

MINUTES OF MEETING Planning Sub Committee HELD ON Monday, 24th April, 2023, 7.10 - 9.20 pm

PRESENT:

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

1. FILMING AT MEETINGS

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

2. PLANNING PROTOCOL

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

3. APOLOGIES

There were no apologies for absence.

4. URGENT BUSINESS

There were no items of urgent business.

5. DECLARATIONS OF INTEREST

There were no declarations of interest.

6. MINUTES

RESOLVED

That the minutes of the Planning Sub-Committee held on 29 November 2022 and 5 December 2022 be confirmed and signed as a correct record.

7. PLANNING APPLICATIONS

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

8. HGY/2022/1906 - VARIOUS LOCATIONS ON THE PUBLIC HIGHWAY IN THE LONDON BOROUGH OF HARINGEY

The Committee considered an application for the installation of street furniture comprising pairs of 76mm diameter steel tubes (poles) linked with 1.6mm clear nylon filament and similar street furniture to delineate a local Jewish Eruv.

Tania Skelli, Planning Officer, introduced the report and responded to questions from the Committee:

- In relation to a query about the benefit to the Jewish community, the Planning Officer clarified that the Eruv would allow people to carry items on the Sabbath, including wheelchairs, prams, and personal items; it was noted that this would not be possible without the Eruv.
- Some members asked about the use of beads to ensure that the Eruv was visible to birds. The Planning Officer explained that, following comments from the Parks Officer, additional measures would be provided at location 22 in order to ensure the best solution for birds and bats. It was clarified that these measures were considered necessary in the nature reserve but that no other locations would have these measures.

Paul McDonald spoke in objection to the application. He stated that there were over 14 environmental conflicts relating to the proposal which had been submitted in writing. He felt that the proposal would result in the installation of a dangerous fishing line, would diminish local community gardens, and would increase the amount of street furniture. He stated that local people opposed the application as religious symbols should not be present in secular, public spaces; it was commented that the area was predominantly secular and that less than 2% of the local community was Jewish. It was added that the poles were considered to be obtrusive. Mr McDonald believed that the initial planning application was inaccurate in terms of scales and failed to consider issues such as environmental impact, particularly the effect of the proposal on birds. He stated that the planning process had been defective due to a perceived conflict of interest and the notification had been issued in August when many people were away and signs had been placed in unsafe locations on narrow roads. Mr McDonald said that there should be a compromise and existing furniture should be used to create the Eruv; he urged the Committee to preserve the local environment.

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

- In response to a query about the community gardens, Mr McDonald stated that there were two community gardens in the area near to the Crouch End rail bridge and that lots of people who walked to the station enjoyed the gardens and the accompanying biodiversity.
- In response to a query about the poles for the Eruv, Mr McDonald stated that the poles would be 5.5 metres above ground but would be 6.5 metres in total. He commented that the requirement for the poles to have a 1 metre footing had a significant energy and carbon footprint and he believed that the Eruv could be achieved using a less invasive method.
- Some members commented that religious items, such as Christmas trees, were sometimes included in public spaces and asked why the Eruv was considered to be unacceptable. Mr McDonald stated that 70-80% of the community accepted Christmas trees but that the Eruv would cover a large area and would be obtrusive. He stated that some of the images provided by the applicant had obscured the proposals and it had not been clear what was requested. He added that the proposal would introduce some elements that were 2 metres higher than existing street furniture.

- Some members asked for additional detail about the alleged conflict of interest. Mr McDonald believed that there was a conflict of interest on a religious basis. He stated that the planning consultation deadline was in August; the officer had not responded to email communications as they were away in August and they had included an incorrect email on their out of office message. It was noted that, after this issue was raised, the planning consultation period had been extended. Although not a pecuniary interest, Mr McDonald believed that there was a perceived conflict of interest. The Assistant Director of Planning, Building Standards, and Sustainability stated that he could receive evidence on any alleged conflicts of interests but highlighted that Planning Officers were professional officers and that applications were signed off by multiple officers. It was not considered that there was a conflict of interest in this case.
- Some members asked whether there were any features on the poles which identified them as religious. Mr McDonald stated that local people knew what the poles were and that 42% of the community was not religious. He commented that the key objection to the application was environmental as the large poles would be located in the conservation area and would proliferate the quantity of street furniture. He did not believe that the poles were necessary as not all Eruvs used poles. He stated that the local community did not want religious symbols in the public domain, that the public domain should not be claimed as private domain, and that the local environment should be preserved.
- In response to a further query, Mr McDonald stated that there were no markings or features that identified the poles as religious.

