

**REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE**

<b>1. APPLICATION DETAILS</b>	
<b>Reference No:</b> HGY/2015/0859	<b>Ward:</b> Fortis Green
<p><b>Address:</b> (Land To Rear Of 2-16 Lauradale Road) 85 Woodside Avenue N10 3HF</p> <p><b>Proposal:</b> Variation of Condition 2 (accordance with approved plans) following consent of planning permission HGY/2014/0511 to revise the design of the houses</p> <p><b>Applicant:</b> Mr Gonzalo Molla</p> <p><b>Ownership:</b> Private</p> <p><b>Case Officer Contact:</b> Valerie Okeiyi</p>	
<b>Date received:</b> 25/03/2015	<b>Last amended date:</b> 19/08/2015
<p><b>Drawing number of plans:</b> 1568.00.00 Rev B, 1568.01.01 Rev B, 1568.01.02 Rev B, 1568.01.03 Rev B, 1568.01.04 Rev B, 1568.01.05 Rev B, 1568.01.06 Rev B, 1568.01.07 Rev B, 1568.01.08 Rev B, 1568.01.09 Rev B</p>	
<p><b>1.1</b> This planning application is being reported to Committee due to the level of objections received.</p>	
<p><b>1.2 SUMMARY OF KEY REASONS FOR RECOMMENDATION</b></p> <ul style="list-style-type: none"> <li>• This application is for an amendment to an approved scheme (LPA Ref: HGY/2012/1425- approved June 2013) for the change of use from light industrial to residential with the demolition of the existing buildings on site and erection of 1 x three bed house and 1 x three / four bed house.</li> <li>• In this case the application seeks to vary the approved drawings to change the design, form and materials of the proposed dwellings.</li> <li>• The modern style as per amended scheme is considered an acceptable approach and is sensitive to its surroundings and will not harm the amenity of surrounding land and buildings.</li> </ul>	

## **2. RECOMMENDATION**

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

### Conditions

- 1) Development to begin no later than 11.06.2016
- 2) Development to be carried out in accordance with approved plans
- 3) Precise details of materials
- 4) Details of hard and soft landscaping
- 5) Details of boundary treatment
- 6) Detail of green roof
- 7) Details of waste and refuse
- 8) Construction Management Plan
- 9) Risk Assessment, detailing management of demolition and construction dust
- 10) Removal of permitted development rights
- 11) Details of all levels on the site
- 12) Tree Protection
- 13) Code for Sustainable Homes

### Informatives

- 1) Asbestos survey
- 2) Naming
- 4) Waste Management
- 5) Community Infrastructure Levy

In the event that member choose to make a decision contrary to Officers' recommendation members will need to state their reasons.

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### **3. PROPOSED DEVELOPMENT AND LOCATION DETAILS**

#### **Proposed development**

3.1 This is an application for the variation of Condition 2 (in accordance with approved plans) of planning consent ref: HGY/2014/0511 to change the design of the houses. The changes to the approved scheme would involve the following:

- The scheme would be of a flat roofed modern design keeping to the same envelope and footprint of the approved.
- The levels have been maintained or decreased for both houses.
- The external elevations of the houses are to be faced in brick with large areas of glazing, stainless steel fittings and minimalist details.
- The application has been amended since it was submitted and the amendments are as follows.
- Addition of 2m high brick wall, 1.2m raised flower bed, 1.8m high evergreen hedge to the rear boundary Indicative capping detail to the roof.
- Additional information on levels in plans, elevations and sections (existing and proposed levels).
- The box glazed window of house 1 on first floor level has been replaced with a flush window.
- Waste disposal area incorporated into the design

#### **Site and Surroundings**

3.2 The application site is known as 85 Woodside Avenue and is an irregular shaped site comprising of single storey buildings (an office building garage store etc) and associated hardstanding. The site and buildings are currently not in use and were last used by a construction company (Cuttle Mcleod Construction Ltd).

3.3 The subject site and the land to the west of the site were historically used by the Metropolitan Water Board for purposes connected with the nearby underground reservoir and included a depot, a garage for storage of pipes and other machinery and an associated dwelling. The site to the right which contained this associated dwelling (No 87) has been redeveloped and now contains a new brick built dwelling with accommodation in the roof space and at basement level.

3.4 To the front and south of the site is the Thames Water Reservoir site and Fortis Green Community Allotments which form a large area of green open space designated as 'Significant Local Open Land' in the Council's Local Plan. The covered reservoir site is used for recreational purposes by Aquarius Archery Club and Tetherdown Primary School. This open land is also designated as a Site of Nature Conservation (SINC) (Borough Grade II) within Haringey's Local Plan 2013.

- 3.5 Access to the site is achieved from Woodside Avenue along a tarmac paved access way, which is also used by the public as a footpath to Lauradale Road and Tetherdown School.
- 3.6 To the north of the are semi detached properties with rear gardens (approximately 13m deep) which front onto Lauradale Road. The site is located just outside the Fortis Green and Muswell Hill Conservation Areas.

### **Relevant Planning and Enforcement history**

- 3.7 HGY/2014/0511- Variation of Condition 2 (in accordance with approved plans) following consent of Planning Permission HGY/2012/1425 for a new set of drawings slightly modified – Approved - 22-07-14.

HGY/2012/1425- Change of use from light industrial to residential, demolition of existing buildings and erection of 1 x three bed house and 1 x three / four bed house – Approved - 11-06-13.

