

MINUTES OF THE MEETING OF THE PLANNING SUB COMMITTEE HELD ON Tuesday, 16th February, 2016, 7pm

PRESENT:

Councillors: Peray Ahmet (Chair), Vincent Carroll (Vice-Chair), Dhiren Basu, David Beacham, John Bevan, Clive Carter, Natan Doron, Toni Mallett, Elin Weston and Reg Rice

1. FILMING AT MEETINGS

The Chair referred Members present to agenda Item 1 as shown on the agenda in respect of filming at this meeting, and Members noted the information contained therein.

2. APOLOGIES

Apologies for absence were received from Cllr Patterson, for whom Cllr Rice was substituting and from Cllr Ryan.

3. URGENT BUSINESS

There were no items of urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. LAND ADJACENT TO 2 CANNING CRESCENT N22 5SR

The Committee considered a report on the application to grant planning permission for redevelopment of a vacant site for a residential development of 19 dwellings comprising eighteen flats and one dwelling house (all C3 Use Class) including private and communal amenity spaces, refuse facilities, cycle storage, landscaping, three parking spaces and new vehicular access from Kings Road. The report set out details of the proposed development, site and surroundings, relevant planning history, consultation and responses and material planning considerations.

The Planning Officer gave a presentation outlining the key aspects of the report.

Cllr Wright, ward councillor for Woodside, addressed the Committee on behalf of a local resident and raised the following points:

- The site was ideal for residential use, especially as there was a need for land for new developments in the borough.

- Redevelopment of the site would be welcomed, as it was currently in a state of disuse.
- The design was supported, there would be no overlooking of neighbouring properties and the proposal was felt to be in keeping with the area.
- Neighbours had been consulted properly and the applicants were commended for their engagement with the local community.
- Cllr Wright personally expressed concerns regarding the level of affordable housing contribution, but stated that this was a wider issue that he would take up in his role as Chair of the Overview and Scrutiny Committee, and was not specific to this particular application.

In response to a further question from the Committee regarding the lack of affordable housing and the onus being on developers in relation to viability assessments, Cllr Wright confirmed that this was a wider issue than this particular application. It was noted that the application had been considered at the pre-application stage, and that Members had noted at that time that the affordable housing contribution offered by the applicants was higher than that required in accordance with the viability assessment.

The Committee asked questions of the officers in relation to the application, and the following points were raised as part of the discussion:

- The Housing Service had been consulted on the application, but had not formally provided any comments for inclusion in the report. Officers advised that the Housing Service had, however, attending the pre-application meeting and had given the view that, given the small number of units at the site, an off-site contribution would be preferable.
- The Committee expressed concern that not all of the eligible housing associations in the borough had been asked whether they would be interested in managing on-site affordable units at this site. It was confirmed that all five of the Council's preferred providers had been approached, but that in general housing associations took the view that it was not practical or cost-effective to take on sites with only one or two affordable units. It was noted that discussions with Homes for Haringey in relation to the possible management of sites with a small number of affordable units were progressing separately.
- It was confirmed that the viability assessment submitted had been independently assessed, and that the contribution arising from that assessment was £165k. The applicants had chosen to offer an increased amount of £250k.
- In response to further concerns regarding the level of affordable housing contribution, it was confirmed that details of the viability assessment and the reasons for the proposed contribution were set out in the report.
- It was confirmed that the proposed development was compliant with the Lifetime Homes Standard, as set out in paragraph 6.11.1 of the report.
- The Committee asked about the lack of green spaces proposed in relation to the policy on sustainable urban drainage systems (SUDS). The applicants confirmed that a green communal space was proposed and that they were happy to explore the options in respect of SUDS provision. The Committee agreed that an informative be added for the applicants to explore the option of delivering a SUDS within the proposed green space.

