



Officer Report

Application Number:

HGY/2026/0298

Application Type:

Non-Material Amendment

Address:

Bernard Works, Bernard Road, Tottenham, London, N15 4NX

Proposal:

Non-Material Amendment to condition 2 (approved drawings) of planning permission HGY/2017/3584 for the redevelopment of the site for mixed use commercial and residential development with regard to the removal of the residential living accommodation from the 6 storey Block 1A, removal of approximately 41sqm approved commercial floorspace, removal of communal entrance and independent residential dwelling access in the Ashby Road frontage of Block 2B and other elevational and associated layout of the approved buildings and to amend the approved description of development to remove reference to the approved number of commercial units and adjust the commercial floorspace in accordance with the proposed amendments.

Case Officer:

Samuel Uff

Valid Date:

09/04/2026

Applicant:

Mr Wierder

Agent:

Mr Joel Stern

RECOMMENDATION

Approve

GRANT Non-Material Amendment

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved development

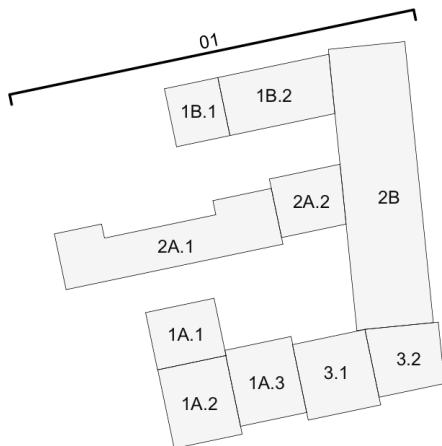
HGY/2017/3584 "Demolition of existing buildings and erection of a part 1,3,4,5,6,7 storey mixed use development comprising 25 Commercial Units (B1/B2), music rehearsal space (Sui Generis), café (A3), exhibition space (Sui Generis) (commercial spaces totalling 2446.9m2 gross), and 99 Residential Units (C3) including 12 apartments tethered to the commercial space, plus site access, replacement open space, landscaping, plant and other associated development." Granted

Proposed amendments

This application seeks non-material amendments to Planning Permission HGY/2017/3584 and, specifically, condition 2 'approved drawings'. These are as follows:

- Removal of 6th floor of accommodation in Block 1A. The top floor will retain a similar appearance but contain plant only;
- Reduction in commercial floorspace from 2,446.9sqm to 2,405.2sqm and amendment to description of development to reference this amendment and omit reference to 25no. commercial units;
- A reconfiguration of the housing mix to increase quantum of studio units and reduce quantum of 2 bed units;
- Design changes (including extension of deck access and addition of recessed balconies within Block 1B, changes to doors and windows, stairwells, cladding material and coping detail); and
- Layout changes from rationalisation of approved two entrance cores within Block 2B to create a single entrance, removal of individual entrance doors; reconfigured bike and refuse stores.
- See Figure 1 below for the site plan indicating the relevant blocks and site layout.

Figure 1: Site Plan indicating relevant blocks



Consultation

LBH Design: No objection.

ANALYSIS/ASSESSMENT

Legislation came into force on 1 October 2009 which legally allows the Council to approve non-material changes to approved developments (Statutory Instruments 2009 No. 2261 Town & Country Planning (General Development Procedure) (Amendment no 3) (England) Order 2009).

The Finney Judgement (Finney v Welsh Ministers [2019] EWCA Civ 1868) ruling prevents a change in the description of development when making minor-material amendments to an application under Section 73 of the Town and Country Planning Act 1990 (as amended). The current description for application reference HGY/2022/2731 is overly restrictive and restricts minor amendments to the quantum of rooms and design development to the approved proposals.

ASSESSMENT

Reduction in commercial floorspace from 2,446.9sqm to 2,405.2sqm

The proposed 41.7sqm reduction in commercial floorspace is due to the requirement for additional circulation and corridor space in the residential part of approved Block 2B. The reduced commercial units are part of a mix of sized units, and the option of these somewhat reduced sizes will still provide suitably sized units.

The relevant approved permission (ref: HGY/2017/3584) referenced '2,446.9sqm of commercial floorspace and 25 commercial units' in the description of development. The applicant proposes to remove the reference to the specific number of units and to just reference the floorspace.

It is noted that the reference to '25 units' in the description was inaccurate as the approved plans showed 30 commercial units, but regardless of this it was always the intention for the floorspace to be flexible and for there to be flexibility in the final layout of units and sizes dependent on need. This is reflected in the S106, which does not fix the number of units nor total floorspace but rather references the floor area as defined within Plan 1, annexed in the Third Schedule of the S106 (attached as appendix 1 of this report for ease of reference).

The S106 requires that the areas marked on Plan 1 (including the basement and ground floor) be occupied for affordable workspace and this requirement is retained. It is unlikely that this relatively minor loss of approximately 41sqm commercial floorspace would significantly impact viability, but the late viability review mechanisms contained within the S106 would capture any such change in any case.

