

**MINUTES OF THE PLANNING COMMITTEE
TUESDAY, 26 OCTOBER 2010**

Councillors: McNamara (Vice-Chair), Christophides, Beacham, Reece, Reid, Schmitz, Demirci and Basu

MINUTE NO.	SUBJECT/DECISION	ACTION BY
PC81.	<p>APOLOGIES</p> <p>Apologies for absence were received from Cllr Peacock, for whom Cllr Basu was substituting, from Cllr Rice, for whom Cllr Demirci was substituting and from Cllr Waters, for whom Cllr Egan was substituting. Cllr McNamara, Vice-Chair of the Committee, was in the Chair for the meeting.</p>	
PC82.	<p>URGENT BUSINESS</p> <p>It being a special meeting of the Committee, there were no items of urgent business.</p>	
PC83.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
PC84.	<p>GLS DEPOT, FERRY LANE, N17 9QQ - HALE VILLAGE</p> <p>Cllr McNamara, in the Chair, outlined the procedure to be followed at the meeting.</p> <p>Before presenting the officer's report, Paul Smith, Head of Development Management, explained the additional information that had been laid round for Members of the Committee which were: the A1 site plan, the officers' response to the Friends of the Earth, an annotated, colour block plan and an addendum with additional consultation responses received from the GLA, British Waterways, Unite and Newlon. Mr Smith advised that the report erroneously attributed British Waterways' comments to Thames Water, who had made no objections, and that if the Committee were to grant the application, the informative suggested by British Waterways would be attached.</p> <p>Mr Smith advised the Committee that the description of the application needed to be amended to read "Erection of two 10-storey blocks (known as Pavilions 1 and 2) to provide 140 flats (70 flats in each block)." The Committee was also advised of some amendments required to the report, namely that the number of the first drawing should read 0101 and not 0100 as stated in the report, the last sentence of paragraph 7.1.1 should be amended to read "This allows most of the flats in the Pavilions to have views of the Lee Valley and all the proposed flats are dual aspect" and the first line of the third paragraph in section 7.1.2</p>	

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should be amended to read “The additional floors are set back by approximately 2.5 metres on the east, west, south and part of the north facades to reduce their impact and to provide terrace/balconies for the proposed flats.” In response to concerns raised regarding whether residents’ groups had been consulted in relation to the application, Mr Smith confirmed from the planning records details of the consultation.

Mr Smith advised that the recommendations of the report should be amended such that a pre-condition be added requiring the applicants to enter into an agreement such that the existing section 106 would apply to this application as well as recommending planning permission subject to the conditions set out in the report, the relevant conditions from the outline planning permission granted in 2006 and the informative from British Waterways.

Mr Smith gave a summary of the report, outlining the planning history and key issues including the height and design of the proposals, and the visual impact of these. Mr Smith advised that the section 106 for the entire site was currently under review, and that a deed of variation would be required to ensure the section 106 for the whole site applied to this new application. In relation to the Equalities Impact Assessment for the site, Mr Smith advised that the potential impact of the application had been considered, including in relation to section 71 of the Race Relations Act 1976, and that it was not considered that the proposals would significantly impact on any group in respect of race, gender, religion, age or sexual orientation. Mr Smith advised that the proposed units were designed to lifetime homes standards, and that all units would be accessible by lift, the lift sizes having been designed to accommodate the access and manoeuvring of wheelchairs. It was felt that all the relevant points in relation to equalities impact had been considered and were addressed by the application.

The officer recommendation was to grant planning permission, subject to a deed of variation to ensure the existing section 106 applies to the whole site, and subject to the conditions set out in the report and the relevant conditions attached to the outline planning permission granted in 2006.

