

# REPORT FOR DECISION UNDER DELEGATED POWERS

## 1. APPLICATION DETAILS

**Reference No:** HGY/2021/3175

**Ward:** Bruce Castle

**Address:** High Road West N17

**Proposal:** Hybrid Planning application seeking permission for:

1) Outline component comprising demolition of existing buildings and creation of new mixed-use development including residential (Use Class C3), commercial, business & service (Use Class E), business (Use Class B2 and B8), leisure (Use Class E), community uses (Use Class F1/F2), and Sui Generis uses together with creation of new public square, park & associated access, parking, and public realm works with matters of layout, scale, appearance, landscaping, and access within the site reserved for subsequent approval; and

2) Detailed component comprising Plot A including demolition of existing buildings and creation of new residential floorspace (Use Class C3) together with landscaping, parking, and other associated works

**Outline:**

- Demolition of most buildings (with retention of some listed & locally listed heritage assets);
- New buildings at a range of heights including tall buildings;
- Up to 2,869 new homes in addition to Plot A (including affordable housing);
- At least 7,225sqm of commercial, office, retail, & community uses (incl. new library & learning centre);
- New public park (min 5,300sqm) & new public square (min 3,500sqm); &
- Other landscaped public realm and pedestrian & cycle routes

**Detailed:**

Plot A - Demolition of 100 Whitehall Street & Whitehall & Tenterden Community Centre and erection of new buildings of 5-6 storeys containing 60 new affordable homes & open space.

**Applicant:** Lendlease (High Road West) Limited

**Ownership:** Private/Council

**Officer contact:** Philip Elliott

## 2. SUMMARY OF DECISION

Following;

- 1) the Planning Sub-Committee's (PSC's) resolution on 21 July 2022 that authority to grant planning permission be delegated to the Head of Development Management and Assistant Director of Planning Building Standards and Sustainability

- 2) the Stage II decision from the GLA
- 3) the Secretary of State's confirmation that the decision could proceed in accordance with the resolution of PSC
- 4) the imposition of amended and additional conditions (as noted in Section 6 of this report) by the Head of Development Management and Planning Enforcement in consultation with the Chair of PSC;
- 5) a consideration of additional consultation responses;
- 6) a consideration of additional representations from THFC; and
- 7) the successful negotiation of the terms of a S106 agreement, which includes an obligation to enter into a S278 agreement

I exercise my delegated authority to authorise the execution and completion of the S106 and thereafter to GRANT PLANNING PERMISSION subject to conditions.

### 3. ADDITIONAL CONSULTATION RESPONSE

#### 3.1 London Borough of Waltham Forest - No Objection

#### 3.2 Met Police Specialist Operations revised comments–

*High Road West (HRW) is managed as a development for the purposes of Secured by Design (SBD) and Designing out Crime by the MPS NE Designing out Crime office to achieve SBD accreditation across the development for both residential and commercial purposes.*

*Concerns have been raised separately regarding the match day operational requirements of THFC during the construction of the HRW development. These concerns are currently being discussed by all stakeholders to agree a resolution to ensure the safety of the public at both sporting and other major events.*

#### 3.3 Revised wording for condition 62 (now 64) has been agreed with the MPS and is set out in the revised conditions below.

#### 3.4 London Borough of Enfield –

- *Request extra information in the form of views/visualisations demonstrating the impact of the proposed development upon directional views from the tree lined avenue within the Broomfield House Registered Park and Garden (Grade II) towards Broomfield House (Grade II\* Listed Building);*
- *It should be satisfactorily demonstrated there is no undue pressure on existing social infrastructure, notably school places.*
- *Expansion of the South Edmonton CPZ would need to be in place prior to occupation of these phases. However, it is agreed that further assessment of this can be undertaken at RMA stage and there is no objection to the overarching principle of the low-car proposals. it is noted the s106 HoTs include an Enfield Traffic Management Order contribution which is welcomed.*

#### 3.5 The comments were received 5 days after the after the decision making meeting had taken place. Whilst this particular view has not been provided as requested, officers are satisfied that the assessment of Heritage impacts set out in the Committee report is appropriate and robust.

#### 3.6 The issue of school places was addressed in the officer report. Haringey School Places Planning Team were satisfied that there is sufficient school capacity. Para 11.7 of the report notes that the ES (Chapter 14) and associated addendum reports

on an assessment of the likely significant socio-economic effects of the proposed scheme, including on primary and secondary school places and finds that the proposed scheme would have a Negligible impact. This is also the finding when considering the likely significant effects of the proposed scheme and the cumulative schemes. This includes the provision of Brook House Primary School as part of the Cannon Road development at the northern-most part of the NT5 allocation.

- 3.7 Officers consider this to raise points already satisfactorily assessed in the committee report.
- 3.8 Following the PSC resolution to grant planning permission, the Council received a direction on 24 August 2022 from the Secretary of State to hold the application in abeyance to allow him to decide whether pursuant to Section 77 of the Town and Country Planning Act 1990 the application should be 'called-in' for him to decide.
- 3.9 The Secretary of State subsequently advised the Council on 31 August 2021 that he had declined to call in the application, having regard to relevant policy. The Secretary of State confirmed the issue of the decision could proceed in accordance with the resolution of PSC.

