

REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE

1. APPLICATION DETAILS

Reference No: HGY/2017/0802

Ward: Tottenham Green

Address: Car Park Westerfield Road N15 5LD

Proposal: Temporary use of site for up to 7 years for the installation of modified shipping containers to provide mixed use workspace, retail, bar / food, events, performances and green spaces.

Applicant: Mr Ali Mehmet, StackN15 Ltd

Ownership: Private/Council

Case Officer Contact: Wendy Robinson

Site Visit Date: 23/03/17

Date received: 15/03/2017 **Last amended date:** 05/06/2017

Drawing number of plans:

1.1. This application has been brought to committee because it is major development and is partially located on Council land.

1.2. SUMMARY OF RECOMMENDATION

- The proposed temporary development is acceptable in principle, given that the loss of the Westerfield Road car park (that is earmarked for removal soon as part of the construction requirements for the Crossrail 2 development) can be mitigated by replacement parking within the Brunswick Road car park nearby in addition to on-street parking improvements, and given the development would provide demonstrable economic and social improvements to the local town centre;
- The development would constitute a contemporary improvement to the visual quality of the area, in contrast to the appearance of the existing car park, and is of an appropriate scale and massing, and therefore would be acceptable in design terms;
- The development would not have a detrimental impact on the amenity of adjoining occupiers, subject to conditions, in terms of a loss of sunlight or daylight, outlook, or privacy, or in terms of a negative impact from excessive noise, light or air pollution;

- The development would provide sufficient financial and other contributions by legal agreement to mitigate for the residual impacts of the proposed loss of off-street parking within this highly accessible location, including a re-designed Brunswick Road car park, additional on-street parking bays, new wheelchair-accessible off-street parking spaces and cycle parking;
- The development would improve pedestrian accessibility and create additional passive surveillance on Westerfield Road through improvements to the public realm;
- The development would be acceptable in terms of its impact on carbon reduction and sustainability through mitigation methods such as green roofs and sustainable drainage systems;
- The development would be adequately serviced and managed, and would provide appropriate levels of security;
- The application is also acceptable for all other reasons as described below.

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 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 10th July 2017 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) within the time period provided for in resolution (2.2) above, planning permission be granted in accordance with the Planning Application subject to the attachment of the conditions.

Conditions

- 1) Seven years temporary consent
- 2) In accordance with approved plans
- 3) Materials submitted for approval
- 4) Use Class restrictions
- 5) Hours of use restrictions
- 6) Noise limitations
- 7) Extractor restrictions
- 8) Drainage/SUDS measures
- 9) Sustainability measures
- 10) London Underground requirements
- 11) Construction Management Plan
- 12) Cycle Parking

- 13) Secured by design
- 14) Lighting details
- 15) Delivery and servicing details
- 16) Network Rail requirements
- 17) Landscaping details
- 18) Tree protection measures
- 19) Japanese knotweed survey
- 20) Construction hours
- 21) Roller shutter restriction

Informatives

- 1) Co-operation
- 2) Party Wall Act
- 3) Street Numbering
- 4) Drainage
- 5) Legal Agreement

Section 106 Heads of Terms:

- 1) The applicant will be required to enter into a S.106 agreement to fund the following measures in order to mitigate the impact of closing the Westerfield Road car park:
 - a. Improvements to the Brunswick Road car park including: resurfacing and reconfiguration of the car park, provision of two electric vehicle parking spaces, and lighting and CCTV;
 - b. Provide advance closure signage of the existing car park, and implementation of direction signage on West Green Road to the improved Brunswick Road car park;
 - c. Provide a temporary strategy to deal with replacement of the existing disability car parking spaces during the construction period;
 - d. The applicant will be required to pay for an Inventory Study to assess capacity for local residents' bays as it may be best to implement shared-use bays rather than converting single and double yellow lines into additional car parking bays;
 - e. Fund a Traffic Management Order, signing and lining to accommodate on-street displacement parking from Westerfield Road car park;
 - f. Fund additional works to Brunswick Road car park including: measures to address anti social behaviour, a press notice advertisement, temporary signage and stakeholder engagement.

The total cost of the works in relation to the closure of the car parking and implementing measures to address the displaced traffic has been estimated at: £195,588 (one hundred and ninety five thousand five hundred and eighty eight pounds).

- 2) Four car parking spaces shall be provided to the front of the site, adjacent to Westerfield Road, and these shall be allocated for wheelchair-accessible parking spaces only (although temporary usage is also permitted for short term waste collection and/or delivery activities as necessary).
- 3) The applicant will be required to fund traffic marshals to assist in directing users to Brunswick Road car park during the first 2 weeks of the closure of Westerfield Road car park and details of an appropriate car park closure management strategy must be submitted to the Council for approval 3 months before the closure of the Westerfield Road car park.
- 4) A commercial travel plan must be secured. The following measures must be included in order to maximise the use of public transport:
 - a. The developer must appoint a travel plan co-ordinator, working in collaboration with the Council's Facility Management Team, to monitor the travel plan initiatives annually;
 - b. Provision of welcome induction packs containing public transport and cycling/walking information like available bus/rail/tube services, map and time-tables to all new businesses.

The applicants are required to pay a sum of £3,000 (three thousand pounds) for monitoring of the travel plan initiatives.

- 2.4. In the event that Members choose to make a decision contrary to the 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 be refused for the following reasons:
 1. The proposed development, in the absence of a legal agreement to mitigate the loss of off-street parking from the removal of the Westerfield Road car park, to improve the layout of the existing Brunswick Road car park, or to provide additional on-street parking spaces in the local area, would significantly exacerbate pressure for on-street parking spaces in surrounding streets, prejudicing the free flow of traffic and conditions of general safety along the neighbouring highway. As such, the proposal would be detrimental to the amenity of local residents. As such the proposal is considered contrary to the requirements of Policy 6.13 of the London Plan 2016, and Saved Policies UD3, HSG11 and M10 of the Haringey Unitary Development Plan 2006.
- 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 (1) above to secure the obligations specified therein.

2.7. That delegated authority be granted to the Head of Development Management to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions as set out in this report and to further delegate this power provided this authority shall be exercised in consultation with the Chairman (or in their absence the Vice-Chairman) of the Sub-Committee.

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Appendix 1: Consultation responses

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3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

3.1. Proposed development

3.2. The development can be summarised as follows:

- Change of use of existing Westerfield Road car park for mixed commercial uses;
- Development of new shipping containers arranged up to four storeys in height over different levels. Each container is arranged side by side and vertically in an east – west direction;
- Provision of a raised timber boardwalk at first floor level between the container development and railway arches. The ground floor units will have public access from the Westerfield Road frontage with private service access to a covered corridor to the rear (below boardwalk); the first floor units will have entrances from the rear off the boardwalk and to the side from the terraced areas between groups of containers; the second floor units will be accessed from the side via external or internal staircases; the third floor units are entered internally from containers below;
- Access is provided from Westerfield Road to the first floor via two staircase points and a lift. A new access point from West Green Road will be established following the removal of an existing billboard currently blocking the connection. There will be stairs leading up to the first floor boardwalk and some cycle parking at this entrance;
- The total floor space to be created is 1,950m²;
- The uses will consist of 30 food/drink (A3/A4/A5), 16 retail units (A1), 15 office (B1a) and 5 community/well-being units (D1/D2). Some flexibility would be permitted in the types of units provided in order to reflect demand;
- The development's ground floor would feature retail, office and community/well-being units only, with food and drink uses located on the first and second floors. The third floor would be for office only.
- Each unit would be rented out to individual operators through use of a tiered system to ensure that the priority is for new businesses in the Tottenham community, then the wider Haringey borough, then for a justifiable business from outside the borough;
- Seating would be available mostly at first floor between the container clumps and along the boardwalk by the arches. Seating will be available at second floor;
- There are areas for community art/music opportunities at first floor on the boardwalk and through use of the existing railway arches;
- The development would be stepped back from the Westerfield Road frontage with two loading zone/disabled parking areas (incorporating four parking spaces), an active ground level frontage, and cycle parking;
- Bathroom and waste facilities are available at ground floor level;
- Deliveries and servicing would be from Westerfield Rd using the proposed loading bays giving access to the rear corridor at ground floor or up onto the

upper levels using the stairs and lift (to first floor only). Delivery times are to be between 8am and 5pm, and waste collections would be between 7am and 11am daily.

