

Officer Report

Application Number:	HGY/2023/1834
Application Type:	Non-Material Amendment
Address:	Wat Tyler House, Boyton Road, Hornsey, London, N8 7AU
Proposal:	Non-material amendment of planning permission ref. HGY/2022/3858 granted on 01/06/2023 to amend the description of the development to the following: for the Redevelopment of the car park adjacent to Wat Tyler House to provide 15 new homes in a part 4, 5 and 7 storey building. Provision of associated amenity space, cycle and refuse/recycling stores, a wheelchair parking space on Boyton Road and enhancement of existing communal areas and play space to the rear on the Campsbourne Estate.
Case Officer:	Nathan Keyte
Valid Date:	11/07/2023
Applicant:	3
Agent:	Mr Jack Goulde

RECOMMENDATION

Approve

REPRESENTATIONS

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

REASONS FOR GRANTING PERMISSION

The site currently comprises a car park, together with a small area of soft landscaping to the front. This car park is located on the eastern side of Boyton Road and is within the Campsbourne Estate. The immediate and surrounding setting is residential in character, being predominantly made up of post-war apartment blocks, although there are also some more traditional terraced properties present in the vicinity.

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

- HGY/2022/3858 – planning permission was granted on 01/06/2023 for the Redevelopment of the car park adjacent to Wat Tyler House to provide 15 new Council

rent homes in a part 4, 5 and 7 storey building. Provision of associated amenity space, cycle and refuse/recycling stores, a wheelchair parking space on Boyton Road and enhancement of existing communal areas and play space to the rear on the Campsbourne Estate.

This is non-material amendment to previously approved scheme under reference HGY/2022/3858. To amend the development description of development to the following:

- Redevelopment of the car park adjacent to Wat Tyler House to provide 15 new homes in a part 4, 5 and 7 storey building. Provision of associated amenity space, cycle and refuse/recycling stores, a wheelchair parking space on Boyton Road and enhancement of existing communal areas and play space to the rear on the Campsbourne Estate.

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.

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.

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.

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

GRANT PERMISSION FOR NON MATERIAL AMENDMENT

