



Officer Report

Application Number:	HGY/2026/2076
Application Type:	Removal/variation of conditions
Address:	10 Ellington Road, Hornsey, London, N10 3DG
Proposal:	Variation of condition 2 (approved plans) to rationalise the demolition of the existing buildings and erection of 5 replacement residential units, to 4 terraced units ref: HGY/2023/1406
Case Officer:	Josh Parker
Valid Date:	22/07/2026
Applicant:	C/o Agent
Agent:	Miss Elizabeth Crisp

RECOMMENDATION

Approve with Conditions

1. PROPOSED DEVELOPMENT

This application seeks the variation of Condition 2 (Approved Plans) attached to planning permission HGY/2023/1406 to reduce the number of dwellings from five to four in response to market demand. Minor external design changes are also proposed, including amendments to the location of cycle storage and material finishes. The building envelope would remain within that previously approved.

Officer's Note

Whilst the demolition of the existing buildings remains unchanged, the revised proposal now comprises four replacement residential units arranged as four terraced houses.

2. SITE AND SURROUNDINGS

The site is historically developed with a one-and-a-half-storey building to the front, with a series of single-storey buildings and a courtyard area to the rear. The site is in mixed use, with the ground floor of the front building predominantly used for storage, while the upper floor appears to be in use as a single residential unit (Use Class C3). The single-storey buildings to the rear are occupied by small-scale light industrial or office uses (Use Class E).

The site is located on the southern side of Ellington Road, where land levels fall away toward the south. Properties to the rear, fronting Cranley Gardens, sit at a significantly lower ground level. The site appears to have been artificially levelled historically, resulting in the existing buildings occupying a higher land level relative to adjoining plots.

Ellington Road is predominantly residential in character, comprising a mix of architectural styles and building forms. The wider surrounding area is also residential in nature, with a variety of detached, semi-detached and terraced properties.

3. RELEVANT PLANNING AND ENFORCEMENT HISTORY

The relevant planning applications history for the site are summaries below:

PRE/2022/0267 – Pre application advice before permission ref: HGY/2023/1406

HGY/2023/1406 - Demolition of the existing buildings and erection of 5 replacement residential units, arranged as two terraced houses and three flats. Approved 26/04/2024

HGY/2026/1510 - Approval of details pursuant to condition (16) contamination risk model attached to ref: HGY/2023/1406. Approved

HGY/2026/1204 - Approval of details reserved by condition 12 (construction management plan) attached to ref: HGY/2023/1406. Approved

HGY/2026/1205 - Approval of details reserved by condition 11 (Sustainable Drainage) attached to ref: HGY/2023/1406. Approved

HGY/2026/2077 - Non-Material Amendment of HGY/2023/1406 to rename the proposal 'Demolition of the existing buildings and erection of replacement residential units. Running extant to this application.

4. CONSULTATION RESPONSES

No responses were sought nor received

5. LOCAL REPRESENTATIONS

The application has been publicised by way of letters sent to all adjoining neighbouring properties.

1 representations were received from neighbours

Objection/ representation received:

- Proposal is viewed as an improvement on the previous scheme.
- No significant concerns regarding the design or appearance of the replacement building.
- Concerns raised about the demolition and construction process.
- Potential impacts identified include:
 - Noise and disturbance.
 - Pollution and contamination.
 - Damage to neighbouring properties.
 - General disruption during construction.
- Request for the developer to engage directly with affected neighbours and address these concerns.

Officer's comments: Through permission HGY/2026/1204 (Approval of Details Reserved by Condition 12 - Construction Management Plan attached to planning permission HGY/2023/1406), the site layout and operational arrangements were reviewed and assessed by the Council's Transport Officers, who raised no objection.

Whilst some disturbance during construction is anticipated, this is an inevitable and temporary consequence of building works and does not justify withholding planning permission.

Separate regulatory controls exist to manage construction-phase impacts. Hours of work, noise and dust control are governed by legislation outside the planning system, including powers exercised under environmental health legislation and health and safety regulations. These frameworks provide mechanisms to regulate and mitigate construction-related impacts.

Accordingly, the temporary disruption associated with the construction phase does not amount to a material planning harm.

6. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations raised by the proposed development are:

1. Scope of S73 application;
2. Design changes;
3. Impact on Neighbouring Amenity;
4. Additional comments;
5. Conditions;

Scope of S73 application

An application may be made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions attached to a planning permission. One of the principal uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition capable of being varied. A Section 73 application results in the grant of a new planning permission.