Site and surroundings

- 3.3. The site is located on the western side of the residential street Westerfield Road, just south of West Green Road (A504) and north of Seven Sisters Road (A503). The site is roughly rectangular in shape and measures approximately 95 metres long and 35-40 metres wide giving an area of approximately 3500 sqm in area (0.35 hectares). The main hard standing area for parking (not including the land adjacent to the railway arches or public foot path) is approximately 16 metres wide.
- 3.4. The majority of the site is currently in use as a vehicle car park for up to 71 vehicles and is owned and managed by the Council. There is a secondary element which is owned by Transport for London.
- 3.5. Immediately south west of the site is Seven Sisters Underground and Rail Station and the site is bound to the west by the railway line embankment serving the station, with brick arches onto the site under the platforms. To the north is the back of a short parade of commercial properties with residential use above fronting West Green Road and to the east is a terrace of two storey residential properties fronting the opposite side of Westerfield Road. To the south is Pleiades House, a 3 storey 1960s office block, beside the station. The immediate area is therefore characterised by a mixture of commercial uses and residential development.
- 3.6. The site does not comprise any statutory or locally listed buildings and is not located within a Conservation Area. The site has a very high Public Transport Accessibility Level (PTAL) rating of 6a. A strip of land adjacent to the railway line on the western part of the site (i.e. the railway and its immediate edges) falls within an Ecological Corridor as outlined on Haringey's Local Plan Strategic Policies 2016-2028 map, and Policy SP13 of the Local Plan Strategic Policies (2013).
- 3.7. The has been earmarked for Seven Sisters Crossrail 2 site allocation to safeguard land for future surface works.

Relevant Planning and Enforcement history

- 3.8. OLD/1976/1413 - GTD 12/05/1976 - Formation of temporary car park for not more than 5 years (meanwhile use as pegged for housing).
- 3.9. OLD/1987/2030 - GTD 19/01/1987 - Renewal of temporary consent for use as car park (expired 01/01/1992).

4. CONSULTATION RESPONSES

- 4.1. Two pre-application meetings were held with planning officers prior to submission of this planning application. The applicant was advised as to the principle of development relating to the car parking and proposed use, the form and scale of the development design and neighbour amenity issues.
- 4.2. The scheme was presented to the Haringey Quality Review Panel on 9th November 2016 who were supportive of the proposal. The minutes of that meeting are set out in Appendix 3 and summarised as follows. Officer comments have also been provided to demonstrate how the Panel's recommendations have been addressed:

Panel Comments	Officer Response
Frontage requires further consideration	Improvements have been made as per the comments below
Fence at front should be removed	There is no longer any fencing on the street frontage of Westerfield Road at ground floor level
Increase use of art, colour, texture, planting and lighting to increase visual interest	The applicant has confirmed a visually interesting finish of varying colours and textures including artworks will be incorporated into the development. Planting and lighting are already proposed and details would be confirmed at condition stage
Provide additional screening of upper levels of development	All seating and circulation (apart from entrances/exits) areas would be fully screened with fencing – exact details would be agreed by condition
Servicing should be fully considered	Dedicated and fully integrated service facilities are provided, with waste storage located away from public views – delivery and service plans would need to be agreed at condition stage

4.3 The following were consulted regarding the proposed development and their responses noted below:

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1. Design: The Officer welcomes the application for several reasons, including the provision of vibrant activities in this underused area, reduction in car parking area of poor visual amenity, and visually striking appearance of the development. The development is acceptable in terms of the relationship of its scale and grain with the nearby terraced residential properties, whilst also providing appropriate soft landscaping.
2. Transportation: No objections subject to section 106 obligations and conditions to mitigate the loss of parking with the improvement of Brunswick Road car park and other on-street infrastructure.
3. Sustainability: No objections subject to the provisions identified within Section 7.0 of the amended Design and Access Statement being provided, including green roofs and sustainable construction methods. Electric vehicle charging points should be provided in the refurbished car park.
4. Economic Development: Support this scheme because it would respond to and directly deliver a number of Haringey Economic Development strategies and policies.
5. Regeneration: Strongly support this scheme.
6. Licensing: Hours will be limited by condition. Noise from individual units will be regulated on a case by case basis as units apply for appropriate licenses. Construction hours are controlled by other legislation. Plant noise will also be limited by condition.
7. Waste Management: As a commercial development, it is the responsibility of the business owner to ensure that the waste is stored correctly not on the public highway.
8. Drainage: The drainage systems proposed are acceptable in principle but details will need to be confirmed by condition.

External

1. GLAAS: No consultation required
2. Designing out Crime: No objections subject to standard recommendations for CCTV, lighting, cycle storage, street furniture, planting, trees, graffiti, signage, building facades, and licensing, and a condition to achieve Secured by Design accreditation

3. Network Rail: No objection provided there is no disturbance to Network Rail land during construction and the operation of this development
4. London Underground Infrastructure Protection: No objection subject to condition on design and method statements
5. Transport for London: No objection subject to applicant working with Network Rail and London Underground Infrastructure Protection, conditions on cycle parking and deliveries, and s106 for Travel Plans
6. London Fire Brigade: No objections

5. LOCAL REPRESENTATIONS

5.1. The following were consulted:

- 604 neighbouring properties;
- Site notices were 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: 47

Objecting: 21

- Seven Sisters Market Hall, 231-243 High Road
- 4, 6 (x3), 8, 8a, 18, 20, 46, 50 Westerfield Road
- Upper flat, 9 Beaconsfield Road
- 84 Bruce Castle Road
- 180 Westward Road
- 26(x2) West Green Road
- 36, 54, 56 Summerhill Road
- 1 Butterfly Court, Bathurst Square
- Unknown address (x4)

Supporting: 26

- 4 Kerry Villa, Clyde Circus
- 5 Kathleen Villa, Clyde Circus
- Unit 10, 33 Queen Street
- Unit 14, 167 Hermitage Road
- 26 Westerfield Road
- 33 St John's Road
- 10 Chandos Road
- 48 Mount Pleasant Road
- 114 Seaford Road

- 163 West Green Road
- 27 Egret Heights, Waterside Way
- 20 Butterfly Court, Lawrence Square
- 5 'Napier'
- 1 Beaminster Court
- 104 Roslyn Road
- 26 Lawrence Road
- 9 Bathurst Square
- 19 Birdsmouth Court, Bathurst Square
- 9, 14, 19, 38, 68, 69 Butterfly Court, Bathurst Square
- 38 Dorset Road
- Salisbury Mansions (number unknown)

Others: 1

- Beaconsfield Road (number unknown)

5.3. The following local groups/societies made representations:

- Transport for All.

5.4. The following Councillors made representations:

- None

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

5.6. Objections

- The site is not allocated in the local plan;
- Loss of car park;
- Loss of disabled parking;
- Excessive height;
- Poor quality design;
- Negative impact on character and appearance of the area;
- Excessive noise;
- Loss of quiet amenity space;
- Loss of light;
- Negative impact on local safety and security;
- Excessive proliferation of food units;
- Negative impact on existing local businesses;
- Negative impact on long-term regeneration plans;
- Increase in waste and litter;
- Increase in air pollution;
- Increase in traffic problems;
- Reduction in emergency access to railway line;
- Insufficient site accessibility;

- Equalities not sufficiently considered;
- Insufficient local consultation.

