

MINUTES OF MEETING PLANNING SUB COMMITTEE HELD ON MONDAY 19 APRIL 2021, 7.00PM

PRESENT:

Councillors: Sarah Williams (Chair), Gina Adamou (Vice-Chair), Dhiren Basu, John Bevan, Luke Cawley-Harrison, Liz Morris, Peter Mitchell, Sheila Peacock, Reg Rice, Viv Ross and Yvonne Say

517. FILMING AT MEETINGS

The Chair advised that the meeting would be live streamed on the Council's website.

518. PLANNING PROTOCOL

Noted.

519. APOLOGIES

Apologies for absence had been received from Councillors Adamou and Hinchcliffe.

Councillor Morris was in attendance as substitute for Councillor Hinchcliffe.

520. URGENT BUSINESS

None.

521. DECLARATIONS OF INTEREST

Councillors Bevan and Peacock advised that they attended regular meetings with Tottenham Hotspur Football Club in relation to the operation of the stadium, although this would not be considered as a pecuniary or prejudicial interest.

Councillor Say advised that she had been in attendance at a meeting of the Bounds Green Residents Association where the application at Bidwell Gardens had been discussed, but she had not commented on the application herself.

522. MINUTES

RESOLVED that the minutes of the Planning Committee held on 8 March 2021 be approved, subject to the following amendment:

- Minute 512, second from last paragraph to be amended to read: "Councillor Rice requested that an informative be included to state that work should commence on site *no later than* six months after permission was granted..."

523. HGY/2020/1615 26-28 BROWNLOW ROAD N11 2DE

The Committee considered an application for the demolition of existing buildings; erection of a part 3 and part 4 storey building comprising 23 (1 x studio, 6 x 1 bed, 14 x 2 bed, 3 x 3 bed) flats; erection of 1 detached dwelling to the rear with 1 parking spaces, provision of 3 disabled parking spaces at the front; cycle, refuse and recycling storage; provision of new access onto Brownlow Road and accessway to the rear.

Officers responded to questions from the Committee:

- There were 24 units in the development – 23 flats and one house.
- The affordable housing contribution would provide two large homes in a Council build scheme – Council homes for Council rent.
- Permitted development rights would apply to the house only.
- There was a one communal bin store for all properties. A waste management plan would be developed to set out how waste would be dealt with.
- The rear communal garden would be accessed by an existing accessway to the south of the building, and could also be accessed on the northern side.
- There were 7 single aspect units, but these were not either north or south facing and so were considered to be acceptable to the scheme.
- The scheme had been amended since previous applications and officers were satisfied that previous objections had been satisfied.

Rob Steward spoke in objection to the application. He considered that the scheme barely met minimum space standards and would cause privacy issues for neighbouring properties. The proposal did not harmonise with existing buildings in Bounds Green. The land had been neglected for several years and a better use would be to create an in-fill garden.

Adele Lorente spoke in objection to the application. She objected on the grounds of knocking down an old house. The new development would not add architectural value to the area. The new development would add more dwellings to the area, but did not provide for any extra services.

Simon Wallis, Applicant Team, addressed the Committee. The new submitted scheme was considered to be more sensitive design and the applicant had worked with officers on detail and design matters. A sunlight and daylight assessment had been carried out and there was no unacceptable loss of light on the scheme. The scheme would be subject to early and late stage reviews by the Building Control.

The Applicant Team and Officers responded to questions from the Committee:

- All apartments had been designed to be open plan with kitchen and living areas as open spaces.
- Condition 5 could be tweaked to prohibit the installation satellite dishes on the flats only.

The Chair moved to the vote to grant the application with the amendment to condition 5 to reflect that satellite dishes shall be prohibited on the flats only. Following a vote it was unanimously

