

 <p>Havering LONDON BOROUGH</p>	<p>Strategic Planning Committee 25 February 2020</p>
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Application Reference:	P1464.20
Location:	Napier House and New Plymouth House, Dunedin Road, Rainham RM13 8LD
Ward:	South Hornchurch
Description:	Section 73 Application (Minor Material Amendment) to vary Condition 2 (Approved Plans) of Planning Permission Reference P0751.19 dated 06 April 2020 for the demolition of existing buildings and redevelopment of site comprising a number of buildings ranging between 3-10 storeys, providing 197 residential dwellings (Class C3), public and private open space, formation of new accesses and alterations to existing accesses, associated car and cycle parking and associated works. The minor material amendments sought are to make external changes to the external appearance of the building, layout and landscaping.
Case Officer:	John Kaimakamis
Reason for Report to Committee:	The application is of strategic importance and has been submitted in partnership with the London Borough of Havering. The Local Planning Authority is considering the application in its capacity

as local planning authority and without regard to the identity of the Applicant.

1. BACKGROUND

- 1.1 The application site is in the south of the Borough within the South Hornchurch Ward. It does not fall within a conservation area and there are no listed buildings on or adjoining the site. However there are long views towards the Rainham Conservation Area which is approximately 360 metres away at its nearest point. At present, the site is cleared with all the buildings having been demolished. These demolition works were granted permission by virtue of Prior Approval permission (F0004.18).
- 1.2 The Section 73 application seeks minor material amendments to Planning Permission Reference P0751.19 that was granted consent on 06 April 2020 for the demolition of existing buildings and redevelopment of site comprising a number of buildings ranging between 3-10 storeys and providing for 197 residential dwellings.
- 1.3 The minor material amendments sought are to make changes to the external appearance of the building, layout and landscaping. They are summarised below under the three broad categories.
- 1.4 Furthermore, since the grant of the original permission and signing of the s106 legal agreement, there have been some changes to the manner in which the scheme is to be brought forward by the various parties involved. As such, the applicant has requested as part of the Deed of Variation that all references in the legal agreement in so far as requiring the developer to enter into a lease be removed, and amendments to the agreement be made to reflect that the land transaction is now being carried out by a licence. These amendments to the deed are supported.

2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The proposed amendments to the consented scheme are considered appropriate as they maintain the design intent of the consented scheme and offer a high quality design.
- 2.2 The proposed development is subject to appropriate conditions that were previously imposed which seek to facilitate the development and mitigate its potential impacts. Obligations and financial contributions that were secured towards environmental, infrastructure and services required to facilitate and

also mitigate potential impacts of the proposed development have been retained.

3 RECOMMENDATION

3.1 That the Committee resolve to GRANT planning permission subject to:

- Any direction by the London Mayor pursuant to the Mayor of London Order
- Conditional upon the prior completion of a Deed of Variation pursuant to Sections 106A and 106 of the Town and Country Planning Act 1990 to the existing legal agreement of Deed of Planning Obligation made under section 106 and of the Town and Country Planning Act 1990 dated 06 April 2020 securing the heads of terms as set out below:
 - Affordable Housing 64% to be delivered with a tenure split of 70:30 between social rent and affordable rent.
 - Affordable housing rent levels secured
 - Early and late Stage Viability Review Mechanisms attached.
 - Linear Park contribution sum of £154,407 to be indexed
 - Carbon offset fund contribution in respect of shortfall of the residential units to achieve a 100% reduction in carbon dioxide emissions compared to Part L of the Building Regulations 2013, such sum calculated at sixty pounds (£60.00) per tonne that falls below the 100% threshold, for a period of 30 years, duly Indexed, and the commercial units; and in respect of the commercial units to achieve a 35% reduction in carbon dioxide emissions compared to Part L of the Building Regulations 2013, such sum calculated at sixty pounds (£60.00) per tonne that falls below the 35% threshold, for a period of 30 years, duly Indexed
 - Job Brokerage 4 per 10,000spm of development to be indexed
 - Traffic Management contribution of £10,000, Indexed. For the review of waiting and loading restrictions on New Road.
 - On-street cycle parking contribution of £15,000 for the provision of cycle parking in the vicinity of the site, Indexed.
 - Restriction on obtaining parking permits for occupiers.
 - Controlled Parking Zone contribution £22,064 (£112 per unit) to be indexed.
 - Travel Plan (including the appointment of a Co-ordinator)
 - Enter into a Planning Performance Agreement (PPA) with the LPA for the discharge of conditions.
 - Reasonable legal fees for the drafting and negotiation of the deed whether or not it goes to completion