Members of the applicant team addressed the Committee. Daniel Rosenfelder, Agent, and Rabbi Nicky Liss, Highgate Synagogue, were in attendance on behalf of the applicant. Daniel Rosenfelder stated that the first Eruv had been installed in 2004 and there were now a number of Eruvs across London and other cities. It was noted that there were active Jewish communities in Highgate and Muswell Hill and this application would provide life changing benefits and link local areas. It was explained that the Eruv would be a notional boundary, such as poles, which would form a quasi-open gate and continuous boundary. It was highlighted that the poles would not have religious markings but would allow people to leave their houses on the Sabbath which was not possible without the Eruv. It was noted that there would be no traffic impact or effect on social cohesion. Mr Rosenfelder commented that the Eruv would be barely discernible on the streetscape and would not harm wildlife and it was noted that there would be special measures for wildlife at Parkland Walk. He stated that section 149 of the Equality Act 2010 required local authorities to support protected characteristics of minority groups and noted that Sabbath observance was a feature of traditional Judaism. He explained that the Eruv would link to key health facilities, including the Whittington Hospital and a number of care homes, which would have a positive impact on patients and would have the wider public benefit of allowing patient discharges on Saturdays. For the reasons stated and for those set out in the report, it was hoped that the Committee would support the application.

The applicant team responded to questions from the Committee:

- In relation to a query about whether the Eruv could use existing walls and houses, the applicant team noted that some people had offered the use of their properties for Eruvs but it was explained that this was generally avoided as it required legal agreements for residences. Similarly, it was noted that street furniture could be

used if there were no other options but that this could change and could invalidate the Eruv. It was added that all maintenance issues were undertaken by applicant and that this was simpler if the Eruv was a single unit.

- It was confirmed that the maximum gap allowed within an Eruv was approximately 20 centimetres. It was noted that the poles were located adjacent to the footpath and in the public domain.
- In relation to location 22 on Parkland Walk, it was enquired why there would be a small addition of fence in front of the pole and whether the pole could be installed in line with the existing wall. The applicant team explained that the pole would not be installed at the end of the wall as this was anticipated to be too close to the footing of the wall. It was added that the area between the end of the wall and the public footpath was a steep embankment. As such, it was proposed to locate the pole slightly further from the wall and with a section of picket fence which matched the fencing opposite location 22.
- In response to a query about the materials for the filament, the applicant team noted that nylon fibre was proposed as it was less likely to break and need repair. It was stated that, based on previous experience, a 1.6 millimetre clear, nylon fibre was the least visibly intrusive connection between poles. It was commented that other materials could be used but were considered to be less reliable.
- The applicant team confirmed that the Eruv would be inspected at least once per week in advance of the Sabbath. It was noted that a contractor would be available in case repairs were required and that the applicant would take full responsibility for maintenance and costs.
- In relation to the installation and remedial work for the pavement, the applicant team stated that the appointment of a contractor was subject to legal agreement but it was noted that the contractor would need to be licensed.
- It was enquired whether the heights of the filaments would be sufficient to allow all modes of transport to pass through safely. The applicant team explained that the filaments would be 5.5 metres and that this was 300 centimetres higher than the maximum recommended height for buses and vehicles. It was noted that, in some cases, the filaments would be at a height of 6 metres on Transport for London (TfL) roads where required. It was added that a filament height of 2.4 metres was generally used for footpaths and cycleways; this was considered sufficient and would be significantly higher than cycling height.
- Some members asked about the impact of poles on the community gardens that were referenced in the objection. The applicant team stated that the poles would be located to the rear of the footpath on land that was owned by the Council. It was noted that a section 106 legal agreement allowed poles to be placed in the public domain. It was added that the poles would not impede or extend into gardens.

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

Following a vote with 10 votes in favour, 0 vote against, and 0 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 a section 106 Legal Agreement providing for the obligation set out in the Heads of Terms below.

2. That delegated authority be granted to the Head of Development Management or the Assistant Director of Planning, Building Standards & Sustainability to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions as set out in this report and to further delegate this power provided this authority shall be exercised in consultation with the Chair (or in their absence the Vice-Chair) of the Sub-Committee.
3. That, following completion of the agreement referred to in (1) within the time period provided for in resolution (2) above, Planning permission be granted in accordance with the Planning Application subject to the attachment of the conditions.

