

Rob Krzyszowski
Assistant Director of Planning, Building
Standards & Sustainability

Date: 3rd March 2022
Your ref: HGY/2021/2075
Our ref: HGY/2021/2075
Direct dial: 020 8489 2247
Email: david.joyce@haringey.gov.uk

Dear Rob Krzyszowski

**Re : LETTER AS AN ALTERNATIVE TO A SECTION 106 AGREEMENT FOR USE WHERE
COUNCIL IS THE LANDOWNER**

LAND AT THE JUNCTION OF PARTRIDGE WAY AND TRINITY ROAD N22 8DW

PLANNING APPLICATION REFERENCE: HGY/2021/2075

The Council's Planning Sub-Committee resolved on 1st of November 2021 to grant planning permission ref: HGY/2021/2075 for the Development.

The payment of contributions and obligations relating to the provision of affordable housing and employment necessary to mitigate the impact of the Development would normally be set out in an agreement under Section 106 of the Town and Country Planning Act 1990. Such an agreement in relation to the above planning application cannot be entered into as the Council is both the applicant for planning permission, the landowner and the local planning authority.

This letter from David Joyce, Director of Housing Regeneration and Planning (DoHRP), to Rob Krzyszowski, Assistant Director of Planning, Building Standards & Sustainability (ADoPBSS), therefore secures these matters as specified within the committee report and sets out the detail of what is required in relation to conditions 18 (Social Rent) and 22 (Employment and Skills Plan) (the Letter).

Although this Letter is from and signed by the current Director of Housing Regeneration and Planning it is intended to apply to and be given on behalf of that directorate and any subsequent branch of the Council responsible for the functions currently discharged by the Housing Regeneration and Planning directorate. This also applies to the recipient of this Letter in that the commitments given in this Letter are intended to be given not only to the current Assistant Director of Planning, Building Standards & Sustainability but also to any subsequent branch of the Council that is responsible for the functions that are currently the responsibility of the current Assistant Director of Planning, Building Standards & Sustainability.

I therefore confirm in respect of the Application that the Housing Regeneration and Planning Directorate will provide or procure the provision of the following planning matters and community benefits in relation to this Development as set out below:

1 DEFINITIONS

For the purposes of this letter the following expressions shall have the following meaning:

Act	the Town and Country Planning Act 1990;
Application	means the planning application seeking planning permission for the Development bearing reference HGY/2021/2075;
Apprentice	means a Resident aged 16 years or over who is undertaking on-the-job training and who is also studying for a nationally recognised qualification or an NVQ. More information about the government policy and guidance can be found at https://www.gov.uk/government/publications/apprenticeships-guide-for-employers and about apprenticeship standards and fees at https://www.instituteforapprenticeships.org/ ;
“Assigned Officer”	means the Council’s economic development officer assigned by the Council to meet the requirements of the Employment and Skills Team or such other officer notified from time to time;
Completion Notice Date	the date when the ADoPBSS confirms that the Development has been completed in accordance with the Planning Permission and the terms of this Agreement to its satisfaction;
Borough	means the administrative area of the London Borough of Haringey;
Construction Phase	means the period from the Implementation Date (including all demolition and site enabling works) until the Completion Notice Date;
Deferred Carbon Offset Contribution	means the sum of £11,913 being 50% of expected carbon offset based on the energy report submitted with the application plus any additional carbon offset charges required following energy testing based on £90/per tonne of carbon to be spent towards the implementation of projects to reduce carbon emissions in its area to offset the proposed shortfall in meeting London Plan targets;
Council	means the local authority of the London Borough Haringey;
Design and Quality	means the standards for new homes in

Standards	London published by the GLA and set out in the Housing Standards Minor Alterations to the London Plan published in March 2016 and the Housing Supplementary Planning Guidance published in May 2016 or any updating guidance;
Development	means development of the Property consisting of 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 in accordance with the documents submitted with the Application and the Planning Permission;
Employment and Skills Plan	means the plan to be submitted to the ADoPBSS and containing the information outlined in paragraph 5.2.1 of this Letter;
Employment and Skills Recovery Action Plan	means the Council's Good Economy Recovery Plan August 2020 which sets out the Council's priorities for supporting local businesses and high streets and can be found at: https://www.haringey.gov.uk/business/haringey-s-good-economy-recovery-plan ;
Employment and Skills Team	means the Council's team responsible for supporting residents and persons into training or employment opportunities and any successor team(s) that may exist from time to time;
GLA	means the Greater London Authority or any successor in statutory function;
the Implementation Date	The date of implementation of the Planning Permission by the carrying out of a material operation as defined in Section 56 of the Act and references to "Implementation" and "Implement" shall be construed accordingly;
Index	means the All Items Index of Retail Prices issued by the Office for National Statistics or any replacement publication or index agreed by the Council in the event that the All Items Index of Retail Prices becomes no longer maintained;

