



Officer Report

Application Number: HGY/2023/1817
Application Type: Removal/variation of conditions
Address: Land opposite 16 Park Road, Edith Road, London, N11 2QE
Proposal: Minor material amendment (S. 73) to to vary condition 21 planning permission (ref. HGY/2020/0589) granted on 3rd July 2020 for the erection of part 2/3/4-storey block of 8no. houses and flats (affordable Council rent) with cycle and refuse storage facilities and associated amenity area and landscaping at former car parking site (Class use C3) ; namely to provide flexibility for the Council to charge London Affordable Rent
Case Officer: Tania Skelli
Valid Date: 10/07/2023
Applicant: Mr Jack Goulde
Agent:

RECOMMENDATION

Approve with Conditions

PROPOSED DEVELOPMENT AND LOCATION DETAIL

Proposed Development

The application seeks planning permission for the variation of condition 21 of planning permission with ref: HGY/2023/1817 to give The Council flexibility to charge rent at London Affordable Rent rather than Social Rent.

Site and Surroundings

The site is on the corner of Edith Road and Park Road. To the rear lies Tredegar Road. To the east is a modern terrace of two-storey houses and a car park. To the front of the site (north-west) is the Springfield Community Park and 1930s two-storey detached houses and to the north-east, on Park Road, lies a Victorian terrace of two-storey houses.

The site was formerly used as a car park in association with housing on the Tredegar Road. The land is council owned.

The site is not in a conservation area and does not include any statutorily listed building.

Relevant Planning and Enforcement History

None relevant

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/2020/0589) was granted for the development outlined above. However, a variation is sought to alter condition 21 to allow the Local Authority to charge rent at London Affordable Rate rather than social rent levels.

Condition 21 reads

Notwithstanding any provisions to the contrary, the eight residential units hereby approved shall be for rent at council 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 21 of the approved planning permission (HGY/2020/0589) 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 Time limit - development Implemented.
- 2 The approved plans comprise drawing nos: 173-001-EX-LOC/P1, 173-002-PLN/P1, 003 to 008- SEC-P1, 009 to 014-GA-PLN/P1, 015 to 022-GA-SEC/P1, Sustainable Drainage Systems Strategy by Icení dated February 2020, Sustainability Statement by Icení dated February 2020, Draft Construction Logistics Plan ref. 81728-B dated January 2020, Daylight and Sunlight Study dated 31/1/20, Arboricultural Impact Assessment by Arboricultural Solutions dated November 2019, Biodiversity Assessment Report by Arboricultural Solutions dated November 2018, SUDS flow and volumes proforma, design and Access Statement dated 29/2/2020, Parking Stress Survey dated by Alpha Parking dated 17/4/2020. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

The following drawings were approved and supersede the above where relevant under non-material amendment ref. HGY/2022/1733 granted on 30/8/2022:

Site location plan, 21005-100/C2, 101/C2, 102/C2, 103/C2, 110/C2, 110/C2, 111/C2, 112/C2, 113/C2, 200/C2, 201/C2, 202/C2, 203/C2, 415/C1, 419/C1, 420/C1, 422/C1, 423/C1, 424/C1, Supporting Statement by Cook Associates.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

- 3 Details and samples of all facing materials shall be used and applied as approved under approval of details ref. HGY/2022/0604 granted on 17/6/2022.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.

- 4 Any works of demolition or construction shall take place in accordance with the approved Method of Construction Statement as approved under ref. HGY/2021/2990 on 23/6/2023.

Reason: 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 Policies T1 and T4 of the London Plan 2021, Policies SP0 of the Haringey Local Plan 2017 and with Policy DM1 of The Development Management DPD 2017.

- 5 Prior to occupation, the development hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (1), (2) and (3) as indicated on the approved plans and supplementary information. Evidence demonstrating compliance

should be submitted to and approved by the Local Planning Authority.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time.

- 6 The proposed 23 secure and covered cycle parking facilities as set out on plan number 173-009- GA-PLN/P1 shall be provided prior to the occupation of the use hereby permitted and such spaces shall be retained thereafter for this use only.

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

- 7 The detailed scheme for the provision of refuse and waste storage and recycling facilities shall be implemented as approved in writing by the Local Planning Authority under ref. HGY/2022/1057 granted on 30/5/2022. Such a scheme as approved shall be permanently retained thereafter.

Reason: In order to protect the amenities of the locality and to comply with Policy DM4 of The Development Management DPD 2017 and Policy D4 of the London Plan 2021.

- 8 All works on site shall be carried out in compliance with the approved details as under ref. HGY/2021/2992 granted on 20/1/2022 and HGY/2022/0699 granted on 4/5/2022.

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

- 9 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.

- 10 Prior to installation, details of the Mechanical Ventilation and Heat Recovery (MVHR) system shall be submitted to the Local Planning Authority. Details should include the efficiency, location of the units to ensure easy access for servicing, plans showing the rigid ducting.

Reason: To ensure the new homes are adequately ventilated as required by London Plan Policies D4 and S13 and Policy D6 (housing quality and standards) of the Haringey Local Plan 2017.

- 11 Prior to superstructure works, details of the design implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Details shall include:- (a) Final detailed drawings of the drainage system. (b) Details of the management maintenance for the lifetime of the development, management by residents, management company or other arrangements to secure the operation of the surface water drainage works. (c)

Confirmation from Thames Water, that capacity exists in their network to receive the surface water and approval for the connection to their network.

