

REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE

1. APPLICATION DETAILS	
Reference No: HGY/2014/2464	Ward: Highgate
<p>Address: Former Police Station, Magistrates' Court and Telfer House, Corner of Bishops Road, Church Road and Archway Road N6 4NW</p> <p>Proposal: Demolition of all existing buildings and construction of a part 3 to part 7 storey apartment block and a 3 storey mews block to provide 82 residential flats, including basement and undercroft car parking with 41 spaces, and comprehensive landscaping of the site.</p> <p>Applicant: Mr James McConnell Bellway Homes (North London)</p> <p>Ownership: Private</p> <p>Case Officer Contact: Aaron Lau</p> <p>Site Visit Date: 15/09/2014</p> <p>Date received: 02/09/2014 Last amended date: 26/11/2014</p> <p>Drawing number of plans and documents:</p> <ul style="list-style-type: none"> • Report of Daylight and Sunlight ref. K140031//psd and dated August 2014 • Design & Access Statement ref. 00822 and dated August 2014 • Air Quality Assessment, dated August 2014 • Noise Assessment, dated August 2014 • Statement of Community Engagement including Equalities Statement, dated July 2014 • Geo-environmental Site Assessment, ref. 26952-01(01) and dated March 2014 • Arboricultural report, ref. AP/8337/WDC and dated 17 June 2014 • Ecological Appraisal, ref. BELL19340 EcoApp Rev A and dated August 2014 • Transport Assessment, ref. 30650/D/3 FINAL and dated August 2014 • Residential Travel Plan, ref. 30650/D/4 FINAL and dated August 2014 • Planning Statement, dated August 2014 • Heritage Statement, ref. 1964/36 and dated August 2014 • Landscape Management and Maintenance Specification, ref. Version 2 and dated August 2014 • Energy Assessment, ref. N950-14-16877 and dated 27 August 2014 • Existing and Proposed Site Plan, ref. 008 • Existing No-Sky Line Contours – 444 & 446 Archway Road, ref. 009 • Existing No-Sky Line Contours – 397 & 405 Archway Road, ref. 010 	

- Existing No-Sky Line Contours – 397 & 405 Archway Road, ref. 010
- Existing No-Sky Line Contours – 35 Bishops Road & 37-43 Talbot Road, ref. 011
- Existing No-Sky Line Contours – Vicarage Church Road, ref. 012
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1.1 This application is being reported to Planning Committee as it is a major planning as set out under the current scheme of delegation.

1.2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- This current planning application is for the creation of 82 residential flats comprising 18 x 1 bedroom 53 x 2 bedroom and 11 x 3 bedroom units, and is considered to be acceptable in principle. The proposed development would provide much required family-sized residential dwellings and additional housing generally whilst contributing to the Boroughs housing targets as set out in Haringey's Local Plan and the London Plan.
- The proposal is of an acceptable density for the site as it falls within the appropriate density range as set out in the London Plan for this part of the Borough. The development has been located on the site appropriately, and would be built to a scale and form which would not cause any significant loss of amenity to surrounding residents (Church Road, Bishops Road and Talbot Road) in terms of loss of outlook/daylight/sunlight, excessive overshadowing, noise and disturbance.
- Taking into account the current building forms and heights on site, the design quality and associated materials of the proposed development will serve to enhance the appearance of the site and its setting within the Highgate conservation area and the adjacent statutory Grade II listed structure. The less than significant harm to the conservation area has been given significant weight and is considered to be outweighed by the overall enhancement of the Highgate conservation area. There is no harm to the Grade II listed structure, and the proposal would therefore satisfy the statutory duties set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- The proposal would be inclusively designed to achieve Lifetime Homes standards and would provide 10% wheelchair accessible units in order to meet the needs of the wider community.
- The proposal would provide 41 off-street parking spaces, which would ensure that existing road conditions are not materially affected with regards to vehicular movement and obstruction within Archway Road, Church Road, Bishops Road and the surrounding local road network generally, and would not have an adverse impact on the safe and free flow of pedestrian traffic.
- The proposed development would regrettably result in the loss of a mature tree and a number of other trees on the site. However subject to the imposition of conditions on any grant of planning permission, further tree planting would be required to compensate for the loss of trees and further conditions are imposed in order to protect the roots of the retained trees and implement a comprehensive landscaping scheme. Therefore, it is considered compensatory tree planting, the retention of the majority of existing trees on the site together with a comprehensive landscaping scheme will support and safeguard the important amenity value trees have on the site, and will preserve the character and appearance of the conservation area and the locality generally.

2. RECOMMENDATION

For Sub Committee

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Officers Report

- 1) That the Committee resolve to GRANT planning permission and that the Head of Development Management is delegated authority to issue the planning permission and impose conditions and informatives and subject to see 106 Legal Agreement to

Conditions:

- 1) Development begun no later than three years from date of decision
- 2) In accordance with approved plans
- 3) Materials
- 4) S278
- 5) Construction management plan & construction logistics plan
- 6) Delivery service plan
- 7) Car parking management plan
- 8) Electric vehicle charging points
- 9) Accessible parking
- 10) Landscaping
- 11) Boundary details
- 12) Air quality 1
- 13) Air quality 2
- 14) Contamination 1
- 15) Contamination 2
- 16) Environmental code
- 17) Impact piling
- 18) Drainage strategy
- 19) Code for sustainable homes
- 20) Renewable energy
- 21) Tree protection
- 22) Arboricultural site meeting
- 23) Bat/bird box
- 24) Demolition log
- 25) Obscure glazing and screen

Informatives:

- 1) The NPPF
- 2) CIL liable
- 3) Street naming
- 4) Asbestos
- 5) Hours of construction
- 6) Thames Water

Legal Agreement – Heads of Terms:

A Section 106 Legal Agreement to be entered into in respect of planning permission ref. HGY/2014/2464 to include the following:

- 1) Affordable Housing – The provision of 32% affordable housing (9 intermediate housing units and 17 social rented housing units) to be provided on-site.
- 2) Travel plan -
 - a) The applicant submits a Travel Plan for each aspect of the Development and appoints a travel plan co-ordinator for development and sheltered housing aspect of the development and must work in collaboration with the Facility Management Team to monitor the travel plan initiatives annually.
 - b) Provision of welcome residential induction packs containing public transport and cycling/walking information like available bus/rail/tube services, map and time-tables to all new residents, travel pack to be approved by the Councils transportation planning team.
 - c) The developer is required to pay a sum of, **£3,000** per travel plan for monitoring of the travel plans.
 - d) A site management parking plan, the plan must include, details on the allocation and management of onsite car parking spaces in order to maximise use of public transport.
- 3) Resident's parking permit – no residents within the proposed development will be entitled to apply for a resident's parking permit under the terms of any current or subsequent Traffic Management Order (TMO) controlling on-street parking in the vicinity of the development.
- 4) S278 Agreement - **£10,712** for the reconstruction of the footways and construction of new vehicular access to the site on Bishops Road.
- 5) CPZ Review - **£37,125** for towards the feasibility, design and consultation relating to review of the existing controlled parking zone in the area surrounding the site.

- 6) Considerate Constructors Scheme
 - 7) Local Employment - **£123,200** to support local residents in accessing the new job opportunities in the construction phase.
 - 8) Loss of employment floorspace - **£13,746** to promote employment and adult education in the borough.
 - 9) Public realm works – **£5,000** for public realm improvement around the listed Cattle trough
 - 10) Section 106 Monitoring of **£9,390** (5% of total contributions)
- 2) That the Section 106 Legal Agreement referred to in the resolution above is to be complete no later than 31 January 2015 or within such extended time as the Head of Development Management shall in her sole discretion allow; and
 - 3) That, in the absence of the agreement(s) referred to in resolution 1) above being completed within the time period provided for in resolution 2) above, the Planning application be refused for the following reasons:
 - (i) In the absence of a financial contribution towards Local employment, the proposal would have an unacceptable impact on job opportunities. As such, the proposal would be contrary to Local Plan Policies SP8 and SP9 and London Plan Policy 4.12.
 - (ii) In the absence of a financial contribution towards the Loss of employment floorspace, the proposal would fail to promote employment and adult education. As such, the proposal would be contrary to Saved UDP Policy EMP4 and London Plan Policy 4.12.
 - (iii) In the absence of a financial contribution towards Highway works, the proposal would have an unacceptable impact on transport services. As such, the proposal would be contrary to Local Plan Policy SP7, saved UDP Policy UD3 and London Plan Policies 6.7, 6.9, 6.10, 6.11 and 6.12.
 - (iv) In the absence of a financial contribution towards Public realm works, the proposal would have an unacceptable impact on the streetscape. As such, the proposal would be contrary to Local Plan Policies SP11 and SP12 and London Plan Policies 7.4 and 7.5.
 - 4) In the event that Members choose to make a decision contrary to officers' recommendation Member will need to state their reasons.

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3.0 PROPOSED DEVELOPMENT AND LOCATION DETAILS

3.1 Proposed development

- This is an application for the demolition of all existing buildings (former Police Station, Magistrates' Court and Telfer House), and the construction of a part 3 to part 7 storey apartment block and a 3 storey mews block to provide 82 residential flats, including basement and undercroft car parking for 41 vehicles, and comprehensive landscaping on the site.
- 32% on-site affordable housing or 26 affordable units will be provided on site. The proposed tenure split is as follows:

	1 Bed	2 Bed	3 Bed	Total
Private	8	41	7	56 (68%)
Intermediate	3	6	0	9 (11%)
Social/affordable rented	7	6	4	17 (21%)
Total	18	53	11	82

- The current proposal is a result of a number of pre-application meetings held with officers of Haringey Council, and has also been presented to a Design Review Panel. In addition, the Applicants and representatives of The Highgate Society and Highgate Conservation Area Advisory Committee (CAAC), with Officers in attendance met at two separate Design Workshops to discuss the scheme before the planning application was submitted. The main changes made to the scheme following the observations / objections raised at the Design Workshops are as follows:
 - Reducing the width of the 7 storey element of the proposed building on the junction of Archway Road, Bishops Road and Church Road from 15m to 9.8m and from two flats to one per floor within it;
 - The incorporation of increased amenity space in the form of a landscaped podium located in the courtyard;
 - The 'greening' of the Bishops Road and Church Road ground floor units;
 - The removal of one floor at the 'shoulder' of the apex to reduce its overall bulk and scale;
 - General elevation changes to help articulate the facades;
 - Internal changes to improve the layout of the units and the introduction of a manned concierge desk in the communal lobby of the main block;
 - The retention of the majority of existing trees and proposed tree planting with a comprehensive landscaping scheme proposed as shown on plan numbers 00234_001_C to 004_C and the arboricultural report ref. AP/8337/WDC;
 - The reduction in density and the total number of residential units from 96 flats to 82 flats; and
 - The relocation of family-sized units to the ground floor.
- Since the submission of the planning application, further amendments have been made to the internal layouts of the building and the windows in order to

improve the percentage of rooms that achieve the Average Daylight Factor requirements. The alterations are listed below:

