

## REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE

### 1. APPLICATION DETAILS

**Reference No:** HGY/2015/1273

**Ward:** Hornsey

**Address:** Gisburn Mansions Tottenham Lane N8 7EB

**Proposal:** Erection of new third storey and new roof to provide 12no. two bedroom flats

**Applicant:** Whetstone Properties Ltd

**Ownership:** Private

**Case Officer Contact:** Aaron Lau

**Site Visit Date:** 20/07/2015

**Date received:** 30/04/2015

**Last amended date:** 17/06/2016

**Drawing number of plans:** 1045/01, 1307/09, 1307/10 Rev C, 1307/11 Rev D, 1307/12 Rev A, 1307/13, 1307/14, 1307/20 and 1307/25 Rev A.

**1.1** This application is being reported to Planning Committee as it is a major planning application and is required to be reported to committee under the current delegation.

### **1.2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- This planning application is for the erection of new third storey and roof (new third and fourth floors) to provide 12no. two bedroom flats at Gisburn Mansions Tottenham Lane.
- The proposed development is considered acceptable in principle in this instance as it would provide a better housing mix on the site and additional housing generally whilst contributing to the Borough's housing targets as set out in Haringey's Local Plan and the London Plan.
- The roof extension proposal subject to a materials condition is of an acceptable design quality. Although the proposals will cause some visual harm to the character and appearance of the adjacent conservation area the harm is considered to be less than substantial. This harm has been given considerable weight by officers but it is outweighed by the significant benefits of the scheme as a whole.

- The proposed development would not cause any significant loss of amenity of that currently enjoyed by existing and surrounding occupiers and residents in terms of outlook, and loss of daylight/sunlight, overshadowing, privacy or overlooking.
- The development has been designed to meet Lifetime Homes standards, and provides an acceptable level of living accommodation and amenity space for occupiers of the new development.
- A condition has been suggested should any consent be granted requesting details of the construction management plan and construction logistics plan to ensure it does not prejudice existing road and parking conditions, namely vehicular movements along Tottenham Lane, Gisburn Road and the local road network generally and would not have an adverse impact on pedestrian safety.
- The proposal is subject to a S106 legal agreement to secure an off site affordable housing contribution, a financial contribution towards the amendment of the TMO, employment opportunities during construction, 'car free' development and considerate constructors scheme.

## **2. RECOMMENDATION**

- 2.1 That the Committee resolve to GRANT planning permission and that the Head of Development Management is authorised to issue the planning permission and impose conditions and informatives set out below subject to the signing of a section 106 Legal Agreement providing for the obligation set out in the Heads of Terms below.
- 2.2 That the section 106 legal agreement referred to in resolution (2.1) above is to be completed no later than 29<sup>th</sup> July 2016 or within such extended time as the Head of Development Management or the Assistant Director Planning shall in her/his sole discretion allow; and
- 2.3 That, following completion of the agreement(s) referred to in resolution 2.1 above within the time period provided for in resolution (2.2) above, planning permission is granted in accordance with the Planning Application subject to the attachment of the conditions and informatives set out below.

### **Conditions**

- 1) Development begun no later than three years from date of decision
- 2) In accordance with approved plans
- 3) Materials submitted for approval
- 4) Cycle
- 5) Construction management plan/construction logistics plan

- 6) Waste
- 7) Satellite dish

### **Informatives**

- 1) Co-operation
- 2) CIL liable
- 3) Hours of construction
- 4) Party Wall Act
- 5) Street Numbering

### **Section 106 Heads of Terms:**

- 1) £100,000 towards affordable housing
- 2) £1,000 towards the amendment of the TMO to secure the 'car free' development, and two years free membership to a local Car Club and £50 free credit per unit.
- 3) Participation in the Council's employment initiatives during construction phase.
- 4) Considerate constructors' scheme.
- 5) Review mechanism should the development not be implemented within 18 months.

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

2.5 That, in the absence of the agreement referred to in resolution 2.1 above being completed within the time period provided for in resolution 2.2 above, the planning permission is refused for the following reasons:

- (i) In the absence of a financial contribution towards Affordable Housing, the proposal would have an unacceptable impact on affordable housing provision within the Borough. As such, the proposal would be contrary to Local Plan policy SP2 and London Plan policy 3.12.
- (ii) In the absence of a financial contribution towards a car-free development, the proposal would have an unacceptable impact on the highway. As such, the proposal would be contrary to Local Plan policy SP7, saved UDP policy UD3 and London Plan policies 6.9, 6.11 and 6.13.

2.6 In the event that the Planning Application is refused for the reasons set out in resolution 2.5 above, the Head of Development Management (in consultation with the Chair of Planning sub-committee) is hereby authorised to approve any further application for planning permission which duplicates the Planning Application provided that:

- (i) There has not been any material change in circumstances in the relevant planning considerations, and
- (ii) The further application for planning permission is submitted to and approved by the Assistant Director within a period of not more than 12 months from the date of the said refusal, and
- (iii) The relevant parties shall have previously entered into the agreement contemplated in resolution 2.1 above to secure the obligations specified therein.

## **CONTENTS**

- 3.0 PROPOSED DEVELOPMENT AND SITE LOCATION DETAILS
- 4.0 CONSULTATION RESPONSE
- 5.0 LOCAL REPRESENTATIONS
- 6.0 MATERIAL PLANNING CONSIDERATIONS
- 7.0 RECOMMENDATION

### **APPENDICES:**

Appendix 1: Consultation Responses

Appendix 2: Plans and images

### **3.0 PROPOSED DEVELOPMENT AND LOCATION DETAILS**

#### **3.1 Proposed development**

- This planning application is for the creation of new third and fourth (roof) floors to provide 12no. two bedroom flats 6 per floor. All the new 2 bedroom flats will benefit from individual external balconies fronting onto Tottenham Lane. The new third floor and roof will be cladded in an aluminium composite panel system.
- In addition to the works proposed, refurbishment and repairs to the existing external facade and internal common parts of the mansion block are also sought to make a much more pleasant and inviting place to live for all. These works shall include:
  - Decorating and making good the communal stairwells
  - Underpinning the building (if necessary)
  - Provision of a new roof
  - Repointing and making good the exterior of the building
  - Upgrading and enhancement of external communal rear garden
  - Provision of secured cycle store for up to 10 bicycles at rear of property
- Gisburn Mansions has been in the same ownership for over 40 years. The applicant, and the freeholder, Whetstone Properties, is a private property company which comprises a mix of residential and commercial property mostly in and around North London. According to the applicant, Gisburn Mansions is one of the best properties in the portfolio and for both historic and sentimental reasons the applicant want to continue to hold the property in the same family ownership and be available to the private rented sector.

#### **3.2 Site and Surroundings**

3.2.1 The application site is irregular in shape, located on the western side of Tottenham Lane, and bounded by the rear gardens of the terrace properties within Gisburn Road. The site currently comprises a three-storey, pitched roofed, brick and stone flatted building comprising three connecting parts with rear gardens, known as Gisburn Mansions fronting Tottenham Lane and Gisburn Road.

3.2.2 The existing three storey accommodation comprises 18 x 3 bedroom units – 6 flats per floor.

3.2.3 The site is surrounded by a three-storey block of flats known as Bank Chambers to the north, 2 and 3 storey residential dwellings (many converted to flats) in Gisburn Road and a five-storey purpose built flatted development at Nos. 1 to 38 Midura Court further to the west on Gisburn Road. Hornsey train station and railway tracks lie opposite and on the east side of Tottenham Lane, with some

small scale 1 and 2 storey light industrial and commercial units on Tottenham Lane to the south east.

3.2.4 The site has no specific land allocation or policy constraints within the Proposals Map but Hornsey High Street Conservation Area lies adjacent to the north.

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

- HGY/2007/1742 - Retrospective planning application for replacement of existing window/frames with PVCu double glazed windows and frames. – refused 15/10/2007. Appeal ref. APP/Y5420/A/07/2058628/WF upheld.