There is no statutory definition of a minor material amendment within the Government's Planning Practice Guidance (PPG). However, Paragraph 017 (Reference ID: 17a-017-20140306) states that it is likely to include any amendment where the scale and/or nature of the change would not result in a development that is substantially different from that which has already been approved.

The PPG advises that where an application under Section 73 of the Town and Country Planning Act 1990 (as amended) is granted, the effect is the issue of a new planning permission sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should therefore be issued, setting out all of the conditions attached to it. For clarity, decision notices granting planning permission under Section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged. As a Section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

Consequently, the scope of the material planning considerations is somewhat restricted, and only the amendments proposed as part of this application can be assessed. However, in determining a Section 73 application, the Local Planning Authority (LPA) must consider the proposal in the context of the current development plan and any other material considerations. The LPA must therefore assess the proposed amendments against national and local planning policies that may have changed since the original planning permission was granted, together with the planning merits of the changes themselves.

Since the original grant of planning permission, planning policy and guidance have evolved, including the adoption of the London Plan 2021 and updates to the National Planning Policy Framework (NPPF). Government policy, as set out in the NPPF, places significant weight on

boosting housing delivery and making effective use of previously developed land. The NPPF recognises the important contribution that small sites can make towards meeting housing needs and supports the efficient use of land, particularly in sustainable urban locations. Similarly, London Plan Policy H2 establishes a presumption in favour of small housing developments on under-utilised sites, particularly where sites benefit from good public transport accessibility.

The site is located within an established residential area with modest access to public transport and already benefits from planning permission for the construction of a four dwellinghouses. The proposal would deliver 4 family dwelling on the site and would make a modestly greater contribution to housing delivery although there would be an overall reduction from the approved permission.

It is acknowledged that the approved scheme generally matched the proposed scheme however there are some minor design and layout improvements.

Accordingly, subject to the detailed assessment of design, residential amenity considerations set out below, officers are satisfied that the proposal is capable of being considered as a minor material amendment under Section 73 of the Town and Country Planning Act 1990.

Design Changes

Design Policies

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Policy D3 of the London Plan (2021) requires development to make a positive contribution to local character and to respond appropriately to the existing pattern, scale, form and proportions of development. Local Plan Policy SP11 (Design) seeks to ensure that development contributes positively to Haringey's built environment and sense of place, while Policy SP12 (Conservation) requires development to conserve and enhance the borough's historic environment and heritage assets.

Development Management Policy DM1 (Delivering High Quality Design) requires all development and changes of use to achieve a high standard of design and contribute positively to the distinctive character and amenity of the local area. Development should relate positively to neighbouring buildings, create a harmonious townscape, improve the character and quality of the area, respond appropriately to consultation feedback, and demonstrate how design quality will be secured through delivery.

The proposal remains broadly consistent with the extent of the approved scheme, particularly in terms of the overall building envelope and general design approach. A number of minor quality-of-life and material improvements have been incorporated into the revised plans, as outlined below:

- Internalisation of cycle storage, allowing for increased landscaping within the street scene and a less cluttered frontage.
- Simplification of front and rear fenestration and openings, resulting in a more coherent architectural expression.
- Simplification of the roof form, through the adoption of a mansard-style approach.

The proposed amendments do not result in any change to the overall massing, scale, or height of the development when compared with the previously approved scheme. The buildings remain

identical in height and maintain the same established proportions, ensuring that the development continues to respond appropriately to the surrounding townscape context.

Copilot said:

A very minor adjustment to the building footprint is proposed. This involves a slight setback to House 2, introduced to create subtle articulation and visual distinction within the terrace. In addition, a modest projection is proposed along the side elevation to align with the party wall arrangement between Houses 2 and 3. These changes are limited in extent and do not result in any increase in bulk or perceived mass.

A refinement is also proposed to the approved top-floor metal cladding, with the overall height retained exactly as approved. The previously orthogonal cladding is re-expressed through a gently pitched profile in a bronze finish, whilst maintaining the same balcony provision and internal layouts. The pitched treatment is limited to the front and side elevations, with the rear elevation remaining as approved. The overall form, material palette and architectural character of the development are therefore maintained in line with the previously approved scheme. As such, the amended proposal preserves the design principles that were supported through the original consented application and continues to deliver a cohesive and well-articulated residential development.

