



Officer Report

Application Number:	HGY/2023/2570
Application Type:	Non-Material Amendment
Address:	Unit 8, 555 White Hart Lane, Tottenham, London, N17 7RP
Proposal:	Non-material amendment following the grant of planning permission HGY/2020/0635 for the installation of x1 louvered vent on the west elevation of Unit 8 and x2 louvered vents to the south elevation of Unit 8
Case Officer:	Valerie Okeiyi
Valid Date:	25/09/2023
Applicant:	Iceni Projects on behalf of Stock X
Agent:	Mr Ryan Walker

RECOMMENDATION

Approve

1. RECOMMENDATION

GRANT Non-Material Amendment

2. PROPOSED DEVELOPMENT

2.1 Approved development

HGY/2020/0635 - 555 White Hart Lane London N17 7RP - Demolition of existing structures and construction of two buildings to provide eight units for light industrial (Use Class B1(c); industrial (Use Class B2); and/or storage and distribution (Use Class B8)) purposes, with ancillary offices and associated landscaping, car parking, servicing and access arrangements. - Grant permission - 21/12/2020.

2.2 Proposed amendments

2.2.1 This application seeks approval for Non-material amendment following a grant of planning permission (HGY/2020/0635) to seek minor changes to unit 8 for effective operational purposes. The proposal is for x1 louvered vent on the west elevation of Unit 8 and x2 louvered vents to the south elevation of Unit 8. The two proposed louvres are new connections to existing vents within the unit.

2.2.2 The proposed changes have been reviewed by both the Engineering consultant on the team and the contractor who would be undertaking the works. Both parties have confirmed the changes

would not result in noise levels exceeding the thresholds set out in Condition 25 of planning permission HGY/2020/0635 which reads;

The design and installation of new items of fixed mechanical plant shall be such that, when in operation, the cumulative noise level LAeq 15 min arising from the proposed plant, measured or predicted at 1m from the façade of nearest residential premises shall be a rating level of at least 5dB(A) below the background noise level LAF90. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS4142:2014 +A1:2019. Upon request by the local planning authority a noise report shall be produced by the competent person and shall be submitted to and approved by the local planning authority to demonstrate compliance with the above criteria.

Reason: In order to protect the amenities of nearby residential occupiers consistent with Policy 7.15 of the London Plan 2016 and Policy DM1 of The Development Management DPD 2017

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 2004² does not apply.

Officers consider the proposed amendments as set out in section 3.2.1 above would not materially alter the design and appearance of the building.

In terms of noise levels, the results from the accompanying desktop assessment prepared by NH Noise Harvest shows that the predicted noise level is so low at the nearest noise sensitive receptors the subjective impression is that no characteristic of the sound will be heard and therefore no correction will be added. It was concluded that the assessment of the three louvred vents predicted that no adverse impact should result at the nearest noise sensitive receptors for the daytime or night time period and meets the local authorities requirements. This amendment is also required to comply with Condition 25 of the original planning consent which imposes noise level restrictions. An NMA is not a separate consent but a non material amendment to the original planning permission and all the imposed conditions on that consent.

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

4 RECOMMENDATION

GRANT Non-Material Amendment