6. MATERIAL PLANNING CONSIDERATIONS

The main planning issues raised by the proposed development are:

1. Principle of the development
 - i. Loss of public car park
 - ii. Mixed commercial use
 - iii. Temporary use
2. Design
3. Impact on the amenity of adjoining occupiers
 - i. Impact on light, outlook and privacy
 - ii. Impact from noise, lighting and smells
4. Parking & Highway Safety
5. Waste Management & Servicing
6. Security & Access
7. Trees & Ecology
8. Sustainability
9. Drainage & Flooding
10. Equalities
11. Section 106 Heads of Terms
12. Other Material Considerations

6.1. Principle of the development

6.2. *Loss of public car park*

The National Planning Policy Framework (NPPF) paragraph 32 states 'development should only be refused on transport grounds where the residual cumulative impacts of the development are severe'. The site is not formally allocated as a development site within the Local Plan. In addition, the Council has no specific policies that restrict the conversion of sites from use as a car park to other land uses, subject to the development being compliant with all other relevant planning policies.

- 6.3. The site includes a Council-owned car park accessed from Westerfield Road which provides 71 car parking spaces (69 pay and display car parking spaces and 2 disabled spaces) aimed at non-commuter users. The site was historically identified for housing but was instead granted permission for use as a car park for a temporary period in the 1970s. That car parking use has continued in the meantime. The site is currently safeguarded for use in the construction of Crossrail 2 and as such these parking spaces would be removed when construction of that new railway commences.

- 6.4. This application proposes a scheme to re-develop the car park site and some associated TfL land for a mixed-use commercial development providing container units for retail, food/drink, office, and community uses. It is acknowledged that the car park is currently in use and that removing this facility would have a general impact on local car parking arrangements. The applicant has undertaken surveys that conclude the loss of the car park could potentially lead to the displacement of all 71 car parking spaces into the surrounding area.
- 6.5. The nearby Brunswick Road car park (Council-operated), located just south of West Green Road and to the west of the application site, consists of 50 car parking spaces (28 pay and display spaces, 8 residential permit spaces, 12 business permits, and 2 disabled car parking spaces) but is severely underutilised, whilst a lot of residual space within that car park is also available that has not been formally lined-out or signed for car parking.
- 6.6. Furthermore, the roads surrounding the application site have been surveyed and capacity for on-street parking has been found, whilst further additional spaces could potentially be provided through the creation of additional on-street spaces within the existing road layout. Therefore, it is considered that works to improve the existing Brunswick Road car park, combined with the provision of additional on-street parking in surrounding streets, can be successfully implemented to mitigate the loss of this existing car park.
- 6.7. It is acknowledged that commuter parking is unlikely to be provided-for within the future parking scenario as a four-hour parking restriction may be applied to the improved Brunswick Road car park. This restriction is necessary to ensure that the short term users who make up the majority of existing users would be safeguarded. It is also relevant to note that the subject car park was never intended for commuter use.
- 6.8. In order to safeguard the local highway network the Brunswick Road car park improvements must be implemented at least three months in advance of the closure of the site - Westerfield Road car park, and a car park closure management strategy must be implemented after the closure of the Westerfield Road car park.
- 6.9. As such, the Council's Transportation team do not raise any objections to this proposal subject to section 106 obligations described below that are required in order to mitigate the impact of closing the Westerfield car park, as follows:
 - a. Improvements to the Brunswick Road car park including: resurfacing and reconfiguration of the car park, provision of two electric vehicle parking spaces, and lighting and CCTV to improve the perception of safety;

- b. Provide advance closure signage of the existing car park, and implementation of direction signage on West Green Road to the improved Brunswick Road car park;
- c. Provide a temporary strategy to deal with replacement of the existing disability car parking spaces during the construction period;
- d. The applicant will be required to pay for an Inventory Study to assess capacity for local residents' bays as it may be best to implement shared-use bays rather than converting single and double yellow lines into additional car parking bays;
- e. Fund a Traffic Management Order, signing and lining to accommodate on-street displacement parking from Westerfield Road car park;
- f. Fund additional works to Brunswick Road car park including: measures to address anti social behaviour, a press notice advertisement, temporary signage and stakeholder engagement.

6.10. The total cost of the works has been estimated at: £195,588 (one hundred and ninety five thousand five hundred and eighty eight pounds).

6.11. *Mixed commercial use*

6.12. The NPPF states that local plans shall identify a hierarchy of town centres that are resilient to future economic changes. It also states that the limit of town centres shall be clearly defined, whilst unique, diverse and competitive town centres shall be promoted.

6.13. The site is located just outside of the West Green Road/Seven Sisters District Town Centre. Policy DM41(B) of the emerging Development Management DPD requires proposals for edge-of-centre development to demonstrate that there are no appropriate town centre sites available for the use proposed, and that the proposed location is the most preferable. However, it is acknowledged that no sequential test is required because the amount of retail floorspace would be under 2,500 square metres – as such, the location is acceptable in policy terms. DM41(B) also requires that developments in these locations are consistent with the size, role and function of the town centre, and also contribute to its vitality and viability of the centre, which the proposal evidently achieves through its active ground floor uses and commercial activities in general. The use and location of the site with the proposed development is acceptable in land use policy terms.

6.14. In addition, London Plan Policies 4.8 and 4.9 encourage the support of small shops and economic activity to provide diverse and more vital and vibrant town centres.

6.15. The Council's Economic Development Team and Regeneration Team both support this proposed development due to the anticipated economic and social benefits from the scheme, such as those indicated below:

- i. Establishment of 1950m² of business space for use by independent retailers, food outlets, designers, artists and other creative enterprises;
- ii. The creation of 75-100 jobs including apprentices and maintenance staff;
- iii. Provision of space and supply chain opportunities for Fashion Enter, a major clothing manufacturer, to showcase and retail their designers;
- iv. A number of multiplier effects to the West Green shopping area including: increased footfall in the area and increased economic activities through more people shopping and spending in West Green Road;
- v. Affordable premises prioritised for local businesses in Tottenham and Haringey;
- vi. New training and apprenticeship opportunities;
- vii. New creative and cultural activities that will improve the vibrancy of Seven Sisters area.

6.16. As such, it is not anticipated that existing businesses would be negatively affected by the proposal. On the contrary, the additional footfall from new visitors to the site would likely be high, given the location of the site and result in consumers walking past existing commercial premises on West Green Road. The creation of new jobs is also likely to benefit existing business premises that are not expected to compete directly with a unique and complimentary development of this type.

6.17. The development would be split into a variety of uses for the 67 containers as follows (all percentages rounded to nearest half a percent):

- Retail (Use Class A1) – 16 units (24%);
- Food and Drink (Use Class A3/A4/A5) – 30 units (45%);
- Community/Well-being (Use Class D1/D2) – 5 units (7.5%);
- Office (Use Class B1a) – 14 units (21%);
- Services – 2 units (3%).

6.18. However, the exact split of uses within the site is expected to vary depending on demand from potential future tenants. As such, the Council would impose certain limits, by the imposition of planning conditions on any grant of consent, in order to ensure an excessive amount of one particular type of use would not be provided, whilst also allowing for some flexibility according to demand, so the development would retain its 'mixed' land uses and commercial character.

6.19. As such, this edge-of-centre site is considered to be an acceptable location for temporary leisure, retail and commercial space as development of the type proposed would contribute towards perpetuating a viable and active town centre. The principle of using this land for mixed commercial land uses is therefore considered acceptable for the period sought.

6.20. *Temporary use*

6.21. Whilst the principle of the development is acceptable, the site is currently safeguarded for Crossrail 2. The site's location to Seven Sisters station means it is likely to be used as a work site for that infrastructure project in approximately 7 years' time.

6.22. As such, should the application be acceptable, planning permission will be granted for this development for a temporary period of seven years only. If at the end of this 7 years period there is a change to Crossrail 2 requirements, and this site is still available for this proposed use, then a new planning application would be required to be submitted to obtain planning permission to extend the timeframe for the development either for a further temporary period or on a permanent basis.

6.23. *Conclusion*

6.25 Therefore, the principle of using this site for mixed commercial land uses is considered acceptable, subject to the consideration of all other relevant matters as described in the sections below.

