

26 February 2026
Nick Bovaird
Deputy Team Leader (Major Applications)
London Borough of Hackney
Hackney Service Centre,
1 Hillman Street, London, E8 1DY

30 King's Bench Street
London
SE1 0QX
Telephone
020 7089 2121
mail@tibbalds.co.uk
tibbalds.co.uk

Dear Nick,

Section 96a non-material amendment application to 2017/5024 for development at Marian Court, Link Street, E9 6DT

On behalf of Housing Regeneration and Delivery, London Borough of Hackney (the 'Applicant'), Tibbalds Planning & Urban Design are submitting a Section 96A non-material amendment to planning permission 2017/5024 to amend the description of development and move the consented quantum of development to a new condition, and moving the list of approved plans into Condition 1.

Overview of amendments and assessment

Section 96A of the Town and Country Planning Act 1990 provides the power to make non-material changes to a planning permission, setting out that:

- (1) A local planning authority ... may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.
- (2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.
- (3) The power conferred by subsection (1) includes power to make a change to a planning permission — (a) to impose new conditions; (b) to remove or alter existing conditions.

The description of development for the existing planning permission (ref. 2017/5024) is:

“Demolition of all existing buildings and structures and construction of five buildings ranging in height from 3 to 12 storeys comprising 160 mix tenure new and replacement homes (Class C3); commercial (Class B1) floorspace; mixed retail (Class A1/ A2/ A3) floorspace; new/ replacement community (Class D1) floorspace; a new east/ west pedestrian, cycle and service route and parking for 8 on street disabled vehicles; creation of new public spaces and courtyards and new and upgraded pedestrian links; landscaping, including new tree planting and all associated infrastructure, including a new energy centre”.

Through this Section 96a application, we propose amendments to simplify the description of development with the removal of reference to the number of buildings, heights of buildings, number of homes, and number of disabled vehicle

Directors

Lizzie Le Mare
BA(Hons) MSc MRTPI
Hilary Satchwell
BA(Hons) DipArch RIBA
Katja Stille
BA(Hons) DipArch MA(Arch)
MA(UD) AssocRTPI

Associate Director

Rob Moorhouse
BSc(Hons) MSc MRTPI

Associates

Denise Quinn
BBUS
Darren Smith
Amy Sweeting
MEng BEng MA(UD)
Ketki Mudholkar
BA(Hons) MSc
Leanne Williams
BA(Hons) MSc MRTPI

Consultants

Jane Dann
BA MA(UD) DipArch MRTPI
Jennifer Ross
BA(Hons) MRTPI

Registered Company
Tibbalds Planning and Urban Design Limited
Registered in England
Company number 4877097

parking spaces. These quantums would be controlled instead by a planning condition.

The revised description of development would read:

“Demolition of all existing buildings and structures and construction of ~~five buildings ranging in height from 3 to 12 storeys comprising 160 mixed~~ tenure new and replacement homes (Class C3); commercial (Class B1) floorspace; mixed retail (Class A1/ A2/ A3) floorspace; new/ replacement community (Class D1) floorspace; a new east/ west pedestrian, cycle and service route; ~~and parking for 8 on-street disabled vehicles parking~~; creation of new public spaces and courtyards and new and upgraded pedestrian links; landscaping, including new tree planting and all associated infrastructure, including a new energy centre”.

In order to ensure that the development remains non-material and consistent with the design intent, we propose that a condition is added to the permission that controls the consented quantum of development. The suggested wording for such a condition is:

“Condition X. Quantum of Development

The total quantum of development shall not exceed the figures specified below:

- *Five buildings ranging in height from 3 to 12 storeys*
- *160 mixed tenure new and replacement homes (Class C3)*
- *8 on-street disabled vehicle parking spaces*

Reason: To ensure the development is carried out in accordance with the approved plans and other submitted details.”

Currently the Approved Plans sit between the Description of Development and the Conditions, under Part 1 – Particulars of the Application. To address this, we propose to update Condition 1 to explicitly include all approved Plan Numbers. We have included the list of Approved Plans at the bottom of this letter.

On the basis of the above, the S96A application would not change the rights granted through the original permission, and therefore introduces non-material changes to the permission. The application meets the requirements of sub-section 1, 2 and 3 of S96A of the Town and Country Planning Act (1990).

Application submission documents

Included with this application are the necessary submission requirements, namely:

- A covering letter
- An application form and completed Certificate B with notice served on the known owner (excluding LBH as Highways Authority)
- The consented Location Plan (proposed) AKA-067-P-001 and Location Plan Existing AKA-067-P-050

We look forward to receiving confirmation that the application has been validated.

Should you require any further information please do not hesitate to contact the undersigned.

Yours sincerely
For Tibbalds Planning and Urban Design

A handwritten signature in black ink, appearing to read 'Neil McKenna', with a long horizontal flourish extending to the right.

