



Haringey Council

Agenda item:

[No.]

Planning Committee

On 14 February 2011

Report Title. Playground site –adjoining Stainby Road, N15 – HGY/2010/2025

Variation of the Section 106 Agreement regarding the re-provision of the new play area and the occupation of the new residential development.

Report of Marc Dorfman – Assistant Director Planning and Regeneration

Signed :

9-2-11

Contact Officer : Elizabeth Ennin-Gyasi

Wards(s) affected: Tottenham Green

Report for: Non Key Decision

1. Purpose of the report (That is, the decision required)

- 1.1 To seek Committee approval to amend the resolution agreed at the meeting held on 11 January 2011 to ensure the provision of the housing development and playground and estate improvements.

2. Introduction by Cabinet Member (if necessary)

N/A

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

3.1 Haringey Unitary Development Plan adopted July 2006. Relevant guidance: Housing Supplementary Planning Document (adopted October 2008).

4. Recommendations

4.1 To approve the variation of the existing Section 106 Agreement to allow for the playground to be delivered by no later than 31 December 2012 by the Council.

5. Reason for recommendation(s)

5.1 The site in question is a semi derelict Council owned playground adjacent to Monument Way and Saltram Close.

5.2 At its meeting on 21 July 2009, Cabinet resolved to sell the playground for best consideration and ring fence the receipt for the regeneration of the Saltram Close Estate, including re-provision of a playground. The Head of Corporate Property has subsequently agreed the sale of the site to Shian Housing Association with land purchase contracts having already been conditionally exchanged subject to HCA funding and planning consent.

5.3 At Planning Committee on 11 January 2011, the local Planning Authority granted consent for the development of a residential housing scheme on the site. The agreed scheme, which has received funding approval from the Homes and Communities Agency (HCA), will deliver 10 units for social rent and 12 units for rent to homebuy (shared ownership).

5.4 The development proposals attracted a significant amount of public attention due to the potential loss of the playground and Planning Committee received a petition letter from the local Tenants and Residents Association with approximately 250 signatures calling for the retention and improvement of the playground site.

5.5 In order to provide assurances that the playground would be provided within a certain timeframe, Planning Committee resolved that the S106 agreement accompanying the development:

"... include a requirement that the new development should not be occupied until the new play area was available for use ..."

This requirement is considered unacceptable to Shian Housing Association because: -

1. Occupation of their dwellings is dictated by the timeframe adopted by the Council in providing the playground;
2. Funding from the HCA is conditional upon the development starting on site before 31 March 2011 and practical completion in March 2012. Any delay in either start or completion

dates will result in the Homes and Communities Agency withdrawing its funding;

3. Without HCA funding the scheme is not financially viable; and

4. The requirement was not previously discussed or form part of the agreed Heads of Terms and land contract for the site disposal signed by Shian Housing Association.

5.6 Funding from the Homes and Communities Agency is subject to the development starting on site before 31 March 2011 and practical completion be achieved no later than March 2012. Failure to comply with these conditions will result in the Homes and Communities Agency withdrawing its funding which will render the scheme not viable.

5.7 A draft schedule for provision of the playground has been produced by Homes for Haringey which shows it is highly unlikely that the playground will be provided in time to comply with these conditions.

5.8 Shian HA is unwilling to accept the risk that the development might miss the March 2012 practical completion deadline as a result of the covenants imposed by Planning Committee and has indicated its intention to withdraw from the land purchase unless the conditions can be amended so as to ensure completion on time while still giving assurance that the playground will be delivered.

5.9 It is therefore important that the Council can reach agreement with Shian Housing Association in time both for a start on site to commence before 31 March 2011 and practical completion in March 2012. The alternative is that the scheme, capital receipt, playground and estate improvements will be lost.

6. Other options considered

N/A

7. Summary

7.1 That the Planning Committee endorse the variation to the Section 106 Agreement as detailed in paragraph 4.1 of this report.

8..Equalities &Community Cohesion Comments

8.1 In determining this application the Committee is required to have regard to its obligations under the Equalities Act 2010.

8.2 The impact of this variation has been considered in relation to Section 71. The

proposed development has been considered in terms of its Equality and Race Relations impacts. The key equalities protected characteristics include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The new play ground will be fully accessible for disabled users. Otherwise, there is no indication or evidence (including from consultation with relevant groups) that different groups have or will have different needs, experiences, issues and priorities in relation to the particular planning application.

8.3 In terms of the key equalities protected characteristics it is considered there would be no significant specific adverse impacts as a result of the development.

9. Consultation

12.1 Strategic and Community Housing were consulted on the proposed variation of the Section 106 Agreement. They support the variation.

10. Use of appendices /Tables and photographs

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11. Local Government (Access to Information) Act 1985

[List background documents]

[Also list reasons for exemption or confidentiality (if applicable)]