## **4. CONSULTATION RESPONSE**

4.1 The following were consulted regarding the application:

- LBH Housing Renewal
- LBH Arb
- LBH Building Control
- LBH Transportation
- LBH Design Officer
- London Fire Brigade
- Thames Water

The following responses were received:

Internal:

- 1) Design Officer: No objection following the amendments made to the original scheme and in response to previous advice.
- 2) Transportation: No objection subject to a car free development and 2 years free Car Club membership secured via a S106 legal agreement and the imposition of cycle and construction management plan and construction logistics plan conditions to the decision.
- 3) Building Control: No objection.
- 4) Conservation Officer: Objection.

*“The site is adjacent to Hornsey High Street Conservation Area. Gisburn is a handsome three storey late Victorian terrace albeit with some later and insensitive alterations such as the replacement of windows with UPVC and roof with concrete tiles. Notwithstanding that, the building retains much of its architectural and historic merit, one that should be considered for local listing as well as inclusion with the conservation area, should there be a future review. At*

*present, it could be concluded that the buildings makes a positive contribution to the setting of the conservation area.*

*The scheme proposes to add two storeys to this attractive terrace. The design of the additional floors takes no account of the architectural and historic merit of the building or its contribution to the conservation area. The proposed design is poor and adds a bulky and top heavy extension to an attractive block that would cause harm to the setting of the conservation area and the views to and from it. Architecturally, the additions would be detrimental to the integrity and detailing of the terrace and perhaps more importantly its proportions. Rather unfortunately, the building is not within the conservation area and therefore, the harm is considered to be less than substantial. This harm, as per statutory duties, should be given great weight.*

*From a conservation point of view, the harm is not justified by the design as it is considered to be poor. There are no other heritage benefits that could outweigh this harm. As such, the proposal is unacceptable. In fact, I consider that given the architectural merit of the building, any form of extension would be considered harmful from a conservation point of view and would be unacceptable in principle.”*

External:

- 5) Thames Water: No objection.

## **5. LOCAL REPRESENTATIONS**

5.1 The following were consulted:

- 54 Neighbouring properties
- A site notice was erected close to the site

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: 40

Objecting: 39

Supporting: 0

Others: 1

5.3 The following Councillor/MP made representations:

- Catherine West MP

5.4 The issues raised in representations that are material to the determination of the application are set out in Appendix 1 and summarised as follows:



- Loss of privacy (**Officer Comment:** This is covered in Section 6.6 of this report)
- Loss of sunlight/daylight (**Officer Comment:** This is covered in Section 6.6 of this report)
- Loss of outlook (**Officer Comment:** This is covered in Section 6.6 of this report)
- Drainage (**Officer Comment:** Thames Water has not objected to the proposal with regard to sewerage and water infrastructure capacity)
- Noise and disturbance and impact on health during construction (**Officer Comment:** The applicant would be obliged into entering a Considerate Constructors' Scheme via a legal agreement to minimise the impact on local amenity)
- Lack of parking (**Officer Comment:** This is covered in Section 6.9 of this report)
- Building material deliveries (**Officer Comment:** This will be detailed in the construction management plan and construction logistic plan condition)
- Design and appearance (**Officer Comment:** This is covered in Section 6.3 of this report)
- Waste (**Officer Comment:** This is covered in Section 6.9 of this report)

5.5 The following issues raised are not material planning considerations:

- Loss of TV reception
- Scaffolding impact on light
- Loss of communal garden during construction
- Structural problems with existing building

## 6 MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of the development
2. Siting, layout and design
3. The impact of the proposed development on the setting of a conservation area
4. Housing
5. The impact on the amenity of adjoining occupiers
6. Living conditions for future occupants
7. Parking and highway safety
8. Accessibility
9. 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 presumption in favour of sustainable development. Permission will be granted by the Council unless any benefits are significantly outweighed by demonstrable harm caused by the proposal.
- 6.2.2 Local Plan Policy SP1 sets out the strategic vision to provide up to 5,000 new homes by 2026, which aligns with the aspirations of Policy SP2, which has a current target of providing 1,502 new homes a year in Haringey between the period 2015 to 2025 under The London Plan (MALP) 2016. The provision of housing would in principle be supported as it would augment the Borough's housing stock in accordance with Local Plan Policies SP1 and SP2, and London Plan Policy 3.3.
- 6.2.3 The proposed number of residential units on the site comprising 12 x 2 bedroom units will contribute to providing housing to assist in meeting this housing target.
- 6.2.4 At the same time, the proposal would provide a better housing mix in terms of family (existing 18 x 3 bedroom units) and non family housing (proposed 12 x 2 bedroom units) as well as upgrading of the existing accommodation and is therefore considered acceptable in promoting mixed, sustainable and cohesive communities in line with London Plan Policy 3.8 and draft DM Policy DM11.

### **6.3 Siting, Layout and Design**

- 6.3.1 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. Development shall be of the highest standard of design that respects its local context and character and historic significance, to contribute to the creation and enhancement of Haringey's sense of place and identity which is supported by London Plan Policies 7.4 and 7.6. Draft DM Policy DM1 'Delivering High Quality Design' continues this approach and requires development proposals to relate positively to their locality.
- 6.3.2 The site is surrounded by a three-storey block of flats known as Bank Chambers to the north, 2 and 3 storey residential terraced dwellings in Gisburn Road and a five-storey purpose built flatted development at Nos. 1 to 38 Midura Court further to the west on Gisburn Road.
- 6.3.3 The design of the proposal has been subject to pre-application discussions with officers.
- 6.3.4 The proposal involves the creation of an additional third storey incorporating a new roof. The applicant has recognised the architectural qualities of the principal Tottenham Lane facade such as the ornate bay windows and brick gables in carefully designing and positioning the roof extension. The lower balconies will sit

behind the retained and 'freestanding' brick gables whereas the roof balconies will be set further back to afford daylight to the balconies below. The new crown roof has been purposely designed and proportioned at 55 degrees to maintain the roof profile of the original building in addition to providing usable loft floor habitable space. It should be noted that the overall height of the roof has been lowered by half a metre from the original design of the scheme.

- 6.3.5 The new third floor will be recessed in from the existing facades and the box gutter of the new fourth floor roof will jut out 300mm creating a shadow line and help distinguish it from the third floor. The use of contrasting aluminium coloured composite panel materials will help differentiate the separate the new third floor from the new roof and the original bricked building. The new roof dormer windows to the Tottenham Lane elevation will reflect the vertical rhythm of the existing window fenestrations and this is continued to the rear elevation where practical.
- 6.3.6 Officers have reviewed the current design and are supportive of the retained existing gable & chimneys and the design of the rooftop extension being set back from the existing brickwork. The juxtaposition between the existing and proposed elements are clearly detailed in the accompanying drawing and sketch as requested by Officers, which show a structural solution to supporting the gables, and provide design details of the balconies, flank walls and balcony 'cut-outs'. Overall the design, bulk and scale of the new roof development is acceptable in its local context as it would maintain the appearance of the building and the area as whole.

#### *Density*

- 6.3.7 The density of a proposed development is relevant to whether the amount of development proposed is appropriate for a site. This is also dependent on the sites 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. Furthermore, objections have been received from local residents that the proposal by virtue of the number of residential units offered would represent a gross overdevelopment on the site.
- 6.3.8 The density proposed inclusive of the existing 18 x 3 bedroom units of 202 (30 units / 0.1485 Ha) units 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 at this urban location (PTAL 4). This is therefore acceptable.

#### **6.4 Impact to the setting of a conservation area**

- 6.4.1 The site does not lie wholly within a designated conservation area but it does abut Hornsey High Street Conservation Area situated to the north. The impact to

the setting of this conservation area is therefore a material planning consideration.