- Monitoring fee towards the Council costs of monitoring compliance with the deed
 - All references in the legal agreement in so far as requiring the developer to enter into a lease be removed as the land transaction is now being carried out by a licence.
- 3.2 That the Assistant Director Planning is delegated authority to negotiate the legal agreement indicated above and that if not completed by the 25 July 2021 the Assistant Director of Planning is delegated authority to refuse planning permission or extend the timeframe to grant approval.
- 3.3 That the Assistant Director Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions (to be updated to reflect any details previously approved)

1. Time Limit
2. In Accordance With Amended Drawings
3. Material Samples
4. 90% of the dwellings shall be designed to be Category 2 'Accessible and adaptable' and 10% Wheelchair Adaptable Dwellings
5. Secured By Design
6. Construction Method Statement
7. Contaminated Land Investigation
8. Delivery and Service Plan (TfL)
9. Details of Boundary Treatments
10. Remediation Strategy for Contaminated Land
11. Sound Insulation (Plant noise/Machinery)
12. Noise protection (A1306)
13. Refuse/Recycling and Collection Management Plan
14. Cycle Parking Spaces
15. Vehicle Cleansing
16. Construction Hours
17. Archaeological Investigation
18. Green/Brown Roof Details
19. Delivery and Service Plan
20. External Lighting Scheme
21. Measures to off-set excess transport emissions
22. NRMM Register
23. Noise protection measures (Airborne Noise)
24. Piling Method Statement (Thames Water)
25. Photovoltaic Panel Details
26. Water Target Use – Water Efficiency

27. Sustainable Urban Drainage Systems (SUDs) Management Strategy
28. Flood mitigation, warning and preparation details (GLA)
29. Surface Water Drainage Strategy
30. Pedestrian Visibility Splays To Access
31. Highways Works
32. Car Parking Management Plan
33. Electrical Charging Points
34. Final Floor Levels
35. Flood Management Strategy
36. Cycle Parking Management Plan
37. Road Levels, Footpaths and Landscaped Areas.

Conditions 6, 8, 9, 10, 11, 15, 17, 21, 22, 24, 27, 29 and 37 would contain additional wording to reflect details that have previously been submitted and discharged and would be deemed sufficient for the purposes of this permission.

Condition 34 would be worded as a compliance condition to reflect the level plans submitted under this application.

Informatives

1. NPPF Positive and Proactive
2. Secure By Design
3. Highway Legislation
4. Changes to the Public Highway
5. Highway Approval Required
6. Highway Legislation
7. Construction Materials on Highway
8. Cycle Track and Footway Link
9. Surface Water Management
10. Community Infrastructure Levy (CIL)

4. SITE AND SURROUNDINGS

- 4.1 The application site is in the south of the Borough in Rainham about 0.6 miles from Rainham Station. The application relates to the former residential towers known as Napier House and New Plymouth House on Dunedin Road as well as the associated car parking area next to New Plymouth House. The site area measures 0.79 hectares. The site previously contained a car parking area and the two residential towers that are being demolished. Each block was 13-storeys in height with Napier House having 49 units and New Plymouth house having 48 units. As such, there were a total of 97 residential units. The blocks dated back to the 1960s and were finished in a mix of brick, concrete, panelling and metal to windows/balconies.
- 4.2 The application site does not fall within a conservation area and there are no listed buildings on site. The site falls within flood zone 3 and has a Public

Transport Accessibility Level (PTAL) rating of 2. There are no Tree Preservation Orders (TPO).

- 4.3 The current application seeks amendments to a planning permission that has been brought forward via a joint venture partnership between Wates and London Borough of Havering. The site already benefits from permission to demolish under the prior approval process.

5 PROPOSAL

- 5.1 The proposal seeks the variation of Condition 2 (Approved Plans) of Planning Permission Reference P0751.19 dated 06 April 2020 for the demolition of existing buildings and redevelopment of site comprising a number of buildings ranging between 3-10 storeys, providing 197 residential dwellings (Class C3), public and private open space, formation of new accesses and alterations to existing accesses, associated car and cycle parking and associated works.
- 5.2 The minor material amendments sought are summarised below under the three broad categories.