Reason: To promote a sustainable development consistent with the Haringey Local Plan 2017

- 12 Prior to the relevant stage, details of a scheme for living roofs for the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include: (a) A roof plan identifying where the living roofs will be located; (b) A substrate of no less than 120mm for extension living roofs; (c) Sections showing the diversity of substrate depths and types across the roof to provide contours of substrate, such as substrate mounds in areas with the greatest structural support to provide a variation in habitat; (d) A plan showing the location of log piles / flat stones for invertebrates; (e) The range of native species of wildflowers and herbs planted to benefit native wildlife. The living roof will not rely on one species of plant life such as Sedum (which are not native); (f) Relationship with photovoltaic array; and (g) Irrigation, management and maintenance arrangements. The development shall be implemented in accordance with the approved scheme prior to its first occupation and the living roofs shall be retained and managed thereafter in accordance with the approved management arrangements. No alterations to the approved scheme shall be permitted without the prior written consent of the Local Planning Authority.

Reason: To ensure a sustainable development that provides provision towards the creation of habitats for biodiversity, mitigate against climate change and support water retention, consistent with Policy G6 the London Plan 2021 and Policies SP4, SP5, SP11 and SP13 of the Haringey Local Plan 2017.

- 13 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.

- 14 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 D4 of the London Plan 2021 and Policy DM1 of The Development Management DPD 2017.

- 15 Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include: 1) location, type and materials to be used for hard landscaping including specifications for the permeable paving; 2) a schedule detailing sizes and numbers/densities of all proposed trees/plants; 3) layout and specification of food growing and composting area, including how rainwater will be harvested and water points are accessible to growers; 4) bird and bat boxes; and 5) Details, including elevations and materials of all hard boundary treatments. Any new tree(s) that die(s), are/is removed or

become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: In order to provide a suitable setting for the proposed development in the interests of visual amenity consistent with Policy D4, G6 and SI13 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 16 (a) The development hereby approved shall be constructed in accordance with the Sustainability Statement v2 by Icení (February 2020) delivering a 104% improvement on carbon emissions over 2013 Building Regulations Part L with high fabric efficiencies, air source heat pumps and solar photovoltaic energy generation.
- (b) Two months prior to occupation of the development, confirmation shall be submitted of the maximum possible solar photovoltaic (PV) energy to be generated on the roof. The submission shall include: a roof plan; the number, angle, orientation, type, and efficiency level of the PVs; how overheating of the panels will be minimised; their peak output (kWp) and the final carbon reduction at the Be Green stage of the energy hierarchy. The proposed additional solar array should aim to generate at least 23,000 kWh of renewable electricity per year. The solar PV array shall be installed with monitoring equipment prior to completion and shall be maintained and cleaned at least annually thereafter.
- (c) Prior to occupation of the development, the following overheating measures must be installed and retained for the lifetime of the development to reduce the risk of overheating: - External horizontal shading above window openings; - Internal blinds fixed to the plasterboard with a solar reflectance of 50%, solar transmittance of 11% and a white backing; - Window g-values of 0.63 or better; - Hot water pipes insulated to high standards. (d) Prior to above ground construction works, details of the air source heat pumps must be submitted to the Local Planning Authority. This should include the location of ASHP, and if necessary, the mitigation measures for the ASHP, and evidence that the heat pump complies with other relevant issues as outlined in the Microgeneration Certification Scheme Heat Pump Product Certification Requirements.

Reason: To comply with London Plan 2021 Policy S12 and Local Plan Policy SP4 and in the interest of adapting to climate change and to secure sustainable development.

- 17 Prior to first occupation, evidence shall be submitted to demonstrate that arrangements have been made to secure the development as 'car free' in accordance with a detailed scheme or agreement which has been approved in writing by the local planning authority. The approved scheme/ agreement should ensure that all future occupiers of the approved development cannot apply for or obtain an on street parking permit to park a vehicle on the public highway in perpetuity. The approved scheme/ agreement shall be implemented prior to first occupation of the development hereby permitted.

Reason: To promote sustainable transport and to reduce the potential for additional on street parking stress as a result of the development, consistent with Policy DM32 of The Development Management DPD 2017 and Policy T16 of the London Plan 2021.

- 18 The proposed residential units shall not be occupied until an agreement with the local highway authority under Section 278 of the Highways Act 1980 securing the following works outside the site have been secured:
- The necessary section of redundant crossover across the footway into the site is

removed and public footpath at this location reinstated.

- The location of a disabled badge (blue badge bay) parking bay on the public highway, adjacent to the relevant accessible dwelling is secured.

Reason: In order to ensure that the proposed development includes accessible parking and does not prejudice the free flow of vehicular and pedestrian traffic or the conditions of general safety of the highway and consistent with Policy T1 of the London Plan 2021.

- 19 Before the development hereby permitted is occupied, details of any external lighting shall be submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution and minimise impacts to foraging bats. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the protecting the amenities of neighbouring occupants, in accordance with policy D3 of the London Plan 2021 and policy DM1 of the Haringey Development Management DPD 2017.

- 20 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 the 6 flats shall be served by a single Integrated Reception System (IRS) for the reception of TV signals, and no further aerials or satellite dishes shall be installed without agreement in writing by the local planning authority.

Reason: In the interest of the appearance and visual amenities of the development and immediate surroundings.

- 21 Notwithstanding any provisions to the contrary, the eight residential units hereby approved shall be for rent at council social-rent OR London Affordable 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.

Informatives:

Community Infrastructure Levy Based on the information given on the plans, the Mayoral CIL charge will be £46,996.32 (788sqm x £59.64) and the Haringey CIL charge will be £291,820.04 (788sqm x £ 370.33 (Indexation included)). This will be collected by Haringey should the scheme be 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. An informative will be attached advising the applicant of this charge.

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.

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.

Thames Water

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.

The applicant must seek the continual advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOs) to achieve accreditation. The services of MPS DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813.

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.

In dealing with this application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our development plan comprising the London Plan 2016, the Haringey Local Plan 2017 along with relevant SPD/SPG documents, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant during the consideration of the application.