MINUTES OF PLANNING SUB COMMITTEE MEETING HELD ON MONDAY, 5TH SEPTEMBER, 2022, 7.00 - 9.15 PM

PRESENT: Councillor Barbara Blake (Chair), Councillor Reg Rice (Vice-Chair), Councillor Nicola Bartlett, Councillor Cathy Brennan, Councillor Lester Buxton, Councillor Luke Cawley-Harrison, Councillor George Dunstall, Councillor Ajda Ovat, Councillor Matt White, and Councillor Alexandra Worrell.

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. PLANNING PROTOCOL

The Chair referred to the planning protocol and this information was noted.

3. APOLOGIES

Apologies for absence were received from Councillor John Bevan and Councillor Yvonne Say. Councillor Cathy Brennan was in attendance as substitute.

4. URGENT BUSINESS

There were no items of urgent business.

5. DECLARATIONS OF INTEREST

There were no declarations of interest.

6. MINUTES

RESOLVED

That the minutes of the Planning Sub-Committee held on 6 June 2022 be confirmed and signed as a correct record.

7. PLANNING APPLICATIONS

The Chair referred to the note on planning applications and this information was noted.

8. HGY/2021/2304 - THE HALE, LONDON, N17 9JZ

The Committee considered an application for the redevelopment of site including demolition of existing buildings to provide a part 7, part 24 storey building of purpose-built student accommodation [PBSA] (Sui Generis); with part commercial uses [retail] (Use Class E(a)) at ground and first floor; and associated access, landscaping works, cycle parking, and wind mitigation measures.

Philip Elliott, Planning Officer, introduced the report and responded to questions from the Committee:

- The Committee asked about the standards required for student housing. The Planning Officer explained that student housing was classified as non-residential use. It was noted that the required room sizes for these units were smaller than for residential flats. The Head of Development Management added that, in relation to key requirements such as fire safety, student housing was subject to the same requirements as residential units.
- It was asked whether the Urban Greening Factor (UGF) could be increased. The Planning Officer noted that this would be challenging given the size of the site and other, practical issues. The Head of Development Management stated that, if the applicant agreed, it could be possible to provide offsite provision such as street trees.
- Some members queried who owned the land and noted that it could be costly to obtain land for development. The Head of Development Management noted that the price paid for the site was not a material planning consideration but members would have to be confident that the proposal was viable. It was noted that the retail unit owners were the owners of the land.
- It was noted that there would be a payment in lieu for off-site affordable housing of £6.5 million which would be the equivalent of providing 40% on-site affordable student accommodation. The Planning Officer clarified that this calculation was calculated based on a third of student maintenance loans for one year which was why the figure was lower than 40% of standard homes. The Assistant Director for Planning, Building Standards, and Sustainability explained that the affordability was not directly equivalent but that officers had negotiated a contribution to council homes as these were considered to be more of a priority. It was also noted that pages 52-54 of the agenda pack provided some detail relating to the justification for and negotiation of viability and the payment in lieu justification.
- Some members expressed concerns about the affordability of student accommodation. It was asked whether there had been an assessment of the need for student housing in Haringey and an assessment of affordability. The Assistant Director for Planning, Building Standards, and Sustainability noted that, as part of the emerging Local Plan, the Strategic Housing Market Assessment (SHMA) included some reference to student accommodation but that the main need in Haringey was for low cost rented homes.
- It was queried whether a payment in lieu for off-site affordable accommodation was permitted in the circumstances, based on the wording of paragraph 6.4.20 of the report which referred to the London Plan explanatory paragraphs for the use of a payment in lieu. The Head of Development Management noted that these paragraphs were explanatory text rather than policy and that the proposal was not necessarily contrary to policy. It was believed that the proposed payment would address local need and it was considered to be acceptable.

