

Officer's Report

Application Number	HGY/2023/0754
Type	Non-Material Amendment
Location	Land to the East of Cross Lane, London, N8 7SA
Proposal	Non material amendment following a grant of planning permission reference HGY/2016/0086 (Appeal reference APP/Y5420/W/16/3165389) to widen the front entrance to the ground floor commercial unit, known as core B, Granita Court from 0.9m to 1.8m
Case Officer	Valerie Okeiyi
Valid Date	16/03/2023
Applicant Agent	Mr Timothy Block

RECOMMENDATION

Approve

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

1.1 Approved development

Erection of a part seven-storey, part five-storey development (plus basement parking) to create 69 residential dwellings and 1,009sqm of flexible business (B1a) floorspace with associated access, landscaping, car parking and other infrastructure - Principal Planning Permission reference HGY/2016/0086 (Appeal reference APP/Y5420/W/16/3165389) -

1.2 Proposed amendments

This application seeks approval for Non-material amendment following a grant of planning permission (Appeal reference APP/Y5420/W/16/3165389) to widen the front entrance to the ground floor commercial unit, known as core B, Granita Court from 0.9m to 1.8m.

1.3 Internal comments received:

Although no consultations are required for an NMA, this application was considered by the Councils Design Officer for a 'belt and braces' approach in order to ensure the plans didn't unacceptably impact on the design quality of the scheme.

LBH Design Officer - I have no problem with this minor change

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.

Officers consider the proposed amendments as set out in section 3.2.1 above would not make any changes to the design quality and would be minor and inconsequential changes to the development as a whole. In addition, the Design Officer raises 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