

Officer Report

Application Number:	HGY/2023/1815
Application Type:	Non-Material Amendment
Address:	Land opposite 16 Park Road, Edith Road, London, N11 2QE
Proposal:	Non-Material Amendment to planning permission ref: HGY/2020/0589 to amend the description of the development to the following: for the erection of part 2/3/4-storey block of 8 no. houses and flats with cycle and refuse storage facilities and associated amenity area and landscaping at former car parking site (Class use C3);
Case Officer:	Tania Skelli
Valid Date:	10/07/2023
Applicant:	3
Agent:	Mr Jack Goulde

RECOMMENDATION

Approve

2. REPRESENTATIONS

2.1 No representations were received in response to notification and publicity of the application.

3. REASONS FOR GRANTING PERMISSION

3.1 The site is on the corner of Edith Road and Park Grove. To the rear lies Tredegar Road. Immediately to the rear of the site (south-east) is a four-storey modern residential building with gardens facing south-east. To the east is a modern terrace of two-storey houses and a car park. To the front of the site (north-west) is the Springfield Community Park and 1930s two-storey detached houses and to the north-east, on Park Road, lies a Victorian terrace of two-storey houses.

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

- HGY/2020/0589 – planning permission was granted on 3/7/2020 for the erection of part 2/3/4-storey block of 8no. houses and flats (affordable Council rent) with cycle and refuse storage facilities and associated amenity area and landscaping at former car parking site (Class use C3)

3.3 This is non-material amendment to previously approved scheme under reference HGY/2020/0589. To amend the development description of development to the following:

- Erection of part 2/3/4-storey block of 8no. houses and flats with cycle and refuse storage facilities and associated amenity area and landscaping at former car parking site (Class use C3)

3.4 All other aspects of previously approved application remain unchanged with regard to the number of homes provided and design, footprint, scale and bulk of the approved building.

3.5 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.

3.6 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.

3.7 The proposed amendment does not involve any alterations to the approved design of the development. This change will not result in any material increase in height, scale, width, or depth of a building; it would allow the Council to have the flexibility to amend the tenure from social rent through a subsequent S73 application. It would not adversely affect the character or appearance of the development or erode the quality of that which was originally approved.

3.8 On this basis, it is considered that a non-material amendment can be granted.

GRANT PERMISSION FOR NON MATERIAL AMENDMENT