- It was noted that the Heads of Terms would require the applicant to use reasonable endeavours to secure a nominations agreement with a higher education institution for all or part of the proposed units of student accommodation. The Planning Officer explained that the accommodation would still be for student accommodation if the applicant could not secure an agreement for all units with one institution. The Head of Development Management noted, if the Head of Term required one agreement for all units, there was a risk that none of the accommodation would be provided. It was suggested that Head of Term 4 could be amended to be clearer to explain that the applicant was required to use reasonable endeavours to secure an agreement for all, or failing that, for part of the proposed units.
- It was noted that the accommodation would be used by students during the academic year but could be used by others outside of this time. It was clarified that the development would be required to be used for student accommodation in perpetuity, for the lifetime of the development. The Planning Officer believed that any other use outside of term time should be related to something educational but that this could be clarified with the applicant.
- Some members noted that the full viability assessment was not included in the agenda pack and requested that this was included in future. The Planning Officer noted this request. It was explained that the viability had been independently assessed and had also been considered by the Greater London Authority (GLA).
- The Planning Officer explained that paragraph 6.5.22 of the report was corrected in the addendum.
- It was clarified that the proposed condition on overheating would require additional detail on the noise impact and possible measures. This condition also incorporated noise, pollution, and overheating as this issues were related.
- In relation to the impact of the proposal on local services, the Planning Officer stated that there was a large health centre in the area and that there was not anticipated to be a significant impact on schools due to the nature of the accommodation.
- In response to a question about wind and microclimate, the Planning Officer explained that there had been an independent assessment of these issues and that the proposal was one of the last buildings to be developed in the area and therefore had to navigate some impacts from other buildings. It was also noted that the side elevation would have baffled panels to address wind mitigation.
- In relation to a concern raised by the Health and Safety Executive (HSE) about the means of fire escape from the roof terrace, it was highlighted that the applicant had submitted a technical note in response. It was added that there would be a condition on fire safety, that Building Control would need to agree the arrangements, and that the Buildings Regulations would need to be satisfied. The Assistant Director for Planning, Building Standards, and Sustainability commented that applicants were now required to provide more detail than ever before and that the applicants in this case had referenced the latest requirements from a government circular from August 2022 in the addendum.
- It was noted that the development was car free but some members enquired about the impact of students moving into and out of the accommodation throughout the year. The Planning Officer explained that this would be a management issue which could best be addressed by the applicant. It was noted that there was a policy to support student accommodation near transport hubs which was satisfied in this case.

Ian McKenna, Hollis Global (on behalf of Argent Housing), spoke in objection to the application. He noted that Argent was bringing forward the Tottenham Hale centre development and had significant concerns about the impact on daylight and sunlight of future occupiers of buildings under construction, mainly 'Building 3'. He felt that the design of the proposals resulted in an abrupt change in urban scale and did not respond appropriately to the low rise and emerging masterplan context.

It was explained that Argent wanted to highlight two key points: the mirror image assessment and the Building Research Establishment (BRE) target for the Vertical Sky Component (VSC). Ian McKenna commented that the applicant had understated the number of Building 3 windows which would have a VSC result below the mirror target; this would be 72 rather than 15. He stated that the applicant had reduced the BRE/ VSC target by approximately half but that over 85% of the windows tested in Building 3 would not meet the target, with 17 windows below 5%, 49 windows between 5-10%, and 50 windows between 10-15%. It was commented that 116 of 136 windows tested were below the 15% target and that it was very difficult to achieve adequate daylight for results between 5-15%. Ian McKenna said that some units in Building 3 would have little or no direct light and it was believed that this would result in poor conditions for future occupiers. He said that a VSC below 5% meant that it was often not possible to achieve reasonable daylight.

Lucien Smithers, Sage Housing, spoke in objection to the application. He noted that Sage was the largest provider of new homes in England and had never objected to a neighbouring housing application as it recognised the significant need for housing. However, Sage urged refusal of this application due to future occupiers' quality of life and the financial impacts on Building 3. It was explained that Sage and Argent were delivering 108 affordable homes in Tottenham Hale and, although they were not opposed to a sensitive scheme, they considered that the proposal would surround the affordable homes and impact their access to light. It was stated that some apartments would get little to no daylight and would need to use lights for the majority of the day which would impact on wellbeing, mental health, and energy costs for residents, particularly those in lower cost units. It was noted that there were currently no residents in Building 3 and the objection was being made for future occupiers. Lucien Smithers believed that the daylight analysis for the proposal was incomplete and unlawful as it did not meet the BRE guidance. He acknowledged that maximising affordable housing was important but highlighted the importance of living conditions; he urged the Committee to refuse the application and work with the applicant to produce a better scheme.