HGY/2011/0474 - Demolition of existing structures and construction of three detached dwellings comprising of 1 x two bed house and 2 x three bed houses at (Land to rear of 2 – 16 Lauradale Road) 85 Woodside Avenue N10 3HF – Non Determined - Planning Appeal Ref: APP/Y5420/A/11/2153377 was dismissed- 29/09/11.

HGY/2010/1887 -(Land To Rear Of 2-16 Lauradale Road) 85 Woodside Avenue London -Demolition of existing structures and erection of 3 x two storey single dwelling houses comprising of 1 x two bed house and 2 x four bedroom house (Amended plans) WDN-28/02/11.

HGY/2005/0834 - Change of existing garage space to office space – Approved 29/06/2005 (87 Woodside Avenue)

HGY/2005/1529 - Demolition of existing building and erection of 2 x two storey, 4 bedroom detached houses. – Refused 04/10/2005 (87 Woodside Avenue).

HGY/2005/0834 - Change of existing garage space to office space. – Approved 29/06/2005.

HGY/2003/0825 - Demolition of existing bungalow and adjacent builder's yard and single storey offices and garage. Erection of 8 new three storey houses with 12 parking spaces. – Withdrawn 30/07/2003.

HGY/2003/2060 - Demolition of existing bungalow and adjacent builders offices and garage. Erection of part 3 and part 2 storey terrace of 7 three bedroom houses, including 11 parking spaces with access from Woodside Avenue. – Refused 19/01/2004. Planning Appeal Ref: APP/Y5420/A/04/11400413 was dismissed- 04/10/04.

## **4. CONSULTATION RESPONSE**

4.1 The following statutory bodies, internal consultees and local groups were consulted on this application:

Internal:

- 1) Cleansing (west)
- 2) Building Control
- 3) Transportation

4.2 The following responses were received:

*Internal:*

4.3 Transportation – The Officer raised no objection and has made the following comments:

The proposal relates to the design of the already consented dwellings on this site. The amendments will not result in the creation of any additional units and will not involve any alterations to the approved site access. It is therefore considered that the amendments would not have any negative impact upon the local highway network

4.4 Cleansing – Officer have no objection to the ground floor plan as amended, as long as the bins are presented on day of collection and returned by the resident.

4.5 Building Control – The Officer raised no objection and has made the following comments:

Both the BIA and the hydrology report are consistent and provide sufficient detail to confirm that the provision of the basements will not affect the surrounding land. Further more specific details will be required at submission of the Building Regulation application and attention is drawn to possible means of escape in case of fire issues that may exist

## **5. LOCAL REPRESENTATIONS**

5.1 The application was publicised by way of 267 letters. The number of representations received from neighbours, local groups etc in response to notification and publicity of the application are as follows:

No of individual responses: 120

Objecting:120

Supporting:0

Others: 0

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

### Impact on Significant Local Open Land (SLOL)

- Development would detract from the sites open nature;
- Development is not ancillary to the use of the open space;
- A new street created on the SLOL;
- Urbanisation of the SLOL;

#### Design & Appearance

- Design out of character;
- Revised design is significantly larger in scale than the consented scheme;
- Design is not in keeping with houses on Lauradale Road and surrounding area;
- Revised design is similar in shape to the Archery Club temporary club House;
- Unsuitable massing and appearance;
- Houses too large for the plot;
- Houses have inadequate size gardens;
- Houses do not reflect the adjacent house at no. 87 Woodside Avenue;
- Tree planting to the front of the house should take place;
- New design is more prominent than previously approved scheme;
- Gross overdevelopment of the site;
- Proposed houses are boxed style with flat roofs and prominent first floors resulting in an intrusive profile and increased massing, unlike the previously approved scheme;
- The revised scheme is too high;

#### Impact on amenity

- Overlooking onto Lauradale Road due to the new windows and higher level;
- Overlooking into the allotment;
- Design will be overbearing;
- Invasion of privacy from large windows;
- Full height windows to the north elevation, the boxed glass, full height deep enclosed balconies above the entrance will overlook no. 10 Lauradale Road;
- Development would create a greater sense of enclosure to no. 10 than the previously approved scheme;
- Garden of house 1 will be overshadowed;
- Concerns that house 2 is too close to 87 Woodside Avenue;
- No 12 Lauradale Road is concerned the windows of the revised scheme would invade their privacy;
- No. 12 is concerned their garden will be dominated by the development;
- Large amounts of noise pollution from large windows on the north facing ground floor opening;
- House 1 would create a strong sense of enclosure to no. 12 as it would be built right up next to their patio;
- No. 12 is concerned the deep basement will impact their garden;
- The revised scheme would introduce first floor windows and glass encased balconies facing no. 12 on the north and west aspects which were ruled as unreasonable by the planning Inspector in the last appeal;

#### Parking & Access

- Detrimental impact on pedestrian safety;
- Increased traffic;
- Parking provision proposed is inadequate;
- Concerns construction/servicing vehicles will access via the alleyway/path;
- Development will discourage sustainable travel to the school;
- Danger to young children attending to nearby school as they use the pathway;
- Detrimental impact on pedestrian and highway safety;
- Concerns with safety of access route;
- A transport report should be submitted;

#### Other

- Concerns developers plan to build over the covered reservoir;
- Significant concerns with basement development;
- No hydrology assessment, ecological assessment and surface water drainage plan submitted;
- Dust concerns from the development;
- Water drainage;
- Air and noise pollution;
- Light pollution;
- The proposal will create a gated community.

