

# **MINUTES OF MEETING PLANNING SUB COMMITTEE HELD ON MONDAY, 1ST NOVEMBER, 2021, 7.00 - 9.05 PM**

**PRESENT:** Councillor Sarah Williams (Chair), Councillor Sheila Peacock (Vice-Chair), Councillor Dhiren Basu, Councillor Luke Cawley-Harrison, Councillor Emine Ibrahim (until the beginning of item 9), Councillor Peter Mitchell, Councillor Liz Morris, and Councillor Reg Rice, Councillor Viv Ross, and Councillor Yvonne Say.

**In attendance:** Councillor Ruth Gordon, Cabinet Member for House Building, Place-Making, and Development.

## **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 Gina Adamou. Apologies for early departure were also received from Councillor Emine Ibrahim.

## **4. URGENT BUSINESS**

There were no items of urgent business.

## **5. DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **6. MINUTES**

In relation to item 8 of the minutes, it was noted that the title for PPA/2021/0011 should read 'Brunel' rather than 'Brunei' Walk; this amendment was agreed by the Committee.

## **RESOLVED**

That, subject to the above amendment, the minutes of the Planning Sub-Committee held on 4 October 2021 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/2021/2160 - 19 BERNARD ROAD, N15 4NE**

The Committee considered an application for the demolition of the existing buildings and construction of a mixed use development providing 9 residential units, 3,495 sqm of commercial space and a gallery/café together with associated landscaping, refuse storage and cycle parking.

Christopher Smith, Planning Officer, introduced the report and responded to questions from the Committee:

- It was clarified that the development would be car free so, although residents and businesses were not allowed to have car parking permits, they could have visitor parking permits.
- In response to a question about why small businesses would not be allowed to have one parking space, the Transport Planning Team Manager explained that the development needed to be car free to meet climate aspirations. It was noted that loading bays were provided on the street.
- It was noted that the applicant would be required to make a deferred carbon offset payment if the development failed to connect to a District Energy Network (DEN). The Head of Development Management explained that the emissions had been calculated based on connection to a DEN and that, if the development failed to connect to a DEN, the applicant would be required to make a payment which would offset the additional emissions.
- In response to a question about whether there would be heat pumps or gas boilers, the Planning Officer noted that the energy report would be confirmed by condition. It was explained that the applicant would be required to provide details of any proposed boilers. It was added that it was possible to connect air source heat pumps and this would still be an option.
- It was noted that the detail of green roofs and green walls would be included in a landscaping statement which would be secured by condition. It was also confirmed that there would be a communal amenity space on the roof of the residential blocks.
- It was enquired what would happen if any commercial space was converted into residential at a future date, whether there would be a financial contribution or whether a proportion of the space would be affordable. The Planning Officer stated that the emphasis was to seek financial contribution in the first instance.
- In relation to affordable housing, the Head of Development Management explained that the scheme would have nine residential units which fell below the threshold requiring the provision of affordable housing. It was noted that there was a safeguard in the heads of terms whereby the applicant would be required to provide affordable housing if 10 or more units were provided on site.
- It was enquired whether it was possible for the developer or future developers to use permitted development rights to permit a future change of use and to what

extent the planning decision could protect an allocation to affordable housing. The Head of Development Management explained that this legal agreement would travel with the land, would apply to permitted development rights, and would be written into the section 106 agreement.

- It was noted that a previous application had a higher percentage of approximately 35% affordable, residential housing and that the current proposal would provide 10% affordable, commercial space. It was commented that the site was within the TH12 site allocation and it was enquired what proportion would be commercial and what proportion would be residential; it was also queried what type of use was needed on the site. The Head of Development Management explained that commercial space was generally less viable and, therefore, a lower percentage of affordable space could be offered. It was noted that there was a need for residential and commercial space and that proposals may be weighted to one or the other.
- It was enquired how the 10% affordable commercial space would be protected, particularly if the commercial space was sold. The Head of Development Management explained that it was not possible to anticipate the exact, future circumstances but that there was an obligation to provide 10% affordable, commercial space. The Planning Officer added that the 10% was calculated on a floorspace basis but that the exact configuration would be finalised at a later date. It was noted that the offer of affordable, commercial space was good and that this would be the minimum provided.
- It was requested that the proposals included a number for the provision of work placements for unemployed and/ or economically inactive Haringey residents and for the Science, Technology, Engineering, and Mathematics (STEM) workshops to ensure that these were provided. The Head of Development Management noted that, subject to applicant agreement, the number of STEM workshops could be specified. In relation to apprentices, it was explained that this was calculated based on development cost with a maximum of 10% of the construction workforce and that this was set out in planning guidance. It was highlighted that the applicant would be bound to provide these elements by the terms and that adding a specific number was not standard practice.
- In relation to loss of daylight and sunlight, it was confirmed that all of the residential windows on Ashby Road were found to have sufficient light for habitable rooms and there was not considered to be a detrimental loss of amenity.
- It was noted that the report stated that many of the current occupiers would return to the site once the development had been constructed but it was queried how this would work given the construction period. Malena Oddershede Bach, agent for the applicant, explained that it was aimed to relocate existing tenants. It was noted that the applicant had started to investigate setting up a local site for tenants to use whilst the development was taking place.