External Appearance

- Soldier course amendments replacing double soldier course to single soldier course band;
- Omission of shadow gaps to brickwork between duplex homes;
- Omission of corten steel cladding to cycle store and replacement with brickwork;
- Louvre amendments;
- Increase in window frame profiles;
- Windows serving bathrooms omitted;
- Omission of Juliet balconies to reduce impact of inward swinging doors to be replaced with standard openable windows;
- Addition of a kick plate to balcony balustrading to achieve Building Regulations compliance and change to profile to align with new banding width;
- Window and/or Balcony reconfiguration to align to revised Apartment Layouts;
- Removal of glazed side panels to duplex entrance doors;
- Raised cills to allow a kitchen to sit behind without the need for blanking panels in full height windows;
- Additional windows to serve additional bedrooms following revisions to the layout;

Layout

- Amended car parking layout to include an additional car parking space;
- Apartment reconfiguration to improve layout;
- Amendments to cycle store arrangements and locations;
- Substation and bulk store change;
- Communications room door moved off-street; and
- Reduction in the size of the common corridor.

Landscaping

- Amendment to tree species and location, including removal of 5 no. trees along the eastern boundary due to clashes with services beneath;
- Creation of a ramp in lieu of steps to the duplex units at Building C in order to achieve Building Regulation compliance;
- Creation of a private residential terrace to Building C to suit relocation of communal residential entrance;
- Update to site levels to improve access and use for residents; and
- Alteration to podium level boundary treatment.

5.3 Since the approval of the original application scheme some of the detail required by condition have been approved. In the interest of completeness the condition list would be updated to make reference to those approvals. Specifically, this relates to Conditions 6, 8, 9, 10, 11, 15, 17, 21, 22, 24, 27, 29 and 37.

5.4 Additionally, final floor levels sought under Condition 34 would be considered as part of the current application as they have been included within the submission documents. Should planning permission be granted, the wording of Condition 34 is to be varied to reflect these plans.

6 PLANNING HISTORY

6.1 The following planning decisions are relevant to the application:

- **F0004.18:** Prior Approval for Demolition of Two Tower Blocks Comprising Of 1- 49 New Plymouth House & 1-49 Napier House. - ***Prior Approval Not Required, March 2019***
- **Z0006.18:** EIA under Regulation 6 of the Town and Country Planning Regulations 2017 for Napier and New Plymouth House. - ***Screening Opinion issued, July 2018***
- **P0376.14:** New Plymouth House removal of existing disused and dilapidated pram stores to provide 2 new flats. - ***Granted, July 2014***

- **P1541.02:** Security lighting columns. **Approved, October 2002**
- **D0058.97:** Installation of one equipment cabin and development ancillary. **Certificate issued, August 1997**
- **D0047.97:** 6x antennae, 3 microwave dishes supported on 6m tower, together with 30cu.m cabin. **Certificate issued, August 1997**
- **G0001.97:** Proposed roof level radio cabin. **Approved, July 1997**
- **P0751.19:** Demolition of existing buildings and redevelopment of site comprising a number of buildings ranging between 3-10 storeys, providing 197 residential dwellings (Class C3), public and private open space, formation of new accesses and alterations to existing accesses, associated car and cycle parking and associated works. Consent granted, **06 April 2020**

7 STATUTORY CONSULTATION RESPONSE

7.1 A summary of consultation response are detailed below:

- **Transport for London:** No comments.
- **Greater London Authority:** The GLA have assessed the details of the application and concluded that given the scale and nature of the proposals the amendments do not give rise to any new strategic planning issues. Therefore, under article 5(2) of the above Order the Mayor of London, the application does not require any further consultation with the GLA and the Council may proceed to determine the application without further reference to the GLA.
- **Historic England (GLAAS):** No comments are raised as the proposals do not affect the archaeological condition relating to the permission.
- **Natural England:** No comments.
- **London Fire and Emergency Planning Authority:** LFEPA have conformed that no additional hydrants are required and content for works at the site to go ahead as planned.
- **LBH Environmental Health:** No objections in relation to air quality matters.

8 LOCAL REPRESENTATION

8.1 The application was advertised via a Press Notice and Site Notice displayed at the site for 21 days between 04 and 25 November 2020.

8.2 A formal neighbour consultation was also undertaken with 227 neighbouring properties being notified of the application and invited to comment. Comments have been received from 1 neighbour.

8.3 The following local groups/societies made representations:

- None.