5.3 The following issues raised are not material planning considerations:

- Damage to the fence;
- Strain on every service and infrastructure as there is already developments taking place in the area;
- No heights given on the drawings;
- Concerns the development would impact the viability of the allotment.

5.4 The following ward Councillors made representations on the application, as summarised below:

#### Cllr Berryman

- Impact on SLOL;
- Path heavily used by pedestrian walkways;
- Previous objection still stands.

#### Cllr Newton

- Design out of character;
- Overbearing;
- Impact on outlook and amenity of the occupants of the properties backing onto the site;
- Scheme would detract from the sites open nature and character;
- Detrimental impact on the surrounding SLOL;
- Concerns about vehicles using the only access to the site which is primarily a walking route for children attending Tetherdown Primary School;
- Safety concerns with access.



5.5 Fortis Green Allotment Trust made representations on the application as summarised below:

- The houses have flat roofs therefore their appearance will be taller than the properties shown on the previous plans, they will have an overbearing impact on the allotments and make the SLOL area feel more built up;
- Design out of keeping with the nearby buildings, in particular the adjacent building at 87 Woodside Avenue and the nearby houses on Lauradale Road;
- The full height glass windows will increase overlooking into the allotments and reduce the enjoyment of the open space for the allotments;
- Concerns that no assessment has been undertaken to assess the hydrological and hydro-geological impacts of the development on the site and the allotments;
- Impact of basement excavation on the allotments;
- Concerns with the construction management of the site;
- Surface water drainage;
- Storage of waste.

5.6 Muswell Hill and Fortis Green Association made representations on the application as summarised below;

- The development is on SLOL land
- The scheme would detract from the sites open nature
- The proposed houses would occupy a large proportion of the site, leaving very little green open space around the building for tree planting.
- The proposed houses will be very prominent and adversely affect the out look and amenity of the occupants of the properties on Lauradale Road, in particular no. 12.
- In an area where the majority of the buildings are late Victorian / Edwardian with slopping roofs and a varied profile utilising materials which are well understood the proposal make no attempt to be part of the urban landscape in design, massing and the use of materials
- Although not in Conservation Area the land the subject of the application is situated between Fortis Green and Muswell Hill Conservation Areas and thus has a particular sensitivity which the proposal fails to address.
- This application is a variation of the consent granted under HGY/2014/0511 which itself was a variation of the consent granted under reference HGY/2012/1425. The application is a substantial departure from that consented to under HGY/2012/1425 and it is consequently submitted should be the subject of a new application and not a variation of a variation of a previous consent

## **6. MATERIAL PLANNING CONSIDERATIONS**

6.1 The main planning issues raised by the proposed development are:

1. Design, Form & Layout;
2. Impact on the Character and Appearance of the adjoining Conservation Area

3. Basement development;
4. Impact on residential amenity;
5. Affordable Housing;
6. Waste Management;
7. Other.

## **Background**

- 6.2 An application (ref. HGY/2012/1425) for change of use from light industrial to residential with the associated demolition of the existing buildings on site and erection of 1 x three bed house and 1 x three / four bed house was considered by the Council's Planning Sub Committee in June 2013, and subsequently approved subject to conditions. Subsequent changes to this approved scheme are being put forward under this Section 73 application by way of the variation of Condition 2 of the approved consent.

## **Scope of a Section 73 Application**

- 6.3 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. In this case the application seeks to amend the design of the consented houses.
- 6.4 There is no statutory definition of a "minor material amendment", however Government guidance has suggested a non-statutory definition: "a minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved".
- 6.5 A judgment on "materiality" in any particular case is one of fact and degree, along with taking into account the likely impact of the amendment on the local environment. Materiality is considered against the development as a whole, not just part of it. The basis for forming a judgment on materiality is always the original planning permission. A Section 73 application results in a new permission being issued.
- 6.6 As the principle of the development has been established by way of the current consent the remit of the assessment here is to consider the impact of the changes and to assess the proposal against any changes to planning policy since the original decision was made. There has been one key planning policy change since the granting of planning consent in 2013, namely the adoption of further alterations to the London Plan (FALP) in March 2015. One of the main policy changes to this plan has been to increase the current yearly target of providing new homes in Haringey from 820 to 1,502.

## **Design, form and layout**

- 6.7 Policy 3.5 of the London Plan seeks to enhance the quality of local places taking into account local character and density. Local Plan policy SP11 and saved UDP policy UD3 include similar requirements. Policies 7.4 and 7.6 of the

London Plan also require that design takes into account context. Local Plan policy SP11 states that all new development should enhance and enrich Haringey's built environment and create places and buildings that are high quality, attractive, sustainable, safe and easy to use. To achieve this development is required to respect its local context and character and historic significance and to contribute to the creation and enhancement of Haringey's sense of place and identity.

