

Officer Report

Application Number:	HGY/2023/1889
Application Type:	Removal/variation of conditions
Address:	5 St Marys Close, Tottenham, London, N17 9UD
Proposal:	Application under Section 73 to vary the wording of condition 14 of planning permission ref: HGY/2020/0136 (Redevelopment of parking spaces and part of roadway to erect 2 x dwelling houses with front and rear gardens with provision of 2 x parking spaces) to give Local Authority flexibility to charge rent at London Affordable Rate.
Case Officer:	Ben Coffie
Valid Date:	14/07/202
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Applicant:	Mrs Katarzyna Barwinska
Agent:	

RECOMMENDATION

Approve with Conditions

PROPOSED DEVELOPMENT AND LOCATION DETAIL

Proposed Development

The application seeks planning permission for the variation of condition 14 of planning permission with ref: HGY/2020/0136 to give The Council flexibility to charge rent at London Affordable Rent rather than Social Rent.

Site and Surroundings

The site is a northern section of the public highway comprising the larger of two heads terminating the cul-de-sac of St Mary's Close, and adjoining hardstanding on either side in use as under-utilised parking space.

The site lies in the North Tottenham Conservation Area. its enclosure by Rheola Close and more recent buildings (1-3) on St Mary's Close Mean it is largely isolated from the nearest heritage assets on Kemble Road (Kemble Hall to the Northeast) and the High Road.

Relevant Planning and Enforcement History

HGY/2020/0136 - Redevelopment of parking spaces and part of roadway to erect 2 x dwelling houses with front and rear gardens with provision of 2 x parking spaces - Approved 08/07/2020.

LOCAL REPRESENTATIONS

No representations received from neighbours, local groups, etc. in response to notification and publicity of the application.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

- Background
- Scope of a section 73 application
- Proposed change

Background

The original permission (HGY/2020/0136) was granted for the development outlined above. However, a variation is sought to alter condition 14 to allow the Local Authority to charge rent at London Affordable Rate rather than social rent levels.

Condition 14 reads

Notwithstanding any provisions to the contrary, the two residential units hereby approved shall be for rent at social-rent levels within the C3 use class, and for no other tenure or use unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the scope of this permission in relation to the provision of affordable housing..

Scope of Section 73 Application

An application can be made under S.73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. A S.73 application results in a new permission being issued.

The LPA therefore has to make a decision focusing on national or local policies which may have changed significantly since the original grant of planning permission as well as the merits of the changes sought.

Assessment:

Haringey Housing Delivery Context

The applicant team have set out that Haringey Council has an ambitious programme to deliver 3,000 new council homes by 2031. This is a key corporate priority, given that like many other local authorities, Haringey is facing an acute demand for housing with more than 12,500 households on our housing waiting list.

Following a review of the housing delivery program to address the significant challenges in the construction industry at present, Haringey Council's Cabinet approved the provision of all homes within the pipeline to be available at London Affordable Rent levels as well as at social rent levels. This flexibility has been included to help address financial pressures and is considered a positive step taken to accelerate the delivery of new council homes in the borough. The uplift in rent to London Affordable rent levels will help to financially support this change and ensure that the provision of homes for market sale is no longer required, increasing the delivery of more council homes.

Planning Policy Context

Planning Policy Framework 2021 (NPPF) establishes the overarching principles of the planning system, including the requirement of the system to "drive and support development" through the local development plan process. It advocates policy that seeks to significantly boost the supply of housing and requires local planning authorities to ensure their Local Plan meets the full, objectively assessed housing needs for market and affordable housing.

Policy H4 requires the provision of more genuinely affordable housing. The Mayor of London expects that residential proposals on public land should deliver at least 50% affordable housing on each site.

Delivering more genuinely affordable housing is a key strategic issue for London. Meeting the need for circa 43,500 affordable homes per year, as established in the 2017 Strategic Housing Market Assessment (SHMA), will require an increase in affordable housing contributions from all sources. All schemes are expected to maximise the delivery of affordable housing and make the most efficient use of available resources. This is critical to enabling London to meet the housing needs of its workforce and maintain the function and resilience of the city.

