

Officer's Report

Application Number	HGY/2023/0694
Type	Non-Material Amendment
Location	255 West Green Road, Tottenham, London, N15 5ED
Proposal	Non-material amendment following a grant of planning permission HGY/2019/1735. Reposition the external lift from right hand side to the left hand side of the building viewed from front elevation.
Case Officer	Kwaku Bossman-Gyamera
Valid Date	03/05/2023
Applicant	Pastor Jude Jeanville
Agent	Mr Mike Coleman

RECOMMENDATION

Approve

PROPOSED DEVELOPMENT AND LOCATION DETAILS

This is an application for a Non-Material Amendments to planning reference HGY/2019/1735 to make small adjustments to original positions and layout of external lift from right hand side to the left hand side of the building when viewed from the front elevation. Originally approved scheme had the external lift positioned adjacent to the rear wall behind the female WC and proposed to move the lift forward within the same elevation. This is required to comply with Part M of the building regulations.

ANALYSIS/ASSESSMENT

Legal/ policy context

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.

Planning Consideration

The primary consideration arising from this application is whether the amendments to the original scheme are non-material or whether a fresh planning application is required. As such, it is pertinent to assess this application against planning permission references: HGY/2021/060.

The scheme as consented was for the demolition of the existing garage on site and for the erection of a two-storey building, consisting of a ground and lower ground floor dwellinghouse with associated hard and soft landscaping.

The changes in more detail are outlined below.

- Originally approved scheme had the external lift positioned adjacent to the rear wall behind the female WC and current application proposed to move the lift forward within the same elevation. This is required to comply with Part M of the building regulation.

The proposed amendments to the scheme as listed above and shown in the drawing are considered to be non-material and acceptable in planning terms. The scheme continues to be appropriate for its context and would not result in any additional adverse impact on the character of the area or on adjoining neighbouring occupiers' amenity. The proposed new position is considered appropriate and would help comply with Part M of the building regulation standards.

On this basis, the non-material amendments can be granted.

RECOMMENDATION

GRANT Non-Material Amendment