- Unit 01 bedroom: R011 – window increased to 2.4m height & increased in width
- Unit 02 L/D/K: R015- western window doubled in size & window added to west elevation
- Unit 74 (Mews) L/D/K: R018 – window increased in height
- Unit 75 (Mews) L/D/K: R019 – window size increased (and copied to upper floors for consistency)
- Unit 76 (Mews) L/D/K: R021 – southern window increased
- Unit 07 L/D/K: R024 – western window doubled in size (and copied to upper floor for consistency)
- Unit 17 L/D/K: R043 – south facing window doubled in size
- Unit 19 L/D/K: R045 – window increased to 2.4m height
- Unit 24 L/D/K: R051 – southern window doubled in size (and copied to upper floors for consistency)
- Unit 20 L/D/K: R058 – south facing window doubled in width
- Unit 16 L/D/K: R062 – south facing window doubled in size & larger window to west elevation
- Unit 10 Bedroom: R067 – increased width of window
- Unit 10 L/D/K: R068 – larger window to internal elevation (and copied to upper floors for consistency)
- Unit 06 L/D/K: R072 – western window doubled in size (and copied to upper floors for consistency)
- Unit 77 (Mews) R075 – larger window (and copied to upper floors for consistency)
- Unit 36 L/D/K: R087 – window increased to 2.8m width
- Unit 34 L/D/K: R088 – window increased to 2.8m width

3.2 Site and Surroundings

- 3.2.1 The site, the subject of this application, is currently occupied by three buildings: Haringey Magistrate’s Court; Highgate Police Station; and Telfer House. The buildings ranging between 2 and 3 storeys in height, form a cluster located on the corner of Archway Road, Bishops Road and Church Road. The site slopes up from the corner along Bishops Road and Church Road.
- 3.2.2 Haringey Magistrates Court is a 1950’s two-storey building comprising predominantly of bricks with the front façade of the building clad in Portland stone. Pedestrian access to the building is directly obtained from Bishops Road. Vehicular access is located on the north side (rear) of the building, with ancillary car parking to the south of the site and to the rear of the building.
- 3.2.3 Telfer House is located on the southern side of Church Road, and is a three storey building of brick construction. The established use of the building is offices, and was formerly occupied by the Probation Service before it was closed. Vehicle access is gained from Church Road, which leads to the rear of the property providing a number of car parking spaces.

- 3.2.4 Highgate Police Station sits on the corner of the site on Church Road, Bishops Road, and Archway Road. It is a four storey building in brick built in the late 1950s. The building was last used as a Community Policing base. Vehicle access is gained from Bishops Road, providing a number of car parking spaces to the rear of the property.
- 3.2.5 None of the properties are statutorily or locally listed, but the Cattle Trough in Church Road immediately in front of the Police Station is statutorily Grade II listed.
- 3.2.6 Highgate Wood and railway sidings, which is designated Metropolitan Open Land (MOL), an Area of Archaeological Importance and an Ecologically Valuable Site of Metropolitan Importance are situated opposite the site and on the north east side of Archway Road.
- 3.2.7 The site is surrounded by a 4 storey mixed use block (Topps Tiles) on Archway Road located to the south east, two-storey residential flats on the north east side of Archway Road, three-storey flatted blocks and two-storey terraced residential properties on Bishop's Road and Bloomfield Road to the south-east and south, two-storey residential properties and a church on Church Road to the south west and two-storey terraced properties on Talbot Road to the south west.
- 3.2.8 The site falls within the Highgate Conservation Area and Archway Road Restricted Conversion Area.
- 3.2.9 The site is within Highgate Station controlled parking zone (CPZ).

3.3 Relevant Planning and Enforcement history

Highgate Magistrates' Court, Telfer House & Highgate Police Station

- HGY/2014/1331 - Retrospective planning permission for the erection of a 2.4m high hoarding – approved 15/08/2014

Highgate Magistrates' Court

- HGY/2003/0186: Erection of Portocabin in car park for use of the witness service Decision: Permitted 12/03/2003
- OLD/1952/0040: Erection of a Court House Decision: Permitted 24/01/1952
- OLD/1951/0030: Rebuilding Decision: Permitted 21/11/1951

Telfer House

- HGY/2001/0767: Alterations to front entrance door Decision: Permitted 04/07/2001

Highgate Police Station

- HGY/2002/1285: Installation of 3 omni directional antennae Decision: Permitted 23/10/2002
- HGY/1995/1223: New disabled access ramp Decision: Permitted 05/12/1995

4. CONSULTATION RESPONSE

4.1 Planning Committee Pre-application: pre-application briefing was held on the 28th July 2014

4.1.1 The notes of the meeting are set out as follows:

- *Cllr Hare as a local ward Councillor raised a number of objections to the proposed scheme including the height, the building line on Bishops Road, the size of the courtyard amenity space, the number of units, the visibility of the development from Highgate Woods and lack of opportunity for screening via mature trees.*
- *Members made the following comments on the scheme:*
 - *Concern that the height (7 storeys at the apex) would set precedence for future developments in the area. Officers confirmed that they had only received a copy of the proposed design at a late stage and had yet to give formal consideration to the design and height proposed. It was advised however that the site would be suited to a landmark building.*
 - *It was queried whether the social housing would be pepper potted through the development. The developers confirmed the intention for the scheme to be tenure blind internally and externally, with the social housing units contained within a defined core to allow for ease of management. It was advised that social housing providers were often reluctant to manage pepper potted units.*
 - *The allocation of parking was questioned, particularly for the affordable housing units. The developers informed that although that level of detailed planning had yet to be undertaken, it was anticipated that the allocation would be tenure blind, with a preference towards the larger family sized units.*
 - *Concerns were expressed over the high value of the land and the subsequent impact on the developer's financial viability calculations in determining the level of affordable housing to be provided. It was considered that developers were aware of the Council's policy in relation to affordable housing and that high land values should not be used as an excuse to avoid compliance.*
 - *Members queried whether the number of proposed units could be reduced. The developers advised that a 9 unit reduction had already been made from*

the initial plan and that it was likely that the scheme would not be viable with any fewer.

4.2 **Haringey Design Panel** was held on 8th May 2014.

4.2.1 The minutes of the meeting are set out as follows:

- *Overall, the panel were concerned that the proposal did not have sufficient distinctiveness and individuality to justify its height and bulk, unprepossessing courtyard amenity space, the loss of buildings in the conservation area and impact on the rest of the conservation area. This could suggest an over-development of the site unless design changes or different approaches resolved the most serious concerns.*

4.3 **Haringey Development Management Forum** was held on September 2014

4.3.1 The minutes are set out as follows:

- *Residents made the following comments on the scheme following a short presentation by the developer's team:*
 - *Concerns were raised to the design, scale and appearance of the proposed development, most notably the tower element, protruding building line along Bishops Road and the creation of a landmark building in Highgate which is contrary to the draft site allocations document.*
 - *There was a general consensus that the development would lead to significant parking issues. The applicants' and the Council explained prospective occupiers would be allocated with the parking offered and the remaining units would not be able to obtain a car parking permit secured by a S106 agreement. However residents weren't entirely clear of the procedure involved, but they were assured that the above mechanism would be enforced.*
 - *There was a concern to the removal of the existing parking bays to facilitate the new access point in Bishops Road, and the access itself which would act as a bottleneck*
 - *Clarification over the construction period was sought. The applicants stated the demolition works would likely to take 3 months and the overall construction up to 2 years.*
 - *The future of the Vicarage adjacent to the site was queried but its details were not disclosed as this did not constitute part of the development site. The applicants explained that they were in current discussions with the diocese.*
 - *Concern that the development's impact on local infrastructure such as further pressures on GP's, schools, etc.*

- *The affordable housing and house mix was sought for clarification.*
- *The accessibility of the children's play space and facility for the social housing units.*
- *Quality of accommodation with regard to the level of daylight/sunlight of the apex units and single aspect, north-facing units.*

4.4 The following were consulted regarding the planning application:

- LBH Housing Enabling Team
- LBH Housing Renewal
- LBH Education
- LBH Early Years
- LBH Environmental Health
- LBH Arboricultural Officer
- LBH Cleansing
- LBH Conservation & Design Team
- LBH Building Control
- LBH Transportation Group
- London Fire & Emergency Planning Authority (LFB)
- Thames Water
- English Heritage
- Corporation Of London
- Transport For London
- London Underground
- Arriva London
- Designing Out Crime Officer
- Environment Agency

The following responses were received:

Internal:

- 1) Conservation Officer – No objection subject to demolition log, materials and landscape details around the tower conditions and a contribution for the improvement of the listed Cattle trough secured by a S106 agreement:

“Overall, on balance the scheme has greater merits in terms of the enhancement of the conservation area and the heritage benefit it provides by re-establishing the street frontage and creating a landmark feature that would positively contribute to the character and appearance of the area, as well as adding to its townscape experience. Thus it would outweigh the limited harm caused by the demolition and the impact on the character and appearance of the conservation area.

In context of the Council's statutory duty in respect of heritage assets it is felt that the new development would reinstate the street frontage along Bishops Road and Church Road, embodies high quality architecture, design and

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materials to create a successful urban block along with a landmark feature that it would enhance the conservation area and the assets within it”.

2) Design Officer – No objection.

“Notwithstanding other considerations, my conclusion is that the proposed design of this scheme for the former Highgate Magistrates Court, Police Station and Telfer House site has been well designed to respond to its context yet create a notable, attractive, well composed and well designed piece of architecture”.

3) Housing Investment and Sites Team - Objection to the affordable housing mix. Following discussions with Officers, the Housing Investment and Sites Team has accepted the affordable housing offer as any changes to the mix would have an impact on the scheme’s viability and result in a reduction in the overall level of affordable housing.

4) Transport – No objection subject to a financial contribution of £10,712 for reconstruction of footways and construction new vehicular access on Bishops Road, £37,125 towards a review of the CPZ, securing a residential plan and £3,000 per travel plan for monitoring and car-free development under the S106 agreement, and electric vehicle charging, CMP/CLP, DSP and parking management plan conditions.

5) Environmental Health – Strongly suggests that there are no exposed balconies onto Archway Road. No objection to the energy and contamination issues subject to conditions. Recommends refusal on basis that the development does not meet London Plan policy. Conditions are recommended. A S106 planning obligation or CIL is also sought towards environment and health improvement.

6) Arboricultural Officer – No comments to date.

7) Nature Conservation Officer – No objection.

8) Energy Officer – No objection subject to Code Level 4 and 40% renewable energy conditions.

9) Waste Management – No objection.