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

- 1) Development begun no later than three years from date of decision
- 2) In accordance with approved plans
- 3) Arboricultural Method Statement
- 4) Location 22 filament with beads
- 5) Bird & bat boxes
- 6) Bat survey
- 7) Pole colours

Informatives

- 1) Co-operation
- 2) Hours of construction
- 3) Network Rail

Section 106 Heads of Terms

- 1) To secure the necessary agreement with the LBH Highway's for the carrying out of works on the public highway via a Section 50 and 105 of the New Road and Streetworks Act 1991 (Road safety audit included).
- 2) A community engagement plan.
- 3) To secure a management agreement that the structures will be regularly inspected and repaired.

9. HGY/2022/0708 AND HGY/2022/0709 - 550 WHITE HART LANE, LONDON, N17 7BF AND N17 7RQ

The Committee considered an application for:

HGY/2022/0708 – Application for variation/removal of condition 1 (in accordance with the plans), condition 4 (restriction of use class) and condition 6 (deliveries) attached to planning permission reference HGY/2020/0100.

HGY/2022/0709 – Application for variation/removal of condition 8 (deliveries in respect of units 3, 4 and 5a as well as units 1, 5b and 6) condition 22 (no loading/unloading outside units 3, 4 & 5a) and condition 23 (no loading/unloading of deliveries) attached to planning permission reference HGY/2014/0055

James Mead, Planning Officer, introduced the report and responded to questions from the Committee:

- It was asked how the noise assessment had been undertaken. The Noise and Nuisance Manager explained that a Noise Survey could be carried out using a model or measured data. The noise on site could be measured, uploaded into software, and then modified to consider the impact of things such as additional vehicular movements. It was highlighted that the Noise Survey included measurements on the site for specific time periods to more accurately determine the noise impact. In relation to the effect on residents, it was explained that the data could be modelled to determine the sound impact over different distances. The Head of Development Management stated that there would be higher noise levels but that these would not be significantly above background noise levels. The Noise and Nuisance Manager added that the additional measures were set out in the Noise Management Plan and noted that there would be additional controls between 11pm and 6am.
- Some members asked whether unrestricted delivery hours were likely to result in higher noise levels and air pollution on the residential part of White Hart Lane, particularly in the early morning hours. It was noted that this was sometimes difficult to balance but that there could be a greater impact if delivery times were restricted. It was explained that providing the ability to deliver at any time could limit the impact on the road network and decrease congestion and air pollution.
- It was enquired how issues of light pollution, particularly in the early morning hours, would be managed. The Planning Officer explained that the planning permission had a condition restricting external lighting and so the applicant would need to obtain permission from the Local Planning Authority for any additional lighting. The Head of Development Management noted that the site would be lit overnight for operational and security reasons and so vehicle lights were not expected to have a significant impact.
- Some members enquired whether there could be an acoustic fence on the eastern side of the site. The Planning Officer noted that there would be an acoustic fence on the western side, adjacent to Unit 2. The Noise and Nuisance Manager explained that the noise assessment had modelled where the noise was most likely to be an issue and that this had been identified as the western site boundary. It was added that the eastern site would be significantly less impacted by noise due to the use of the units and the existing boundary and it was not considered that an acoustic fence was required in this location. It was noted that the applicant could provide more detailed information.
- In relation to the impact on residents, some members enquired whether it was possible to grant a temporary permission and then to review the arrangements. The Head of Development Management noted that planning policy supported measures that enabled businesses to operate and that it was a significant risk for a business to agree a lease where the hours of operation could be reduced. It was noted that the proposals included noise mitigation and that, if there were unforeseen impacts or recurring issues, there were measures for resident liaison; officers considered that this was an acceptable balance.