Members of the Committee asked questions of the officers. In response to a question from the Committee regarding the time limit that would be imposed were the scheme to be granted, Mr Smith advised that it was normal practice for a time limit to be imposed when an application was granted, within which the work should be undertaken, but that if the developer felt that they would not be able to implement the work within the scheduled time limit, they could apply for an extension of the time limit, or submit a fresh application. The Committee asked why the issue

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regarding the height of Block SE, which was higher than the pavilions, had not been identified at an earlier stage, in response to which it was reported that Block SE and the Pavilions were originally designed as all being the same height of 8 storeys, but that when it came to the detailed design of the block, it became apparent that due to the slope of the ground, the design of the Podium and the requirement for commercial space at ground level with a higher ceiling than residential accommodation, consent had been approved for a higher structure. Given that Block SE was taller than the original proposals for the Pavilions, it was therefore possible to increase the height of the Pavilions by two storeys, to be the same height as Block SE, while staying within the guidelines of the design code and the original outline permission. It was the officer view that the proposed increase in height of the Pavilions would not cause harm, and that the scheme could therefore be recommended for approval. Mr Terry Knibbs, Projects Consultant, advised in response to a question from the Committee that approval for the increased height of Block SE had been granted in December 2008 as part of a Reserved Matters Application. In response to questions from the Committee regarding whether the site had been fully surveyed and the nature of the topography known at the time of the outline planning application, Mr Knibbs advised that the details of the scheme had not been worked up at that stage and that the key consideration at that time had been the number of storeys permitted. The height of the structure had then been established under the reserved matters application, on the basis of the number of storeys approved and the topography of the site.

The Committee asked about the renegotiation of the section 106 for the development, in response to which Mr Knibbs advised that because the mix of private and affordable accommodation had altered, it was necessary to change the payment triggers for the s106 and renegotiation was also required to secure the payments. Due to the adverse property market, it was reported that section 106 funding had not yet been paid, other than a contribution of £300k for monitoring, and the Council was working with the developer to ensure that payments could be secured. It was anticipated that a report on the renegotiation of the section 106 agreement would be presented to the Committee shortly. In response to a question from the Committee, Mr Knibbs confirmed that the decision reached by the Committee in respect of this application would influence whether s106 payments could be secured. It was confirmed that any recommendation to amend the existing s106 for the development would be brought back to the Committee for a decision.

The Committee expressed strong concerns that the section 106 issues had yet to be resolved, and it was confirmed by officers that, were the Committee to approve this application, a deed of variation would be required to ensure the section 106 in place

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applied to this application. Marc Dorfman, Assistant Director, Planning, Regeneration and Economy, advised the Committee that officers were working with the developer to address the section 106 issues and that he was confident that the section 106 could be renegotiated. It was reported that that development on the site must be able to continue in a sustainable manner, so that the proposed homes and community facilities could be delivered. Mr Dorfman reported that the involvement of central government in the scheme was further assurance that the promised community benefits would be delivered.

The Committee noted that the officer response to some of the objections raised was that each application should be considered on its own merits, and asked whether this meant that the Committee had unfettered discretion in considering this application, regardless of the height of Block SE. Officers responded that the Committee was not fettered in its discretion, but that its decision did need to take into account factors such as the relevant policies and the design code. The Committee expressed the view that its decision in respect of this application would have a potential impact on the remaining three pavilion blocks, and that consideration of impact needed to take this into consideration. Mr Dorfman advised that the Committee could consider the application in that manner, but that the officer recommendation was that the impact of the proposed increase was not significant.

The Committee asked what discussions had taken place when the outline permission had been granted in determining that 8 storeys was an acceptable height for the pavilions. Mr Knibbs reported that this had been decided in response to an assessment of the broad principle and the proposal put forward at the time. In response to a question regarding whether the proposals would be subject to the Home Bonus scheme, Mr Dorfman advised that the details of this scheme were still being clarified.

The Committee asked why officers felt that the proposal would not have a detrimental impact on the amenity when British Waterways had raised concerns. Mr Smith advised that the planning department accepted the comments made by British Waterways, but that in analysing those comments, officers reached a different conclusion. In response to a question from the Committee, planning officers accepted that consistency did not necessarily mean uniformity.

