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Robbie McNaugher
The Head of Planning
The London Borough of Haringey

Submitted by way of the Planning Portal

20th Dec 2022

Section 96A(3)(b) Town and Country Planning Act 1990 - Application for Non-Material Amendment

Planning permission ref: Ref: HGY/2019/1139 – Condition no. 3
Land to the rear of Jameson Lodge, 58 Shepherds Hill, Hornsey, London, N6 5RW
Planning portal reference: PP-11784315

Dear Sir,

We are applying on behalf of our client, Maycap Limited, the owner of the above-mentioned development site to make a non-material amendment to the planning permission bearing your ref. no. HGY/2019/1139. Specifically, we are seeking to alter the words used in condition no. 3 of that consent as detailed below.

This application comprises the following: the application form, the original decision notice and this covering letter. The fee of £234 has been paid by way of the payments system on the Planning Portal.

Condition no. 3 reads:

3. Details and samples of the materials to be used in the external surfaces of the buildings (facing materials, windows/doors, roofing materials, including privacy screens to the balconies) shall be submitted to, and approved in writing by, the Local Planning Authority before any above ground development is commenced.

By way of this application, we are seeking to alter the wording to the following:

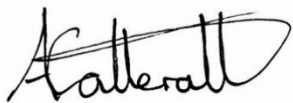
3. Details and samples of the materials to be used in the external surfaces of the buildings (facing materials, windows/doors, roofing materials, including privacy screens to the balconies) shall be submitted to and approved in writing by the Local Planning Authority before any works are started above ground level on the erection of the new dwellings.

This application is submitted to make it clear beyond any doubt that the requirements of condition no. 3 do not have to be discharged before any work commences on site. This would enable the developer to implement the planning permission (which must happen by 29 May next year) by way of demolition works (or foundation works) and ahead of securing the approval of the details under this condition.

We note that there is no statutory definition of what constitutes a non-material amendment. The Government's guidance states what is non-material is dependent on the context of the overall scheme. To be satisfied a change is not material a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted. Nonetheless the scope of the power is quite wide and includes the ability for planning authorities to alter the wording of planning conditions where such a change is deemed to be non-material as we submit is the case here. The change sought is non-material as the proposed change will have no material affect whatsoever on the approved development. The change is purely administrative, allowing the developer to implement the development before final approval is secured in respect of the details required under condition no. 3.

We trust this application is clear and will be duly allowed within the 28 day period allowed for such applications. Please contact this office as soon as possible in the event that you have any questions.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'A. Katterall'. The signature is fluid and cursive, with a large loop at the end.

Red Works Ltd.

Enc.