Interest	interest at 4% (four percent) above the base rate for the time being of Barclays Bank plc;
Initial Carbon Offset Contribution	means the sum of £11,913 being 50% of expected carbon offset based on the energy report submitted with the Application towards the implementation of projects to reduce carbon emissions in its area to offset the proposed shortfall in meeting London Plan targets;
Letter	means this letter;
London Living Wage	means the hourly rate which the Living Wage Foundation (or any alternative independent successor body agreed in writing between the Parties) determines is the minimum rate required to cover the basic costs of living in the London Borough of Haringey; more information can be found at https://www.livingwage.org.uk/ ;
Occupation Date	means the date on which any part of the Development (or any part or phase) is first occupied for the purposes set out in the Planning Permission excluding occupation for the purposes of fitting out or marketing the Development (or any part or phase) and the terms "Occupy" "Occupied" and "Occupation" shall be construed accordingly;
the Plan	means the plan annexed as the First Schedule to this Letter;
Planning Permission	means the planning permission for the Development pursuant to the Application;
the Property	means the land and premises known as the junction between Partridge Way and Trinity Road N22 8DW shown indicatively edged in red on the Plan;
Protected Tenant	means any tenant of a Social Rent Unit who: (a) has exercised the right to acquire pursuant to the Housing Act 1996 or any statutory provision for the time being in force (or any equivalent contractual right) in respect of the Social Rent Unit; or (b) has exercised any statutory right to buy (or any equivalent contractual right) in respect of the Social Rent Unit;
Resident	means a person who is a resident in the Borough and such residency can be proven by the production of two valid proofs of

	address which are no more than two (2) months old and the term Residents shall be construed accordingly;
Resident's Parking Permit	means a permit issued under the Traffic Management Order which permits the holder to park in accordance with the Traffic Management Order;
Skills-Based Training	means a training program that is intended to provide unemployed Residents with the skills and qualifications to access jobs being created by the Development and consisting of work experience placements and a guaranteed interview (for suitable individuals) linked to planned jobs and employment outcomes. For further information, visit https://www.gov.uk/government/publications/sector-based-work-academies-employer-guide/sector-based-work-academies-employer-guide ;
Skills Contribution	means the sum of £23,450 (TWENTY THREE THOUSAND FOUR HUNDRED AND FIFTY POUNDS) payable by the DoHRP to the ADoPBSS towards the support of local people who have been out of work and/or do not have the skills set required for the jobs created to be calculated in accordance with the Council's Planning Obligations Supplementary Planning Document March 2018 paragraphs 7.29 -7.30;
Social Rented Housing	means rented housing owned and managed by the Council provided to eligible households whose needs are not met by the market and which housing should meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local housing prices;
Social Rent Units	means the 23 residential units to be made available for Social Rented Housing in accordance with paragraph 5.1 of this Letter;
STEM and Career Inspirational Sessions	means developing long-term relationships with local organisations and working closely with them to deliver practical activities relevant to the construction industry including in Science Technology Engineering and Maths (STEM) and details of how the activities will be delivered. The format of such sessions to be agreed with the Employment and Skills Team as part of the

Employment and Skills Plan;

the Traffic Management Order

means the relevant order for the time being in force made under the Road Traffic Regulation Act 1984 (as amended) which establishes a controlled parking zone in which the Property is situated;

Traffic Management Order Contribution

means the sum of £4,000 (FOUR THOUSAND POUNDS) payable by the DoHRP to the ADoPBSS to be pooled towards the costs associated with amending the Traffic Management Order and advertising the same which amendment shall remove the Development from those premises the residents of which may apply for a Resident's Parking Permit;

Traineeships

means a skills development programme for Young Residents that consists of training delivered by a training provider/work placement for a period of 6 weeks to 1 year including:

- a minimum of 70 hours of meaningful and high quality work experience over the duration of the traineeship and as agreed with the traineeship provider.
- constructive feedback and advice to the trainee;
- an interview for an apprenticeship or job in the DoHRP's directorate at the end of the traineeship if one is available
- an exit interview at the end of the traineeship with meaningful written feedback if no job is available.

