



Officer Report

Application Number: HGY/2023/2953
Application Type: Non-Material Amendment
Address: Land at Haringey Heartlands, between Hornsey Park Road, Mayes Road,, Coburg Road, Western Road and the Kings Cross / East Coast Mainline,, Clarendon Gas Works, Olympia Trading Estate, and 57-89 Western Road, London, N8
Proposal: Non-material amendments following a grant of planning permission HGY/2020/1851 for changes to the type of cladding and reduction in overall building heights
Case Officer: Valerie Okeiyi
Valid Date: 01/11/2023
Applicant: Ben Evans
Agent:

RECOMMENDATION

Approve

1. RECOMMENDATION

GRANT Non-Material Amendment

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

2.1 Approved development

Application for approval of reserved matters relating to appearance, landscaping, layout, scale, access, pertaining to Buildings E1, E2 and E3, forming Phase 3 of the Eastern Quarter, including the construction of residential units (Use Class C3), commercial floorspace, basement, and new landscaped public space pursuant to planning permission HGY/2017/3117 dated 19th April 2018.

2.2 Proposed amendments

2.2.1 This application seeks approval for Non-material amendment following a grant of planning permission (HGY/2020/1851) to make the following revisions to the approved scheme;

- Changes to the cladding from 'metal profiled panel' to a flat panel system
- Reduction in height of the approved blocks (E1, E2 and E3) whilst maintaining appropriate ceiling heights internally. The reduction is set out below;

- o Consented E3 Roof – 70.700 – Revised E3 Roof – 70.275: 425mm height reduction

- o Consented E1 Roof – 64.300 – Revised E1 Roof – 64.125: 175mm height reduction
- o Consented E2 Roof – 58.250 – Revised E2 Roof – 57.975: 175mm height reduction
- o Consented 8th Floor Podium – 51.800 – Revised 8th Floor Podium – 51.675: 125mm height reduction

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 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.

Officers consider the slight reduction in height of the buildings and the revised cladding material (which has been inspected by officers) would maintain the high quality design of the buildings and would be a non material amendment to the approved scheme.

The Design Officer has reviewed the plans, details and specifications and raises no objections.

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

4. RECOMMENDATION

GRANT Non-Material Amendment