- Some members noted that the restrictions relating to delivery times and use class were considered necessary in the previous planning permission and it was enquired whether there had been any material changes to justify an extension. The Head of Development Management noted that, since the original planning permission had been granted, the site had been in operation and the market had indicated that the variations were important for operations on these sorts of units. It was added that the evidence relating to noise mitigation had also been considered and it was believed that the proposal balanced issues on the site in a different way to minimise the impact.
- Members asked about whether there were any noise complaints in relation to the site. The Noise and Nuisance Manager noted that the consideration and review of complaints was usually informative for considering these types of cases but, as there were few noise complaints, the assessment had focused on the context and the noise mitigation measures.
- It was noted that the report did not include the exact figures from the Noise Survey; it was queried whether the difference in noise would be truly imperceptible for local residents and what degree of reduction would be achieved with the acoustic barrier. The Noise and Nuisance Manager noted that the acoustician from the applicant team would likely be able to answer this question in further detail.
- Some members asked whether a trip survey had been undertaken and expressed concerns that the increase in delivery hours would result in additional trips in the area. The Transport Strategy Team Manager explained that the number of deliveries was generally related to floor space; in this case, the floor space would not be larger and so a substantial increase in trip generation was not anticipated. It was added that the site would continue to have light industrial use and parking and that the change of use class was not expected to materially impact the number of deliveries.
- It was enquired whether there had been an assessment of expected movements during the night and whether a constant movement of vehicles would be more intrusive for local residents. The Noise and Nuisance Manager explained that noise had been modelled from 12.50am over a four day period based on a 'worst case' scenario, with the quietest background noise and the loudest operational noise on the site. Members asked whether this had taken account of the number of vehicles that would be operating overnight. The Noise and Nuisance Manager stated that the survey had measured the noise impact of the units, vehicles, and forklift in the outside area to give a realistic impression of the maximum level of noise. The Head of Development Management noted that the size of the plot meant that a limited number of lorries could be on the site at any one time. The Noise and Nuisance Manager added that the number of vehicles was a restriction set out in the Noise Management Plan.

Wakako Hirose, Senior Planning Associate (Rapleys); Ed Fitch, Applicant (LaSalle Investment Management); and Adam Bamford, Noise Consultant (Cass Allen) were in attendance on behalf of the applicant. The applicant team responded to questions from the Committee:

- The applicant team stated that the landowner represented a pension fund and that it would be important to ensure that the site was commercially viable. It was explained that there would be a Managing Agent who would liaise with the tenants of the site and with residents and so noise complaints would be investigated and resolved or escalated.

- In relation to queries about the acoustic fence, Adam Bamford noted that there was no noise barrier between Units 2 and 3. It was explained that noise attenuated over distance and so it was important to consider the location of the noise source. On the eastern side, it was stated that there was effective screening from the existing buildings which would reflect noise back towards the site and there was a significant topographical change in level; with these features, there would be a good level of noise mitigation. It was commented that the introduction of a noise barrier in this location had been investigated but that, while there would be a significant visual impact and cost, there would be an imperceptible difference in noise; the difference would be 2 decibels (dB) and anything less than 3dB was considered to be imperceptible. It was confirmed that the impact on the western side of the site was 13dB which would be very noticeable to residents without the proposed noise barrier.
- Members asked about commercial viability and whether the proposed operational changes would result in additional deliveries. The applicant team explained that there was currently a requirement to make deliveries at particular times but that extending this time would allow flexibility and provide the option to avoid peak congestion issues. It was stated that there was no intention to make the site a 24 hour distribution centre. It was noted that the landowner wanted to ensure that the site was attractive for businesses and that the option to have 24 hour deliveries was more appealing and provided more options for the long term future of the site.
- In response to a query about the expected noise levels during the day and night and the impact of vehicular sounds, Adam Bamford stated that Appendix 1 of the Noise Report set out the distribution of noise levels throughout the day and night. It was commented that the original survey had been undertaken in 2013 and this had found that the impact of the site would be equal to background noise. It was noted that an updated survey had been undertaken more recently and this had found a reduction in the levels of background noise; this meant that there was some small, adverse impact but it was considered that this was mitigated by the Noise Management Plan and noise barrier. It was added that the lowest level of background noise during the night was 44dB and the lowest level of background noise during the day was around 50-55dB. It was noted that noise levels varied throughout the day and that the 'worst case' scenario, which used the lowest levels of background noise, had been assessed.
- Some members commented that, for future applications, it would be useful to have the detailed Noise Report included in the agenda pack.
- It was noted that the landlord for the site planned to monitor site usage to ensure that residents were not adversely impacted; it was enquired how this would be undertaken, particularly in relation to noise concerns. The applicant team stated that the Noise Management Plan would be included as part of any lease negotiations and that any tenants looking to work at night would have to adhere to these requirements. It was noted that the Managing Agent would be available to deal with complaints, in consultation with the Noise and Nuisance Manager, and their contact details would be provided to residents.

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

Following a vote with 6 votes in favour, 2 votes against, and 2 abstentions, and subject to the amendments above, it was

RESOLVED

HGY/2022/0708 and HGY/2022/0709:

1. To GRANT planning permission and that the Head of Development Management is authorised to issue the planning permission and impose conditions and informatives.
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 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.

