

Planning Sub Committee Thursday, 7th March, 2024, 7.00 pm

ADDENDUM REPORT FOR ITEMS

UPDATE FOR CONSIDERATION AT PLANNING SUB-COMMITTEE Item No. 8

Reference No: HGY/2023/0728	Ward: Hermitage & Gardens (Adjacent to Seven Sisters)
Address: 341A Seven Sisters Road, Tottenham, London, N15 6RD	
Proposal: Construction of two new buildings to provide new warehouse living accommodation (Sui Generis (warehouse living)), ground floor café/ workspace (Use Class E) and associated waste collection and cycle parking. Erection of 10 stacked shipping containers (two storeys) to provide workspace/ artist studios (Use Class E), toilet facilities and associated waste collection and cycle parking. Landscape and public realm enhancements including the widening of and works to an existing alleyway that connects Seven Sisters and Tewkesbury Road, works to Tewkesbury Road, the creation of rain gardens, greening, seating, signage and artworks and all other associated infrastructure works, including the removal of an existing and the provision of a new substation to service the new development.	
Applicant: Provewell Ltd.	
Ownership: Private	

1. An addition to the list of Section 106 Heads of Terms (HoTs) from page 11 of the pack is made as follows:

13) Provisions to protect the long term maintenance of the Public Access Area

To include appropriate financial provisions to ensure that the Council has the ability to secure the long-term maintenance of the relevant areas which include the new footway from Seven Sisters Road to Tewksbury Road.

- 1.1. The additional head of term is required to secure the long-term maintenance of the route on what will remain private property. Should future owners fail or be unable to maintain the public access areas in accordance with the approved schemes and plans the Council will need to have resources to call on to secure that either through the authority itself or through an alternative body.

2. Correction to Condition 53 'Requirement to enter into a s278 agreement' in Appendix 1 – Planning Conditions & Informatives on page 129 of the pack:

53. Requirement to enter into s38 and s278 agreements

(a) before any building or operation comprised in the development is begun the applicant shall enter into **an agreement or agreements under section 278 and 38 of the Highways Act 1980 with the Council securing** the delivery of the new footway from Seven Sisters Road to Tewksbury Road.

(b) The occupation of the development authorised by this permission shall not begin until the highway/improvement works agreed under (a) have been completed and have been certified in writing as complete by or on behalf of the Local Planning Authority.

REASON: In order to ensure satisfactory Warehouse Living scheme for occupiers of the accommodation in accordance with policy DM39 of the Development Management DPD.

3. Additional text is subsequently required under the *Legal Highway Agreements* section in paras 6.9.36 – 6.9.39 of the report from the bottom of page 91 of the pack.

3.1. This section should also state that an agreement or agreements under section 278 and 38 of the Highways Act 1980 would need to be entered into to secure the delivery of the new footway from Seven Sisters Road to Tewksbury Road.

3.2. Furthermore, the proposed changes to the current route through the site can be achieved using powers available to the Council under Section 247 of the Town & Country Planning Act as the route needs to change to accommodate the development.

4. Addition to Condition 51 'Warehouse Living Management Plan' in Appendix 1 – Planning Conditions & Informatives:

4.1. Additional measures have been added to the list of details in order to ensure compliance with DM39 as shown below:

51. Warehouse Living Management Plan

Prior to occupation of the development a Warehouse Living Management Plan (WLMP) shall be submitted to and approved in writing by the Local Planning Authority. The WLMP shall identify the following:

- a) Security and fire safety procedures;
- b) Move in and move out arrangements;
- c) The tenant contract strategy;
- d) How all internal and external areas of the development will be maintained;
- e) How deliveries for servicing the development and residents' deliveries will be managed;
- f) How the development will be managed, and if any future management changes are anticipated - how the management will be transferred;
- g) How services and facilities will be included in the rent, except utility bills for individual units (although rents may be inclusive of bills); and

- h) the means by which to ensure that the use of the buildings continue to promote the genuine inter-relationship of the living and working elements; and
- i) **How the Warehouse Living development (including the tethered workspace and associated yard spaces) will provide ongoing support to the creative industries sector. This includes:**
 - a. **Marketing the units to those in the creative industries sector;**
 - b. **Managing spaces to ensure they provide genuine, interlinked, and functional living and creative working spaces for residents; and**
 - c. **Ensuring the Warehouse Living remains affordable for those working in the creative industries sector.**

The approved plan shall be implemented in accordance with the approved details and retained thereafter.

REASON: In order to ensure satisfactory Warehouse Living scheme for occupiers of the accommodation in accordance with policy DM39 of the Development Management DPD.

