



**REGULATORY  
SERVICES  
COMMITTEE**

**REPORT**

04 October 2011

**Subject Heading:**

**P0538.11 – Land to the north of Rainham Station bounded by Ferry Lane and Wennington Road**

**Removal of planning condition number 5 (affordable housing) of planning permission reference U0018.09 (Application received 1<sup>st</sup> April 2011)**

**Report Author and contact details:**

**Helen Oakerbee (Planning Control Manager) 01708 432800**

**Policy context:**

**Local Development Framework  
The London Plan  
National Planning Policy**

**Financial summary:**

**None**

**The subject matter of this report deals with the following Council Objectives**

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input checked="" type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

**SUMMARY**

This application relates to the removal of planning condition 5 attached to planning permission reference U0018.09. This planning permission relates to the

construction of a mixed use building with public open space on land to the north of Rainham Station. The proposed building is to include a new public library, retail shop, café and residential flats to the upper floors. Planning condition 5 requires that affordable housing units are provided within the development. This report provides an explanation as to why planning condition 5 was imposed and the reasoning behind why the applicant wishes to remove the condition. Staff are of the view that the removal of planning condition 5 and the construction of the development without any affordable housing provision is acceptable having regard to the wider community benefits arising from the development and a financial viability report submitted by the applicant.

## RECOMMENDATIONS

It is recommended that planning permission be granted under Section 73 of the Town and Country Planning Act 1990 (as amended) under planning reference P0538.11 with condition 5 of planning permission granted under planning permission reference U0018.09 (annexed) being deleted and this application granted subject to the following conditions;

1. **Time Limit** - The development to which this permission relates shall be commenced not later than the expiration of THREE YEARS from the date of this permission.

Reason: To ensure that the development is commenced within a reasonable time period and in accordance with Section 91 of the Town and Country Planning Act 1990.

2. **Accordance with Plans** - The development shall be completed in accordance with the approved plan numbers:

MLA/249/P/001 Site Layout as Proposed  
MLA/249/P/100 Ground Floor  
MLA/249/P/101 First Floor  
MLA/249/P/102 Second Floor  
MLA/249/P/103 Third and Fourth Floor  
MLA/249/P/105 Roof Plan  
MLA/249/P/200 Building Sections AA BB  
MLA/249/P/201 Building Sections CC DD  
MLA/249/P/300 Elevation 1  
MLA/249/P/301 Elevation 2  
MLA/249/P/302 Elevation 3 & 5  
MLA/249/P/303 Elevation 4  
MLA/249/P/304 Elevation 6  
RL 01.01 Public Realm Proposals  
RL 01.02 Public Realm Proposed Sections  
PL 02.02 Public Realm Proposed Sections

Reason: To ensure that the proposal is carried out in accordance with the plans hereby approved.

3. **Details of materials** - Prior to the commencement of the development hereby permitted, full details of external materials shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include a sample panel that is cross referenced to detailed elevation drawings.

Reason: To ensure the materials used in the construction of the development are of a high standard and are appropriate for the Rainham Village Conservation Area, in accordance with policies SSA15, DC61 and DC68 of the London Borough of Havering Local Development Framework 2008.

4. **Details of landscaping** - Within three months of the commencement of the development hereby permitted, full details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in full thereafter.

Reason: To ensure a high standard of public space, in accordance with SSA15, DC21, DC59, DC60 and DC68 of the London Borough of Havering Local Development Framework 2008.

5. **Details of playgroup facilities** - Within three months of the commencement of the development hereby permitted, full details of the playgroup facility hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall demonstrate that the facilities provide adequate and safe facilities for the age groups intended for the space. The details shall be implemented in full thereafter.

Reason: In order to ensure that an adequate playgroup facility is delivered, in accordance with policies CP8, DC26 and DC27 of the London Borough of Havering Local Development Framework 2008.