It was decided by the Chair that the full amount of 6 minutes allowed for each speaker would be given, in order that maximum opportunity was afforded to those presenting to the Committee. Mr Quentin Given, Friends of the Earth, addressed the Committee in objection to the application. Mr Given advised the Committee

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that Tottenham marshes were one of the wildest parts of London for local residents and that this was an issue for the local community. Robust debate had taken place before the outline planning permission had been granted in 2006 and, had local residents been made aware that the increase in height of Block SE would have further implications for the height of the pavilions, they would certainly have objected. Mr Given advised that this application would influence the height of all 5 pavilions, and that this should be taken into account. Mr Given also stated that the application would have implications on any future development at Hale Wharf. The Committee was asked to take into account these wider implications of the application, and to adopt an integrated approach.

In response to questions from the Committee regarding how the proposals would harm the local area, Mr Given advised that the buildings would overlook the marshes, and that the issue was a question of degree as, the larger the buildings, the greater the impact. The Committee asked about the principle of a mixture of tenures at the development, in response to which Mr Given advised that all local residents wanted a mixed development, but not at any price.

Mr Paul Cavendish, local resident, addressed the Committee in objection to the application. Mr Cavendish advised that consultation with local residents had been inconsistent, as residents had not been consulted in relation to this application but had received letters for another application in relation to the site. Mr Cavendish reported that in pre-application discussions for the outline planning permission, local residents had argued about the height of the buildings and still felt that 8 storeys was excessive. Approaching from the east, the development already had a significant impact on the skyline, and Mr Cavendish showed the Committee some photographs of the view he was describing. Mr Cavendish stated that this was a point of precedent, as if the application were granted, it would have a knock-on effect on pavilions 3, 4 and 5 and also the Hale Wharf development. Local residents and stakeholders had expressed concerns regarding the application, and Mr Cavendish asked that the Committee consider the long term impact on the area and strongly urged that the application be refused.

In response to a question from the Committee, Mr Cavendish advised that regarding the previous application for initial outline planning permission there had been extensive consultation with residents groups and a leafleting campaign, but that for this application there had been nothing at all.

Cllr Reith, local Ward Councillor, addressed the Committee in objection to this application. Cllr Reith advised that she was supportive of the whole development as an opportunity to provide

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mixed housing and jobs for the area. Cllr Reith accepted that the recession had an impact on developments, and advised that none of the section 106 contributions for community benefits in the area had been received. However, Cllr Reith reported that after lengthy negotiations with local stakeholders, a height of 8 storeys had been agreed for the pavilions under the outline application, although developers had previously wanted these to be higher. Cllr Reith advised that the current application represented “development creep”. The proposed extra storeys would not be visible from close to the base of the buildings, but would be visible from a distance and would have an impact on the local area. Cllr Reith expressed concerns regarding the density of the site and that, if the extra storeys were approved on pavilions 1 and 2, they would also be likely to be approved for 3, 4 and 5, which would have an impact on the number of units proposed for Block NW if the development were to stay within the approved density. It was reported that consultation was currently taking place for further student housing on the site, which could lead to overdevelopment. Cllr Reith advised that there was a risk of repeating the mistakes of the past, where large residential blocks were constructed without the necessary community infrastructure to support them.

In response to a question from the Committee regarding Cllr Reith’s point about density, Mr Dorfman advised that, were consent granted to increase the number of units in one area of the development, the Council would negotiate with the developer to reduce the number of units in another part of the development in order to keep within the maximum number approved under the outline application. Mr Knibbs confirmed that, were this application approved and a subsequent application submitted and approved for Pavilions 3, 4 and 5, this would take the number of units to four more than the maximum agreed as part of the outline scheme, and the number of units elsewhere in the scheme would require adjustment. The Committee asked whether Cllr Reith accepted that attempts to limit the impact of the additional storeys had been made by setting these back, in response to which Cllr Reith did accept this, but that the storeys were only partially set back on the north façade, which was the aspect affecting Tottenham Marshes. In response to a question from the Committee regarding consultation, Cllr Reith stated that the developers had accepted that consultation had not been undertaken for this application. She did not know what local groups had been consulted on by the Council’s planning department, but she felt that it was not sufficient and was not as extensive as the original consultation undertaken for the outline application.

