

Officer Report

Application Number:	HGY/2023/1833
Application Type:	Removal/variation of conditions
Address:	Land Adjacent 6, Stainby Road, Tottenham, London
Proposal:	Application under Section 73 to vary the wording of condition 9 of planning permission ref: HGY/2021/0087 (Erection of two x 3 bedroom houses) to give Local Authority flexibility to charge rent at London Affordable Rate.
Case Officer:	Kwaku Bossman-Gyamera
Valid Date:	11/07/2023
Applicant:	3
Agent:	Mr Jack Goulde

RECOMMENDATION

Approve with Conditions

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

1.1 The application seeks planning permission for the variation of condition 9 of planning permission with ref: HGY/2021/0087 to give the Council flexibility to offer the homes for London Affordable Rent rather than Social Rent.

Site and Surroundings

1.2 The application site is currently an open site accommodation containing four parking spaces including a manoeuvring area adjacent to No.6 Stainby Road. Across the road from the site is a single storey building containing the Welbourne Child Centre.

1.3 The flank walls of the adjacent two-storey terraced house and the garden fence form the west boundary of the site. A high brick walls with private gardens behind runs along the southern boundary. Surrounding area is mainly residential in character.

1.4 The site is not located within any conservation area and does not fall within the curtilage of a listed building.

Relevant Planning and Enforcement history

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

- HGY/2021/0087 - GTD - Erection of two x 3-bedroom houses - 22/02/2021.

2. LOCAL REPRESENTATIONS

2.1 The application has been publicised by way of 36 letters. The number of representations received from neighbours, local groups, in response to notification and publicity of the application were as follows:

No of individual responses: 0

Objecting: 0

Supporting: 0

3. MATERIAL PLANNING CONSIDERATIONS

3.1 The main planning considerations raised by the proposed development are:

1. Background
2. Scope of a section 73 application
3. Proposed change

Background

3.2 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.

3.3 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

3.4 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.

3.5 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

3.6 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.

3.7 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.

3.8 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.

3.9 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

3.10 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).

3.11 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.

3.12 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.

3.13 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.

3.14 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.

3.15 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.

3.16 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.

3.17 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.

3.18 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.

3.19 As such condition 9 of the approved planning permission (HGY/2021/0087) can be varied.

Conclusion

3.20 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 22/02/2024.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 22/02/2021 Haringey ref: HG Y/2021/0087 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/2022/0213 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 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 4 The approved development to be completed in accordance with the Method of Construction Statement approved under reference HGY/2021/2862 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

- 5 No development shall take place until details of all enclosures around the site boundary (fencing, walling, openings etc) at a scale of 1:20, have been submitted to and approved in writing by the Local Planning Authority. Details shall include the proposed design, height and materials. The approved works shall be completed prior to occupation of the development and shall be permanently retained thereafter.

Reason: In the interest of public safety and security and to protect the visual amenity of the locality consistent with Policies D3 and D4 of the London Plan 2016 and 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 approved under HGY/2021/3523 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 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 D4 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017

- 8 Details of full Secured by Design Accreditation shall be completed in accordance with details approved under planning application Ref: HGY/2022/2029 unless otherwise agreed in writing with Local Planning Authority (LPA).

The development shall only be carried out in accordance with the approved details.

Reason: To ensure the safety and security of the development and locality in accordance with Policy DM1 of the Development Management Development Plan Document 2017.

- 9 Details the person carrying out the work is a member of the Considerate Constructors Scheme and its code of practice, including details of the membership and contact details shall be completed in accordance with submission approved under ref: HGY/2021/3003.

The development shall only be carried out in accordance with the approved details.

Reason: In the interests of residential amenity.

- 10 Evidence demonstrating compliance with building Regulations Part M4 (2) as indicated on the approved plans and supplementary information, shall be completed in accordance with details approved under planning application ref HGY/2022/2030 unless otherwise agreed in writing with Local Planning Authority (LPA).

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

- 11 The development hereby approved shall be constructed in accordance with the Energy and Sustainability Strategies prepared by RPS Group (dated 16 May 2020) delivering a reduction in carbon emissions of 78.32% using SAP 10 carbon factors over Part L 2013 Building Regulations with high fabric efficiencies and air source heat pumps (ASHPs).

Reason: To ensure a sustainable development that mitigates against climate change consistent with Policy 5.11 of the London Plan 2016 and Policies SP4, SP5, SP11 and SP13 of the Haringey Local Plan 2017.

- 12 Details of the proposed Air Source Heat Pump (ASHP) system shall be completed in accordance with details approved under planning application Ref: HGY/2022/2211 unless otherwise agreed in writing with Local Planning Authority (LPA).

The development shall only be carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of design in the interests of visual amenity, consistent with Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 13 14. Before development commences other than for investigative work:
- a. Using the information already submitted in Phase 1 Environmental Report with reference 2000 - P1E - 1 prepared by Contaminated Land Solutions Ltd dated 11th December 2020, an intrusive site investigation shall be conducted for the site using information obtained from the desktop study and Conceptual Model. The site investigation must be comprehensive enough to enable; a risk assessment to be undertaken, refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.
 - b. The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority which shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.
 - c. Where remediation of contamination on the site is required, completion of the remediation detailed in the method statement shall be carried out and;
 - d. A report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

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

Please note condition 14 (a) & (b) have been approved under ref: HGY/2021/3211. Condition 14 (c) and (d) are still outstanding.

- 14 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

- 15 a) No works shall commence on the site, until details of all the plant and machinery to be used during the construction phases have been submitted to and approved in writing by the Local Planning Authority. Evidence is required to meet Stage IIIB of EU Directive 97/68/ EC for both NOx and PM.

No works shall be carried out on site until all Non-Road Mobile Machinery (NRMM) and plant to be used on the site of net power between 37kW and 560 kW has been registered at <http://nrmm.london/>. Proof of registration shall be submitted to the Local Planning Authority prior to the commencement of any works on site.

b) An inventory of all NRMM must be kept on site during the course of the site preparation and construction phases. All machinery should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment. This documentation should be made available to local authority officers as required until development completion.

(This condition has been approved in accordance with planning application ref: HGY/2021/3214 and shall be adhered to throughout the construction period for the development unless otherwise agreed in writing with Local Planning Authority.

Reason: To protect local air quality, in accordance with Policy SI1 of the London Plan (2021).

- 16 Notwithstanding any provisions to the contrary, all the residential units delivered by the development hereby approved, shall be provided at affordable rent levels (including London Affordable Rent and/ or Social Rent levels) within the C3 use class, and for no other tenure or use. All the residential units shall be retained in this tenure and use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the scope of this permission in relation to the provision of affordable housing for rent accommodation, in accordance with Policy H4 of the London Plan (2021), Policy SP2 of the Haringey Local Plan (2017) and Policy DM13 of The Development Management DPD (2017).