

Officer Report

Application Number:	HGY/2023/0618
Application Type:	Non-Material Amendment
Address:	Development Site, 423 West Green Road, Tottenham, London, N15 3PJ
Proposal:	Non-material amendment following grant of planning permission HGY/2018/1806 to all blocks to incorporate new rooftop plant rooms to enable the required plant and machinery space for the services.
Case Officer:	Josh Parker
Valid Date:	02/03/2023
Applicant:	Oliver
Agent:	Theo Theodosiou

RECOMMENDATION

Approve

1. PROPOSED & APPROVED DEVELOPMENT.

Approved development: HGY/2018/1806. Demolition of existing buildings and erection of three buildings up to a maximum 6 storeys in height, and extension and conversion of former public house for use of the relocated Church and nursery plus a café, to provide a total of 88 residential units (including 46 social rented units), associated car and cycle parking spaces (including within new basement) and improvements to adjacent park. Granted 19th February 2020.

This is an application for a Non-Material Amendments to planning reference HGY/2018/1806 to incorporate new rooftop plant rooms to enable the required plant and machinery space for the services and other associated small changes.

The application site relates to the land between 423 – 235 West Green Road. The site is located on the corner of West Green and Stanley Road and is currently nearing the completion of the construction of the 2018 approved development mentioned earlier. The site is not listed nor is it in a conservation area.

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 2015¹ 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/2018/1806.

The scheme as consented was for the demolition of existing buildings and erection of three buildings up to a maximum 6 storeys in height, and extension and conversion of former public house for use of the relocated Church and nursery plus a café, to provide a total of 88 residential units (including 46 social rented units), associated car and cycle parking spaces (including within new basement) and improvements to adjacent park.

The changes in more detail are outlined below.

- Block A: Addition of plantroom enclosure 6.735m by 5.545m by 2.03m (h) added to the southern block, sited on the communal amenity area.
- Block B: Addition of plantroom enclosure 5.55m by 9.02m by 3.00m (h) on the top of the approved 5th floor.
- Block C: Addition of plantroom 8.25m by 5.5m by 2.97 (h) to the west of the 5th floor staircase.

Assessment/Discussion

The addition of the plantrooms to blocks A, B & C have been added to the scheme as they are required to enable the functioning of the 3 blocks. The applicant has submitted a number of elevations/site plans and computer-generated imagery (CGI) to supplement the

application so that the visual impact of the additional height of the blocks (resulting from the plant rooms) can be assessed in terms of the blocks themselves and in the context of the surrounding area generally.

The proposed plant room on Block A has been proposed on the southern section of the Block. The setbacks from all boundaries means the plantroom is subtle and diluted by the surrounding buildings on the site, which comprise the Church, and the front of blocks A, B & C.

The proposed plantroom for Block B would be sited on top of the 5th floor, essentially adding another level to the building. The plantroom is setback approximately 6.55m from the northern most footprint line of the building which runs parallel to West Green Road. The plantroom would be 3metres in height as mentioned earlier however, because of the setback from the northern building footprint and the size of the scheme as a whole, the plantroom will be subtle in appearance and impact visually and only noticeable from a distance.

The proposed plantroom for Block C would be sited to the west of the 5th floor flats, approximately 3.6m from the western most footprint build line. The addition follows the natural building lines, following the staircase and is set back adequately enough from the western footprint of the host building so that it would not result in an unacceptable visual impact on the building or the streetscape.

The proposed amendments are considered minor in context with the development as a whole and would not have any significant material impacts on the external appearance of the individual blocks or the surrounding area generally. The proposal would not have any adverse impacts on the amenity of surrounding occupiers with regards to overshadowing the plantrooms on each of the blocks are all setback from therefore being subservient and subordinate to Blocks A, B and C. As such the proposals are considered a non-material amendment to the approved development in general and this application is therefore recommended for approval.

4. RECOMMENDATION

GRANT Non-Material Amendment with condition

Conditions:

- 1 Noise emitted by all building services plant shall be not exceed the existing measured lowest LA90(15min) background noise level at any time when all plant is in use. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential window or at 1.2m above any residential garden, terrace, balcony or patio. The equipment shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this Condition, it shall be switched off and not

used again until it is able to comply.

Reason: In order to protect the amenities of residential occupiers consistent with Policy D14 of the London Plan 2021 and Policy DM1 of The Development Management DPD 2017.