

Officer's Report

Application Number	HGY/2022/4138
Type	Non-Material Amendment
Location	45-63 Lawrence Road London N15 4EF
Proposal	Non-material amendment following a grant of planning permission HGYP/2016/1213 to replace the approved glass balustrade with metal balustrade to match the adjoining development (67 Lawrence Road)
Case Officer	Valerie Okeiyi
Valid Date	16/11/2022
Applicant	mr simon oliver
Agent	Theo Theodosiou

RECOMMENDATION

Approve

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

1.1 Approved development

Demolition of the existing buildings and redevelopment of the site to provide one interconnected new building ranging from seven storeys in height which includes a recessed top floor comprising 80 residential units (use class C3) and 566sqm of commercial floor space (Use class B1/A2) on ground and first floor level, including 8 disabled parking spaces, 1 car club space including associated works (Revised parking and landscaping arrangement)

1.2 Proposed amendments

This application seeks approval for non-material amendment following a grant of planning permission HGYP/2016/1213 to replace the approved glass balustrade with the following balustrades;

- Metal balustrades to match the adjoining development (67 Lawrence Road)
- Aluminium folded tray infill panel balustrade on the Lawrence Road elevation
- Balustrade with angled fins on elevation F

Internal comments received:

Although no consultations are required for an NMA, this application was considered by the Councils Design Officer in order to ensure the plans do not materially impact on the design quality of the scheme

LBH Design Officer – I am happy with the changes they have made, which respond to my concerns exactly as I wanted

2. 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.

Amendments to the internal layout and changes to the housing mix

Officers consider the proposed amendments as set out in section 3.2 would not make any changes to the design quality. The proposed changes, when considered in context with the scheme as a whole are non-material and would be more similar in appear to the adjoining development at approved at no 67 Lawrence Road.

In addition, the Design Officer raise no objection to the proposal.

On this basis, it is considered that a non-material amendment can be granted.

3. RECOMMENDATION

GRANT Non-Material Amendment