



Officer Report

Application Number:	HGY/2024/0364
Application Type:	Non-Material Amendment
Address:	Highgate Cricket And Lawn Tennis Club, Crouch End Playing Fields, Park Road, Hornsey, London, N8 8JP
Proposal:	Non-material amendment sought to amend the wording of condition 8 (arboricultural impact assessment and tree protection plan condition) for planning permission HGY/2023/2299. Wording to be amended to allow trial investigation of tree roots to be undertaken by radar, as well as hand or air spade.
Case Officer:	Roland Sheldon
Valid Date:	14/02/2024
Applicant:	Highgate Cricket and Lawn Tennis Club
Agent:	

RECOMMENDATION

Approve

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

The subject site contains the tennis, cricket ground and club facility, known as Highgate Cricket and Lawn Tennis Club, (HCLTC) located in the extensive grounds of Crouch End Playing Fields.

The proposal seeks a non-material amendment to amend the wording of condition 8 (arboricultural impact assessment and tree protection plan condition) for planning permission HGY/2023/2299.

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. 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.

Planning Consideration

Planning permission was previously granted for resurfacing and extension of tennis courts including change of use from garden to sports use, provision of floodlights, redevelopment of clubhouse and associated works, at the cricket and tennis club, under planning reference HGY/2023/2299.

Condition 8 was attached to the grant of planning permission, and required approval by the LPA of both the commencement and findings of a trial excavation to be undertaken by hand or air spade in accordance with the approved Arboricultural Impact Assessment. The proposal seeks to amend the wording of the condition to allow the trial investigation of the tree roots to be undertaken by radar, as well as by hand or spade. The reason for this is outlined in the submission as being that this is a less invasive but still robust method of identifying the location of the root system of trees affected by the development.

The request to amend the wording of the condition and use of radar systems has been reviewed by the Council Arboricultural Officer who has no objection to the use of radar in the trial investigation. As such, the proposal can be considered to be a non-material amendment to the scheme.

3. RECOMMENDATION

GRANT Non-Material Amendment.