Simon Finn spoke in objection to the application. He stated that, compared to the previous application, the current proposal avoided providing affordable housing. He expressed concerns that the building would be converted to residential accommodation at a later date. He commented that there had been a lack of consultation as there had only been one public meeting which had been open for four hours. He stated that there had been no consultation letters and that the council had refused to extend the consultation zone beyond 100 metres which only included commercial spaces. Simon Finn stated that these buildings would set a precedent,

that commercial space would be converted to residential space, and that applicants should not have the unmonitored ability to develop higher buildings. He welcomed the provision of green roofs and asked for a stipulation about maintenance and upkeep to be included. It was stated that the area was a flood plain and that there should be adequate arrangements for rainwater collection and drainage elements. Simon Finn commented that he liked the proposed designs but that he would like to know the materials and asked that double or triple glazing was included. He added that residents wanted a high quality development that provided homes and businesses for local people.

Jack Grant spoke in objection to the application. He stated that the site had existing planning permission for 45 residential units with 14 affordable units but the current proposal had decreased to nine residential units with no affordable housing. He acknowledged that the Committee was tied to grant planning permission due to the presumption in favour of sustainable development according to the National Planning Policy Framework (NPPF) as housing targets had not been met. He commented that one reason for the failure to meet housing targets was that developers were not delivering the developments that had been approved, as in this case. Jack Grant echoed the points made by Simon Finn and agreed that this application circumvented the restrictions to provide housing. He asked that, if the affordable, commercial space was restricted, it should be done on cost per floorspace rather than floorspace to ensure that the affordable units did not get inferior spaces.

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

- In relation to the consultation process, the Planning Officer stated that the application was advertised in the normal way in accordance with the statutory requirements. It was commented that 500 people had been sent letters and that there had been site notices in the area and notice in the local press. It was noted that the developer had organised a public meeting but that this was in addition to the necessary statutory requirements.
- In relation to flood risk, the Planning Officer noted that the Environment Agency had not raised objections to the proposal.
- In response to the queries raised about double glazing, the Head of Development Management explained that considerations relating to insulation and similar matters were included in the report and the technical term used was thermal efficiency.

Malena Oddershede Bach, applicant team, addressed the Committee. She noted that there was an existing planning consent for the site but that the freeholders were separate from the property developers. It was noted that the previous scheme had proposed three commercial units, which was not viable in the long term, and so the developers were not looking to build the consented scheme. It was explained that the developer was looking to retain, rather than sell, the flats but that the possibility of sale was noted as standard as part of the viability assessment. It was stated that there was significant demand for creative workspaces and it was noted that the scheme would provide affordable, commercial space which was needed in the borough, especially as the site was located in a creative enterprise zone. It was noted that the exact, internal layout was not yet confirmed but that there would be approximately 66 workspaces, all

with natural light, and that the storeys had been reduced in accordance with tenants' preferences.

Malena Oddershede Bach acknowledged that 36 residential units would be lost compared to the previous scheme but explained that the previous scheme was unlikely to be delivered as the freeholders did not want to build it. It was also noted that, although there had been some references to a single storey building to the rear, this was actually a two storey building. Only single storey building to the back, actually a two storey building. It was stated that the main element of the scheme was creative workspaces which would encourage co-operation amongst businesses and which would, through the installation of windows, allow the community and public to see within. This was also aimed to create a better connection with community and to inspire people locally to avoid the loss of trades in the area.