8.4 The following Councillor(s) made representations:

- None

8.5 The following neighbour representations were received:

- 1 objector
- 0 comments.
- No petitions have been received.

8.6 A summary of neighbour comments is given as follows (as only material comments can be considered as part of the application assessment, these comments have been divided into “material” and “non-material” comments):

Material Representations

Objections

- Building A is within 5 metres of neighbour’s property.
- Daylight will be restricted to rear of neighbour’s property given tree planting and height of 7-storey building. Daylight will also be affected by the 3/4-storey part of building closest to boundary.
- Trees planted will overhang into neighbour’s property.
- First floor podium amenity space will overlook into neighbours property.
- Refuse is located too close to neighbour.

Support

- None.

Officer Response: The above objections relate to considerations that were assessed during the original planning application. None of the proposed

amendments under this submission would alter the layout or massing of the proposed buildings.

Non-material representations

8.7 Below is a summary of comments received from neighbours that do not represent material planning considerations for the determination of the application. This is because they fall outside of the remit of planning. This includes the marketing of properties, purchases of the properties, neighbour disputes and the value of properties.

- None

Procedural issues

8.8 No procedural issues were raised in representations.

9 MATERIAL PLANNING CONSIDERATIONS

9.1 The main issues arising from this proposal relate to:

- Acknowledgement of the scope of what may and may not be considered under Section 73 of the Town and Country Planning Act 1990
- Nature of the variation and whether the change(s) materially/adversely alter the nature of the scheme
- Any significant material alterations since the original grant of planning permission.

Scope of the Consideration of the Case under Section 73 of the T&CPA

9.2 Section 73 of the Town and Country Planning Act 1990 concerns 'Determination of application to develop land without compliance with conditions previously attached'. It is colloquially known as 'varying' or 'amending' conditions. Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under s73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.

9.3 It is important to note that when assessing s73 applications the previously granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented, or if the permission has not yet expired, the applicant may go ahead and complete the original approved scheme if they wish.

9.4 Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the

previous paragraphs and the applicant's ability to complete the originally approved development.

The Variation

- 9.5 Planning Permission Reference No: P0751.19 granted consent for the demolition of existing buildings and redevelopment of site comprising a number of buildings ranging between 3-10 storeys, providing 197 residential dwellings (Class C3), public and private open space, formation of new accesses and alterations to existing accesses, associated car and cycle parking and associated works.
- 9.6 The application seeks amendments to the consented scheme, which are to make changes to the external appearance of the building, layout and landscaping. These have been described in detail in Section 5.2 of this Report.

Design

- 9.7 The NPPF 2019 attaches great importance to the design of the built environment. Paragraph 124 states *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'*
- 9.8 At the regional level, high quality design is central to all the objectives of the London Plan and is specifically promoted in chapter 7 policies. These include: policy 7.1 which sets out some overarching design principles; policy 7.6 which considers building architecture; policy 7.7 which addresses specific design issues associated with tall buildings; policy 7.8 which seeks to protect heritage assets; policy 7.11 which considers strategic landmarks and wider character; and policy 7.4 which considers local character. These objectives are also contained within Policies D1, D2, and HC1 of the emerging London Plan.
- 9.9 Policy DC61 of the Core Strategy and Development Control Policies Development Plan Document states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area.
- 9.10 The proposal that was granted planning permission consisted of a scheme that reflects a contemporary style and comprised 3 building blocks. Block A, (part 1, part 3, part 4 and part 7- storeys above street level) would be positioned west of the site adjacent to Blewitts Cottages, which is a 2-storey terrace of houses. Closest to the boundary, the height would be three-storey to the north and south and single storey in between with podium level amenity space, rising to four-storeys on to Dunedin Road and seven-storeys to New Road. The massing then gradually climbs up to Block B (part 1, part 3, part 4 and part 10-storeys above street level) positioned in the centre of the site. Block B would sit next to the main ground level open space and would be part four/part ten storey fronting New Road and part three/four storey to Dunedin Road. To the east of the site,

Block C (part 1, part 3, part 4 and part 9 storey) which would sit next to the playing fields of the La Salette School. The building would be part nine/part four-storeys to New Road and part four/part three-storeys to Dunedin Road.

- 9.11 Under the original planning application that was granted consent, the officer's Strategic Planning Committee Report concluded the following:

“Careful consideration has been given to the design and massing of the residential tower blocks with the majority of the higher parts of the blocks being situated away from the two-storey low rise character. The position of the higher parts of the blocks being on New Road relate better with the more suburban feel of the properties on Dunedin Road where the proposed scale is less. The distribution of height and massing throughout the three blocks is well balanced and the separation between the three main apartment blocks is considered to be suitable.

