



Officer Report

Application Number:	HGY/2023/1910
Application Type:	Non-Material Amendment
Address:	Council Depot, Ashley Road, London, N17 9DP
Proposal:	Non-Material Amendment (NMA) to Planning Permission Ref: HGY/2022/0752 to amend the 'Description of Development' so as to remove references to the affordable housing provision and tenure in order to allow for an increase in the number of affordable homes and changes to the affordable tenures.
Case Officer:	John Kaimakamis
Valid Date:	18/07/2023
Applicant:	Mr Andrew King
Agent:	

RECOMMENDATION

Approve

1. RECOMMENDATION

GRANT Non-Material Amendment

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

2.1 Approved development

Planning application HGY/2022/0752 was granted by the Council on 31 August 2022. The approved development consisted of the following:

Full planning application for the erection of 272 homes including 50% socially rented homes extending 4-13 storeys, 174sqm of flexible Use Class E floorspace along with a new vehicular access to the site, car parking and two pedestrian north south routes. The proposal also includes both private and public hard and soft landscaping throughout the site.

2.2 Proposed amendments

The submission seeks a non-material amendment to 'Description of Development' of the consented scheme under reference HGY/2022/0752. Specifically, the amendment would remove the reference to 50% socially rented homes. As such, the amended 'Description of Development' would be as follows:

“Full planning application for the erection of 272 homes extending 4-13 storeys, 174sqm of flexible Use Class E floorspace along with a new vehicular access to the site, car parking and two pedestrian north south routes. The proposal also includes both private and public hard and soft landscaping throughout the site.”

All other aspects of the consented permission remain unchanged with regard to the number of homes provided and design, footprint, scale and bulk of the approved buildings.

3. 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 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. In this instance, the amendment is being sought to ensure the scheme description can accommodate Haringey Council's revised approach to provide 100% London Affordable Rent, or Social Rent Level accommodation. The existing consented scheme proposed delivery of 50% of the residential accommodation at social rent and 50% at Market Sale.

In conclusion, the proposal would not adversely affect the character or appearance of the development or erode the quality of that which was originally approved.

The proposed changes would therefore be non-material and, as such, the amendments are accepted and approved.

4. RECOMMENDATION

GRANT Non-Material Amendment

Applicant's drawing/document No.(s)/title(s):

Application Form for a Non-Material Amendment Following a Grant of Planning Permission dated 17 July 2023

INFORMATIVE:

The 'Description of Development' will now read as follows:

"Full planning application for the erection of 272 homes extending 4-13 storeys, 174sqm of flexible Use Class E floorspace along with a new vehicular access to the site, car parking and two pedestrian north south routes. The proposal also includes both private and public hard and soft landscaping throughout the site."

Informatives:

INFORMATIVE:

The 'Description of Development' will now read as follows:

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