The applicant team and officers responded to questions from the Committee:

- It was enquired how the affordable, commercial space would be delivered in practice, including the management of the space. Malena Oddershede Bach explained that the entire ground floor would be let directly by the freeholder and that the upper floors would be managed by a workspace provider with rent based on square footage. It was highlighted that the affordable space would be delivered with the same finish as the rest of the commercial space; it would be allocated throughout and there would be no discrimination based on affordability.
- The Committee asked about the legislation relating to permitted development for additional storeys and how this was regulated. The Head of Development Management explained that there was a narrow allowance and that this only related to a certain time period, not to recent developments, so would not apply in this case.
- The Chair noted the concerns expressed in relation to the conversion of commercial space to residential and enquired whether it was possible to address this through a condition. The Head of Development Management explained that the provision of on site affordable space was a strong incentive and that as much wording as possible had been included in the proposal to safeguard the conversion from commercial to residential space.
- Some members of the Committee asked how the off site contribution would be calculated if any units were sold and whether this would be reassessed for every unit sold, particularly if the threshold for affordable housing was then met. The Head of Development Management explained that the calculation would take the residual land value of the two schemes (as amended if a residential proposal came forward) and then calculate the affordable based on the difference of those two values. He noted that it was possible to state that the calculation would be based on the residual land value and to explicitly state that this related to all sales in perpetuity so that it could not be reduced over time.
- It was enquired whether it would be possible to require that any commercial units be offered to the market for a minimum time period before being converted to residential space. The Head of Development Management stated that this would require applicant agreement. It was added that it was not possible to prevent future applications or changes to such a requirement. Some members expressed concerns that the 10% affordable, commercial space was not sufficiently protected. The Head of Development Management suggested that the most effective solution might be to state that the requirement was 10% of the total figure.

The Committee discussed the proposed conditions:

- It was enquired whether the applicant would agree to start development within two years, rather than within three years. Malena Oddershede Bach stated that this was risky in the current market, particularly as the cost of building materials had increased by 30%; this explanation was accepted by the Committee.
- It was agreed that Head of Term 1 should be amended to include the wording 'no less than 350sqm of affordable workspace (10% of the total commercial workspace)' to provide additional clarity.
- It was agreed that Head of Term 9 should be amended to include the wording 'provision of on site affordable or a financial contribution towards off site provision of affordable housing if any of the commercial space is converted to residential use at any point in the future'.
- It was agreed that Head of Term 8 should state that there was a requirement to provide two Science, Technology, Engineering, and Mathematics (STEM) sessions.
- It was agreed that Head of Term 4 should not exclude visitor permits.

Following a vote, and subject to the amendments agreed above, it was

## **RESOLVED**

1. That the Committee resolve to GRANT planning permission and that the Head of Development Management or 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 Section 106 Legal Agreement providing for the obligations set out in the Heads of Terms below.
2. That the section 106 legal agreement referred to in resolution (2.1) above is to be completed no later than 30<sup>th</sup> November 2021 or within such extended time as the Head of Development Management or the Assistant Director of Planning, Building Standards & Sustainability shall in her/his sole discretion allow; and
3. That, following completion of the agreement(s) referred to in resolution (2.1) within the time period provided for in resolution (2.2) above, planning permission shall be granted in accordance with the Planning Application subject to the attachment of the conditions; and
4. That delegated authority be granted to the Assistant Director of Planning, Building Standards & Sustainability/Head of Development Management to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions as set out in this report and to further delegate this power provided this authority shall be exercised in consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee.

**9. HGY/2021/2075 - LAND AT THE JUNCTION OF PARTRIDGE WAY AND TRINITY ROAD, N22 8DW**

The Committee considered an application for the redevelopment of the site comprising the demolition of existing garages and the erection of a nine-storey building to accommodate 23 residential units for council rent (Class C3); associated cycle and refuse/recycling storage facilities, accessible car parking spaces, and landscaping and public realm improvements including a children's play space; relocation of existing refuse/recycling facility.

The Chair noted that, at her discretion under the rules of the Planning Protocol, the Committee would hear from three objectors in relation to this application. They would have three minutes each to present their views to the Committee and then those speaking in support of the application would have nine minutes to speak.

Cllr Rice highlighted that the Committee had considered this application previously and enquired why it was being reconsidered. The Chair stated that this would be addressed within the presentation of the application.

The Head of Development Management introduced the application. It was explained that the Committee had considered the application on 14 September 2021 but that, due to an error which related only to the press notice, the consultation period had been extended to 24 September 2021. As such, the Committee had resolved to grant planning permission with the condition that, if any new, material points were raised, they would be brought back to the Committee for consideration. The Head of Development Management explained that some new points had been raised in this period, which had been broadly but not specifically considered in the previous report, and therefore the application had been brought back to the Committee. It was noted that the additional points raised were disabled access and the usability of the building and fire risk and accessibility of disabled users.

