indicative character map based on ward level data from the 2001 Census. This map illustrates that Haringey has a combination of central and urban settings. **The Mayor's Plan indicates a density of 200-450hrph in this case the density would be 405 hrph.**

Policy HSG 2.2 of Haringey's adopted UDP (March 1998) includes a density range of 175 - 250 habitable rooms per hectare (hrh) which is normally applied to applications for residential developments. It sets out circumstances where lower densities may be required and where higher densities may be acceptable up to upper limit of 350 hrh.

The Council has reviewed its UDP density policy and density range. The emerging UDP (Revised Deposit Draft September 2004) is currently the subject of a public inquiry. Emerging policy HSG8 applies a density range of 200 - 400 hrh, as a general guideline, to residential development. It also allows higher density development up to 700 hrh in defined locations. The density range is to be applied flexibly and in accordance with the London Plan taking into account location, setting and housing type.

The emerging UDP is required to be in general conformity with the London Plan.

c) Backland Development:

SPG 3C outlines the criteria for backland development, this site would appear to fall within the criteria outlined in paragraphs 2.1 and 2.2 of the SPG. Policy HSG 2.3 Backland Housing of the current UDP sets a ceiling of a density of 145 hrph.

In this case the buildings are 3 storeys in height while the policy argues for a maximum of two storeys, however the development is still considered to be subordinate to its surroundings.

The development is well above the density for backland development however bearing in mind there is an existing planning position which in mass terms is of a similar impact, it is considered the proposals could not be refused planning permission on this ground.

Amenity of adjoining occupiers

The development for which planning permission has already been granted is for a two-storey, flat-roofed building 6.1m in height at the rear (at the point where it is set back from the rear boundary by 1m) and 5.7m in height at the front (facing Harvey Mews). It is important to note this scheme did not appreciate the change in levels on site and the gardens of Oakley Gardens.

Under the current scheme, the height of the building would be increased to 8.8m at the rear (where it is set back from the rear boundary by 4.7m -3.6m) While the height is higher the building is set back from the existing rear building line and from that position approved. In addition due to the difference in levels which was not appreciated in the approved the height of the building would be no different to that approved as this proposal would incorporate a lower ground level which would reduce the impact of the proposal.

IMPACT ON OAKLEY GARDENS.

The site is surrounded on all sides by residential properties. The rear of the proposed development would directly face the rear of the houses in Oakley Gardens. These properties are two-storey at the front with an additional lower ground floor at the rear. The view from their rear windows is of the rendered rear flank wall of the existing workshop and the pitched roof set back above that, slopping away from their rear gardens.

The rear gardens of the properties are approximately 2m below the ground floor level of the existing workshops in Harvey Mews. The height of the existing workshop along the rear boundary of the houses in Oakley Gardens is estimated to be approximately 5m to 6m above the ground level of the rear gardens of these properties. The height of the proposed building (at the point where it would be set back from the rear boundary by 4.7m -3.7m) would be approximately 8.8m above the ground level of the rear gardens. The building would be a minimum of 16m away from the habitable room windows at the rear of the houses in Oakley Gardens.

The rear elevation of the proposed building would be set back from the boundary with the Oakley Gardens properties. This staggering of the building line would help to break up the mass of the building. It is considered the proposals would not be unduly dominant when compared to the existing building and the approved building.

In relation to privacy and overlooking it is considered the height of the rear wall at 4m would provide adequate screening between the fenestration at lower ground floor level of the site and the properties in Oakley Gardens. The windows at the upper level would be obscured glazed or a high level and therefore the level of overlooking and loss of privacy would be minimal.

IMPACT ON HARVEY ROAD.

As far as the properties in Harvey Road are concerned, those most affected would be nos. 6 and 8. These properties currently face the side elevation of the existing workshops at a distance of approximately 10m. The northern flank wall of the proposed building would be approximately the same height as the pitched roof ridge of the existing building, there would be some increase in the overall mass of the building, but this would be less than that originally approved.

It will be necessary to ensure there is adequate screening of the side elevation to ensure no undue overlooking of the adjoining properties, however this issue can be safely dealt with by planning condition.

IMPACT ON PROPERTIES IN MONTAGUE ROAD.

As far as the properties in Montague Road are concerned, those most affected would be nos. 2 and 2A). Their rear windows would face the flank wall of the new building at a distance of approximately 7m. The increase in height would be minimal over that already granted, therefore the impact on the amenity of those properties would be no greater than that approved.