6. **Refuse storage** - Prior to the commencement of the development hereby permitted, full details of the refuse storage areas shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in full thereafter.

Reason: To ensure that refuse storage facilities meet minimum standards in terms of amount and accessibility, in accordance with policy DC40 of the London Borough of Havering Local Development Framework 2008.

7. **Cycle storage** - Prior to the commencement of the development hereby permitted, full details of the cycle storage provision shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in full thereafter.

Reason: To ensure that adequate provision of cycle storage is delivered on site, in accordance with policy DC35 of the London Borough of Havering Local Development Framework 2008.

8. **External lighting scheme** - Within six months of the commencement of the development hereby permitted, full details of the external lighting scheme, including lux level contours, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented in full thereafter.

Reason: In order that the external lighting environment is maintained at an adequate level, in accordance with policy DC56 of the London Borough of Havering Local Development Framework 2008.

9. **Use Classes** - Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended), the A1, A3 and D1 uses as indicated on the approved plans shall remain as such units unless and until an application to change the use of the units is permitted by the Local Planning Authority.

Reason: To ensure that the uses as approved are retained on site, in accordance with policies DC15, DC26, DC27 and DC30 of the London Borough of Havering Local Development Framework 2008.

10. **Extraction and ventilation system** - Prior to the commencement of the development hereby permitted, full details of the extraction and ventilation system that is to be contained within the building as described in the approved plans to the A1 and A3 units hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall demonstrate that odours and odorous material will be removed and dispersed above the eaves height of the residential units hereby approved and that the transmission of noise and vibration does will not adversely impact upon the occupiers of the residential units. The approved details shall be implemented in full thereafter.

Reason: In order to protect the amenity of future residential occupiers and in accordance with policies DC23 and DC55 of the London Borough of Havering Local Development Framework 2008.

11. **Hours of trading** - The A1 and A3 units hereby approved shall not be used other than between the following hours:

- a) Monday to Saturday: 0600 – 2200
- b) Sunday: 0800 – 1800

Reason: In the interests of residential amenity and in accordance policy DC55 of the London Borough of Havering Local Development Framework 2008.

12. **Residents parking permits** - No future resident of the development shall be eligible for permits for their own vehicle/s for any existing, revised or new

permit controlled parking scheme, or Controlled Parking Zone, in the vicinity of the development.

Reason: To ensure that shortfalls in off-street parking facilities are not made up for by on street parking to the detriment of sustainable forms of travel alternatives such as walking and cycling, in accordance with policies DC3, DC32, DC33, DC34, DC35 and DC61 of the London Borough of Havering Local Development Framework.

13. **Workplace Travel Plan** - Prior to the first occupation of the Library/Learning Centre hereby permitted, a Workplace Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to promote sustainable forms of transport over private vehicle usage in accordance with policies DC34 and DC35 of the London Borough of Havering Local Development Framework 2008.

14. **Residential Travel Plan** - Prior to the first occupation of the residential units hereby permitted, a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to promote sustainable forms of transport over private vehicle usage in accordance with policies DC34 and DC 35 of the London Borough of Havering Local Development Framework 2008.

15. **Delivery and Servicing Plan** - Prior to the first occupation of the development hereby permitted, a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site can be adequately serviced in the interests of the highway network and surrounding occupier, in accordance with London Plan policy 6.11 and the London Borough of Havering LDF policy DC36.

16. **Construction Method Statement** - No development works shall take place, including any works of site remediation, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials, including delivery times
- c) storage of plant and materials used in constructing the development
- d) wheel washing facilities
- e) measures to control the emission of dust and dirt during construction
- f) a scheme for recycling/disposing of waste resulting from construction works
- g) construction hours of work
- h) measures to protect the TPO tree during construction.

Reason: To ensure that the construction of the development does not cause undue disturbance to neighbouring occupiers or harm to the natural

environment in accordance with DC32 of the London Borough of Havering Local Development Framework 2008.