The Mayor is committed to delivering genuinely affordable housing. Within the broad definition of affordable housing, the Mayor's preferred affordable housing tenures are:

- Homes based on social rent levels, including Social Rent and London Affordable Rent;
- London Living Rent
- London Shared Ownership

London Affordable Rent and Social Rent homes are for households on low incomes where the rent levels are based on the formulas in the Social Housing Regulator's Rent Standard Guidance. The rent levels for Social Rent homes use a capped formula and London Affordable Rent homes are capped at benchmark levels published by the GLA. Rents for both are significantly less than 80 per cent of market rents, which is the maximum for Affordable Rent permitted in the NPPF. More detail is contained within the Mayor's Homes for Londoners Affordable Homes Programme funding guidance. These homes will be allocated in accordance with need (based on the borough's allocations policy).

London Living Rent (LLR) offers Londoners on average incomes a lower rent, enabling them to save for a deposit. The Mayor is introducing LLR as an intermediate affordable housing product with low rents that vary by ward across London. Where funded by the Greater London Authority, LLR will be a Rent to Buy product, with sub-market rents on time-limited tenancies, which will help households on average income levels to save for a deposit. As London Living Rent can be a step to homeownership, it can be considered as an affordable homeownership product.

London Shared Ownership is an intermediate ownership product which allows London households who would struggle to buy on the open market, to purchase a share in a new home and pay a low rent on the remaining, unsold, share.

Local Plan Strategic Policies DPD 2017 (hereafter referred to as Local Plan) sets out the long-term vision of the development of Haringey by 2026 and also sets out the Council's spatial strategy for achieving that vision.

Policy SP2 states that the Council will aim to provide homes to meet Haringey's housing needs and to make the full use of Haringey's capacity for housing by maximising the supply of additional housing to meet and exceed the minimum target including securing the provision of affordable housing.

The Development Management DPD 2017 (hereafter referred to as the DM DPD) supports proposals that contribute to the delivery of the strategic planning policies referenced above and sets out its own criteria-based policies against which planning applications will be assessed. Policy DM10 seeks to increase housing supply and seeks to optimise housing capacity on individual sites. Policy DM13 makes clear that the Council will seek to maximise affordable housing delivery on all sites.

Policy DM13 of the DM DPD states that developments with capacity to accommodate more than ten dwellings should provide affordable housing and highlights a preference for social and affordable rented accommodation.

As highlighted above, this proposal forms part of the Council's Housing Delivery Programme which seeks to increase Council owned, council rent homes in the borough through the delivery of 3,000 new council homes by 2031. It aims to address the Council's housing waiting list through the provision of a wide range of housing typologies and to address issues relating to the over and under occupation of the existing housing stock to ensure the effective use of public assets and funding. London Affordable Rent is the mayors preferred low-cost rented home tenure and the change to allow for London Affordable Rent, will unlock additional funding from the GLA which will allow the council to speed up housing delivery.

London Affordable Rent as with Social Rent, is considered to be a low-cost rented tenure, aiming to deliver homes at the lowest rent levels within the rented sector. The provision of LAR remains compliant with both Haringey affordable housing Policy DM 13 to deliver social/affordable rent and London Plan policy H6 to deliver low-cost rented homes. As such it is considered that the proposed S73 to allow for these homes to be rented at London Affordable Rent and Social Rent levels is considered to comply with policy and would help to deliver much needed affordable housing for the borough.

As such condition 14 of the approved planning permission (HGY/2020/0136) can be varied.

Conclusion

The variation can be considered to be minor material amendments to the approved scheme. All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should not be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

Conditions:

- 1 The development hereby permitted shall be begun not later than the expiration of 02/07/2020

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 02/07/2023 Haringey ref: HGY/2020/0136 and to comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Details of materials used in the approved development shall be carried out in accordance with details approved under references HGY/2021/1349 unless otherwise agreed in writing with the Local Planning Authority

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development, assess the suitability of the details submitted and to ensure a satisfactory standard of design in the interests of visual amenity, consistent with policy D3 and HC1 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 4 Notwithstanding the plans hereby approved, no plumbing, down pipes, rainwater pipes or foul pipes other than those shown on the approved plans shall be located to the external elevations of buildings hereby approved without obtaining express planning consent unless submitted to and approved in writing by the local planning authority as part of discharging this condition.