It was stated that accessibility and layout had been broadly considered and it was highlighted that the design would have to comply with the requirements for disabled residents under Part M4(3) of the Building Regulations. It was noted that the proposals would exceed the minimum space standard set out in the London Plan and that, although there would be two flats on the first floor, Haringey Occupational Therapy Team considered the proposals to be accessible. It was added that there would be two disabled parking bays with level access. It was explained that the plans showed the arrangements in detail and that these included wheelchair turning areas, scooter parking, and assisted doors.

In relation to fire safety, it was noted that there was a 'stay put', or 'defend in place' strategy. There were a number of doors to ensure compliance with the required fire safety measures and the main entrance and secondary access door would be power assisted. It was noted that there was a Fire Statement and Fire Safety Strategy Report which had been reviewed by Building Control and the London Fire Brigade who were satisfied with the proposed detail. It was stated that all of the other, material points raised had been considered in the previous report.

Officers responded to questions from the Committee:

- Cllr Rice stated that the previous proposal had been agreed by the Committee and that there had been no proposal to set aside the previous agreement. Justin Farley, Legal Advisor, explained that legal advice had been provided at the previous Committee meeting which stated that, if any new matters arose during the consultation that needed to be considered, the application would come back to the Committee. He added that a decision was not given effect until planning permission was granted and that no planning permission had been granted in this case. It was explained that the additional information was presented and the Committee was asked to make a separate decision based on all of the information now available.
- It was confirmed that all of the members who were in attendance at the previous Committee meeting were in attendance at this meeting and that no new members were present.
- The Head of Development Management explained that the consultation period for the application had been extended as, although other notifications were made in time, the press notice had been published slightly later. It was noted that most people relied on letters and site notices and that, although the responses from a newspaper notice were anticipated to be minimal, the consultation period was extended which, in effect, extended the consultation for everyone.
- It was clarified that the wording of the previous decision stated that the decision would be conditional on no new, material objections being received but that, if any were received, they would need to be considered by the Committee and the application reheard. It was noted that, as some new points had been raised, the application was now presented for reconsideration.
- In relation to fire safety, it was noted that the application referred to 'stay put' and it was enquired whether this was current advice. Christian Pinchin, applicant team, explained that the previous advice to 'stay put' had been amended to a 'defend in place' strategy which was effective as long as the correct fireproofing was in place. It was noted that this was the official guidance and was supported by Homes for Haringey and Building Control.
- It was noted that a parking survey had been conducted in June 2020 which was during the national lockdown in response to the Covid-19 pandemic. It was enquired whether this survey could be repeated now that the national lockdown had ceased. The Transport Planning Team Manager explained that, as the majority of people were required to stay at home during the national lockdown, the survey actually represented a worst case scenario as more cars were parked on the network. He noted that, even with the additional parked cars, the survey found the position to be acceptable.

Indigo Ayling spoke in objection to the application. She stated that residents would have to pass through eight doors or barriers in the current proposal. She noted that there would be some power assisted doors but it was not clear which doors this would relate to; it was added that, if power assisted doors failed, residents would be stuck. Indigo Ayling stated that the proposals represented the bare minimum for accessibility and that this was frustrating as the homes would be built for those on the council home waiting list. She noted that the application suggested that there were fire mitigations in place but that the circumstances of a fire in a disabled person's flat had not been considered. It was stated that the Occupational Therapy Team had been consulted but that there had been no access audit and no mention of disabled people



as part of the consultations in the stakeholder report. She believed that there were a number of barriers to having a liveable home that had not been considered.

Jack Grant spoke in objection to the application. He noted that fire issues were more important in disabled person's homes as fires were more likely to occur. He stated that he had previously raised lack of consultation as an issue and that it was important to consult the people in these homes. It was noted that the homes within the development would be for 600 people on the highest priority of the disability list and that 10% of the homes would be for wheelchair users. He noted that the Occupational Therapy Team had no objections to the proposals but he queried their experience. He stated that there were specialist reports for other issues but that, in relation to disabled people's access, there had only been an enquiry to people. Jack Grant felt that there was a lack of care, consideration, and consultation and stated that this was a council project and that effort should be made to get the proposal right as it would be replicated across the borough in future projects.

Paul Burnham spoke in objection to the application. He stated that the meeting on 14 September 2021 did not comply with the law as, under Part 4 of the Development Management Procedure Order 2015, the Local Planning Authority was required to take any representations from consultation into account. He noted that he had written to the Secretary of State, that the Secretary of State had written to the council, and that the application had been brought back to the Committee. It was commented that the decision had to be based on all of the evidence and should not be based on a four page report. Paul Burnham explained that he lived in one of the tower blocks on the estate and residents were concerned that the proposal would result in a lack of amenity, loss of amenity for existing residents, overlooking, and loss of sunlight and daylight. He stated that the frontage of the proposed building contained windows to 17 bedrooms, eight lounges, and 15 balconies which would result in overlooking in both directions. He added that there would be a loss of light, including the loss of 38% of winter sunlight for the play cabin, a loss of 30% for those on the fifth floor, and a loss of 54% for those on the second floor. He stated that the proposal was badly designed and demonstrated a lack of respect for residents and he asked the Committee to refuse the application and ask the applicant to reconsider.