- 6.4.2 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 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.*"
- 6.4.3 The case of the Queen (on the application of The Forge Field Society) v Sevenoaks District Council sets out 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 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 or a Historic Park, 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.
- 6.4.4 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 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.
- 6.4.5 Paragraph 132 of the NPPF states that, '*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost*

*through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'*

- 6.4.6 Paragraph 134 of the NPPF goes on to say, '*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*'.
- 6.4.7 London Plan Policy 7.8 and draft DM Policy DM8 require 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.
- 6.4.8 The Council's Conservation Officer has objected to the proposal as in her view the less than substantial harm caused by the development is not justified by the design and there are no other heritage benefits that could outweigh this harm.
- 6.4.9 The application site is a three-storey, brick building split into three cores, known as Gisburn Mansions. The early 20<sup>th</sup> century building is considered to be a fine piece of architecture with attractive materials and proportions particularly to the front and makes a contribution to the setting of the adjoining Hornsey High Street Conservation Area, although the recent replacement of the original green timber sliding sash windows with white uPVC windows is regretted by the Council, particularly at the front. This was subject to an appeal in which the inspector stated, "*the replacement windows and frames are visually quite acceptable and do preserve the setting of the Conservation area and the street scene generally*".
- 6.4.10 The acceptability of the design was considered in Section 6.3 of this report. Although an additional storey is proposed, the Council Planning Officers take the view that the roof extension proposed is a good quality and contemporary addition. Although the site is not within a conservation area Planning Officers recognise the proposal would cause harm albeit 'less than substantial' upon the adjacent Hornsey High Street Conservation Area located to the north. It should be noted that the development proposal would have limited public vantage points from the southern edge of the conservation area and along Tottenham Lane as only the flank wall of the new extension will be visible. The proposed development is therefore considered to maintain the character and appearance of the adjacent conservation area and thus be acceptable in conservation terms.
- 6.4.11 Overall, it is considered that the scheme provides a secure and sustainable use of the building providing additional housing (12 in total) including the refurbishment of the existing building and a better housing mix on the site.

Officers have taken a balanced view, having regard to Paragraphs 132 and 134 of the NPPF and concluded that the proposals result in less than substantial harm to the heritage assets caused by the siting and scale of the extension would be outweighed by the benefits the scheme provides in the way of additional and improved housing. As such, the scheme would therefore be acceptable with regard to the Barnwell Manor case, the less than significant harm to the conservation area would therefore accord to the design and conservation aims and objectives as set out in the NPPF, London Plan Policy 7.8, saved UDP Policies UD3 and CSV5 and Local Plan Policy SP12.

## 6.5 Housing

### *Affordable housing*

- 6.5.1 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 is in line 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"*.
- 6.5.2 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"*.
- 6.5.3 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"*.
- 6.5.4 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"*.
- 6.5.5 The application makes no affordable housing provision on-site. However, the applicant has submitted an economic viability assessment to justify this position. The appraisal produced a deficit of £23,500 when measured against the

benchmark land value. This suggests that the proposed development cannot reasonably support any affordable housing in addition to Mayoral and Haringey CIL contributions. It is important to note however that this deficit is based on the assumption that the units will be sold off which would not be the case in this instance as they will remain in family ownership and be available to the private rental market

- 6.5.6 The report has been independently reviewed on behalf of the Council and this assessment concludes that the assumptions adopted by the applicant including the interest rate, contingency and construction costs are reasonable. On this basis the independent assessment has agreed to the applicant's conclusion and the applicant has offered a commuted sum of £100,000. This is considered to be the maximum reasonable amount of contribution that the proposal can support. There is an affordable housing review mechanism should the proposal not be implemented within 18 months.

#### *Housing mix*

- 6.5.7 London Plan Policy 3.8 and draft DM Policy DM11 require 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.
- 6.5.8 The proposal is for 12 x 2 bedroom residential units. Although the proposed housing mix offers 2 bedroom units only, this is offset by the quantum of existing 18 x 3 bedroom family sized units on the site. The proposal would therefore provide a better housing mix in terms of family and non family housing and is therefore considered acceptable in promoting mixed, sustainable and cohesive communities in line with London Plan Policy 3.8 and draft DM Policy DM11.

### **6.6 Impact on the amenity of adjoining occupiers**

- 6.6.1 The London Plan Policy 7.6 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, or sunlight, privacy overlooking, aspect noise, pollution and of fume and smell nuisance. Draft DM Policy DM1 'Delivering High Quality Design' continues this approach and requires developments to ensure a high standard of privacy and amenity for its users and neighbours.
- 6.6.2 Local residents have objected to the proposal as they allege that it will lead to a reduction in existing levels of privacy, daylight and sunlight to adjacent residential properties.

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

- No. 120 High Street (Bank Chambers) to the north;
- Nos. 2 and 4 Gisburn Road to the west; and
- Nos. 1 to 7 Gisburn Road to the south

*Daylight/sunlight*

6.6.4 In support of their application, the applicant has provided a daylight/sunlight report in line with Building Research Establishment (BRE) 2011 guidelines, British Standard BS 8206:2008 Lighting for buildings and Planning Practice Guidance (2014) - Design. Daylight is measured by Vertical Sky Component (VSC) whereas the acceptable level of sunlight is calculated by Annual Probable Sunlight Hours (APSH). BRE guidelines suggest a VSC of 27% or more should be achieved if a room is to be adequately day lit. In terms of sunlight, the acceptability criteria are greater than 25% for the whole year or more than 5% between 21<sup>st</sup> September and 21<sup>st</sup> March. Only the existing habitable rooms of the neighbouring buildings are considered for the purposes of the BRE calculation.

6.6.5 The southern flank wall of 120 High Street is sited some 16.5m away from the northern side wall of the existing building on the site. The proposal does not intend to extend sideways and will be contained within the existing front and rear extents of the building. The proposal therefore would not cause any material loss of daylight/sunlight to 120 High Street. Likewise, the terraced properties at Nos. 1 to 7 Gisburn Road are reasonably located away from the southern flank of the existing building and across the road so as to not incur any significant loss of sunlight/daylight to these properties.

6.6.6 The proposed development will have the greatest impact upon the neighbouring property at Nos. 2 and 4 Gisburn Road as it abuts and shares the western property boundary of the application site. The occupiers of the adjacent property noted the omission of several first floor windows which formed part of the applicant's original daylight/sunlight analysis. These existing windows (1013 and 1014) have been included in the applicant's revised daylight/sunlight assessment.

6.6.7 The BRE report indicates only a single first floor side window (1005) out of total 10 habitable windows surveyed will be below the 27% VSC recommendation or the proposed level of daylight would be greater than 0.8 times the former. The identified window will experience a proposed VSC of 14.71% (currently 18.84%) which equates to 0.78 times the existing. This 0.02 difference is considered a marginally shortfall which would not be noticeable and is therefore acceptable in this regard. Thus the proposal would not lead to unwanted and significant loss of daylight to 2 and 4 Gisburn Road.



6.6.8 In terms of the sunlight assessment, only the windows due south at 2 Gisburn Road have been taken into consideration. All these windows will experience a reduction in the level of sunlight. However, the reduction is slight to be deemed 'negligible' within the definition of BRE guidelines, and hence the proposed development would not cause any significant loss of sunlight to 2 Gisburn Road.

#### *Outlook / Enclosure*

6.6.9 The general outlook from the existing side and rear windows belonging to the property at No. 2 Gisburn Road is compromised by the height and location of the existing building relative to these windows. To that end, it is the opinion of Officers that the creation of an additional floor would not create any significant degree of outlook loss or a increased sense of enclosure to the occupiers at 2 Gisburn Road.

#### *Overshadowing*

6.6.10 Turning to overshadowing BRE Guidance requires at least 50% of the garden to receive at least 2 full hours of direct sunlight or 0.8 times its former value on the 21<sup>st</sup> March to avoid any detrimental impact. The rear gardens at Nos. 2 to 10 Gisburn Road currently experience a large degree of overshadowing by reason of them facing due north. The proposal would introduce some additional overshadowing in particular to 2 Gisburn Road but this small amount of additional overshadowing will be brief for a few minutes around 9am and over a small area of the garden. The garden at 2 Gisburn Road will therefore continue to receive at least 2 hours of direct sunlight on the 21<sup>st</sup> March and in accordance to the BRE Guidance.

#### *Privacy / overlooking*

6.6.11 The new external balconies have been designed to front onto Tottenham Lane in order to prevent any overlooking effects upon the residential properties on Gisburn Road. New windows are proposed to the rear elevation but the existing Gisburn Road properties are already overlooked by existing windows so the proposal will not give rise to any new overlooking effects above and beyond the existing conditions.

### **6.7 Living conditions for future occupants**

6.7.1 Local Plan Policy SP2, London Plan Policy 3.5 (MALP March 2016) and the Mayor's Housing Supplementary Planning Guidance (SPG), November 2012, set out the minimum unit sizes for new residential development proposals to ensure an acceptable level of living accommodation offered to prospective occupiers of new residential proposals.