In response to the points raised in the objections, the following responses were provided:

- Ian McKenna explained mirror image methodology where a model of Building 3 was modelled onto the application site, the same distance from boundary of building, and the windows of Building 3 were tested against mirror image of itself on the application site. He stated that the proposal would affect more light in 72 homes than the mirror image of Argent's Building. Lucien Smithers stated that the massing set out in the masterplan was considerably smaller. The Head of Development Management commented that this was an area of expertise and an

expert review was provided; this was set out in the report and it was noted that mirror massing was considered to be acceptable.

Members of the applicant team addressed the Committee. Jim Hindle, Jigsaw, and Liam Dunford, Point 2, said that the site was currently underdeveloped and so any building would have a significant impact. Liam Dunford stated that Building 3 had not incorporated the BRE guidance on neighbouring developments and had placed windows too close to the boundary. It was commented that mirror massing was included in the BRE guide and had been confirmed as correct by an expert. The applicant team stated that most of the reductions were within 20% and that the results above this level were not noticeable; it was added that reductions of 20% or less were often considered by BRE to be unnoticeable and this was where the applicant team had got the term BRE compliance from. The applicant team believed that Argent had made several objections to applications before. It was commented that Argent had previously tried to acquire the site and had submitted plans for a building, Building 4; it was suggested that the current proposal was not materially different from Building 4.

Jim Hindle commented that key sites were often considered first but, in this case, the proposal was being considered last which enabled the applicant to consider how the surrounding sites had been developed and what would be an appropriate design. It was noted that the applicant had undertaken consultation with the Council, the Committee, and Argent. It was explained that, in response to objections from Argent, the applicant had reduced the width of the proposed tower by 30%. It was commented that the scheme was considered to be acceptable by the Design Officer and by the Haringey Design Panel. Jim Hindle stated that the scheme would have considerable financial benefits, including 300 construction jobs, local apprenticeship schemes, and full time jobs, as well as the payment in lieu for affordable housing. It was suggested that the proposals responded to local challenges, provided a high quality scheme, and secured the future of businesses in the area.

The applicant team responded to questions from the Committee:

- It was confirmed that the site was privately owned and was currently a menswear shop.
- The applicant confirmed that they would be happy to accept a condition requiring off-site greening provision and for the UGF to be 0.4.
- In relation to the movement of students, the applicant team noted that the manager would be experienced in this type of accommodation and it was likely that a timetable would be used.
- The Transport Planning Team Manager noted that the car free restriction on site related to car ownership rather than dropping off and there were two loading bays nearby. It was added that the service and delivery plan would be secured by Section 106 legal agreement. Some members requested that the detail of the managing moving in and out arrangements to be included in the proposed conditions. The Head of Development Management suggested that this could be included in an amendment to Condition 30 to state that the ‘delivery and serving plan shall set out measures for managing moving in and out to avoid congestion in the area’.
- In relation to overheating, the Climate Change Manager noted that the applicant was relying on natural ventilation. It was explained that the applicant had passed the mandatory weather file on this basis but that it may be necessary to re-model

based on closed windows and that the proposal may require mechanical ventilation. Jim Hindle stated that there had been an overheating study and that, based on this, the applicant had introduced thin blades on south/ south west facing elevation. It was added that students would not be on site during the summer months. The Head of Building Control noted that the proposal was considered non-residential in planning terms but residential in Building Control terms and the new regulations for overheating would be taken into account.

