

LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2022/2639

Ward:

Date received: 28/09/2022

Drawing number of plans: 20.41-211 REV F, 20-41-216 REV B, PL-0001 REV A & landscaping plan REV A2

Address: Land adjacent to 1 Lealand Road N15 6JS

Proposal: Non-Material Amendment application for the removal of the door leading from the ground floor stair core into the cycle store as shown on approved drawing PL1200 REV E and addition of a new cycle store door accessed via the pathway to the east of the building.

Applicant: Mr Sandy Sutherland

Officer contact: Sarah Madondo

2. RECOMMENDATION

GRANT Non-Material Amendment

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

3.1 Approved development

Redevelopment of vacant site to provide a small block of 3 residential units with associated amenity space, landscaping, refuse/recycling and cycle storage facilities.

3.2 Proposed amendments

Non-Material Amendment application for the removal of the door leading from the ground floor stair core into the cycle store as shown on approved drawing PL1200 REV E and addition of a new cycle store door accessed via the pathway to the east of the building.

a. Site and surrounds

The application site is located on derelict land in a prominent position fronting Lealand Road, adjacent a large existing post-war block of flats and a single storey church building. The surrounding area is predominantly residential in nature and the Conservation Area lies to the west. The site is well located with convenient access to public transport and local shopping facilities and open spaces.

4. 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 proposed new cycle store door accessed via the pathway to the east of the building would improve the access to the cycle storage and would be more functional than what was approved. On this basis, it is considered that a non-material amendment can be granted.

5. RECOMMENDATION

GRANT Non-Material Amendment