For more information visit:
<https://www.gov.uk/guidance/traineeship-information-for-employers>;

Young Resident

means a person who is a Resident of the Borough or for whom the Council has a corporate parenting responsibility and who are aged 16 - 24 years and not in employment, education, and training.

2 This letter shall be noted on the local land charge register against the Property.

3 Any amounts payable under this Letter shall be:

- a) increased by a percentage equivalent to the percentage increase (if any) in the Index from the date of this Letter to the date that the relevant contribution is paid; and
- b) subject to Interest charged from the date the payment is due until the date the payment is made.

4 The DoHRP will provide and ensure the provision of the following:

4.1 General

4.1.1 Not to carry out continue or procure the Development without performing and observing the obligations stipulations and other matters set out in this Letter and on the part of the DoHRP to be performed and observed unless otherwise agreed in writing by the ADoPBSS.

4.2 The Contributions

4.2.1 On or prior to the Implementation Date to pay or procure the payment of to the ADoPBSS the:

- (i) Initial Carbon Offset Contribution;
- (ii) Skills Contribution; and
- (iii) Traffic Management Order Contribution.

4.2.2 Not to:

- (i) Implement, cause or permit Implementation of the Development;
 - (ii) Occupy or cause or permit the Occupation of the Development or any part thereof; or
 - (iii) use or cause or permit the use of the Development or any part thereof;
- until such time as the ADoPBSS has received payment in full of the contributions listed at 4.2.1 above.

4.2.3 On or prior to the Occupation Date to pay or procure the payment of to the ADoPBSS the Deferred Carbon Offset Contribution and not Occupy or cause or permit the Occupation of the Development or any part thereof until such time as the ADoPBSS has received payment in full of the Deferred Carbon Offset Contribution.

4.3 In the event of transfer of the Property

4.3.1 That in the event of the transfer of the Property or part of the Property to another party not being the London Borough of Haringey the DoHRP agrees with the ADoPBSS to ensure that an agreement in the form of and compliant with section 106 of the Act is completed to the satisfaction of the ADoPBSS to secure the obligations in this Letter.

5 Provision of affordable housing and employment

5.1 Social Rent

5.1.1 To provide the Social Rent Units in accordance with the Planning Permission and to ensure that they will be used solely for that purpose in perpetuity.

5.1.2 That the Social Rent Units shall be designed and constructed in accordance with Design and Quality Standards.

5.1.3 The Social Rent Units will not be Occupied for any other use other than as Social Rented Housing in accordance with this Letter for the lifetime of this Development with the exception of Occupation by any Protected Tenant or any mortgagee or chargee of the Protected Tenant or any person deriving title from the Protected Tenant or any successor in title thereto and their respective mortgagees and chargees.

5.2 Employment and Skills

- 5.2.1 No later than twenty-eight (28) days prior to Implementation, to submit (or procure that the named individual identified in paragraph 5.2.5 submit) to the ADoPBSS an Employment and Skills Plan for the Development to include a detailed programme, procurement schedule, recruitment protocols and labour histogram stipulating the following requirements:
- a) the procurement of not less than twenty percent (20%) of the peak workforce employed during the Construction Phase of the Development to comprise Residents and must be employed for a minimum of 26 weeks;
 - b) the provision of Skills-Based Training to the twenty percent (20%) referred to in paragraph 5.2.1 a) above and at least five percent (5%) of these to comprise Traineeships;
 - c) the employment of full time apprenticeships to at least one Apprentice per £3 million development cost, up to maximum of 10% of the construction workforce at its anticipated maximum provision on site, such apprentices must be employed for a minimum of 26 weeks and, to be paid at no less than London Living Wage and to be supported in their training and qualification to a minimum of NVQ Level 2 and to be nominated by the Employment and Skills Team;
 - d) explaining how the DoHRP and its contractors' agents shall work exclusively with the Employment and Skills Team and Construction Partnership for any recruitment assessment screening testing and application support arrangements to maximise the employment and training opportunities for Residents including jobs and apprenticeships arising from the Development during the Construction Phase **SAVE THAT** in the event the Employment and Skills Team or Construction Partnership are not able to refer a Resident for a job or apprenticeship within 10 Working Days from the date the advertisement for that role is submitted to the ADoPBSS and approved in writing the DoHRP and its contractor shall be free to recruit for that role from other sources;
 - e) regular liaison with the Assigned Officer to help suppliers and businesses which are based in the Borough to tender for such works as may be appropriate for them to undertake and or support locally based social enterprises including capacity building assistance through advice on business planning, mentoring and the purchase of products or services;
 - f) the provision of Work Placements for unemployed and economically inactive Residents such number of Work Placements to be agreed with the Employment and Skills Team;
 - g) the provision of details of how the Employment and Skills Plan does not discriminate against groups with protected characteristics in terms of the employment and skills development opportunities it facilitated and has regard to the specific demographic characteristics of Residents in its proposed activities including residents who experience barriers to employment such as rehabilitating young offenders, long term unemployed, homelessness, care leavers, neuro diverse;
 - h) the provision of how the Employment and Skills Plan shall prioritise and support the Council's Priority Groups identified by the Council in the Employment and Skills Recovery Action Plan;

