

Officer Report

Application Number:	HGY/2023/1837
Application Type:	Removal/variation of conditions
Address:	Land adjacent to 138 Winchelsea Road, Tottenham, London, N17 6XQ
Proposal:	Variation of condition 13 (Social Rent) attached to planning permission ref: HGY/2020/0927 (Erection of three-storey 2-bedroom dwelling house), to allow flexibility for the Council to charge London Affordable Rent
Case Officer:	Sarah Madondo
Valid Date:	11/07/2023
Applicant:	3
Agent:	Mr Jack Goulde

RECOMMENDATION

Approve with Conditions

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed Development

Application under Section 73 to vary the wording of condition 13 of planning permission ref: HGY/2020/0927 (Erection of three-storey 2-bedroom dwelling house), to give Local Authority flexibility to charge rent at London Affordable Rate.

Site and Surroundings

The application site is a piece of land occupying most of an end-terrace plot adjacent to No.138 Winchelsea Road. The site directly bounds, and is accessed from, Forster Road to the north-east. An outbuilding adjoining No.138 Winchelsea Road bounds the 'front' part of the end-terrace plot on the north-west. The side of No.138 and its rear garden bounds the south-west side of the site. To the rear / south-east, the site bounds the railway embankment.

The character of the surrounding area is predominantly residential, mostly comprising two storey terraced dwelling houses and three to four storey blocks of flats.

The site does not lie in a conservation area does not affect the setting of a listed building. The site does not lie in a critical drainage area and lies in flood zone 1, the zone of least flood risk.

Relevant Planning and Enforcement History

HGY/2020/0927 Land Adjacent to 138 Winchelsea Road London N17 6XQ, Erection of three-storey 2-bedroom dwelling house.
Approve with Conditions 23/9/2020

LOCAL REPRESENTATIONS

1 objection was received in relation to loss of council car park. *(Officers Response: The principle of the loss of the car park has been established in the extant permission where it was considered that meeting the Council's housing targets is a great priority than the re-use of the car park for affordable housing so this loss acceptable).*

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/2020/0927) was granted for the development outlined above. However, a variation is sought to alter condition 13 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 levels is considered to comply with policy and would help to deliver much needed affordable housing for the borough.

As such condition 13 of the approved planning permission (HGY/2020/0987) 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 23/09/2020
Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 23/09/2020 Haringey ref: HG/2020/0927 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) Roof materials;
 - e) Zinc cladding including details of how it will be attached to the building;
 - f) Roof capping;
 - g) Doors; timber doors and aluminium entrances/screens;
 - h) Aluminium/timber composite window treatment;
 - i) Canopies;
 - j) down pipes, rainwater pipes or foul pipes;
 - k) Any other external materials to be used.
- The development shall be carried out in accordance with the approved details.

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 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.

- 5 Prior to the first occupation of the development hereby the developer shall have entered into an agreement with the local highway authority under Section 278 of the Highways Act 1980 to remove the necessary section of redundant crossover across the footway into the site and to reinstate the public footpath at this location.

Reason: In order to ensure that the proposed development does not prejudice the free flow of vehicular and pedestrian traffic or the conditions of general safety of the highway and consistent with Policy 6.13 of the London Plan 2016

- 6 No development shall take place until details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of 2 cycle parking spaces for users of the development, have been installed in accordance with the approved details. 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.

- 7 No development shall take place, including any works of demolition, until a Method of Construction Statement, to include details of :
- a) parking and management of vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials
 - d) programme of works (including measures for traffic management)
 - e) provision of boundary hoarding behind any visibility zones
 - f) wheel washing facilities:
- have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented and retained during the demolition and construction period.

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 6.3, 6.11 and 7.15 of the London Plan 2011, Policies SP0 of the Haringey Local Plan 2017 and with Policy DM1 of The Development Management DPD 2017.

- 8 a. A site investigation shall be designed for the site using information obtained from the previously carried out 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 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.

- 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. 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.
- 10 Prior to the commencement of all works on site, details of reasonable measures to prevent flood risk shall be submitted to and approved in writing by the development. The development shall be carried out in accordance with the approved details. Reason: In order to minimise flood risk, in accordance with guidance contained in the National Planning Policy Framework 2019, policy 5.12 of the London Plan 2016, and policy DM24 of the Haringey Development Management DPD 2017.
- 11 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 or any Order revoking or re-enacting that Order, no works permitted under Classes A-E shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority. Reason: To safeguard the visual amenities of the area and to prevent overdevelopment of the site by controlling proposed extensions and alterations consistent with Policy 7.4 of the London Plan 2016 and Policy DM1 of The Development Management DPD 2017.
- 12 Prior to occupation, details of full Secured by Design Accreditation shall be submitted in writing to and for approval by the Local Planning Authority. The details shall demonstrate consultation with the Metropolitan Police Designing Out Crime Officers. The development shall be carried out in accordance with the approved details and maintained thereafter. REASON: To ensure safe and secure development and reduce crime.
- 13 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)

- 14 No development shall be carried out until such time as the person carrying out the work is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.
Reason: In the interests of residential amenity.

- 15 Prior to occupation, the development hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2) 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

- 16 The development hereby approved shall be constructed in accordance with the Energy and Sustainability Strategies prepared by Eight Associates (dated 20 and 21 Feb 2020 respectively) delivering a reduction in carbon emissions of 17.3% using SAP 2012 carbon factors and 58.8% 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

- 17 Prior to the commencement of works on the scheme's superstructure, details of the proposed Air Source Heat Pump (ASHP) system shall be submitted to the Local Planning Authority. This must include:
i. efficiency and location of the proposed ASHPs, with plans showing the rigid 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; The approved ASHP system shall be fully installed in accordance with the approved details and made operational prior to the first occupation of the development. The system shall be retained thereafter.

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.

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: 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.

INFORMATIVE:

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 house building programme going forward.

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:

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.

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:

With regards to surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, water course, or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777

INFORMATIVE:

Prior to demolition of existing buildings, an asbestos survey should be carried out to identify the location and type of asbestos containing materials. Any asbestos containing materials must be removed and disposed of in accordance with the correct procedure prior to any demolition or construction works carried out.

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 £5307.96 (89 x 59.64) and the Haringey CIL charge will be £1865.44 (89 x £20.96). 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:

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.