6.26 **Design**

6.27 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, character and historic significance, and contributes 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. Emerging DM Policy DM1 'Delivering High Quality Design' continues this approach and requires development proposals to relate positively to their locality.

6.28 The Council's Design Officer advises that:

6.29 The urban design benefits of filling the site with built form and vibrant activity is preferable to the current sea of featureless car parking;

6.30 This proposal will contribute to expanding and enriching the vibrancy of the town centre, attracting businesses and customers that are likely to be complimentary to the existing town centre, with its significant number of independent shops, many catering particularly to specific ethnic communities.

6.31 Opening up the site as the proposal does, especially by opening up the northern entrance, the former station entrance onto West Green Road, adds to and extends the retail frontage at this point on West Green Road.

- 6.32 The proposed development, whilst being made up of essentially repeating standardised off-the-peg elements, is intelligently laid out in a simple linear form. This allows the proposals to exploit the changes in levels (the land beside the railway viaduct is about half a level above street level) to create a ground level, facing east onto Westerfield Road, for retail uses only open during the day, and with all the evening restaurant and bar uses on the upper levels, opening only onto the 'internal street' within the development, where noise and light disturbance will be screened from nearby residents.
- 6.33 This also allows the existing brick 'vaulted' spaces beneath the Seven Sisters Station Overground platforms to be used for complimentary entertainment/leisure uses opening off this 'internal street'. These vaulted spaces are too small to make viable retail, food or drink establishments, and some contain awkward changes of level, but these will be complimentary to the internal street.
- 6.34 The simple line of repeating container boxes will form a distinctive and visually striking line with an elegant variation creating an interesting silhouette, almost like an archetypal distant view of a city; this view should be visible from the overground railway, providing visual interest and distinctiveness.
- 6.35 The seemingly random stacking of the boxes of the development, and their subtle but varied colour scheme made up of complimentary colours taking from the surroundings of the site, is carefully composed and will be visually striking and pleasing. The use of colours taken from surroundings, and of a comparatively muted colour palette, will aid in fitting the proposal into its context.
- 6.36 The scale and grain of the proposals, made up of repeated units of the standard container box size, will be similar to and complimentary to the existing terraced houses of the other side of Westerfield Road and the terraced shops of West Green Road and Seven Sisters Road. The height of the proposal will vary from one to four containers high (just under 3 – 12m high), but with roof terraces, screened from the street side, on the 1st and 2nd levels. This will put the proposed heights within the existing range of 2-4 storeys.
- 6.37 The elevation treatment compliments the container aesthetic, which is clean and minimalist, with glazed and openable ends for retail frontage, and with windows inserted occasionally in non-opening ends, those windows having a strong vertical emphasis complimentary to the residential and retail context. The screening to terraces is sensitively and appropriately designed, and the inclusion of proposals for artistic treatment of certain facades of some boxes is welcome.

- 6.38 The proposed landscaping is appropriate to its location and range of proposed uses, with a screen of trees along the Westerfield Road street frontage helping to screen the upper floors of residential accommodation opposite from the proposal, whilst the ground level retains the necessary visibility and permeability to ensure good security both within and alongside the site, enlivening the street, whilst creating a certain subtle distancing to give local residents some separation.
- 6.39 It is also noted that the Quality Review Panel response was positive. Amendments requested by the Panel, such as removal of fencing and the use of art, colour, etc to provide visual interest to the front elevation, have been provided with this application. The Panel also referenced amenity screening and servicing arrangements and these matters will be dealt with in the relevant sections below.
- 6.40 It is also relevant to note that, as well as providing immediate benefits to the locality in terms of the function and vibrancy of the car park area, the proposed development has the potential to facilitate additional future accessibility improvements to Westerfield Road in the form of a new opening into the station by the southern end of the site, encouraging pedestrian movements directly through the development into West Green Road, whilst also improving connections through the currently highly linear Seven Sisters town centre.
- 6.41 Therefore, it is considered that the proposal would provide a visually striking contemporary development of an appropriate scale and grain for Westerfield Road that would add to the vitality of the existing town centre without detracting from the character and appearance of the area. Further, given the positive comments received from the QRP as summarised in paragraph 4.2 and the appendices, the design of this proposal is acceptable.
- 6.42 As such, the proposal is acceptable in design terms.
- 6.43 Impact on the amenity of adjoining occupiers**
- 6.44 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. Emerging 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.
- 6.45 The development would be erected on the edge of a vibrant town centre area and sited adjacent to a railway line and a three storey office block. However, there are also residential properties nearby to the east on Westerfield Road. The distance between the proposed development and those properties would be approximately 20m. Flats above shops fronting West Green Road to the north would also be

around 20m away. There would be no material adverse impacts on the amenity of surrounding residents and the reasons for this are described below.

6.46 Impact on light, outlook and privacy

6.47 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. Policy DM1 'Delivering High Quality Design' of the emerging Development Management DPD continues this approach and requires developments to ensure a high standard of privacy and amenity for its users and neighbours.

6.48 The development extends up to four storeys in height but the scale of a typical container means that each storey height is relatively low – less than 3m in height. Furthermore, only four containers (plus attached terraces) are proposed at third floor level. These will be spaced apart along the length of the development to avoid a 'clustering' of containers at its highest level. The remainder of the development will be staggered with stacks of containers of differing storey heights. However, it is relevant to note that out of the row of 32 containers that would face onto Westerfield Road, only 20 containers would extend above a single ground floor level.

6.49 Furthermore, the orientation of existing residential dwellings in the vicinity is east to west for properties on Westerfield Road. This means that the proposed development would not impact on day/sunlight to those properties for most of the day, with potential for only a very limited impact occurring during the late evening and in winter months. This limited loss of day/sunlight from the proposal would be further reduced given the context of existing street tree planting on Westerfield Road. As such, it is considered there would be no significant loss of day/sunlight to nearby residential properties as the result of this development.

6.50 In addition, the 20m separation between the proposed development and those existing houses combined with the visually permeable nature of the built form means that residential outlook would also be unaffected.

6.51 In terms of privacy, the 20m separation distance to the development and current orientation of the existing residential properties, with their front (and most public) elevations facing towards the development and most private spaces protected to the rear, means that no significant loss of privacy is anticipated. This consideration is further supported by the relatively limited number and size of windows located on the eastern elevation of the development above ground floor level, and the enclosed nature of the proposed terraces. The circulation spaces, aside from the main entrances, are set further into the development from the western elevation and are also enclosed by fencing, whilst additional screening is provided by street

trees and other landscaping. As such, the proposal is acceptable in terms of its non-material impact on the privacy / overlooking of local residents.

6.52 *Impact from noise, lighting and smells*

6.53 The applicant has submitted an Environmental Noise Impact Assessment dated July 2016. This has been assessed independently by Sanctum environmental health consultants who have been employed by the Council in this case to independently assess noise matters.

6.54 It is noted that the construction methodologies of the proposed development and the activities planned within it have the potential for disturbance to local residents. However, it is also recommended that mitigation measures can be incorporated that adequately curtail these potential disturbances by the imposition of conditions. Therefore, a condition is recommended to be imposed on any grant of planning permission that restricts construction hours to typical working hours (8am to 6pm Monday to Friday, and 8am to 1pm on Saturdays), with construction works not permitted at any other time.

6.55 In terms of operational activities, a suite of conditions is proposed on any grant of planning consent that would serve to effectively reduce the potential for noise creation from individual units to levels that would not disturb local residents. For example, all mechanical and electrical plant will be limited to noise levels at least 10dB below the existing background noise levels. The Council's Licensing team has determined that such a limit is sufficient to prevent excessive noise from individual and cumulative numbers of units of machinery.