6.7.2 The above policies are underpinned by Draft DM Policy DM12 which states that,

*“All new housing and residential extensions must be of a high quality, taking account of the privacy and amenity of neighbouring uses (See Policy DM1) and are required to meet or exceed the minimum internal and external space standards of the London Plan and the Mayor’s Housing SPG.*

- 6.7.3 In assessing the proposal against the London Plan standards the 2 bedroom units ranging between 63 sqm and 88 sqm would accord with the minimum unit size requirements (61 sqm for a 2 bedroom 3 persons unit and 70sqm for a 2 bedroom 4 persons unit) as laid out in the London Plan.
- 6.7.4 The London Plan further gives guidance on the minimum individual room sizes and amenity space for the residential development proposals. In line with the London Plan space standards, all the individual rooms afforded to the new house meets the minimum threshold. The 5 sqm private amenity allocated to the fourth floor flats are slightly under the London Plan but this shortfall is acceptable given the overall accommodation standard provided and access to the communal rear garden to Gisburn Mansions residents. On balance, the development proposal offers an acceptable level of living conditions for future occupants of the new development in accordance to Local Plan Policy SP2, London Plan Policy 3.5 and the Mayor’s Housing Supplementary Planning Guidance.

## **6.8 Parking and highway safety**

- 6.8.1 Local Plan (2013) Policy SP7 Transport states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This approach is continued in Draft DM Policies DM31 and DM32.
- 6.8.2 The application site falls within an area that has a medium public transport accessibility level (PTAL) rating of 4 and is also within close proximity of Hornsey Rail Station. Officers therefore consider that the prospective residents of this development are likely to use sustainable transport for the majority of journeys to and from the site.
- 6.8.3 The site falls within the Hornsey South controlled parking zone (CPZ), subject to on-street parking controls between Mondays to Friday 11:00 to 13:00. No off-street parking is proposed and instead the applicant intends for the development to be designated as ‘car-free’. This will be secured via a Section 106 Legal Agreement and this agreement in place will ensure that prospective residents will not be allowed to apply for on-street parking permits for the existing or any future controlled parking zone within the vicinity of the site.
- 6.8.4 The S106 agreement will also include a requirement for the applicant to supply the new residents with 2 years free membership to the local Car Club, which has

3 bays within the immediate vicinity of the site. It has been noted that the applicant intends to provide a storage area capable of accommodating 10 bicycles. In order to comply with updated London Plan standards the development will need to be served by 22 cycle storage spaces. This will be secured by condition to meet the minimum requirements and in order to promote a sustainable and alternative mode of travel over the private motor vehicle.

6.8.5 With the above measures implemented, the proposed development is unlikely to have any significant negative impact upon the existing highway network or parking demand within the vicinity of the site.

6.8.6 A condition will be imposed in the absence of any waste details to ensure a designated area for bins will be provided in an acceptable location for existing/future occupiers and waste collectors, and to avoid bins being stored on the public highway causing interference to the safe and free flow of pedestrian traffic on the adjacent highway. .

## **6.9 Accessibility**

6.9.1 The proposal will be required to comply with Lifetime Homes Standards and Approved Document M4(2) of the Building Regulations (ADM). The Design and Access Statement and supporting documents need to set out the applicant's proposals and commitment to inclusive design in accordance to the NPPF, London Plan Policies 3.5, 3.8, 7.2 and 7.6 and Local Plan Policy SP2 to provide satisfactory access for disabled people and those with mobility difficulties such as parents with pushchairs and young children.

6.9.2 The applicant has submitted an accessibility statement which demonstrates the new dwellings will incorporate the standards such as providing an illuminated and level threshold to the communal and individual entrances, compatible and uniform risers and goings for the communal stairs, wide corridors, 300mm leading edge to all doors and large bathrooms for ease of use in meeting the above accessibility requirements.

## **6.10 Sustainability**

6.10.1 The NPPF, London Plan and local policies require development to meet the highest standards of sustainable design, including the conservation of energy and water; ensuring designs make the most of natural systems and the conserving and enhancing the natural environment. Chapter 5 of the London Plan requires major developments to meet the London Plan hierarchy and a 35% reduction in carbon emission from Building Regulations.

6.10.2 The applicant is committed to achieving a highly sustainable development as set out in its sustainable design and construction statement and proposes the use of high performance insulation, double glazing, high efficiency lighting and dual

flush WC's of which will be regulated by building control. It is accepted that, given that this is largely a refurbishment of an existing building, that the proposal may not be able to meet the London Plan energy target. The application is conditioned such that an energy statement should be submitted, and approved in writing by the Local Planning Authority, which demonstrates that the proposal goes as far as possible to achieve the London Plan carbon savings target.

## **6.11 Section 106**

6.11.1 This application will be subject to a S106 legal agreement and the applicant has agreed to the following heads of terms:

- i. £100,000 towards affordable housing.
- ii. £1,000 towards the amendment of the TMO to secure the 'car free' development, and two years free membership to a local Car Club and £50 free credit per unit.
- iii. Participation in the Council's employment initiatives during construction phase.
- iv. Considerate Constructors' Scheme.
- v. Review Mechanism should the development not be implemented within 18 months.

## **6.12 Conclusion**

6.12.1 This planning application is for the erection of new third storey and roof (new third and fourth floors) to provide 12no. two bedroom flats at Gisburn Mansions Tottenham Lane.

6.12.2 The proposed development is considered acceptable in principle in this instance as it would provide a better housing mix on the site and additional housing generally whilst contributing to the Borough's housing targets as set out in Haringey's Local Plan and the London Plan.

6.12.3 The roof extension proposal subject to a materials condition is of an acceptable design quality. Although the proposals will cause some visual harm to the character and appearance of the adjacent conservation area the harm is considered to be less than substantial. This harm has been given considerable weight by officers but it is outweighed by the significant benefits of the scheme as a whole.

6.12.4 The proposed development would not cause any significant loss of amenity of that currently enjoyed by existing and surrounding occupiers and residents in terms of outlook and loss of daylight/sunlight, overshadowing, privacy or overlooking.

6.12.5 The development has been designed to meet Lifetime Homes standards, and provides an acceptable level of living accommodation and amenity space for occupiers of the new development.

6.12.6 A condition has been suggested should any consent be granted requesting details of the construction management plan and construction logistics plan to ensure it does not prejudice existing road and parking conditions, namely vehicular movements along Tottenham Lane, Gisburn Road and the local road network generally and would not have an adverse impact on pedestrian safety.

6.12.7 The proposal is subject to a S106 legal agreement to secure an off site affordable housing contribution, a financial contribution towards the amendment of the TMO, employment opportunities during construction, a 'car free' development and considerate constructors scheme.

6.12.8 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**

Based on the information given on the plans, the Mayoral CIL charge will be £37,035.92 (861 sqm x £35 x 1.229) and the Haringey CIL charge will be £240,485.91 (861 sqm x £265 x 1.054). 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) 1045/01, 1307/09, 1307/10 Rev C, 1307/11 Rev D, 1307/12 Rev A, 1307/13, 1307/14, 1307/20 and 1307/25 Rev A.

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 the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

2. The approved plans comprise drawing nos. (1045/01, 1307/09, 1307/10 Rev C, 1307/11 Rev D, 1307/12 Rev A, 1307/13, 1307/14, 1307/20 and 1307/25 Rev A). The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

3. Samples of materials to be used for the external surfaces of the development 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.

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. Prior to the first occupation of the development hereby permitted the applicant shall provide secure and covered cycle storage for 22 (twenty two) bicycles, and shall be permanently retained thereafter.

Reason: To encourage the use of sustainable modes of transport and to comply with London Plan standards.

5. Prior to the commencement of the development hereby approved a Construction Management Plan (CMP) and Construction Logistics Plan (CLP) shall be submitted to, and approved in writing by the Local Planning Authority. The Plans should provide details on how construction work (including demolition) would be undertaken in a manner that disruption to traffic and pedestrians on Tottenham Lane and the surrounding residential streets is minimised. It is also requested that construction vehicle movements should be carefully planned and coordinated to avoid the AM and PM peak periods.