- Some members commented that the daylight assessment was a balanced decision. The applicant team clarified that they had referenced the endorsement of the use independent expert report for the use of mirror massing as an appropriate benchmark rather than the outcomes specifically. The applicant team stated that the development would have a significant impact compared to the existing building but suggested that this was an inappropriate way to measure the proposal. It was noted that mirror massing was an appropriate baseline and highlighted that the BRE guidance stated that results of 20% or less were likely to be unnoticeable.
- In response to a query about taking the BRE guidelines and all other considerations into account, the Head of Development Management noted that this was for the Committee to consider alongside the points raised by objectors and supporters. It was explained that mirror massing was considered to be a fair assessment in terms of methodology and supported by an independent peer review but that the Committee was asked to determine the acceptability of the impact as part of its decision making. It was added that members should also consider whether the decision was defensible based on the evidence. It was noted that the issues had been considered in the round and officers believed that the proposal was acceptable.
- There was further discussion of the mirror massing method and the objections and how to balance this with the percentage of windows/ homes impacted.
- The Planning Officer explained that GLA policy mentioned suitable examples of uses which included accommodation for conference delegates, visitors, interns on university placements, and students on short term education courses at any institution approved in advance by the borough. It was proposed that Head of Term 3 could be amended accordingly.
- In relation to Head of Term 5, the applicant confirmed that they would be happy to accept a commitment to providing local jobs.
- It was noted that there was reference, on page 31 of the agenda pack, to an area of land outside the site boundary which had not been acquired but was included in the map. The Planning Officer explained that this was owned by the Council and would have the potential to be brought forward with the public realm contributions.

It was confirmed that the recommendation was to grant planning permission, as set out in the report and the addendum, and with the following amendments:

- Amendment to Condition 30: to include additional wording to require that the delivery and serving plan shall set out measures for managing moving in and out to avoid congestion in the area.
- Additional Condition 45: to include provision for off-site greening so that the proposal could achieve an overall Urban Greening Factor (UGF) of 0.4.
- Amendment to Head of Term 3: to define acceptable uses outside of term time as accommodation for conference delegates, visitors, interns on university placements, and students on short term education courses at any institution approved in advance by the borough.

- Amendment to Head of Term 4: to clarify that the applicant was required to use reasonable endeavours to secure an agreement for all, or failing that, for part of the proposed units.
- Amendment to Head of Term 5: to secure local jobs during occupation.

Following a vote with 7 votes in favour, 1 vote against, and 2 abstentions, it was

RESOLVED

1. To GRANT planning permission and that the Head of Development Management or the Assistant Director Planning, Building Standards & Sustainability is authorised to issue the planning permission and impose conditions and informatives subject to signing of a section 106 Legal Agreement providing for the obligations set out in the Heads of Terms below and a section 278 Legal Agreement providing for the obligations set out in the Heads of Terms below.

2. That delegated authority be granted to the Head of Development Management or the Assistant Director of Planning, Building Standards & Sustainability 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 Chair (or in their absence the Vice Chair) of the Sub-Committee.

3. That the section 106 legal agreement referred to in resolution (1) above is to be completed no later than 03/11/2022 or within such extended time as the Head of Development Management or the Assistant Director Planning, Building Standards & Sustainability shall in their sole discretion allow; and

4. That, following completion of the agreement(s) referred to in resolution (1) within the time period provided for in resolution (3) above, planning permission be granted in accordance with the Planning Application subject to the attachment of the conditions.

   Conditions (the full text of recommended conditions is contained in Appendix 1 of this report)

   1) 3-year time limit
   2) Approved Plans & Documents
   3) Basement impact mitigation measures
   4) Accessible Accommodation
   5) Commercial Units - Retail Opening Hours
   6) BREEAM (PRE-COMMENCEMENT)
   7) Commercial Units – Noise Attenuation
   8) Noise Attenuation – Student Accommodation
   9) Fire Statement
   10) Landscape Details
   11) Biodiversity
   12) External Materials and Details
   13) Living roofs
   14) Energy Strategy