6.56 The proposed retail and community/well-being units are not anticipated to be particularly noise-creating. Food and drink uses, where individuals could congregate, would be arranged with their openings facing away from residential properties on Westerfield Road. As such, the positioning of the food, drink and general late night uses would be orientated away from the existing residential properties to further reduce noise and disturbance that would safeguard amenity. Furthermore, hours of use are to be restricted by the imposition of conditions as follows (see table below). It is considered that these hours are appropriate in the circumstances given the busy commercial nature of the surroundings and given that the latest openings are only permitted at weekends. It is also relevant to note that all food and drink outlets will be required to stop serving customers a minimum of 30 minutes before closing to allow customers to finish and leave the premises:

Type of Unit	Use Class	Days	Hours Restriction
Food/Drink	A3/A4/A5	Sun – Weds	1000h – 2200h

		Thurs	1000h – 2300h
		Fri & Sat	1000h – 0000h
Retail	A1	Sun – Thurs	1000h – 1800h
		Fri & Sat	1000h – 2000h
Community/ Well-being	D1/D2	All	0800h – 2200h
Offices	B1(a)	All	24 hour access

- 6.56 In addition, the seating areas within the development would not be permitted to be occupied after 9pm. It is therefore considered that the siting of uses, orientation of potentially noise-creating uses, and restrictions on hours as described above would combine to effectively prevent excessive disturbance to residential amenity.
- 6.57 Multiple public transport connections away from the site are located very close by and thus excessive lingering of customers outside premises after closing is not anticipated.
- 6.58 In terms of servicing, deliveries will be restricted by the imposition of a condition on any grant of consent: Monday and Saturday between 8am and 5pm, with no deliveries on Sundays and Bank Holidays. Although this would take place to the front (east) of the site vehicle movements are not anticipated to be markedly different to the existing use of the car park and therefore this arrangement would be acceptable in noise terms.
- 6.59 Waste collection will also be restricted by the imposition of a condition to Monday to Saturday only, but with hours from 7am to 11am, as per typical residential waste collections.
- 6.60 Terraced areas will be designed with screening in the form of fencing to muffle any sounds emitted, and no seating or amplified sounds will be permitted in these outdoor areas. A condition has been recommended on any approval so that details of screening could be agreed at a later date.
- 6.61 The Council's Licensing team have raised no objections on noise grounds, and it is noted that individual food and drink units will be required to apply for individual premises licensing which adds additional protection in terms of further regulation to prevent excessive noise disturbance. As such, it is considered that no excessive noise disturbance would occur as the result of this development.

6.62 In terms of lighting, this is only proposed to the rear of the site on the 'boardwalk' which is where the majority of the external space is located, and to the front of the units at ground floor level. Units at ground floor are open no later than 10pm and lighting would be expected to be turned off when the units are not in use. This would be controlled by condition in the event of an approval. The applicant states that light pollution from security lighting shall be minimised by limiting emissions into the sky and beyond the site boundary. Details of lighting can be agreed by condition in the event of an approval. Potentially light-emitting advertisements would need a separate advertisement consent and therefore have not been considered as part of this application.

6.63 Further details of lighting are to be provided at a later date and can be adequately dealt with by the imposition of a condition in the event of any grant of planning approval. As such, it is considered that lighting from the development would not have a detrimental impact on the amenity of local residents.

6.64 In terms of fumes, air pollution and other smells that may emanate from the proposed development, food and drink units will be restricted from providing foods that would require external extraction ducting. As such, external ducting to individual units has not been demonstrated on the submitted plans. This will be restricted by the imposition of a condition in the event of planning permission being granted. Construction dust is controlled by non-planning legislation but will in any case be considered as part of a construction management plan which would also be required by condition.

6.65 Waste management and security considerations are dealt with in the sections below and subject to their acceptability, in terms of adequate refuse provision, bathroom provision, and CCTV, the application is acceptable in terms of impact on local residents from smells.

6.66 Parking and highway safety

6.67 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.

6.68 *Parking and local highway considerations*

- 6.69 Details of the existing and proposed car parking arrangements are described in the 'Principle of Development' section above. The Council's Transportation Officer has assessed the proposals and relevant comments are provided as described below:
- 6.70 The applicant's transport planning consultant YES Engineering Group has produced a technical note in support of the proposed development. The technical note included surveys of the existing car parks. In addition to surveying the car parks the applicant's transport consultant conducted parking surveys of the roads within 500 metre of the site on 3 days between the hours of 5pm and 8pm.
- 6.71 The results of the car parking survey conducted for Westerfield Road car park, demonstrated that the car park is well used with a maximum occupancy rate of 73 vehicles surveyed on a Saturday at 5:30pm. During the week the week there is maximum occupancy rate of 57 vehicles parked at 3:30pm. The survey data submitted by the applicant reflect the Council's own survey data conducted in 2014 which concluded that Westerfield Road car park has a maximum occupancy rate of 85% on a Saturday 90% on a Sunday and 68% during the week.
- 6.72 The result of the questionnaires conducted by the applicant concluded that the majority of the users of the car park use is for shopping with use for shopping ranging from 47% use on a Weekday and 63% on a Saturday, the use by commuters vary from 27% on a week day and 14% on a weekend. On assessing the parking accumulation generated by the existing car park we have concluded that the potential displacement of are parking will be some 71 car parking spaces.
- 6.73 The surveys of Brunswick Road car park demonstrated that the car park is under underutilised with maximum car occupancy of 16 vehicles parked during the week and 21 vehicles parked on a Saturday, it is also to be noted that the car park has a lot of residual space which has not been lined and signed for car parking, which can be reconfigured to provide 63 car parking spaces (currently at 50)
- 6.74 The surveys of the on street car parking spaces included the roads within 500 metres of the site the surveys were conducted over 3 days at 5pm and 8pm during and after the operational hour Residential parking. The results of the car parking survey concluded that there were a total of 957 car parking spaces available within the 500 metres walking distance of the site; of the 957 car parking spaces there were between 543-579 car parking spaces available when the control parking zone is in operation. The number of car parked on street increase after the operational hours of the CPZ however there were still between 440-480 car parking spaces available on street.
- 6.75 The peak car parking demand generated by both car parks is some 94 car parking spaces (73 at Westerfield Road car park and 21 at Brunswick Road Car Park), we will therefore require an additional 31 pay and display / shared use car parking spaces to be created on street.

- 6.76 It is to be noted that currently at Westerfield Road Car Park between 14-27% (10-19 car parking spaces) of the car parking spaces are currently used by commuters, it is unlikely that they will be re-provided for in the future scenario as maximum parking times of 4 hours may be applied to the new car parking spaces at Brunswick Road Car Park. A four hours parking restriction is further supported by the survey data which demonstrated that 90% of the users who used the car park only intended to stay for a maximum of 3 hours.
- 6.77 Further studies will be required to demonstrate what of the on street car parking spaces can be converted to shared use bay or pay and displace car parking space. This will have to be secured by the S.106 agreement. It is also to be noted that in order for the Brunswick Road car park to be utilised it will require significant improvements which will have to be secured and implemented before any closure of the Westerfield Road car park.
- 6.78 The applicant's transport consultant YES Engineering as forecasted the trips that are likely to be generated by the proposed temporary use. Given that the applicant is not proposing to provide any off street car parking spaces to support the proposed development and all the parking in the local area will be temporary in nature, the majority of the trips will be by sustainable modes of transport.
- 6.79 Given the proximity of the site to Seven Sisters Public Transport interchange we have concluded that this level of trip generation will not adversely impact on the transportation and highways network. We do have some concerns regarding the activities which will take place on site after 6:30pm when the CPZ is no longer in operation, we will therefore require the applicant to produce a Travel Plan.
- 6.80 The applicant is proposing to change the configuration of Westerfield Road Car Park to construct footways on the West side of Westerfield Road including the construction of 4 disabled car parking spaces and loading bays, these works are necessary for the development to be accessed, the applicant will be required to enter into a S.278 agreement for the implementation of these works.
- 6.81 As such, although the loss of the existing car park is not considered to have a significant negative impact on local on-street parking availability or the operation of the public highway, several measures are recommended to be secured by condition or legal agreement to potentially mitigate any issues that may arise. Measures include a suite of improvements to Brunswick Car Park in advance of the closure of Westerfield Car Park, a Commercial Travel Plan for the proposed development, a Delivery and Servicing Plan and a Construction Management Plan.