- The Committee asked the architect about the efforts made to ensure the design fit in with the surrounding area. The architect advised that there had been extensive discussion with the planners around the massing and appearance of the scheme; the stepping of the roof level on both sides of the block was intended to fit in with the height of the surrounding buildings, and the gap for the stair core was designed to break down the overall volume and to be in keeping with other buildings in the vicinity. It was noted that the buildings in Canning Crescent were of a diverse nature and that the materials and details proposed were intended to pick up on the best of the neighbouring features, with a contemporary interpretation. The architect did not agree with the suggestion made that the proposal resembled an office block.
- Officers confirmed that the quality of the materials as demonstrated by the applicants so far was felt to be satisfactory, and it was noted that there was also a condition giving the Council's planners approval of the final materials to be used.
- The Committee asked about the reasons for the viability assessment having been submitted on the basis of an alternative use for the site, in this case student accommodation, and whether this was usual practice. Officers advised that, as the site had been vacant for a significant period of time, it was standard industry approach to use an alternative use value. Officers advised that they would not have supported the alternative of using the market value, as this would have resulted in a lower affordable housing contribution level being identified.

In response to a question from the Committee, the legal advisor confirmed that it would be improper for the Committee to seek refusal for an application on the basis of the level of affordable housing contribution when that application had been determined as compliant with the relevant planning policies. The Committee was advised that such a decision would fall outside the Committee's remit and would be subject to legal challenge.

Cllr Bevan moved an alternative recommendation that the application be refused on the basis of design and the level of section 106 contribution proposed, and this motion was seconded by Cllr Rice. On a vote of four in favour and five against and one abstention, the motion was not agreed.

The Chair moved the recommendation as set out in the report, that the application be granted subject to conditions and subject to a section 106 legal agreement with the additional informative that the applicant explore the option of delivering a SUDS within the proposed green space, and on a vote of four in favour and five against and one abstention, this motion was not agreed.

The Committee was advised by the legal advisor that the application was currently undetermined and could be subject to appeal against non-determination. It was noted that the failure to agree the recommendation to grant permission was not the same as a positive vote to refuse, supported by a majority of the Committee. It was noted that it was available to the Committee to move a further recommendation.

Cllr Rice moved a recommendation that the application be refused on the grounds that the design was inappropriate in this location, and this motion was seconded by Cllr

Carter. The Committee was advised that any refusal on the grounds of design should set out why the Committee felt that the design was unacceptable with reference to the relevant design guidance, particularly as the Quality Review Panel had commented that the design was acceptable. It was noted that design was a subjective matter. On a vote of three in favour, six against and one abstention, this motion was not agreed.

Cllr Weston moved the original recommendation as set out in the report, that the application be granted subject to conditions and subject to a section 106 legal agreement, with the additional informative that the applicant explore the option of delivering a SUDS within the proposed green space, and this was seconded by Cllr Doron. On a vote of four in favour, four against and two abstentions, there was a tied decision.

The Committee sought the advice of the legal advisor, who indicated that there was the option of the application remaining undetermined or for the Chair to exercise her right to a casting vote. In response to questions from the legal advisor the Chair indicated that she wished to exercise this right and that she would use her casting vote in favour of the motion. With the vote therefore standing at five in favour, four against and one abstention, this motion was carried.

In response to a point of order raised by a member of the Committee, the legal advisor confirmed that the Chair's right to a casting vote as set out in the Council's constitution was not dependent on a preliminary vote having previously been cast by the Chair for or against the motion in question.

RESOLVED

- i) That the Committee resolved to grant planning permission and that the Head of Development Management is authorised to issue the planning permission subject to the conditions and informatives set out below and subject to the prior completion of a section 106 Legal Agreement providing for the obligation set out in the Heads of Terms below.
- ii) That the section 106 legal agreement referred to in resolution (i) above is to be completed no later than 31 March 2016 or within such extended time as the Head of Development Management shall in her sole discretion allow.
- iii) That, following completion of the agreement referred to in resolution (i) within the time period provided for in resolution (ii) above, planning permission be granted in accordance with the Planning Application subject to the attachment of the conditions.

