



Officer Report

Application Number:	HGY/2023/1825
Application Type:	Removal/variation of conditions
Address:	Garage Colony Adjacent 200, Morley Avenue, Wood Green, London
Proposal:	Variation of condition 14 (Social Rent) attached to planning permission ref: HGY/2021/0054 (Erection of two-storey 3-bedroom dwelling house), to allow flexibility for the Council to charge London Affordable Rent
Case Officer:	Oskar Gregersen
Valid Date:	10/07/2023
Applicant:	Mr Jack Goulde
Agent:	

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This is an application for the variation of condition 14 (Social Rent) attached to planning permission ref: HGY/2021/0054 (Erection of two-storey 3-bedroom dwelling house), to allow flexibility for the Council to charge London Affordable Rent

Site and Surroundings

The subject site contains land to the immediate east of 200 Morley Avenue which incorporates garages, on the southern side of Morley Avenue, N22. The surrounding uses are residential. The site does not contain a listed building and is located within the Noel Park Conservation Area.

Relevant Planning and Enforcement history

The most recent planning history in relation to the site is as follows.

HGY/2022/2043 | Details pursuant to conditions 11 (provision of refuse and waste storage and recycling facilities) and 12 (cycle parking facilities) of planning permission ref: HGY/2021/0054
Approve

HGY/2022/2041 | Details pursuant to condition 3 (materials - windows/doors) of planning permission ref: HGY/2021/0054 - partial discharge
Approve

HGY/2022/2040 | Details pursuant to condition 3 (materials - brickwork) of planning permission ref: HGY/2021/0054 - partial discharge
Approve

HGY/2022/1592 | Non-material amendment to previously approved scheme under planning application reference HGY/2021/0054
Approve

HGY/2022/0287 | Approval of details pursuant to condition 3 (materials) attached to planning permission ref: HGY/2021/0054
Approve w/ conditions

HGY/2021/3091 | Details pursuant to condition 8c (remediation strategy) of planning permission HGY/2021/0054.
Approve w/ conditions

HGY/2021/3054 | Approval of details pursuant to condition 6 (Method of Construction Statement) attached to planning permission HGY/2021/0054
Approve w/ conditions

HGY/2021/2948 | Details pursuant to condition 8 (parts a and b) (contamination investigation) of planning permission HGY/2021/0054.
Approve w/ conditions

CONSULTATION RESPONSE

The responses below were received following consultation on the application:

Internal:

- No responses

External:

- No responses

LOCAL REPRESENTATIONS

The application has been publicised by way of 12 letters. 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

Scope of a 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.

Haringey's development plan in the form of its Development Management DPD (2017) and its Local Plan Strategic Policies DPD (2017) remain unchanged from when the original permission was granted. New versions of the London Plan (2021) and the NPPF (2021) have been adopted. But the policy approach in these documents in relation to residential extensions and development affecting heritage assets has not materially changed. The overall policy approach relating to the approved development remains consistent.

In this case the application seeks to vary condition 14 of planning consent ref: HGY/2021/0054 which states that 'Notwithstanding any provisions to the contrary, the residential unit hereby approved shall be for rent at council social-rent levels within the C3 use class, and for no other tenure or use unless otherwise agreed in writing by the Local Planning Authority' to alter council social-rent to 'London Affordable Rent'. This change would see no difference in the tenure mix of the proposed development but would allow the LPA further flexibility with the levels of rent offered to tenants within the guidance set out in London Plan (2021) Policy H6.

Conclusion

The proposal is considered acceptable as the change is deemed to be a minor variation to the condition that would not have any adverse impact on the tenure of the approved development and would see the approved development in line with up to date planning policy documentation

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

Officers note that conditions 11 (provision of waste refuse and recycling facilities), 12 (cycle parking), Condition 3 (materials), 8c (remediation strategy), 6 (construction method statement), and condition 8 a/b (contamination investigation) have all been discharged.

Conditions 4 (details of hard and soft landscaping), 6 (reinstatement of kerb), 7 (removal of permitted development rights), 9 (remediation strategy if contamination found during construction), and 13 (secure by design) are yet to be discharged.