- i) provision of no fewer than FIVE (5) STEM and Career Inspirational Sessions, working with the Council's nominated partners; and
- j) the provision to the Assigned Officer of such information as is reasonably required to ensure compliance with the Approved Employment and Skills Plan (including but not limited to monthly monitoring data and summaries of details of the above opportunities provided to Residents), such information to be provided to the Council directly by the DoHRP (or its agents or contractors) in a format to be agreed by the Assigned Officer which may include the provision of information through an online portal as notified by the ADoPBSS from time to time;
- k) how the DoPBSS shall ensure that it shall obtains consent from all employees contractors and agents to ensure that the information required under paragraph 5.2.1 j) above can be provided to the ADoPBSS in compliance with all data protection act and other statutory requirements; and

5.2.2 Not to Implement or cause or permit the Implementation unless and until the Employment and Skills Plan has been approved by the ADoPBSS ("Approved Employment and Skills Plan") and not to carry out the Development or Occupy or Permit Occupation otherwise than in accordance with the Approved Employment and Skills Plan.

5.2.3 To commit a named senior level individual to engage with the Employment and Skills Team, including any Construction Partnership Network by working in partnership with the Assigned Officer to:

- a) meet the requirements of the Approved Employment and Skills Plan, the Construction Partnership Network and the obligations set out in this paragraph 5.2; and
- b) to ensure efficient management and supply of Residents for employment and training opportunities on Implementation of the Development in accordance with the Approved Employment and Skills Plan PROVIDED THAT the DoHRP shall not be required to offer employment to any candidate who does not have the necessary skills, knowledge or qualifications necessary to perform the employment.

5.2.4 Not to Implement or cause or permit the Implementation unless and until the ADoPBSS has been informed of the name and contact details of the individual appointed pursuant to paragraph 5.2.3.