#### 4. LOCAL REPRESENTATIONS

- 4.1 The application was publicised prior to the PSC meeting on 21 July 2022 as noted in the committee report. Following the PSC meeting and the resolution to grant planning permission, an additional representation was received from THFC
- 4.2 The representation raises the following matters
- The Club requires certainty that the proposed access arrangements will be provided
  - The Club needs to understand what is proposed if the need for the Access Licence/Temporary Access Licence arises prior to the applicant acquiring an interest in any or the relevant part of the Access Land
  - There is nothing in the agreement to prevent the current routes being stopped up before the applicant acquires an interest in the land
  - A "reasonable endeavours" obligation is not sufficient, there needs to be an absolute obligation that the required access will be provided prior to the stopping up of the current routes (and thereafter maintained).
  - To provide the necessary degree of certainty and permanence the licence should operate as an easement
  - There are no planning obligations that requires the applicant to comply with the terms of the licence/easement once such a document is entered into for the lifetime of the development
  - The Primary Access Route is simply said to be "agreed" but no explanation is given for agreement by whom or how agreement will be reached
  - There is no provision for agreement of the Alternative Access Route
  - The S106 Agreement needs to stipulate the standards for the delivery of both the permanent Access Route and any temporary or Alternative Access Route, in the absence of a specification, the Club would suggest this should be to adoptable standards
  - The payment of a licence fee is not acceptable or reasonable, given no fee is paid at present
  - Specific comments on the license terms-

- The purpose of licence needs to make clear that it is also to provide access to WHL Station and beyond for example to shuttle bus or regional coach services in accordance with the Major Event Day Local Area Management Plan
  - The Club may need to install Hostile Vehicle Mitigation and other Counter-Terrorism equipment as necessary
  - Duration of access licence is not acceptable
  - More clarity on what happens if a defect is identified on the pre-site inspection that prevents or interferes with access
  - The specification should be agreed now
  - The terms do not take into account any emergency situations should WHL station be closed or either the Stadium or station need to be evacuated
- 4.3 The Council has considered these points and found they raise no new material planning issues that have not already been considered. Matters of crowd safety were considered in the Committee Report and are addressed through conditions and obligations as set out below.
- 4.4 As THFC are not a party to the S106, it cannot enforce any obligations resting on the applicant. The S106 provides for a commercial agreement to be reached between the applicant and THFC through a licence agreement. An absolute obligation to provide access cannot be provided, otherwise the applicant would be at risk of being unable to comply with their S106 obligation if THFC do not agree to the terms of a licence. Therefore a reasonable endeavours clause is considered to be appropriate. If the applicant is found not to have behaved reasonably in negotiating a licence the Council could take enforcement action. THFC and Lendlease will have the ability to directly enforce the license terms against each other under contract law.
- 4.5 Several of the points raised are addressed through the conditions, notably condition 64, which requires the approved crowd flow measures to be implemented for the lifetime of the development. Condition 4 specifically requires approval of the construction logistics plan prior to commencement of any phase, which will include details of interim crowd flow management routing during the development. This will have to be approved by the Council in consultation with the Metropolitan Police.
- 4.6 Condition 64 requires an interim and final crowd flow management plan to be submitted and approved which demonstrates a nil-detriment position (including details like sufficient space being provided) and will be consulted upon with SAG, the Met Police, THFC and the Council's building control officers. If there is no satisfactory solution in place it will not be approved. These measures must be implemented for the life of the development. The planning conditions require compliance with approved crowd flow arrangements and enforcement of compliance with these terms can be carried out pursuant to the planning conditions.
- 4.7 Conditions 4 and 62 require details of general queue safety to be addressed (including tripping hazards) to meet the basic requirements for queue safety. Condition 64 has been amended in agreement with the MPS to ensure there is provision for engagement measures set out in the Crowd Flow Management submission to ensure on site management is considered.
- 4.8 In terms of changes to routes before the applicant has an interest in the land, before stopping up any existing route the Council would need to be satisfied that

alternative routes are in place before the highways are stopped up. Changes to the routes at any point would require approval of the necessary conditions in consultation with THFC.

- 4.9 The Moselle Square Open Space Specification will have to address the route, and it will have to align with the routes reviewed and approved pursuant to the planning conditions and reserved matters approval (as will the open space management plan).
- 4.10 The licence specified terms are minimum requirements that the Council wants to have secured and there will be flexibility to agree additional terms. The applicant has agreed to expand these minimum terms to bring them in line with some of the requirements set out by THFC.
- 4.11 The applicant is required under draft condition 42 to ensure that all reserved matters for the development include *"full details of measures to mitigate against terrorism activities relevant to the route through the development when complete that will be used for THFC stadium visitor egress on stadium event days, in consultation with the Metropolitan Police"*
- 4.12 It is considered that the terms set out in the S106 are adequate to provide a framework to agree more detailed matters through a license and pursuit to conditions.