17. **Programme for archaeological work** - No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: Significant archaeological remains may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development and in order that the proposal complies with policies DC68 and DC70 of the London Borough of Havering Local Development Framework 2008.

18. **Contamination** - Prior to the commencement of the development hereby permitted, the developer shall submit for the written approval of the Local Planning Authority;

a) A Phase III (Risk Management Strategy) Report to address the identified significant pollutant linkage requiring remediation. The report will comprise two parts:

Part A – Remediation Statement which will be fully implemented before the development hereby approved is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The Remediation Scheme is to include consideration and proposals to deal with situation where, during site works, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Part B – Following completion of the remediation works a ‘Validation Report’ must be submitted demonstrating that the works have been carried out in accordance with the agreed remediation scheme referred to in Part A

b) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then revised contamination assessment, and remediation proposals if necessary, shall be submitted to the LPA; and

c) If during development works site contaminants are found in areas previously assessed as not posing a significant risk, then further assessment of the significance of potential pollutant linkages shall be

completed and if required remediation shall be carried out in line with the agreed contamination proposals.

Reason: To protect these engaged in construction and occupation of the development from potential contamination, in accordance with policy DC53 of the London Borough of Havering Local Development Framework.

19. **Sustainability Statement** - The developer shall submit the following information relating to the agreed Sustainability Statement (25 November 2009):

a) Prior to the commencement of the residential units hereby permitted, a copy of the Interim Code Certificate confirming that the development design achieves a minimum Code for Sustainable Homes 'Level 4' rating shall be submitted to the Local Planning Authority.

b) Prior to the first occupation of the residential units hereby permitted, the Final Code Certificate of Compliance shall be provided to the Local Planning Authority in order to ensure the minimum rating has been achieved.

c) Prior to the first occupation of the non-residential uses hereby permitted, the final Building Research Establishment (BRE) certificate confirming that the development has achieved the minimum BREEAM rating of 'Excellent'.

The development shall be carried out in accordance with the agreed Sustainability Statement (25 November 2009) and a BREEAM Post Construction Assessment shall be carried out on the development to ensure that the required rating has been achieved.

Reason: In the interests of energy efficiency and sustainability in accordance with policy DC49 of the London Borough of Havering Local Development Framework and policy 5.7 of the London Plan.

20. **Renewable energy system** - The renewable energy system described in the agreed Sustainability Statement (25<sup>th</sup> November 2009) and shown on the approved plans shall be installed in accordance with the agreed details and operation to the satisfaction of the Local Planning Authority prior to the occupation of the development and shall be maintained in perpetuity thereafter.

Reason: In the interests of energy efficiency and sustainability in accordance with DC50 of the London Borough of Havering Local Development Framework and policy 5.7 of the London Plan.

21. **Secure by Design** - Within six months of the commencement of the development hereby permitted, a full and detailed account of how the principles and practices of the Secured by Design Award scheme are to be incorporated into the development, shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be carried out in strict accordance with the approved detailed account and thereafter permanently maintained.

Reason: In the interest of residential amenity and creating safer, sustainable communities in accordance with policies CP17 and DC63 of the Local Borough of Havering Local Development Framework 2008 and policy 7.3 of the London Plan.

22. **Flood Risk Assessment** - The development permitted by this planning permission shall only be carried out in accordance with the approved Rainham Interchange and Rainham Library & Learning Centre Flood Risk Assessment (FRA) compiled by Alan Baxter and Associates dated June 2009 and the following mitigation measures detailed within the FRA:

- Finished floor levels to be set at a minimum of 3.83mAOD (section 1.5 page 2);
- Surface water drainage from the buildings and roads will be directed to a pond or to soakaway (section 7.2 and 7.3 on page 5).

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

23. **No ground infiltration** - No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To prevent contamination to the secondary aquifer that lies under the site.

