

Officer's Report

Application Number	HGY/2022/4161
Type	Removal/variation of conditions
Location	255, Lordship Lane, Tottenham, London, N17 6AA
Proposal	Application for a Non-Material Amendment to vary Condition 17 attached to planning permission HGY/2017/1097 to remove reference to shutter strategy
Case Officer	Samuel Uff
Valid Date	16/11/2022
Applicant	Assetrock Tottenham Ltd
Agent	BB Partnership Limited

RECOMMENDATION

Approve

APPROVED DEVELOPMENT

HGY/2017/1097 Variation of Condition 2 (plans and specification) attached to planning permission HGY/2015/2321 for the erection of a four storey development (plus two below ground levels) of 32 residential units plus commercial space, including an additional lower ground floor level of 549.26sqm.

PROPOSED AMENDMENT

The application proposes the removal of shutter strategy from condition 17. This condition was added in response to the addition of the basement floor in the 2017 application and was on the basis of design and appearance.

Condition 17 reads:

Prior to the completion of the development hereby permitted, a shutter and signage strategy shall be submitted to and approved in writing by the Local Planning Authority all future proposal for shutters and signage shall be in accordance with this strategy and must not include external metal shutters.

Reason: In order to retain the design quality of the development in the interest of the visual amenity of the area and consistent with Policy SP11 of the Haringey Local Plan 2017.

CONSULTATION RESPONSE

No consultation required.

ANALYSIS/ASSESSMENT

The planning history of the site has been taken into account when coming to this decision. S96 of the Town and Country Planning Act 1990 (as amended) allows the Council to make a change to any planning permission if satisfied that the change is not material. An application for a non-material amendment can only be made by or on behalf of a person with an interest in the land to which the planning permission relates and the application

may be made only in respect of so much of the planning permission as affects the land in which the person has an interest.

The National Planning Practice Guidance (NPPG) sets out that there is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application. As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore, local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views. The NPPG states that when making a decision the local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.

The applicant has provided details of the site as a means of depicting why there is no reason for shutters. This sets out that the railing at street level and drop to the lightwell will provide sufficient security so as not to require roller shutters. If any future use did require any roller shutters then permission for those would be required and accordingly would require details of design to be submitted.

The reason for the condition was on the basis of visual amenity rather than security. There was no condition attached that would require secure by design. On this basis it would be in the spirit of permission and the requirement for the condition for the condition to be amended as a non-material amendment.

The revised condition would read: *"Prior to the completion of the development hereby permitted and signage strategy shall be submitted to and approved in writing by the Local Planning Authority all future proposal for shutters and signage shall be in accordance with this strategy and must not include external metal shutters."*

All other aspects of previously approved application remain unchanged with regard to design, footprint, scale and bulk. The drawings referenced in this approval are those from the approved development.

Therefore, the proposal to amend the condition is considered a non- material amendment and this application is therefore recommended for approval.

The proposed development is in general accordance with Policies DM1 and DM12 of the Development Management, Development Plan Document 2017, and policy SP11 of Haringey's Local Plan Strategic Policies 2017.

RECOMMENDATION

GRANT NMA

INFORMATIVE(S):

1. The amended condition shall read:

Prior to the completion of the development hereby permitted a signage strategy shall be submitted to and approved in writing by the Local Planning Authority all future proposal for shutters and signage shall be in accordance with this strategy and must not include external metal shutters.

Reason: In order to retain the design quality of the development in the interest of the visual amenity of the area and consistent with Policy SP11 of the Haringey Local Plan 2017.

2. The Applicant is informed that the installation of a roller shutter requires planning permission and any proposed future installation will require a planning application to be submitted to the Council for consideration and determination.