IMPACT ON PROPERTIES IN TOTTENHAM LANE :

The frontage of the new building would face the rear of the properties along Tottenham Lane. These are three storey properties in commercial use at ground floor level with residential accommodation on the upper floors. The habitable room windows at the rear of these properties would be some 19m away from the facing habitable room windows of the proposed development and 15m from the rear terrace, which would overlook the mews. While these distances are slightly substandard it is adequate to ensure a reasonable degree of privacy for the occupiers of both the existing and the proposed dwellings. The outlook for the occupiers of the existing accommodation would also be improved to some extent, since they currently overlook the existing poor quality workshop buildings.

OTHER MATTERS:

Section 106 Matters.

Education

The scheme involves 5 units of residential accommodation each of three bedrooms; this equates to a residential contribution of £16,836.00

This scheme is based on the lower tariff as the new tariff was introduced the day after the submission of the application. Also taking into account the existing approval where no section 106 was agreed at that time and the fact that consent could still be implemented, it is considered this a reasonable approach.

Amenities of Future Occupiers

The scheme provides amenity space for all the units. The amenity space is in the form of rear gardens and balconies. However no house would achieve the 50 square metres of private rear gardens required by SPG 3a. Notwithstanding this point the variety amenity space provided would be an adequate replacement. It is considered in terms of its context that the scheme would provide a suitable level of residential accommodation.

SUMMARY AND CONCLUSION

The scheme that was granted planning permission in September 2001 was originally proposed to be a three-storey development. This was later reduced to two storeys following negotiations.

While this development is three storeys, a comparative study of the approved scheme does not reveal substantial difference in the height and mass of the building. In addition this building is set back further away from the rear boundaries in Oakley Gardens and also involves significant excavations to allow the building to be dropped in height.

It is therefore considered the proposal would not have a detrimental impact on the amenities of adjoining neighbours and would also provide a significant improvement on the amenities of the mews, which would improve the outlook of residents in Tottenham Lane. (DES 1.9 Privacy and Amenity of Local Residents: and DES 1.10 Overdevelopment.)

The loss of employment is clearly outweighed by the provision of housing and the improvement in the amenity of the locality. (DES 1.1 Employment Protection ; DES 1.4 Sites outside defined Employment Areas)

RECOMMENDATION

APPROVE PERMISSION

Registered No. HGY/2005/0808

RECOMMENDATION 1

That planning permission be granted in accordance with planning application reference no. HGY/2005/0808 subject to a pre-condition that Ajaks Properties Ltd shall have first entered in to an agreement with the Council under section 106 of the Town and Country Planning Act 1990 (As Amended) by section 16 of the Greater London Council (General Powers) Act 1974 in order to secure

£16,836 as an educational contribution.

RECOMMENDATION 2

GRANT PERMISSION

Registered No HGY/2005/0808

Applicant's drawing Nos. EX.01, EX. 02, EX.03, EX.04, PP.00, PP.02, PP.03, PP.04, PP.05, PP.06, PP.07, PP.08, PP.09, PP.10, PP.11, C.01, C.02, C.03, C.04

Subject to the following conditions:

1. The development hereby authorised must be begun not later than the expiration of 5 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. 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. Details of a scheme depicting those areas to be treated by means of hard landscaping shall be submitted to, approved in writing by, and implemented in accordance with the approved details. Such a scheme to include a detailed drawing of those areas of the development to be so treated, a schedule of proposed materials and samples to be submitted for written approval on request from 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.

4. That the levels of all thresholds and details of boundary treatment be submitted to and approved by the Local Planning Authority.

Reason: In order to safeguard the visual amenity of the area and to ensure adequate means of enclosure for the proposed development.

5. That 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.

6. 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.

7. That the accommodation for car parking and/or loading and unloading facilities be specifically submitted to, approved in writing by and implemented in accordance with the requirements of the Local Planning Authority before the occupation of the building and commencement of the use; that accommodation to be permanently retained for the accommodation of vehicles of the occupiers, users of, or persons calling at the premises and shall not be used for any other purposes.

Reason: In order to ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

8. 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.

9. Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning General Permitted Development Order 1995, 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.

10. Before the commencement of any works on site, a fence or wall, materials to be agreed with the Local Planning Authority, shall be erected and permanently retained for A. all site boundaries

Reason: In order to ensure a satisfactory means of enclosure for the proposed development.

11. 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.

12. No development shall take place until site investigation detailing 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 these works shall be carried out as approved.

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

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. 8489 5573) to arrange for the allocation of a suitable address.

REASONS FOR APPROVAL

The scheme that was granted planning permission in September 2001 was originally proposed to be a three-storey development. This was later reduced to two storeys following negotiations.

While this development is three storeys, a comparative study of the approved scheme does not reveal substantial difference in the height and mass of the building. In addition this building is set back further away from the rear boundaries in Oakley Gardens and also involves significant excavations to allow the building to be dropped in height.

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