

Officer Report

Application Number:	HGY/2023/1813
Application Type:	Removal/variation of conditions
Address:	38 Cornwall Road, Tottenham, London, N15 5AR
Proposal:	S73 Application for variation of Condition 16 of application HGY/2021/0967 to reference London Affordable Rent or council social rent.
Case Officer:	Oskar Gregersen
Valid Date:	10/07/2023
Applicant:	3
Agent:	Jack Goulde

RECOMMENDATION

Approve with Conditions

PROPOSED DEVELOPMENT AND LOCATION DETAIL

Proposed development

This is an application for the variation of condition 16 of HGY/2021/0967 to reference London Affordable Rent.

Site and Surroundings

The application site consists of 2 x 3 storey residential blocks containing 9 flats approved under HGY/2021/0967. The site is surrounded largely by other residential blocks, with the further context being made up of largely two-storey Victorian homes.

The site is not located within any conservation area, nor is it locally listed.

Relevant Planning and Enforcement history

The most recent planning history in relation to the site is as follows.

- HGY/2021/0967 | Erection of 2 x 3 storey residential blocks containing 9 flats (3 x 1 bed flats in front block & 4 x 2 bed flats and 2 x 2 bed wheelchair flats in rear block); Associated development including communal bin store, bike store, communal landscaping, and upgrades to the landscaping along existing Cornwall Road frontage.
Approve w/ conditions

- HGY/2021/3417 | Approval of details pursuant to condition 8 (Method of Construction Statement) attached to planning permission ref: HGY/2021/0967
Approve w/ conditions

- HGY/2021/3418 | Approval of details pursuant to condition 9 (parts a, b, c) (Phase 2 Geo-environmental Investigation & Remediation Strategy & Verification Plan) attached to planning permission ref: HGY/2021/0967
Approve w/ conditions

- HGY/2022/0075 | Non-material amendment to planning permission HGY/2021/0967 to change condition 13 (Living Roof) from a pre-commencement condition to a pre-above Ground condition.
Approve w/ conditions

- HGY/2022/0411 | Approval of details pursuant to condition 3 (part ii) (Materials) attached to planning permission ref: HGY/2021/0967
Approve w/ conditions

- HGY/2022/0412 | Non material amendment to planning permission HGY/2021/0967 to carry out alterations to approved development as set out in submitted cover letter.
Approve w/ conditions

- HGY/2022/0842 | Approval of details pursuant to condition 11a (details of the proposed ventilation and heating systems and solar PV) attached to planning permission ref: HGY/2021/0967
Approve w/ conditions

- HGY/2022/0848 | Approval of details reserved by condition: Discharge of condition 13 'Living roof plan' attached to application HGY/2021/0967
Approve w/ conditions

- HGY/2022/2019 | Approval of details reserved by a condition 15 (Secured by Design Accreditation) attached planning permission ref: HGY/2021/0967
In progress

- HGY/2022/2410 | Approval of details pursuant to condition 11 b (Energy Assessment) attached to planning permission ref: HGY/2021/0967
Approve

- HGY/2022/2411 | Approval of details pursuant to condition 17 (Central dish/aerial system) attached to planning permission ref: HGY/2021/0967
Approve

- HGY/2022/2580 | Approval of details pursuant to Condition 12 (Details of internal Blinds) to attached to planning permission HGY/2021/0967.
Approve

- HGY/2022/3560 | Approval of details pursuant to condition 3 Part I (Window Details) of application ref: HGY/2021/0967
Approve

- HGY/2022/3561 | Approval of details pursuant to condition 3 Part 2 (Materials Schedule) of application HGY/2021/0967.
Approve

- HGY/2023/0699 | Submission of details pursuant to condition 7 (cycle store details) of planning permission HGY/2021/0967.

Approve

- HGY/2023/0995 | Approval of details reserved by Condition 4 (Trees and Landscaping) attached to planning permission reference HGY/2021/0967.

Approve

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 16 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 to which this permission relates must be begun no later than three years from the date of this decision notice, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of Section 91 of the Town and Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.

- 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 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 7.6 of the London Plan 2016, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 4 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.

Reasons: 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.

- 5 Before the first occupation of the development hereby permitted, the rear/ eastfacing

window panels on the upper-floor bay windows on the east-facing elevation to the rear block (block 2) shall be fitted with obscured glazing and shall be nonopening and fixed shut unless otherwise agreed in writing within the Local Planning Authority.

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.

Informatives:

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.

INFORMATIVE: Land Ownership

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.

INFORMATIVE: Crossovers

The proposed development requires a redundant crossover to be removed. The necessary works will be carried out by the Council at the applicant's expense once all the necessary internal site works have been completed. The applicant should telephone 020 8489 1316 to obtain a cost estimate and to arrange for the works to be carried out before the development is occupied.

INFORMATIVE: All works shall be undertaken by a qualified and experienced tree surgery company and to BS 3998:2010 Tree work - Recommendations.

INFORMATIVE : Community Infrastructure Levy The applicant is advised that the proposed development will be liable for the Mayor of London and Haringey CIL. Based on the information given on the plans, the Mayor's CIL charge will be £30,353.72 (501.3 sqm x £60.55) and the Haringey CIL charge will be £10,477.17 (501.3 sqm x £20.90 (Indexation included). This will be collected by Haringey after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.

INFORMATIVE: 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.

INFORMATIVE: 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.

INFORMATIVE: 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.

INFORMATIVE: Hours of Construction Work

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.