Cllr Brabazon, local resident and St Ann’s Ward Councillor, addressed the Committee in objection to the application. Cllr Brabazon advised that she was concerned about the precedent

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this application would set for Hale Wharf. Cllr Brabazon stated that there had been almost no consultation regarding this application. At the time the increase in the height of Block SE had been proposed, the reasons given for the increase had been that this was necessary due to a change in tenure and that this was the first time the reasons given this evening had been heard by local residents. Cllr Brabazon advised that the section 106 issue had dominated the issue of local regeneration, in an area with limited amenity, and that no environmental or community improvements had so far been seen as a result of the development.

In response to a question from the Committee, Cllr Brabazon advised that in her view, consultation had been very poor over the past 18 months.

Mr Simon Marks, Mr Bob Macdonald and Mr Michael Polledri addressed the Committee on behalf of the applicants. It was confirmed that the application met all of the required standards and that the quality of the design had been guided by the design code, particularly in terms of consistency and the guidance for the tops of the blocks to be sculpted and expressive. Mr Macdonald reported that 2.5 metres was the minimum distance the proposed storeys would be set back, and that in places this would be up to 5 metres. Mr Macdonald advised that the approved scheme included a parapet which was almost an additional half a storey in height. It was accepted that the proposed additional storeys would be visible from a distance, but the applicants argued that, viewed from a distance, the skyline would be dominated by the 18-storey building which had been approved, and not the extra height of the pavilions. Mr Marks advised that the proposed units exceeded the Council's and the GLA's space standards, were fully compliant with the design code and had a high degree of sustainability. The proposals would set a benchmark for the quality of housing in the development and in the local area. Mr Marks advised that the scheme should be considered on its own merits. In response to the accusation of "design creep", it was reported that when the level of affordable housing on the site had increased, the number of units had been reduced as a consequence. Mr Marks reported that £300k had been paid when the section 106 agreement had been signed, for the monitoring of the section 106, and that other aspects of the s106 had been implemented. Mr Polledri emphasised the importance of the community infrastructure to the scheme and resented any implication that payment of section 106 contributions was being avoided. It was reported that the applicant had met with the PCT on a number of occasions to discuss occupation of the health centre, and that negotiations were now taking place directly with local doctors. Mr Polledri advised the Committee that the financial climate was very challenging but that, if it were allowed to, this development would transform the local area but it must be

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sustainable in order to do that.

In response to questions from the Committee regarding the delivery of community benefits, the applicants responded that the timetable for delivery of those benefits had not changed and that they wanted all of the facilities promised to be delivered in order to create a viable community on the site. The Committee asked why s106 contributions had not been paid, in response to which Mr Marks advised that this was because of the affordable housing elements coming forward sooner than expected, which had affected the developer's ability to pay. It was reported that, once the section 106 was re-phased, payments would be delivered. It was confirmed again that the proposed re-profiling of the section 106 would be brought back to the Committee for consideration.

The Committee asked why the topography had not been taken into account at the time of the outline planning application, in response to which Mr Marks advised that the details had only become apparent at the time of the reserved matters application, after the outline permission had been granted. Mr Marks was unable to answer why the topography had not been taken into account at the time of the outline application as they had not been the applicants at that time. The Committee expressed concern that issues of height had already been considered fully by the Planning Committee at the time of the reserved matters application in 2008.

In response to a question from the Committee regarding the reason for this application, Mr Pollegri confirmed that this was in order to ensure that the scheme was deliverable and sustainable.