## **INFORMATIVES**

1. The developer is hereby notified that the grant of planning approval does not constitute approval for changes to the public highway. The Highway Authority will only give approval once suitable details of the changes to the public highway have been submitted, considered and agreed.
2. In aiming to satisfy condition 21, the applicant should seek the advice of the Havering Police Borough Crime Prevention Advisor through the London Borough of Havering Development and Building Control Services.
3. Reason for Approval:

The construction of the proposed development is judged to be of significant importance to the creation of a number of community benefits including the provision of a new public library and public open space. The proposed development is also considered to be essential to the successful delivery of the Rainham Transport Interchange and integral to Council's Rainham Compass regeneration programme. As demonstrated by the applicant's confidential viability report the construction of the proposed development



would not be financially viable with the inclusion of affordable housing units even with grant from the Homes and Communities Agency. The wider community benefits which would arise from the construction of the proposed development together with the information provided in the viability report are considered to justify exception in this case to the strict application of Policy DC6 of the LDF Development Control Policies Development Plan Document and the provision of no affordable housing units within the proposed development.

## REPORT DETAIL

### 1. Site Description

- 1.1 The application site comprises a crescent shaped parcel of land approximately 0.19 hectares owned by the London Thames Gateway Development Corporation (LTGDC). The central part of the site lies immediately to the north of Rainham Station and comprises a shallow embankment area and shrub land. The eastern part of the site abuts the western footway of Ferry Lane. To the north the site abuts Broadway and part of the former Station Approach Road, a private 'no through' road owned by Network Rail. Ground levels fall across the site gently towards the north western corner with the former Station Approach Road being set about 1.8 metres below the ground level of Ferry Lane.
- 1.2 The site sits on the southern edge of Rainham Village, immediately north of the railway station. The sites nearest neighbours are a five storey block of flats and Royal Mail sorting office to the eastern side of Ferry Lane, the Listed garden wall along the north side of Wennington Road (which forms part of Rainham Hall and its garden) and the Phoenix Public House to the west of the former Station Approach Road. The site and surrounding area are within the Rainham Conservation Area, which contains a number of important Listed and locally listed buildings. In addition to forming part of the Rainham Conservation Area, the site and adjoining land to the north, east and west is designated as being part of the Rainham Minor District Centre.

### 2. Background Information

- 2.1 Members will be aware that planning permission was granted by the Council in October 2009 for the formation of a new roadway linking the former Station Approach Road with Ferry Lane. The new roadway which has now been constructed will form a new transport interchange with Rainham Station to enable bus services to be relocated from their current terminus in the heart of the Village. In July 2010 planning permission was granted by the LTDGC for the construction of a new mixed use part two storey, part five storey building with public open space on the land adjacent to the transport interchange. The proposed building will contain a new public library and children's day nursery to replace the existing facilities on Broadway together with a café, retail shop and 16 residential flats.

### 3. Description of Proposal

3.1 This application seeks full planning permission under Section 73 of the Town and Country Planning Act 1990 for removal of planning condition 5 of planning permission reference U0018.09. The description of development for this planning permission was, "The construction of a part two and part five storey building comprising a public library, lifelong learning centre and community facilities including space for a children's playgroup, a W.C facility for bus drivers, retail shop, cafe and 16 residential flats, together with a new public open space, landscaping and cycle parking". Planning application U0018.09 was approved by the LTGDC in July 2010. A copy of the LTDGC committee report is attached as an appendix to this report for information.