Reason: The Local Planning Authority considers that such plumbing and pipes would potentially detract from the appearance of the building and undermine the current assessment of the application, necessitating the condition to ensure a satisfactory standard of design in the interests of visual amenity, consistent with Policy of the London Plan D6 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of the Development Management DPD 2017.

- 5 The approved development to be completed in accordance with the details of landscaping approved under reference HGY/2021/0121 and shall be adhered to

throughout the lifetime of the development unless otherwise agreed in writing with Local Planning Authority.

Reason: In order to provide a suitable setting for the proposed development in the interests of visual amenity consistent with Policy D4 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 6 Details of the type and location of secure and covered cycle parking facilities shall be completed in accordance with details submitted under HGY/2022/0993 unless otherwise agreed in writing with the LPA.

Reason: To promote sustainable modes of transport in accordance with Policies T2 and T5 of the London Plan 2021 and Policy SP7 of the Haringey Local Plan 2017.

- 7 The approved development to be completed in accordance with the Method of Construction Statement approved under reference HGY/2020/2957 and shall be adhered to throughout the construction period for the development unless otherwise agreed in writing with Local Planning Authority.

Reasons: To ensure there are no adverse impacts on the free flow of traffic on local roads and to safeguard the amenities of the area consistent with Policy T4 of the London Plan 2021, Policies SP0 of the Haringey Local Plan 2017 and with Policy DM1 of The Development Management DPD 2017

- 8 Details of materials used in the approved development shall be carried out in accordance with details approved under reference HGY/2022/1242 unless otherwise agreed in writing with the Local Planning Authority

Reason: To promote sustainable transport and to reduce the potential for additional on street parking stress as a result of the development

- 9 Details of materials used in the approved development shall be carried out in accordance with details approved under references HGY/2020/00136 and HGY/2022/1189 unless otherwise agreed in writing with the Local Planning Authority

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

- 10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework, policy 5.21 of the London Plan 2016 and Policy DM1 of The Development Management DPD 2017.

- 11 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 or any Order revoking or re-enacting that Order, no works permitted under Classes A-E shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.

Reason: To safeguard the visual amenities of the area and to prevent overdevelopment of the site by controlling proposed extensions and alterations consistent with Policy 7.4 of the London Plan 2016 and Policy DM1 of The Development Management DPD 2017.

- 12 Prior to occupation, details of full Secured by Design Accreditation shall be submitted in writing to and for approval by the Local Planning Authority. The details shall demonstrate consultation with the Metropolitan Police Designing Out Crime Officers. The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason: To ensure safe and secure development and reduce crime.

- 13 Before the first occupation of the extension hereby permitted, the first floor side windows shall be fitted with obscured glazing and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening and fixed shut. The windows shall be permanently retained in that condition thereafter.

Reason: To avoid overlooking into the adjoining properties and to comply with Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 14 Notwithstanding any provisions to the contrary, the two residential units hereby approved shall be for rent at social-rent levels within the C3 use class, and for no other tenure or use unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the scope of this permission in relation to the provision of affordable housing.

- 15 The placement of any satellite dish or television antenna on any external surface of the development is precluded, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality.

Informatives:

The LPA would encourage that the applicant surveys the future residents of the properties hereby approved to establish their success in terms of design quality and liveability, and their feedback used to inform the housebuilding programme going forward.

The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:- 8.00am - 6.00pm Monday to Friday 8.00am - 1.00pm Saturday and not at all on Sundays and Bank Holidays.

INFORMATIVE: Party Wall Act

The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.

The new development will require numbering. The applicant should contact the Local Land Charges at least six weeks before the development is occupied (tel. 020 8489 3472) to arrange for the allocation of a suitable address.

The London Fire and Emergency Authority recommends that sprinklers are considered for new development and major alterations to existing premises. Sprinkler systems installed in building can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. With regards to surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water course, or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777