6.82 *Public transport considerations*

6.83 TfL welcomes a car-free development in this location and also considers the level of cycle parking provision to be acceptable. Additional cycle parking for larger cycles (5% of total) is required but can be secured by condition in the event of an approval.

6.84 TfL also recommend that additional information is provided in terms of delivery and servicing, construction management and travel plans.

6.85 Network Rail have made comments that will generally be dealt with separately to this planning application as part of lease agreements over the use of the land provided for the development by TfL. A ground impact assessment that could restrict the overall number of containers will be required by condition in the event of an approval. Construction methodology requirements can also be dealt with by condition.

6.86 As such, the application is considered to be acceptable in highway and parking terms.

6.87 **Waste Management and Servicing**

6.88 Bin storage will be located to the north of the site in a secure location as far as practicable away from residential properties on the east of Westerfield Road. Toilets will be located on the first (to the north) and ground floor (to the south) levels. This will be controlled by pin code access and will therefore be used by patrons of the commercial units only.

6.89 Vehicle access to the site for deliveries and refuse collection is provided in the form of two lay-bys, one to the south and one to the north of the site off Westerfield Road. The intention is for the southern-most lay-be to be used primarily for deliveries and for the northernmost to be used for refuse collection. A private rear access corridor is provided adjacent to the back of the ground floor commercial premises, under the boardwalk, which provides access for deliveries and for the depositing of refuse to the bin store located to the north of the site. Access for deliveries and refuse access for the first, second and third floor commercial units will be via the board-walk, and careful management of this area would occur to prevent disturbance to the visiting public. Individual bins will be available on site for litter collection.

6.90 This is a commercial operation only and therefore it is the responsibility of the business owner to ensure that the waste is stored correctly and not on the public highway. This is controlled by other non-planning legislation namely the Environmental Protection Act 1990. As indicated above, the Council's Highways team have raised no objections to the vehicle movements associated with refuse collection and servicing and, given the controlled hours for servicing etc imposed by Licensing and binding on any grant of planning permission, waste collection hours would also be appropriately controlled so as not to impact negatively on the amenity of local residents.

6.91 As such, it is considered that the proposed development is acceptable in terms of its servicing and waste management arrangements.

6.92 **Security and Access**

6.93 In order to provide a safe and secure environment for staff and visitors at the proposed development both CCTV and external lighting will be installed in strategic locations. The majority of the CCTV coverage and external lighting will be located at the back of the site along the 'boardwalk'. Further details of security arrangements will be confirmed by condition at a later date in the event of an approval. However, the natural surveillance of the local area is likely to improve from the increased footfall on Westerfield Road.

6.94 Secured by Design principles have been considered in the design of the development. The scheme will be secured out of hours to prevent unauthorised access and managed by on-site security at all times.

6.95 The main entrances to upper levels would all be stepped, but lift access is available from ground to first floor levels. Accessible bathrooms would be available at ground and first floor and an increase in accessible parking spaces is proposed.

6.96 75% percent of units are fully accessible in accordance with Part M of Building Regulations, although the modular style of the development and the requirement to minimise its overall height means that full accessibility cannot be achieved in this case. Nevertheless, it is considered that an appropriate degree of accessibility is provided as all individuals would have access to the majority, and a wide range, of uses and activities.

6.97 As such, it is considered that the development is acceptable in terms of its security and accessibility.

6.98 Trees and ecology

6.99 Local Plan Policy SP13 seeks the protection, management and maintenance of existing trees and the planting of additional trees where appropriate. London Plan Policy 7.21 requires existing trees of value to be retained and the planting of additional trees where appropriate.

6.100 Substantial improvements to landscaping on the site are proposed. Exact details are to be agreed by condition if the development is granted. There are a number of mature trees located adjacent to Westerfield field on the eastern boundary of the site and two mature trees adjacent to the railway on the west side of the site. All the mature trees are proposed to be retained and suitably protected during the construction work and during the duration of the project.

6.101 The application site is a car park covered in hardstanding. An Ecological Appraisal Report prepared by MLM Consulting Engineers has been submitted with the application. None of the habitats that occur within the survey area were considered to have high ecological importance.

6.102 Furthermore, a bat survey has been undertaken within the railway arches to the west of the site. No bat roosting evidence of any kind was recorded within any of the arches. The arches are considered to be of negligible potential for roosting and therefore the proposal is not anticipated to have an impact on roosting bats.

6.103 As such, the application is acceptable in terms of its impact on trees and ecology.

6.104 Sustainability

6.105 The NPPF and London Plan Policies 5.1 (Climate change mitigation), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design & construction), 5.5 (Decentralised Energy Networks), 5.6 (Decentralised energy in development proposals), 5.7 (Renewable energy), 5.8 (Innovative energy technologies) and 5.9 (Overheating and cooling) and Local Plan Policies SP4 and SP11 set out the approach to climate change and require developments to meet the highest standards of sustainable design, including ensuring designs make the most of natural systems and the conserving and enhancing the natural environment.

6.106 Policies DM1, DM21 and DM22 of the emerging Development Management Policies DPD pre-submission version 2016 expect proposals to incorporate sustainable design and construction principles and implement appropriate

techniques, whilst also contributing to and making use of decentralised energy infrastructure where possible.

6.107 The application is supported by a *Sustainable Design and Construction Statement* in Section 7 of the Design and Access Statement, which demonstrates that consideration has been given to sustainable design principles throughout the designing of the proposed scheme. The development would be designed to incorporate a range of sustainable principles including modular construction, use of materials with a low environmental impact, installation of green roofs, low energy lighting and installation of 65sqm of solar panels, amongst other techniques.

6.108 The Council's Carbon Reduction team has assessed the scheme and raise no objections. As such, the application is considered to be acceptable in terms of its sustainability.

6.109 Drainage and Flooding

6.110 Local Plan Policy SP5 makes clear that (amongst other things) development shall reduce forms of flooding and implement Sustainable Urban Drainage Systems (SUDS) to improve water attenuation, quality and amenity. Emerging Policies DM24 and DM25 call for measures to reduce and manage flood risk, and incorporate SUDS. London Plan Policies 5.12 (Flood risk management) and 5.13 (Sustainable drainage) also call for measures to reduce and manage flood risk.

6.111 The applicant has submitted a Technical Assessment document covering SUDS flows and volumes. The site is not within a Critical Drainage Area and is within Flood Risk Zone 1 which estimates a low risk of flooding. As such, there are no particular drainage problems within the host site area.

6.112 Permeable paving will be prevalent throughout the development and soft landscaped elements, retained trees and green roofs will further restrict surface water run-off. The existing car park is covered with an impermeable surface that would be removed, further improving site drainage. A dedicated surface water drainage system will be constructed to serve this development within the confines of the site boundary. This system will link into existing surface water gullies.

6.113 The Council's Drainage team have raised no objections to the proposals subject to agreement with Thames Water, an appropriate management and maintenance plan, and details of SUDS flows and volumes prior to commencement of the development, to be secured by condition.

6.114 As such, the development is acceptable in terms of its impact on drainage and flood risk.

6.115 **Equalities**

6.116 In determining this application, the Council is required to have regard to its obligations under the Equality Act 2010. Under the Act, a public authority must, in the exercise of its functions, have due regard to the need to:-

- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.117 Protected characteristics include age, disability, pregnancy and maternity, race, religion or belief and sex or sexual orientation.

6.118 The applicant has provided an 'Equalities Statement' demonstrating their commitment to equality in both employment and service provision, and emphasising their intentions not to discriminate against any of the protected characteristics referred to above. Their commitment to this philosophy is demonstrated through a range of activities, including providing an increase in accessible parking spaces from the existing two to a proposed four at a distance no further from the tube and overground stations, provision of additional on-street parking and other local parking improvements to mitigate for the loss of the existing car park and prioritising opportunities for local businesses within the proposed development.