Conditions:

HGY/2022/0708:

- 1) Approved Plans
- 2) Use Restriction
- 3) Noise Levels
- 4) Storage of Materials
- 5) No Additional Floorspace
- 6) Additions to the Roof
- 7) External Lighting
- 8) BREEAM
- 9) Acoustic Fencing
- 10) Noise Management Plan
- 11) Noise Mitigation Measures**

HGY/2022/0709:

- 1) Noise Levels
- 2) External Lighting
- 3) Deliveries
- 4) Storage of Materials
- 5) No Additional Floorspace
- 6) Additions to the Roof
- 7) Use Class Restriction
- 8) Acoustic Fencing
- 9) Noise Management Plan
- 10) Noise Mitigation Measures**

Informatives

- 1) Previous Conditions (HGY/2020/0100)
- 2) Previous Conditions (HGY/2014/0055)
- 3) Proactive Statement

At 8.45pm, the Committee agreed a brief adjournment. The meeting resumed at 8.50pm.

10. HGY/2021/2304 - 29-33 THE HALE, LONDON, N17 9JZ

The Committee considered an application for the Redevelopment of site including demolition of existing buildings to provide a part 7, part 24 storey building of purpose-built student accommodation [PBSA] (Sui Generis); with part commercial uses [retail] (Use Class E(a)) at ground and first floor; and associated access, landscaping works, cycle parking, and wind mitigation measures. - RE-CONSULTATION on design updates to accommodate an additional stair and lift for evacuation in the event of a fire.

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

- It was highlighted that the addendum included updates on procedural matters, plan changes, additional consultee responses, and updates and corrections to the report.
- The Planning Officer noted that the Committee had made a resolution to grant planning permission for a similar development on the site on 5 September 2022. It was explained that, after this resolution, the Health and Safety Executive (HSE) had updated their response from 'some concerns' to 'significant concerns' on 23 September 2022. The government had also launched a consultation in relation to Building Regulations in December 2022 which proposed a requirement for second staircases for buildings over 30 metres tall. It was noted that the Greater London Authority (GLA) now required all planning applications with buildings over 30 metres to be designed with two staircases before GLA Stage 2 referrals. It was highlighted that the applicant had amended the scheme to provide a second staircase and evacuation lift and this was now presented to the Committee for consideration.
- The Planning Officer commented that Sage Housing had circulated an additional, late letter to members on 24 April 2023; this raised similar points to those noted previously and officers considered that the issues were addressed in the report. Except for the comments received from Sage Housing and the issues relating to means of escape, it was noted that there had been no other, material changes since the Committee's resolution in September 2022.
- Some members noted that concerns had been expressed previously about whether two loading bays would be sufficient to accommodate students moving in or out of the building at the same time; it was asked whether the arrangements were still considered to be adequate. The Planning Officer confirmed that this had been discussed at the meeting in September 2022 and that the Committee had agreed to include a condition requiring the applicant to provide details relating to how the moving arrangements would be managed. The Assistant Director of Planning, Building Standards, and Sustainability noted that the applicant had explained that these arrangements were common in student accommodation blocks and it was commented that the loading arrangements for this site were not unique in London or the country.

- Some members noted that there were different classes of lifts, including passenger, evacuation, and firefighter lifts. It was understood that firefighter lifts were the best lifts for fire safety and it was enquired whether firefighter lifts could be installed throughout the building. The Planning Officer noted that the London Plan required an evacuation lift to be separate and so, to comply with policy, this could not be a firefighting lift.
- It was clarified that, although the proposed occupancy had decreased as a result of the fire safety amendments, the payment in lieu for affordable housing would remain the same. It was explained that this higher payment in lieu for affordable housing would exceed 40% which would avoid the need for a late stage viability review.
- In relation to a query about the new fire safety requirements, the Planning Officer explained that the revised proposal included an additional staircase and an evacuation lift. It was noted that, overall, there would be two staircases in the main tower and a third staircase in the seven storey section of the building. It was highlighted that the revised proposal would meet the amended requirements for means of escape.
- It was enquired whether the concerns raised by HSE were now considered to be resolved or whether there were any outstanding issues that should be raised for the Committee's attention. The Planning Officer noted that this was quite a rare situation where there had been a shift in national policy and that HSE acknowledged that they had changed their opinion. It was explained that the applicant had worked with HSE to address the concerns; this had resulted in the inclusion of a second staircase and HSE had confirmed that they were now content with the proposals. The Head of Development Management commented that a change in opinion from HSE had not been expected. It was highlighted that this would not be expected again unless there was a change in the national or GLA guidance. It was clarified that HSE had considered the revised application and now had no objection to the proposals. The Planning Officer noted that a summary of the HSE comments was included in the report but that the full consultation response was available on the website.
- Some members enquired whether the Committee would need to formally revoke the previous resolution from 5 September 2022. The Head of Development Management noted that the addendum included an amendment to the recommendation, as set out in paragraph 2.8, which stated that the resolution from 5 September 2022 should be revoked for the sake of good order and to make it clear that only the amended scheme could be granted or refused planning permission.

