



Officer Report

Application Number: HGY/2024/0030
Application Type: Removal/variation of conditions
Address: Shop, 132 Crouch Hill, Hornsey, London, N8 9DX
Proposal: Variation of condition 3 attached to planning permission HGY/2013/2122 to extend the shop hours of operation.
Case Officer: Nathan Keyte
Valid Date: 04/01/2024
Applicant: MR DOUGLAS GORDON
Agent:

RECOMMENDATION

Approve with Conditions

1.PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

Variation of condition 3 (hours of operation) attached to planning permission HGY/2013/2122 to provide for the following changes to business hours:

Friday trading to change from 0900 - 1800 to 0900 - 1900
Saturday trading to change from 1000 - 1700 to 0830 to 1800
Sunday and Bank Holidays trading from 1000 – 1700

Site and Surroundings

The shop to which the application relates to is located on the ground floor of the three storey terrace building. The site is within the Crouch End Conservation Area but is not a listed building. The site is also located within the Crouch End District Centre.

Relevant Planning and Enforcement history

The relevant planning history in relation to the site is as follows:

HGY/1991/0722,

Address: 132, Crouch Hill, London, N8 9DX, London

Proposal: Formation of rear roof terrace at second floor level including installation of access door.,

Decision Date: 16 October 1991

Decision: Approve with Conditions

HGY/2013/2122,

Address: 132, Crouch Hill, Hornsey, London, N8 9DX

Proposal: Change of use of vacant fitness and training centre (D2) to estate agency (A2).,

Decision Date: 6 December 2013

Decision: Approve with Conditions

2. CONSULTATION RESPONSE

is noted that the request to include Bank Holidays arrived following submission and notification of the application. Considering the nature of the other changes and the application, no re-consultation is considered to be necessary.

The responses below were received following consultation on the application:

- Crouch End Neighbourhood Forum – No response.

3. LOCAL REPRESENTATIONS

The application has been publicised by way of 1 site notice displayed in the vicinity of the site and letters. No representations have been received.

4 MATERIAL PLANNING CONSIDERATIONS

An application can be made under s73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. A Section 73 application results in a new permission being issued.

Guidance for determining s73 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 LPA will have to consider the application in the light of current policy. The local planning authority 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 regards to the current application for variation of conditions, it is acknowledged that the use outlined within planning permission HGY/2013/2122 (being an estate agency) has since changed. It is noted that since the time of the original application, significant changes have been introduced to use classes. As of 1st September 2020 amendments to the Use Classes Order 1987 came into effect which now mean uses falling within Use Classes A1/2/3 were replaced with Use Class E(a, b, c).

By virtue of class A2 falling away and no condition restricting a change of use, the use falls to Class E and the change in use from the estate agency to the current shop would not

have required a change to the planning permission. The hours of operation however restrict the use of the shop/ site, and therefore the original planning permission is being varied.

The main planning considerations raised by the proposed development are:

2. Impact on neighbouring amenity.

Impact on neighbouring amenity

London Plan Policy D6 outlines that design must not be detrimental to the amenity of surrounding housing, in specific stating that proposals should provide sufficient daylight and sunlight to surrounding **housing** that is appropriate for its context, while also minimising overshadowing. London Plan Policy D14 requires development proposals to reduce, manage and mitigate noise impacts.

DPD Policy DM1 'Delivering High Quality Design' states that development proposals must ensure a high standard of privacy and amenity for a development's users and neighbours. Specifically, proposals are required to provide appropriate sunlight, daylight and aspects to adjacent buildings and land, and to provide an appropriate amount of privacy to neighbouring properties to avoid overlooking and loss of privacy and detriment to amenity of neighbouring resident.

The hours of operation that form Condition 3 of HGY/2013/2122 were proposed under that application.

The revised hours of operation as proposed, are to enable business to occur on Sundays and Public Holidays, and for an extended time on Fridays and Saturdays and are considered to be in keeping with those of a shop **located** within an established District Centre. Noting this and the location of the shop that lies on a busy thoroughfare attracting significant ambient noise, the extended hours and coming and goings of customers is unlikely to generate any new or significant noise and disturbance to adjacent residential properties.

Conclusion

The **proposed** change in opening hours is considered acceptable in planning terms.

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

5. CIL APPLICABLE

Not applicable.

6. RECOMMENDATION

GRANT PERMISSION

Conditions:

- 1 The use hereby permitted shall not be operated before 09:00 hours or after 18:00 hours on Monday to Thursday; before 09:00 hours or after 19:00 hours on Friday; before 08:30 hours or after 18:00 hours on Saturdays; or before 10:00 hours or after 17:00 hours 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 consistent with London Plan 2021 Policy D14