

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 22nd April 2014

Report of
Assistant Director - Planning,
Highways & Transportation

Contact Officer:
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Ward: Chase

Application Number : P14-00788REV

Category: Major

LOCATION: DEPOT, 7, MELLING DRIVE, ENFIELD, EN1 4BS

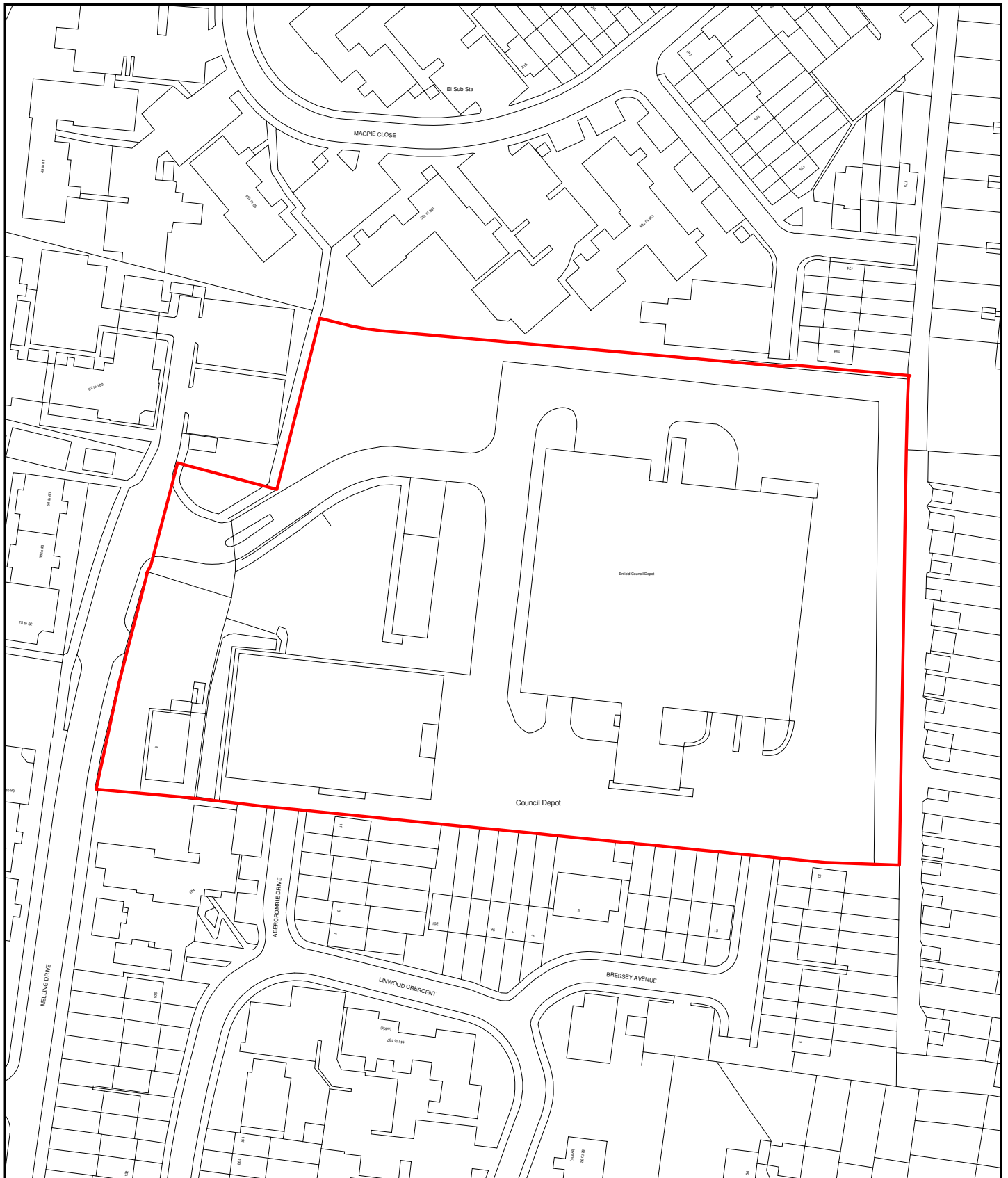
PROPOSAL: Review of S106 Agreement under ref: P13-01271PLA for the redevelopment of site for residential purposes to provide 150 residential units.

Applicant Name & Address:
NOTTING HILL HOUSING
BRUCE KENRICK HOUSE
2 KILLICK STREET
London
N1 9FL

Agent Name & Address:

RECOMMENDATION:

That subject to the completion of a Deed of variation to the original 106 Agreement, the Head of Development Management / the Planning Decisions Manager be authorised to **GRANT** the Deed of Variation.



Development Control



Scale - 1:1250
Time of plot: 12:11

Date of plot: 04/04/2014

1 Site and Surroundings

- 1.1 The application site comprises of a former works depot operated by the London Borough of Enfield. Works have commenced following the granting of planning permission as detailed at Section 3 below.

2 Proposal

- 2.1 Review of S106 Agreement under ref: P13-01271PLA for the redevelopment of site for residential purposes to provide 150 residential units.

3 Relevant Planning Decisions

- 3.1 In August 2013, members resolved to grant planning permission (ref: P13-01271PLA) for the redevelopment of the site for residential purposes to provide 150 residential units involving demolition of existing buildings and erection of 76 self-contained units in five 4-storey blocks comprising Block A (6 x 1-bed and 20 x 2-bed), Block B (5 x 1-bed and 7 x 2-bed), Block D (2 x 1-bed and 6 x 2-bed), Block H (3 x 1-bed, 9 x 2-bed and 3 x 3-bed) and Block N (7 x 1-bed, 7 x 2-bed and 1 x 3-bed) and 74 single family dwellings in 8 part 2-storey, part 3-storey blocks of terraced houses comprising Block C - 10 x 4-bed, Block E - 7 x 3-bed, Block F - 10 x 3-bed, Block G - 2 x 3-bed and 5 x 4-bed, Block M - 7 x 4-bed and 12 x 2-bed, Block L 6 x 4-bed, Block J 6 x 4-bed and Block K - 9 x 4-bed, with associated refuse store, car and cycle parking, associated landscaping and highway works. Following the completion of S106 negotiations, the permission was issued in October 2013.