## 5. ADDITIONAL CONDITIONS

- 5.1 In order to further address the MPS Specialist Operations concerns set out in the Committee Report Addendum it was agreed that additional wording would be added to the Crowd Control condition to ensure engagement forms part of the Crowd Flow Management Reports. The following condition was amended with the additional wording in bold, the aspects in italics have also been included as these were erroneously omitted in the addendum but formed part of the condition as originally published:

### 64. Crowd control (PRE COMMENCEMENT)

Prior to the commencement of any Phase south of White Hart Lane (excluding Plot A) an Interim Crowd Flow Management Plan will be submitted to and approved by the Council. Such Plan (to include queue configurations, locations and hoarding / barrier design) will confirm that the interim access and space for visitors to the stadium across the development is no less than the situation as at the date of grant of this planning permission in terms of minimum queue widths, minimum areas for queuing and general queue safety such as tripping hazards and ensuring queue configurations and locations meet the necessary requirements for crowd safety and **set out the provisions for engagement between the applicant, the Safety Advisory Group, the Metropolitan Police, the Council's Building Control officers and Tottenham Hotspur Football Club.**

*Prior to the commencement of the last Reserved Matter(s) application for any Phase south of White Hart Lane a Final Crowd Flow Management Plan will be submitted to and approved by the Council. Such Plan (to include queue configurations and locations) will confirm the final access and space for visitors*

*to the stadium across the development is no less than the situation as at the date of grant of this planning permission in terms of minimum queue widths, minimum areas for queuing and general queue safety such as tripping hazards and ensuring queue configurations and locations meet the necessary requirements for crowd safety.*

Both the Interim Crowd Flow Management Plan and the Final Crowd Flow Management Plan will be consulted upon with the Safety Advisory Group, the Metropolitan Police, the Council's Building Control officers and Tottenham Hotspur Football Club. All measures in the approved Plans shall be implemented for the life of the Development.

REASON: In the interests of ensuring the interim and detailed crowd flow scenarios are workable.

5.2 It has also be found that an additional aspect should be added to the landscaping condition to appropriately address climate change impacts; and a correction should be added to the 'Development On Third Party Land' condition to add the relevant date of the S106 completion. The additional wording and date to the relevant conditions was judged to have negligible planning effect.

5.3 The following lines in bold are inserted:

**44. Landscaping (RESERVED MATTERS)**

a) Each reserved matter(s) application for landscaping shall include full details of:

- i) Hard surfacing materials;
- ii) Drinking water fountain/dispenser providing drinking water that is free to users in Peacock Park and Moselle Square;
- iii) Children's play areas and equipment;
- iv) Boundary treatments;
- v) Any relevant SuDs features and associated SUDS management and maintenance plans, detailing future management and maintenance responsibilities for the lifetime of the development;
- vi) Minor artefacts/structures (e.g. furniture, refuse or other storage units, signs etc.);
- vii) Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
- viii) Planting plans and a full schedule of species of new trees and shrubs proposed to be planted noting species, plant sizes and proposed numbers/densities where appropriate;
- ix) Any food growing areas and soil specification;
- x) Written specifications (including cultivation and other operations) associated with plant and grass establishment;
- xi) Implementation programme;
- xii) Long term management;
- xiii) Full details of wayfinding signage including their location, material and mounting; and

- xiv) A written statement outlining how the potential for urban greening has been maximised, in line with London Plan and Urban Greening Factor benchmark targets.
- xv) measures to mitigate against terrorism activities relevant to the route through the development when complete that will be used for THFC stadium visitor egress on stadium event days, in consultation with the Metropolitan Police
- xvi) **what measures will be delivered to the relevant external amenity area(s) that will help adapt the development and its occupants to the impacts of climate change through more frequent and extreme weather events and more prolonged droughts.**

(b) The external landscaping and SUDS features shall be carried out in accordance with the approved details, management and maintenance plan and implementation programme unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory level of residential amenity, children's play opportunities, food growing opportunities, biodiversity enhancement and boundary treatments along with appropriate management and maintenance arrangements.

And:

87. Development on Third Party Land (PRE-COMMENCEMENT ON THE RELEVANT PHASE)

No development can commence on that part of the development site shown coloured red on drawing 0311-SEW-ZZ-00-DR-T-000035 until the owner of that land has confirmed in a deed under s106 Town and Country Planning Act 1990 that its land is bound by the section 106 Agreements dated 31<sup>st</sup> August 2022 in relation to development on that part of the site.

REASON: In the interest of proper planning and to ensure that necessary mitigation is secured.

## 6. CONCLUSIONS

- 6.1 As set out above the representations received raise no new material issues that were not considered in the Committee Report. The amendments to conditions have been agreed under delegated powers as set out in the committee recommendation.
- 6.2 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above.

*Robbie McNaughton*

31/08/2022