- 5. Additions and changes made to the first item in the list 'Provision of workspace for residents & management plan' of Section 106 Heads of Terms (HoTs) from page 11 of the pack is made as follows to ensure compliance with DM39:

- 1) **Provision of workspace for residents & management plan**

Workspace to be provided within the below ground workshop spaces in Block A for the use of residents of the development in perpetuity from initial occupation. ~~A management plan shall also be submitted to outline how the workspace will be allocated and managed to optimise usage and support residents that work in the creative industries. If spaces are not taken up by residents, then space could be used by other creatives.~~ **It is a key part of the Warehouse Living development, to be used to provide creative workspace for residents.**

A management plan shall be submitted, outlining how the workspace will be marketed, allocated and managed to provide affordable living and working space for Warehouse Living residents in the creative industries.

The workspace must be creative workspace. It may be used by creatives who are not residents, provided it facilitates and does not undermine the role of Warehouse Living in providing affordable, interlinked, and functional living and creative working spaces.

- 6. One further representation was received following publication of the Committee Report. The objection is as follows:

- 6.1. Stance – Object

- 6.2. 1. *In response to publication of the committee report and 'Appendix 3: Neighbour representations' (responses to neighbours concerns raised), in regard to 6.4.13 of the committee report, I would assert that alternative daylight targets can be considered and can help to justify daylight impacts as a secondary assessment, however that the primary assessment presented to committee members for full and proper disclosure of information, to be able to decide whether to approve or refuse, should be the results against the BRE 27% VSC target and that the 15% target results are a helpful, contextual aid.*

Further to the above, it should be made clear that the BRE guidelines were not written "based on a suburban housing density model." This reference may come from an online report which has been disproven.

Commentary on this matter can be found at para 112 of the judicial review decision for the quashed planning permission of 3-5 Arnold Road, Tower Hamlets.

2. *In terms of harm to non-designated heritage assets, namely the uniform 3 storey terraces at 341-379 Seven Sisters Road, this does not appear to have been covered in the committee report planning assessment or overall balancing of heritage harm against public benefits.*

3. *The £950 rent for a bedroom should not be compared with London Living Rent (for people with income capped at a certain amount) for a 1 bedroom flat, which would provide an entire private dwelling with private terrace and which would also provide savings towards a deposit to buy a property outright. This is not a balanced comparison. As a separate point, if the £950 rent for a bedroom becomes a real thing then it should be secured by legal agreement so that rent levels cannot rise above inflation.*

- 6.3. On the first point relating to the Vertical Sky Component (VSC) assessment, the daylight and sunlight report submitted in support of the application identifies that of the Cara House windows tested (that are classified as living/residential bedrooms) 45 of the windows that currently exceed the BRE target of 27% VSC drop below this figure with the proposed development in place. Of these only 9 fall below the 15% target VSC.

- 6.4. An alternative daylight target of 15% VSC has also been used in the assessment given the context of the area and recognising that many windows will not meet the 27% VSC target/ The site is considered to be an inner city urban environment that has buildings close to one another where the use of alternative target values would be acceptable and contextually appropriate there is no approach prescribed in policy that this contravenes. New developments in regeneration areas nearby and elsewhere in the Borough would have examples of comparable levels of daylight.

- 6.5. In Cara House, where windows do not meet the BRE target value, the majority retain the alternative target VSC value, or are within a room that contains at least one window which does so. As such, the overall impact to this building is considered minor adverse and thus acceptable given the context.
- 6.6. The majority of windows around the site meet the target daylight and sunlight values with the proposal in place. Where this is not the case, the relevant windows either meet an acceptable 15% VSC for the context or are already obstructed.
- 6.7. On point two, the design of the building and its impact on heritage assets has been comprehensively assessed in the Committee report and all heritage assets were identified in that assessment. Numbers 341-379 Seven Sisters Road are not locally listed buildings and the proposed buildings would be positioned away from the terrace, predominantly fronting Eade Road.
- 6.8. The proposed buildings, and in particular the taller Block A, mark the location of the footway down to Tewksbury Road and the start of the Warehouse District. Whilst the new buildings would have contrasting materials, the separation distances would be sympathetic to the terrace and provide an appropriate transition.
- 6.9. When approaching the site from the south the proposed building would be seen in the context of the taller buildings coming forward further south on the Woodberry Down Estate and its surroundings and would not have an undue impact on the uniform terraces to the north. In views on approach from the South the building would be set back, revealing the terrace in the street scene. There would be no harm to the terrace as a result of the proposals.
- 6.10. On point 3 relating to comparisons to London Living Rent (LLR), LLR has only be used to provide context of what types of rental accommodation would charge a similar figure in the area to the expected rental charge for a room in the proposal. It is unlikely that the £950 rent for a bedroom would rise well above this figure given its communal nature and current rents in the District.
- 6.11. However, a late-stage review would secure a contribution to affordable housing if rents exceed those set out in the viability report when any increase in costs is accounted for. The rents would be monitored over time to inform any future proposals for Warehouse living.

7. One further consultation response was received from the Private Sector Housing Team following publication of the Committee Report. The comment is as follows:
 - 7.1. The units provided may need either Selective or HMO property licences once let.