

Officer's Report

Application Number	HGY/2023/0829
Type	Non-Material Amendment
Location	423-435, Lordship Lane, London, N22 5DH
Proposal	Non-Material Amendment to reword the conditions. The rewording of the conditions 4, 5 and 7 to separate a schedule of works from all other demolition and construction requirements. Planning application HGY/2017/3679 for: Demolition of existing building and erection of part 1, part 5, part 6 and part 7 storey building comprising commercial uses (use class A1, A2, A3, A4, A5) at ground floor and 50 residential dwellings above. Provision of waste refuse storage, cycle parking, disabled car parking and amenity space, at 423-435 Lordship Lane, Wood Green, London N22 SDH. Planning permission was granted on appeal on 29th June 2020 (PINS ref: APP/Y5420/W/19/3223654).
Case Officer	Josh Parker
Valid Date	24/03/2023
Applicant	C/O agent
Agent	Shoshannah Stone

RECOMMENDATION

Approve

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved development

Planning application HGY/2017/3679 was granted by the 29 June 2020 following appeal APP/Y5420/W/19/3223654. The approved development consisted of the following:
Demolition of existing building and erection of part 1, part 5, part 6 and part 7 storey building comprising commercial uses (use class A1, A2, A3, A4, A5) at ground floor and 50 residential dwellings above. Provision of waste refuse storage, cycle parking, disabled car parking and amenity space, at 423-435 Lordship Lane, Wood Green, London N22 SDH. Planning permission was granted on appeal on 29th June 2020 (PINS ref: APP/Y5420/W/19/3223654).

Proposed amendments

The applicant seeks to amend the wording of conditions 4, 5 & 7 of planning permission reference APP/Y5420/W/19/3223654 which currently requires all details to be submitted and approved before any demolition or construction works commence (pre-commencement).
As the approved permissions (by virtue of the provisions of the Planning & Compulsory Purchase Act 2004) 3-year expiration date is on the 29th of June 2023 conditions 4, 5 and 7 are proposed to be amended to allow the applicant to carry out specific works that would effectively implement the planning permission before the life of the permission expires, and by doing so would not breach the pre-commencement conditions. In order to achieve this, the proposal seeks to amend conditions 4, 5 and 7 to allow the removal of the cladding from the existing building (constituting partial demolition) so that the permission has been implemented. Conditions 4, 5 and 7 would still remain

on the decision notice and would require all other details (excluding the removal of the cladding) to be submitted for approval before any other works could commence.

Therefore, this application would retain the pre-commencement requirements of conditions 4, 5 and 7, excluding the schedule of works agreed upon outlines in the Phase 1a document Ref: (Phasing Schedule, June 2023) which will allow the proposal to be split into 3 phases.

1a) Phase 1a: Demolition works agreed to in document Ref:(Phasing Schedule, June 2023)(Drawing No. 0024-KLA-00-ZZ-DR-19 001 Rev p01) – This allows the development to be ‘implemented’.

- Removal of the external timber cladding to rear of the building
- 1b) Phase 1b: Comprised of all demolition and site clearance works (excluding Phase 1a)
- Erection of hoarding and temporary workers’ compound
 - Subsequent sequenced demolition of the existing building
 - Post demolition and site clearance ground investigations
- 2) Phase 2: Comprises of all construction works
- Substructure works
 - Superstructure works
 - Façade and roof installation
 - Mechanical and electrical etc services fit out
 - Internal fit-out
 - Landscaping works
 - Removal of hoarding and temporary workers’ compound

ANALYSIS/ASSESSMENT

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.

Conditions 4, 5, and 7 currently need to be discharged to commence works as they all have pre-commencement requirements. The applicants are seeking to amend the wording of these pre-commencement conditions to allow for limited works referenced above (Phase 1a) outside of the pre-commencement parameters to give effect to the permission. Given the minor nature of the installations and modest impact on the conditions, the flexibility afforded to the applicant by the amendments would be acceptable.

The amendments would change the conditions as follows (bold denotes additional wording):

Existing condition 4 – Construction Method Statement:

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include details of:

- a) the parking of vehicles of site operatives and visitors;
 - b) construction logistics covering delivery, loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding;
 - e) a Tree Protection Plan for retained trees
 - f) wheel washing facilities;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

4) Amended Condition 4 - Construction Method Statement:

No development shall take place, including any works of demolition (**excluding the works outlined in Phase 1a**), until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include details of:

- a) the parking of vehicles of site operatives and visitors;
 - b) construction logistics covering delivery, loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding;
 - e) a Tree Protection Plan for retained trees
 - f) wheel washing facilities;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Officer comments:

The works outlined in Phase 1a pose little to no risk in terms of construction site nuisance. The works in the schedule consist of removing the existing wooden cladding to expose the original brickwork. There are minimal contractors and vehicles required to complete works are proposed to be completed in a short timeframe. All works outside of Phase 1a require a full assessment and discharging and therefore acceptable.