15) Overheating (Student accommodation)
16) Overheating (Commercial areas)
17) Energy Monitoring
18) Circular Economy
19) Whole Life Carbon
20) Low-carbon heating solution details
21) PV Arrays
22) Secured by Design
23) Stage I Written Scheme of Investigation of Archaeology (PRE-COMMENCEMENT)
24) Stage II Written Scheme of Investigation of Archaeology
25) Foundation Design – Archaeology (PRE-COMMENCEMENT)
26) Land Contamination – Part 1 (PRE-COMMENCEMENT)
27) Land Contamination – Part 2
28) Unexpected Contamination
29) Cycle & Mobility Scooter Parking Details (PRE-COMMENCEMENT in part)
30) Delivery and Servicing Plan
31) Student Accommodation Waste Management Plan
32) Detailed Construction Logistics Plan (PRE-COMMENCEMENT)
33) Public Highway Condition (PRE-COMMENCEMENT)
34) Demolition/Construction Environmental Management Plans (PRE-COMMENCEMENT)
35) Management and Control of Dust (PRE-COMMENCEMENT)
36) Impact Piling Method Statement (PRE-COMMENCEMENT)
37) Business and Community Liaison Construction Group (PRE-COMMENCEMENT)
38) Telecommunications
39) Wind Mitigation
40) Foundation Design (PRE- COMMENCEMENT)
41) Noise from building services plant and vents
42) Anti-vibration mounts for building services plant / extraction equipment
43) Evidence of operational public hydrants/suitable alternatives
44) Estate Management Plan
45) Urban Greening Factor

Informatives

1) Working with the applicant
2) Community Infrastructure Levy
3) Hours of Construction Work
4) Party Wall Act
5) Numbering New Development
6) Asbestos Survey prior to demolition
7) Dust
8) Written Scheme of Investigation – Suitably Qualified Person
9) Deemed Approval Precluded
10) Composition of Written Scheme of Investigation
11) Geoarchaeological Assessment and Coring
12) Evaluation
13) Disposal of Commercial Waste

14) Piling Method Statement Contact Details
15) Minimum Water Pressure
16) Paid Garden Waste Collection Service
17) Sprinkler Installation
18) Designing out Crime Officer Services
19) Land Ownership
20) Site Preparation Works
21) s106 Agreement and s278 Agreement
22) Revised Fire Statement required with any revised submission
23) Building Control
24) Building Regulations - Soundproofing

Section 106 Heads of Terms:

Affordable Housing

1) **Payment in lieu of on-site affordable housing**
   A payment of £6,525,654.00 to be paid to the Council for the provision of Affordable Housing in Haringey (This reflects the equivalent cost to the applicant of providing 40% on-site affordable student accommodation);

2) **Viability Review Mechanism**
   a. Early Stage Review if not implemented within 2 years; and
   b. Development Break review – review if construction is suspended for 2 years or more.

3) **Accommodation secured for the use of students only during the academic year**
   Acceptable uses outside of term time to be accommodation for conference delegates, visitors, interns on university placements, and students on short term education courses at any institution approved in advance by the borough.

4) **Nominations agreement – reasonable endeavours**
   The applicant will be obliged to use reasonable endeavours to secure a nominations agreement with a higher education institution for all or**, failing this,** part of the proposed units of student accommodation.

5) **Employment & Skills Plan**
   Including Construction Apprenticeships Support Contribution and Skills Contribution (to be calculated in accordance with Planning Obligations SPD). And a commitment to being part of the borough's Construction Programme. To secure local jobs during construction and occupation.

6) **Travel Plan (pre-occupation and operational, as well as monitoring reports) and monitoring fee (£5,000 contribution)**
   The plan relates to the student accommodation element and must include:
   - Appointment of a Travel Plan Coordinator (to also be responsible for monitoring Delivery Servicing Plan)

- Provision of welcome induction packs containing public transport and cycling/walking information, map and timetables, to every new occupant.
- Details of cyclist facilities (lockers, changing rooms, showers, drying rooms for the non-residential uses);
- a mechanism whereby the proposed mobility scooter charging spaces can be converted into spaces for larger cycles as and when required, based on regular monitoring of usage tied in with the travel surveys and surveys of cycle parking uptake; and
- the emergency cycle access arrangements via the passenger lifts should the large/cycle lift break down.

