



Officer Report

Application Number:	HGY/2023/2803
Application Type:	Non-Material Amendment
Address:	Former Newstead Nursing Home, Denewood Road, London, N6 4AL
Proposal:	Non-material amendment following a grant of planning permission HGY/2018/3205 to amend the trigger point of conditions 3 (Materials) , 5 (landscaping) and 19 (Energy Strategy)
Case Officer:	Valerie Okeiyi
Valid Date:	17/10/2023
Applicant:	C/O Agent
Agent:	Charlotte McManus

RECOMMENDATION

Approve

1. RECOMMENDATION

GRANT Non-Material Amendment

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

2.1 Approved development

Demolition of existing building and erection of three buildings between two and three storeys in heights to provide 13 residential dwellings, private and communal amenity space and other associated development

2.2 Proposed amendments

This application seeks approval for amendments to the trigger points of the following conditions.

Condition 3 (Materials)

The current wording of Condition 3 (Materials) reads;

Prior to the commencement of works (other than investigative and demolition works) details of appropriately high quality and durable finishing materials to be used for the external surfaces of the development, including samples as appropriate, shall be submitted to and approved in writing by the Local Planning Authority. Samples of brickworks, detailing changes in materials, especially

around timber boarding, roof eaves and windows, valley gutters and downpipes, windows, roof cladding, glazing, balustrade, should be provided. A schedule of the exact product references for other materials. The development shall thereafter be completed in accordance with the approved details.

This application seeks to amend the wording of Condition 3 (Materials) to read:

Prior to the commencement of works (other than investigative, demolition works and the foundations) details of appropriately high quality and durable finishing materials to be used for the external surfaces of the development, including samples as appropriate, shall be submitted to and approved in writing by the Local Planning Authority. Samples of brickworks, detailing changes in materials, especially around timber boarding, roof eaves and windows, valley gutters and downpipes, windows, roof cladding, glazing, balustrade, should be provided. A schedule of the exact product references for other materials. The development shall thereafter be completed in accordance with the approved details.

Condition 5 (Landscaping)

The current wording of Condition 5 (Landscaping) reads;

Prior to the commencement of the development hereby approved (excluding investigative and demolition works) full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority, and these works shall thereafter be carried out as approved. These details shall include information regarding, as appropriate:

- a) Proposed finished levels or contours;
- b) Means of enclosure;
- c) Hard surfacing materials;
- d) Minor artefacts and structures (e.g. Furniture, play equipment, refuse or other storage units, signs, lighting etc.); and
- e) Proposed and existing functional services above and below ground (e.g. Drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.)

Soft landscape works shall include:

- f) Planting plans;
- g) Written specifications (including details of cultivation and other operations associated with plant and/or grass establishment);
- h) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- i) Implementation and management programmes
- j) Full details of how the tree planting integrates with the basement

The soft landscaping scheme shall include detailed drawings of:

- k) Any new trees and shrubs to be planted together with a schedule of species.

The approved scheme of planting, seeding or turfing comprised in the approved details of landscaping shall be carried out and implemented in strict accordance with the approved details in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). Any trees or plants, either existing or proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be retained thereafter.

This application seeks to amend the wording of Condition 5 (Landscaping) to read:

Prior to the commencement of the development hereby approved (excluding investigative demolition works and the foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority, and these works shall thereafter be carried out as approved. These details shall include information regarding, as appropriate:

- a) Proposed finished levels or contours;
- b) Means of enclosure;
- c) Hard surfacing materials;
- d) Minor artefacts and structures (e.g. Furniture, play equipment, refuse or other storage units, signs, lighting etc.); and
- e) Proposed and existing functional services above and below ground (e.g. Drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.)

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The current wording of Condition 19 (Energy Strategy) reads;

(a) Prior to the commencement of construction works, a revised Energy Strategy must be submitted with Design Stage SAP worksheets. This strategy will demonstrate how it will aim for a zero-carbon development, increasing its carbon emission savings on site from 30.6% to a minimum 35% over 2013 Building Regulations Part L with SAP10 carbon factors. A revised calculation of the carbon offset contribution will also be provided. This shall be prepared on the basis of improving the Energy Statement (dated January 2020), Overheating Assessment (dated 2 July 2020) and Sustainability Statement (dated January 2020), all prepared by XCO2.