Neil McKenna
Senior Planner
Neil.mckenna@tibbalds.co.uk
Direct dial: 020 3598 3966

enc
cc

Approved Plan Numbers:

- AKA_067_P_050 Location Plan Existing
- AKA_067_P_001_A Location Plan Proposed
- AKA_067_P_002_A Site Plan Proposed
- AKA_067_P_051 Ground Floor Plan Existing
- AKA_067_P_052 Elevations Existing
- AKA_067_P_100_C Ground Floor Plan
- AKA_067_P_101_C First Floor Plan
- AKA_067_P_102_C Second Floor Plan
- AKA_067_P_103_C Third Floor Plan
- AKA_067_P_104_C Fourth Floor Plan
- AKA_067_P_105_C Fifth Floor Plan
- AKA_067_P_106_C Sixth Floor Plan
- AKA_067_P_107_C Seventh Floor Plan
- AKA_067_P_108_C Eighth Floor Plan
- AKA_067_P_109_C Ninth Floor Plan
- AKA_067_P_110_C Tenth Floor Plan
- AKA_067_P_111_C Eleventh Floor Plan
- AKA_067_P_112_C Roof Plan
- AKA_067_P_220_B Building A - Section A-A B-B C-C
- AKA_067_P_221_B Building B - Long Section HHS Facing South
- AKA_067_P_222_B Building B - Section B-B
- AKA_067_P_223_B Building C - Section A-A
- AKA_067_P_224_B Building C - Section B-B
- AKA_067_P_225_B Building C - Section C-C
- AKA_067_P_226_B Building D - Section A-A B-B
- AKA_067_P_227_C Building E - Section A-A B-B
- AKA_067_P_250_C Site Section A-A B-B
- AKA_067_P_251_B Site Section C-C
- AKA_067_P_300_B Homerton High Street and Ponsford Street Elevations
- AKA_067_P_301_C Link Street and Railway Line Elevations
- AKA_067_P_302_B Marian Street North and South Elevations
- AKA_067_P_303_C North South Route Elevations
- AKA_067_P_304_B Courtyards and Townhouses Elevations
- AKA_067_P_320_B Building A - Elevations
- AKA_067_P_321_B Building B - Elevation 1
- AKA_067_P_322_B Building B - Elevation 2
- AKA_067_P_323_B Building B - Elevation 3
- AKA_067_P_324_B Building B - Elevation 4
- AKA_067_P_325_B Building B - Elevation 5
- AKA_067_P_326_B Building C - Elevation 1
- AKA_067_P_327_B Building C - Elevation 2
- AKA_067_P_328_B Building C - Elevation 3
- AKA_067_P_329_B Building C - Elevation 4
- AKA_067_P_330_B Building C - Elevation 5
- AKA_067_P_331_B Building D - Elevation 1
- AKA_067_P_332_B Building D - Elevation 2
- AKA_067_P_333_B Building D - Elevation 3
- AKA_067_P_334_C Building E - Elevation 1
- AKA_067_P_335_C Building E - Elevation 2

- AKA_067_P_400_A Flat Layouts 1b2p_Type B
- AKA_067_P_401_A Flat Layouts 1b2p_Type L
- AKA_067_P_402_A Flat Layouts 2b4p_Type G
- AKA_067_P_403_A Flat Layouts 2b4p_Type B
- AKA_067_P_404_A Flat Layouts 2b4p_Type J
- AKA_067_P_405_B A Flat Layouts 3b4p_Type A
- AKA_067_P_406 B Flat Layouts 3b5p_WHC_Type A
- AKA_067_P_407_A A Flat Layouts 3b4p__Maisonette_Type A_GF Plan
- AKA_067_P_408_A A Flat Layouts 3b4p__Maisonette_Type A_1st Floor Plan
- L.64-L-100 revA Public Realm and Landscape Plan
- L.64-L-103 revA Public Realm and Landscape Plan (finishes)
- Acoustic report by MLM group (rev2, dated 11/17, ref: 101522-MLM-ZZ-XX-RP-Y-0001)
- Air Quality Impact Assessment by MLM group (Rev00, dated 11/17, ref: 774451-MLM-ZZ-XX-RP-J-0001-S2-C01)
- Arboricultural Survey by PJC Consultancy dated 9/01/17 (ref: 4257/17-01)
- Archaeology Desk Based Assessment by CGMS consulting dated Sept 2016 (ref: CC/22708)
- Daylight Sunlight Assessment by MLM group (rev01 dated 11/17, ref: 7133706-MLM-ZZ-XX-RP-Y-0000)
- Flood Risk Assessment by PBA (Issue 1, dated May 2012, ref: 26407)
- Energy Statement by MLM group (rev: 00, dated 10/17, ref: 7133706-MLM-ZZ-XX-RP-Y-00002)
- Planning Affordable Housing and Heritage Statement by Tibbalds dated December 2017
- Sustainability Statement by MLM group (rev00 dated 10/17 ref: 7133706-MLM-RP-Y-0003)
- Transport Assessment by Project Centre, dated 10/17