7) Car capping (£5,000 contribution)

No future occupiers will be entitled to apply for a residents or business parking permit under the terms of the relevant Traffic Management Order controlling on-street parking in the vicinity of the development. £5,000 for revising the associated Traffic Management Order.

8) Construction Logistics/Monitoring contribution

A payment of £20,000 to be paid to the Council.

9) Considerate Constructors Scheme

A commitment to sign up to the scheme for the entirety of construction works.

10) High-speed broadband connectivity

All rooms of accommodation must have access to high-quality digital connectivity for new residents through high-speed broadband connections.

11) Carbon Management & Sustainability - Future connection to District Energy Network (DEN) or alternative low carbon solution

- Prioritise connection to the DEN with an interim heating solution if phasing allows.
- Submit justification and details of the backup ASHP heating solution if not connecting to the DEN.
- Re-calculation of the carbon offset contributions prior to commencement (which is one of the requirements of the Energy Plan).
- A covenant to comply with the Council's standard DEN specification for the building DEN and for any components of the area wide DEN installed on site.
- Connection charge to be reasonable and based on avoided costs of delivering an ASHP system, details of the avoided ASHP system costs should be agreed at an earlier stage.
- Submission of Energy Plan for approval by LPA to include details of
- Sustainability Review

12) Carbon offsetting

Payment of a carbon offset contribution payable before completion (calculated as the DEN or low-carbon backup scenario)

13) Monitoring costs

Based on 5% of the financial contribution total (albeit with the payment in lieu of on-site affordable housing, as well as the carbon offsetting payment removed from this total), and £500 per non-financial contribution.

Section 278 Highways Legal Agreement Heads of Terms

14) Highways/Public realm contribution

A payment of £188,769.00 to be paid to the Council for resurfacing, street furniture, and landscaping works immediately adjacent to the site and associated project management fees. The highway works include a contribution towards the landscaping of the semi-circle of land to the front of the site.

15) Disabled users' parking space along Hale Road

A payment of £77,000.00 to be paid to the Council to cover a feasibility study, design and project management fees, Traffic Management Order (TMO) and Road Safety Audit (RSA) costs (totalling £25,000.00), and a further £52,000.00 for construction works and delivery. It is noted that the construction and delivery cost would be refunded in the unexpected event that the works were found to be unfeasible.

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

6. That, in the absence of the agreement referred to in resolution (1) above being completed within the time period provided for in resolution (2) above, the planning permission be refused for the following reasons:

    1. In the absence of a legal agreement securing 1) the provision of off-site affordable housing and 2) viability review mechanisms the proposals would fail to foster a mixed and balanced neighbourhood where people choose to live, and which meet the housing aspirations of Haringey's residents. As such, the proposals would be contrary to London Plan Policies GG1, H4, H5 and H6, Strategic Policy SP2, and DM DPD Policies DM11 and DM13, and Policy TH12.

    2. In the absence of a legal agreement securing financial contributions towards infrastructure provision (Public Realm, Disabled Space, & other Transport Contributions), the scheme would fail to make a proportionate contribution towards the costs of providing the infrastructure needed to support the comprehensive development of Site Allocation TH4. As such, the proposals are contrary to London Plan Policy S1, Strategic Policies SP16 and SP17, Tottenham Area Action Plan Policies AAP1, AAP11 and TH4 and DM DPD Policy DM48.

3. In the absence of legal agreement securing 1) a student accommodation Travel Plan and financial contributions toward travel plan monitoring, 2) Traffic Management Order (TMO) amendments to change car parking control measures the proposals would have an unacceptable impact on the safe operation of the highway network and give rise to overspill parking impacts and unsustainable modes of travel. As such, the proposal would be contrary to London Plan Policies T5, T1, T2, T3, T4 and T6. Spatial Policy SP7, Tottenham Area Action Plan Policy TH4 and DM DPD Policy DM31.

