

Officer Report

Application Number:	HGY/2023/2520
Application Type:	Non-Material Amendment
Address:	Unit 2, Rosa Luxemburg Apartments, 16 Ashley Road, Tottenham, London, N17 9ST
Proposal:	Non-Material Amendment (NMA) to planning permission HGY/2019/2804 [S73 to HGY/2017/2045] (as amended by HGY/2020/2806 & HGY/2021/1170) to relocate the entrance door of Unit 2 and extend the existing canopy over the proposed entrance door.
Case Officer:	Philip Elliott
Valid Date:	20/09/2023
Applicant:	3 Carkeet
Agent:	Wheeler

RECOMMENDATION

Approve

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2023/2520

Ward: Tottenham Hale

Date received: 20/09/2023

Last amended date: N/A

Drawing number of plans:

- 0011 Rev P1 Proposed North Elevation
- 0002 Rev P1 Proposed Ground Floor Plan
- 0003 Rev P1 Existing and Proposed Unit 2 Ground Floor Plan
- 0012 Rev P1 Existing and Proposed Unit 2 North Elevation

Address: Ashley Gardens, Ashley Road N17 9LJ

Proposal: Non-Material Amendment (NMA) to planning permission HGY/2019/2804 [S73 to HGY/2017/2045] (as amended by HGY/2020/2806 & HGY/2021/1170) to relocate the entrance door of Unit 2 and extend the existing canopy over the proposed entrance door.

Applicant: Berkeley Square Developments ARS Ltd

Officer contact: Philip Elliott

2. RECOMMENDATION

GRANT Non-Material Amendment

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

3.1 Approved development

Planning permission was granted under HGY/2019/2804 for:

Section 73 application for minor material amendments to planning permission HGY/2017/2045 in respect of internal layouts and external alterations, including changes to the massing of Buildings 1 and 1A to provide an additional 46 residential units; amendments to the dwelling mix to increase the number of family-sized units, and tenure mix to provide 76% of the affordable housing as affordable rented units, and associated changes to car and cycle parking and infrastructure works.

HGY/2017/2045 = [Demolition of the existing buildings and erection of two buildings to provide 1,211 sqm of commercial floorspace (GEA) (Class A1/A3/B1/D1), 377 residential units (Class C3), new public realm, landscaped amenity space, car and cycle parking and all associated works. At Ashley Gardens, Ashley Road, London, N17 9LH]

An NMA (ref: HGY/2020/2806) was approved in 2020 for internal changes (with corresponding external alterations and additions & changes to Conditions 4 (Land Use (Retail) and 45 (Quantum of Development)) to increase amenity provision and modify the design. The proposed amendments reduce the quantum of residential units by 1.1% from 423 to 418 units. The number of affordable housing units remained unchanged.

A further NMA (ref: HGY/2021/1170) was approved on 10 August 2021 to regularise the drawings in respect of changes made to maximise the number of units meeting Building Regulations Part M4(3) in Building 1A. This involved the amalgamation of two units to reduce the overall quantum by 1 and a minor change to the unit mix - with associated minor internal alterations.

Further non-material amendments have been permitted as the scheme has been constructed to enable the developer and their tenant to respond to necessary design changes as they arise such as minor changes to plant, access, stores, openings, layouts, balustrading, and materiality.

3.2 Proposed amendments

The amendments would include the extension of the existing canopy so that it covers a relocated entrance door which would be shifted to the east.

4. 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.

The changes would result in modest elevational changes that when considered in the context of the original permission would be de minimis. On this basis, it is considered that a non-material amendment can be granted.

5. RECOMMENDATION

GRANT Non-Material Amendment

Applicant's drawing No.(s)

- 0011 Rev P1 Proposed North Elevation
- 0002 Rev P1 Proposed Ground Floor Plan
- 0003 Rev P1 Existing and Proposed Unit 2 Ground Floor Plan
- 0012 Rev P1 Existing and Proposed Unit 2 North Elevation