6.119 In addition, the submitted plans demonstrate adequate accessibility through the site for the mobility-impaired, in addition to accessible bathroom provision at ground and first floors.

6.120 The applicant has undertaken consultation with key local groups, such as Councillors, the Met Police, Traders' Groups and Residents' Associations to ensure no local stakeholder are adversely affected.

6.121 It is therefore apparent from the submitted documentation that all foreseeable equalities considerations have been considered and as such it is considered that there are no reasons to refuse the application on equalities grounds.

6.122 **Section 106 Agreement Heads of Terms**

6.123 The total cost of the works in relation to the closure of the car parking and implementing measures to address the displaced traffic has been estimated at: £195,588 (one hundred and ninety five thousand five hundred and eighty eight pounds).

6.124 The Brunswick Road car park measures must be implemented 6 weeks in advance of the closure of the Westerfield Road car park and a car park closure management strategy is implemented post the closure of the car park:

- 1) The applicant will be required to enter into a S.106 agreement to fund the following measures in order to mitigate the impact of closing the Westerfield Road car park:
 - a. Improvements to the Brunswick Road car park including: resurfacing and reconfiguration of the car park, provision of two electric vehicle parking spaces, and lighting and CCTV to improve the perception of safety;
 - b. Provide advance closure signage of the existing car park, and implementation of direction signage on West Green Road to the improved Brunswick Road car park;
 - c. Provide a temporary strategy to deal with replacement of the existing disability car parking spaces during the construction period;
 - d. The applicant will be required to pay for an Inventory Study to assess capacity for local residents' bays as it may be best to implement shared-use bays rather than converting single and double yellow lines into additional car parking bays;
 - e. Fund a Traffic Management Order, signing and lining to accommodate on-street displacement parking from Westerfield Road car park;
 - f. Fund additional works to Brunswick Road car park including: measures to address anti social behaviour, a press notice advertisement, temporary signage and stakeholder engagement.

The total cost of the works in relation to the closure of the car parking and implementing measures to address the displaced traffic has been estimated at: £195,588 (one hundred and ninety five thousand five hundred and eighty eight pounds).

- 2) Four car parking spaces shall be provided to the front of the site, adjacent to Westerfield Road, and these shall be allocated for wheelchair-accessible parking spaces only (although temporary usage is also permitted for short term waste collection and/or delivery activities as necessary).
- 3) The applicant will be required to fund traffic marshals to assist in directing users to Brunswick Road car park during the first 2 weeks of the closure of Westerfield Road car park and details of an appropriate car park closure management strategy must be submitted to the Council for approval 3 months before the closure of the Westerfield Road car park.

- 4) A commercial travel plan must be secured. The following measures must be included in order to maximise the use of public transport:
- a. The developer must appoint a travel plan co-ordinator, working in collaboration with the Council's Facility Management Team, to monitor the travel plan initiatives annually;
 - b. Provision of welcome induction packs containing public transport and cycling/walking information like available bus/rail/tube services, map and time-tables to all new businesses.

The applicants are required to pay a sum of £3,000 (three thousand pounds) for monitoring of the travel plan initiatives.

6.125 Other Material Considerations

6.126 The proposed development is not anticipated to restrict access to the station platform in an emergency and more so than the existing car park and, in any case, stations within the existing underground and overground network already have their own emergency response procedures. Accordingly, the fire service has raised no objections to the proposal.

6.127 The applicant has undertaken an extended consultation strategy involving local residents, the Met Police, Councillors, and other local groups, and comments have been taken into account in the evolution of the proposal's overall design. A project steering group, formed from members of the local community, will be set up by the applicant in the event of an approval.

6.128 Conclusion

6.129 This application is a major development that has generated a significant amount of comment from local residents. Having assessed all relevant material planning considerations officers consider that the development is acceptable for the following reasons:

- The proposed temporary development is acceptable in principle, given that the loss of the Westerfield Road car park (that is earmarked for removal soon as part of the construction requirements for the Crossrail 2 development) can be mitigated by replacement parking within the Brunswick Road car park nearby in addition to on-street parking improvements, and given the development would provide demonstrable economic and social improvements to the local town centre;
- The development would constitute a contemporary improvement to the visual quality of the area, in contrast to the appearance of the existing car park, and is of an appropriate scale and massing, and therefore would be acceptable in design terms;

- The development would not have a detrimental impact on the amenity of adjoining occupiers, subject to conditions, in terms of a loss of sunlight or daylight, outlook, or privacy, or in terms of a negative impact from excessive noise, light or air pollution;
 - The development would provide sufficient financial and other contributions by legal agreement to mitigate for the proposed loss of off-street parking within this highly accessible location, including a re-designed Brunswick Road car park, additional on-street parking bays, new wheelchair-accessible off-street parking spaces and cycle parking;
 - The development would improve pedestrian accessibility and create additional passive surveillance on Westerfield Road through improvements to the public realm;
 - The development would be acceptable in terms of its impact on carbon reduction and sustainability through mitigation methods such as green roofs and sustainable drainage systems;
 - The development would be adequately serviced and managed, and would provide appropriate levels of security;
 - The application is also acceptable for all other reasons as described above.
- 6.130 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 CIL

7.1 As this application is a temporary planning permission the development will not attract a charge under the Mayor of London's CIL or Haringey's local CIL.

8 RECOMMENDATIONS

GRANT PERMISSION subject to conditions and subject to section 106 Legal Agreement

Subject to the following condition(s)

1. The development hereby permitted shall be operated for a temporary seven year period only until 25th June 2024 on or before which date the use shall be discontinued.

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 development hereby authorised shall be carried out in accordance with the following approved plans and specifications: 1099-1001 to 1003 all Rev A, 1099-

1004 to 1006 all Rev. C, 1099-1007 Rev. D and 1099-1008 Rev. B, 1099-1101, 1099-2000, e16037-001.

The following supporting documents also approved: Design and Access Statement Rev. D; Preliminary Bat Roost Assessment; Environmental Noise Impact Assessment.

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

3. Details of finishing materials to be used for the external surfaces of the development (including samples where appropriate) shall be submitted to, and approved in writing by, the Local Planning Authority before any development is commenced. Details of the finishing treatments for site fencing/boundary treatments and amenity screens shall also be provided for further consideration.

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 consistent with Policy 7.6 of the London Plan 2015, Policy SP11 of the Haringey Local Plan 2013 and Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

4. The development hereby approved permits operation of 67 containers for the purposes within Use Classes A1, A3, A4, A5, B1(a), D1 and D2 only (other than for servicing purposes). No more than 30 of the 67 containers hereby approved shall be operated at any one time under Use Class A3,A4 or A5. A minimum of 16 of the 67 containers hereby approved shall be operated at any one time under Use Class A1. None of the containers on the ground floor of the development hereby approved shall be operated at any one time under Use Class A3,A4 or A5. A maximum of four of the containers at ground floor level shall be operated at any one time under Use Class B1(a). Containers on the third floor of the development shall be operated only for purposes within Use Class B1(a).

Reason: To ensure that the development hereby permitted is carried out in full accordance with the plans hereby approved and to safeguard the cumulative impact of development within the area.

5. The permitted hours for the development hereby approved shall be restricted as follows:

<i>Type of Unit</i>	<i>Use Class</i>	<i>Days</i>	<i>Hours Restriction</i>
Food/Drink	A3/A4/A5	Sun – Weds	1000h – 2200h
		Thurs	1000h – 2300h
		Fri & Sat	1000h – 0000h
Retail	A1	Sun – Thurs	1000h – 1800h
		Fri & Sat	1000h – 2000h

Community/ Well-being	D1/D2	All	0800h – 2200h
Offices	B1(a)	All	24 hour access

In addition, the roof areas of the containers within the development hereby approved shall, other than as demonstrated on the submitted plans, shall not be used for seating or any other activities and amplified sound shall not be played within any of the external areas. The external seating areas approved shall not be occupied after 2100h.

Reason: To protect the amenity of neighbouring occupiers.

