



Officer Report

Application Number: HGY/2023/3106
Application Type: Non-Material Amendment
Address: Rutland House Surgery, Rutland House, 40 Colney Hatch Lane, Hornsey, London, N10 1DU
Proposal: Non-material minor amendment to the wording of conditions 3 (materials), 4 (design detail), 6 (enclosures and screened facilities for refuse), 9 (green roof) and 12 (structural engineer), to change trigger point in respect of the submission of detail, attached to planning permission HGY/2020/2356.
Case Officer: Ben Coffie
Valid Date: 01/12/2023
Applicant: Dr. Rebecca Hatjiosif
Agent: Mr George Athanasi

RECOMMENDATION

Approve

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

This is an application for a non-material minor amendment to the wording of conditions 3 (materials), 4 (design detail), 6 (enclosures and screened facilities for refuse), 9 (Green Roof) and 12 (structural engineer), to change the trigger point in respect of the submission of detail, attached to planning permission HGY/2020/23567.

2. ANALYSIS/ASSESSMENT

Legal/ policy context

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.

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. The modifications to the conditions proposed are considered to fall within the scope of a non-material amendment.

Planning Consideration

The primary consideration arising from this application is whether the amendments to the original scheme are non-material or whether a fresh planning application is required. As such, it is pertinent to assess this application against planning permission references: HGY/2020/2356.

The changes in more detail to the conditions are:

- Conditions 3 of the approved development reads:

Prior to the commencement of above ground works samples and a schedule of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

It would be reworded to as follows:

Other than demolition and prior to the commencement of above ground works samples and a schedule of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

- Condition 4 of the approved development reads:

Prior to the commencement of above ground works fully annotated elevations and sections (at a scale of 1:5, 1:10 or 1:20 where appropriate) shall be submitted to and approved in writing by the Local Planning Authority showing the following: I Front doors, II Windows, III. Window sills & headers, IV. Balcony railings, V. Brick banding and detailing, VI. Parapet details, VII. Recessed top floor, VIII. Front wall and railings, with such detail and works implemented in accordance with the approved drawings and thereafter retained.

It is to be reworded to read as follows:

Other than demolition and prior to the commencement of above ground works fully annotated elevations and sections (at a scale of 1:5, 1:10 or 1:20 where appropriate) shall

be submitted to and approved in writing by the Local Planning Authority showing the following: I Front doors, II Windows, III. Window sills & headers, IV. Balcony railings, V. Brick banding and detailing, VI. Parapet details, VII. Recessed top floor, VIII. Front wall and railings, with such detail and works implemented in accordance with the approved drawings and thereafter retained.

- Conditions 6 of the approved development reads:

Notwithstanding the approved plans and before the development hereby permitted commence, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins and/or other refuse storage containers where applicable shall be submitted to and approved in writing by the Local Planning Authority and shall be provided on site in accordance with the approved details before the building is occupied.

It would be reworded to read as follows:

Notwithstanding the approved plans and before completion, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins and/or other refuse storage containers where applicable shall be submitted to and approved in writing by the Local Planning Authority and shall be provided on site in accordance with the approved details before the building is occupied.

- Conditions 9 of the approved development reads:

Before any above ground development commences details of the 'green roof shall be submitted to, and approved in writing by, the Local Planning Authority. Details shall include species, planting density, substrate and a section at a scale of 1:20 showing that adequate depth is available in terms of the construction and long term viability of the sedum roof and a programme for a scheme of maintenance have been submitted to and approved in writing by the local planning authority. The approved works shall be completed prior to occupation of the development and shall be permanently retained thereafter.

It would be reworded to read as follows:

Other than demolition and before any above ground development commences details of the 'green roof shall be submitted to, and approved in writing by, the Local Planning Authority. Details shall include species, planting density, substrate and a section at a scale of 1:20 showing that adequate depth is available in terms of the construction and long term viability of the sedum roof and a programme for a scheme of maintenance have been submitted to and approved in writing by the local planning authority. The approved works shall be completed prior to occupation of the development and shall be permanently retained thereafter.

- Condition 12 of the approval reads:

No development shall commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed to supervise the construction works throughout their duration and their appointment confirmed in writing to the Local Planning

Authority. In the event that the appointed engineer ceases to perform that role for whatever reason before the construction works are completed those works will cease until a replacement chartered engineer of the afore-described qualification has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer is at that time currently appointed and their appointment has been notified to this Authority in accordance with this condition.

It is to be reworded to read the following:

Other than demolition, no development shall commence until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been appointed to supervise the construction works throughout their duration and their appointment confirmed in writing to the Local Planning Authority. In the event that the appointed engineer ceases to perform that role for whatever reason before the construction works are completed those works will cease until a replacement chartered engineer of the afore-described qualification has been appointed to supervise their completion and their appointment confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer is at that time currently appointed and their appointment has been notified to this Authority in accordance with this condition.

Officers consider that the proposed amendments to the triggers of the conditions are acceptable, as the proposed wording still requires requisite details to be submitted before implementation/ delivery/ occupation of the new building. None of the proposed revised wording would materially change the conditions attached to the original planning consent.

On this basis, the non-material amendments can be granted.

4. RECOMMENDATION

GRANT Non-Material Amendment