



Officer Report

Application Number:	HGY/2022/4173
Application Type:	Removal/variation of conditions
Address:	Pacific House, Vale Road, London, N4 1QE, London
Proposal:	S.73 (minor material amendment) application to vary condition 2 (approved drawings) of planning permission HGY/2017/2172, approved through appeal APP/Y5420/W/19/3220232, for third floor roof extension to accommodate new offices (B1) use and amalgamation of existing flats 26 & 27 and insertion of rear windows. Amendments to allow additional height for lift overrun to roof; alteration of second floor front window and front entrance; insertion ground floor side doors; relocation of cycle storage; and alterations to façade detailing.
Case Officer:	Samuel Uff
Valid Date:	19/04/2023
Applicant:	Mr S Schwarz
Agent:	Mr Lawrence Walton

RECOMMENDATION

Approve with Conditions

SUMMARY OF RECOMMENDATION

GRANT PERMISSION

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

This is an application for an application for a minor material amendment under Section 73 application to the planning permission HGY/2017/2172.

The 3 year time period for commencement has now lapsed but the applicant has confirmed that this has been implemented, although not substantially developed above ground.

The original permission was for:

“Erection of a third floor roof extension over the main building and three storey extension over the existing single storey projection to provide office (B1) floorspace with separate entrance, in

conjunction with the installation of 2 x second floor rear windows and amalgamation of residential flats 26 & 27 into one flat”.

The proposed amendments propose additional height for lift overrun to roof; alteration of second floor front window and front entrance; insertion ground floor side doors; relocation of cycle storage; and alterations to façade detailing.

Site and Surroundings

The application site is located on the northern side of Vale Road and contains a part three storey, part two storey, part single storey building. The site is in an industrial area, designated as Locally Significant Industrial Area. The site has no further designations but is located near to the Vale Road / Eade Road Site Allocation (as defined in the Site Allocations Development Plan Document as SA33) and Local Employment Area: Regeneration Area.

To the rear (north) of the site is the residential street of Hermitage Road. The frontage of the main, three storey, part of the building is set back from the highway of Vale Road and is set-in approximately 3.5m from the rear boundary. The two storey wing projects approximately 7.6m beyond the main building frontage. There is a single storey rear element which projects to the rear of this part, up to the boundary of no.180 Hermitage Road. Along the western boundary, adjacent to the access to Lumen House, is a single storey element, which aligns with the front of the two storey element and links into the single storey rear element.

Prior approval was granted for the conversion of the upper floors of the main building from self-contained offices (B1) to residential (C3) use (HGY/2015/1993). The proposed plan for that application appears to have a different layout and number of flats to that shown in the plans submitted for this application. Upon undertaking a site visit, it was noted that the internal layout of the submitted plans was inaccurate and has been amended accordingly.

The site is not located within a conservation area, but as set out above is identified as a designated Locally Significant Industrial Area in the Local Plan (2017).

Relevant Planning and Enforcement history

HGY/2022/4423 Approval of details reserved by a condition 6 (forecourt layout & parking management) of planning permission HG/2017/2172 (approved at appeal APP/Y5420/W/19/3220232) for extensions to be used as office (B1) use. APPROVED

HGY/2020/2286 Approval of details reserved by a conditions 3 (materials) and 4 (cycle and refuse storage) of planning permission HG/2017/2172 (approved at appeal APP/Y5420/W/19/3220232) for extensions to be used as office (B1) use.

HGY/2017/2172 Erection of a third floor roof extension over the main building and three storey extension over the existing single storey projection to provide office (B1) floorspace with separate entrance, in conjunction with the installation of 2 x second floor rear windows and amalgamation of residential flats 26 & 27 into one flat GRANTED AT APPEAL (APP/Y5420/W/19/3220232)

HGY/2016/0495 Erection of a third floor roof extension to provide 3 x 1 bed and 1 x 2 bed flats. Erection of three floors over the single storey part of the building to provide 12 x 1 bed flats. Works apply to the Pacific House part of the premises. REFUSED

HGY/2015/1993 Prior approval for change of use of upper floors from B1 (a) (offices) to C3 (dwelling house) PN NOT REQ

CONSULTATION RESPONSE

The following were consulted regarding the application:

- LBH Transportation

The following responses were received:

Internal:

- 1) LBH Transportation Team:

No comments received.

