



Officer Report

Application Number:	HGY/2024/1104
Application Type:	Non-Material Amendment
Address:	Land rear of Plevna Crescent, London
Proposal:	Application for a Non-Material Amendment Following a Grant of Planning Permission HG/2017/2036 to amend the description of development and to include one new condition specifying the details of the approved development.
Case Officer:	Valerie Okeiyi
Valid Date:	19/04/2024
Applicant:	Gate of Eden Ltd
Agent:	Daniel Rose

RECOMMENDATION

Approve

1. RECOMMENDATION

GRANT Non-Material Amendment

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved development

Erection of 72 residential units in four buildings ranging from 5 - 6 storeys, comprising of 20 x 1 bed flats, 34 x 2 bed flats, 14 x 3 bed flats and 4 x 4 bed flats; including 29 parking spaces at semi-basement level, 130 bicycle spaces and associated infrastructure and landscaping scheme together with the regeneration and enhancement of the existing ecological corridor

Proposed amendments:

This application seeks approval for Non Material Amendment to planning permission HG/2017/2036 to amend the description of the development as follows:

The approved description of the currently development reads:

Erection of 72 residential units in four buildings ranging from 5 - 6 storeys, comprising of 20 x 1 bed flats, 34 x 2 bed flats, 14 x 3 bed flats and 4 x 4 bed flats; including 29 parking spaces at semi-basement level, 130 bicycle spaces and associated infrastructure and landscaping scheme together with the regeneration and enhancement of the existing ecological corridor

This application seeks to amend the wording of the description of development to now read:

Residential development consisting of the erection of four buildings; including car and cycle parking and associated infrastructure and landscaping scheme together with the regeneration and enhancement of the existing ecological corridor

In order to ensure that the correct level of development which was consented is secured and concise, a new condition is proposed to be added to the extant consent which includes the number of dwellings, residential housing mix, number of parking spaces and number of bicycle spaces.

Therefor, the following additional condition is proposed, to read as follows;

The development shall consist of 72 residential units comprising of 20 x 1 bed flats, 34 x 2 bed flats, 14 x 3 bed flats and 4 x 4 bed flats and include 29 parking spaces at semi-basement level and 130 bicycle spaces.

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.

This application seeks approval for amendment to the description of the development, to remove reference to residential unit numbers, residential housing mix, number of parking spaces and number of bicycle spaces.

Overall, Officers consider the proposed amendment to the description is acceptable and would be minor and inconsequential changes to the scheme as a whole as the unit numbers, residential housing mix, number of parking spaces and number of bicycle spaces are secured through the new condition proposed.

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

4. RECOMMENDATION

GRANT Non-Material Amendment

The new description of the development for the extant planning consent decision notice shall now read as follows:

'Residential development consisting of the erection of four buildings; including car and cycle parking and associated infrastructure and landscaping scheme together with the regeneration and enhancement of the existing ecological corridor.'

An additional condition (now condition 38) to be included on the extant planning consent decision notice shall read as follows:

Condition 38

The development, hereby approved shall consist of 72 residential units comprising of 20 x 1 bed flats, 34 x 2 bed flats, 14 x 3 bed flats and 4 x 4 bed flats and include 29 parking spaces at semi-basement level and 130 bicycle spaces.

Informatives:

For the avoidance of doubt, the proposal description of planning permission reference HGY/2017/2036, shall now read:

Residential development consisting of the erection of four buildings; including car and cycle parking and associated infrastructure and landscaping scheme together with the regeneration and enhancement of the existing ecological corridor.

For the avoidance of doubt, the additional condition (condition 38) of planning permission reference HGY/2017/2036, shall read:

The development, hereby approved shall consist of 72 residential units comprising of 20 x 1 bed flats, 34 x 2 bed flats, 14 x 3 bed flats and 4 x 4 bed flats and include 29 parking spaces at semi-basement level and 130 bicycle spaces.