External:

10) The City of London Corporation – Objection.

“The application documents, particularly the Design and Access Statement focus on the ‘tower’ element fronting Archway Road, located adjacent to the MOL, highlighting this important vista. Impact on the MOL can be seen on the visual impact images. Two visuals have been prepared from the open area within Highgate Wood in Winter and Summer suggesting that it will not be visible above the tree line. The massing diagrams within the Design and Access Statement, however, demonstrate that a building of seven storeys

would clearly exceed the height of the existing trees on Archway Road and would thus be visible from Highgate Wood MOL. The view on Archway Road from the south east, adjacent to the MOL also demonstrates that the density of the site is significantly increased from the existing situation, which would not enhance the visual character of the open land.

It is clear that viability may have some impact on the density resulting in such a tall element on the Archway Road. The City considers, nevertheless, that the current scheme is contrary to adopted and emerging planning policy in that the proposed scheme has an unacceptable impact on the openness of the MOL. The tower element should be reduced to 4-5 storeys in accordance with emerging site-specific policy (HG2), protecting this key area of open space in Haringey. There are no 'other considerations' including viability that should outweigh the harm on the MOL.

The application site lies within the Highgate Conservation Area (CA). It is noted in the Conservation Area Appraisal, adopted in January 2013, the site provides an opportunity for enhancement. The City agrees that this is the case. Notwithstanding this, it is the City's view that the current proposals, will create a more over-bearing visual affect which will have a detrimental impact on the MOL, Highgate Wood and the surrounding conservation area, particularly in terms of height on Archway Road, which is out of character with the rest of the street-scene.

Haringey's policies for conservation areas require developments to preserve and enhance the conservation area. The significantly increased height, bulk and design, and therefore the visibility of the proposed building, would intrude on the sense of openness and greenery of the MOL and historic nature the surrounding CA. The proposals, therefore, cause harm to the character and appearance of the Conservation Area and fail to comply with national guidance and Local Plan Strategic Policy SP12.

In summary the application is not in accordance with planning policy guidance and does not constitute a high quality proposal specific to the location, the surrounding designations and constraints. The aforementioned paragraphs have clearly demonstrated that all the relevant issues have been not been considered by the applicant and that the application has failed to demonstrate that adverse impacts on the appearance and character of the Conservation Area and the Metropolitan Open Land. In addition there are no other material considerations that warrant the grant of planning permission or conservation area consent in this location".

- 11) Designing Out Crime Officer – No objection.
- 12) Environment Agency – No objection but recommend the surface water management good practice advice in cell F5 is used to ensure sustainable surface water management is achieved as part of the development.
- 13) London Underground – No comments.

14) Transport for London (TfL) – No objection subject to the number of disabled parking bays increased to 9, Construction Logistics Plan, Car Park Management Plan, Servicing and Management Plan and electrical vehicle charging point conditions, and securing the Travel Plan and potential cycling and bus infrastructure contributions within the S106 agreement.

15) Thames Water – No objection subject to drainage and impact piling conditions.

5. LOCAL REPRESENTATIONS

5.1 The following were consulted:

- The application has been publicised by way of 4 site notices around the site, a press notice and 1,192 consultation letters.

5.2 The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 134

Objecting: 133

Supporting: 1

5.3 The following local groups/societies made representations:

- The Highgate Society
- Highgate CAAC
- Highgate Action Group

5.4 The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

- Overdevelopment and unacceptable density;
- Parking and highway and pedestrian impacts;
- Pressure on local infrastructure (Officer Comment: The application would be subject to Haringey CIL to help raise funds to support the delivery of the infrastructure that is required as a result of new development);
- Design, materials, external balconies, height of tower, building line on Bishops Road and impact on conservation area and Highgate Wood;
- Concept of gateway/landmark development;
- Noise and disturbance in general and during construction (Officer Comment: An environmental code condition and an hours of construction informative will be attached for any planning decision);
- Loss and impact on existing trees;
- Inadequate refuse provision;
- Environmental statement not submitted with the planning application (Officer Comment: an EIA screening application is not required as the site area of the development is less than the 0.5 hectare screening

threshold (Category 10(b) – Infrastructure projects in Schedule 2 of the EIA Regulations);

- Loss of sunlight, overlooking/loss of privacy and overshadowing;
- Adverse impact on Ecology;
- Lack of affordable housing;
- Contrary to Haringey’s Site Allocation Consultation Document;
- Drainage and sewerage impact (Officer Comment: Thames Water has not objected to the proposed subject to drainage and impact piling conditions);
- Loss of employment and community work;
- Quality of accommodation not acceptable in terms of low ceiling heights, space standards, orientation, single-aspect units, daylight/sunlight and lack of amenity space;
- Lack of children’s play space;
- The financial viability assessment is being unreasonably withheld (Officer Comment: A redacted copy of the applicant’s viability report was released following several Freedom of Information (FOI) requests;
- Contrary to relevant London Plan and Haringey’s Local Plan and saved UDP Policies.

5.5 The following issues raised are not material planning considerations:

- Investment for overseas buyers (Officer Comment: The fact that the future dwellings will be purchased by a British or non-British buyer is irrelevant)
- Impact on property values (Officer Comment: This is not a material planning consideration)
- Anti-social behaviour caused by squatters on the site (Officer Comment: The site is a private land and the management and responsibility of the site lies with the applicant)

6 MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning issues in respect of the scheme are outlined below:

1. Principle of the development;
2. Siting, layout and design;
3. Impact of the proposed development on the character and appearance of the conservation area and the setting of a listed structure;
4. The impact on the amenity of adjoining occupiers;
5. Housing;
6. Living conditions for future occupants;
7. Parking and highway safety;
8. Accessibility;
9. Trees;
10. The impact on ecology;
11. Flood risk; and
12. Sustainability.

6.2 Principle of the development

- 6.2.1 Local Plan Policy SP0 supports the broad vision of the NPPF, and states that the Council will take a positive approach to reflect the government's policy of presumption in favour of sustainable development. Therefore, planning permission will be granted by the Council for development that is sustainable unless any benefits are significantly outweighed by demonstrable harm caused by the proposal.

Loss of existing buildings

- 6.2.2 Part of the proposal is for the demolition of the existing buildings on the site which are located within the Highgate Conservation Area. Saved UDP Policy CSV7 seeks to protect buildings in a Conservation Area and planning permission will only be granted if demolition is justified and new proposed development is considered appropriate to the character and appearance of the conservation area. It goes on to say that each case will be judged on its merits and weighed against arguments in favour of a building's preservation.
- 6.2.3 The existing Magistrates' Court and the Police Station are both classified as sui generis use under the Planning Use Class Order. Sui generis use is not protected through policy. The buildings have no particular architectural merit and are not seen as important to preserve and that this is discussed in more detail under the design and conservation sections of this report. The principle of demolition of the existing building is deemed acceptable by Officers as the design quality of the proposed development and associated materials will serve to enhance the appearance of the site and its setting within the conservation area, and the existing buildings make a limited contribution to the area in general in meeting saved UDP Policy CSV7.

Loss of existing employment-generating use

- 6.2.4 Saved UDP Policy EMP4 states, "*Planning permission will be granted to redevelop or change the use of land and buildings in an employment generating use provided:*

a) the land or building is no longer suitable for business or industry use on environmental, amenity and transport grounds in the short, medium and long term; and b) there is well documented evidence of an unsuccessful marketing/advertisement campaign, including price sought over a period of normally 18 months in areas outside the DEAs, or 3 years within a DEA; or c) the redevelopment or re-use of all employment generating land and premises would retain or increase the number of jobs permanently provided on the site, and result in wider regeneration benefits".

- 6.2.5 This site is not located in a DEA. The function and use of the former Haringey Magistrate's Court and Highgate Police Station (Class Sui Generis) are not considered to be employment generating by virtue of the specific operational use associated with a court and a police station but rather 'civic' type uses reflected in the fact that the Town and Country Planning (use classes) order

defines these uses as 'Sui Generis' uses. As such, only the loss of the of Tefler House, which is in class B1 business use and therefore employment generating and which yields a floorspace of approximately 450 sqm is a material planning consideration in terms of a loss of an employment generating use. It is understood that these buildings are surplus to the requirements of the Metropolitan Police and the Court Service.

- 6.2.6 No information of the staff numbers and demand in relation to the current use of Tefler House has been submitted with the application. It is understood that the site has been vacant for at least 12 months. However in order to compensate for the loss of the employment B1 floorspace (Telfer House) and in line with Haringey's adopted Planning Obligations supplementary planning document (SPD), the Council has sought a financial contribution of £13,746 secured under the Section 106 agreement to promote employment and adult education elsewhere in the borough. Furthermore, it is considered that given the size of the site, the loss of 450 square metres of employment generating space to a comprehensive redevelopment of the site with a residential development, which would contribute to the boroughs housing targets and much needed housing stock. Therefore, it is considered, on balance, that the loss of B1 employment generating floor space to the proposed development is acceptable.

New residential units

- 6.2.7 Local Plan Policy SP1 sets out the council's strategic vision to provide up to 8,200 new homes by 2026, which aligns with the aspirations of Policy SP2, which has a current target of providing 820 new homes a year in Haringey; which is likely to be increased to 1,502 under the 'Draft Further Alterations to the London Plan (FALP) 2014'.
- 6.2.8 The provision of housing would in principle be supported as it would augment the Borough's housing stock in particular providing much needed family sized, 3 bedroom units in accordance with Local Plan Policies SP1 and SP2, and London Plan Policy 3.3. However a change of use of the site to housing development would only be accepted if meets the policy criteria under saved UDP Policy HSG2 which states,

"a) the building does not fall within a defined employment area unless specified for housing in Table 4.1 and Schedule 1 or where a proposal satisfies the criteria in policy EMP4; or b) it does not involve the loss of protected open space; or c) it is not in a primary or secondary shopping frontage or d) the building can provide satisfactory living conditions".

- 6.2.9 The site does not lie within a defined employment area (part a), nor does it involve the loss of protected open space (part b), or fall in a primary or secondary frontage (part c – Archway Road local shopping centre lies to the south east). The proposal as detailed under Section 6.7 of this report is also considered to provide an acceptable level of living accommodation (part d). The principle of making full re-use of previously developed and accessible brownfield land for housing purposes is therefore wholly supported in land use

terms, and is therefore compliant with saved UDP Policy HSG2, Local Plan Policies SP1 and SP2, and London Plan Policy 3.3.

