



Officer Report

Application Number:	HGY/2023/2878
Application Type:	Non-Material Amendment
Address:	Stanhope Road Bridge, Stanhope Road, London, N6 5DE
Proposal:	Non-Material Amendment to planning permission ref. HGY/2021/2718 for revised ramp layout, inclusion of estate fencing at the top and side of the embankments, revised footprint of stairs (south west embankment), removal of retaining wall on north east embankment, and inclusion of a water feature in the north east quadrant.
Case Officer:	Eunice Huang
Valid Date:	24/10/2023
Applicant:	Sam Neal
Agent:	

RECOMMENDATION

Approve

RECOMMENDATION

GRANT Non-Material Amendment

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved development

Planning permission granted under application reference HGY/2021/2718 for construction of a new footbridge with associated ramp, stepped access, and landscaping, involving demolition of the existing bridge.

Proposed amendments

The proposal is for non-material amendment to planning permission ref. HGY/2021/2718 for revised ramp layout, inclusion of estate fencing at the top and side of the embankments, revised footprint of stairs (south west embankment), removal of retaining wall on north east embankment, and inclusion of a water feature in the north east quadrant

CONSULTATION RESPONSE

LBH Arboriculture

No objections to the revised ramp layout and new water feature, which do not impact root protection areas (RPAs).

LBH Conservation

Object to proposed ramp layout, fencing at the top of the embankments, longer and more articulated stairs, removal of retaining wall and creation of water feature, due to impact on the historic landscape features and character of the conservation area.

LBH Design

Object to proposed changes to ramp layout. Approved layout is preferable because its more informal plan creates landscaped “pockets” between the arms of the ramp, integrating it better into verdant natural landscape. The amended layout will give more visual prominence to the hard materials of the ramp, handrails and retaining walls.

LBH Nature Conservation

After reviewing the application, the Construction Environmental Management Plan (dated March 2024), the Preliminary Ecological Appraisal (dated August 2021), and other supporting documentation, I confirm that the amendment does not require additional construction or large-scale work that might harm the local ecology. The addition of a Wetland Feature has the potential to boost biodiversity by providing habitats for various species, such as birds, amphibians, and insects. The CEMP ensures the project has a minimal impact on the local nature reserve.

Based on this review, I have no objections to the Non-Material Amendment to planning permission ref. HGY/2021/2718.

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.

Objections from Highgate Conservation Area Advisory Committee (CAAC) were submitted against the application, highlighting the following concerns:

- Application is not a non-material amendment.
- Visual impact and loss of landscaped area and planting associated with revised ramp on South East Quadrant and revised access stair on the South West Quadrant.
- Objection to appearance of estate fencing on top and side of embankments
- Concern change in ramp, stairs and pathway materials. Surfacing of the Parkland Walk is itself supposed to be the subject of a consultation, no application should have been made before the results of that consultation have been considered and decided on.
- Clarification requested on change in construction methods relating to reinforced earth construction, and carbon impact of concrete materials for ramp.
- Objection to intrusive, engineered nature of water feature
- Impact on conservation area, and impact on habitat and the ecology.

The four key tests as to the acceptability of a change to an approved scheme under the non-material amendment procedure are:

- Is the proposed change significant in terms of its scale (magnitude, degree etc.) in relation to the original approval? If no then 3 further tests need to be applied).

Officer comment: No. The change is not significant in terms of scale – the proposal relates to adjustments to approved elements of the original scheme, including the ramp, stairs and barriers/fencing. The inclusion of a water feature is ancillary to the landscaping works surrounding the bridge.

- Would the proposed change result in a development that will appear noticeably different to what interested parties may have envisaged or could result in an impact on the amenity of occupiers of adjoining properties?

Officer comment: There would be changes in appearance to the development; but it retains the same essence and characteristics of the approved development, in providing a new bridge, ramp, stairs and landscaping works to the site. The changes would not impact the amenity of neighbouring occupiers.

- Would the interests of any third party or body who participated in or were informed of the original decision be disadvantaged in any way? (This is a particularly significant issue as there is no provision for consultation or neighbour notification within the non material amendment procedure).

The application was not formally notified, but community groups were given the opportunity to submit comments. There has been ongoing consultation with community groups conducted by the applicant, separate to the planning application process. Thus, interests of any third parties would not be disadvantaged. Changes would not impact the amenity of neighbouring occupiers.

- Would the amendment be contrary to any planning policy of the Council?

Officer comment: The proposed changes would not be contrary to any planning policy of the Council. It should also be noted that elements of the proposal could fall under permitted development under Part 12 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

An assessment of the proposal is as follows:

Revised ramp layout – The applicant explains that, as part of the detailed design development, the ramp was revised to avoid the root protection zone of the privately owned tree in Thirsk Cottage and mature LB Haringey tree T1, improve buildability, reduce the volume of concrete required and improve user sight lines. This change has resulted in more contiguous green area to the south of the ramp. There was also concern regarding the consented scheme that the small areas of greenery would be difficult to access and maintain.

The ramp includes a wider splay at the footpath – this has been designed to meet the geometric properties required for visibility splays under the Design Manual for Roads and Bridges (DMRB) to avoid the risk of collision and to improve safety for users. The applicant states that the splay has been introduced as an improvement to the original design, as it removes a blind spot thereby creating greater visibility and natural surveillance to the entrance of the ramp. Furthermore, the design of the ramp and steps has sought to design out hidden corners and maximise natural surveillance from the street and from the Parkland Walk, in response to public consultation concerns regarding visibility and safety for users. The walls to either side of the splay are relatively low level and taper.

The ramp will be faced with stone slips as per the approved condition no. 3 under HGY/2023/2877, which is a natural material to blend in with the nature reserve as developed through the co-design process with the community. This material selection has a more significant impact on the appearance of the ramp than the surfacing material.

The visual appearance of the ramp would therefore be acceptable in light of the safety, access, maintenance, root protection and construction considerations. On balance, the proposed design would be acceptable in respect to impact upon the conservation area. No objections have been raised by the Nature Conservation Officer.

Estate fencing – Metal 5-bar fencing 1030mm high, is included to guard against falls. The safety reasons for this fencing is noted, and it is of a reasonable height which would not be visually imposing.

Revised footprint of stairs (south west embankment) – The applicant clarifies that reinforced earth construction were part of the consented scheme. However, during the detailed design stage, the stairs were moved to align with the gradient on the reinforced earth abutments and to meet DMRB regulations in terms of the stair design. The change in the stair layout would not have a significant impact upon the appearance of the development within the conservation area.

Removal of retaining wall on north east embankment - This retaining wall was located adjacent to Tree T177 on the north-east embankment, set away from the street. It is now proposed to be reinforced earth which is more sustainable.

Inclusion of a water feature in the north east quadrant – The pond is placed in the north-east quadrant, away from the pathways of the Parkland Walk. The applicant has advised that the pond has been designed to minimise excavation within the root protection zones. LBH Arboriculture and LBH Nature Conservation are satisfied by the submitted details in relation to tree protection and ecology, respectively. It is noted that this water feature has

the potential to boost biodiversity by providing habitats for various species, such as birds, amphibians, and insects.

Thus, the proposed amendments are considered satisfactory in relation to design and appearance, impact on the conservation area, safety and access, landscaping and ecology. On this basis, it is considered that a non-material amendment can be granted.

RECOMMENDATION

GRANT Non-Material Amendment