Conditions

- 1) Development begun no later than three years from date of decision
- 2) In accordance with approved plans
- 3) Materials submitted for approval
- 4) Sustainability
- 5) No permitted development for satellite dishes
- 6) Cycle parking

- 7) Refuse storage
- 8) Land contamination investigation works
- 9) Contamination remediation if required
- 10) Landscaping
- 11) Landscape management
- 12) Construction Management Plan
- 13) Sustainable drainage
- 14) Dust
- 15) Electric vehicles
- 16) Piling

Informatives

- 1) Co-operation
- 2) Drainage
- 3) Thames Water
- 4) Sewers
- 5) Street Numbering
- 6) Hours of Construction
- 7) CIL
- 8) Highways works
- 9) Asbestos

Section 106 Heads of Terms:

- 1) An affordable housing contribution of £250,000
- 2) A carbon offsetting contribution of £4,050
- 3) A Construction Training and Local Labour Initiatives contribution of £24,052
- 4) Resident's Parking Permit restriction ('Car-Free' development)
- 5) A transport and highways contribution of £25,000
- 6) A Traffic Management Order contribution of £1,000
- 7) Car Club membership (two years membership and £50 credit)
- 8) Provision of 10% wheelchair accessible dwellings
- 9) Considerate Contractors Scheme

- iv) That, in the absence of the agreement referred to in resolution (i) above being completed within the time period provided for in resolution (ii) above, the planning permission be refused for the following reasons:

(i) In the absence of a financial contribution towards Affordable Housing, the proposal would have an unacceptable impact on affordable housing provision within the Borough. As such, the proposal would be contrary to Local Plan policy SP2 and London Plan policy 3.12.

(ii) In the absence of a financial contribution towards the amendment of the Traffic Management Order, highways works and car club funding, the proposal would have an unacceptable impact on the highway and fail to provide a sustainable mode of travel. As such, the proposal would be contrary to Local Plan policy SP7, saved UDP policy UD3 and London Plan policies 6.9, 6.11 and 6.13.

- (iii) In the absence of a financial contribution towards the carbon offsetting, the proposal would fail to deliver an acceptable level of carbon saving. As such, the proposal would be contrary to Local Plan policy SP4 and London Plan policy 5.2.
- v) In the event that the Planning Application is refused for the reasons set out in resolution (iv) 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 Head of Development Management 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.

6. ST ANNS ROAD POLICE STATION 289 ST ANNS ROAD N15 5RD

The Committee considered a report on the application to grant planning permission for demolition of extensions and outbuildings, the conversion of the former police station and the construction of new residential buildings to provide 28 x 1, 2, 3 and 4 bedroom dwelling units, parking provision, cycle and refuse storage. The report set out details of the section 106 heads of terms/ s278 agreement, proposed development, site and surroundings, relevant planning history, consultation and responses, material planning considerations and CIL.

The Planning Officer gave a presentation outlining the key aspects of the report.

Cllr Blake, ward councillor for St Ann's addressed the Committee in support of the application and raised the following points:

- The increase in affordable units compared with the previous application which had been refused permission was broadly welcomed.
- The separation between the existing police station building and the new block was welcomed; the police station was a well-loved local building and it was important to maintain its integrity.
- It was positive that this application included more communal space and a garden area.
- Local councillors and residents asked for the buildings to be as sustainable as possible.

In response to a question from the Committee regarding their intention to proceed with the appeal against the previous refusal of planning permission, the applicants advised that it would not make financial sense for them to appeal in the event that they had an implementable planning permission in place. The legal advisor to the Committee asked for clarification on this point in respect of the application currently before the Committee, and the applicants confirmed that the permission as set out in the report

before the Committee, including the conditions and section 106 agreement, would in their view be an implementable permission if granted.

The Committee asked a number of questions of the applicants and officers, and the following points were raised during the discussion:

- In response to a question regarding the roof, it was confirmed that a shallow pitch was proposed in order to reduce the overall height of the scheme, compared with the height that would be needed in order to accommodate a flat roof.
- The Committee asked how the reduction in density had been achieved, in response to which the applicants confirmed that introducing the gap between the police station and new block as well as the reduction in the depth of the plan had contributed to the lower density. It was noted that the smaller plan depth had also enabled all units to be dual aspect.
- In response to a question from the Committee regarding how the parking spaces would be allocated, the applicants confirmed that allocation would be on a basis of need, with priority given to the family-sized units. The applicants confirmed that none of the open-market units would be advertised as having a dedicated parking space and that allocation would be solely on the basis of need.
- In response to a question regarding the gap between the police station and new block, the applicants confirmed that this would be for the use of residents to access the bicycle park. It was confirmed that this would be secured by means of a gate and would be lit for additional security. It was agreed that an informative should be added to ensure that lighting of the gap was included explicitly in the landscaping scheme required by condition.
- The Committee welcomed this application as an improvement on the proposal previously submitted.

