



Haringey Council

Report for:	Planning Sub-Committee	Item Number:	
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Title:	Planning applications reports for determination
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Report Authorised by: Marc Dorfman Assistant Director Planning, Regeneration and Economy
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Ward(s) affected:	All
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1. Describe the issue under consideration

1.1 Planning applications submitted to the above Planning Sub-Committee for determination by Members.

2. Recommendations

2.1 See following reports.

3. Background information

3.1 All applications present on the following agenda consist of sections comprising a consultation summary, an officers report entitled planning considerations and a recommendation to the Committee regarding the grant or refusal of planning permission.

3.2 The Council as the local planning authority must determine all planning applications in accordance with the statutory development plan, unless material considerations indicate otherwise. The local planning authority is also obliged to assess whether applications would preserve or enhance the character or appearance of a Conservation Area where relevant.

Development Plan

3.3 As of 19 March 2013, the development plan for Haringey will comprise:

- The Haringey Local Plan Strategic Policies 2013 – 2026 (formerly the Core Strategy);
- The London Mayor’s Spatial Development Strategy 2011; and
- The remnant saved policies from the Unitary Development Plan 2006.

Material Considerations



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- 3.4 The Courts are the arbiters of what constitutes a material consideration. 'In principle...any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances' (Stringer v MHLG 1971). Material considerations must be genuine planning considerations related to the development and use of land in the public interest, and fairly and reasonably relate to the application concerned.
- 3.5 National planning policy statements, for example, the National Planning Policy Framework (the NPPF), are clearly material considerations. The Council's various Supplementary Planning Guidance Notes and Supplementary Planning Documents are material considerations too as they provide advice on how development plan policies will be applied. Emerging policies can also be regarded as material considerations with additional weight being given to them the further they are developed.
- 3.6 The NPPF advises that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, the local planning authority should grant permission unless material considerations indicate otherwise taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or where specific policies in the NPPF indicate that development should be restricted.

Planning Conditions and Obligations

- 3.7 Local planning authorities can impose conditions on planning permissions only where there is a clear land-use planning justification for doing so. Government advice on the use of conditions is set out in former DoE Circular 11/95. This circular sets out six tests for the application of conditions. Conditions must be necessary; relevant to planning; relevant to the development; enforceable; precise; and reasonable in all other respects.
- 3.8 Where it is not possible to include matters that are necessary for a development to proceed by means of a planning condition, developers may seek to negotiate a planning obligation under Section 106 of the Town and Country Planning Act 1990. Regulation 122 of the Community Infrastructure Levy Regulations 2010 sets out the circumstances where such obligations should be imposed. A planning obligation may only constitute a reason for granting planning permission if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related to the scale and kind to the development.

Other legislation

- 3.9 Non-planning legislation may place statutory requirements on planning authorities, or may set out controls which need to be taken into account (for example, environmental legislation, or water resources legislation).
- 3.10 Specifically, all applications should also have regard to the general requirements of other legislation, in particular against a background of the Human Rights Act 1998 and in accordance with Article 22(1) of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 where there is a requirement to give reasons for the grant of planning permission. Reasons for refusal are always given and are set out on the decision notice. Unless any report specifically indicates otherwise all decision of this Committee will accord with the requirements of the above Act and Order.



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3.11 The Committee is also required to have regard to its obligations under the Equality Act 2010. Under the Act, a public authority must, in the exercise of its functions, have due regard to the need to:-

- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

3.10 This duty covers the following eight protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status.

3.11 All applications will be assessed against the Equality Act 2010 and any equality impacts identified.

4 Local Government (Access to Information) Act 1985

4.1 Planning staff and application case files are located at 6th Floor, River Park House, Wood Green, London, N22 8HQ. Applications can be inspected at those offices 9.00am – 5.00pm, Monday – Friday. Case Officers will not be available without appointment. In addition application case files are available to view print and download free of charge via the Haringey Council website: www.haringey.gov.uk. From the homepage follow the links to 'planning' and 'view planning applications' to find the application search facility. Enter the application reference number or site address to retrieve the case details.

4.2 The Development Management Support Team can give further advice and can be contacted on 020 8489 1478, 9.00am – 5.00pm, Monday – Friday.