Impact on Metropolitan Open Land (MOL)

- 6.2.10 Highgate Wood and railway sidings, is designated Metropolitan Open Land (MOL) and is situated opposite the site and on the north east side of Archway Road. The site does not fall within the MOL, but its visual impact on setting of Highgate Wood is a material planning consideration in view of preserving the openness of the MOL.
- 6.2.11 Local residents and The City of London Corporation have objected to the proposal as it would be harmful to Highgate Wood, a designated Metropolitan Open Land (MOL) situated opposite the site and on the north east side of Archway Road. Highgate Wood is owned and managed by the City of London (CoL), and was protected by The Epping Forest Act and the City of London (Open Spaces) Act in 1878 and then the Highgate and Kilburn Open Spaces Act in 1886.
- 6.2.12 Highgate Wood is ancient woodland that covers 28 hectares with a long history dating back to the Roman times. However, it is important to note that Highgate Wood is not listed as either: Scheduled Monument; nationally significant Parks and Gardens; or any English Heritage site as detailed on the National Heritage List.
- 6.2.13 The Highgate Wood Conservation Management Plan, commissioned by City of London was adopted in April 2013, and provides a long term vision and strategy for the management of Highgate Wood over the next 10 years and replaced the previous 2001 Management Plan. In order to realise the vision, the plan is set out in 4 key themes: Heritage; Natural Environment; Community and recreation; and Built environment.
- 6.2.14 There is a general assumption against further built development unless it is deemed to have no negative impact upon the heritage, ecology or enjoyment of the site as set out in Policy 4: Built Environment of The Highgate Wood Conservation Management Plan. However, this assumption does not extend beyond sites outside Highgate Wood such as Archway Road and the surrounding roads.
- 6.2.15 Paragraph 89 of the NPPF states, *“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are: as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it”*. It should be noted that The London Plan sets out that in London, MOL should be treated as Green Belt for the purposes of assessing impact of proposed development on it.
- 6.2.16 Local Plan Policy SP13 states that, *“new development shall protect and improve Haringey’s parks and open spaces”*....and continues to say that all new development should, *“manage the impact of such new developments in areas*

adjacent to designated open space.....conserve the historic significance of the borough's designated historic parks and gardens”.

- 6.2.17 It is important to emphasise that this site does not fall within the designated MOL. Therefore, only its visual impact on the MOL is a material consideration in assessing this planning application. The proposed development has been specifically designed and sited in a manner to minimise its visual impact on the MOL, and takes full advantage of the existing tree screening along the boundary and within Highgate Wood. In order to illustrate this point, the applicant has provided plans which concentrates on showing views of the building, (including its highest element), in both summer and winter from the MOL. The plans clearly show that the proposed building will not be visible from any points within Highgate Wood, in particular long distance views from the northern end of the open playing fields where it would otherwise be most noticeable. The development will of course be visible from the edge of the woods but the proposed development is not considered to have any greater impact than the current buildings on the site or nearby. Therefore, it is considered given the comprehensive details submitted and the assessment of the plans, there would be no adverse visual impact on the setting or openness of the MOL caused by the proposed building, including its highest element.
- 6.2.18 Officers conclude that although the development would be visible from the edge of the woods it does not have an impact greater than the existing building and the proposed building would not be visible from within Highgate Wood.. Officers therefore consider the development does not adversely impact on the openness of the neighbouring MOL, and the proposal therefore complies with the NPPF and London Plan Policy 7.17.

6.3 Siting, Layout and Design

- 6.3.1 Chapter 7 of the NPPF and London Plan Policies 7.4 and 7.6 require development proposals to be of the highest design quality and have appropriate regard to local context. Local Plan Policy SP11 and saved UDP Policy UD3 reinforce this strategic approach.
- 6.3.2 The Magistrates' Court was built in the 1960s, and is typical of its period, typology and architectural style. It is a two storey substantial building, with a basement, consisting of a brick plinth and a continuous Portland stone clad front facade. The facade is broken by deep windows with green granite stone reveals that accentuate the pale but elegant frontage. The prominent glazed entrance along Bishops Road provides the building a focal point. Internally, the substantial basement contains cells.
- 6.3.3 The Police Station is a late 1960s building, three storeys in height along with a basement level. The building is in brick with a concrete tile pitched roof. The building presents a blank brick facade with an entrance canopy at first floor.
- 6.3.4 Telfer House is a three storey brick building with cladding panels.

New development

- 6.3.5 The new development is for a part 3 to part 7 storey apartment block and a 3 storey mews block to provide 82 residential flats. The main block of the new development will straddle Church Road, Bishops Road and the apex on Archway Road to form a '7' shaped block with an enclosed courtyard. Beyond this, the 3 storey mews block will be situated to the west and to the rear of The Vicarage on Church Road and the rear gardens of the terraced properties within Talbot Road. The main flatted development has been divided into typical plot sizes of the local area with protruding bays to maintain the prevailing pattern of development within Bishops Road and Church Road.
- 6.3.6 Objectors have queried the building line of the main block, which projects forward of the Bishops Road terrace buildings. Officers acknowledge that the projecting bays of the proposed building of the Bishops Road elevation 'juts' beyond the existing front building of the adjoining terraced properties; however, notwithstanding the bays, the principal elevation and the end corner of the proposed building closest to the end of terrace property at No. 35 Bishops Road would be in line with the established front building of Bishops Road. The projecting bays have been designed in order to add further articulation to the principal elevations, define the plot widths, and provide valuable private amenity space to the units on the upper floors; otherwise the main facades of the proposed building would appear monolithic and utilitarian in appearance.
- 6.3.7 The siting of the mews block has restricted public vantage points with limited long distance vistas from Church Road. It has been designed in such a manner to match the south-western flank wall of the end of terrace property on Talbot Road, and set in from the rear garden boundaries of these existing residential properties.
- 6.3.8 Local residents and amenity groups have strongly objected to the height of the development on Archway Road, and the principle of creating a 'landmark' building in the locality.
- 6.3.9 Objectors and The City of London Corporation have also referred to the draft Haringey's Site Allocations DPD as this site referenced as HG2, has been identified for a future residential led mixed use scheme. In particular, the design principles of the Site Allocations DPD mentions that four or possibly five storeys would be possible towards the apex of the site (at the junction of Archway Road, Bishops Road and Church Road). Members are asked to note that this DPD is purely at draft consultation stage and little weight can be afforded to this document in the decision making of this proposed development. However, notwithstanding, this proposal has been assessed on its own merits and the height of the building and its acceptability in terms of exceeding the height specified in the draft DPD is assessed in the following paragraphs in this section and in the Conservation Section of this report.
- 6.3.10 The applicant has provided a contextual analysis of large apartment buildings in Highgate to justify the 7 storey element of the proposed building. These include among others: corner properties on the junction of Church Road/North Hill, Highgate Hill/Cholmeley Park, North Hill/Broadlands Road and North

Hill/Broadlands; and focal buildings such as Highpoint, Hillcrest, Southwood Heights and Southwood Lane. Officers take the view that the seven storey element of the building cannot be described as being significantly out of context compared to the buildings in the surrounding area such as the precedents listed above and the adjacent Topps Tiles building. It is also relevant that paragraph 2.1.8 of Haringey's Local Plan encourages higher densities in particular in the most accessible parts of the borough with high PTAL's as well as other appropriate locations. However, in order to satisfy policy the building needs to be of an exceptional design quality to justify its heights of up to 7 storeys at this particular prominent location and in the locality.

- 6.3.11 The width and design of the 7 storey element of the proposed building has been altered significantly during pre-application negotiations so that it appears visibly slender on the corner junction. Its recessed gaps and juxtaposition with its 'shoulders' further accentuates its slenderness. The width has been notably reduced from 15m to 9.8m and from two flats to one on each of the upper floors. Other aspects of the scheme have been revised following continual discussions with Officers, and in response to comments made by Design Review Panel and following several workshops with The Highgate Society and Highgate CAAC (although the Highgate Society and CAAC have submitted objections to the proposal). The other significant changes include the treatment of the rooflines, balconies and elevation detailing and the design and layout of the internal courtyard parking.
- 6.3.12 The new development is contemporary in appearance yet picks up the design cues and material palettes of the existing surrounding properties such as: subdivided bays; recessed balconies; double height framed elements mimicking the traditional bays; and the use of traditional materials including yellow brick, paler bricks and stone dressings, all within which achieves a successive response to its local context.
- 6.3.13 The proposal has been designed to take advantage of the change in land levels across the site and its corner location. The main block on Bishops Road and Church Road gradually increase in height from three storeys at the ends to form seven storeys at the apex / corner junction of Archway Road, Bishop's Road and Church Road. Granted, the resultant form and scale is taller than the adjacent buildings including the Topps Tiles development (Nos. 397 to 405 Archway Road) which is four storeys in height. However, the long elevations and massing are divided into a series of 'Villa' like elements to match the plot widths of the adjacent semi-detached dwellings. This, in combination to the other design elements proposed such as the active street frontages and the incremental stepping down of the storeys is considered to be an acceptable design quality in the proposed form of its scale and bulk.
- 6.3.14 The 7 storey element of the proposed building is emphasised by its recessed gaps and its 'shoulders', is considered to be slender and elegantly designed in order to distinguish its apex location, and also seen a focal point to demarcate the transition between the residential and commercial residential land uses along this end of Archway Road. It should be further recognised that the seven storey element, which quickly falls in height from the apex, only equates to 7%

in terms of the overall footprint of the apartment block. In contrast, the three to five storey aspect of the main block accounts for some 80% of the total footprint. It is considered that the proposed development is of exceptional design quality and is therefore appropriate in its setting in terms of its siting, scale, design and varying heights.

Density

- 6.3.15 The density is relevant to whether the amount of development proposed is appropriate for a site. This is dependent on its location and accessibility to local transport services. Local Plan Policy SP2 states that new residential development proposals should meet the density levels in the Density Matrix of the London Plan.
- 6.3.16 Residents and amenity groups have argued that the proposal by virtue of the number of residential units offered would represent a gross overdevelopment on the site.
- 6.3.17 The density proposed of 205 (82 units / 0.4 Ha) units per hectare and 598 (239 / 0.4) habitable rooms per hectare accords with the guidelines set out in table 3.2 within London Plan Policy 3.4, which suggests a density of up to 260 u/ha and 700 hr/ha at this urban location (PTAL 4). Therefore, it is considered that the scheme does not constitute an overdevelopment on the site and the quantum of units proposed is acceptable in its local setting, subject to all other material planning considerations being met.

6.4 Impact of the proposed development on the character and appearance of the conservation area and setting of a listed structure

- 6.4.1 The Legal Position on impacts on heritage assets is as follows, and Section 72(1) of the Listed Buildings Act 1990 provides:

“In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.” Among the provisions referred to in subsection (2) are “the planning Acts”.

- 6.4.1 The *Barnwell Manor Wind Farm Energy Limited v East Northamptonshire District Council* case tells us that *“Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.”*
- 6.4.2 The *Queen (on the application of The Forge Field Society) v Sevenoaks District Council* says that the duties in Sections 66 and 72 of the Listed Buildings Act do not allow a Local Planning Authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation

areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in *Barnwell*, it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight. This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise, as the Court of Appeal emphasized in *Barnwell*, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one, but it is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. An authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.