LOCAL REPRESENTATIONS

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

No responses received.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Principle of the development;
2. The design impact of the proposed development;
3. The impact on the amenity of adjoining occupiers (including those within the existing building);
4. Parking and highway safety;

Scope of Section 73 application

An application can be made under Section 73 (referred to as S.73 from hereon in) 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 the National Planning Policy Framework (NPPF) 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.

Principle of the development

London Plan 2016, Local Plan Policy SP8 and DPD Policy DM37 all refer to a desire for increased business floorspace as an overarching aim, but recognise that this must be suitably designed, located, desirable and affordable for the end user.

The 2016 London Plan has been replaced by the 2021 London Plan, however the principle remains acceptable.

Design and appearance

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 London Plan 2021 policies.

The proposed scale and massing would be the same as that of the approved permission but would include a lift shaft overrun and minor alterations to the height of parapet on the front elevation. The lift shaft would sit within the roof and would appear as a coherent part of the approved design. The other minor changes to the elevation would retain the design integrity of the approved development.

Impact on the amenity of adjoining occupiers

DM Policy (2017) DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for the development's users and neighbours. The Council will support proposals that provide appropriate sunlight, daylight and open aspects (including private amenity space where required) to all parts of the development and adjacent buildings and land provide an appropriate amount of privacy to their residents and neighbouring properties to avoid overlooking and loss of privacy detrimental to the amenity of neighbouring residents and the residents of the development and address issues of vibration, noise, fumes, odour, light pollution and microclimatic conditions likely to arise from the use and activities of the development.

The addition of the lift shaft will not impinge on the 45-degree angle taken from rear windows of those houses on Hermitage Road. As such, the additional scale and massing is considered acceptable in terms of amenity.

The approved extension would have blocked off an existing side window within the existing building, so was required to re-provide a window for that residential flat. Such a condition will be re-applied in this instance.

Parking and highway safety

Local Plan (2017) Policy SP7 Transport states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This is supported by DM Policy (2017) DM31 'Sustainable Transport'.

The siting of cycle storage has changed from the rear to the front of the proposed ground floor. The previous permission required submission of details of the cycle storage and such a condition will be re-applied for this permission.

Forecourt details were approved in the approved details HGY/2022/4423 and are included within this submission. There is no change in this regard.

Conclusions

The proposed alterations are considered minor and therefore can be amended under the s.73 application.

The parent permission included conditions regarding materials, detailed cycle and refuse store, the retention of a window and details of forecourt. These details have been approved and are referenced in an updated set of conditions.

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 submitted CIL form has incorrectly referred to the total floorspace proposed as 1811sqm. This has since been altered through the amendments and the total floorspace provided would be 618sqm. This was flagged in the refusal (subsequently allowed at appeal) so will be chargeable at the rate of £35 x 1.404 at the time of that decision. The additional floorspace for the lift shaft in this application would be negligible and would not be CIL liable.

Based on the information given on the plans, the Mayoral CIL charge will be £30,368.52 (618sqm x £35 x 1.404). This will be collected by Haringey after/should the scheme is/be 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. An informative will be attached advising the applicant of this charge.

RECOMMENDATION

GRANT PERMISSION

Conditions:

1 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.

- 2 The development hereby approved shall use the approved materials for the external surfaces of the development approved under HGY/2020/2286 and shall be retained in perpetuity unless otherwise agreed in writing by the Planning Authority.

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

- 3 No development shall take place until a detailed scheme for the provision of refuse and waste storage and recycling facilities, as well as secured cycle storage has been submitted to, and approved in writing by the Local Planning Authority. Such as a scheme as approved shall be implemented and permanently retained thereafter.

Reason: To ensure suitable and sustainable amenity in the area.

- 4 No development of the extensions hereby permitted shall take place until the additional residential window(s) and amended floorplan of the existing residential flats has been completed.

Reason: To ensure the residential amenity of the existing flat.

- 5 The forecourt layout and parking management shall be in accordance with the details approved under HGY/2022/4423 and shall be retained as such thereafter, unless otherwise approved.

Reason: In the interest of highway safety.

Informatives:

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: 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: CIL

Based on the information given on the plans, the Mayoral CIL charge will be £30,368.52 (618sqm x £35 x 1.404). This will be collected by Haringey after/should the scheme is/be 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.

It is noted that demolition has occurred since the original permission but CIL will be chargeable at the rate of that permission. There is some debate as to whether the area marked "void" at first floor of the "existing" plan was floorspace. It should be noted that there were no windows and that this is now demolished, so the "existing" plan seems most reliable for chargeable floor area.