- 6.8 The proposed changes to the consented scheme is to create dwellings of a modern design respectful of the envelope and footprint of the consented scheme. Objections have been received on the specific issues of design and that the proposal would be out of keeping with the character of the area. In this instance given the specific character of the site and where it is located buildings of contemporary good quality design are seen as an acceptable design approach. A good quality contemporary building is generally seen as an appropriate architectural response for new buildings, rather than a mock or pastiche of an earlier architectural style. In this case the proposed dwellings will not compete with or undermine the character of the surrounding area; which itself is varied and reflective of when properties/ buildings were built.
- 6.9 It is also important to bear in mind that planning policy cannot impose specific architectural styles. Specifically paragraph 60 of the NPPF states that "planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles".
- 6.10 While the elevational profile of the buildings will change they will still remain subordinate in nature to the dwelling on the neighbouring site (No 87) and the open land to the south. As the buildings are not being placed within a defined street frontage/ townscape there is no consistent roofline/ facade treatment to adhere to.
- 6.11 The houses would use a simpler design approach and would be faced in brickwork and comprise of large areas of glazing with minimalist details. While the elevational treatment of this amended scheme differs from the previously approved scheme, the layout, scale and nature is not substantially different. Both dwellings as per the consented scheme would have an L shape and comprise of three stories: basement, ground and first level. The amended scheme will provide improved light and ventilation to the rooms within to support modern living accommodation.
- 6.12 The scheme was considered by the Council's Design Panel in December 2014 (as outlined in Appendix 3) where it was concluded that the scheme represented a significant improvement to the approved scheme.
- 6.13 The amendments also result in additional landscaping to the front, side and rear, in the form of a 1.2m high raised flower bed and a 1.8m high evergreen hedge. Details of the landscaping will be conditioned (as per the consented scheme) to ensure a satisfactory setting for the proposed development.

- 6.14 Overall the design, massing, form and choice of materials of this amended scheme is considered acceptable and sensitive to the visual amenity and character of the area; in accordance with London Plan policies 7.4 and 7.6, Local Plan policy SP11 and UD3.

### **Impact on the Character and Appearance of the adjoining Conservation Area**

- 6.15 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”.

- 6.11 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.”
- 6.12 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.

- 6.13 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.
- 6.14 Policy 7.8 of the London Plan (LP) (2015) requires that development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale and architectural detail. Policy SP12 of the Haringey Local Plan (HLP) (2013) requires the conservation of the historic significance of Haringey's heritage assets. Saved policy CSV5 of the Haringey Unitary Development Plan (UDP) (2006) requires that alterations or extensions preserve or enhance the character of the Conservation Area.
- 6.17 By removing the existing buildings and replacing it with more aesthetically pleasing buildings, the proposal would not cause harm to the character and appearance of the adjoining conservation area, it would in fact be an improvement to its appearance.

### **Basement development**

- 6.18 A Basement Impact Assessment and a hydrology report has been submitted with the application and provides sufficient detail to confirm that the basements will not affect the surrounding land or ground water conditions.
- 6.19 The amendments will result in changes to the basement floors, which involve a slight increase to each house to their full ground floor footprint and increase in the separation between the basements as a consequence of a slight relocation to one of the houses.
- 6.20 The scheme serves to improve the current conditions of the site, namely by reducing the extent of hardsurfacing and providing grassed areas. The retaining walls to be built in the vicinity of northern boundary will serve to minimise any ground movements during and after construction, typically built by way of contiguous piles.
- 6.21 In respect of the concern raised about the obstruction of groundwater flow caused by the basement, the probability of such a hazard is not significant bearing in mind, and as pointed out by many experts in this area, groundwater flows will simply find an alternative route around an obstruction with any changes in level likely to be significantly less than the natural variations in the water table associated with seasonal variations. In this case it needs to be appreciated that the basement sits below the footprint of the house with significant amounts of unobstructed ground between it and the footprint of neighbouring properties. In this particular case the specialist reports indicate a lack of groundwater within the underlying clay strata.

- 6.22 The site is not within 100m of a watercourse. As per the previous conditions imposed to the consented scheme a construction management plan will need to be submitted to the LPA prior to the commencement of works on site and in addition works will be expected to be carried out in accordance with the 'Considerate Contractor' code.
- 6.23 The structural integrity of the proposed basement and retaining walls next to the northern boundary would need to satisfy modern day building regulations and separate permission would be required under Building Regulations. In addition the necessary party-wall agreements with adjoining owners would need to be in place prior to commencement of works on site.

### **Impact on residential amenity**

- 6.24 The London Plan 2015 Policy 7.6 Architecture states that development must not cause unacceptable harm to the amenity of surrounding land and buildings. Saved Policy UD3 also requires development not to have a significant adverse impact on residential amenity in terms of loss of daylight, pollution, or sunlight, privacy overlooking and aspect.
- 6.25 Concerns have been raised that the changes to the approved scheme would have an adverse affect on the amenity of the properties backing onto the site, namely on Lauradale Road. Officers consider however that the changes to external appearance and profile of the houses would not adversely affect the amenity of neighbour occupiers. This amended scheme would maintain the same layout as the approved scheme.
- 6.26 A 2m high brick along the rear boundary with gardens on Lauradale Road would be created. This boundary treatment will ensure that there would be no overlooking or loss of privacy, as the glazing at ground level and the low level window at first floor level would be obscured by this wall. Details of the boundary treatment and landscaping will be conditioned (as per the consented scheme) to ensure that such boundary treatment will successfully mitigate any overlooking to neighbouring properties and the landscaping provides a pleasant outlook for the new houses.
- 6.27 The glazed box window serving the bedroom on the first floor side elevation of house 1 has been omitted and replaced by a flush window to ensure there would be no adverse overlooking to the rear gardens of Lauradale Road, in particular no. 12. The 1.8m high evergreen hedging set behind the brick wall proposed would ensure the new houses benefit from a pleasant outlook. It is considered that the degree of overlooking created by this window is not significant and certainly not to a degree to refuse consent, particularly given the current arrangement of mutual overlooking of gardens from first floor windows and dormer windows in this area. Equally the overlooking of the neighbouring allotments from the first floor windows of these properties would not be significant and very difficult in planning terms to argue harm.
- 6.28 Noise and disturbance has been cited as a concern by local neighbours, however there is no change from the consented scheme in terms of impact.