- 6.4.3 In short, there is a requirement that the impact of the proposal on the heritage assets be very carefully considered, that is to say that any harm or benefit to each element needs to be assessed individually in order to assess and come to a conclusion on the overall heritage position. If the overall heritage assessment concludes that the proposal is harmful then that should be given "considerable importance and weight" in the final balancing exercise having regard to other material considerations which would need to carry greater weight in order to prevail.
- 6.4.4 London Plan Policy 7.8 requires that development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale and architectural detail. Haringey Local Plan Policy SP12 requires the conservation of the historic significance of Haringey's heritage assets. Saved Haringey Unitary Development Plan Policy CSV5 requires that alterations or extensions preserve or enhance the character of the Conservation Area.

Demolition of former Highgate Magistrates' Court, Police Station and Telfer House

- 6.4.5 The Highgate Conservation Area Character Appraisal and Management Plan, December 2013 describes: the Police Station as '*a prominent post modern building*'; Telfer House as being '*a utilitarian office block*'; and Highgate Magistrates' Court of a '*modernist style and is a good example of its period*'. Officers consider that the existing buildings on the site offer no original functionality, and as a single entity make a limited contribution to the conservation area in general. Although the Magistrate's Court has some degree of architectural merit, the Police Station and Telfer House have no architectural or townscape merit.

6.4.6 The demolition of these buildings should be recorded in accordance to English Heritage's guidance for future understanding of the site and the locality. In light of the above evaluation, it is considered that the proposed demolition of the existing buildings is accepted in principle, and on the proviso that the replacement building is deemed appropriate in satisfying Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990.

Impact of conservation area

6.4.7 The development site falls within the Highgate Conservation Area; originally designated in 1967, but the area containing this property was designated as part of an extension in 1990.

6.4.8 Given the sensitive location of the site within the conservation area, Officers need to be convinced that the new development should respect the scale and massing of existing buildings and contribute positively to the area.

6.4.9 It is the opinion of Officers that its unique corner location where the three roads converge is such that the height of the tower at this setting is justified. The seven storey element of the proposed building itself is not considered to set a precedent in the general area as the existing four storey terrace along Archway Road has been established.

6.4.10 The scale and massing of the proposed development would have a degree of impact on the character and appearance of the conservation area as it is larger than the existing developments that can be found within Church Road, Bishops Road and Archway Road. Notwithstanding this, and as explained under Section 6.3 of this report, the main block which straddles all three roads, achieves a successful design solution to reduce its overall bulk, and re-provides an active street frontage which is a characteristic of the local area.

6.4.11 The principal elevation picks up on the established Victorian and Edwardian terraces through the creation of bays and recesses but in a contemporary style. With this design rationale and the use of traditional materials, the interpretation of the main facades is considered positive in fostering local distinctiveness. To that end, the harm caused by the scale and massing of the scheme on the conservation area would be less than significant. The less than significant harm caused by the loss of the existing buildings has been given significant weight but is felt to be outweighed by the enhancement of the conservation area that the new development would bring and the considerable wider heritage benefit demonstrated by the scheme as a whole. This stance is consistent with Paragraph 134 of the NPPF which states,

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

Impact on listed structure

6.4.12 The Cattle Trough - a drinking fountain and horse trough in Church Road immediately in front of the Police Station is a Grade II listed structure. The listing description states: *'Installed in the later 19th Century, the structure is rectangular with chamfered base in granite. There is an inscription reading 'Metropolitan Drinking Fountain and Cattle Trough Association'. There is also a dog trough below'*. The structure makes a positive contribution to the historical significance of the area and to the public realm.

6.4.13 It is no doubt that the scale of the proposed development would have a degree of impact on the setting of this listed structure. However, the small scale and siting of the structure means that its setting is limited to the immediate public realm which would remain unaffected by the development in general. As such, the proposed development would not harm the setting of the listed structure and therefore its setting would be preserved.

6.4.14 As a summary, the proposal to seek the demolition of the Highgate Magistrates' Court, Police Station and Telfer House to facilitate the redevelopment of the site is accepted by Officers subject to the replacement scheme preserving or enhancing the conservation area. Bearing in mind the current building forms and heights on site, the design quality of the proposed development and associated materials the development will serve to enhance the appearance of the site and its setting within the conservation area. The less than significant harm to the conservation area has been given significant weight and is considered to be outweighed by the overall enhancement of the conservation area. There is no harm to the listed structure, and the proposal would therefore satisfy the statutory duties set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and accord to the design and conservation aims and objectives as set out in the NPPF, London Plan Policies 7.4, 7.5 and 7.6, saved UDP Policy UD3, Local Plan Policies SP11 and SP12 and SPG2 'Conservation and archaeology'.

6.5 Impact on the amenity of adjoining occupiers

Daylight/sunlight, outlook & overshadowing

6.5.1 Saved UDP Policy UD3 states that development proposals are required to demonstrate that there is no significant adverse impact on residential amenity or other surrounding uses in terms of loss of daylight or sunlight, privacy, overlooking. Similarly London Plan Policy 7.6 requires buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy.

6.5.2 The nearest existing residential properties that would be most affected by the siting and scale of the proposed development are:

- No. 35 Bishops Road to the south;
- Nos. 37 to 43 Talbot Road and Vicarage Church Road;
- Nos. 1 to 8 Bloomfield Court on Bishops Road to the south-east;

- No. 411 Archway Road to the north-west; and
- Nos. 1 to 8 Olisa Court (446 Archway Road) and Nos. 1 to 12 Arlington Court (444 Archway Road) to the north east.

6.5.3 The south elevation of the existing two-storey Magistrates' Court is situated some 5.5m from the principal northern wall of the end of terrace property at No. 35 Bishops Road. The new proposed development will effectively reduce this gap from 5.5m to 3.9m. However, this reduction is considered satisfactory to maintain an acceptable visual opening / distance between the neighbouring properties. The southern section of the main block closest to 35 Bishops Road would also not project beyond its front and rear building lines to maintain an acceptable level of living conditions to occupiers of this dwelling.

6.5.4 The western wing of the new main block will maintain the existing gap between The Vicarage on Church Road and the former Telfer House, but will be deeper at the rear. However, the corner point of the main block will be compliant to the BRE recommended 45 degree sunlight angle taken from the centre of the nearest rear-facing windows of The Vicarage. In terms of the mews block, the separation distance between habitable rooms is approximately 17 metres. There are mature deciduous trees sited in the rear garden of The Vicarage and in between the windows, which would provide a degree of screening. As such, the existing amenity currently enjoyed by occupants of The Vicarage will be largely preserved.

6.5.5 The applicant's sunlight/daylight assessment report further demonstrates that the development would have a minimal sunlight/daylight impact on existing surrounding properties, and would meet the BRE guidance in general. 132 out of the 134 windows of the surrounding buildings tested passed the BRE daylight guidance. The 2 windows of The Vicarage that fell below the BRE guidance (between 20% and 40%) are secondary windows to the same habitable room. All the 66 windows tested of the existing surrounding properties that face within 90 degrees of due south passed the BRE sunlight guidance. As such, the new development would not cause any significant loss of residential amenity with regard to daylight/sunlight and outlook impact to surrounding properties in accordance to saved UDP Policy UD3 and London Plan Policy 7.6.

Privacy and overlooking

6.5.6 The side gable end of 35 Bishops Road has existing second floor habitable room windows. The southern end of the main block closest to the flank wall of 35 Bishops Road has been designed to incorporate obscure glazed second floor windows to avoid any loss of privacy to residential property.

6.5.7 The properties at Nos. 37 to 43 Talbot Road enjoy a number of semi-mature and mature trees to the end of their rear gardens, which in turn, would act as a natural screen between the rear of these terraced properties and the new mews block development. In addition, the separation distance between the opposite rear windows of the Talbot Road properties and the mews block ranging

between 32m and 34m is wholly acceptable in order to avoid any material levels of overlooking or loss of privacy.

- 6.5.8 The closest habitable rooms at 411 Archway Road are located over 23m away from the western wing of the main block. This distance is acceptable to ensure the existing levels of privacy of this residential unit will not be impacted by the siting and scale of the proposed development.
- 6.5.9 The main block will maintain the existing urban grain within Bishops Road so as to not incur any significant loss of privacy to occupants residing in the flatted development at Nos. 1 to 8 Bloomfield Court on Bishops Road. The presence of dense planting and large mature trees situated along the western boundary at Bloomfield Court facing the application site provide natural screening. The living conditions of the residents at Nos. 1 to 8 Bloomfield Court would therefore not be affected.
- 6.5.10 Similarly, the proposal will preserve the existing urban grain between opposite properties on Archway Road; between 21m (Olisa Court) and 25m (Arlington Court) to achieve acceptable separation distances between opposite building blocks. As such there will be no material levels of overlooking issues between the new and existing buildings on Archway Road.

Noise and disturbance

- 6.5.11 In terms of the noise and disturbance, saved UDP Policies UD3 and ENV6 require development proposals to demonstrate that there is no significant adverse impact on residential amenity including noise, pollution and of fume and smell nuisance. In addition saved UDP Policy ENV7 necessitates developments to include mitigating measures against the emissions of pollutants and separate polluting activities from sensitive areas including homes. These policies align with London Plan Policies 7.14 and 7.15 and the NPPF which protects residential properties from the transmission of airborne pollutants arising from new developments.
- 6.5.12 Archway Road, by nature of being a principal borough road, experiences a high level of ambient noise during the day and evening directly as a result of the high number of vehicular and pedestrian movements. In contrast, Bishops Road and Church Road are residential streets with low background noise which is more evident as the site is currently vacant. When occupied, the former Magistrates' Court, Police Station and Telfer House would have attracted a significant number of trip generations. As such, the residential proposal is unlikely to cause any noise and disturbance impacts to surrounding residential properties.
- 6.5.13 The imposition of an environmental code condition to the decision on any grant of planning permission would ensure that the construction of the new development on the site would have a minimal impact upon the living conditions in terms of noise and dust on nearby residential units. Such details required would be wheel washing, appropriate screening, etc in accordance to the London Code of Construction Practice.