3.2 Planning condition 5 states the following;

*The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:*

- a. affordable housing provision to be made which shall be intermediate tenure;*
- b. the timing of the construction of the affordable housing;*
- c. the arrangements for the transfer of the affordable housing to an affordable housing provider;*
- d. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
- e. the arrangements for individual tenants or occupiers stair casing the share of equity held in a unit to 100%;*
- f. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*

*Reason: In order to provide an acceptable amount of affordable housing on site, in accordance with policy DC6 the London Borough of Havering Local Development Framework 2008 and policy 3A.9, 3A.10 and 3A.11 of the London Plan 2008.*

3.3 Since planning permission for the scheme was granted the LTDGC has sought to secure a registered social landlord partner to deliver the affordable housing element of the development. To date no suitable registered social landlord partner has been found willing to bring forward a viable offer. Given this the applicant has advised that condition 5, which places a requirement to provide affordable housing, is prejudicial to the delivery of the overall scheme and the wider benefits it would deliver. The applicant is therefore seeking the removal of condition 5 to enable the proposed residential

accommodation to be sold on the open market. To demonstrate the above the applicant has submitted a confidential financial viability report.

#### **4. Relevant History**

- 4.1 P0958.09 - The construction of a one-way east-bound road incorporating a footpath on its northern edge between the former Station Approach Road and Ferry Lane (with provision for two bus stops and two bus stop stands), alterations to these existing roads (including the construction of a lay-by on the western side of Ferry Lane), supporting embankments and associated lighting (4x8m columns) to create a public transport interchange – Approved in October 2009
- 4.2 U0018.09 - The construction of a part two and part five storey building comprising a public library, lifelong learning centre and community facilities including space for a children's playgroup (class D1), a W.C facility for bus drivers, retail shop (class A1), cafe (class A3) and 16 residential flats (class C3), together with a new public open space, landscaping and cycle parking – Approved in July 2010
- 4.3 P1574.10 - Amendments to the part implemented Public transport interchange, including the widening of the former station approach road and construction of a new boundary wall and barrier to the existing Phoenix public house car park, together with alterations to the alignment of the approved interchange road and junction and lay-by arrangements on Ferry Lane – Approved in December 2010

#### **5. Consultations/Representations**

- 5.1 The application was advertised and notification letters sent to 324 neighbouring properties. One letter of representation has been received raising objection to the removal of the condition however no reason has been given.

#### **6. Relevant Policies**

##### 6.1 LDF Core Strategy Development Plan Document

CP1 – Housing Supply  
CP2 – Sustainable Communities

##### 6.2 LDF Development Control Policies Development Plan Document

DC6 – Affordable housing

##### 6.3 The London Plan

3A.9 – Affordable housing

##### 6.4 Government Guidance

## Planning Policy Statement 3 – Housing

### 7. Staff Comments

- 7.1 The principle issue arising from this application is whether the proposed removal of planning condition 5, relating to affordable housing, of planning permission U0018.09 is acceptable. The Government's key housing policy goal is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. Planning Policy Statement 3 (PPS 3) sets out the Government's planning policy in respect of housing. PPS 3 advises that local authorities should set a target for the amount of affordable housing to be provided within their area. Affordable housing is housing designed to meet the needs of households whose incomes are not sufficient to allow them access to decent and appropriate housing. In line with the above advice and the policies of the London Plan, the Council's LDF Policy DC6 advises that the Council will aim to achieve 50% of all new homes built in the borough as affordable.
- 7.2 At the time the planning application for the new library and life long learning centre building was submitted the applicant proposed that the residential element of the building would comprise of shared ownership flats, a form of intermediate 'affordable' housing to be delivered as a partnership with a registered social landlord. In approving the application the LTGDC concluded that the proposal would assist the Council in achieving the above borough wide target whilst providing opportunities for local people to access affordable home ownership. The proposal was therefore judged to meet the provisions of Policy DC6 of the LDF. In order to ensure that the affordable housing units were delivered in a manner acceptable to the planning authority condition 5 was imposed.
- 7.3 Following the grant of planning permission a marketing exercise was undertaken by the applicant to secure a partner for the affordable housing units. Tender information was issued to each of the Council's preferred partners with bids being received from three registered social landlords. Following negotiations two of the registered social landlords subsequently withdrew their offers. Invitations were then extended to a further four registered social landlords however none of these invitations resulted in offers being submitted. The applicant is presently holding one live affordable housing offer from a registered social landlord.
- 7.4 Members may recall that the original planning application was accompanied by a confidential financial viability report. In order for the proposed development to be financially viable the applicant's viability report sets out a figure which must be achieved for the residential accommodation within the scheme. The remaining affordable housing offer would only provide 55% of the value required. The proposed new library and life long learning centre project is being jointly promoted by the LTGDC and the Council. In view of the considerable amounts of public funding going into the project, and the pressure for this to be utilised to deliver greatest benefit, the merits of disposing of the affordable housing units for 55% of the value originally