4. In the absence of an Employment and Skills Plan the proposals would fail to ensure that Haringey residents' benefit from growth and regeneration. As such, the proposal would be contrary to London Plan Policy E11 and DM DPD Policy DM40.

5. In the absence of a legal agreement securing the implementation of an energy strategy, including the prioritisation of a connection to a DEN or a fall-back alternative low-carbon heating solution, and carbon offset payments – the proposals would fail to mitigate the impacts of climate change. As such, the proposal would be unsustainable and contrary to London Plan Policy SI 2 and Strategic Policy SP4, and DM DPD Policies DM 21, DM22 and SA48.

6. In the absence of a legal agreement securing the developer's participation in the Considerate Constructor Scheme and the borough's Construction Partnership, the proposals would fail to mitigate the impacts of demolition and construction and impinge the amenity of adjoining occupiers. As such the proposal would be contrary to London Plan Policies D14, Policy SP11 and Policy DM1.

7. In the absence of a legal agreement securing the developer's agreement to using reasonable endeavours to secure a nominations agreement with a higher education institution for all or part of the proposed units of student accommodation, the proposals would fail to meet the requirements of London Plan Policy H15 and Policy DM15.

7. In the event that the Planning Application is refused for the reasons set out in resolution (6) above, the Head of Development Management (in consultation with the Chair of Planning sub-committee) is hereby authorised to refuse 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.

At 8.35pm, the Committee agreed a brief adjournment. The meeting resumed at 8.40pm.

9. HGY/2022/0859 - BARBARA HUCKLESBY CLOSE, N22 6PQ

The Committee considered a full planning application for the demolition of existing eight bungalows and the construction of a part one, two and three-storey building to provide supported living accommodation (Use Class C2) comprising 14 one-bedroom homes, a support office and communal garden. Provision of two wheelchair accessible parking bays, refuse/recycling and cycle stores and landscaping.

Gareth Prosser, Planning Officer, introduced the report and responded to questions from the Committee:

- It was clarified that the accommodation would not be classified as a halfway house but would be a form of independent living for people living with a long term disability.
- In relation to the minimum distance between the proposal and the dwellings on The Sandlings, the Planning Officer explained that all distances would be in excess of 20 metres. It was added that there had been massing and overshadowing studies and the application was not considered to have a significant impact.
- In response to a question about landscaping, the Planning Officer explained that the beds were beyond the red line boundary of the site. It was noted that the trees on the site would be pruned to a suitable degree but it was not believed that there would be any upgrade to The Sandlings.
- The applicant team explained that there would be some improvements to a stretch of land adjacent to the site which would make a small improvement to The Sandlings but clarified that this would not include changes to the pavement, parking, or the introduction of a crossing. It was noted that this would involve a substantial consultation exercise which was beyond the scope of this project. It was added that the project brief was to ensure safe and controlled access to the accommodation and it was considered that this was best achieved through the existing access which could provide vehicle access for two disabled parking spaces and controlled access by staff. The applicant team noted that the proposal would improve the stretch of land on the adjacent site but that the possibility to deliver wider improvements was limited.
- It was explained that the particular staffing and care arrangements would depend on the residents. It was anticipated that all residents would have a statutory entitlement to care and that some people would have more significant care needs. It was highlighted that the format, such as the staffing levels and arrangements, would be driven by the needs of residents. In relation to overnight staffing provision, it was explained that Adults Mental Health was currently looking into arrangements with a co-production group, including those with lived experience and professionals, to determine suitable provision and inform the service specification. It was clarified that staff facilities were included in the proposal and would be classified as concierge rather than ‘sleep in’ staff. The Planning Officer added that there was a condition to secure the Management Plan.
- In relation to staffing and possible concierge services, the applicant team explained that there was a preference for this to be provided internally by the Council but that the ability to deliver this would be assessed after the service specification had been confirmed.