The Chair moved the recommendations as set out in the report, with the additional informative that lighting of the gap be included explicitly in the landscaping scheme, and on a vote the motion was carried and it was therefore:

RESOLVED

- (i) That the Committee grant planning permission and that the Head of Development Management be authorised to issue the planning permission subject to the conditions and informatives set out below and subject to the prior completion of a section 106 / section 278 Legal Agreement providing for the obligation set out in the Heads of Terms below.
- (ii) That the section 106 / section 278 legal agreement referred to in resolution (i) above is to be completed no later than 16th March 2016 or within such extended time as the Head of Development Management shall in her/his sole discretion allow; and
- (iii) That, following completion of the agreement(s) referred to in resolution (i) within the time period provided for in resolution (ii) above, planning permission be

granted in accordance with the Planning Application subject to the attachment of the conditions.

Conditions

- 1) Development begun no later than three years from date of decision
- 2) In accordance with approved plans
- 3) Materials submitted for approval
- 4) Central satellite dish – removal of PD rights for antennas
- 5) Refuse and recycling details
- 6) Construction management statement
- 7) Dust management
- 8) NOX boilers
- 9) Communal boilers
- 10) NRMM
- 11) Carbon reduction
- 12) Removal of PD rights to 5 x mews houses
- 13) Minimum cycle parking provision and maximum on site car parking provision
- 14) Site wide landscaping
- 15) Drainage: Greenfield run-off rates to be achieved

Informatives

- 1) Co-operation
- 2) CIL liable
- 3) Street Numbering
- 4) Hours of construction
- 5) Thames Water
- 6) London Fire Brigade

Section 106 Heads of Terms / S278 Agreement:

- 1) Car capped;
 - 2) Residential Travel Plan, Car Club, Electric Charging Points;
 - 3) £3,000 per Travel Plan for monitoring;
 - 4) £20,000 CPZ review;
 - 5) £3,514.55 in s278 contributions;
 - 6) £15,000 towards cycling and walking improvements;
 - 7) 21% (by unit number) Affordable Housing;
 - 8) Employment and training obligations. Notification to Council of any job vacancies during the construction phase;
 - 9) Review mechanism should the development not be implemented within 18 months; and
 - 10) Considerate Contractors Scheme.
- (iv) That, in the absence of the agreement referred to in resolution (i) above being completed within the time period provided for in resolution (ii) above, the planning permission be refused for the following reasons:

1. In the absence of the provision of residential and work place travel plans, a travel plan co-ordinator, a financial contribution towards the monitoring of the Travel Plan, the scheme being car capped, and contributions towards CPZ review, cycling and walking improvements, traffic management studies, the proposal would have an unacceptable impact on local traffic movement and surrounding road network and would be contrary to Local Plan Policy SP7, saved UDP Policies M8 and M10, and draft DM Policy DM32 and London Plan Policies 6.11, 6.12 and 6.13.
 2. In the absence of the provision of 21% on site affordable housing and review mechanism to secure further affordable housing, the proposal would fail to contribute to the identified need for affordable housing in the area and would be contrary to Local Plan Policy SP2, London Plan Policy 3.12 and draft DM Policy DM13.
 3. In the absence of a considerate constructor's agreement, the proposal would have an unacceptable impact on the amenities of surrounding neighbours and would be contrary to saved UDP Policy UD3, and draft DM Policy DM1 and London Plan Policy 7.6.
 4. In the absence of a scheme towards Construction training / local labour initiatives and a financial contribution towards Work Placement Co-ordinators (WPCs), the proposal would have an unacceptable impact on the community and would be contrary to Local Plan Policy SP8 and London Plan Policy 4.1
- (v) In the event that the Planning Application is refused for the reasons set out in resolution (iv) 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 Head of Development Management 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 (i) above to secure the obligations specified therein.

7. DATE OF NEXT MEETING

7 March 2016.

The meeting closed at 8.10pm.

CHAIR: Councillor Peray Ahmet

Signed by Chair

Date