required is highly questionable. The applicant has advised therefore that the only way in which the proposed development would be viable and could proceed is through allowing the residential units to be sold as open market accommodation.

7.5 In reaching a conclusion as to whether the removal of condition 5 is acceptable and allowing the residential accommodation to be sold on the open market Members will wish to give consideration to the following. Firstly as explained above the inclusion of affordable housing units within the scheme would result in the development being unviable and the proposal would not proceed. This has been demonstrated through the submission of the viability report. Members will also wish to give consideration to the wider benefits arising from the development. The proposed development would deliver social infrastructure that would serve the wider Rainham community; namely a library and learning centre together with a new civic space. Members may recall that the proposed development is also linked with the provision of the previously approved public transport interchange and includes facilities for both bus users and drivers.

7.6 The construction of the proposed library and life long learning centre is judged to be of significant importance to the creation of a number of community benefits. The proposed development is also considered to be essential to the successful delivery of the Rainham Transport Interchange and integral to Council's Rainham Compass regeneration programme. Staff are satisfied that the applicant's viability report demonstrates the construction of the proposed development would not be financially viable with the inclusion of affordable housing units. Were additional time taken to pursue a further affordable housing offer then the whole scheme could be put at risk thereby jeopardising the delivery of this important regeneration project. In view of this and the wider community benefits which would arise from the construction of the proposed development staff are of the view that sufficient circumstances exist to justify an exception in this case to the strict application of Policy DC6 of the LDF. Staff are of the view that the provision of no affordable housing units within the development is acceptable and that this would not have an unduly adverse effect on the supply and range of housing choice within Rainham Village. In the event that the applicant can secure a viable offer from a registered social landlord in the future, then the scheme could progress with affordable housing.

## **8. Conclusion**

8.1 This application relates to the removal of planning condition 5 attached to planning permission reference U0018.09. This planning permission relates the construction of a mixed use building with public open space on land to the north of Rainham Station. The proposed building is to include a new public library, children's nursery, retail shop, café together with residential flats to the upper floors. Planning condition 5 requires that shared ownership affordable housing units are provided within the development in partnership with a registered social landlord. The applicant has advised that they are presently holding only one live offer from a registered social

landlord however this offer would only provide 55% of the value originally required even with grant from the Homes and Communities Agency and as such the development would not be viable and unable to proceed. It is for this reason that the applicant is seeking permission to remove condition 5 in order to be able to sell the proposed residential units on an unrestricted open market basis which would make the scheme viable. Staff accept that were the applicant obliged to deliver the development in accordance with condition 5 this would compromise the deliverability of the scheme and a number of wider community benefits. Staff are of the view that the removal of planning condition 5 and the construction of the development without affordable housing units is acceptable having regard to the wider community benefits arising from the development and the financial viability report submitted by the applicant. Staff recommend therefore that the application is approved subject to the conditions imposed on the original planning permission minus condition 5.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

None.

### **Legal implications and risks:**

None.

### **Human Resources implications and risks:**

None.

### **Equalities implications and risks:**

The removal of planning condition 5 of U0018.09 would result in no affordable housing units being provided within the forthcoming library and lifelong learning centre building. The lack of affordable housing is considered to be acceptable having regard to the wider community benefits which would arise from the library building proposal.

## **BACKGROUND PAPERS**

Application form, plans and supporting statements received on 1<sup>st</sup> April 2011.