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

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

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

7. Notwithstanding the Provisions of Article 4 (1) and part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, no satellite antenna shall be erected or installed on any of the hereby approved development fronting Tottenham Lane. The flatted development shall have a central dish or aerial system for receiving all broadcasts for the residential units created: details of such a scheme shall be submitted to, and approved in writing by the Local Planning Authority prior to the occupation of the property, and the approved scheme shall be implemented and permanently retained thereafter.

Reason: In order to prevent the proliferation of satellite dishes on the development.

8. Prior to the commencement of construction works the applicant shall provide a further energy statement in order to demonstrate that carbon savings have been maximised, taking account of the limitations of the building, in line with London Plan Policy 5.4 The development hereby permitted shall be built in accordance with the approved energy statement 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.

**Informatives:**

INFORMATIVE : Co-operation with the applicant:

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 foster the delivery of sustainable development in a positive and proactive manner.

INFORMATIVE : CIL

Based on the information given on the plans, the Mayoral CIL charge will be £37,035.92 (861 sqm x £35 x 1.229) and the Haringey CIL charge will be £240,485.91 (861 sqm x £265 x 1.054). This will be collected by Haringey after/should the scheme is/be 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.

INFORMATIVE : Hours of Construction Work:

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.

**INFORMATIVE : Party Wall Act:**

The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

**INFORMATIVE : Numbering:**

The new development will require numbering. 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 : Thames Water**

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.



## Appendix 1 Consultation Responses from internal and external agencies

<b>Stakeholder</b>	<b>Question/Comment</b>	<b>Response</b>
<b>INTERNAL</b>		
<b>Transportation</b>	No objection subject to a car free development and 2 years free Car Club membership secured via a S106 legal agreement and the imposition of cycle and construction management plan and construction logistics plan conditions to the decision.	Noted.
<b>Design Officer</b>	No objection following the amendments made to the original scheme and in response to previous advice.	Noted.
<b>Building Control</b>	No objection.	Noted.
<b>EXTERNAL</b>		
<b>Thames Water</b>	No objection.	Noted.
<b>NEIGHBOURING PROPERTIES</b>	<p>Loss of privacy</p> <p>Loss of sunlight/daylight</p> <p>Loss of outlook</p> <p>Drainage</p> <p>Noise and disturbance and impact on health during construction</p> <p>Lack of parking</p> <p>Building material deliveries</p> <p>Design and appearance</p> <p>Waste</p>	<p>Noted. This is covered in Section 6.6 of this report</p> <p>Noted. This is covered in Section 6.6 of this report</p> <p>Noted. This is covered in Section 6.6 of this report</p> <p>Thames Water has not objected to the proposal with regard to sewerage and water infrastructure capacity</p> <p>The applicant would be obliged into entering a Considerate Constructors' Scheme via a legal agreement to minimise the impact on local amenity</p> <p>Noted. This is covered in Section 6.9 of this report</p> <p>Details are required as per condition 5</p> <p>Noted. This is covered in Section 6.3 of this report</p> <p>Noted. This is covered in Section 6.9 of this report</p>

