



Officer Report

Application Number:
Application Type:
Address:
Proposal:

HGY/2024/0946
Non-Material Amendment
255, Lordship Lane, London, N17 6AA
Non-material amendment to planning permission HGY/2017/1097 to make the following changes:

- Addition of external door to side elevation to constitute separate access to office units and new canopy to materially match the proposed canopy for the main entrance;
- Internal alteration to create 2no. office units with mezzanine levels in replacement of the approved office units;
- New external staircase to connect Office Unit 1 at mezzanine level to the street to allow direct secondary escape route; Internal alterations to create separate access to the office units and B1/B8/D1/D2 space through a new staircase connecting the mezzanine/parking level to the lower ground floor circulation areas;
- Internal alterations to allow accessible entrance to office units and B1/B8/D1/D2 space through recourse to management strategy of electronic access control to the lift core and common circulation area.

Case Officer: Roland Sheldon
Valid Date: 04/04/2024
Applicant: Austin Court Tottenham Ltd
Agent: Mr Pedro Nunes

RECOMMENDATION

Approve

1. PROPOSED DEVELOPMENT AND LOCATION DETAILS

This is an application for non-material amendments to planning permission HGY/2017/1097 to make the following changes:

- Addition of external door to side elevation to constitute separate access to office units and new canopy to materially match the proposed canopy for the main entrance;
- Internal alteration to create 2no. office units with mezzanine levels in replacement of the approved office units;

- New external staircase to connect Office Unit 1 at mezzanine level to the street to allow direct secondary escape route; Internal alterations to create separate access to the office units and B1/B8/D1/D2 space through a new staircase connecting the mezzanine/parking level to the lower ground floor circulation areas;
- Internal alterations to allow accessible entrance to office units and B1/B8/D1/D2 space through recourse to management strategy of electronic access control to the lift core and common circulation area.

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 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 2004 does not apply.

Application/site history

The subject site contains a four-storey (with a lower ground floor and basement level) mixed-use building containing office space and a flexible commercial unit on the lower levels, with 32 residential units, on the northern side of Lordship Lane, N17. The building is largely completed but is not understood to be occupied as yet.

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/2015/2321 and HGY/2017/1097.

The scheme as consented was granted under the original 2015 consent for demolition of existing building, construction of new road and construction of a lower ground, first, second and set back third storey building comprising of 31 new residential flats and new office space (amended plans showing revised design).

The consent was then varied under reference HGY/2017/1097:

Variation of Condition 2 (plans and specification) attached to planning permission HGY/2015/2321 for the erection of a four storey development (plus two below ground levels) of 32 residential units plus commercial space, including an additional lower ground floor level of 549.26sqm. The proposed changes to the varied 2017 consent are as follows:

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- *New external staircase to connect Office Unit 1 at mezzanine level to the street to allow direct secondary escape route; Internal alterations to create separate access to the office units and B1/B8/D1/D2 space through a new staircase connecting the mezzanine/parking level to the lower ground floor circulation areas;*
- *Internal alterations to allow accessible entrance to office units and B1/B8/D1/D2 space through recourse to management strategy of electronic access control to the lift core and common circulation area.*

Assessment/Discussion

The proposed alterations would serve to improve the means of entrance for users/occupants of the building by separating means of entrance for the offices/flexible commercial floorspace, without compromising the amenities of future occupants. The addition of the side doors and a canopy would not materially alter the design of the proposal.

Whilst the sub-division of the office space on the lower ground floor into 2 units with internal stairway and circulation space would result in a small reduction of overall office space by circa 25sqm, the loss is considered to be non-material in nature. The removal of a central partition wall between upper-level office 02/03 would create one larger office unit with direct sunlight access, removing the issue with lack of sunlight for this unit in the approved scheme. A side access to office 1 would improve access from the street to this unit.

On this basis, the proposed changes can be considered to be non-material in nature.

4. RECOMMENDATION

GRANT Non-Material Amendment