The development is sufficiently set back from Dunedin Road to ensure the building line relates sensibly to surrounding development, and to prevent an overbearing impact upon the streetscene at that elevation. The proposed height is comparable to the existing blocks so justifies the scheme at that location. The use of the green landscape at ground floor and podium softens the appearance of the block massing and allows the development to relate better to the nearby playing field and open areas immediately adjacent the site. The change in scale between the building blocks creates interest in frontages and works well.”

- 9.12 None of the minor material amendments sought under the current S73 application would alter the scale and massing of the three proposed blocks. One of the key minor amendments seeks to swap the previously approved bricks for Blocks B and C. The consented scheme proposed brick finishes as follows: Block A (Taylor Maxwell Cream brick, Carsington Cream), Block B (Bradgate, Medium Grey), Block C (Michelmersh Red brick, First Quality Multi). The current proposal changes the brick tone rhythm from 'light-medium light – dark' to 'light-dark-medium light' rhythm so that by placing the darker brick within the middle building (Block B) greater contrast is achieved. Given the above specified bricks are not being amended and the same quality materials are proposed, officers do not raise objections to the colour sequencing, and as such the proposal would still adhere to achieving a high quality outcome.
- 9.13 Another key minor amendment includes increasing the horizontal banding width that wraps around the buildings from 75mm to 150mm and buildability issues have been cited by the applicant for this alteration. No objection is raised to the principle of altering the banding width as proposed however it is considered that it would have been preferable to have a darker banding to the building with the dark brick (now Block B) so that it is of a similar tone of the brick and not too contrasting. This detail could be secured via the imposition of a condition.
- 9.14 The amendments also include a reduction in the recessed brickwork depth from 100mm to 30mm. The inclusion of a 100mm brick recess within the consented scheme was a design detail that contributed to articulating the proposed buildings and in particular the flank elevations which consisted of a larger solid to void ratio. The effect of reducing this depth would lessen the extent of the

articulation and visibility of the reveals, however, it is considered that the depth of reveal proposed to be retained is still sufficient to adequately define the windows and articulate the flank elevations, and as such is an acceptable amendment.

- 9.15 Other key minor amendments include changing the consented double balcony doors to single doors (with overall area of glazing maintained), transom heights being raised, installation of vents, and changes to the window and balcony profiles which would not significantly alter the appearance of the buildings to that previously consented or that would result in a detrimental impact on the surrounding area.
- 9.16 Overall, the proposed development would continue to contribute positively to the surrounding area and would enhance the area visually subject to securing high quality finish through the details required by condition.

Quality of Residential Accommodation

- 9.17 Policy 3.5 of the London Plan states that new residential units should provide the highest quality internal environments for their future residents by meeting minimum floor areas in accordance with the Government's technical housing standards set out in Table 3.3. These requirements are also further elaborated within the Mayor's London Housing SPG (Technical housing standards - nationally described space standards). Together these form the pivotal backbone for the quality of any future residential accommodation. The SPG details specific space standards for communal areas, storage, bathroom spaces and corridors width.
- 9.18 A number of minor amendments are proposed to the layout configuration of the residential blocks as outlined above in Section 5.2 of this Report. One of the key layout changes proposed is the reconfiguration within the central part of all three blocks of certain residential units. This has resulted in the number of single aspect units being reduced across the whole scheme. All of these consented single aspect residential units were either east or west facing. The proposed amendments would not result in any north-facing single aspect units.
- 9.19 Additionally, all units under the new reconfiguration would comply with the London Plan and the National Technical Housing Standards in terms of overall size, storage, communal space and bathroom size. Therefore it is considered that all units are of an acceptable quality.

Parking and Highways Issues

- 9.20 Policies CP9, CP10 and DC32 require that proposals for new development assess their impact on the functioning of the road hierarchy. The overriding objective is to encourage sustainable travel and reduce reliance on cars by improving public transport, prioritising the needs of cyclists and pedestrians and managing car parking.
- 9.21 The consented scheme included car parking at ground floor of all Blocks. Block A-B would be linked at ground floor level and make provision for 76 car parking

spaces, while 16 would be provided at Block C. Cycle parking was proposed for 355 bicycles. Ten parking spaces have been allocated for disabled parking, 6 at Blocks A-B and 4 in Block C.