Cllr Ruth Gordon, Cabinet Member for House Building, Place-Making, and Development, spoke in support of the application. She stated that she wanted to speak to defend council housing. She commented that the Committee always pushed applicants about the question of affordability and that this proposal would provide 100% genuinely affordable council homes. The Cabinet Member noted that the homes would be provided to nearby residents in the first instance, would allow people to be taken off the waiting list, and would meet the strong need for council housing. She highlighted that the housing would be built to a high standard, including environmental considerations, and would increase green space and play space.

Christian Pinchin, applicant team, addressed the Committee. He stated that he would start by responding to some of the points raised in the objections first. He explained that the applicant had sought to balance the number of doors required from a security perspective with ease of access and that the proposal was designed with this balance of issues in mind. Christian Pinchin stated that the South East London Housing Partnership Guidance had been used to help develop the wheelchair units and that

these exceeded the basic Building Control requirements. It was noted that disabled units were expected to be at least 76sqm in size and that the largest unit in the proposals was 96sqm. He added that the proposed flats exceeded normal standards, that there were adequate turning circles, and that the proposals included kitchens with lower sections to adapt for specific users. He noted that accessibility had been considered and that the proposals had been made as good as possible.

In relation to fire issues in the wheelchair units, Christian Pinchin stated that there was a defend in place strategy. He explained that, if the systems were triggered, the sprinklers would activate. It was added that the applicant was consulting with a number of organisations, including Building Control, the London Fire Brigade, Homes for Haringey, and the Occupational Therapy Team, to ensure that the scheme provided good quality homes.

Regarding the concerns raised about a lack of amenity, the applicant team commented that the scheme complied with the standards set out in the London Plan. It was noted that the scheme would also contribute to upgrading other landscape schemes in the area. It was acknowledged that there would be a loss of sunlight and daylight for some windows but it was stated that this was often unavoidable in the case of urban developments. It was noted that, following an assessment, this proposal complied with average daylight factors, direct sunlight and visible sky component requirements, and was not considered to be a borderline case where mitigating steps were required.

In relation to overlooking, Christian Pinchin stated that there was a close proximity between the proposals and some of the tower block buildings. It was explained that the design placed the balconies on the outer edges of the scheme. It was added that the rear elevation, which the existing tower blocks would mainly face, generally had kitchens, bathrooms, and some bedrooms and it was aimed to limit the number of habitable rooms facing each other as much as possible. He stated that, on balance, the applicant was trying to deliver 23 high quality council rent schemes within the defined parameters.

Cllr Rice moved that the proposal should not be voted on. As the motion was not seconded, it was not put to the vote.

The Chair stated that the recommendation set out in the report was to grant the application. The Head of Development Management noted that the item brought together the original report, the changes set out in the minutes of the previous Planning Sub Committee meeting, and the additional information as set out in the report and the addendum.

Following a vote with 6 votes in favour, 0 votes against, and 3 abstentions, it was

## **RESOLVED**

1. To GRANT planning permission and that the Head of Development Management is authorised to issue the planning permission and impose conditions and informatives subject to the signing of an agreement providing for the obligations set out in the Heads of Terms in Appendix 1 of the report.

2. That delegated authority be granted to the Head of Development Management or the Assistant Director Planning, Building Standards & Sustainability to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions 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 (1) above is to be completed no later than 12th November or 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 (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 contained in Appendix 1 of the Planning Sub Committee's report, as amended in the addendum and minutes.

*Cllr Ibrahim did not take part in the voting for this item as she was not present for the full item.*

#### **10. UPDATE ON MAJOR PROPOSALS**

It was enquired whether there had been any further developments in relation to 139-143 Crouch Hill. The Head of Development Management noted that there had been no update since January 2021.

##### **RESOLVED**

To note the report.

#### **11. APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

There were no queries on the report. The Chair noted that any queries could be directed to the Head of Development Management.

##### **RESOLVED**

To note the report.

#### **12. NEW ITEMS OF URGENT BUSINESS**

There were no items of urgent business.

**13. DATE OF NEXT MEETING**

It was noted that the date of the next meeting was 8 November 2021.

CHAIR: Councillor Sarah Williams

Signed by Chair .....

Date .....