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

Following a vote with 10 votes in favour, 0 votes against, and 0 abstentions, it was

RESOLVED

1. That the Committee resolve to GRANT planning permission and that the Head of Development Management or the Assistant Director Planning, Building Standards & Sustainability is authorised to issue the planning permission and impose

conditions and informatives subject to signing of a section 106 Legal Agreement providing for the obligations set out in the Heads of Terms below.

2. That delegated authority be granted to the Head of Development Management or the Assistant Director of Planning, Building Standards & Sustainability to make any alterations, additions, or deletions to the recommended heads of terms and/or recommended conditions as set out in this report and to further delegate this power provided this authority shall be exercised in consultation with the Chair (or in their absence the Vice Chair) of the Sub-Committee.
3. That the section 106 legal agreement referred to in resolution (1) above is to be completed no later than 30/06/2023 or within such extended time as the Head of Development Management or the Assistant Director Planning, Building Standards & Sustainability shall in their sole discretion allow; and
4. That, following completion of the agreement 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 conditions.

Conditions (the full text of recommended conditions is contained in Appendix 2 of this report)

*The following list has been updated from the list that was included in the Officer Report for the 5th September 2022 Sub-Committee meeting. This list includes Condition 45 (Urban Greening Factor) added by Members at that meeting as well as updates and corrections to several conditions. Conditions 4, 9 and 14 are affected by proposed changes which this report will describe and assess.

- 1) 3-year time limit
- 2) Approved Plans & Documents
- 3) Basement impact mitigation measures
- 4) Accessible Accommodation
- 5) Commercial Units - Retail Opening Hours
- 6) BREEAM (PRE-COMMENCEMENT)
- 7) Commercial Units – Noise Attenuation
- 8) Noise Attenuation – Student Accommodation
- 9) Fire Statement
- 10) Landscape Details
- 11) Biodiversity
- 12) External Materials and Details
- 13) Living roofs
- 14) Energy Strategy
- 15) Overheating (Student accommodation)
- 16) Overheating (Commercial areas)
- 17) Energy Monitoring
- 18) Circular Economy
- 19) Whole Life Carbon
- 20) Low-carbon heating solution details
- 21) PV Arrays
- 22) Secured by Design

- 23) Stage I Written Scheme of Investigation of Archaeology
- 24) Stage II Written Scheme of Investigation of Archaeology
- 25) Foundation Design – Archaeology (PRE-COMMENCEMENT)
- 26) Land Contamination – Part 1
- 27) Land Contamination – Part 2
- 28) Unexpected Contamination
- 29) Cycle & Mobility Scooter Parking Details (PRE-COMMENCEMENT in part)
- 30) Delivery and Servicing Plan
- 31) Student Accommodation Waste Management Plan
- 32) Detailed Construction Logistics Plan (PRE-COMMENCEMENT)
- 33) Public Highway Condition (PRE-COMMENCEMENT)
- 34) Demolition/Construction Environmental Management Plans (PRE-COMMENCEMENT)
- 35) Management and Control of Dust (PRE-COMMENCEMENT)
- 36) Impact Piling Method Statement (PRE-PILING WORKS)
- 37) Business and Community Liaison Construction Group (PRE-COMMENCEMENT)
- 38) Telecommunications
- 39) Wind Mitigation
- 40) Foundation Design
- 41) Noise from building services plant and vents
- 42) Anti-vibration mounts for building services plant / extraction equipment
- 43) Evidence of operational public hydrants/suitable alternatives
- 44) Student Management Plan
- 45) Urban Greening Factor of 0.4 to be achieved on site/off site