- 9.22 One of the minor amendments includes a re-configuration of the car parking layout, which has resulted in an additional space being provided under Blocks A-B. Consideration of the on-site car parking provision was conducted during the originally approved scheme and considered to be acceptable. The current proposals would not alter that assessment in any significant manner.
- 9.23 The amendments also include changes to the cycle store arrangements and their locations however a total number of 355 bicycles stands remains unchanged. These would be located at ground floor level and easily accessible to future residents. The above changes are minor in scale and would not impact on the ability to provide the requisite number of cycle stands proposed.

Landscaping

- 9.24 The development as consented included extensive outdoor green space area at podium (first floor) and ground floor levels. In total, this provided for 5250 square metres of shared amenity space, with an additional 1100 square metres of private defensible residential space. These outdoor spaces included a comprehensive green landscape strategy that was considered a good level of quality.
- 9.25 One of the two key amendments includes alterations to the access arrangements of the first floor podium amenity space for occupants of Block C. The altered access arrangements would still provide for two entrances and be adequate for the occupants of Block C.
- 9.26 Another of the key amendments is the removal of 5 trees along the eastern boundary of the site next to Block C as these have clashed with the provision of underground services infrastructure, however they are to be replaced with 5 new trees elsewhere on the site to the south of Block C. Two other previously proposed trees would also be altered in terms of type.
- 9.27 The final floor levels of the proposed buildings were sought as details under the previously approved consent. These have now been provided under the current submission and are considered to be acceptable and not significantly different from that originally proposed.

Planning Obligations, Conditions, Community Infrastructure Levy and local finance considerations

- 9.28 The conditions of the previous decision notice shall be re-imposed to the decision notice.
- 9.29 Condition number 1 relates to the timeframe for implementation. Usually this is a 3-year time frame from the date of issue in accordance with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended). To ensure that an extension of time is not granted by the grant of this material minor amendment,

Condition 1 has been reworded to relate to the expiry of the original decision notice.

- 9.30 Since the approval of the original application scheme some of the detail required by condition have been approved. In the interest of completeness the condition list would be updated to make reference to those approvals. Specifically, this relates to Conditions 6, 8, 9, 10, 11, 15, 17, 21, 22, 24, 27, 29 and 37.
- 9.31 Additionally, final floor levels sought under Condition 34 have been considered under this submission and the wording of Condition 34 is to be varied to reflect these plans.
- 9.32 The original application was subject to a legal agreement to mitigate against the impacts of the development. As this application requires the issue of a new/fresh planning permission the applicant has agreed to re-apply the agreed Heads of Terms of the original legal agreement to the new planning permission. This is important as it ensures those obligations originally agreed are met in the case of the implementation of the current application.
- 9.33 Since the grant of the original permission and signing of the s106 legal agreement, there have been some changes to the manner in which the scheme is to be brought forward by the various parties involved. As such, the applicant has requested as part of the Deed of Variation that all references in the legal agreement in so far as requiring the developer to enter into a lease be removed, and amendments to the agreement be made to reflect that the land transaction is now being carried out by a licence. These amendments to the deed are supported.
- 9.34 The applicant has also requested the addition of a new clause which states that the obligations in the Deed shall relate to and bind any subsequent S73 permissions in respect of the site. This amendment is not agreed as any subsequent S73 permission would be a separate planning permission in itself and requires a Deed of Variation or new S106 agreement.
- 9.35 The application would be subject to a Deed of Variation to the original section 106 legal agreement.

Other Matters

- 9.36 This application does not represent an opportunity to revise or reconsider the original grant of planning permission under P0751.19. This application only relates to the consideration of the variation of condition 2 as set out above.

SUMMARY AND CONCLUSION

Summary

- 9.37 The changes to the consented scheme are considered appropriate as they maintain the design intent of the consented scheme and offer a high quality design.

- 9.38 The proposed development is subject to appropriate conditions that were previously imposed which seek to facilitate the development and mitigate its potential impacts. Obligations and financial contributions that were secured towards environmental, infrastructure and services required to facilitate and also mitigate potential impacts of the proposed development have been retained.

Conclusion

- 9.39 It is recommended that planning permission be granted subject to conditions and deed of variation to link the application to the s106 legal agreement heads of terms for the reasons and details as set out in the resolutions of Section 3 of this Report.