

LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2017/0914

Ward: Tottenham Hale

Date received: 14/03/2017

Drawing number of plans: Application pursuant to S96A of the Town and Country Planning Act 1901 (as amended) prepared by RPS CgMs dated 1 March 2017

Address: North Lodge Lebus Street N17 9FQ

Proposal: Non-material amendment following a grant of planning permission HGY/2010/2090 relating to restrictions placed on the occupancy of the building to be exclusively used by students during University term time. The application is made to widen the occupancy of the building in line with changing market demand and conditions for properties such as North Lodge

Applicant: Unite Students

Officer contact: Tobias Finlayson

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved development

The original planning permission (ref: HGY/2010/2090) was for the erection of a part 7, part 10 and part 12 storey building at Block NW2 of the Hale village master plan, to comprise student accommodation (524 bed spaces) and associated facilities including reception, office, plant room, store room, refuse store, cycle store, common room, laundry room, courtyard and associated works.

Proposed amendments

The non-material amendment application seeks to vary the a planning condition pursuant to planning permission HGY/2010/2090 dated 16/02/2011 relating to restrictions placed on the occupancy of the building to be exclusively used by students during University term time.

The application is made to widen the occupancy of the building in line with changing market demand and conditions for properties such as North Lodge which falls within a prime central London location.

3. 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.

The widening of the use of the property outside of term times is considered a non-material change to the use of the building as:

- The building can currently be lawfully occupied outside of term time under the governing consent therefore there will be no change to the period of occupation.
- The original permission granted consent for a part 5, part 7, part 10 and part 12 storey building with 557 bed spaces (LPA reference HGY/2010/2090). Taken in context with the scope of the governing permission, the variation of occupiers is a minor alteration.
- The application relates to a limited time period (non-term time only) and the operation of the site will remain as originally approved during the remainder of the academic year.

London and Haringey planning policy also support greater flexibility in student accommodation schemes; allowing non-students to occupy the building outside of term time improves the viability of student accommodation enabling accommodation providers to effectively subsidise student rents with non-student income.

It is also noted that the London Boroughs of Camden and Westminster have reviewed occupancy restrictions within existing s106 agreements and deeds of variation were successfully negotiated allowing the properties to be occupied outside of term time by non-students as an ancillary use. This ensured that the properties could be occupied all year round with the non-student use outside of the academic term effectively controlled through a "non-student management plan" which complemented existing approved student management plans for the properties.

On this basis, it is considered that a non-material amendment can be granted, the relevant conditions varied and one new condition added to the permission.

4. RECOMMENDATION

GRANT Non-Material Amendment

Applicant's drawing No.(s) Application pursuant to S96A of the Town and Country Planning Act 1901 (as amended) prepared by RPS CgMs dated 1 March 2017

Condition 19 of permission HGY/2010/2090 amended to read as follows:

That during the academic term the development hereby approved shall be for use by students in full-time higher education only. Outside the academic term the development hereby approved may be for use by persons who are not students in full-time higher education for periods of less than 90 consecutive days.

Insert new condition 21 into permission HGY/2010/2090 to read as follows:

The student accommodation shall not be occupied by persons other than students until a Non-Student Management Plan has been approved by the Council. Occupation of the student accommodation by persons who are not students shall be managed in accordance with the Non-Student Management Plan as approved by the Council.