



Officer Report

Application Number:	HGY/2023/1016
Application Type:	Removal/variation of conditions
Address:	133 High Road, Wood Green, London, N22 6BB
Proposal:	Variation of condition 8 (Servicing Vehicle delivery hours) and condition 11 (Hours of use) of planning approval ref: HGY/1998/1695 (First floor extension. Refurbishment and formation of one retail unit. New shopfront alterations to elevations.)
Case Officer:	Zara Seelig
Valid Date:	01/06/2023
Applicant:	-
Agent:	-

RECOMMENDATION

Approve with Conditions

SUMMARY OF RECOMMENDATION

GRANT PERMISSION (with conditions)

PROPOSED DEVELOPMENT AND LOCATION DETAILS

This is an application to amend the wording of 8 - Servicing Vehicle delivery hours and condition, 11 - Hours of use on approval reference HGY/1998/1695 for the following amendments:

- Changing the wording of condition 8 from “No vehicles may arrive, depart, be loaded or unloaded within the general area between the hours of 21:00 and 06:00 Monday to Saturday or after the hours of 18:00 hours Saturday until 06:00 hours the following Monday.” To a revised wording of “No vehicles may arrive, depart, be loaded or unloaded within the general area between the hours of 23:00 and 06:00 Monday to Saturday or after the hours of 20:00 hours Saturday until 06:00 hours the following Monday.’
- Changing the wording of condition 11 from “The use hereby permitted shall not be operated before 08:00 or after 18:00 hours on Monday to Saturday and not at all on Sundays or Bank Holidays.” To a revised wording of “The use hereby permitted shall not be operated before 09:00 or after 23:00 hours on Monday to Saturday and not before 09:00 or after 20:00 on Sundays or Bank Holidays.’

Site and Surroundings

The site is a three storey semi detached building consisting of an Itsu restaurant at ground floor located on the Southern side of High Road at its junction with Alexandra Road. The proposal is not located within a Conservation Area, it is not within the curtilage of a listed building.

Relevant Planning and Enforcement history

The proposal site has an extensive planning history, however, the below is the most recent:

- HGY/2017/0461 - Erection of first floor rear extension to create a one bedroom residential unit above the existing ground floor retail premises - Approved (with conditions)
- HGY/2022/1887 - Advertisement consent application for a new fascia and sign, projecting sign, product strip and vinyl. - Approved (with conditions)
- HGY/2023/0839 - Halo illuminated fascia signage, non-illuminated text and characters to top part of ground floor glazed shopfront, and a single externally illuminated projecting sign to the High Road frontage of the premises - Approved (with conditions)

CONSULTATION RESPONSE

Statutory consultees for this planning application:

- LBH Transportation Team: Consulted, no response received.

LOCAL REPRESENTATIONS

The application has been publicised by way of 8 letters sent to neighbouring properties. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 0

Objecting: 0

Supporting: 0

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Scope of Section 73 application; and
2. Impact on neighbouring amenity.

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.

Impact on neighbouring amenity

London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

The proposal site is located within a commercial/retail ground floor dominated High Road, there are many other units that have extended hours of use/vehicle delivery hours, comparable with the proposed change. The nature of the use is not considered to generate significant amounts of noise and disturbance and is therefore considered to be acceptable.

Conclusion

The proposed amendments are considered to be acceptable and the conditions will be reworded accordingly.

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.

RECOMMENDATION

Grant permission subject to the following condition(s):

Conditions:

- 1 No goods or materials shall be stacked or stored at a height greater than the enclosing fence/wall or placed on the roof of the building.

Reason: In order to safeguard the visual amenity of the adjoining premises, and the area generally.

- 2 No goods or materials shall be placed, or stored, on the site other than within a building.

Reason: In order to safeguard the visual amenity of the area.

- 3 No vehicles may arrive, depart, be loaded or unloaded within the general area between the hours of 23:00 and 06:00 Monday to Saturday or after the hours of 20:00 hours Saturday until 06:00 hours the following Monday.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their property.