The Committee expressed some doubt that the proposals represented an aesthetic enhancement to the building, as it was being argued that the upper storeys would not be visible except from some distance away. Mr Macdonald advised that the proposals were more sculptural than the previous design, which was a 'sawn off' top to the buildings, and would enable a greater level of soft landscaping on the roof, creating a richer silhouette.

The applicants acknowledged the concerns raised by the objectors regarding the level of consultation, and accepted that the consultation for the outline application had been much better than for this additional application. Mr Pollegri undertook to hold meetings with local residents in future; the applicants had felt that they were being inclusive, but apologised if it was felt that they had not been.

The Committee went to view the plans of the proposals.

Committee members asked final questions of officers. In response to a question from the Committee, officers responded

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that the Planning Committee had, in August 2008, approved the proposed height of Pavilions 1 and 2 being above that agreed in the outline application on justifiable design grounds. The Committee asked again about the section 106 issues, and how this could be tied in. Mr Dorfman advised that if the application were granted, a deed of variation would be required to tie the application to the existing s106 agreement for the development as a whole. At the same time, work was ongoing to renegotiate the section 106 agreement for the whole scheme, and a report on this would be brought back to the Planning Committee for approval. It was confirmed that it could not be conditioned that approval of the scheme was dependent on the outstanding section 106 issues being fully resolved, as this was a separate issue from the application under consideration.

Cllr McNamara advised that, as Chair of this meeting, he would be writing to the Leader of the Council and Cabinet Member for Planning and Regeneration to recommend that the scope and methods for planning consultations should be reviewed and also that the existing Tottenham Hale SPD might need to be reviewed, especially in relation to any possible future developments. It would then be possible to look at ways of improving current procedures and to increase the scope for stakeholder views to be taken into consideration for the remaining future development of the Tottenham Hale area, including that of Hale Wharf.

Mr Dorfman advised that the recommendation of the report was to grant permission for two pavilions of 10 storeys each height, based on the view that the impact of the proposal from both within the scheme and from outside the scheme would be negligible, subject to the conditions as set out in the report and the relevant conditions imposed on the outline planning consent. It was also recommended to agree a deed of variation to link the application to the existing section 106 agreement.

On a motion by the Chair, the Committee voted and on a vote of 7 in favour and 2 against the recommendations of the report it was:

RESOLVED

- i) That, subject to the conditions set out in the report, the relevant conditions imposed on the outline planning application HGY/2006/1177 and the informative from British Waterways, planning application HGY/2010/1427 be approved.
- ii) That a deed of variation be agreed to link this application with the existing section 106 agreement for Hale Village.

Conditions:

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	<p>1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect. Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions. 2. The development hereby authorised shall be carried out in complete accordance with the plans and specifications submitted to, and approved in writing by the Local Planning Authority. Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity. 3. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in connection with the development hereby permitted have been submitted to, approved in writing by and implemented in accordance with the requirements of the Local Planning Authority. Reason: In order to retain control over the external appearance of the development in the interest of the visual amenity of the area. 4. The additional units will require 3 additional 1100 litre waste containers and 1 additional 1100 litre recycling container, the locations for these containers to be agreed with the Local Planning Authority prior to the development hereby permitted commencing. Reason: to ensure a satisfactory level of waste provision is provided within the scheme. INFORMATIVE: The applicant / developer should refer to the current British Waterways' "Code of Practice for Works affecting British Waterways" in order to ensure that any necessary consents are obtained (www.britishwaterways.co.uk/media/documents/Code_of_Practice_2010.pdf). REASONS FOR APPROVAL The proposal is considered to comply with the Design Code for the Hale Village development and the Tottenham Hale Urban Centre Masterplan 2006 and not to result in any adverse effects on the development or surrounding area in line with the relevant policies of the London Plan 2008 and the saved policies of the Unitary Development Plan 2006.</p> <p>Section 106: Yes</p>	
<p>PC85.</p>	<p>DATE OF NEXT MEETING</p> <p>Monday, 8 November 2010 at 7pm.</p>	

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COUNCILLOR STUART MCNAMARA

Chair