6.6 Housing

Affordable housing

- 6.6.1 The Council's Planning Policies as set out in Local Plan Policy SP2 requires that, *"Subject to viability, sites capable of delivering ten or more units, will be required to meet a borough wide affordable housing target of 50%, based on habitable rooms"*. This stance aligns with London Plan Policy 3.8 which requires the provision of affordable family housing, where London Plan Policy 3.11 sets out the strategic affordable housing targets as it, *"seek to maximise affordable housing provision and ensure an average of at least 13,200 more affordable homes per year in London"*.
- 6.6.2 London Plan Policy 3.12 states that Boroughs should seek, *"the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes"*, having regard to: *their affordable housing targets; the need to promote mixed and balanced communities; the size and type of affordable housing needed in particular locations; and the individual circumstances including development viability"*.
- 6.6.3 The policy further continues to say that, *"negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements"*.
- 6.6.4 Paragraph 173 of the NPPF seeks to ensure viability, so that, *"the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable"*.
- 6.6.5 In the case of this application comprising the former Highgate Police Station, Haringey Magistrates' Court and Telfer House, this would equate to 119 affordable habitable rooms when assessed against the total number of habitable rooms proposed on the site.
- 6.6.6 The developer has offered 26 affordable units or 72 habitable rooms out of a total of 239 habitable rooms. The proposed tenure split is:

	1 Bed	2 Bed	3 Bed	Total
Private	8	41	7	56 (68%)
Intermediate	3	6	0	9 (11%)
Social/affordable rented	7	6	4	17 (21%)
Total	18	53	11	82

- 6.6.7 The social rented units will be located on the ground, first, second and third floors of the south-western wing of the apartment block, where the 1 bedroom

and 2 bedroom shared ownership units will be exclusively confined to the mews block.

- 6.6.8 Haringey's Housing Team reviewed the housing mix proposed and initially recommended a mix of less 1 bedroom units for the affordable rent and some 3 bed units allocated for the intermediate. However, the current offer has been pragmatically accepted because a change to the mix would impact on the scheme's viability and reduce the overall level of affordable housing. In this instance given the need for affordable housing of all sizes the quantum of units has been prioritised over the mix.
- 6.6.9 The number of affordable units provided equates to 32% affordable housing which is below the local and London 50% affordable housing target. However, the applicant has submitted an economic viability assessment to justify the level of on-site affordable units offered. The report has been independently reviewed by Officers and concludes the scheme is viable at 32% when measured against the benchmark land value, and this is considered the maximum level of affordable housing that the site can viably support.

Housing mix

- 6.6.10 London Plan Policy 3.8 requires new residential developments to offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors, including the private rented sector.
- 6.6.11 Officers need to be convinced that the private and affordable housing dwelling mix for all residential development proposals in the borough is acceptable in order to mixed sustainable and cohesive communities. Each individual scheme should be considered in its local context, availability of subsidy and viability.
- 6.6.12 The proposal is for 82 residential units. The general housing mix is as follows:

No. of bedrooms	No. of units	% of units
1 bed units	18	22
2 bed units	53	65
3 bed units	11	13
TOTAL	82	100

- 6.6.13 Although the proposed housing mix has a larger number of 2 bedroom units, this is offset by the quantum of family housing offered (13%) and mix of residential accommodation overall. Furthermore, the Council has identified a shortage of family sized housing in the west of the borough and this development therefore addresses this by providing a number of larger family units on the site. Therefore, on balance the proposed mix of housing units is considered acceptable.

6.7 Living conditions for future occupants

Space standards

- 6.7.1 Local Plan Policy SP2, London Plan Policy 3.5 and the Mayor's Housing Supplementary Planning Guidance (SPG), November 2012, set out the minimum unit sizes for new residential development:

Unit type	Minimum GIA (sqm)
1 bedroom 1 person	37
1 bedroom 2 persons	50
2 bedroom 3 persons	61
2 bedroom 4 persons	70
3 bedroom 5 persons	86
3 bedroom 6 persons	95

- 6.7.2 In assessing the proposal against these requirements, all 82 flats will comply with the above standards. The London Plan also sets out the minimum space standards for individual rooms. Again, all the individual rooms will be compliant to the London Plan minima to result in acceptable living conditions for future occupiers of the new development.
- 6.7.3 All the flats with the exception of Units 14, 18 and 19 will have access to private balconies and in line with the London Plan amenity standards. Those units that do not benefit from external balconies and all the flats in general, have access to the private courtyard and are also within easy reach of Highgate Wood, a designated open space located on the opposite side of Archway Road.
- 6.7.4 An objection was received with regard to the low floor-to-ceiling heights and its failure to meet the London Plan standards (2.5m). Officers have carried out an assessment in order to calculate the distance between the finished floor level to finished ceiling level of the apartment and mews blocks. The assessment reveals all the units (min. 2.6m) throughout the new development will achieve the London Plan 2.5m minimum requirement.

Daylight/sunlight

- 6.7.5 The applicant has provided a daylight/sunlight BRE report which demonstrates that the majority of the rooms in the new development will be within BRE guidance. BRE daylight standards consist of 3 elements: Vertical Sky Component (VSC) – facing windows; Average Daylight Factor (ADF) – taken from within the room; and Daylight Distribution (DDR) – daylight uniformity.
- 6.7.6 121 out of 131 rooms (92%) passed the ADF test or have a negligible shortfall over the recommended level; and 126 out of 131 (96%) rooms passed the DDR test or have a negligible shortfall over the recommended level. This indicates that the majority of the rooms will meet the BRE guidelines. Of those which fall below the standards, these units have been designed to be deep open plan, living/kitchen/dining rooms, which are spacious in order to offset the shortfall and mitigate the impacts.

- 6.7.7 It is worth noting that the BRE standards are not policy but are universally recognised guidance which is used in order to determine the acceptability of levels of daylight/sunlight within new development.
- 6.7.8 In the BRE guidelines, it states that if the VSC at the centre of a window is more than 27%, then the diffuse daylighting of the building will not be adversely affected. Based on the daylight/sunlight report 168 out of 266 windows will pass the BRE VSC standard or have a negligible shortfall. It should be noted however that the 27% VSC recommended guideline is based on a low density suburban housing model and in an urban environment it is recognised that VSC values in excess of 20% are considered as reasonably good, and that VSC values in the mid-teens are deemed acceptable. Paragraph 2.3.29 of the GLA Housing SPD supports this view as it acknowledges that natural light can be restricted in densely developed parts of the city. In applying this methodology, the total number of windows which would receive an acceptable level of direct light from the sky increases to 203 out of 266 (76%).
- 6.7.9 More importantly, the ADF assessment is a true measure of whether a room achieves an acceptable level of daylight. 11 units in total have rooms that don't meet the ADF guidelines as such 87% of units include a room that does meet the ADF guidelines. 1 of the units not meeting these guidelines is social rent and 1 is shared ownership. As the results indicate above, 92% of the rooms will either achieve the BRE ADF guidance or just below to a level that would not be discernible to occupants of the individual units.
- 6.7.10 In terms of the sunlight assessment, 81 out of 107 windows tested in the initial proposal achieved the BRE guidance levels. In order to address the shortfall, additional windows have been included for the units which are below the BRE guidance and now all of the windows meet the BRE sunlight guidance. In conclusion, the proposal will achieve an acceptable level of daylight/sunlight in accordance with the BRE guidance to provide satisfactory living conditions for future occupiers of the new development.

Layout

- 6.7.11 The orientation of the Bishops Road and Church Road main blocks and the mews block have been designed and sited in such a manner so as to avoid any direct overlooking impact between opposite units surrounding the courtyard. Instead, the relationship between the habitable windows of the facing units is at an oblique angle so there will be no front-on views.
- 6.7.12 It should be noted that the cluster of 3 adjacent windows on the apex and the first, second, third, fourth and fifth floors of the main residential block belong to the same flat on each of these floors respectively (Units 13, 31, 49, 63 and 72).
- 6.7.13 In terms of layout, no flats proposed are single-aspect, north-facing. Instead, the units have been designed and laid out to be dual-aspect with some of the larger units being triple-aspect to afford in an acceptable level of outlook, daylight and naturally ventilated rooms.

Children's play space

- 6.7.14 Local Plan Policy SP2 requires residential development proposals to adopt the GLA Child Play Space Standards 2009, where London Plan Policy 3.6 and Local Plan Policy SP13 underline the need to make provision for children's informal or formal play space. The provision of play space should integrate with the public realm without compromising the amenity needs/enjoyment of other residents and encourage children to play.
- 6.7.15 The development includes informal play spaces in the form of the private courtyard area and the land south of the mews block which equates to approximately 480 sqm. The play spaces are centrally located with the units facing the courtyard offering natural surveillance. Based on the housing and tenure mix, the provision of play space significantly would exceed the total play space required based on the GLA's target of 10 sqm benchmark (226.6 sqm) and the Haringey's Open Space Standards SPD (68 sqm) minimum target of 3 sqm.
- 6.7.16 Overall, the quality of residential accommodation of the new flatted development is acceptable for prospective occupants in meeting the policy aims and objectives of Local Plan Policies SP2 and SP13, London Plan Policies 3.5 and 3.6 and the Mayor's Housing Supplementary Planning Guidance.

Air quality

- 6.7.17 The fact that there are only 3 balconies fronting onto Archway Road serving 3 of 82 flats in the development as a whole would not make it reasonable for the Local Planning Authority to refuse the application on the grounds suggested by the Environmental Health team. Such a stance would also potentially prohibit all forms of external balconies facing major roads in the borough and London and would be a major constraint on development. This is not a defensible position. The remaining issues raised are dealt with by conditions as recommended by the Environmental Health team.

6.8 Parking and highway safety

- 6.8.1 Local Plan Policy SP7 recognises the need to minimise congestion and addressing the environmental impacts of travel. London Plan Policy 6.3 requires development proposal to the impacts on transport capacity and the network should be taken into account.
- 6.8.2 The application site has a public transport accessibility level (PTAL) of 4 which is indicative of medium accessibility to local public transport services, and is within Highgate Station control parking zone (CPZ) subject to on-street parking controls between Mondays to Fridays 10:00 to 14:00.
- 6.8.3 The site also falls in the Archway Road Restricted Conversion Area, as per saved UDP Policy HSG11, which means the site has been identified as experiencing problems of extreme parking pressure to the detriment of local

residential amenity. Owing to the existing parking pressures, the proposed development will need to provide the recommended minimum parking as required in Policy M10 and Appendix 1 of Haringey's saved UDP. The saved UDP parking standards are 0.33 spaces per 1 bedroom unit and 1 space per 2 or more bedroom unit.

