



Officer Report

Application Number:	HGY/2023/2906
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 to planning permission HGY/2019/1775 to formalise the addition of the commercial floor space
Case Officer:	Valerie Okeiyi
Valid Date:	27/10/2023
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 D3 and D4, forming Phase 2 of the Eastern Quarter, including the construction of 101 residential units 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/2019/1775) to formalise the addition of 124m² (GIA) of commercial floor space at the ground floor of Block D4. The space has been created following a reduction in the size of the DEN2 Energy Centre, which occupies the basement and ground floor level of the block, and the removal of the UKPN network substation. The changes include;

- The reduction of the DEN and the removal of the substation has created 124 square metres of space which has been used to extend the commercial space. Removal of associated louvres from the north and west elevation.

- Glazing added to the north elevation ground floor commercial unit
- Reconfiguration of the refuse store
- Removal of louvres to the residential refuse store
- Brick rib adjusted to suit increased opening width
- Door/louvre size adjusted to accommodate ventilation louver
- Opening size rationalised to increase internal office area usage

2.2.2 The proposed changes include further amendments which include relocating the new north elevation window to the corner.

2.2.3 The layout of the ground floor was approved under HGY/2022/0641 (Approval of details pursuant to condition 5 (Energy Centre layout) attached to planning permission HGY/2019/1775 in relation to Block D4) and the external appearance was approved under HGY/2022/0777 (Approval of details pursuant to condition 59 (Shopfronts) attached to planning permission HGY/2017/3117 in relation to Block D4).

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.

Officers consider the changes to the layout and external appearance of the commercial unit would be a significant improvement to the frontage along Brook Road providing activation to the corner and would still maintain the high quality design of the building. The changes would therefore be a non-material amendment to the approved scheme.

The reduction of the DEN and the removal of the substation has created an additional 124 square metres of commercial floorspace - given the overall amount of commercial floorspace of the approved scheme, this is a non material additional amount of commercial floorspace - and is welcomed as this creates additional employment generating floorspace on the site.

The Design Officer has reviewed the plans and raises no objections to the minor alterations to the facade of the building. On this basis, it is considered that the work are non material.

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

4. RECOMMENDATION

GRANT Non-Material Amendment