As such, it is recommended that the loss of the relatively small percentage of total commercial floorspace and reference to the specific number of units is acceptable. The description of development shall therefore be amended to state the following:

*"Demolition of existing buildings and erection of a part 1,3,4,5,6,7 storey mixed use development comprising **25** Commercial Units (B1/B2), music rehearsal space (Sui Generis), café (A3), exhibition space (Sui Generis) (commercial spaces totalling*

~~2446.9m²~~ **2,405.2sqm** gross), and 99 Residential Units (C3) including 12 apartments tethered to the commercial space, plus site access, replacement open space, landscaping, plant and other associated development”

Reconfigured housing mix

The reconfiguring of the housing mix is largely due to the requirement to reduce the height of the sixth floor residential accommodation in Block 1A.2 due to the changes in fire regulations. The approved and proposed development site would continue to provide 99 units. To achieve this the housing mix has been amended meaning there would now be 12% studios compared to 8.1% approved. There would also be less than 1% increase in 1 bed 2 person accommodation and approximately 3% reduction in 2 bed accommodation. Family sized 3 bed units would remain at 13% as approved. The comparative tables of housing mix are shown below in Figure 2 (approved) and Figure 3 (proposed):

Figure 2: Approved housing mix

Level							Total Units	Total Beds
	1B1P*	1B1P	1B2P	2B3P	2B4P	3B5P		
	37m ²	39m ²	50m ²	61m ²	70m ²	0m ²		
P	GF		3	1	5	6	15	33
	01	4		6	7	3	21	33
	02	4		8	6	8	29	49
	03			8	4	4	18	30
	04			3	3	1	8	14
	05			3	2	1	6	9
	06			1	1		2	3
Total		8	0	32	24	22	13	
Mix		8.1%	0.0%	32.3%	24.2%	22.2%	13.1%	99
								171

Figure 3: Proposed housing mix

Level							Total Units	Total Beds
	1B1P*	1B1P	1B2P	2B3P	2B4P	3B5P		
	37m ²	39m ²	50m ²	61m ²	70m ²	0m ²		
P	GF		3	1	5	6	15	33
	01	4		6	7	3	21	33
	02	5	1	8	6	6	29	47
	03	1	1	8	4	4	20	32
	04			3	3	1	8	14
	05			3	2	1	6	9
	06						0	0
Total		10	2	31	23	20	13	
Mix		10.1%	2.0%	31.3%	23.2%	20.2%	13.1%	99
								168

These are modest changes and considered to be a reasonable in the context of the significant benefits of the scheme, which remains policy compliant. As such the amendment to housing mix is acceptable and non-material.

Design changes

The main design changes relate to the removal of living accommodation in the tallest part of the site in Block 1A.2. This would retain the main proportions of the elevation and roof profile, and this top floor would be used for non-residential purposes, notably plant machinery. The elevational treatment of the elevation would remain similar to that approved and the provision of plant in the roof level would not have a significant impact in the scale massing or detailed design. Details of how the windows and associated internal plant screen would appear will be covered by existing sample materials condition.

In the eastern elevation of Block 2B, the approved street facing independent dwelling doors are proposed to be removed and to be replaced with internal entrances. Further removal of a communal entrance and external door for cycle storage are proposed to this eastern elevation. As a result, the proposed boundary treatment would be more continuous as there is no longer the need for these independent access points. Such landscaping and boundary treatment would be subject to existing condition but appears consistent with the dwarf wall-railing design expected for such a frontage. These are acceptable from an elevational composition perspective and align with the approved design intention.

There are also various alterations to the approved street facing independent dwelling doors in the northern elevation of Blocks 1B.1 and 1B.2 and these have been suitably designed following discussions with officers.

The change in housing mix in block 1B.2 will result in the approved units C01.L02.08 and 09 converting from 2 bed maisonettes split over 2nd and 3rd floors to 4 x 1b1p units on each floor. The south facing balconies to serve those approved maisonettes are proposed to become an extension to the approved third floor deck access so that the proposed smaller units could be suitably accessed. The deck access is an approved feature but would just extend across this whole elevation but would be consistent with that approved design. Recessed balconies would be introduced in the northern elevation for these end two units at 2nd and 3rd floor, but the design would be continued throughout the whole elevation. These alterations have been reviewed and are considered to be acceptable in design terms.

Other amendments include minor changes to alignments of windows and brick course banding, as well as the thickness of roof coping detail, but these are all minor changes that do not significantly impact usability of the units nor the overall design of the buildings. The specific details of materials will be required through the existing conditions.

There are some closing up of doors and alterations to windows in the elevations of Blocks 1A.1, 1A.2, 1A.3, 3.1 and 3.2 but these keep suitable access. They also achieve the clear views and access from the internal courtyard area into the proposed public park areas, seen as particularly important within the approved café in Block 1A.3.

Other minor changes, such as the replacement of the spiral staircase from basement to ground floor in Block 2A.1 are considered to improve the accessibility of these units and are favoured accordingly.

Overall, the design changes are considered to be acceptable and align with the composition integrity of the approved development and are considered to be acceptable and non-material amendments. Although considered non-material amendments, the proposal was referred to the Councils Design Officer for comments and they have not raised any objections to the proposed amendments.

Layout changes

The main layout changes come from the removal of the second communal entrance reception in Block 2B. This gives rise to a long corridor in this block, which also results in the loss of some of approximately 40sqm of commercial floorspace on the western part of this block. The refuse stores and cycle storage would be in larger more central areas of the building but would have larger floorspace than approved. Both stores would have internal access only but would be conveniently sited for residents. The bin store would be located directly next to the communal entrance and bike store would be in easy walking distance being located adjacent to a lift and stair core so these would remain conveniently located.

Summary

The principle of the approved uses remains aligned with the original permission and overall appearance, design and layout are considered to be acceptable and non-material. All other planning implications are all considered to be satisfactorily addressed and / or suitably addressed through existing conditions.

Conclusion

Therefore, given the comments above, it is considered that the proposed non-material amendments can be granted.

RECOMMENDATION

GRANT Non-Material Amendment