## **Affordable Housing**

- 6.29 In terms of affordable housing Local Plan 2013 policy (SP2) requires developments to provide 20% affordable units on sites/ or make a financial contribution in lieu for scheme in between 1 - 9 net units.
- 6.31 While the determination of an application “must be made in accordance with the plan, unless material considerations indicate otherwise” (Section 38, Planning & Compulsory Purchase Act 2004) in this particular case the previous approved consent (HGY/2012/1425) is a specific consideration and so the implications of this ‘fallback position’ (i.e. the implementation of this previous consent) must be weighed in the balance.
- 6.32 The applicant has submitted a viability assessment with the application which demonstrates that the development cannot afford to make an affordable housing contribution. This assessment has been reviewed internally and officers agree with this conclusion. This is principally because the residual value generated by the scheme falls below the benchmark land value (ie existing). This a product of the fact that the site has already received prior approval for change of use from light industrial to residential (1 x three bed house and 1 x three / four bed house) prior to the adoption of the Local Plan 2013 and policy SP2.

## **Waste Management**

- 6.34 London Plan policy 5.17 ‘Waste Capacity’ and Saved UDP Policy UD7 ‘Waste Storage’ requires development proposals to make adequate provision for waste and recycling storage and collection.
- 6.35 The ground floor of the scheme has been revised showing a waste storage area to the north of the site. In terms of waste storage and collection, currently the waste collection vehicles collect the waste every Wednesday entering the access via Woodside Avenue and collect the bins from the school and no. 87 Woodside Avenue. The Waste Management Officer raises no objection to the ground floor plan as amended, as long as the bins are presented on day of collection and returned by the resident.

## **Other Matters**

- 6.36 Other material planning considerations (i.e. standard of accommodation; transportation and access arrangements) do not change as a result of the amended scheme and as such are not material in considering this S73 application.
- 6.37 It is noted that a number of objections still raise concern in respect of child safety during the construction phase. As per the previous consent the applicant/ developer is required to submit a construction management plan to include measures to prevent construction vehicles arriving/leaving the site between 08:30am-09:15am and 02:45pm-03:30pm and requiring a Steward to oversee

vehicles over 10 tonnes entering and leaving the site. Such a condition will continue to be imposed.

- 6.38 This issue has also been extensively debated in the previous appeal decisions. The 2010 appeal decision confirmed that access was not a reason for refusal of the three detached houses scheme.

### **Conclusion**

- 6.39 This application is for an amendment to an approved scheme (LPA Ref: HGY/2012/1425- approved June 2013) for the change of use from light industrial to residential with the demolition of the existing buildings on site and erection of 1 x three bed house and 1 x three / four bed house. In this case the application seeks to vary the approved drawings to change the design, form and materials of the proposed dwellings. The modern style as per amended scheme is considered an acceptable approach and is sensitive to its surroundings and will not harm the amenity of surrounding land and buildings.

### **CIL**

- 6.40 The original outline consent was issued subject to Mayoral CIL but before the implementation of Haringey CIL. Under section 128A of the CIL regulations an application to vary conditions (a section 73 application) is liable to CIL but only for any increase which would arise between the original and the varied consent where the original was not subject to CIL. This application gives rise to an increase in floorspace of 561 sq.m and this section 73 application gives rise to an increase in floorspace of 46 sq.m. over the original application.
- 6.41 Based on the information given in the plans, the Mayor's CIL charge will be £19,635 (561 sq.m x £35) and Haringey CIL charge will be £12,190 (46 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.

## **7.0 RECOMMENDATIONS**

- 7.1 GRANT PERMISSION subject to conditions

Applicant's drawing No.(s) 1568.00.00 Rev B, 1568.01.01 Rev B, 1568.01.02 Rev B, 1568.01.03 Rev B, 1568.01.04 Rev B, 1568.01.05 Rev B, 1568.01.06 Rev B, 1568.01.07 Rev B, 1568.01.08 Rev B, 1568.01.09 Rev B

Subject to the following conditions:

1. The development hereby authorised must be begun not later than the expiration of 11.06.2016, failing which the permission shall be of no effect.



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

2. Notwithstanding the information submitted with the application, the development hereby permitted shall only be built in accordance with the following approved plans: 1568.00.00 Rev B, 1568.00.01 Rev B, 1568.00.02 Rev B, 1568.00.03 Rev B, 1568.00.04 Rev B, 1568.00.05 Rev B, 1568.00.06 Rev B, 1568.00.07 Rev B, 1568.00.08 Rev B, 1568.00.09 Rev B.

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

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

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

4. Notwithstanding the details of landscaping referred to in the application, a scheme for hard and soft the landscaping and treatment of the surroundings of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Any planting details approved shall be carried out and implemented in accordance with the approved details in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). Any plants, either existing or proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be maintained and retained thereafter to the satisfaction of the local planning authority.

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

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

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

6. No development shall commence until details of a scheme for the green roofs for the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include its (their) type, vegetation, location and maintenance schedule. The development shall be implemented in accordance with the approved scheme prior to its first occupation and the vegetated or green roof shall be retained thereafter. No alterations to the approved scheme shall be permitted without the prior written consent of the Local Planning Authority.

Reason: To ensure a sustainable development consistent with Policy 5.11 of the London Plan and Policies SP0, SP4 and SP11 of the Haringey Local Plan 2013.

