



Officer Report

Application Number:	HGY/2024/0201
Application Type:	Non-Material Amendment
Address:	Block E, Chocolate Factory, 5 Clarendon Road Off Coburg Road, Wood Green, London, N22 6XJ
Proposal:	Non-Material amendment to planning permission (HGY/2021/0624) to change and re-align the ground floor patio railing line along Building E2 west elevation (Western Road) within the Chocolate Factory re-development in relation to Building E2.
Case Officer:	Valerie Okeiyi
Valid Date:	24/01/2024
Applicant:	Delta Architects (Agent)
Agent:	Mrs Benitez

RECOMMENDATION

Approve

1. RECOMMENDATION

GRANT Non-Material Amendment

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

2.1 Approved development

- Partial demolition, change of use and extension of the Chocolate Factory buildings. Demolition of the remaining buildings and redevelopment to create four new build blocks ranging in height from three up to 18 storeys. Mixed use development comprising 10,657 sq.m (GIA) of commercial floorspace (flexible Use Classes A1, A3, B1, D1 and D2), 230 Class C3 residential units together with associated residential and commercial car parking, public realm works and access –

Subject to a non-material amendment (HGY/2021/0624) to amend the description of development to partial demolition, change of use and extension of the Chocolate Factory buildings.

Demolition of the remaining buildings and redevelopment to create four new build blocks comprising commercial floorspace (flexible Use Classes A1, A3, B1, D1 and D2), residential dwellings (Class C3) together with associated residential and commercial car parking, public realm works and access.

Amendments to conditions to enable phased submission and approval of details, and control of the approved scheme on a phased basis. Changes proposed to Conditions 2 (Approved drawings and

supporting documents), 3 (Minimum B1 Business floorspace) 6 (Materials to be approved), 8 (Electric charging facilities), 9 (Delivery and Servicing Plan and Waste Management Plan), 11 (External Lighting), 12 (Crossrail 2 operations protection), 16 (Sustainable drainage details), 17 (Drainage Management Maintenance Schedule), 19 (Contaminated land 1), 20 (Contaminated land 2), 22 (Non-road mobile machinery), 25 (Secured by Design certification), 27 (Residential amenity noise levels), 28 (Sound Insulation - residential), 29 (Sound Insulation - commercial), 31 (Heating and hot water system), 32 (Construction standard of energy network), 33 (BREEAM), 34 (Overheating), 36 (Wheelchair unit provision), 37 (Central satellite dish), 38 (Broadband), 41 (Residential Design Standards) and 42 (Residential Access) - GTD 13/09/2021

2.2 Proposed amendments

This application seeks approval for non-material amendment following a grant of planning permission (HGY/2021/0624) for the re-alignment of the ground floor patio railing line along Building E2 west elevation (Western Road) within the Chocolate Factory re-development. This re-alignment is due to the services below ground and the change would enable a larger front garden with soft landscaping to the ground floor flats and maisonettes.

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 proposed amendment as set out above are minor in nature.

The Design Officer has reviewed the amended plans and raises no objections as the change would solve all the concerns with the pavement/property boundary clashing with services below ground and it will be an improvement, providing good quality landscaped private front gardens to the ground floor flats and maisonettes.

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

4. RECOMMENDATION

GRANT Non-Material Amendment