

Officer Report

Application Number:	HGY/2023/1888
Application Type:	Removal/variation of conditions
Address:	Land adjacent to 318A White Hart Lane, Tottenham, London, N17 8LA
Proposal:	Variation of condition 12 (housing tenure) attached to planning permission ref: HGY/2020/1322 (Erection of a new residential building providing 6 dwellings with associated private and communal amenity space, refuse/recycling and bicycle store), to give Local Authority flexibility to charge rent at London Affordable Rate.
Case Officer:	Sarah Madondo
Valid Date:	14/07/2023
Applicant:	3
Agent:	Ms Thandi Gonzales

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAIL

Proposed Development

Application under Section 73 to vary the wording of condition 12 of planning permission ref: HGY/2020/1322 (Erection of a new residential building providing 6 dwellings with associated private and communal amenity space, refuse/recycling and bicycle store.), to give Local Authority flexibility to charge rent at London Affordable Rate.

Site and Surroundings

The site is the land adjacent to 318a White Hart Lane, the site faces South onto White Hart Lane and West onto Weir Hall Road. Opposite the site is Tottenham Cemetery, which lies within the Tottenham Conservation Area. The site itself lies outside the Conservation Area. The site has very good access to transport links such as White Hart Lane Overground Station to the east, linking the site to Liverpool Street, Central London, Enfield and Cheshunt to the north. The area is residential in character comprising of two-storey pitched roof terraced housing.

Relevant Planning and Enforcement History

HGY/2020/1322 Land Adjacent to 318A White Hart Lane London N17 Erection of a new residential building providing 6 dwellings with associated private and communal amenity space, refuse/recycling and bicycle store. Approved with Conditions 21/9/2020

2. LOCAL REPRESENTATIONS

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

3. 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/2020/1322) was granted for the development outlined above. However, a variation is sought to alter condition 12 to allow the Local Authority to charge rent at London Affordable Rate rather than social rent levels.

Condition reads

Notwithstanding any provisions to the contrary, the six 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 levds eghrgepraot5eog3ns is considered to comply with policy and would help to deliver much needed affordable housing for the borough.

As such condition 12 of the approved planning permission (HGY/2020/1322) 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 21/09/2020

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 21/09/2020 Haringey ref: HGY/2020/1322 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 and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work of the relevant phase commencing on site. The details and samples shall include:
- a) Facing Brickwork(s); sample panels of proposed brickwork to be used showing the colour,
 - b) texture, pointing and perforated brickwork and boundary walls shall be provided;
 - c) window reveals, soldier courses and balconies (including plan, elevation and section drawings indicating jamb, head, cill, reveal and surrounds of all new external windows and doors at a scale of 1:10);
 - d) Zinc cladding;
 - e) Metal sheet cladding including perforated pattern;
 - f) Roof capping;
 - g) Doors; timber doors and aluminium entrances/screens;
 - h) Aluminium/timber composite window treatment;
 - i) Canopies;
 - j) Timber screens;
 - k) Balustrades;
 - l) Balcony materials;
 - m) Roofing materials;
 - n) down pipes, rainwater pipes or foul pipes
 - o) Any other external materials to be used.
- The development shall be carried out in accordance with the approved details under reference (HGY/2022/0767).

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 samples submitted and 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 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.

- 5 Before development commences other than for investigative work:
- a. With the recommendation of the outcome of risk assessment in section 5.4 of the submitted Desk Study/Preliminary Risk Assessment Report with reference P2365J1795/AMM prepared by JOMAS Associates Ltd dated 7th October 2019 indicating the risk of contamination and the need for Phase II investigation, a site investigation shall be conducted for the site using information obtained from the desktop study and Conceptual Model. The 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.
 - c. If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

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 under planning application (HGY/2021/2828 & HG/2021/3308)

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.

- 6 Prior to above ground works, details of a scheme for living roofs for the development hereby permitted should be 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 5.11 of the London Plan 2016 and Policies SP4, SP5, SP11 and SP13 of the Haringey Local Plan 2017.