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

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

8. Prior to the commencement of development on the site, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:
  - a) Programme of works with specific information on the timing of deliveries to the site (in specific to show the routing of traffic around the immediate road network and to ensure that freight and waste deliveries are timed to avoid the peak traffic hours and pupil arrival/departure times between 08:30am-09:15am and 02:45pm-03:30pm);
  - b) Size of vehicles accessing the site/ lane (in specific a Steward will be required to oversee vehicles over 10 tonnes entering and leaving the site);
  - c) Hours of operation;
  - d) Storage of plant and materials on site;
  - e) Boundary hoarding;
  - f) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
  - g) Method of prevention of mud being carried onto the highway.

Only the approved details shall be implemented and used during the construction period.

Reasons: To ensure there are no adverse impacts on the amenity of neighbouring properties and to safeguard pedestrian safety consistent with Policies 6.3, 6.11 and 7.15 of the London Plan 2015, Policies SP0 of the

Haringey Local Plan 2013 and Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

9. No works shall be carried out on the site until a detailed report, including Risk Assessment, detailing management of demolition and construction dust has been submitted and approved in writing by the local planning authority, with reference to the London Code of Construction Practice. Proof of registration that the site or Contractor Company is registered with the Considerate Constructors Scheme must be sent to the local planning authority prior to any works being carried out on the site.

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

10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order), the dwellings hereby permitted shall not be extended, nor shall any building, structure or enclosure (other than those approved as part of this permission, including the discharge of conditions) be erected within the curtilage of the dwellings.

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

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

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

12. The works required in connection with the protection of trees on the site shall be carried out only under the supervision of the Council's Arboriculturalist. Such works to be completed to the satisfaction of the Arboriculturalist acting on behalf of the Local Planning Authority.

Reason: In order to ensure appropriate protective measures are implemented to satisfactory standards prior to the commencement of works in order to safeguard the existing trees on the site.

13. The dwelling hereby approved shall use best endeavours to achieve Level 4 of the Code for Sustainable Homes (or the equivalent replacement standard). No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 (or the equivalent replacement standard) has been achieved.

Reasons: To ensure that the development achieves a high level of sustainability in accordance with Policies 5.1, 5.2, 5.3 and 5.15 of the London Plan 2015 and Policies SP0 and SP4 the Haringey Local Plan 2015.

#### INFORMATIVE - Commercial Environmental health

Prior to demolition 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.

#### INFORMATIVE - 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 5573) to arrange for the allocation of a suitable address

#### INFORMATIVE - Waste

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

#### INFORMATIVE : Community Infrastructure Levy

The applicant is advised that the proposed development will be liable for the Mayor of London's CIL and Haringey CIL. Based on the Mayor's CIL charging schedule and Haringey's charging schedule and the information given on the plans, the charge will be £19,635 (561 sq.m x £35) for Mayoral CIL and the Haringey CIL charge will be £12,190 (46 sqm x £265). This will be collected by Haringey

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

## 8.0 APPENDICES:

### Appendix 1: Comment on Local Consultation Representations

<b>Comment</b>	<b>Response</b>
Impact on SLOL	The amended scheme will not increase the ground floor footprint and height of the consented scheme therefore the general openness and character of the SLOL will not be affected.
The development would detract from the sites open nature	
The development is not ancillary to the use of the open space	The design, massing and form is considered acceptable in terms of the site contact
Design out of character	The design, massing and form is considered acceptable in terms of the site contact.
Design is not in keeping with houses on Lauradale Road and surrounding area	Addressed in 6.8-6.10 above.
The revised design is significantly larger in scale than the consented scheme	The amended scheme will not increase the footprint of the houses or increase the overall height of the buildings
The revised design is similar in shape to the Archery Club temporary Club House	
Unsuitable massing and appearance	
Houses too large for the plot	
The houses have inadequate size gardens	The density of the scheme is acceptable as are the garden sizes which meet the London SPG 'Housing' requirements.0
The houses does not reflect the adjacent house at no. 87 Woodside Avenue	This is a one of house and as such there is no specific context of requirement for it to follow this design approach.
New design is more prominent than previously approved scheme. Gross overdevelopment of the site	As above the houses do not increase the overall height of the buildings. The development will incorporate landscaping to soften it appearance and integrate into