Existing condition 5 – Air Quality and Dust Management Plan (AQDMP)

No development shall take place until a detailed Air Quality and Dust Management Plan (AQDMP), detailing the management of demolition and construction dust, has been submitted and approved in writing by the Local Planning Authority. The plan shall be in accordance with the Greater London Authority's Control of Dust and Emissions Supplementary Planning Guidance document (July 2014) and shall include a Dust Risk Assessment. The development shall be carried out in full accordance with the approved AQDMP.

5). Amended condition 5 – Air Quality and Dust Management Plan (AQDMP)

No development shall take place **excluding the works outlined in Phase 1a**, until a detailed Air Quality and Dust Management Plan (AQDMP), detailing the management of demolition and construction dust, has been submitted and approved in writing by the Local Planning Authority. The plan shall be in accordance with the Greater London Authority's Control of Dust and Emissions Supplementary Planning Guidance document (July 2014) and shall include a Dust Risk Assessment. The development shall be carried out in full accordance with the approved AQDMP.

Officer comments:

The works outlined in Phase 1a pose little to no risk in terms for Air Quality and Dust Management. The works in the schedule consist of removing the existing wooden cladding to expose the original brickwork. There are no earthworks or major demolition involved in Phase 1a. All works outside of Phase 1a require a full assessment and discharging and therefore acceptable.

Existing Condition 7 – Highway Plans

Notwithstanding the plans hereby approved, no development shall take place until revised highway plans, including details of the stopping-up of the footway, have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved highway plans prior to its first occupation.

Amended Condition 7:

7). Amended Condition 7 – Highway Plans

Notwithstanding the plans hereby approved, no development **excluding the works outlined in Phase 1a** shall take place until revised highway plans, including details of the stopping-up of the footway, have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved highway plans prior to its first occupation. it would have been otherwise necessary to refuse the whole permission.

Officer comments:

This condition was added by the Inspector as the site is in the Wood Green Area Action Plan (WGAAP) which identifies the site requiring highway widening works. The re-wording poses no risk as the condition pertains to the construction phase and although at this point in the development there is no guarantee at this stage that these highway widening works are to take place (particularly as the WGAAP has not yet been formally adopted by the Council) the works required to implement the scheme (removal of cladding) and the proposed re-wording of the condition would ensure that the highway works could still take place, if required, in the future.

New Condition 36 - Phasing

The development hereby approved shall be carried out in Phases in accordance with the approved Phasing Schedule, dated June 2023, unless an alternative phasing schedule is submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

Reason: To assist with the identification of each chargeable phase for the purposes of the Community Infrastructure Levy payable in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).'

Conclusion

In order to allow the applicant to carry out specific works that would effectively implement the planning permission before the life of the permission expires, the proposed variation of conditions 4, 5 and 7 (pre-commencement conditions) will allow for the for the works reserved above in the Phasing Schedule, June 2023. The variation will not compromise the integrity or quality of conditions and overall development for the reasons being imposed, which is to limit impacts and scope of the contents in the Phase 1a.

On this basis, it is considered that a non-material amendment can be granted.

Informatives:

- **INFORMATIVE**
All works outside of Phase 1 required for conditions 4, 5 and 7 will require a full assessment and shall be submitted to and approved in writing by the Local Planning Authority.

- **INFORMATIVE:**
For the avoidance of doubt, condition 4 of planning permission reference HGY/2017/3679 dated 29 June 2020 shall now read:

No development shall take place, including any works of demolition, excluding the works outlined in Phase 1a, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include details of:

- a) the parking of vehicles of site operatives and visitors;
- b) construction logistics covering delivery, loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding;
- e) a Tree Protection Plan for retained trees
- f) wheel washing facilities;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- **INFORMATIVE:**
For the avoidance of doubt, condition 5 of planning permission reference HGY/2017/3679 dated 29 June 2020 shall now read:

No development shall take place excluding the works outlined in Phase 1a, until a detailed Air Quality and Dust Management Plan (AQDMP), detailing the management of demolition and construction dust, has been submitted and approved in writing by the Local Planning Authority. The plan shall be in accordance with the Greater London Authority's Control of Dust and Emissions Supplementary Planning Guidance document (July 2014) and shall include a Dust Risk Assessment. The development shall be carried out in full accordance with the approved AQDMP.

- **INFORMATIVE:**
For the avoidance of doubt, condition 7 of planning permission reference HGY/2017/3679 dated 29 June 2020 shall now read:

Notwithstanding the plans hereby approved, no development excluding the works outlined in Phase 1a shall take place until revised highway plans, including details of the stopping-up of the footway, have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved highway plans prior to its first occupation. It would have been otherwise necessary to refuse the whole permission.

- **INFORMATIVE:**
For the avoidance of doubt, the following new condition is added to planning permission reference HGY/2017/3679 dated 29 June 2020:

New Condition 36 - Phasing

The development hereby approved shall be carried out in Phases in accordance with the approved Phasing Schedule, dated June 2023, unless an alternative phasing schedule is submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

Reason: To assist with the identification of each chargeable phase for the purposes of the Community Infrastructure Levy payable in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).'