RESOLVED

- i. That planning permission be GRANTED and that the Head of Development Management or the Assistant Director Planning, Building Standards & Sustainability be authorised to issue the planning permission and impose conditions and informatives subject to the signing of a section 106 Legal Agreement providing for the obligations set out in the Heads of Terms and a section 278 Highways Agreement.
- ii. That delegated authority be granted to the Head of Development Management or the Assistant Director 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.
- iii. That the section 106 legal agreement referred to in resolution (i) above is to be completed no later than 19 July 2021 or within such extended time as the Head of Development Management or the Assistant Director shall in her/his sole discretion allow.
- iv. That following completion of the agreement(s) referred to in resolution (i) 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 listed in full at Appendix 1.
- v. That in the absence of the agreement referred to in resolution 2.1 above being completed within the time period provided for in resolution 2.3 above, the planning permission be refused for the following reasons:
 - (i) In the absence of a legal agreement securing 1) the provision of a financial contribution in-lieu of onsite affordable housing and 2) viability review mechanisms, the scheme would fail to foster mixed and balanced neighbourhoods where people choose to live, and which meet the housing aspirations of Haringey's residents. As such, the proposal is contrary to London Plan Policy H4, Local Plan Strategic Policy SP2, and Development Management DPD Policies DM11, DM13 and DM48.
 - (ii) In the absence of legal agreement securing 1) Traffic Management Order amendment contribution and 2) car club membership funding, the proposal would give rise to overspill parking impacts and unsustainable modes of travel. As such, the proposal is contrary to London Plan Policy T4, Local Plan Strategic Policy SP7 and Development Management DPD Policies DM31, DM32 and DM48.
 - (iii) In the absence of a legal agreement securing a carbon offset payment, the proposal would fail to mitigate the impacts of climate change. As such, the proposal is unsustainable and contrary to London Plan Policy SI2, Strategic Policy SP4 and Development Management DPD Policies DM21, DM22 and DM48

- (iv) In the absence of a legal agreement securing a financial contribution towards child play space, the proposal would fail to deliver an acceptable level of play and informal recreation based on the expected child population generated by the scheme. As such, the proposal is contrary to London Plan Policy S4, the Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG and Local Plan Strategic Policy SP13.
- (v) In the absence of a legal agreement securing construction training and local labour initiatives, the proposal would fail to deliver an acceptable level of support towards local residents accessing the new job opportunities in the construction phase of the scheme. As such, the proposal is contrary to Haringey's Planning Obligations SPD 2018.

524. HGY/2021/0441 807 HIGH ROAD, N17 8ER

The Committee considered an application for full planning application for the demolition of the existing buildings and the erection of a replacement building up to four storeys to include residential (C3), retail (Class E, a) and flexible medical/health (Class E, e) and office (Class E, g, i) uses; hard and soft landscaping works including a residential podium; and associated works

Officers and the Applicant Team responded to questions from the Committee:

- Percival Court was in different ownerships and the applicant would need to work with all owners to ensure that resurfacing of the front of the court could be carried out. The addendum included an additional Heads of Terms which set out that the applicant shall "implement approved surface improvements to the section of Percival Court in its ownership and use reasonable endeavours to work with adjoining landowners to secure a scheme of surface improvements to land outside the applicant's ownership prior to first occupation."
- The Co-op Funeral Services were still potential tenants for the commercial unit and the scheme had been designed with them in mind.
- There would be a centrally placed bin store with 11 wheelie bins (domestic size). On collection day these would be moved out to an agreed on-street collection point. A residential waste management plan would be devised to set out the detail, although it was intended that bins would be collected at the same time as the above shop scheme. Commercial waste was managed by a separate waste contract.

Members discussed the inclusion of an additional contract in relation to commercial waste and requested that a condition be added in relation to the collection of commercial waste from Percival Court rather than the High Road, unless permission was granted in writing by the Council.

Members also questioned the term 'reasonable endeavours' and whether the term could be made stronger. Ed Telepneff, Legal, advised that 'best endeavours' was a legal term, however 'all reasonable endeavours' or 'best endeavours' could also be used. The applicant would not be able to say that improvements would be made to the whole section of land, as they did not own the whole section.

Councillor Bevan proposed that the application be refused on the same grounds as previous refusal and in relation to the uncertainty that Percival Court would be resurfaced to a better standard. The was seconded by Councillor Rice.

The Chair moved to the vote to refuse the application and with three in favour, six against and one abstention, the vote to refuse was not carried.

Dean Hermitage, Head of Development Management, summed up and advised that the recommendation was to grant the application. He added that an additional condition in relation to commercial waste could be added and following a discussion with the Committee, the Heads of Terms in relation to surface improvements be amended to read 'best endeavours'.