Informatives

- 1) Working with the applicant
- 2) Community Infrastructure Levy
- 3) Hours of Construction Work
- 4) Party Wall Act
- 5) Numbering New Development
- 6) Asbestos Survey prior to demolition
- 7) Dust
- 8) Written Scheme of Investigation – Suitably Qualified Person
- 9) Deemed Approval Precluded
- 10) Composition of Written Scheme of Investigation
- 11) Geoarchaeological Assessment and Coring
- 12) Evaluation
- 13) Disposal of Commercial Waste
- 14) Piling Method Statement Contact Details
- 15) Minimum Water Pressure
- 16) Paid Garden Waste Collection Service
- 17) Sprinkler Installation
- 18) Designing out Crime Officer Services
- 19) Land Ownership
- 20) Site Preparation Works
- 21) s106 Agreement and s278 Agreement
- 22) Revised Fire Statement required with any revised submission

- 23) Building Control
- 24) Building Regulations – Soundproofing
- 25) Cadent Gas

Section 106 Heads of Terms (HoTs):

*The following list has been updated from the list that was included in the Officer Report for the 5th September 2022 Sub-Committee meeting. This list includes changes Members requested at that meeting, namely the following:

- A restriction on who can use the accommodation outside of the academic year to reflect para. 4.15.13 of the London Plan (See HoT 3);
- The applicant will be required to use reasonable endeavours to secure a nominations agreement for part of the student accommodation on the first letting should one for all of the accommodation not be achievable (See HoT 4); and
- The applicant shall be required to commit to being part of the borough's Construction Programme for both construction and occupation (See HoT 5).

1) Payment in lieu of on-site affordable housing

A payment of £6,525,654.00 to be paid to the Council for the provision of Affordable Housing in Haringey (This reflects the equivalent cost to the applicant of providing in excess of 40% (c.41.76%) on-site affordable student accommodation on the 431-room scheme);

2) Viability Review Mechanism

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

3) Accommodation secured for the use of students only during the academic year.

Outside of the academic year the building shall only provide accommodation for conference delegates, visitors, interns on university placements, and students on short-term education courses or any similar use at any institution approved in advance in writing by the local planning authority, acting reasonably. The temporary use shall not disrupt the accommodation of the resident students during their academic year. Any ancillary use described above shall only be for a temporary period each year and shall not result in a material change of use of the building.

4) Nominations agreement – reasonable endeavours

The applicant will be obliged to use reasonable endeavours to secure a nominations agreement prior to the first letting with a higher education institution and/or student housing provider for all of the proposed units of student accommodation and if this cannot be achieved, part of the student accommodation, but without restriction on the open market rents and tenancy terms.

5) Employment & Skills Plan

Including Construction Apprenticeships Support Contribution and Skills Contribution (to be calculated in accordance with Planning Obligations SPD). And a commitment to being part of the borough's Construction Programme for construction and occupation.

6) Travel Plan (pre-occupation and operational, as well as monitoring reports) and monitoring fee (£5,000 contribution)

The plan relates to the student accommodation element and must include:

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

7) Car capping (£5,000 contribution)

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

8) Construction Logistics/Monitoring contribution

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

9) Considerate Constructors Scheme

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

10) High-speed broadband connectivity

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

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

- Prioritise connection to the DEN with an interim heating solution if phasing allows.
- Submit justification and details of the backup ASHP heating solution if not connecting to the DEN.
- Re-calculation of the carbon offset contributions prior to commencement (which is one of the requirements of the Energy Plan).

- A covenant to comply with the Council's standard DEN specification for the building DEN and for any components of the area wide DEN installed on site.
- Connection charge to be reasonable and based on avoided costs of delivering an ASHP system, details of the avoided ASHP system costs should be agreed at an earlier stage.
- Submission of Energy Plan for approval by LPA to include details of
- Sustainability Review

12) Carbon offsetting

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

13) Monitoring costs

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

Section 278 Highways Legal Agreement Heads of Terms

14) Highways/Public realm contribution

A payment of £188,769.00 to be paid to the Council for resurfacing, street furniture, and landscaping works immediately adjacent to the site and associated project management fees. The highway works include a contribution towards the landscaping of the semi-circle of land to the front of the site (or in the surrounding area in accordance with Condition 45).

15) Disabled users' parking space along Hale Road

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

5. That, in the absence of the agreement referred to in resolution (1) above being completed within the time period provided for in resolution (3) above, the planning permission be refused for the following reasons:
 1. In the absence of a legal agreement securing 1) the provision of off-site affordable housing and 2) viability review mechanisms the proposals would fail to foster a mixed and balanced neighbourhood where people choose to live, and which meet the housing aspirations of Haringey's residents. As such, the proposals would be contrary to London Plan Policies GG1, H4, H5 and H6, Strategic Policy SP2, and DM DPD Policies DM11 and DM13, and Policy TH12.
 2. In the absence of a legal agreement securing financial contributions towards infrastructure provision (Public Realm, Disabled Space, & other Transport Contributions), the scheme would fail to make a proportionate contribution

towards the costs of providing the infrastructure needed to support the comprehensive development of Site Allocation TH4. As such, the proposals are contrary to London Plan Policy S1, Strategic Policies SP16 and SP17, Tottenham Area Action Plan Policies AAP1, AAP11 and TH4 and DM DPD Policy DM48.