**Appendix 2 Plans and Images**











Photos of adjoining property at No. 2 Gisburn Road

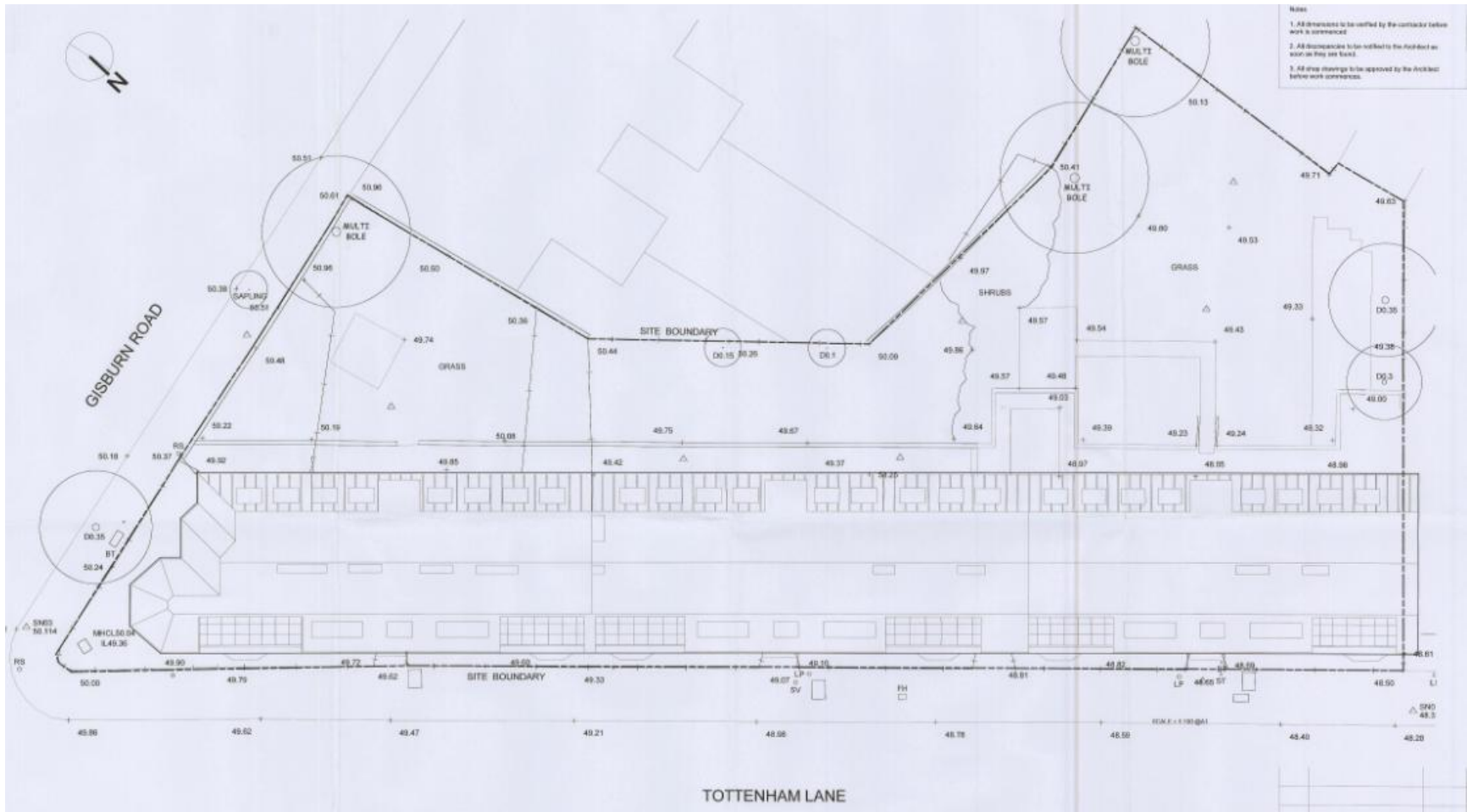




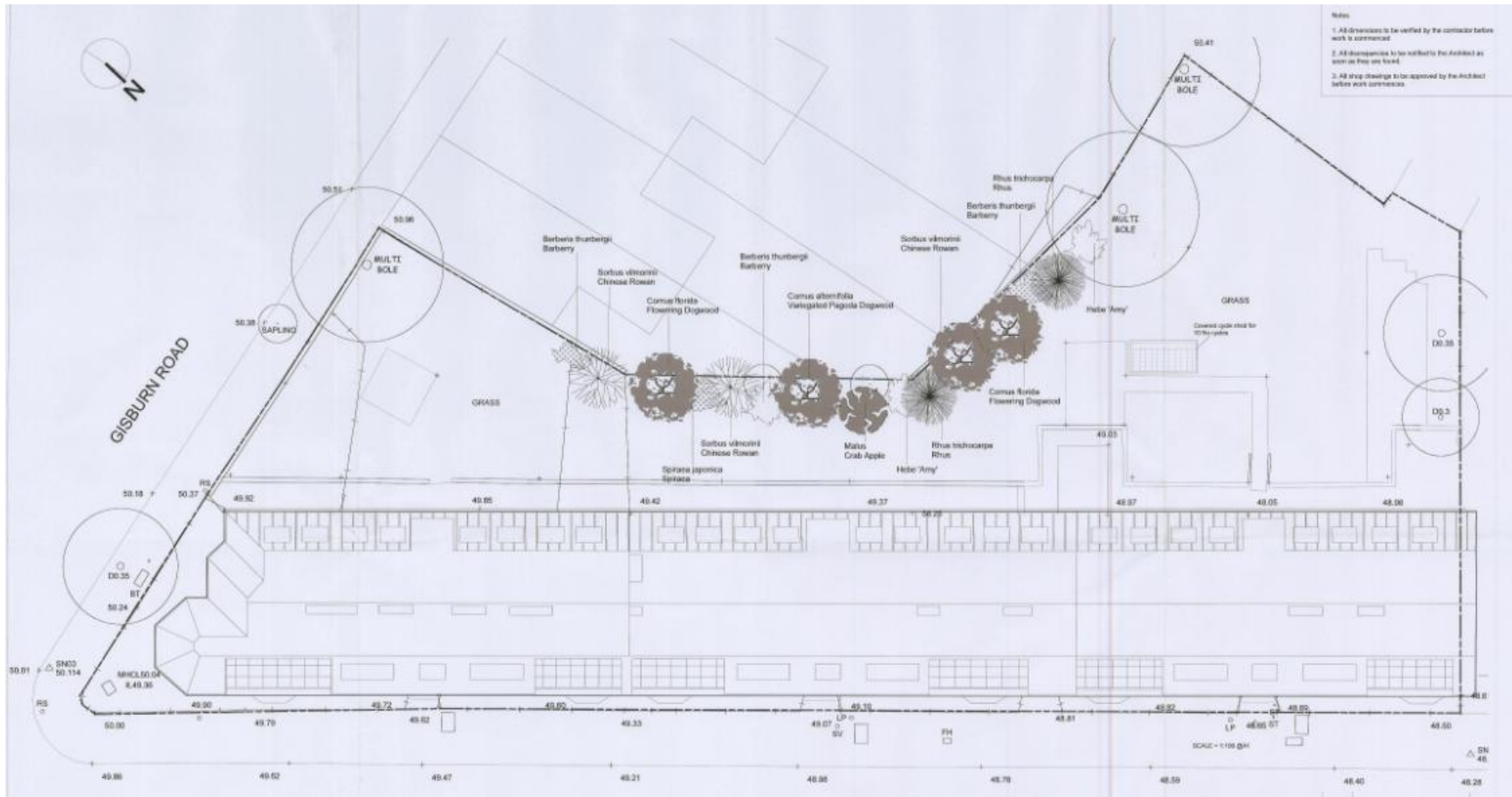
# Location Plan



# Proposed site plan

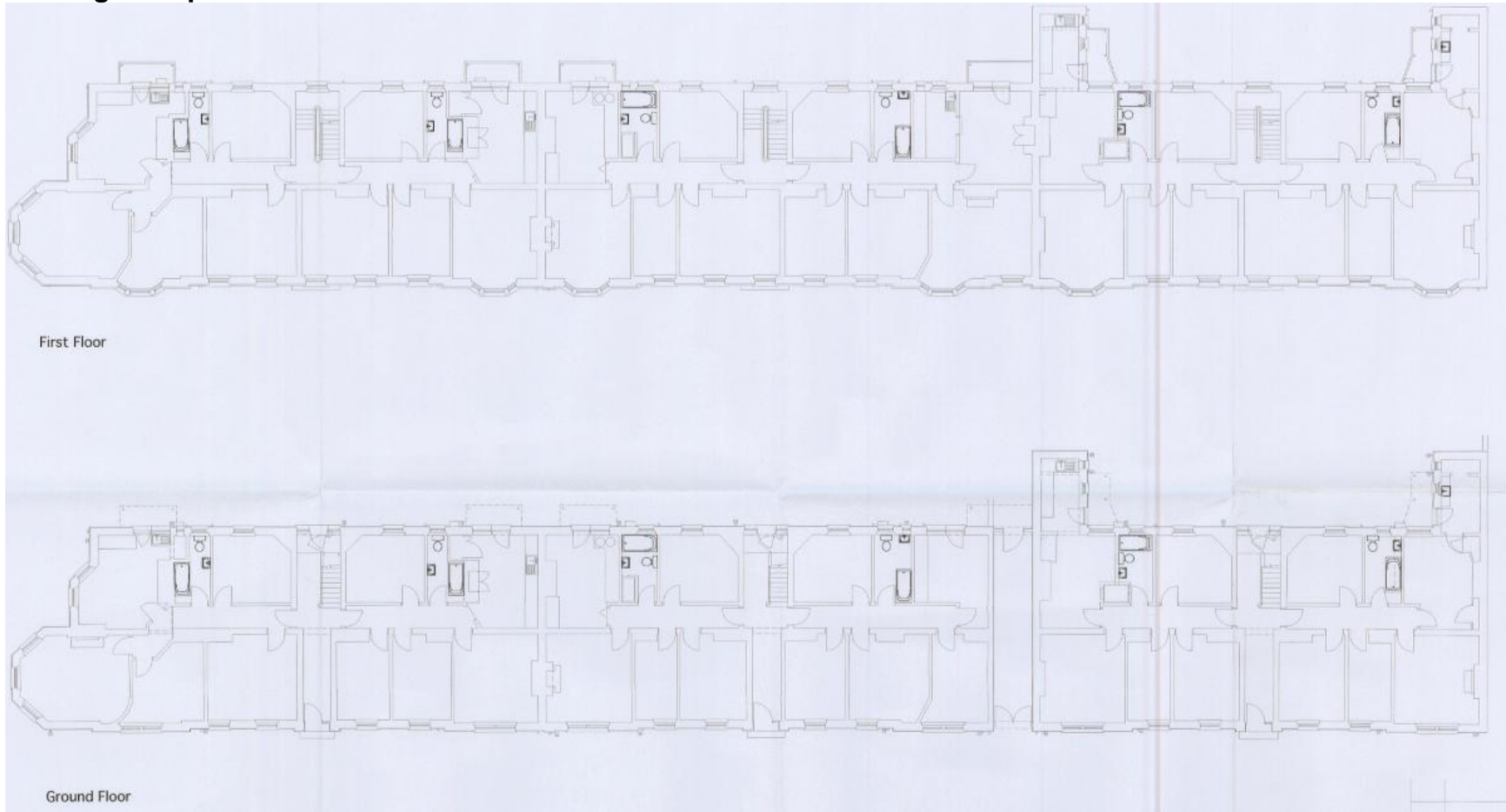


# Proposed landscaping plan

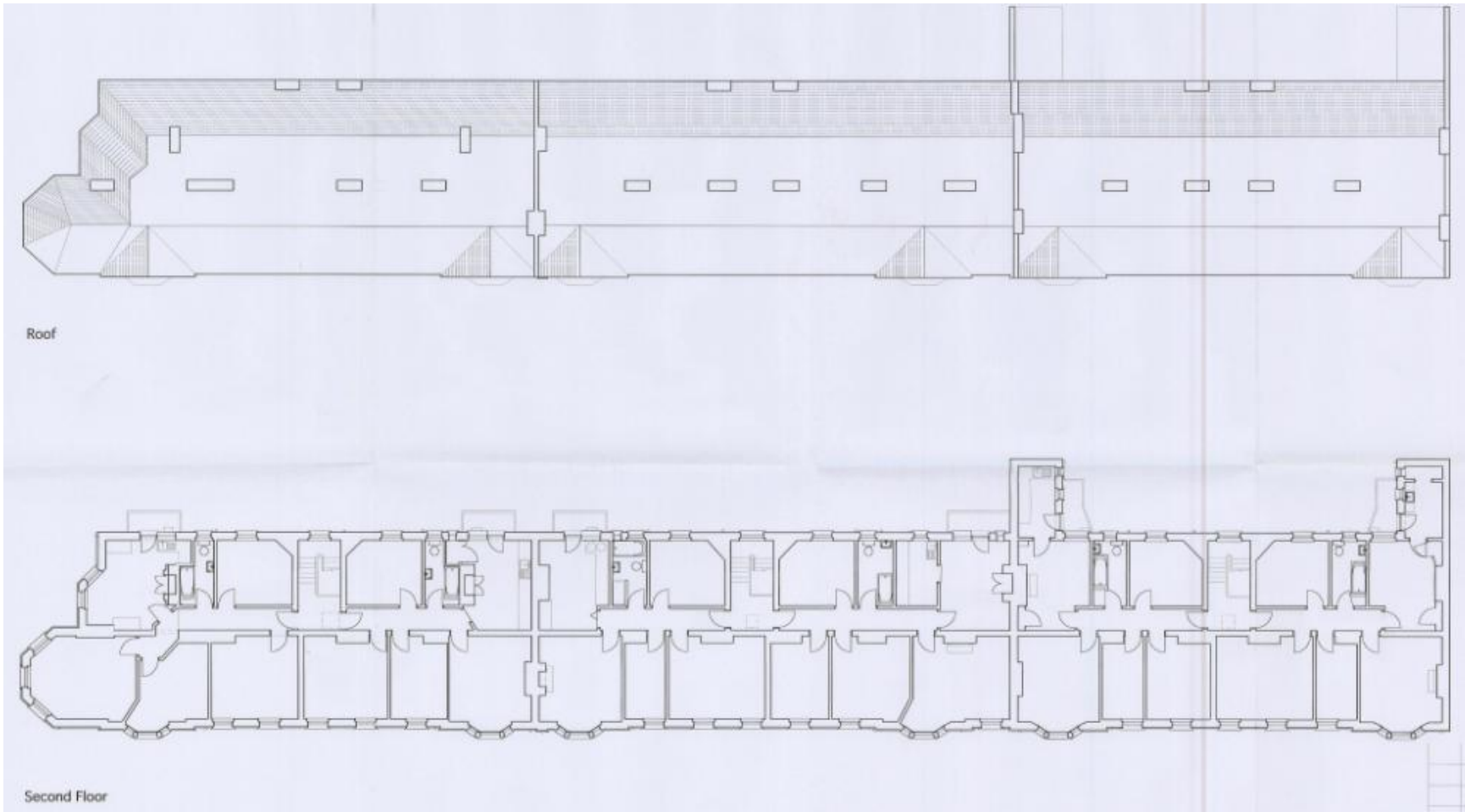




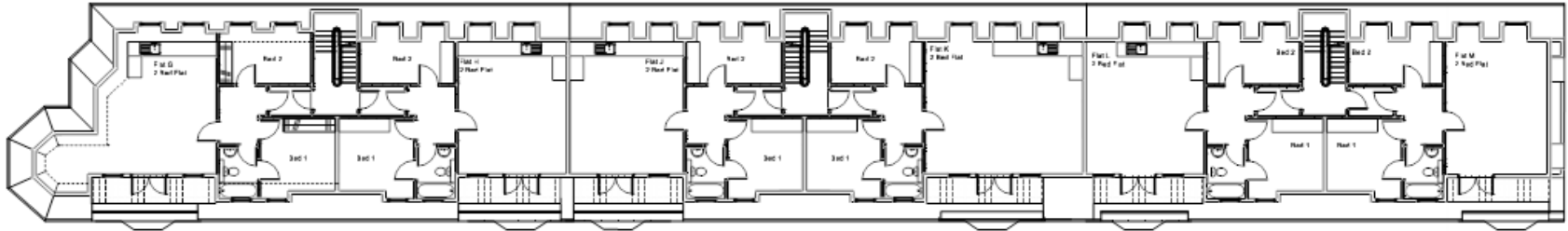
## Existing floor plans



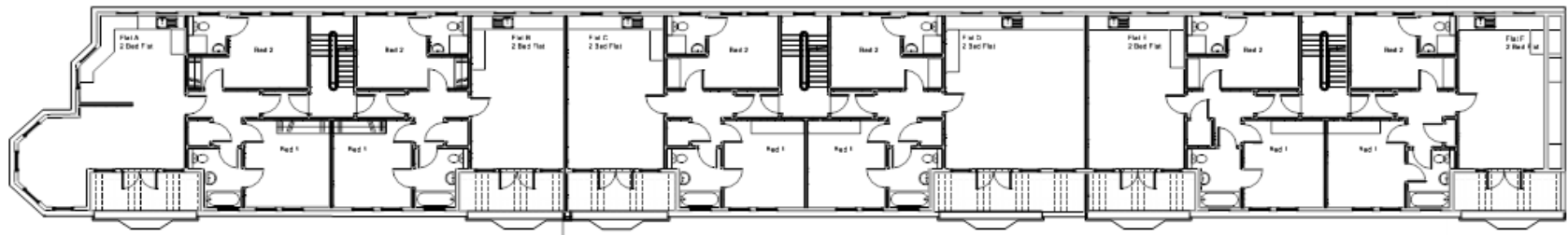