The Chair moved to the vote to grant the application with the additional condition and amendment to the Heads of Terms wording and following a vote with six in favour, three against and one abstention it was

RESOLVED

- i. That planning permission be GRANTED 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 informative and signing of a section 106 Legal Agreement providing for the obligations 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 July 2021** or within such extended time as the Head of Development Management or the Assistant Director shall in her/his sole discretion allow.
- 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 is granted in accordance with the Planning Application subject to the attachment of the conditions.
- iv. That delegated authority be granted to the Head of Development Management or the Assistant Director 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.
- v. 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 application be refused for the following reasons:
 - I. In the absence of legal agreement securing Traffic Management Order (TMO) amendments to prevent future residents from obtaining a parking permits, the proposals would have an unacceptable impact on the safe

operation of the highway network, and give rise to overspill parking impacts. As such, the proposal would be contrary to London Plan Policies T4 and T6.1 Spatial Policy SP7, Tottenham Area Action Plan Policy NT5 and DM DPD Policy DM31.

- ii. In the absence of a legal agreement securing the provision of financial contributions towards off-site affordable housing in the event that the commercial unit in Block A is converted in to a dwelling, the proposals would fail to secure affordable housing and meet the housing aspirations of Haringey's residents. As such, the proposals would be contrary to London Plan Policies H4 and H5, Strategic Policy SP2, and DM DPD Policies DM 11 and DM 13, and Policy TH12.
- iii. In the absence of a legal agreement securing the implementation of a further revised Energy & Sustainability Statement, including connection to a DEN, 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 3 and Strategic Policy SP4, and DM DPD Policies DM 21, DM22 and SA48.
- iv. 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 SI 1 and SI 3, Policy SP11 and Policy DM1.

525. HGY/2020/2762 10-12 BIDWELL GARDENS

The Committee considered an application for the erection of a detached dwellinghouse with associated hard and soft landscaping.

Tim Loo spoke in objection to the application. It was noted that Policy DM7 of the Haringey Development Management Development Plan Document (DPD) covered development on infill, backland, and garden land sites and stated that there was a presumption against loss of garden land unless it represented comprehensive redevelopment of a number of whole land plots. The objector felt that paragraphs 6.17 and 6.19 of the report were misleading or incorrect. It was explained that paragraph 6.17 stated that the site was located in part of the rear gardens of 10 and 12 Bidwell Gardens but the site was situated in the garden of 10 Bidwell Gardens only. It was suggested that this failed to meet the requirements of Policy DM7.

The objector noted that paragraph 6.27 of the report found that there would be no unacceptable harm to the living conditions of neighbouring residents. The objector believed that the proposal would result in an unacceptable harm and loss of privacy to neighbours. It was stated that, in the proposed design, the upper window would have a view of the neighbour's primary living space, rear bedrooms on the first floor, and garden. It was commented that the proposal was a large, black building which relied on soft landscaping to limit the visual impact, but it was stated that this could be removed. It was added that the proposal would not provide any affordable housing.

Shirley Hopper spoke in objection to the application. It was stated that the proposal would impact use of the neighbouring garden. It was explained that the neighbouring garden was narrow and north-facing which meant that optimal use was enjoyed at the end of the garden, adjacent to the proposed building; it was also noted that there were a number of mature plants and trees in this area that would be affected. The objector commented that the existing gardens along Bidwell Gardens formed a green corridor which housed many birds, and that the proposal would have a detrimental impact on wildlife. It was understood that Policy DM7 was designed to prevent the building of houses in back gardens, and it was difficult to accept that the application had been recommended for approval.

Councillor Rossetti spoke in objection to the application. She noted that there had been three applications with objections and one lost appeal in relation to this proposal. It was stated that, on each occasion, the application had been rejected due to the overbearing character, loss of privacy, and detrimental impact on neighbouring properties. It was noted that the presumption in favour of sustainable development was not new and, in 2012, the appeal in relation to this proposal was still refused. Councillor Rossetti queried why the current proposal was recommended for approval as she did not consider the proposal to be sustainable development and she stated that it would not have a significant impact on solving the housing crisis. It was commented that the proposal would only provide housing for three people but would have a significant impact on local residents. It was stated that, under Policy DM1, developments should contribute to the distinctive character of an area and make a positive contribution. It was stated that the proposal would impact the local habitat and that no soft or hard landscaping could replace what was being lost. It was added that there was currently a climate emergency, that the Council had environmental and biodiversity policies, and that the local environment should be protected under Policy DM19.