(b) Prior to construction, details of the proposed ventilation and solar PV systems shall be submitted to the Local Planning Authority. This must include:

- efficiency and location of the proposed Mechanical Ventilation and Heat Recovery (MVHR), with plans showing the rigid MVHR ducting;
- evidence that the PV arrays comply with other relevant issues as outlined in the Microgeneration Certification Scheme Certification Requirements;

- roof plan of proposed PV array; number, angle, orientation, type, peak output, shading level and efficiency level of the PVs; type of monitoring equipment; how overheating of the panels will be minimised.

(c) Within two months of occupation, energy generation evidence shall be submitted to demonstrate the solar PV array and its monitoring equipment has been installed correctly. The PV array shall be maintained and cleaned at least annually following installation.

(d) Prior to occupation, details of the overheating mitigation for apartment 8, bedroom 1, proposed internal blinds and confirmation of who will own the overheating risk must be submitted for approval. The development must be built in accordance with the approved overheating measures for all dwellings facing east, west or south:

- Openable windows by 70 degrees or more;
- Fixed internal blinds with white backing;
- Window g-values of 0.67 or better;
- Hot water pipes insulated to high standards.

(e) Within 6 months of occupation, evidence must be submitted that the scheme has been registered onto the GLA's energy monitoring portal and has submitted energy use and generation information

This application seeks to amend the wording of Condition 19 (Energy Strategy) to read:

(a) Prior to the commencement of construction works (excluding the foundations), a revised Energy Strategy must be submitted with Design Stage SAP worksheets. This strategy will demonstrate how it will aim for a zero-carbon development, increasing its carbon emission savings on site from 30.6% to a minimum 35% over 2013 Building Regulations Part L with SAP10 carbon factors. A revised calculation of the carbon offset contribution will also be provided. This shall be prepared on the basis of improving the Energy Statement (dated January 2020), Overheating Assessment (dated 2 July 2020) and Sustainability Statement (dated January 2020), all prepared by XCO2.

(b) Prior to construction (excluding the foundations), details of the proposed ventilation and solar PV systems shall be submitted to the Local Planning Authority. This must include:

- efficiency and location of the proposed Mechanical Ventilation and Heat Recovery (MVHR), with plans showing the rigid MVHR ducting;
- evidence that the PV arrays comply with other relevant issues as outlined in the Microgeneration Certification Scheme Certification Requirements;
- roof plan of proposed PV array; number, angle, orientation, type, peak output, shading level and efficiency level of the PVs; type of monitoring equipment; how overheating of the panels will be minimised.

(c) Within two months of occupation, energy generation evidence shall be submitted to demonstrate the solar PV array and its monitoring equipment has been installed correctly. The PV array shall be maintained and cleaned at least annually following installation.

(d) Prior to occupation, details of the overheating mitigation for apartment 8, bedroom 1, proposed internal blinds and confirmation of who will own the overheating risk must be submitted for approval. The development must be built in accordance with the approved overheating measures for all dwellings facing east, west or south:

- Openable windows by 70 degrees or more;
- Fixed internal blinds with white backing;
- Window g-values of 0.67 or better;
- Hot water pipes insulated to high standards.

(e) Within 6 months of occupation, evidence must be submitted that the scheme has been registered onto the GLA's energy monitoring portal and has submitted energy use and generation information

3.2.1 Internal comments received:

Although no consultations are not strictly required for an NMA, the amended wording of conditions 3 (Materials), 5 (landscaping) and 19 (Energy Strategy), still achieves its original purpose.

Carbon comments: No objection with the NMA regarding the amendments of the wording of condition 19 (Energy Strategy).

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.

This application seeks amendments to the trigger points of conditions 3 (Materials), 5 (landscaping) and 19 (Energy Strategy) in order to undertake an element of foundation works in order to implement the planning permission.

Officers do not have any objection to the re-wording of the above conditions, as it still achieves its original purpose. The tweaks to the condition allows for other works to be undertaken without undermining on the whole purpose of these conditions being imposed on the planning consent.

The tweaks to the conditions are non-material in nature as it does not alter the overall control the conditions have.

The proposed new wording of the conditions are agreed accordingly.

