

Officer's Report

Application Number	HGY/2023/1375
Type	Non-Material Amendment
Location	Branksome, Courtenay Avenue, Hornsey, London, N6 4LP
Proposal	Non-Material Amendment to planning permission ref. HGY/2021/1190 granted on 6/10/2021 for demolition of existing dwelling house (Class C3) and erection of replacement dwelling house (Class C3), including accommodation at basement, ground, first floor and roof levels with associated landscaping to front and rear garden areas; namely to amend the timing points of conditions 8 part a only
Case Officer	Tania Skelli
Valid Date	23/06/2023
Applicant	-
Agent	Mr Bill Taylor

RECOMMENDATION

Approve

REPRESENTATIONS

NA

REASONS FOR GRANTING PERMISSION

The site is located on the eastern side of Courtenay Avenue, a private road within the Highgate Ward. It is known as Branksome and is adjoined by Ridgefield and Beaulieu. To its rear is the Highgate Golf course which is designated Metropolitan Open Land (MOL) and SINC II (applicable policies SP13 and DM20). The site lies within the Highgate Neighbourhood Forum area boundaries and includes TPO listed trees.

The house lies within the Highgate Conservation Area (the Bishops sub-area).

The planning history of the site has been taken into account when coming to this decision. E.g.

- HGY/2022/1714 dated 6th March 2023;
- HGY/2021/3129 dated 15th November 2021;
- HGY/2021/1190 dated 6th October 2021

This is a non-material amendment to previously approved scheme under reference HGY/2021/1190 and associated HGY/2021/3129 (NMA to condition 8). The NMA approved under HGY/2021/3129 approved the amended wording to condition 8(a) as follows:

‘Prior to any works relating to these parts, details of the proposed ventilation and heating systems and solar PV shall be submitted to and approved by the Local Planning Authority. This must include: - Specification and efficiency of the proposed ASHP (Coefficient of Performance, Seasonal Coefficient of Performance, and the Seasonal Performance Factor), with plans showing the location of the ASHP unit and pipework; - Proposed noise, visual and exhaust mitigation measures

for the ASHP; - Specification and efficiency of the proposed Mechanical Ventilation and Heat Recovery (MVHR), with plans showing the rigid or semi-rigid MVHR ducting; - Maximum possible solar energy to be generated on the roof, with a minimum of 5 kWp; with details including: a roof plan; the number, angle, orientation, type, and efficiency level of the PVs; how overheating of the panels will be minimised; their peak output (kWp) and the final carbon reduction at the Be Green stage of the energy hierarchy if this has increased. - A metering strategy.'

This proposal is to amend Condition 8 (Part A) of the planning permission to alter the timing point of which will require the relevant AC / VRF and PV units to be installed on site prior to discharge. The proposed amendment relates only to the timing of the condition and it is not proposed to alter the principle or content of the condition.

An application for the discharge of Condition 8 (Energy Strategy) was part discharged on 6th March 2023 (Ref: HGY/2022/1714) for parts b-e, with part a remaining outstanding. The final set of comments were provided from the CMT on the 6th of February 2023 highlighting the final actions to be acted upon:

- Provide final evidence of permanent modification of the VRV system to operate in heating only and without heat/cool changeover system, to be confirmed on-site.

Accordingly, the proposed amended wording to the condition 8(a) is:

'Post installation of the works relating to these parts, and subject to an inspection on site by LPA officers, details of the proposed ventilation and heating systems and solar PV shall be submitted to and approved by the Local Planning Authority. This must include: - Specification and efficiency of the proposed ASHP (Coefficient of Performance, Seasonal Coefficient of Performance, and the Seasonal Performance Factor), with plans showing the location of the ASHP unit and pipework; - Proposed noise, visual and exhaust mitigation measures for the ASHP; - Specification and efficiency of the proposed Mechanical Ventilation and Heat Recovery (MVHR), with plans showing the rigid or semi-rigid MVHR ducting; - Maximum possible solar energy to be generated on the roof, with a minimum of 5 kWp; with details including: a roof plan; the number, angle, orientation, type, and efficiency level of the PVs; how overheating of the panels will be minimised; their peak output (kWp) and the final carbon reduction at the Be Green stage of the energy hierarchy if this has increased. - A metering strategy.'

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 nonmaterial 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 NPPF 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.

It is considered that the proposed change to the trigger points is considered non-material in the context of the whole development and will not materially affect the essence of the conditions nor essence of the permission and its impact on its surroundings.

GRANT PERMISSION FOR NON MATERIAL AMENDMENT