The applicant team, Theo Theodosiou (architect) and Elena Christos, addressed the Committee. It was considered that there were three main objections to the proposal: overlooking, loss of outlook from other houses, and loss of wildlife. In relation to overlooking, it was stated that the building would be a single storey with the lower floor and windows sunk into the ground. There would be one window on the first floor which would face southeast; this would be located 13 metres from the boundary with 8 Bidwell Gardens, 24 metres from the rear of 10 Bidwell Gardens, and 22 metres from the rear of 12 Bidwell Gardens. It was added that the landscaping would use mature trees which would provide screening. Regarding loss of outlook, the proposal had been significantly reduced from previous schemes in terms of scale, mass, and bulk and the applicant team believed that the building would recede into the background. In relation to loss of wildlife, the applicant team believed that the proposal would improve wildlife as there would be landscaping upgrades, high quality planting, and a green roof with numerous ecological benefits.

Officers responded to questions from the Committee:

- In relation to Policy DM7, which stated that there was a presumption against the loss of garden land unless it represented a comprehensive redevelopment of a number of whole land plots, it was explained that the site had originally been two back gardens. It was added that the site was not wholly 'backland' as there was a road frontage.

- It was noted that the previous appeal decision was set out in the report; the planning application had been rejected on the basis of character and appearance, but this did not specifically prohibit the development of the site in principle. It was acknowledged that this decision had been taken before Policy DM7 was introduced but it was believed that previous backland policies had been in place at the time. It was noted that officers considered the proposal to be acceptable in terms of the infill position.
- It was clarified that garden land was considered to be any land around a house, which was a wider definition, whereas backland tended to consist of a plot within a back garden with no road frontage. It was confirmed that the site was former garden land and would be most accurately described as an infill site.
- It was added that Policy DM7 tried to avoid situations where a number of houses were accessed separately by roads. It was noted that this site was not a purely backland site, that there was a road frontage, and that there had originally been two gardens.

Councillor Mitchell proposed that the application be rejected by reason that it was contrary to Policy DM7 in relation to infill and garden land sites, it was contrary to DM12 in relation to the impact of the proposal on the privacy and amenity of neighbouring uses, and DM1 in terms of failing to contribute to the distinctive character and amenity of the local area. This was seconded by Councillor Cawley-Harrison.

Officers drew the Committee's attention to paragraph 6.12 of the report. It was explained that Haringey was subject to a presumption in favour of sustainable development as it had not delivered sufficient housing which meant that its housing policies were considered to be out of date by the government. In this situation, paragraph 11D of the National Planning Policy Framework (NPPF) stated that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits based on policies in the NPPF. Officers explained that, if the Committee was minded to reject this application, it would need to be of the view that the adverse impacts significantly and demonstrably outweighed the benefits of the development. Relevant paragraphs of the NPPF were considered to be paragraph 127 in relation to developments being sympathetic to local character, paragraph 130 in relation to poor design that failed to take the opportunities available for improving the character and quality of an area, and paragraph 70 in relation to resisting inappropriate development of residential gardens such as where development would cause harm to the local area.

Councillor Mitchell, who had proposed that the application be rejected, noted that he considered that the adverse impacts of granting this planning permission would significantly and demonstrably outweigh the benefits. He added that the proposal was only for one property and would not make a significant contribution which would outweigh the adverse impacts.

With seven in favour and three against, it was

RESOLVED

To **REJECT** the application for planning permission by reason that it was contrary to Policy DM7 in relation to infill and garden land sites, DM12 in relation to the impact of the proposal on the privacy and amenity of neighbouring uses, and DM1 in terms of failing to contribute to the distinctive character and amenity of the local area.

It was considered that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the development and that the application was contrary to paragraph 127 of the National Planning Policy Framework (NPPF) in relation to developments being sympathetic to local character, paragraph 130 of the NPPF in relation to poor design that failed to take the opportunities available for improving the character and quality of an area, and paragraph 70 of the NPPF in relation to resisting inappropriate development of residential gardens such as where development would cause harm to the local area.

526. PPA/2020/0025 29-33 THE HALE N17 9JZ

This item was deferred as the meeting had run past 22.00hrs.

527. UPDATE ON MAJOR PROPOSALS

The Chair requested that any questions be sent directly to Dean Hermitage, Head of Development Management.

528. APPLICATIONS DETERMINED UNDER DELEGATED POWERS

The Chair requested that any questions be sent directly to Dean Hermitage, Head of Development Management.

529. NEW ITEMS OF URGENT BUSINESS

None.

530. DATE OF NEXT MEETING

5 July 2021

CHAIR: Councillor Sarah Williams

Signed by Chair

Date