



Officer Report

Application Number:	HGY/2024/0215
Application Type:	Non-Material Amendment
Address:	High Road West, London, N17
Proposal:	Non-Material Amendment (NMA) to planning permission HGY/2021/3175 to enable adjustments to window sizes on the east and west elevations of block A2/A3 of Plot A (Whitehall Mews).
Case Officer:	Philip Elliott
Valid Date:	26/01/2024
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Applicant:	Amelia C/O Agent
Agent:	Miss Amelia Johnson

RECOMMENDATION

Approve

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2024/0215

Ward: Bruce Castle

Date received: 26/01/2024.

Last amended date: N/A

Drawing numbers of approved plans and documents:

Cover letter from DP9 dated 26th January 2024 Ref: TAH/AEJ/DP5594; HRWPA-PTE-A2-ZZ-D-A-024004 Rev P10 (Plot A - Building A2 - A3 - Elevations - West and North); HRWPA-PTE-A2-ZZ-D-A-024003 Rev P10 (Plot A - Building A2 - A3 - Elevations - East and South); HRWPA-PTE-A2-ZZ-D-A-022004 Rev P10 (Plot A - Buildings A2 - A3 - Plans - Level 02 – 05).

Address: High Road West N17

Proposal: Non-Material Amendment (NMA) to planning permission HGY/2021/3175 to enable adjustments to window sizes on the east and west elevations of block A2/A3 of Plot A (Whitehall Mews).

Applicant: Lendlease (High Road West) Limited

Officer contact: Philip Elliott

1. RECOMMENDATION

GRANT Non-Material Amendment

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

2.1 Approved development

Hybrid planning permission was granted on 31/08/2022 (under reference HGY/2021/3175) for the following:

- 1) Outline component comprising demolition of existing buildings and creation of new mixed-use development including residential (Use Class C3), commercial, business & service (Use Class E), business (Use Class B2 and B8), leisure (Use Class E), community uses (Use Class F1/F2), and Sui Generis uses together with creation of new public square, park & associated access, parking, and public realm works with matters of layout, scale, appearance, landscaping, and access within the site reserved for subsequent approval; and
- 2) Detailed component comprising Plot A including demolition of existing buildings and creation of new residential floorspace (Use Class C3) together with landscaping, parking, and other associated works.

2.2 Proposed amendments

Adjustments to window sizes on the east and west elevations of block A2/A3 are proposed and the applicant asserts that these are minor in scale and constitute non-material amendments to hybrid planning permission HGY/2021/3175.

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 consider 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.

On the eastern elevation, 14 bathroom windows on Level 2 upwards are affected alongside 4 windows on Level 1. Both sets of windows are within the same alignment. The bathroom windows are now proposed to be slightly reduced in width and shorter to ensure they permit the correct installation of sanitary ware on the internal elevations.

These reductions in window height and or the raised height of the window sill would ensure the window board is above the close coupled toilet. On the west elevation, 8 kitchen windows in the ground floor

duplex units are affected. These windows are now proposed to be slightly shorter to ensure their inward opening can function without the lower part clashing with sink tapware on the inside of the window.

The changes would be very minor amendments to one building of the detailed element of the scheme. The changes given their modest scale and nature would constitute non-material amendments to the parent planning application.

4. RECOMMENDATION

GRANT Non-Material Amendment

As shown on approved drawing(s)/documents:

Cover letter from DP9 dated 26th January 2024 Ref: TAH/AEJ/DP5594; HRWPA-PTE-A2-ZZ-D-A-024004 Rev P10 (Plot A - Building A2 - A3 - Elevations - West and North); HRWPA-PTE-A2-ZZ-D-A-024003 Rev P10 (Plot A - Building A2 - A3 - Elevations - East and South); HRWPA-PTE-A2-ZZ-D-A-022004 Rev P10 (Plot A - Buildings A2 - A3 - Plans - Level 02 – 05).