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

4. RECOMMENDATION

GRANT Non-Material Amendment subject to an informative

Informatives:

For the Avoidance of doubt, conditions 3 (Materials), 5 (landscaping) and 19 (Energy Strategy) of planning permission reference HGY/2018/3205 shall read as follows:

Condition 3: PRE COMMENCEMENT: MATERIALS

Prior to the commencement of works (other than investigative demolition works **and the foundations**) details of appropriately high quality and durable finishing materials to be used for the external surfaces of the development, including samples as appropriate, shall be submitted to and approved in writing by the Local Planning Authority. Samples of brickworks, detailing changes in materials, especially around timber boarding, roof eaves and windows, valley gutters and downpipes, windows, roof cladding, glazing, balustrade, should be provided. A schedule of the exact product references for other materials. The development shall thereafter be completed in accordance with the approved details

Reason: In order to protect the character and appearance of the area and to protect the amenity of nearby residents in accordance with Policies DM1, DM8 and DM9 of the Development Management Development Plan Document 2017

Condition 5: PRE COMMENCEMENT: LANDSCAPING

Prior to the commencement of the development hereby approved (excluding investigative **demolition works and the foundations**) full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority, and these works shall thereafter be carried out as approved. These details shall include information regarding, as appropriate:

- a) Proposed finished levels or contours;
- b) Means of enclosure;
- c) Hard surfacing materials;
- d) Minor artefacts and structures (e.g. Furniture, play equipment, refuse or other storage units, signs, lighting etc.); and
- e) Proposed and existing functional services above and below ground (e.g. Drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.)

Soft landscape works shall include:

- f) Planting plans;
- g) Written specifications (including details of cultivation and other operations associated with plant and/or grass establishment);
- h) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- i) Implementation and management programmes
- j) Full details of how the tree planting integrates with the basement

The soft landscaping scheme shall include detailed drawings of:

- k) Any new trees and shrubs to be planted together with a schedule of species.

The approved scheme of planting, seeding or turfing comprised in the approved

details of landscaping shall be carried out and implemented in strict accordance with the approved details in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). Any trees or plants, either existing or proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be retained thereafter.

Reason: In order for the Local Planning Authority to assess the acceptability of any landscaping scheme in relation to the site itself, thereby ensuring a satisfactory setting for the proposed development in the interests of the visual amenity of the area consistent with Policy 7.21 of the London Plan 2016, Policy SP11 of the Local Plan 2017, and Policies DM1 and DM2 of the Development Management Development Plan Document 2017.

Condition 19: PRE COMMENCEMENT: ENERGY STRATEGY

(a) Prior to the commencement of construction works (**excluding the foundations**), a revised Energy Strategy must be submitted with Design Stage SAP worksheets. This strategy will demonstrate how it will aim for a zero-carbon development, increasing its carbon emission savings on site from 30.6% to a minimum 35% over 2013 Building Regulations Part L with SAP10 carbon factors. A revised calculation of the carbon offset contribution will also be provided. This shall be prepared on the basis of improving the Energy Statement (dated January 2020), Overheating Assessment (dated 2 July 2020) and Sustainability Statement (dated January 2020), all prepared by XCO2.

(b) Prior to construction (**excluding the foundations**), details of the proposed ventilation and solar PV systems shall be submitted to the Local Planning Authority. This must include:

- efficiency and location of the proposed Mechanical Ventilation and Heat Recovery (MVHR), with plans showing the rigid MVHR ducting;
- evidence that the PV arrays comply with other relevant issues as outlined in the Microgeneration Certification Scheme Certification Requirements;
- roof plan of proposed PV array; number, angle, orientation, type, peak output, shading level and efficiency level of the PVs; type of monitoring equipment; how overheating of the panels will be minimised.

(c) Within two months of occupation, energy generation evidence shall be submitted to demonstrate the solar PV array and its monitoring equipment has been installed correctly. The PV array shall be maintained and cleaned at least annually following installation.

(d) Prior to occupation, details of the overheating mitigation for apartment 8, bedroom 1, proposed internal blinds and confirmation of who will own the overheating risk must be submitted for approval. The development must be built in accordance with the approved overheating measures for all dwellings facing east, west or south:

- Openable windows by 70 degrees or more;
- Fixed internal blinds with white backing;
- Window g-values of 0.67 or better;
- Hot water pipes insulated to high standards.

(e) Within 6 months of occupation, evidence must be submitted that the scheme has been registered onto the GLA's energy monitoring portal and has submitted energy use and generation information

Reason: To comply with London Plan 2016 Policy 5.2 and 5.9 and Local Plan Policy SP4 and in the interest of adapting to climate change and to secure sustainable development.