



Officer Report

Application Number:	HGY/2026/0305
Application Type:	Non-Material Amendment
Address:	103-107 North Hill, Hornsey, London, N6 4DP
Proposal:	Non-Material amendment to planning permission (HGY/2024/3240) to amend the wording of condition 20 (Biodiversity Net Gain)
Case Officer:	Valerie Okeiyi
Valid Date:	04/02/2026
Applicant:	Mr Mitesh Dhanak
Agent:	Mr raymond Mortimer

RECOMMENDATION

Approve

1. RECOMMENDATION

GRANT Non-Material Amendment

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved development

HGY/2024/3240 - Demolition of existing buildings and redevelopment to provide a new care home and rehabilitation clinic (Class C2 - Residential Institution) fronting View Road and including up to 50 beds, hydro pool, salon, foyer/central hub, gym/physio room, lounge and dining rooms and consulting rooms, together with a new residential building (Class C3 - Dwelling Houses) fronting North Hill providing 9 flats (5 x1 bed, 3 x 2 bed and 1 x 3 bed), car and cycle parking, refuse/recycling storage, mechanical and electrical plant, hard and soft landscaping, perimeter treatment and associated works.– Approved on the 21 August 2025.

Proposed amendments

The current wording of Condition 20 (Biodiversity Net Gain Plan) reads;

a) Prior to the commencement of the development hereby permitted, a Biodiversity Net Gain Plan shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include the details of ecological enhancement measures and ecological protection measures, plans showing the proposed location of ecological enhancement measures, a sensitive lighting scheme, justification for the location and type of enhancement measures by a qualified ecologist, and how the development will support and protect local wildlife and natural habitats. A biodiversity net gain of 10% must be achieved firstly by maximising all on-site biodiversity enhancement measures, and then, if needed, through off-site credits

(b) Prior to the occupation of development hereby permitted, photographic evidence and a post-development ecological field survey and impact assessment shall be submitted to, and approved in writing by, the Local Planning Authority to demonstrate the delivery of the ecological enhancement and protection measures are in accordance with the approved measures and in accordance with CIEEM standards.

The development shall accord with the details as approved, and the details shall be retained for the lifetime of the development.

Reason: To ensure that the development provides the maximum provision towards the creation of habitats for biodiversity and the mitigation and adaptation of climate change and to be in accordance with Policies G1, G5, G6, SI1 and SI2 of the London Plan 2017, and Policies SP4, SP5, SP11 and SP13 of the Local Plan 2017.

This application seeks to amend the wording of 20 (Biodiversity Net Gain Plan) to read:

a) Prior to the commencement of the development, (excluding demolition) hereby permitted, a Biodiversity Net Gain Plan shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include the details of ecological enhancement measures and ecological protection measures, plans showing the proposed location of ecological enhancement measures, a sensitive lighting scheme, justification for the location and type of enhancement measures by a qualified ecologist, and how the development will support and protect local wildlife and natural habitats.

(b) Prior to the occupation of development hereby permitted, photographic evidence and a post-development ecological field survey and impact assessment shall be submitted to, and approved in writing by, the Local Planning Authority to demonstrate the delivery of the ecological enhancement and protection measures are in accordance with the approved measures and in accordance with CIEEM standards.

(c) A biodiversity net gain of 10% must be achieved firstly by maximising all on-site biodiversity enhancement measures, and then, if needed, through off-site credits

The development shall accord with the details as approved, and the details shall be retained for the lifetime of the development.

Reason: To ensure that the development provides the maximum provision towards the creation of habitats for biodiversity and the mitigation and adaptation of climate change and to be in accordance with Policies G1, G5, G6, SI1 and SI2 of the London Plan 2017, and Policies SP4, SP5, SP11 and SP13 of the Local Plan 2017.

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 to amend and add to the existing wording of Condition 20 (Biodiversity Net Gain Plan) of the original consent in order to allow the applicant to undertake demolition of the existing building on the site only.

The whole purpose of imposing Condition 20 on the original planning permission will remain (the safeguarding and enhancement of biodiversity and ecology) as the applicant would still be required to submit full details pursuant to condition 20 before building works commence. In this case, 'demolition' would not constitute 'development' as the wording of the condition now 'excludes' demolition' being defined as 'development'.

The Applicants biodiversity / ecology report submitted with the 'parent' permission sets out certain mitigation measures for demolition and what is acceptable. It also states that demolition works should take place before March (nesting season etc),

The NMA, would allow demolition of the building on the site only crucially would allow these works to be undertaken before March.

Relevant licenses have been issued by Natural England.

All other conditions regarding the protection of the amenity of surrounding residents remain on the original consent and also covered by other legislation which seeks safeguard amenity and other adverse impacts, if material.

Officers do not have any objection to the re-wording of the above condition, as it still achieves its original purpose and is therefore a non material amendment. The rewording to the condition allows for demolition of the existing buildings on the sites only with no other works permitted to commence without discharging the relevant conditions, including condition 20.

As such, it is considered that a non-material amendment can be granted.

4. RECOMMENDATION

GRANT Non-Material Amendment subject to an informative

Informatives:

For the avoidance of doubt:

Condition 20 (Biodiversity Net Gain Plan) of planning permission reference HGY/2024/3240 will now read:

a) Prior to the commencement of the development, (excluding demolition) hereby permitted, a Biodiversity Net Gain Plan shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include the details of ecological enhancement measures and ecological protection measures, plans showing the proposed location of ecological enhancement measures, a sensitive lighting scheme, justification for the location and type of enhancement measures by a qualified ecologist, and how the development will support and protect local wildlife and natural habitats.

(b) Prior to the occupation of development hereby permitted, photographic evidence and a post-development ecological field survey and impact assessment shall be submitted to, and approved in writing by, the Local Planning Authority to demonstrate the delivery of the ecological enhancement and protection measures are in accordance with the approved measures and in accordance with CIEEM standards.

(c) A biodiversity net gain of 10% must be achieved firstly by maximising all on-site biodiversity enhancement measures, and then, if needed, through off-site credits

The development shall accord with the details as approved, and the details shall be retained for the lifetime of the development.

Reason: To ensure that the development provides the maximum provision towards the creation of habitats for biodiversity and the mitigation and adaptation of climate change and to be in accordance with Policies G1, G5, G6, S11 and S12 of the London Plan 2017, and Policies SP4, SP5, SP11 and SP13 of the Local Plan 2017.