Impact on Neighbouring Amenity

London Plan Policy D6 requires development to be designed so that it does not adversely affect the amenity of surrounding occupiers. In particular, proposals should provide appropriate levels of daylight and sunlight, minimise overshadowing, and safeguard privacy. Similarly, Policy DM1 (Delivering High Quality Design) of the Development Management DPD requires development proposals to ensure a high standard of privacy and amenity for both future occupiers and neighbouring residents.

The configuration of openings remains consistent with the extant permission, including the size of openings and access to the terraces. On this basis, no residential amenity objections are raised in respect of the revised scheme.

Additional Comments

Housing Mix

The configuration of openings remains consistent with the extant permission, including the size of openings and access to the terraces. On this basis, no residential amenity objections are raised in respect of the revised scheme.

The site is located at some distance from a town centre and has a low PTAL rating of 2, indicating poor access to public transport. In this context, an over-concentration of one-bedroom or two-bedroom units would not be supported by London Plan Policy D10 or Development Management DPD Policy DM11. The provision of an additional family-sized unit is therefore considered more appropriate and better aligned with policy in this location. As such there is no objections to the mix of dwellings and the reduction of a unit.

Conditions

Planning Practice Guidance advises that a planning permission granted under Section 73 results in a new planning permission sitting alongside the original permission and that relevant conditions from the original permission should be re-imposed unless they have already been discharged or

are no longer necessary. In this instance, conditions have been reviewed, the approved details under application HGY/2023/1406, and the amendments proposed.

Conditions relating to matters that have already been discharged and completed, such as SUDs, CMP and contamination. These remain relevant for the remainder of the construction phase and is therefore carried forward within the new permission.

The remaining conditions will be carried forward with the new permission

- Condition 3: (Pre-commencement) Materials
- Condition 4: Hard and soft landscaping
- Condition 5: Waste and Refuse
- Condition 6: Cycle storage
- Condition 8: Energy report
- Condition 9: Unilateral undertaking
- Condition 10: ASHP noise nuisance
- Condition 13: Water butt details
- Condition 14: Building Regulation standard Part G
- Condition 15: Part M4 (2) 'accessible and adaptable dwellings'
- Condition 17: Contamination discovery
- Condition 18: Further development
- Condition 19: Highways agreement

Overall Conclusion

The proposed amendments have been assessed against the Development Plan, national planning policy, and all other material considerations. The changes represent modest refinements and additional family housing to the stock.

Accordingly, the proposal is considered to constitute a minor material amendment under Section 73 of the Town and Country Planning Act 1990 and is considered to comply with the relevant policies of the Development Plan. Planning permission is therefore recommended for approval, subject to the conditions set out below.

7. CIL APPLICABLE

Based on the information provided, this Section 73 permission doesn't result in an increase of floorspace as such the previous CIL is still applicable:

Based on the information given on the plans, the Mayoral CIL charge will be £29,211.1 (421.7 sqm x £69.27) and the Haringey CIL charge will be £178,147.45 (421.7 sqm x £422.45). This will be collected by Haringey after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.

This will be collected by Haringey and may be subject to surcharges for failure to assume liability, failure to submit a commencement notice, late payment, and any other provisions of the Community Infrastructure Levy Regulations 2010 (as amended).

8. RECOMMENDATION

It is therefore recommended that this variation of condition application be APPROVED in accordance with the following conditions:

Conditions:

- 1 The development hereby permitted shall be begun on or before 25 April 2027, being the date on which planning permission ref. HGY/2023/1406 would expire.

Reason: To ensure consistency with the implementation period attached to planning permission ref. HGY/2023/1406, granted on 26 April 2024, and to prevent the accumulation of unimplemented planning permissions pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

APPROVED PLANS:

Location Plan, D039-SHO-ZZ-XX-DR-A-2301, D039-SHO-ZZ-XX-DR-A-2202, D039-SHO-ZZ-XX-DR-A-2201, D039-SHO-ZZ-XX-DR-A-2103, D039-SHO-ZZ-XX-DR-A-2102, D039-SHO-ZZ-XX-DR-A-2101, D039-SHO-ZZ-XX-DR-A-2100, D039-SHO-ZZ-XX-DR-A-2099, D039-SHO-ZZ-XX-DR-A-2002, Basement Impact Assessment Addendum, Ecological Appraisal Addendum

