

LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2022/2504

Ward: Muswell Hill

Date received: 09/09/2022

Drawing number of plans: London Enhanced Access Service Plan Template dated June 2022 by NHS

Address: 54 Muswell Hill N10 3ST

Proposal: Variation of condition 4 (opening hours) of planning permission ref. HGY/2021/0341 granted on 11/3/2021 for the following amendments:

- Change from approved Mon-Sat 8:00-18:30 to Mon-Fri 07:30-20:00.
- Saturday to remain as approved.

Applicant: The Muswell Hill Practice

Ownership: NHS

Officer contact: Tania Skelli

2. SUMMARY OF RECOMMENDATION

Approve variation of condition

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

3.1 This is an application for Variation of condition 4 (opening hours) of planning permission ref. HGY/2021/0341 granted on 11/3/2021 for the following amendments:

- Change from approved Mon-Sat 8:00-18:30 to Mon-Fri 07:30-20:00.
- Saturdays to remain as approved.

Site and Surroundings

3.2 The site is a part two/ part three-storey building on the corner of Muswell Hill and Dukes Mews. It is located on the north-east side of Muswell Hill and lies on the edge of the Muswell Hill Broadway (designated shopping frontage and town centre). The site is part occupied by a gym and residential units (known as Ashmount Lodge, flats nos. 1-8). It is located in the Muswell Hill conservation area and is adjacent to the listed Muswell Hill Baptist Church to the rear. To the north-east of the site lies a recently developed residential terrace (Pinnacle Close).

- 3.3 The subject rear part of the building is operating as a GP practice since permission was recently granted.

Relevant Planning and Enforcement history

Planning history:

HGY/2021/0341: Change of use of building to be used as health clinic – granted permission 2021, subject to condition 3:

The Health Clinic use hereby permitted shall not be operated before 08:00 hours or after 18:30 hours Monday to Saturdays.

Reason: To facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished.

4. CONSULTATION RESPONSE

- 4.1 There were no statutory consultees for this planning application.

5. LOCAL REPRESENTATIONS

- 5.1 The application has been publicised by way of letters sent to neighbouring properties. No representations have been received from neighbours, local groups, etc. in response to notification and publicity of the application.

6 MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Scope of Section 73 application;
2. Neighbouring amenities.

Scope of Section 73 application

- 6.1 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. One of the uses of a S. 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. A S.73 application results in a new permission being issued.
- 6.2 Guidance for determining S.73 applications is set out in the NPPG which states that a minor material amendment is one “whose scale and nature results in a development which is not substantially different from the one which has been approved”. This is not a statutory definition but the Department for Communities and Local Government agree with this statement. It is further stated that the development which the application under S.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date. Consequently the extent of the material planning considerations are somewhat restricted and only the amendments being applied for should be considered at this stage. Having said that, when determining the application, the local planning authority (LPA) will have to consider the application in the light of current policy. 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.

- 6.3 With the exception of minor alterations made to the National Planning Policy Framework (NPPF) in 2019, in this case since the granting of planning permission, the same policy documents used in the assessment of the proposal are currently adopted, and there are no further policy documents that have been adopted that materially alter the assessment of the current proposal. The overall policy approach relating to development of such sites, housing mix, design and character, and living conditions for future occupants remain consistent.
- 6.4 The changes to the approved development relate to minor alterations to the roof design, introduction of low railings on the front elevation, and the removal some side windows from the north elevation of the building.

Neighbouring amenities

- 6.5 London Plan Policy D4 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding housing that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.
- 6.1 DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and aspects to adjacent buildings and land, and to provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy and detriment to amenity of neighbouring resident.
- 6.6 The proposal seeks to vary the approved opening hours for the medical practice. The variation is sought in the context of the practice providing health services to its 15,000 local patients with a mix of telephone and face-to-face appointments. It is planned to operate on one Saturday out of 4 and increase the weekday opening hours by an additional 1.5hrs in the evenings and 0.5hr in the mornings. The proposed time extension is not considered significant and the hours not considered too early or too late to result in significant disturbance to residential neighbouring occupiers. Accordingly, the proposed variation is considered acceptable.

Conclusions

- 6.16 The proposed amendments can be treated as a minor material amendment to the original grant of planning permission.
- 6.17 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.

7. CIL APPLICABLE

- 7.1 The proposed variation and development is CIL exempt.

1. The approved plans comprise drawing nos (Site location plan, MHP.PPA.01.00.DR.A.30200/P04, 01.DR.A.30201/P04, 02.DR.A.30202/P04, MHP.PPA.XX.XX.DR.A.00004/P02, 00005/P2, Travel Plan by TTP Consulting dated January 2021 Acoustic design report by Parker Jones - Stage 2 - Final Issue dated 4/11/2020, BREEAM Assessment Services by Sol Environmental dated 2/7/2020, Stage 2 MEP Report by Hoare Lea Rev 1 dated 30/10/2020), London Enhanced Access Service Plan Template dated June 2022 by NHS. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

2. The E(e) unit hereby permitted shall be used for a health clinic (Class E(e)) and for no other purpose (including any other purpose in Class E of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, without the prior approval, in writing, of the Planning Authority.

Reason: In order to restrict the use of the premises in the interest of the amenities of the area.

3. The Health Clinic use hereby permitted shall not be operated before 07:30 hours or after 20:00 hours Monday to Fridays and between 8:00-18:30 on Saturdays.

Reason: To facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished.

4. The design and installation of new items of fixed plant and insulation hereby approved by this permission shall be such that, when in operation, the cumulative noise level LAeq 15 min arising from the proposed plant, measured or predicted at 1m from the facade of nearest residential premises shall be a rating level of at least 10dB(A) below the background noise level LAF90. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014 and A1:2019. Upon request by the local planning authority a noise report shall be produced by a competent person and shall be submitted to and approved by the local planning authority to demonstrate compliance with the above criteria.

Reason: In order to protect the amenities of nearby residential occupiers consistent with Policy D14 of the London Plan 2021 and Policy DM1 of The Development Management DPD 2017.

5. Before the development hereby permitted is commenced a plan showing a 1.8 metre high privacy screen along the joint boundaries (including any upper terraces between the clinic and flats) shall be submitted to and approved in writing by the Planning Authority. Development shall be carried out in accordance with the approved details prior to the first use of the BALCONY/TERRACE AREA and the screening shall be retained in perpetuity unless otherwise agreed in writing by the Planning Authority.

Reason: To avoid overlooking into the adjoining properties and to comply with Policy SP11 of the Haringey Local Plan 2013 and Policy DM1 of The Development Management DPD 2017.

6. 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, within 3 months of this permission. The development shall not be occupied until a minimum of 7 cycle parking spaces (including 4 as previously existing) 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 T5 of the London Plan 2021 and Policy SP7 of the Haringey Local Plan 2017.