

Officer's Report

Application Number	HGY/2023/1108
Type	Removal/variation of conditions
Location	62 Turnpike Lane, Wood Green, London, N8 0PR
Proposal	Removal/Variation of a condition
Case Officer	Zara Seelig
Valid Date	24/04/2023
Applicant	Mr Thi
Agent	Mr David Mercer

RECOMMENDATION

Approve with Conditions

PROPOSED DEVELOPMENT AND LOCATION DETAILS

This is an application for Variation of condition 2 (approved plans) of planning decision HGY/2022/2221 for the following amendments:

- Addition of PV Panels at roof level

Site and Surroundings

The application site is a two-storey mid terrace building consisting of a retail unit on the ground floor and a residential unit on the first floor located on the Northern side of Turnpike Lane. The site is not located within a Conservation Area, it is not a listed building and there are no TPO's on the site.

Relevant Planning and Enforcement History

The planning history of the site has been taken into account when coming to this decision.

- HGY/2022/4494 – Variation of condition 2 to add pv panels at roof level and steel guard rails at roof level – Refused permission.
- Planning permission was granted (ref. HGY/2022/2221) for a rear and front extension and loft conversion to create 2 x 2 bed flats and 1 x studio flat. Retail unit retained on 08/11/2022. This application is to vary condition 2 of this approval.
- Planning permission was granted (ref. HGY/2016/2499) for the change of use from retail (A1) to restaurant / café (A3), in conjunction with the erection of a metal canopy over the front and rear seating areas and installation of rear extraction flue on 07/09/2016.

LOCAL REPRESENTATIONS

The application has been publicised by way of 8 letters sent to neighbouring properties. No representations received from neighbours, local groups, etc in response to notification and publicity of the application.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Scope of Section 73 application; and
2. Design and character.

Scope of Section 73 application

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.

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.

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.

Design and character

DM Policy (2017) DM1 ‘Delivering High Quality Design’ states that development proposals should relate positively to their locality, having regard to, building heights, form, scale & massing prevailing around the site, urban grain, sense of enclosure and, where appropriate, following existing building lines, rhythm of any neighbouring or local regular plot and building widths, active, lively frontages to the public realm, and distinctive local architectural styles, detailing and materials.

Local Plan (2017) Policy SP11 states that all new development should enhance and enrich Haringey’s built environment and create places and buildings that are high quality, attractive, sustainable, safe and easy to use. Development shall be of the highest standard of design that respects its local context and character and historic significance, to contribute to the creation and enhancement of Haringey’s sense of place and identity which is supported by the London Plan (2021).

The principle of appropriate PV panels is supported and is encouraged. The proposal has been amended following the previous refusal, with the PV panels now lay flat on the roof surfaces overcoming the reason for refusal due to the PV panels being at an angle. The proposed PV panels are considered acceptable in terms of design and appearance.

The proposed plans show amendments to the front dormer window, although this is not stated in the description of development or on the application form. In principle the revisions to the dormer window would be considered acceptable providing it follows the design of that constructed at no.70.

Conclusions

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.

CIL APPLICABLE

The CIL liable has been set out in the informative section of the decision notice.

RECOMMENDATION

GRANT PERMISSION (with conditions)

Conditions:

- 1 The development hereby permitted shall be begun not later than the expiration of 08/11/2025.

Reason: To ensure the commencement timescale for the development is not extended beyond that of the original planning permission granted on 08/11/2022 Haringey ref: HGY/2022/2221.
- 2 The approved plans comprise drawing nos: 1177-01, 1177-02, 1177-03 Rev B, 1177-04 Rev B, 1177-12 Rev C, 1177-13 Rev H, 1177-14 Rev C and 1177-15 Rev H. 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: For the avoidance of doubt and in the interests of proper planning.
- 3 The external materials to be used for the proposed development shall match in colour, size, shape and texture those of the existing building.

Reason: In order to ensure a satisfactory appearance for the proposed development, to safeguard the visual amenity of neighbouring properties and the appearance of the locality consistent with Policy D3 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.
- 4 The proposed windows at first floor level and above on the flank elevation facing No. 64 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.5 m above the internal floor level of the room in which it is installed. This specification shall be complied with before the extension/ development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of neighbouring occupiers and to comply with Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.
- 5 No part of any structure hereby granted shall be used as a roof terrace or balcony.

Reason: In order to restrict the use of the premises to one compatible with the surrounding area because other uses within the same Use Class or another Use Class are not necessarily considered to be acceptable consistent with Policy DM1 of The

- 6 The applicant will be required to provide a minimum total of 5 x long-stay cycle parking spaces in line with the London Plan (2021) standards and the London Cycle Design Standards.

Reason: To promote travel by sustainable modes of transport and to comply with the London Plan (2021) minimum cycle parking standards and the London Cycle Design Standards.

- 7 Prior to the commencement of development, a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The document shall follow the best practice guidelines as set out in the Construction Logistics and Community Safety (CLOCS) standard requirements and CLOCS and Transport for London's Construction Logistics Planning (CLP) Guidance (2021).

The document shall include, but not limited to, the following matters and the development shall be undertaken in accordance with the details as approved:

- a) The routing of excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works on the highway;
- b) The estimated peak number and type of vehicles per day and week;
- c) Estimates for the number and type of parking suspensions that will be required; and
- d) Details of measures to protect pedestrians and other highway users from construction activities on the highway.

Reason: To provide the framework for understanding and managing construction vehicle activity into and out of a proposed development, encouraging modal shift and reducing overall vehicle numbers. To give the Council an overview of the expected logistics activity during the construction programme. To protect of the amenity of neighbour properties and to maintain traffic safety.

Informatives:

- **INFORMATIVE: Land Ownership**

The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.

- **INFORMATIVE: Hours of Construction Work**
The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-
8.00am - 6.00pm Monday to Friday
8.00am - 1.00pm Saturday
and not at all on Sundays and Bank Holidays.

- **INFORMATIVE : Community Infrastructure Levy**
The applicant is advised that the proposed development will be liable for the Mayor of London and Haringey CIL. Based on the information given on the plans, the Mayor's CIL

charge will be £6,055 (100sqm x £60.55) and the Haringey CIL charge will be £22,990 (100sqm x £229.90). This will be collected by Haringey after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.

- **INFORMATIVE: Party Wall Act**
The applicant's attention is drawn to the Party Wall Act 1996 which sets out requirements for notice to be given to relevant adjoining owners of intended works on a shared wall, on a boundary or if excavations are to be carried out near a neighbouring building.