- 6.8.4 Given the existing parking pressures around the site; local residents and amenity groups have strongly objected to the proposal as they anticipate the cumulative effect of the number of the units and associated vehicles proposed on the site would exacerbate current parking conditions.
- 6.8.5 The applicant has provided a transport assessment in line with the requirements of the NPPF, Local Plan Policy SP7 and London Plan Policy 6.3, as developments that generate significant amounts of movement are required to be supported by a Transport Statement or Transport Assessment. The applicant's transport assessment has assessed the trips that are likely to be generated by the proposed development using similar sites namely; Merrywether Place in Greenwich, Sewardstone Road in Tower Hamlets. According to the analysis, the proposal would generate approximately 54 trip generations during the AM peak and 35 persons trip in the PM peak, within which 17% of these trips will be by car drive/car passenger, 3% by motorcycle and the remaining 80% by sustainable modes of transport.
- 6.8.6 Importantly, when comparing the proposed generated trips to the existing use: Magistrates Court, Police Station and Probation office, the proposed development would result in 45 fewer two-way trips in the AM peak and 48 less two-way trips during the PM peak. Although the proposed development will result in generating less vehicular traffic during the network peak operational hours, the peak demand for parking will occur outside of this period.
- 6.8.7 41 off-street basement and undercroft car parking spaces located in the centre of the site are offered for the proposed 82 units. This quantum of parking means that 50% of the units will be allocated with a designated parking space.
- 6.8.8 A parking survey in line with the accepted Lambeth Methodology was conducted by the applicant's team. The results of survey concluded that although there is 25% and 29% spare parking capacity within 200 metres of the site (123 and 129 no. of available spaces), three of the roads closest to the site are experiencing high parking pressures namely: Archway Road, Talbot Road and Bishops Road. As such, it is the opinion of Officer's that this development proposal is required to be a car capped and secured under a legally binding S106 Agreement. This means future residents of the new development including those who have been allocated an off-street space within the development will not be entitled to apply for on-street car parking permits. This mechanism ensures that the new development will not cause any parking overspill or additional stress within the surrounding highway network.
- 6.8.9 To implement the car capped development, Haringey Council will be required to review the existing CPZ to ensure adequate operation hours can be provided to restrain future residents of the proposed development the ability to park within

the surrounding highway network. Any changes to the existing CPZ operational hours will be subject to local consultation in order to ensure that the proposal will not exacerbate the existing parking conditions. To facilitate the review, a financial contribution will be sought from the applicant and secured under legally binding S106 agreement. In light of the above evaluation and given the public transport accessibility level of the site and the site's connectivity, the quantum of parking proposed is considered acceptable by Officers, and thus is in accordance to London Plan Policy 6.1 and saved UDP Policy M10.

- 6.8.10 Vehicular access into the proposed development will be obtained from Bishops Road via a newly constructed access point which is 4.9m wide. This is capable of accommodating two-way traffic movements, i.e. cars leaving and entering the site in forward gear at the same time. The layout proposed will provide multiple pedestrian access points on Bishops Road, Archway Road and Church Road. The existing vehicular access points on Church Road and Bishops Road will have to be removed, and the footways reconstructed. The new access vehicular access point on Bishops Road will also have to be constructed and to the cost of the applicant and be secured under a Section 278 agreement.
- 6.8.11 118 secured and covered cycle parking spaces are proposed which would promote a sustainable mode of travel over the private motor vehicle in accordance to the NPPF, London Plan Policy 6.9 and Local Plan Policy SP7.
- 6.8.12 In terms of the waste arrangements, the refuse points will be located on Church Road and Bishops Roads. The applicant will be required to provide a delivery and service plan to demonstrate how the proposed development will be serviced to avoid vehicle obstructions and awkward manoeuvres and bins being stored on the adjacent public highway to the detriment of the safe and free flow of pedestrian traffic on Church Road and Bishops Roads.
- 6.8.13 The applicant has submitted a draft Travel Plan to encourage and monitor sustainable modes of travel of prospective residents. The NPPF recognises it as a key tool to facilitate the use and uptake of sustainable transport modes for the movement of goods or people. To ensure its effectiveness and for monitoring purposes, the travel plan will be secured under a Section 106 Agreement.

6.9 Accessibility

- 6.9.1 The NPPF and London Plan Policies 3.8 and 7.2 and Local Plan Policy SP2 require all development proposals to provide satisfactory access for disabled people and those with mobility difficulties such as parents with pushchairs and young children. All residents units should be built in accordance with Lifetime Homes Standards (LTH) and Part M of Building Regulations to ensure any new housing development is suitable for the disabled users.
- 6.9.2 The applicant has shown its commitment towards creating an inclusive environment within its design and access statement to demonstrate the individual residential units will meet the requirements of the Lifetime Homes standards.

- 6.9.3 The individual and communal door entrances are wide enough and level (Criterion 3 and 4), to facilitate ease of entry for disabled users and those with mobility difficulties'. A 300mm leading edge has been achieved to all doors and all doors/hallways will achieve the minimum effective clear widths within the individual units (Criterion 4 and 6). A level entry WC which has the potential for showering facilities has been provided for the individual flats (Criterion 10). The bedroom and bathroom of the units have the potential for future fitting of hoists (Criterion 13). The bathrooms have been designed for ease of access (Criterion 14). The full height living room windows also mean occupiers are able to have a reasonable outlook when seated. (Criterion 15).
- 6.9.4 The proposal makes provision for 9 units across the main (Units 1, 2, 16, 17, 40, 58 and 60) and mews (Unit 74) blocks that are capable of being adapted in line with wheelchair accessible requirements. Each unit has been designed to the GLA Wheelchair Accessible Housing 'Best Practice Guidance' document. The total number of 9 accessible units provided exceeds the 10% Local Plan and London Plan requirement in order to meet the needs of needs of future wheelchair occupants. The wheelchair accessible units have been designed to include a dedicated charging point/parking at the entrance and an accessible bathroom to facilitate a 1500mm turning circle which is also adjacent to a bedroom for a future potential door.
- 6.9.5 It is worth noting that the proposed number of disabled parking bay should be increased from 4 to 9 in accordance to the London Plan standards so that each accessible unit is allocated with a single disabled bay. A condition to this effect should be imposed for any planning consent.
- 6.9.6 The London Plan states that it is desirable for four or more storey residential development to make provision for at least one lift. Lifts have been provided within the main block which would benefit both disabled and able-bodied occupants of the new development.

6.10 Trees

- 6.10.1 The site lies within a conservation area and as such all trees within the curtilage of the site are protected. The supporting text to Local Plan Policy SP13 recognises, "*trees play a significant role in improving environmental conditions and people's quality of life*", where the policy in general seeks the protection, management and maintenance of existing trees.
- 6.10.2 Part e) of saved UDP Policy UD3 states that the Council will require development proposals to consider appropriate tree retention, where UDP Policy OS17 seeks to protect and improve the contribution of trees, tree masses and spines to local landscape character.
- 6.10.3 There are currently 34 trees of different species (Lime, Horse Chestnut, Snowy Mespil, Silver Birch, Medlar, Apple, Japanese Cherry, Sycamore, Wild Cherry, Rowan, and Laburnum), heights and ages on the site. The proposal seeks to retain a majority of the existing trees: T4 to T14 situated in the centre of the site

and those along Church Road and Archway Road, and T19 to T34 located on Bishops Road, Church Road and the south-west corner of the site.

6.10.4 It is also proposed to remove 6 trees (T1 to T3 within the site and T15 to T18 on the corner of Archway Road and Bishops Road) to facilitate the construction of the new development. These trees are deemed poor or low quality with the exception of Horse Chestnut T3 which is of moderate quality. The loss of these trees, although regrettable, is considered acceptable as their removal will be mitigated by the planting of new trees which would form part of a comprehensive landscaping scheme in order to maintain the visual amenity of the general area in meeting Local Plan Policy SP13, saved UDP Policy UD3 and UDP Policy OS17.

6.11 Impact on Ecology

6.11.1 Local Plan Policy SP13 states that, *“all development shall protect and improve sites of biodiversity and nature conservation”*. London Plan Policy 7.19 cites, *“development proposals should wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity”* (Part a), and *“not adversely affect the integrity of European sites, and be resisted where they have significant adverse impact... on the population or conservation status of a protected species, or a priority species or habitat identified in a UK”*.

6.11.2 It should be noted that the site has no biodiversity or nature conservation designation within the Proposals Map, but the strip of land opposite and on the north-east side of Archway Road is designated as an ecological corridor.

6.11.3 Bats are protected by law and the Council has a legal obligation to determine whether bats are likely to be affected by any development proposals.

6.11.4 The applicant carried out a Phase 1 habitat survey which concluded no evidence of protected species was found during the inspection on the site. It further states that bats are unlikely to be present when the buildings are demolished; therefore no further survey work for bats is recommended. The applicant has suggested installing one Schwegler 1WQ bat box and two Schwegler 1HE brick bird boxes within the new development to provide similar bat roosting opportunities to those within the existing site, and to replace bird nesting opportunities lost by the clearance of the existing scrubs and trees. These mitigation measures secured by the imposition of a condition are considered acceptable by Officers.

6.11.5 With regard to the enhancement of site's low ecological value, a number of recommendations are proposed by the applicant namely; reusing logs from soft felled trees in new planting beds or underneath boundary vegetation; the use of wildlife friendly planting; and installation two insect houses, one Schwegler 2GR bird box, and one Schwegler 1FF bat box within the site. Such measures would enhance the ecological value of the site in accordance to Local Plan Policy SP13 and London Plan Policy 7.19.

6.12 Flood Risk

6.12.1 Local Plan Policy SP5 and London Plan Policy 5.12 seek to address current and future flood issues and minimise risks in a sustainable and cost effective way.

6.12.2 London Plan Policy 5.13 sets out the drainage hierarchy for Sustainable Drainage Systems (SUDS) so greenfield run-off rates are achieved and that surface water run-off is managed as close to its source as possible:

1. store rainwater for later use;
2. use infiltration techniques, such as porous surfaces in non-clay areas;
3. attenuate rainwater in ponds or open water features for gradual release;
4. attenuate rainwater by storing in tanks or sealed water features for gradual release;
5. discharge rainwater direct to a watercourse;
6. discharge rainwater to a surface water sewer/drain; and
7. discharge rainwater to the combined sewer

6.12.3 The site predominantly falls within flood risk zone 1 which indicates low probability of flooding which comprises land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).

6.12.4 Officers consider that the development by reason of being located within flood risk zone 1, the existing buildings and hardstanding and the comprehensive landscaping scheme proposed will not increase flood risk on or off the site in accordance with Local Plan Policy SP5 and London Plan Policy 5.12.

6.12.5 Thames Water has set out that it has been unable to determine the waste water infrastructure needs of this application given the information submitted. It requested that the Local Planning Authority include a 'Grampian Style' condition- "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. This and the other conditions requested by Thames Water have been included on the draft decision notice.

6.13 Sustainability

6.13.1 The NPPF and London Plan Policies 5.1, 5.2, 5.3, 5.7, 5.8, 5.9, 5.10 and 5.11, as well as Policy of Haringey's Core Strategy set out the sustainable objectives in order to tackle climate change. Information is sought regarding how far residential development proposals meet the Code for Sustainable Homes Level 4 criteria, and where sustainability measures such as the use of rainwater harvesting, renewable energy, energy efficiency, etc are included as part of the proposals.