<p>The proposed houses are boxed style with flat roofs and prominent first floors resulting in an intrusive profile and increased massing, unlike the previously approved scheme</p> <p>Overlooking onto Lauradale Road due to the new windows and higher level</p> <p>No 12 Lauradale Road is concerned the windows of the revised scheme would invade their privacy</p> <p>Invasion of privacy from large windows</p> <p>The full height windows to the north elevation, the boxed glass, full height deep enclosed balconies above the entrance will overlook no. 10 Lauradale Road</p> <p>Overlooking into the allotment</p> <p>The garden of house 1 will be overshadowed.</p> <p>No. 12 is concerned their garden will be dominated by the development</p> <p>The development would create a greater sense of enclosure to no. 10 that the previously approved scheme</p> <p>House 1 would create a strong sense of enclosure to no. 12 as it would be built right up next to their patio</p> <p>Concerns that house 2 is too close to 87 Woodside Avenue</p>	<p>its surroundings.</p> <p>Addressed in 6.26 above.</p> <p>The design, massing and form is considered acceptable in terms of the site contact.</p> <p>Addressed in 6.25 and 6.26.</p> <p>The box glazed window serving bedroom 1 on first floor level has been omitted and replaced by a flush window.</p> <p>Addressed in 6.26.</p> <p>The garden to house 1 will receive adequate daylight/ sunlight.</p> <p>The development is sufficiently sunken down and pulled away from the boundary to No 10 &amp; 12 to minimise its impact.</p> <p>The gap between House 2 and no.87 is not intended for regular access and there is enough space to maintain the proposed and existing. The architects predict that annual maintenance will be required for guttering and facade maintenance every 5</p>
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<p>Large amounts of noise pollution from large windows on the north facing ground floor opening</p> <p>Detrimental impact on pedestrian safety</p> <p>Increased traffic</p> <p>Parking provision proposed is inadequate</p> <p>Concerns construction/servicing vehicles will access via the alleyway/path</p> <p>It will discourage sustainable travel to the school</p> <p>Danger to young children attending to nearby school as they use the pathway</p> <p>Detrimental impact on pedestrian and highway safety</p> <p>Concerns with safety of access route</p> <p>A transport report should be submitted</p> <p>No. 12 is concerned the deep basement will impact their garden.</p> <p>Significant concerns with basement development.</p> <p>No hydrology assessment, ecological assessment and surface water drainage plan submitted.</p> <p>Dust concerns from the development.</p> <p>Light pollution</p>	<p>to 10 years.</p> <p>Addressed in 6.27 of report.</p> <p>Addressed in para. 6.36 and 6.37 of report and extensively debated in the previous appeal decisions</p> <p>A hydrology assessment and basement impact assessment (BIA) have been submitted with the scheme.</p> <p>Details of the management of demolition and construction dust will be conditioned (as per the consented scheme) to ensure that the effects of the construction upon air quality is minimised Sustainable construction</p> <p>The light spillage from two such dwellings in the context of an existing developed site next to housing/ street lighting would</p>
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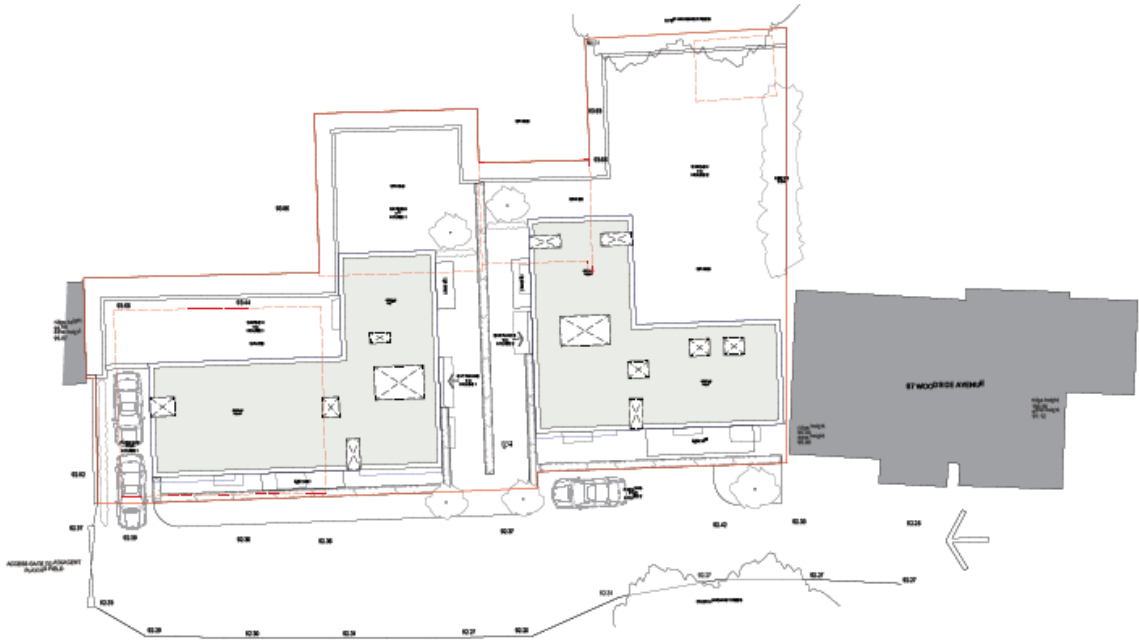
	not be significant.
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**Appendix 2: Plans & Images**





