

Officer Report

Application Number:	HGY/2026/1258
Application Type:	Non-Material Amendment
Address:	Land rear of James Place, Kings Road Car Park, Tottenham, N17 8NP
Proposal:	Non-Material Amendment to planning application ref: HGY/2025/3409 (Redevelopment of the car park to provide 9 x 4-bedroom, three-storey social rented council homes; together with refuse and cycle stores, and associated landscaping); namely to amend a number of condition triggers
Case Officer:	Eunice Huang
Valid Date:	06/05/2026
Applicant:	6 Ms Amy Caul
Agent:	Mr Kevin Tohill

RECOMMENDATION

Approve

1. ANALYSIS/ASSESSMENT

This is an application for Non-Material Amendments to planning reference HGY/2025/3409.

Planning permission granted under application reference HGY/2025/3409 for the redevelopment of the car park to provide 9 x 4-bedroom, three-storey social rented council homes; together with refuse and cycle stores, and associated landscaping.

It is proposed to amend the triggers of a number of conditions:

- Condition 3: Detailed design and materials
- Condition 5: Privacy screen
- Condition 7: Cycle storage details
- Condition 14: Biodiversity Net Gain Plan
- Condition 23: Construction Logistics and Management Plan

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.

Planning Consideration

The primary consideration arising from this application is whether the amendments to the conditions of the original scheme are non-material or whether an application to vary or remove conditions under Section 73 is required.

The purpose of this application is to amend the triggers for a planning applications relating to:

- Condition 3: Detailed design and materials
- Condition 5: Privacy screen
- Condition 7: Cycle storage details
- Condition 14: Biodiversity Net Gain Plan
- Condition 23: Construction Logistics and Management Plan

All of the above conditions, except Condition 14, are pre-commencement conditions. These conditions include early trigger points, and they are proposed to be adjusted so that they will be pre-commencement of the relevant stage in the construction timeline. At the current trigger points, the conditions will hold up the commencement of the development on site as the conditions can only be dealt with once a contractor is in place.

The changes to the conditions are outlined in detail below. Changes to the wording are *italicised and underlined*.

Condition 3 - Detailed Design and Materials

Existing condition

Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work of the relevant phase commencing on site. The details and samples shall include:

- a) Facing brickwork(s): sample panels of proposed brickwork to be used showing proposed brick type, colour, texture, bond, mortar mix, and pointing style;
- b) Blockwork: sample panels of proposed blockwork to be used showing proposed brick type, colour, texture, bond, mortar mix, and pointing style;
- c) Roofing materials including coping;
- d) Window reveals and soldier courses;
- e) Doors and windows;
- f) Solar shades;
- g) Balcony materials and screens;
- h) Downpipes, rainwater pipes or foul pipes;
- i) Boundary fencing;
- j) Refuse store;
- k) Cycle store;
- l) Any other materials to be used.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.

Proposed changes

Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works above ground. The details and samples shall include:

- a) Facing brickwork(s): sample panels of proposed brickwork to be used showing proposed brick type, colour, texture, bond, mortar mix, and pointing style;
- b) Blockwork: sample panels of proposed blockwork to be used showing proposed brick type, colour, texture, bond, mortar mix, and pointing style;
- c) Roofing materials including coping;
- d) Window reveals and soldier courses;
- e) Doors and windows;
- f) Solar shades;
- g) Balcony materials and screens;
- h) Downpipes, rainwater pipes or foul pipes;
- i) Boundary fencing;
- j) Refuse store;
- k) Cycle store;
- l) Any other materials to be used.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.

Officer comment

This is a minor change to the wording that would otherwise not change the trigger. This wording change is non-material and will allow the trigger to be consistent with other conditions.

Condition 5 - Privacy Screen**Existing condition**

Before the development hereby permitted is commenced, details of a 1.7m high privacy screen to the northern side of the first-floor terrace on the northern end terrace shall be submitted to and approved in writing by the Planning Authority. Details shall include a plan, elevations and material details. Development shall be carried out in accordance with the approved details prior to the occupation of the development and the screening shall be retained in perpetuity unless otherwise agreed in writing by the Planning Authority.

Reason: To avoid overlooking into the adjoining properties and to comply with Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

Proposed changes

Prior to the commencement of building works above ground, details of a 1.7m high privacy screen to the northern side of the first-floor terrace on the northern end terrace shall be submitted to and approved in writing by the Planning Authority. Details shall include a plan, elevations and material details. Development shall be carried out in accordance with the approved details prior to the occupation of the development and the screening shall be retained in perpetuity unless otherwise agreed in writing by the Planning Authority.

Reason: To avoid overlooking into the adjoining properties and to comply with Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

Officer comment

It is proposed to adjust the trigger for the details and design of the privacy screen so that it is consistent with Condition 3, which requires the main detailed design work. This does not materially change the requirement of the condition. The change to the timing is non-material.

Condition 7 - Cycle Storage Details**Existing condition**

No development shall take place until details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of 2 long-stay cycle parking spaces for each new home, and 2 visitor spaces have been installed in accordance with the approved details. The design must be in line with the London Cycle Design Standard. Such spaces shall be retained thereafter for this use only.

Reason: To promote sustainable modes of transport in accordance with policy T5 of the London Plan 2021 and Policy SP7 of the Haringey Local Plan 2017.

Proposed changes

Prior to the commencement of building works above ground, until details of the type and location of secure and covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until a minimum of 2 long-stay cycle parking spaces for each new home, and 2 visitor spaces have been installed in accordance with the approved details. The design must be in line with the London Cycle Design Standard. Such spaces shall be retained thereafter for this use only.