## Existing second floor and roof plans



## Proposed floor plans

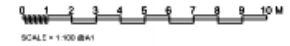


Proposed Roof Floor Plan

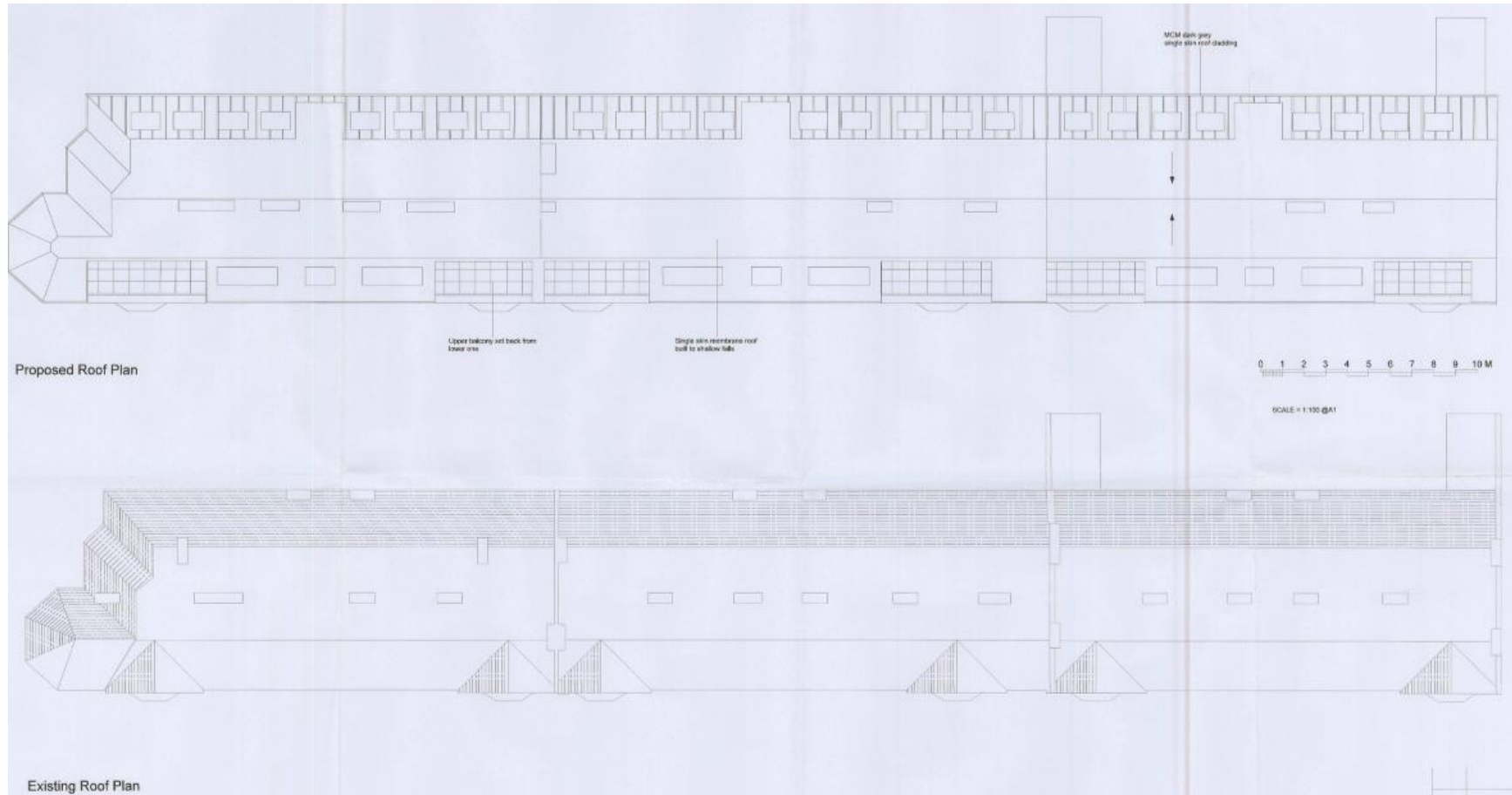


Proposed Third Floor Plan

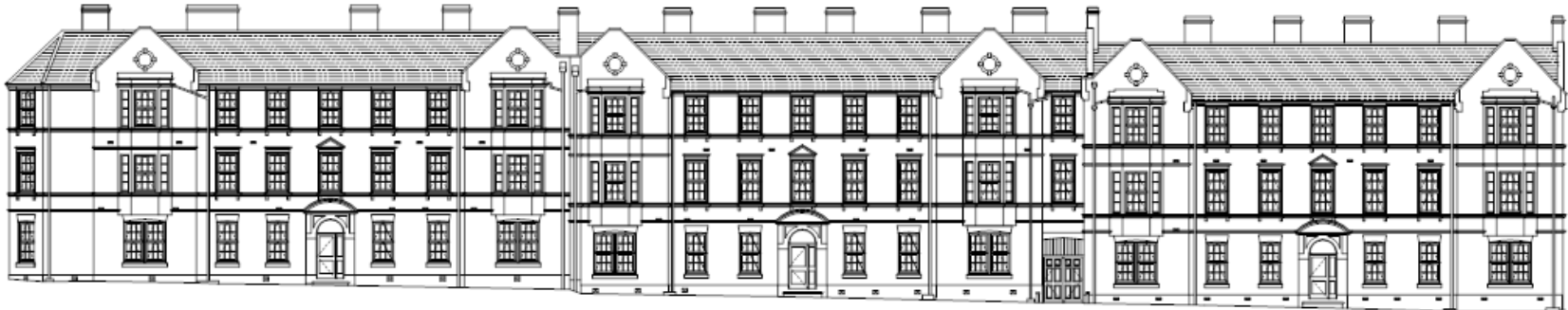
All dimensions in meters to 0.5m accuracy



## Existing and proposed floor plans



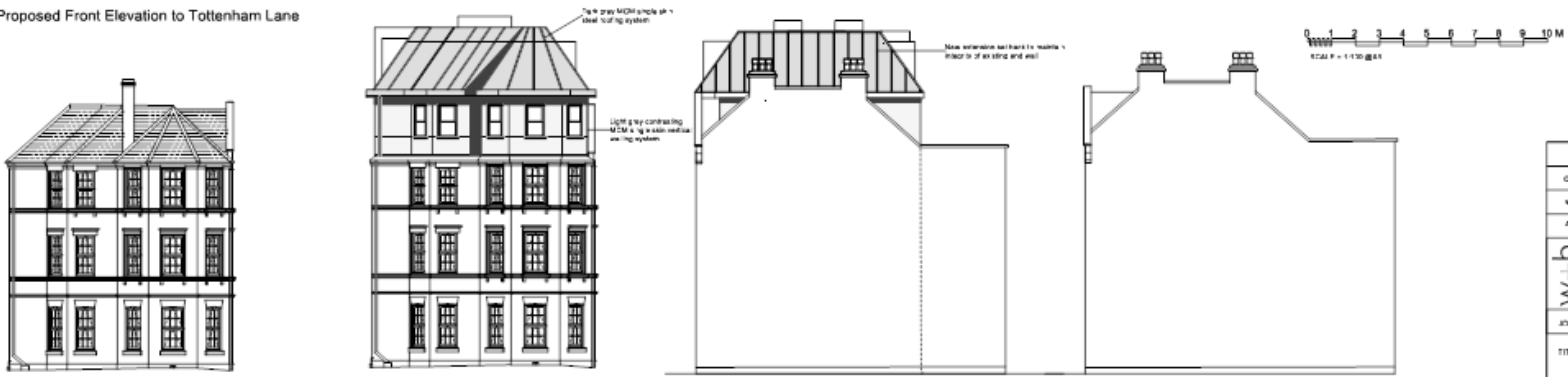
# Existing and proposed front and side elevations



Existing Front Elevation to Tottenham Lane



Proposed Front Elevation to Tottenham Lane