4 Consultations

4.1 Statutory and non-statutory consultees

- 4.1.1 None required as the considerations relate solely to financial viability.

4.2 Public

- 4.3.1 Site notices have been posted. Any comments received will be reported at Committee

5 Relevant Policy

- 5.1 The National Planning Policy Framework (NPPF) published in March 2012 allowed local planning authorities a 12 month transition period to prepare for the full implementation of the NPPF. Within this 12 month period local planning authorities could give full weight to the saved UDP policies and the Core Strategy, which was adopted prior to the NPPF. The 12 month period has now elapsed and as from 28th March 2013 the Council's saved UDP and Core Strategy policies will be given due weight in accordance to their degree of consistency with the NPPF.
- 5.2 The Development Management Document (DMD) policies have been prepared under the NPPF regime to be NPPF compliant. The Submission version DMD document was approved by Council on 27th March 2013 and has now been submitted for examination to the Secretary of State. Hearing sessions are scheduled for late April and the examination period is anticipated to run through the end of summer 2014. The DMD provides

detailed criteria and standard based policies by which planning applications will be determined.

5.3 The policies listed below are considered to be consistent with the NPPF and therefore it is considered that due weight should be given to them in assessing the development the subject of this application.

5.4 The London Plan (inclusive of REMA)

Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

5.5 Local Plan

CP46: Infrastructure contributions

5.6 Submission Version DMD

DMD1: Affordable Housing on Sites Capable of Providing 10 or More Units
DMD16: Provision of New Community facilities
DMD48: Transport Assessments
DMD73: Children's Play Space

5.7 Other Relevant Policy Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Enfield Strategic Housing Market Assessment (2010)
Section 106 Supplementary Planning Document (Nov 2011)
Mayor's Housing Supplementary Planning Guidance (2012)

6 Analysis

6.1 Principle

6.1.1 A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken.

6.1.2 The principle of the redevelopment of the site has been accepted with the granting of planning permission in October 2013. The only element to be re-considered is the total level of contributions to be made.

6.2 S106 / Scheme Contributions

6.2.1 Having regard to the scheme being entirely for affordable housing, the Council secured various financial and non-pecuniary obligations with the original permission. The non-pecuniary obligations included the following:

- Residential Travel Plan
- Parking Management Plan
- Provision of Car Club bays
- Securing of the mix, tenure, and rent levels

- Business and employment initiatives
- S38 Agreement for road adoption
- S278 Agreement for the reconfiguring of the site access
- Secure permanent emergency vehicle access from Bressey Avenue and Abercrombie Drive
- Secure permanent public right of access throughout the site
- Stopping up Order

6.2.2 The pecuniary obligations included the following:

- £818,618 (education)
- £30,000 (highways and greenways)
- £110,00 (play space)
- £3,500 (travel plan monitoring)
- £15,000 (car club membership)
- £48,855.92 (S106 monitoring fee)

TOTAL = £1,025,973.92

6.2.3 The legal agreement allowed for the phasing of payments, which is standard practice, particularly where significant levels of financial contributions are to be made. In order to commence works, £37,500 was received towards S106 monitoring, and £10,000 was also received towards highways and greenways.

6.2.4 Paragraph 19 of the Viability Planning Practice Guidance Note advises that where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations. This is also the thrust of paragraph 205 of the NPPF.

6.2.5 In determining whether to accept a revision to financial obligations, an open book assessment must be undertaken. The applicant has provided a toolkit assessment which indicates that the total level of contributions that can viably be made, inclusive of the monitoring fee, is £750,000.

6.2.6 An independent consultant, appointed by the Council, has interrogated the submitted toolkit assessment and has concluded that should the total level of contribution be increased above £750,000, there is a risk that the scheme would become unviable for the applicant.

6.2.7 Having regard to the advice of the independent consultant, in addition to securing the non-pecuniary obligations highlighted above, and also having regard to the monies already secured as highlighted above (£47,500), a Deed of Variation should be made to secure the following:

- Education £664,000
- Playspace £20,000
- Car Club £15,000
- Travel Plan Monitoring £3,500

6.3 Mayoral CIL

6.3.1 The Mayoral CIL came into force on 1st April 2012 and for Enfield, this imposes a charge of £20 per sqm (GIA) of new development, although social housing developments are able to claim relief for the social housing element

of the scheme. An application has been made by the applicant for relief from CIL liability. This element remains unaffected by the current application.

6.4 Planning Conditions

- 6.4.1 The application under consideration is solely to vary the financial obligations previously secured. The previously imposed conditions remain unaffected by this application.

6.5 Conclusions

- 6.5.1 National policy guidance confirms that the issue of viability is a material consideration in any planning application. Should the lower amount offered, and verified independently, not be accepted, the development would stall to the detriment of the provision of affordable housing in the Borough.
- 6.5.2 Having regard to the above, it is recommended that, on balance, the revised contributions be agreed and that the existing S106 be varied through a Deed of Variation to secure them.

7 **Recommendation**

- 7.1 That subject to the completion of a Deed of variation to the original 106 Agreement, the Head of Development Management / the Planning Decisions Manager be authorised to **GRANT** the Deed of Variation.