- In response to queries about tenancy arrangements, it was explained that there were some restrictions on the type of tenancies that could be agreed. It was believed that the arrangements would be a type of secure tenancy which would be fixed term and would include break clauses. It was highlighted that, although some residents would stay for a longer time period, some residents would be able to move on to live independently in permanent housing.
- It was noted that the residents would generally be 40-50 years old.
- The applicant team explained that residents of the site would be allowed guests but that, as they were potentially vulnerable to exploitation, part of the support work would involve securing tenancy management. It was highlighted that work would be undertaken with the residents to make sure that they were keeping themselves safe.
- It was commented that it would be important for the accommodation to be integrated with the local community. The applicant team explained that there was a commitment to work with local people and to include them in the development of the service specification through the establishment of a sub group with local residents. It was noted that various methods of engaging the community were planned, including door knocking, leaflet dropping, and open days.
- The Head of Development Management noted that the Council's policy on specialist housing focused on ensuring that the facilities were suitable for intended occupiers. It was highlighted that this was addressed through the requirement for a management plan, as set out in Condition 21. It was added that the team delivering the project were experts in the specific health provision and would determine the details.

It was noted that the recommendation was to grant planning permission as set out in the report.

Following a vote with 10 votes in favour, 0 votes against, and 0 abstentions, and subject to the amendments above, it was

RESOLVED

1. That the Committee resolve to GRANT planning permission and that the Head of Development Management or the Assistant Director of Planning, Building Standards & Sustainability is authorised to issue the planning permission and impose conditions and informatives subject to the signing of a legal agreement providing for the obligations set out in the Heads of Terms below.

2. That delegated authority be granted to the Head of Development Management or the Assistant Director Planning, Building Standards and Sustainability 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 Chair (or in their absence the Vice-Chair) of the Sub-Committee.

3. That the agreement referred to in resolution (2.1) above is to be completed no later than 31st October 2022 within such extended time as the Head of Development Management or the Assistant Director Planning, Building Standards & Sustainability shall in her/his sole discretion allow; and

4. That, following completion of the agreement(s) referred to in resolution (2.1) within the time period provided for in resolution (2.3) above, planning permission be granted in accordance with the Planning Application subject to the attachment of the conditions.

5. Planning obligations are usually secured through a S106 legal agreement. In this instance the Council is the landowner of the site and is also the local planning authority and so cannot legally provide enforceable planning obligations to itself.

6. Several obligations which would ordinarily be secured through a S106 legal agreement will instead be imposed as conditions on the planning permission for the proposed development.

7. It is recognised that the Council cannot commence to enforce against itself in respect of breaches of planning conditions and so prior to issuing any planning permission measures will be agreed between the Council's Housing service and the Planning service, including the resolution of non-compliances with planning conditions by the Chief Executive and the reporting of breaches to portfolio holders, to ensure compliance with any conditions imposed on the planning permission for the proposed development.

8. The Council cannot impose conditions on planning permission requiring the payment of monies and so the Director of Placemaking and Housing has confirmed in writing that the payment of contributions for the matters set out below will be made to the relevant departments before the proposed development is implemented.

9. Summary of the planning obligations for the development is provided below:

    1. Carbon offset contribution
        - Carbon offset contribution if the zero-carbon policy requirement is not met, at £2,850 per tCO2.
        - 'Be Seen' commitment to upload energy performance data.

    2. Car-Capped Agreement including a £4,000 contribution to amend the Traffic Management Order

    3. Car Club Membership Subsidies

10. UPDATE ON MAJOR PROPOSALS

It was noted that some applications which were on hold had been removed from the list of major proposals whilst they were on hold; it was explained that these could be included in a separate section within the report.

It was noted that The Goods Yard appeal had closed in July 2022 and that a decision would normally have been delivered by now. It was explained that the recent Council

decision on High Road West had affected the timeframe as an appeal was required to consider any committed schemes.

The Chair noted that any further queries could be directed to the Head of Development Management.

RESOLVED

To note the report.

11. NEW ITEMS OF URGENT BUSINESS

There were no items of urgent business.

12. DATE OF NEXT MEETING

It was noted that the date of the next meeting was 10 October 2022.

CHAIR: Councillor Barbara Blake

Signed by Chair ……..

Date ……