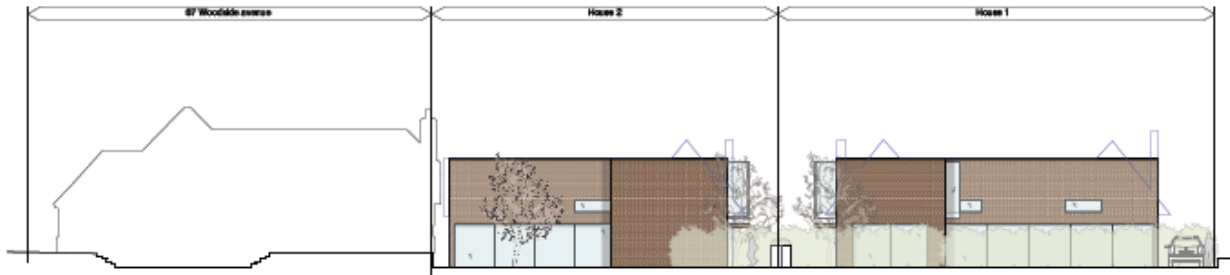
**Site Location Plan**



**Site Layout Plan**

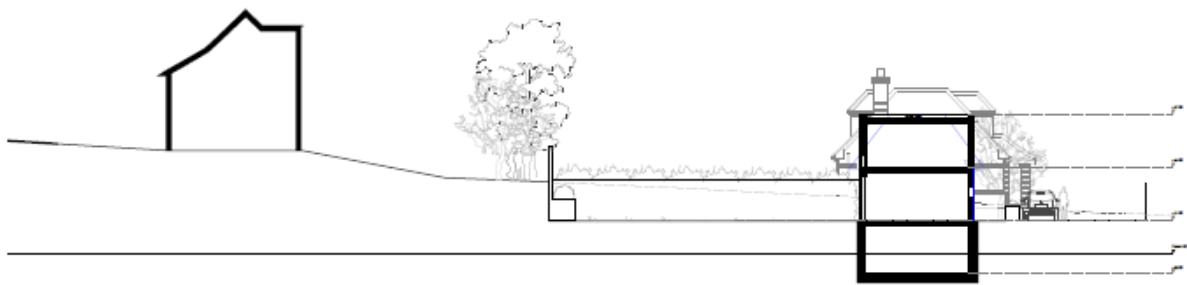


proposed street elevation (south)  
scale @ 1:200



proposed rear elevation (north)  
scale @ 1:200

### Front & rear elevations –Proposed scheme



### Site cross section in context of Lauradale Road



**Site Photos**



**Site Photos**



**Aerial view of site**





**Front elevations –Consented Scheme**



**Front elevations –Visualisation of consented scheme**

# Haringey Design Panel no.53

Thursday 4<sup>th</sup> December 2014

## **ATTENDANCE**

### **Panel**

Deborah Denner  
Michael Hammerson  
Phyllida Mills  
Peter Sanders

### **Observers**

(all Haringey Council unless otherwise stated)

Matthew Patterson (Acting Chair) .... Assistant Direct of Planning  
Richard Truscott (Facilitator) ..... Design Officer  
Stefan Krupski ..... Housing Investment & Sites  
Hanan Osman ..... Development Management Officer  
Cllr Sheila Peacock ..... Northumberland Park Ward

## **The following topics were considered by the Panel:**

### **Small Infill Housing: Anderton Court, Connaught Lodge & Whitbread Close**

Nick Newman ..... ECD Architects,

Warren Myles ..... Newbuild Housing Project Manager  
Jim McKinnon ..... Strategic Development Consultant  
Ashley Turner ..... Capital Projects..... all Haringey Council

### **Residential development at 85 Woodside Avenue N10**

Nicolas Tye ..... Nicolas Tye Architects  
Athos & Claire Kaissides ..... clients

### **Draft Site Allocations DPD**

Gavin Ball Haringey Council, Planning Policy Officer

## **Residential development at 85 Woodside Avenue N10**

### **Project Description**

This proposal is for two contemporary designed houses on the site of a partially demolished workshop on the edge of a covered reservoir to the west of Muswell Hill. The site is accessed off a narrow lane off Woodside Avenue to the south, through a gate in front of an existing house, owned by the applicant, which will neighbour the new houses to their east. The lane continues north to connect to residential streets of Grand Avenue and Lauradale Road, which back onto the site.

The site has an extant permission for two bungalows of traditional design. The proposals would be in the same silhouette and virtually the same volume as the permitted bungalows but in a simpler and, they say, more sophisticated, contemporary design, with more flexible spaces and windows that let in more light.

### **Panel Questions**

#### **Explain where the existing ground level is in their sections?**

Their sections show in a dashed line the most extreme case; this shows they are proposing levelling the ground level to the rear gardens at a lower level than the natural ground level, as well as excavating a basement level and lightwells.

#### **Explain the vehicular access arrangements, including for refuse, and how this will not conflict with pedestrians on this popular footpath?**

The vehicular and pedestrian access is the same as in the approved scheme; this will result in very few vehicular movements; the path is currently used for service vehicle access to the existing house and more significantly Tetherdown Primary School (on the other, eastern side of the path); this does not present a difficulty.

#### **What sustainability measures are proposed, in view of the amount of groundwork proposed?**

The architects stated they always encourage their clients to go beyond statutory requirements but specifically this is not decided yet. They aspire to have green roofs as much because they will be looked down upon as for sustainability. They accept that the amount of groundwork would make it difficult to achieve Code 5 but they will make a specific commitment.

#### **Explain the external materials proposed?**

The main material will be larch cladding, which is sustainably sourced (unlike western red cedar it is available from planted forests and disease has made it plentifully available) and will fade to grey. Large areas of glazing, stainless steel fittings and minimalist details complete the picture.

#### **Have they considered solar panels?**

They are advised not to exceed the approved silhouette so this is not possible.

#### **Where are the rainwater gutters and downpipes?**

The roof will be syphonically drained into internal downpipes to avoid spoiling the external appearance.

## **Will there be a Basement Impact Assessment in view of the challenging hydrology of the area?**

This will be considered as advised.

### **Panel Discussion**

1. The main observation of the panel was that if as it appears, the proposal sits within the envelope of the approved scheme, it looks like definite improvement, which the panel described as crisp and well designed.
2. Sustainability and green roofs are made out to be important but not committed to; the panel suggest it is important the council get a firm commitment.
3. There needs to be a Basement Impact Assessment, and the council needs to assess it carefully considering the likelihood of hidden and underground streams in the area.
4. The potential for archaeology on the site needs to be considered, given that it lies on or close to the boundary of the medieval Bishops Hunting Estate.
5. **Conclusion:** Provided the scheme is well detailed and comes with the recommended supporting information, it would represent a significant improvement on the approved scheme.