3. In the absence of legal agreement securing 1) a student accommodation Travel Plan and financial contributions toward travel plan monitoring, 2) Traffic Management Order (TMO) amendments to change car parking control measures the proposals would have an unacceptable impact on the safe operation of the highway network and give rise to overspill parking impacts and unsustainable modes of travel. As such, the proposal would be contrary to London Plan Policies T5, T1, T2, T3, T4 and T6. Spatial Policy SP7, Tottenham Area Action Plan Policy TH4 and DM DPD Policy DM31.
 4. In the absence of an Employment and Skills Plan the proposals would fail to ensure that Haringey residents' benefit from growth and regeneration. As such, the proposal would be contrary to London Plan Policy E11 and DM DPD Policy DM40.
 5. In the absence of a legal agreement securing the implementation of an energy strategy, including the prioritisation of a connection to a DEN or a fall-back alternative low-carbon heating solution, and carbon offset payments - the proposals would fail to mitigate the impacts of climate change. As such, the proposal would be unsustainable and contrary to London Plan Policy SI 2 and Strategic Policy SP4, and DM DPD Policies DM 21, DM22 and SA48.
 6. In the absence of a legal agreement securing the developer's participation in the Considerate Constructor Scheme and the borough's Construction Partnership, the proposals would fail to mitigate the impacts of demolition and construction and impinge the amenity of adjoining occupiers. As such the proposal would be contrary to London Plan Policies D14, Policy SP11 and Policy DM1.
 7. In the absence of a legal agreement securing the developer's agreement to using reasonable endeavours to secure a nominations agreement with a higher education institution for all or part of the proposed units of student accommodation, the proposals would fail to meet the requirements of London Plan Policy H15 and Policy DM15.
6. In the event that the Planning Application is refused for the reasons set out in resolution (5) above, the Head of Development Management (in consultation with the Chair of Planning sub-committee) is hereby authorised to refuse any further application for planning permission which duplicates the Planning Application provided that:
- (i) There has not been any material change in circumstances in the relevant planning considerations, and

- (ii) The further application for planning permission is submitted to and approved by the Assistant Director within a period of not more than 12 months from the date of the said refusal, and
- (iii) The relevant parties shall have previously entered into the agreements contemplated in resolution (1) above to secure the obligations specified therein.

7. That the resolution dated 05 September 2022 shall be revoked for the sake of good order, to make it clear that only the amended scheme can be granted/refused planning permission.

11. UPDATE ON MAJOR PROPOSALS

In relation to Lynton Road (Part Site Allocation SA49), it was noted that the other part of the site was undergoing consultation. In particular, it was noted that there was an application for nine residential units which would avoid the requirement for affordable housing that was relevant to proposals for 10 or more units, and it was asked how the different parts of the site allocation would be managed in a cohesive manner. The Head of Development Management explained that the policy for sites within site allocations was to encourage engagement with neighbouring landowner groups to ensure that the site allocation was delivered as a whole. It was noted that officers were liaising with the landowners and that conversations were ongoing to ensure that the sites were cohesive.

Some members commented that previous applications had included an agreement that affordable housing contributions would be required if 10 or more units were provided in future and suggested that this could be considered for Part Site Allocation SA49. It was enquired whether the proposed commercial space for one application would affect the other site within the site allocation. The Head of Development Management stated that the proposals from the two applicants had not been confirmed and so it was not possible to undertake an assessment at this stage. It was explained that there was an initial expectation that the existing commercial space would be re-provided; once the proposals were confirmed, calculations would be undertaken and the applications would be assessed against the site allocation. It was added that the applicants would need to work collaboratively.

In relation to the Lockkeeper's Cottages (HGY/2020/0847), it was reported that there were some concerns about damp on the site. The Head of Development Management stated that this issue was not known to officers but could be investigated.

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

RESOLVED

To note the report.

12. 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.

13. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

14. DATE OF NEXT MEETING

11 May 2023

CHAIR: Councillor Barbara Blake

Signed by Chair

Date

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