- 6.13.2 London Plan Policy 5.2 requires major residential proposals are required to attain a 40 per cent carbon dioxide emissions improvement on 2010 Building Regulations Part L, and such major developments should include an energy assessment to demonstrate how the carbon dioxide emissions reduction targets are met.
- 6.13.3 A number of renewable technologies were considered by the applicant, and many of them were initially discounted due to: the environmental constraints of the site (wind turbines, biomass heating and hot water); development layout and orientation (PV panels); insufficient available ground (ground source heat pumps); and the absence of existing district heating systems in the locality.
- 6.13.4 The preferred renewable technology opted by the applicant was a single, central combined heat and power (CHP) unit which would serve the main and mews blocks. This decision was based on the density of use, maintenance, distribution and cost effectiveness of the CHP unit, and thereby in sum, the applicant's energy report demonstrates the new development would exceed the 40% reduction in carbon dioxide emissions, and a minimum Code Level 4 in conforming to the above policy framework.
- 6.13.5 The imposition of conditions on any grant of planning permission would ensure the energy measures as outlined within the applicant's energy report will meet the minimum policy energy requirements.

6.14 Conclusion

- 6.14.1 This current planning application is for the creation of 82 residential flats comprising 18 x 1 bedroom 53 x 2 bedroom and 11 x 3 bedroom units, and is considered to be acceptable in principle. The proposed development would provide much required family-sized residential dwellings and additional housing generally whilst contributing to the Boroughs housing targets as set out in Haringey's Local Plan and the London Plan.
- 6.14.2 The proposal is of an acceptable density for the site as it falls within the appropriate density range as set out in the London Plan for this part of the Borough. The development has been located on the site appropriately, and would be built to a scale and form which would not cause any significant loss of amenity to surrounding residents (Church Road, Bishops Road and Talbot Road) in terms of loss of outlook/daylight/sunlight, excessive overshadowing, noise and disturbance.
- 6.14.3 Bearing in mind the current building forms and heights on site, the design quality of the proposed development and associated materials the development will serve to enhance the appearance of the site and its setting within the conservation area and adjacent listed structure. The less than significant harm to the conservation area has been given significant weight and is considered to be outweighed by the overall enhancement of the conservation area. There is no harm to the listed structure, and the proposal would therefore satisfy the statutory duties set out in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 6.14.4 The proposal would be inclusively designed to Lifetime Homes standards and would provide 10% wheelchair accessible units to meet the needs of the wider community.
- 6.14.5 The proposal would provide 41 off-street parking spaces, which would ensure that existing road conditions are not materially affected with regards to vehicular movement and obstruction within Archway Road, Church Road, Bishops Road and the surrounding local road network generally, and would not have an adverse impact on the safe and free flow of pedestrian traffic.
- 6.14.6 The proposed development would regrettably result in the loss of a mature tree and a number of other trees on the site. However subject to the imposition of conditions on any grant of planning permission, further tree planting is required to compensate for the loss of trees and further conditions are imposed in order to protect the roots of the retained trees. Therefore, it is considered compensatory tree planting and the retention of the majority of existing trees on the site will support and safeguard the important amenity value trees have on the site, and will preserve the character and appearance of the conservation area and the locality generally.
- 6.14.7 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION

7.0 CIL

- 7.1 Based on the information given on the plans, the Mayor's CIL charge will be £89,880 (2,568 sqm x £35) and the Haringey CIL charge will be £680,520 (2,568 sqm x £265). This will be collected by Haringey after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative will be attached advising the applicant of this charge.

8.0 RECOMMENDATIONS

GRANT PERMISSION subject to conditions and subject to sec. 106 Legal Agreement.

Applicant's drawing No.(s)

Subject to the following condition(s)

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 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 accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority.

Reason: In order to avoid doubt and in the interests of good planning.

3. Notwithstanding the description of the materials in the application, no development shall take place until precise details of the materials to be used including fenestration, bricks, mortar and cladding in connection with the development hereby permitted be submitted to, approved in writing by and implemented in accordance with the requirements of the Local Planning Authority and retained as such in perpetuity.

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

4. No development shall commence until details of a scheme for the reconstruction of the footways and construction of a new vehicular access on Bishops Road have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and to protect the visual amenity of the locality.

5. Within 3 months prior to construction work commencing on-site of the development hereby approved, a Construction Management Plan (CMP) and Construction Logistics Plan (CLP) shall be submitted to, and approved in writing by Local Planning Authority. The plans should provide details on how construction work (inc. demolition) would be undertaken in a manner that disruption to traffic and pedestrians on the Church Road, Bishops Road, Archway Road. It is also requested that construction vehicle movements should be carefully planned and co-ordinated to avoid the AM and PM peak periods.

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

6. No development shall hereby approved commence until a service and delivery plan (DSP) has been submitted to, and approved in writing by the Local Planning Authority.

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

7. No development shall hereby approved commence until a Car Parking Management Plan have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed parking provision is adequately managed.

8. No development shall hereby approved commence until a final layout for 20% active and 20% passive electric vehicle charging points (EVCP) in line with London Plan and TfL requirements have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide residential charging facilities for electric vehicles and to encourage the uptake of electric vehicles.

9. No development shall hereby approved commence until a final layout for 9 disabled parking bays in line with London Plan and TfL requirements have been submitted to, and approved in writing by the Local Planning Authority. The approved details shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that people with disabilities are not excluded from using the proposed development.

10. No development hereby approved shall commence until full details of both hard and soft landscape works, including the angled sections at the edge of the tower have been submitted to, and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include: proposed finished levels or contours; means of boundary fencing / railings; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme).

Such an approved scheme of planting, seeding or turfing comprised in the approved details of landscaping shall be carried out and implemented in strict 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 trees or plants, either existing or proposed, which, within a period of five 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 retained thereafter.

Reason: In order for the Local Planning 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

11. No development hereby approved shall commence until details of proposed boundary treatments shall be submitted to, approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved plans/detail.

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

12. Prior to installation, details of the Ultra Low NOx boilers for space heating and domestic hot water shall be submitted to, approved in writing by the Local Planning Authority. The boilers to be provided for space heating and domestic hot water shall have dry NOx emissions not exceeding 20 mg/kWh.

Reason: To protect local air quality.

13. Prior to commencement of the development hereby approved, evidence must show that the combustion plant to be installed meets an emissions standard of 40mg/kWh be submitted to, approved in writing by the Local Planning Authority. Where any installations e.g. Combined Heat and Power combustion plant does not meet this emissions standard it should not be operated without the fitting of suitable NOx abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation emissions certificates will need to be provided.

Reason: To protect local air quality.

14. a) No development hereby approved shall commence until a desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and

- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

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

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

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

16. No development hereby approved shall commence until a detailed report, including Risk Assessment, detailing management of demolition and construction dust has been submitted and approved in writing by the Local Planning Authority. (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 the Local Planning Authority prior to any works being carried out on the site.

Reason: To minimise loss of amenity to neighbouring residential premises during the construction of the development.

17. No impact piling of the development hereby approved shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to, and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

18.No development hereby approved shall commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

19.Prior to the occupation of the units hereby approved, a final Code Certificate certifying that Code Level 4 has been achieved shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure that the development achieves a high level of sustainability.

20.The development hereby permitted shall be built in accordance with the approved energy assessment ref. N950-14-16877, and the energy provision shall be thereafter retained in perpetuity without the prior approval, in writing, of the Local Planning Authority.

Reason: To ensure that a proportion of the energy requirement of the development is produced by on-site renewable energy sources.

21.Prior to the commencement of any development hereby approved and before any equipment, machinery or materials are brought onto the site for the purposes of the development hereby approved, details of the specification and position of the fencing for the protection of any retained trees within and adjacent to the site to comply with BS 5837: 2012 - Trees in relation to design, demolition and construction – Recommendations) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure the safety and well being of the trees on the site during construction works that are to remain after building works are completed.

22.No development hereby approved shall commence until a site meeting must take place with the Architect, the consulting Arboriculturist, the Local Authority Arboriculturist, and the Planning Officer to confirm the protection measures to be implemented. All protective measures must be installed by the Council Arboriculturist and thereafter be retained in place until the works are complete.

Reason: In order to ensure the safety and well being of the trees on the site during construction works that are to remain after building works are completed.

23.No development hereby approved shall commence until details and the locations of 1 x bat box and 2 x bird boxes have been submitted to, and approved in writing by the Local Planning Authority. Such approved details shall be thereafter retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide bat roosting and bird nesting opportunities within the existing site.

24. No demolition works of the development hereby approved shall commence until a minimum of Level 3 recording of the Highgate Magistrate's Court and a minimum of Level 2 recording of the Highgate Police Station and Telfer House as per English Heritage's guidance to 'Understanding Historic Buildings: A guide to good recording practice' has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure that there is evidence that the structure appears on Council's records.

25. Prior to the occupation of the development hereby permitted, the obscure glazed second floor windows to the south and west elevations, and obscure frosted glass panel second floor balcony to the west elevation of the main block as shown on drawing ref. 00822_E_01 rev P1, shall be installed in accordance to the approved plans, and shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid overlooking into the adjoining properties

Informatives

a) The NPPF

In dealing with this application, Haringey Council has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 to work with the applicant in a positive and proactive manner. As with all applicants, we have made available detailed advice in the form of our statutory policies, and all other Council guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

b) CIL

The applicant is advised that the proposed development will be liable for the Mayor of London and Haringey CIL. Based on the information given on the plans, the Mayor's CIL charge will be £89,880 (.2,568 x £35) and the Haringey CIL charge will be £680,520 (2,568 x £265). This will be collected by Haringey after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.

c) Street naming

The new development will require naming. The applicant should contact the Local Land Charges at least six weeks before the development is occupied (tel. 020 8489)

d) *Asbestos*

Prior to demolition of existing buildings, an asbestos survey should be carried out to identify the location and type of asbestos containing materials. Any asbestos containing materials must be removed and disposed of in accordance with the correct procedure prior to any demolition or construction works carried out.

e) *Hours of construction*

The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

- 8.00am - 6.00pm Monday to Friday
- 8.00am - 1.00pm Saturday and not at all on Sundays and Bank Holidays.

f) *Thames Water*

Waste - Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should 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 groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Water Comments

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Supplementary Comments

Thames Water requires a foul water and surface water drainage strategy that indicate the existing flow off the site (as well as their connection points) and the proposed flow off the site. This data can then be used to determine the impact on the public sewer system.

9.0 APPENDICES:
Appendix 1: Plans and images



Existing north west view along Archway Road and Archway Road/Bishops Road junction



Existing south east view along Archway Road and Archway Road/Church Road junction



Existing south view on Church Road



Existing north view on Church Road



Existing south view on Bishops Road



Existing north view on Bishops Road