6. Noise generated for the use of any plant or associated equipment shall not increase the background noise level (L_{A90} 15mins) when measured (L_{Aeq} 15mins) 1 metre external from the nearest residential or noise sensitive premises.

Reason: To protect the amenity of neighbouring occupiers.

7. The A3, A4 and A5 uses hereby approved shall not be operated in a manner that requires the installation of associated flues for cookers and/or other cooking equipment. No other flues, ducting or extractor plant shall be permitted within this development without prior written consent of the Council.

Reason: The containers hereby approved are unable to facilitate the dispersal of fumes, but the selling of food with internal seating is beyond the provisions of A1 use class and if otherwise allowed could result in unacceptable smell and smoke etc.

8. No construction works shall commence until further details (in consultation with Thames Water) of the drainage design methodology, implementation, maintenance and management of the sustainable drainage system have been submitted & approved in writing by the Local Planning Authority. Details shall include:-
 - (a) Methodology and reasoning for SuDS flows and volumes pro-forma determination enabling full assessment that allowable thresholds have been achieved and approved in writing by the Local Planning Authority;
 - (b) Management and maintenance plan for the lifetime of the development, managed by a management company or other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: In accordance with Policy SP5 of the Local Plan 2013 and emerging policies DM24 and DM25 of the Development Management Policies DPD.

9. Sustainability measures as set out in Stack N15 - Design and Access Statement (24/02/2017) by Haverstock shall be implemented. The development shall then

be constructed in strict accordance of the details so approved, and shall be maintained as such thereafter. Evidence that these measures have been delivered shall be submitted to the local authority at least 6 months after completion on site for approval. In the event that the development fails to deliver the measures in the approved document, a full schedule and costings of remedial works required to achieve this rating shall be submitted for our written approval with 2 months of the submission of the post construction certificate. Thereafter the schedule of remedial works must be implemented on site within 3 months of the local authority's approval of the schedule, or the full costs and management fees given to the Council for offsite remedial actions.

Reason: In the interest of addressing climate change and to secure sustainable development in accordance with London Plan (2016) polices 5.1, 5.2, 5.3 and 5.9 and policy SP:04 of the Local Plan.

10. The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which:

- Provide details on the installation and lifting of shipping containers;
- Accommodate the location of the existing London Underground structures;
- Provide details on the use of tall plant;
- 3 metres clearance is required between the containers and adjacent London Underground property.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

11. Construction Management Plan The applicant will be required to submit a Construction Management Plan (CMP) and Construction Logistics Plan (CLP) for the local authority's approval prior to construction work commencing on site. The Plans should provide details on how construction work (including any demolition) would be undertaken in a manner that disruption to traffic and pedestrians on Westerfield Road, West Green Road, Seven Sisters Road and Suffield Road and the surrounding residential roads is minimised. It is also requested that construction vehicle movements should be carefully planned and co-ordinated to avoid the AM and PM peak periods.

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

12. Prior to the commencement of the development hereby approved the type of cycle parking to be provided shall be submitted to and agreed in writing by the Local Planning Authority, in discussion with Transport for London. A minimum 5% of cycle spaces should be suitable for enlarged cycles and the type of stand

proposed must be clarified. The recommendations and requirements of the London Cycle Design Standards document should be followed.

Reason: In accordance with Policy 6.3 of the London Plan.

13. The development hereby approved shall be designed to achieve Secured by Design accreditation in consultation with the Metropolitan Police.

Reason: To ensure that the proposed development meets the Police standards for the physical protection of the building and its occupants, and also to comply with Haringey Local Plan 2013 Policy SP11.

14. No external illumination of the external elevations to the buildings shall take place other than in accordance with a detailed building lighting scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby approved. The lighting scheme shall require ground floor unit lighting to be switched off entirely after 10pm.

Reason: To ensure that any external lighting of the building has regard to the visual amenity of the area including the character and appearance of the conservation area, the amenities of surrounding properties and the safety of users of the surrounding highway network.

15. Prior to first occupation of the development, the applicant will be required to submit a Delivery and Servicing Plan (DSP) for the local authority's written approval. The DSP must also include a waste management plan which includes details of how refuse is to be collected from the site. The plan must also include details of how deliveries will be facilitated to ensure that servicing does not impact on the flow of traffic on the local highways network.

All vehicular deliveries to the site shall be restricted Monday to Saturday between 08.00 – 17.00hrs, with no deliveries on Sundays or Bank Holidays. Waste collections from the site shall be restricted between 7am and 11am, with no collections on Sundays or Bank Holidays.

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

16. Prior to the commencement of the development hereby approved a Risk Assessment and Method Statement for lifting and placing containers, and all other activity adjacent to Network Rail land, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail.

Reason: In order to ensure the safe operation of the railway and the protection of Network Rail's adjoining land.

17. No development shall take place on site until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall thereafter be carried out as approved. These details shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

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

- a. those existing trees to be retained.
- b. those existing trees to be removed.
- c. those existing trees which will require thinning, pruning, pollarding or lopping as a result of this consent. All such work to be approved in writing by the Local Planning Authority.
- d. Those new trees and shrubs to be planted together with a schedule of species shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development.

Such an approved scheme of planting, seeding or turfing comprised in the approved details of landscaping shall be carried out and implemented in strict accordance with the approved details in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). Any trees or plants, either existing or proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be retained thereafter.

Reason: In order for the Local Planning Authority to assess the acceptability of any landscaping scheme in relation to the site itself, thereby ensuring a satisfactory setting for the proposed development in the interests of the visual amenity of the area consistent with Policy 7.21 of the London Local Plan 2011, Policy SP11 of the Haringey Local Plan 2013 and Policy UD3 of the Haringey Unitary Development Plan 2006.

18. Prior to the commencement of works on site a meeting must be specified and attended by all interested parties, (e.g. Site manager, Consultant Arboriculturist, Council Arboriculturist and Contractors) to confirm all the protection measures to be installed for trees and discuss any construction works that may impact on the trees. Robust protective fencing / ground protection must be installed under the

supervision of the Consultant Arboriculturist, prior to the commencement of demolition and retained until the completion of construction activities. The tree protective measures must be inspected or approved by the Council Arboriculturist, prior to the commencement of demolition. The tree protective measures must be periodically checked the Consultant Arboriculturist and reports made available to the Council Arboriculturist. All construction works within root protection areas (RPA) or that may impact on them, must be carried out under the supervision of the Consultant Arboriculturist.

Reason: In order to ensure the safety and well being of the trees on the site during constructional works that are to remain after building works are completed consistent with Policy 7.21 of the London Plan 2011, Policy SP11 of the Haringey Local Plan and Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

19. Prior to the commencement of the development hereby approved a survey of the site for Japanese knotweed shall be submitted to and approved by the Local Planning Authority, and all relevant measures taken to fully remove and prevent further ingress of Japanese knotweed in the future.

Reason: In order to protect the integrity of the on-site soft landscaping and public amenity.

20. The construction works of the development hereby granted shall not be carried out before 0800 hours or after 1800 hours Monday to Friday or before 0800 hours or after 1300 hours on Saturday and not at all on Sundays or Bank Holidays.

Reason: In order to ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties consistent with Saved Policy UD3 of the Haringey Unitary Development Plan 2006.

21. No roller shutters other than of the brick grille type shall be installed on the premises. All units at ground floor level shall be fitted with either a toughened glass frontage (with glazing a minimum of 8.6mm thickness) or a perforated grille type shutter that is integral to the internal frame of the container. Details of any proposed non-perforated grille shutter must be agreed by the Local Planning Authority in advance of installation. Details shall include drawings of a suitable scale; and no non-perforated shutter shall be installed other than in accordance with the details approved.

Reason: To ensure that the premises maintain an appropriate contribution to the street scene, in order to safeguard visual interest, an attractive shopping environment, and on-street amenity generally.

Informatives:

INFORMATIVE : 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 : 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 : 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 : With regards to surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water course, or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

INFORMATIVE: The development hereby approved shall be completed in accordance with the associated Section 106 agreement.