Reason: To promote sustainable modes of transport in accordance with policy T5 of the London Plan 2021 and Policy SP7 of the Haringey Local Plan 2017.

Officer comment

It is proposed to adjust the trigger for the details and design of the cycle parking facilities so that it is consistent with Condition 3, which requires the main detailed design work. This does not materially change the requirement of the condition. The change to the timing is non-material.

Condition 14 - Biodiversity Net Gain Plan

Existing condition

Prior to first occupation of development, and notwithstanding the Biodiversity Statement & Metric Assessment prepared by Middlemarch, no works including demolition/site clearance shall take place until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority.

The Plan shall demonstrate how the development will achieve a minimum of 10% biodiversity net gain, calculated using the latest Defra biodiversity metric, and shall include details of proposed measures such as:

- On-site habitat creation, including soft landscaping and tree planting;
- Biodiversity green roofs; and
- Any off-site biodiversity units or credits, if applicable.

The development shall be carried out and retained thereafter in full accordance with the approved Biodiversity Gain Plan.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and in the interests of ensuring measurable net gains to biodiversity in accordance with paragraphs 187 and 192 of the National Planning Policy Framework 2024, and in order to comply with policy G5 of the London Plan and Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Proposed changes

Prior to first occupation of development, and notwithstanding the Biodiversity Statement & Metric Assessment prepared by Middlemarch, a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority.

The Plan shall demonstrate how the development will achieve a minimum of 10% biodiversity net gain, calculated using the latest Defra biodiversity metric, and shall include details of proposed measures such as:

- On-site habitat creation, including soft landscaping and tree planting;
- Biodiversity green roofs; and
- Any off-site biodiversity units or credits, if applicable.

The development shall be carried out and retained thereafter in full accordance with the approved Biodiversity Gain Plan.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and in the interests of ensuring measurable net gains to biodiversity in accordance with paragraphs 187 and 192 of the National Planning Policy Framework 2024, and in order to comply with policy G5 of the London Plan and Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Officer comment

The proposed change corrects an error in the condition, in which there are two triggers which conflict with each other. The site is a car park so there is a low risk of loss of biodiversity within the red line boundary and it would be appropriate to require the Biodiversity Gain Plan to be submitted at the same time as the landscape plan, prior to first occupation of the development. The clarification of the condition trigger is non-material.

Condition 23 - Construction Logistics and Management Plan

The applicant/developer is required to submit a Construction Logistics and Management Plan, 6 months (six months) prior to the commencement of development, and approved in writing by the local planning authority. The applicant will be required to contribute a sum of £5,000 (five thousand pounds) to cover officer time required to administer and oversee the temporary arrangements, and ensure highways impacts are managed to minimise nuisance for other highways users, local residents and businesses.

The plan shall include the following matters, but not limited to, and the development shall be undertaken in accordance with the details as approved:

- a) Routing of excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works on the highway.
- b) The estimated number and type of vehicles per day/week.
- c) Estimates for the number and type of parking suspensions that will be required.
- d) Details of measures to protect pedestrians and other highway users from construction activities on the highway.
- e) The undertaking of a highway dilapidation survey.
- f) The implementation of the Construction Logistics and Community Safety (CLOCS) standard.

g) Highway dilapidation survey.

Reason: To provide the framework for understanding and managing construction vehicle activity into and out of a proposed development in combination with other sites in the local area and to encourage modal shift and reducing overall vehicle numbers. To give the Council an overview of the expected logistics activity during the construction programme. To protect the amenity of neighbouring properties and to maintain traffic safety.

Proposed changes

The applicant/developer is required to submit a Construction Logistics and Management Plan, prior to the commencement of development, and approved in writing by the local planning authority. The applicant will be required to contribute a sum of £5,000 (five thousand pounds) to cover officer time required to administer and oversee the temporary arrangements, and ensure highways impacts are managed to minimise nuisance for other highways users, local residents and businesses.

The plan shall include the following matters, but not limited to, and the development shall be undertaken in accordance with the details as approved:

- a) Routing of excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works on the highway.
- b) The estimated number and type of vehicles per day/week.
- c) Estimates for the number and type of parking suspensions that will be required.
- d) Details of measures to protect pedestrians and other highway users from construction activities on the highway.
- e) The undertaking of a highway dilapidation survey.
- f) The implementation of the Construction Logistics and Community Safety (CLOCS) standard.
- g) Highway dilapidation survey.

Reason: To provide the framework for understanding and managing construction vehicle activity into and out of a proposed development in combination with other sites in the local area and to encourage modal shift and reducing overall vehicle numbers. To give the Council an overview of the expected logistics activity during the construction programme. To protect the amenity of neighbouring properties and to maintain traffic safety.

Officer comment

The proposal is to remove the requirement to submit the CLMP 6 months prior to the commencement of the conditions. It is understood that this condition can only be addressed once a contractor is appointed, and that the 6-month lead time to commence the development is a prolonged period. The proposal would still require the condition to be submitted, approved and implemented prior to the commencement of the new development. The change to the condition would still allow for the LPA to examine and discharge the programme of works. This change to the timing is considered non-material.

Conclusion

The amendments to the scheme proposed under this Section 96a application seek to clarify and streamline the trigger points of five conditions of ref: HGY/2025/3409. The changes to the conditions will reduce delays to the implementation of the scheme. The proposal would not prevent any of the conditions being fully addressed and discharged before the relevant works. The proposed amendments are regarded as non-material, as there would be no material change to the outcome of the conditions.

On this basis, the non-material amendments can be granted.

3. RECOMMENDATION

GRANT Non-Material Amendment