- 7 The development hereby approved shall be constructed in accordance with the Energy and Sustainability Strategy prepared by Whitecode Design Associates (dated 24 July 2020, rev 3) delivering a 84.4% improvement on carbon emissions over 2013 Building Regulations Part L with high fabric efficiencies, air source heat pumps (ASHPs) and 7.5 kWp solar photovoltaic (PV) array.
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.
- 8 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.
- 9 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 7.6 of the London Plan 2016 and policy DM1 of the Haringey Development Management DPD 2017.
- 10 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 and soft landscaping including specifications for the permeable paving and opportunities to minimise solar gain and encourage biodiversity;
- 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 7.21 of the London Plan 2016, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 11 No development shall take place until a final Construction Logistics Plan (CLP) / Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority.
- The CLP/ CMP shall provide details of:
- (a) To address impact of construction, site assembly works and impact on the operation of the highway network:
 - I. A programme of works (including measures for traffic management);
 - II. Vehicle routing and if any reversing manoeuvres on public highway land is required, provision for the management of their movement by a qualified and certificated banksman;
 - III. Storage of plant and materials used in constructing the development;
 - IV. Plant and machinery to be used during construction works;
 - V. Details of any construction compound including the siting of any temporary site office, toilets, skips or any other structure;
 - VI. The erection and maintenance of security hoarding where appropriate;
 - VII. Parking of vehicles of site operatives and visitors;
 - VIII. Wheel cleaning / wash facilities to prevent mud, or dust from migrating on to the adjacent highway;
 - IX. Contact details for the Site Supervisor responsible for on-site works;
 - (b) To address impact of construction on the broader amenity of the area:
 - X. Details of working hours, which unless otherwise agreed with the Local Planning Authority shall be limited to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays;
 - XI. Details of how the effects of noise and vibration arising from site operations are mitigated;
 - XII. Details of measures taken to minimise the impacts of the construction process on air quality, including NRMM registration. An inventory of all Non-Road Mobile Machinery (NRMM) must be registered on the NRMM register: <https://nrmm.london/user-nrmm/register> prior to the commencement of use of any NRMM at the application site. All NRMM should meet as minimum the Stage IIIA emission criteria of Directive 97/68/EC and its subsequent;
 - XIII. Details of notification of works and engagement with local residents and neighbours to take place during the construction phase.
- The development shall be carried out in accordance with the approved details, unless

otherwise approved in writing by the Local Planning Authority. Additionally, the site or Contractor Company must be registered with the Considerate Constructors Scheme. Proof of registration must be sent to the Local Planning Authority prior to any works being carried out.

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 Policies 6.3, 6.11 and 7.15 of the London Plan 2016, Policies SP0 of the Haringey Local Plan 2017 and with Policy DM1 of The Development Management DPD 2017.

- 12 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).

- 13 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.

- 14 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.

- 15 Prior to the commencement of works on the scheme's superstructure, a detailed scheme for the provision of refuse and waste storage and recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme as approved shall be completed in accordance with details approved under planning application (HGY/2022/1297) and 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 5.17 of the London Plan 2016.

- 16 Prior to the commencement of works on the scheme's superstructure, 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.

(d) Reason: To promote a sustainable development consistent with the Haringey Local Plan 2017.

Reason: To ensure a sustainable development that mitigates against climate change and supports water

retention within the site, consistent with Policy 5.11 of the London Plan 2016 and

Policies SP4, SP5, SP11

and SP13 of the Haringey Local Plan 2017.

- 17 No development shall take place until details of the type and location of secure and covered cycle parking facilities for 12 cycles have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the cycle parking spaces have been installed in accordance with details approved under planning application (HGY/2021/3233) . Such spaces shall be retained thereafter for this use only.
Reason: To promote sustainable modes of transport in accordance with Policies 6.1 and 6.9 of the London Plan 2016 and Policy SP7 of the Haringey Local Plan 2017.
- 18 Prior to the commencement of works on the scheme's superstructure, details of the proposed ventilation, heating and solar PV systems shall be submitted to the Local Planning Authority. This must include:
i. efficiency and location of the proposed Mechanical Ventilation and Heat Recovery (MVHR) and ASHPs, with plans showing the rigid MVHR ducting and ASHP pipework;
ii. proposed noise and visual mitigation measures for the ASHP, if necessary;
iii. evidence that the ASHP complies with other relevant issues as outlined in the Microgeneration Certification Scheme Heat Pump Product Certification Requirements;
iv. roof plan of proposed PV array; number, angle, orientation, type, peak output, shading level and efficiency level of the PVs; type of monitoring equipment; how overheating of the panels will be minimised.
Reason: 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.
- 19 Within two months of occupation, energy generation evidence shall be submitted to demonstrate the solar PV array and its monitoring equipment has been installed correctly. The PV array shall be maintained and cleaned at least annually following installation.

Reason: To comply with London Plan 2016 Policy 5.2 and 5.9 and Local Plan Policy SP4 and in the interest of adapting to climate change and to secure sustainable development.

- 20 The construction works of the development hereby granted shall not be carried out before 0800 hours or after 1800 hours Monday to Friday or before 0800 hours or after 1300 hours on Saturday and not at all on Sundays or Bank Holidays.
Reason: In order to

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: 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.