Existing End Elevation to Gisburn Lane

Proposed End Elevation to Gisburn Lane

Proposed End Elevation

Existing End Elevation

C	North 2 window unit
X	End to the wall
A	Front elevation set
W+B	
1000 Gisburn Mansions	
11111	
Existing & Pro	

## Existing and proposed rear elevations



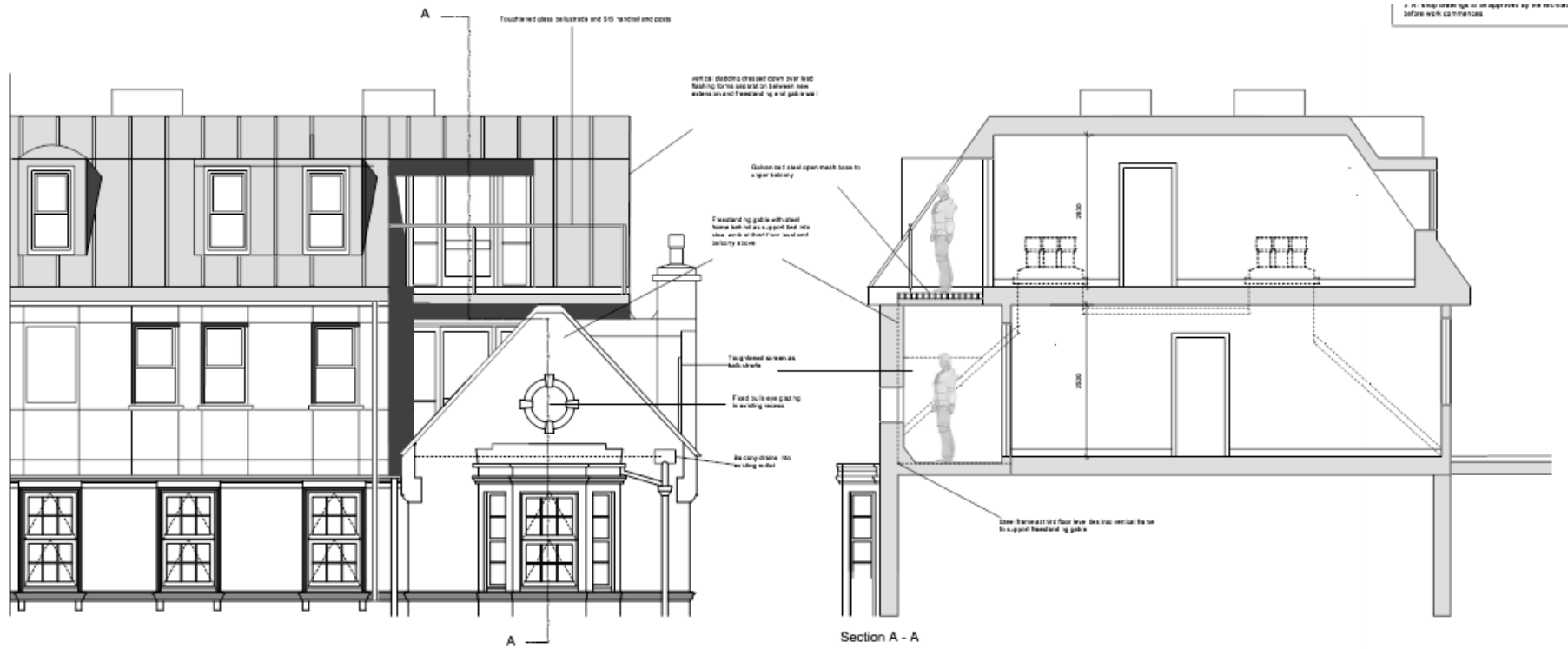
Existing Rear Elevation



Proposed Rear Elevation

0 1 2 3 4 5 6 7 8 9 10 M  
SCALE = 1:150 (B&I)

# Proposed section



**Proposed detail 1**





Proposed detail 2

