

Officer's Report

Application Number	HGY/2022/3856
Type	Non-Material Amendment
Location	High Road West, Tottenham, London N17
Proposal	Non-Material Amendment (NMA) to planning permission HGY/2021/3175 to alter the description of development on the decision notice. The amendment would remove supporting text that was only intended to help explain the development at the consultation stage.
Case Officer	Philip Elliott
Valid Date	28/10/2022
Applicant	C/O Agent
Agent	Mr Archie Halls

RECOMMENDATION

Approve

1. RECOMMENDATION

GRANT Non-Material Amendment

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

2.1 Approved development

Hybrid Planning application was granted on 31/08/2022 for the following –

- 1) Outline component comprising demolition of existing buildings and creation of new mixed-use development including residential (Use Class C3), commercial, business & service (Use Class E), business (Use Class B2 and B8), leisure (Use Class E), community uses (Use Class F1/F2), and Sui Generis uses together with creation of new public square, park & associated access, parking, and public realm works with matters of layout, scale, appearance, landscaping, and access within the site reserved for subsequent approval; and
- 2) Detailed component comprising Plot A including demolition of existing buildings and creation of new residential floorspace (Use Class C3) together with landscaping, parking, and other associated works.

2.2 Proposed amendments

The applicant seeks clarify the description of development for the avoidance of doubt.

The description of development as published reads:

Hybrid Planning application seeking permission for 1) Outline component comprising demolition of existing buildings and creation of new mixed-use development including residential (Use Class C3), commercial, business & service (Use Class E), business (Use Class B2 and B8), leisure (Use Class E), community uses (Use Class F1/F2), and Sui

Generis uses together with creation of new public square, park & associated access, parking, and public realm works with matters of layout, scale, appearance, landscaping, and access within the site reserved for subsequent approval; and 2) Detailed component comprising Plot A including demolition of existing buildings and creation of new residential floorspace (Use Class C3) together with landscaping, parking, and other associated works (EIA development - *ES viewable on Council website & at The Grange N17*).

1) Outline: * Demolition of most buildings (with retention of some listed & locally listed heritage assets);

* New buildings at a range of heights including tall buildings;

* Up to 2,869 new homes in addition to Plot A (including affordable housing);

* At least 7,225sqm of commercial, office, retail, & community uses (incl. new library & learning centre);

* New public park (min 5,300sqm) & New public square (min 3,500sqm); &

* Other landscaped public realm and pedestrian & cycle routes.

2) Detailed: Plot A - Demolition of 100 Whitehall Street & Whitehall & Tenterden Community Centre and erection of new buildings of 5-6 storeys containing 60 new affordable homes & open space.

The additional descriptive elements for consultation underlined and in italics are to be removed from the description.

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.

When the planning permission was granted a historic description of development was included on the Decision Notice that stated descriptive elements that were added for consultation purposes only. These bullet points were added to help interested parties understand the scheme.

The additional descriptive elements for consultation are to be removed from the description for the avoidance of any doubt of what the description is. It is considered that a non-material amendment can be granted for this change as the intended description remains unchanged.

The revised description shall read as follows:

Hybrid Planning application seeking permission for 1) Outline component comprising demolition of existing buildings and creation of new mixed-use development including residential (Use Class C3), commercial, business & service (Use Class E), business (Use Class B2 and B8), leisure (Use Class E), community uses (Use Class F1/F2), and Sui Generis uses together with creation of new public square, park & associated access, parking, and public realm works with matters of layout, scale, appearance, landscaping, and access within the site reserved for subsequent approval; and 2) Detailed component comprising Plot A including demolition of existing buildings and creation of new residential floorspace (Use Class C3) together with landscaping, parking, and other associated works (EIA development)

4. RECOMMENDATION

GRANT Non-Material Amendment

Informatives:

- **INFORMATIVE:**
For the avoidance of any doubt, the revised description of planning permission reference HGY/2021/3175 shall read as follows:

Hybrid Planning application seeking permission for 1) Outline component comprising demolition of existing buildings and creation of new mixed-use development including residential (Use Class C3), commercial, business & service (Use Class E), business (Use Class B2 and B8), leisure (Use Class E), community uses (Use Class F1/F2), and Sui Generis uses together with creation of new public square, park & associated access, parking, and public realm works with matters of layout, scale, appearance, landscaping, and access within the site reserved for subsequent approval; and 2) Detailed component comprising Plot A including demolition of existing buildings and creation of new residential floorspace (Use Class C3) together with landscaping, parking, and other associated works (EIA development).