- 4 No noise shall, in the opinion of the Chief Environmental Health Officer, cause a nuisance to any occupier of property in the vicinity of the premises to which this application refers.

Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their property.

- 5 All plant, machinery and equipment (including refrigeration and air conditioning systems) to be used by reason of the granting of this permission shall be so installed, maintained and operated as to prevent the transmission of noise and vibration into any neighbouring premises.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their property.

- 6 The use hereby permitted shall not be operated before 09:00 or after 23:00 hours on Monday to Saturday and not before 09:00 or after 20:00 on Sundays or Bank Holidays.

Reason: This permission is given to facilitate the beneficial use of the premises whilst ensuring that the amenities of adjacent residential properties are not diminished.

- 7 The construction works of the development hereby granted shall not be carried out before 0800 or after 1800 hours Monday to Friday or before 0800 or after 1200 hours on Saturday and not at all on Sundays or Bank Holidays.

Reason: To ensure that the proposal does not prejudice the enjoyment of neighbouring occupiers of their properties.

- 8 No building shall be occupied and no use commenced pursuant to this permission until the said development has been completed in all respects in accordance with the approved plans.

Reason: To ensure a satisfactory form of development and to avoid detriment to the character of the area of any works remaining uncompleted.

- 9 The development hereby authorised shall be carried out in complete accordance with the plans (as amended) and specifications submitted to, and approved in writing by, the Local Planning Authority.

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

- 10 A splay, parallel to the splay of the existing building, shall be provided on the corner of High Road and Alexander Road. The splay shall extend to the ground and first floors. Details of the splay shall be provided for approval by Council prior to the lodgement of a building application.

Reason: In order to relate the building to the street design.

- 11 This consent does not extend to any advertising signs, which shall be subject to a separate planning application and approval in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1984.

Reason: In order to ensure an appropriate location and nature of future signage.

- 12 All glazing used in the shopfront shall be clear and untinted so as not to obscure the architectural features of the existing building. The glazing shall be of a suitable reflectivity index so as not to cause harm or nuisance to motorists.

Reason: In order to ensure a satisfactory finish to the building and maintain the architectural integrity of the existing building.

- 13 Details of materials and colours to be used in the development, with particular regard to the treatment of the Alexander Road frontage, shall be submitted to and be approved in writing by the Local Planning Authority prior to obtaining building approval.

Reason: In order to ensure appropriate materials and colours are used in the development.

Informatives:

INFORMATIVE: Environmental Health

The applicant is advised to contact the Environmental Health Department (tel. 020 8489 1000) regarding the provision of adequate sanitary facilities, mechanical extract ventilation, refuse storage facilities, fire requirements and compliance with the Food Safety (General Food Hygiene) Regulations 1995 that may be required in conjunction with this approval.

INFORMATIVE: Food Safety and other requirements

The applicant is advised to contact the Council's Environmental Health Services (tel. 020 8489 1000) regarding the provision of adequate sanitary facilities, refuse storage facilities, fire requirements and compliance with the Food Safety (General Food Hygiene) Regulations 1995 that may be required in conjunction with this approval.

INFORMATIVE: Shop Front

A separate application will be required for either the installation of a new shopfront or the display of any illuminated signs.

INFORMATIVE: Commercial Waste

Commercial Business must ensure all waste produced on site are disposed of responsibly under their duty of care within Environmental Protection Act 1990. It is for the business to arrange a properly documented process for waste collection from a licensed contractor of their choice. Documentation must be kept by the business and be produced on request of an authorised Council Official under Section 34 of the Act. Failure to do so may result in a fixed penalty fine or prosecution through the criminal Court system.

INFORMATIVE: S73 Read in conjunction with original consent

This grant of permission does not relate to any new development, it is simply amending the wording of conditions attached to a previous approval. This decision should therefore be read in conjunction with the original grant of full permission reference - HGY/1998/1695.