

Officer's Report

Application Number	HGY/2023/1059
Type	Non-Material Amendment
Location	457 High Road, Wood Green, London, N22 8JD
Proposal	Non-material amendment following a grant of planning permission HG/2020/0789. Amendment to condition 7 (Energy Assessment) to reflect the approved development.
Case Officer	Kwaku Bossman-Gyamara
Valid Date	18/04/2023
Applicant	Mr Bilal Ustun
Agent	Mr Jamie Sleep

RECOMMENDATION

Approve

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

This is an application for a Non-Material Amendment to planning reference HG/2020 to make amendment to condition 7 (Energy Assessment) of the original approved permission which imposed the wrong wording condition. The condition 7 (Energy Assessment) was wrongly applied in this case, as the proposed scheme relates solely to two modest dwellings. Whilst, the imposed condition normally applied to much larger residential scheme. This non-material amendment is required to comply with Part M of the building regulations.

2. 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/2020/0789.

The scheme as consented was for the demolition of lock up garages and erection of two x 3-bedroom houses.

The changes in more detail are outlined below.

- Energy statement submitted with the original application provides a number of measures in achieving carbon dioxide emission reduction on site including thermal bridging, materials and workmanship, use of existing materials, timber floor insulation, wall insulation, roof insulation, energy efficient internal lighting, controlled heating, heating and hot water, energy efficient new gas boiler, water efficiency, control of water temperature, glazing etc.

The proposed amendments to the condition 7 as listed above and shown in the submitted energy statement are considered to be non-material and acceptable in planning terms. The scheme continues to be appropriate for its context and on balance proposed measures outlined in the energy statement is acceptable in terms of complying with policies in regard to sustainability. The proposed measures in energy statement are considered appropriate and would help comply with Part M of the building regulation standards.

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

3. RECOMMENDATION

GRANT Non-Material Amendment