Conditions:

- 1 The development to which this permission relates must be begun no later than three years from 09/04/2021, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of Section 91 of the Town and Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Details of materials used in the approved development shall be carried out in accordance with details approved under references HGY/2022/0287, HGY/2022/2040, and HGY/2022/2041 unless otherwise agreed in writing with the Local Planning Authority

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development, assess the suitability of the details submitted and to ensure a satisfactory standard of design in the interests of visual amenity, consistent with policy D3 and HC1 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 4 Notwithstanding the approved plans, prior to the occupation of the unit hereby approved details of all boundary treatments, hard and soft landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority, including details of location, type and materials to be used for hard landscaping and specifications for the permeable paving. The development thereafter shall be implemented in accordance with such approved details.

Reason: In order to provide a suitable setting for the proposed development in the interests of visual amenity consistent with Policy D4 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 5 Prior to the first occupation of the development hereby approved, the developer shall have entered into an agreement with the local highway authority under Section 278 of the Highways Act 1980 to remove the necessary section of redundant crossover across the footway into the site and to reinstate the public footpath at this location. The necessary Traffic Management Order (TMO) shall also be amended so that the existing on-street controlled parking bay on Morley Avenue is extended to cover the area fronting the redundant crossover to the front of the application site.

Reason: In order to ensure that the proposed development does not prejudice the free flow of vehicular and pedestrian traffic or the conditions of general safety of the highway and consistent with Policy T4 of the London Plan 2021.

- 6 The approved development to be completed in accordance with the Method of Construction Statement approved under reference HGY/2021/3054 and shall be adhered to throughout the construction period for the development unless otherwise

agreed in writing with Local Planning Authority.

Reasons: To ensure there are no adverse impacts on the free flow of traffic on local roads and to safeguard the amenities of the area consistent with Policy T4 of the London Plan 2021, Policies SP0 of the Haringey Local Plan 2017 and with Policy DM1 of The Development Management DPD 2017

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no extensions or outbuildings shall be built and no new window or door openings inserted into any elevation of the buildings (other than that development expressly authorised by this planning permission), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality.

- 8 Details of investigation into contamination at the site of the approved development to be completed in accordance with details approved under HGY/2021/2948 and HGY/2021/3041 unless otherwise approved in writing with the LPA.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

- 9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

- 10 The development hereby approved shall be constructed in accordance with the Energy Statement by MLM Group 25/11/2020 and Sustainability Statement by MLM Group dated 21/12/2020.

Reason: To ensure the development reduces its impact on climate change by reducing carbon emissions on site in compliance with the Energy Hierarchy, and in line with London Plan (2021) Policy SI2, and Policy SP4 of the Haringey Local Plan 2017 and Policy DM22 of the Haringey Development Management DPD 2017.

- 11 Refuse and recycling storage details shall be completed in accordance with details approved under HGY/2022/2043. Such a scheme as approved shall be implemented prior to first occupation and permanently retained thereafter unless otherwise agreed in writing with the LPA.

Reason: In order to protect the amenities of the locality and to comply with Policy DM4 of The Development Management DPD 2017 and Policy SI7 of the London Plan 2021.

- 12 Details of the type and location of secure and covered cycle parking facilities shall

completed in accordance with details submitted under HGY/2022/2043 unless otherwise agreed in writing with the LPA.

Reason: To promote sustainable modes of transport in accordance with Policies T2 and T5 of the London Plan 2021 and Policy SP7 of the Haringey Local Plan 2017.

- 13 Prior to first occupation of the development hereby approved, details of full Secured by Design' Accreditation shall be submitted in writing to and for approval by the Local Planning Authority. The details shall demonstrate consultation with the Metropolitan Police Designing Out Crime Officers. The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason: To ensure safe and secure development and reduce crime

- 19 Notwithstanding any provisions to the contrary, the residential unit hereby approved shall be for rent at London Affordable rent levels within the C3 use class, and for no other tenure or use unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the scope of this permission in relation to the provision of affordable housing.

Informatives:

INFORMATIVE: The new development will require numbering. The applicant should contact the Local Land Charges at least six weeks before the development is occupied (tel. 020 8489 3472) to arrange for the allocation of a suitable address.

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.

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 : 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 Mayoral CIL charge will be £4,841.25 (75sqm x £64.55) and the Haringey CIL charge will be £18,381.75 (75sqm x £245.09 (Indexation included)). 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: 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.