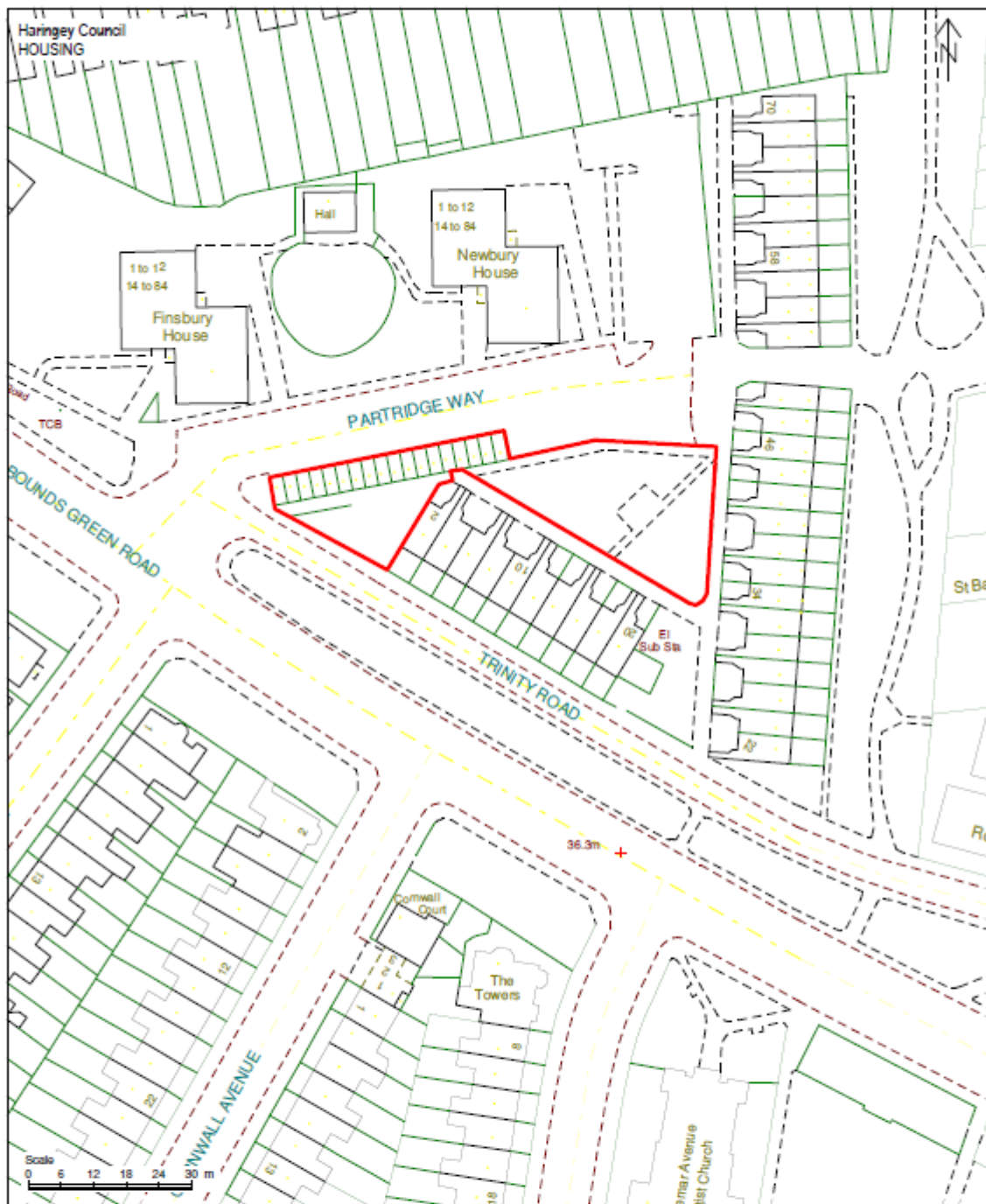
5.2.5 In the event that the target set in paragraph 5.2.1 a) above is not met in accordance with the Approved Employment and Skills Plan then the DoHRP shall meet with the Assigned Officer to review the Approved Employment and Skills Plan and to identify and agree measures to help achieve the relevant target and such meeting to take place within 10 Working Days of the date of a written request from the Assigned Officer to meet.

5.2.6 In the event that the ADoPBSS determines that despite the DoHRP's reasonable endeavours the number of Apprenticeships has not been delivered in accordance with paragraph 5.2.1 c) and the Approved Employment and Skills Plan then the DoHRP shall pay a sum of £13,000 per full time Apprentice not employed in accordance with paragraph 5.2.1 c) to the Council to support Apprenticeships and such amount shall be paid within 15 Working Days of receipt of written demand from the ADoPBSS.

5.2.7 To state clearly in tender documentation, prior to selecting the main contractor, that they will instruct their contractors/sub-contractors that these obligations under this paragraph 5.2 are required and that they shall be required to engage with the ADoPBSS in respect of the performance of the obligations under this paragraph 5.2.

6 Non-compliance

DoHRP confirms that in the event that any non-compliance and/or breaches of the commitments in paragraphs 3 and 4 cannot be resolved through discussions between DoHRP and ADoPBSS such non-compliance/breach will be referred to the Chef Executive to resolve.



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Partridge Way
Wood Green
London
N22 4DW

Red line - Site boundary
Portfolio - HRA

Deed packet no:

Title no:

Area: 0.1275 ha

Scale 1:1000

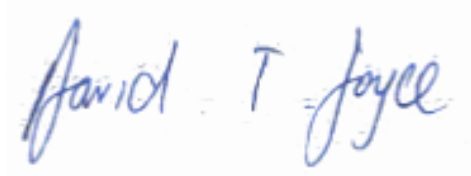
Drawing No. BVES A4

Ward: Bounds Green

Overlay: ACT - HDT

Plan produced by Shannon Francis on 18/05/2021

Yours sincerely,

A handwritten signature in blue ink that reads "David T. Joyce". The signature is written in a cursive style with a large 'D' and a stylized 'T'.

David Joyce
Director of Housing, Regeneration and Planning