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No external fitting shall take place until the following details of the buildings/ structures hereby permitted have been submitted to and approved in writing by the local planning authority:
 - a. particulars and samples of the materials to be used on the external faces of the buildings;
 - b. details of the elevations of the development (elevations, plans and cross sections at scale 1:20) as well as typical details of the fenestration and entrances;
 - c. details and locations of down pipes, rainwater pipes or foul pipes and all external vents; The development shall thereafter be carried out solely in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance for the proposed development and to ensure the character of Fortis Green Conservation Area is preserved, consistent with Policies SP11 & SP12 of the Haringey Local Plan (2017) and Policies DM1, DM9 & DM12 of The Development Management DPD (2017).

- 4 Before occupation, details of a scheme depicting those areas to be treated by means of hard and soft landscaping shall be submitted to, approved in writing by, and implemented in accordance with the approved details. Such a scheme shall include details of hard surfacing materials (permeable hard-landscaping), details of planting with a schedule of species and detail of aftercare. The approved landscaping scheme shall thereafter be carried out and implemented in strict accordance with the approved details in the first planting and seeding season following the occupation of the buildings or the completion of development (whichever is sooner). Any trees or plants, either existing or proposed, which, within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be maintained and retained thereafter to the satisfaction of the Local

Planning Authority.

Reason: In order to provide a suitable setting for the proposed development in the interests of visual amenity consistent with Policy G7 of the London Plan 2021, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

- 5 Notwithstanding the approved plans, final details of the refuse and waste storage recycling facilities shall be submitted to and approved in writing by the local planning authority, prior to first occupation of the development. Such a scheme as approved shall be implemented prior to first occupation and permanently retained thereafter.

Reason: In order to protect the amenities of the locality and to comply with Policy DM4 of The Development Management DPD 2017.

- 6 The dwellings shall not be occupied until the cycle parking space have been laid out within the site in accordance with the approved plans and thereafter the space shall be permanently retained for that purpose.

Final details of the type and location of secure and covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved. The development shall not be occupied until the cycle parking spaces for users of the development, have been installed in accordance with the approved details. 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.

- 7 The development hereby approved shall be constructed in accordance with the Energy & Sustainability Statement by the Briary Energy (dated July 2026) delivering a minimum 74.0% improvement on carbon emissions over 2013 Building Regulations Part L, with SAP10 emission factors, high fabric efficiencies, air source heat pumps (ASHPs) and a minimum 11 kWp solar photovoltaic (PV) array. (a) Prior to above ground construction, details of the proposed ventilation and heating systems and solar PV shall be submitted to and approved by the Local Planning Authority. This must include:

- Location, specification and efficiency of the proposed ASHPs (Coefficient of Performance, Seasonal Coefficient of Performance, and the Seasonal Performance Factor), with plans showing the ASHP pipework and noise and visual mitigation measures;
- Details of the PV, demonstrating the roof area has been maximised, with the following details: a roof plan; the number, angle, orientation, type, and efficiency level of the PVs; how overheating of the panels will be minimised; their peak output (kWp)
- Specification of any additional equipment installed to reduce carbon emissions.

The development shall be carried out strictly in accordance with the details so approved prior to first operation and shall be maintained and retained for the lifetime of the development. The solar PV array shall be installed with monitoring equipment prior to completion and shall be maintained and cleaned at least annually thereafter.

(b) Within six months of first occupation, evidence that the solar PV and ASHPs installation has been installed correctly shall be submitted to and approved by the Local

Planning Authority, including photographs of the solar array, a six month energy generation statement, and a Microgeneration Certification Scheme certificate.

Reason: To ensure the development reduces its impact on climate change by reducing carbon emissions on site in compliance with the Energy Hierarchy, and in line with London Plan (2021) Policy SI2, and Local Plan Policy SP4 and DM22.

- 8 Prior to the occupation of the dwelling hereby approved a Unilateral Undertaking or equivalent mechanism shall be completed and submitted to the Local Planning Authority securing a payment of £6,270.00 plus £313.50 for monitoring (Total £6,583.3) to fund offsetting the remaining carbon emissions from this development.

Reason: In the interest of climate change and to help achieve zero carbon development across the borough and in compliance with Local Plan Policies SP4 and DM21.

- 9 The noise level from the operation of the air source heat pump(s) thereafter approved must not exceed 42dB LAeq (5 min) at 1 metre from the window of a habitable room on the façade of any neighbouring residential property. If, in the opinion of the Local Planning Authority the proposed air source heat pump(s) result in any noise nuisance to the occupant of any neighbouring dwelling the Applicant shall install noise mitigation measures in agreement with the Planning Authority.

Reason: In order to protect the amenities of nearby residential occupiers consistent with Policy D14 of the London Plan 2021 and Policies DM1 and DM23 of The Development Management DPD 2017.

- 10 The development shall be carried out in accordance with the Sustainable Drainage Strategy and associated details approved pursuant to application HGY/2026/1205, unless otherwise agreed in writing by the Local Planning Authority. The approved SuDS measures shall be implemented prior to the occupation of the development and retained thereafter for the lifetime of the development.

Reason: To ensure satisfactory surface water drainage, reduce flood risk and secure the long-term operation and maintenance of the approved sustainable drainage measures in accordance with Policy SI13 of the London Plan, Policies SP0 and SP4 of the Haringey Local Plan and Policy DM24 of the Development Management DPD.

- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site.

- 12 The ground floor residential units hereby approved shall be designed to meet Part M4 (2) 'accessible and adaptable dwellings' of the Building Regulations 2015 (formerly Lifetime Homes Standard) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development meets the Council's Standards in

relation to the provision of accessible and adaptable dwellings

- 13 The development shall be undertaken in accordance with the details approved under Condition 12 (Construction Management Plan) pursuant to application HGY/2026/1204, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the approved construction management measures are implemented in the interests of highway safety and residential amenity.

- 14 The development hereby permitted shall be carried out in accordance with the details contained within the approved contamination risk assessment and remediation strategy submitted pursuant to application HGY/2026/1510, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is implemented and occupied with adequate regard to environmental and public safety and to accord with the approved details.

- 15 No dwelling shall be occupied until details of the location of a water butt of at least 120L internal capacity to be installed to intercept rainwater draining from the roof of each dwelling has been submitted to and approved in writing by the Local Planning Authority and subsequently provided at each dwelling. The approved facilities shall be retained.

Reason: To reduce the risk of flooding and demand for water, increase the level of sustainability of the development and in line with Haringey Local Plan Policy SP5, DM21, DM24 and DM25.

- 16 The ground floor residential units hereby approved shall be designed to meet Part M4 (2) 'accessible and adaptable dwellings' of the Building Regulations 2015 (formerly Lifetime Homes Standard) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development meets the Council's Standards in relation to the provision of accessible and adaptable dwellings

- 17 Notwithstanding the provisions of the Town and Country Planning General Permitted Development (England) Order 2015, or any Order revoking or re enacting that Order, no outbuildings shall be erected and no extensions or alterations to the dwelling houses hereby approved, including the insertion of or alterations to windows and doors, hereby approved shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent overdevelopment of the site by controlling proposed extensions and alterations consistent with Policy D6 of the London Plan 2021 and Policy DM1 of The Development Management DPD 2017.

- 18 Prior to the first occupation of the development hereby the developer shall have entered into an agreement with the local highway authority under Section 278 of the Highways Act 1980 to remove the necessary section of redundant crossover across the footway and to reinstate the public footpath at this location. This agreement shall also include the planting of street trees in front of the site along Ellington Road.

Reason: In order to ensure that the proposed development does not prejudice the free flow of vehicular and pedestrian traffic or the conditions of general safety of the highway and the amenity of the area.

Informatives:

The new development will require numbering. The applicant should contact the Local Land Charges at least six weeks before the development is occupied (tel. 020 8489 5573) to arrange for the allocation of a suitable address.

INFORMATIVE: Hours of Construction Work

The applicant is advised that under the Control of Pollution Act 1974, construction work which will be audible at the site boundary will be restricted to the following hours:-

8.00am - 6.00pm Monday to Friday

8.00am - 1.00pm Saturday

and not at all on Sundays and Bank Holidays.

INFORMATIVE: Community Infrastructure Levy (CIL)

Based on the information given on the plans, the Mayoral CIL charge will be £29,211.1 (421.7 sqm x £69.27) and the Haringey CIL charge will be £178,147.45 (421.7 sqm x £422.45) This will be collected by Haringey after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index.