



Our ref: ME/Q220695
PP ref: PP-11513445
Email: matt.eyre@quod.com
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Robbie McNaugher
Tottenham Strategic Applications Team Manager
Haringey Council
Level 6, River Park House
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Wood Green
London N22 8HQ

FAO: Robbie McNaugher

Dear Mr McNaugher

APPLICATION UNDER SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) FOR NON-MATERIAL AMENDMENTS TO PLANNING PERMISSION HGY/2018/2223

TOTTENHAM HALE CENTRE, N17

On behalf of TH Ferry Island Nominee 1 Limited and TH Ferry Island Nominee 2 Limited (“the Applicant”) please find enclosed an application for non-material amendments to the Tottenham Hale Centre development Planning Permission (“THC PP”) (ref: HGY/2018/2223) dated 27 March 2019.

This application seeks approval for a non-material amendment (NMA) to Plot E (“Ashley Road East”).

The amendment relates to the Ashley Road East (ARE) Plot and seeks to introduce leisure use (Use Class D2 in the THC PP) to the approved land uses for the flexible use non-residential unit at ground floor level of the building in the northeast of the Plot along Watermead Way. This amendment will not result in the introduction of new land uses or floorspace to the THC PP.

Accordingly, please find enclosed copies of the following documentation, which has been submitted via the Planning Portal (ref: PP-11513445):

- This Covering Letter and Supporting Report;
- Application form and Certificates duly signed, dated and completed;
- Drawings prepared by ABA (see updated Drawing Schedule in **Annex 1**):

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RICS





- Proposed Ground Floor Plan (ref: TH-ARE_01_001_A_2452_(P00)_P100 Rev 02); and
- Proposed Mezzanine Floor Plan (ref: TH-ARE_01_001_A_2452_(P00)_P100M Rev 02).

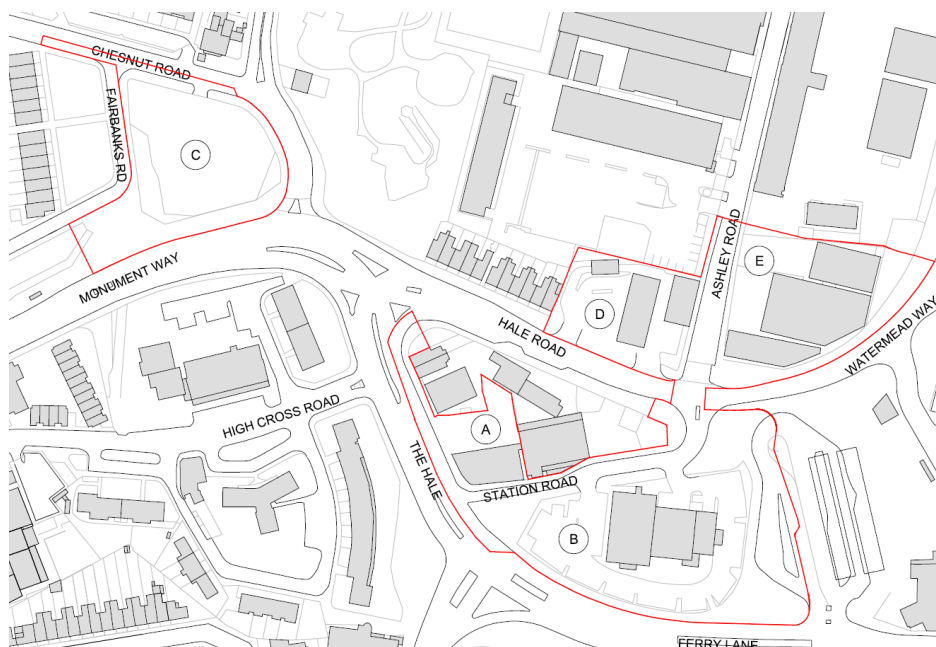
The application fee of £234 has been made online to cover the requisite application fee in accordance with The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017.

Background

The THC PP approved the development of five plots in Tottenham Hale District Centre for a residential-led mixed-use development comprising 6 buildings up to 38 storeys in height, providing up to 1,036 residential units and a mix of non-residential uses, with associated landscaping and highway works.

The ARE Plot (Plot E) is located to the northeast of Tottenham Hale District Centre at the junction of Ashley Road and Watermead Way and marked as Plot E in **Figure 1** below.

Figure 1 - Extract from THC PP Site Location



ARE is a mixed-use building providing residential as well as retail, office and leisure accommodation. Non-residential uses are provided on the ground and first floors with residential accommodation above. The western and eastern parts of the building contain two taller elements (13 storeys and 19



storeys respectively) which are linked on the southern side by a 5 storey element. A first floor communal podium is proposed which is accessed from the main residential entrance.

In total 183 market residential units are being delivered. The quantum of flexible retail/office floorspace approved is 551m² GIA; the quantum of flexible retail/office/leisure floorspace proposed is 519m² GIA; and the quantum of dedicated office floorspace approved is 831m² GIA.

The land uses were approved in accordance with The Town and Country Planning (Use Classes) Order 1987 (as amended) in March 2019 and comprise Use Classes A1-A4, B1(a) and D2 across Plot E. These Use Class references have been subsequently amended in September 2020 by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and upon implementation fall under Use Class E (Parts (a-c), (d), (f) and (g)(i)) and Sui Generis (drinking establishments).

The existing ground floor layout and uses are provided in Figure 2 and show three Flexible Use non-residential units in the south, northwest and northeast of the ground floor. This NMA relates to the north-eastern Flexible Use unit.

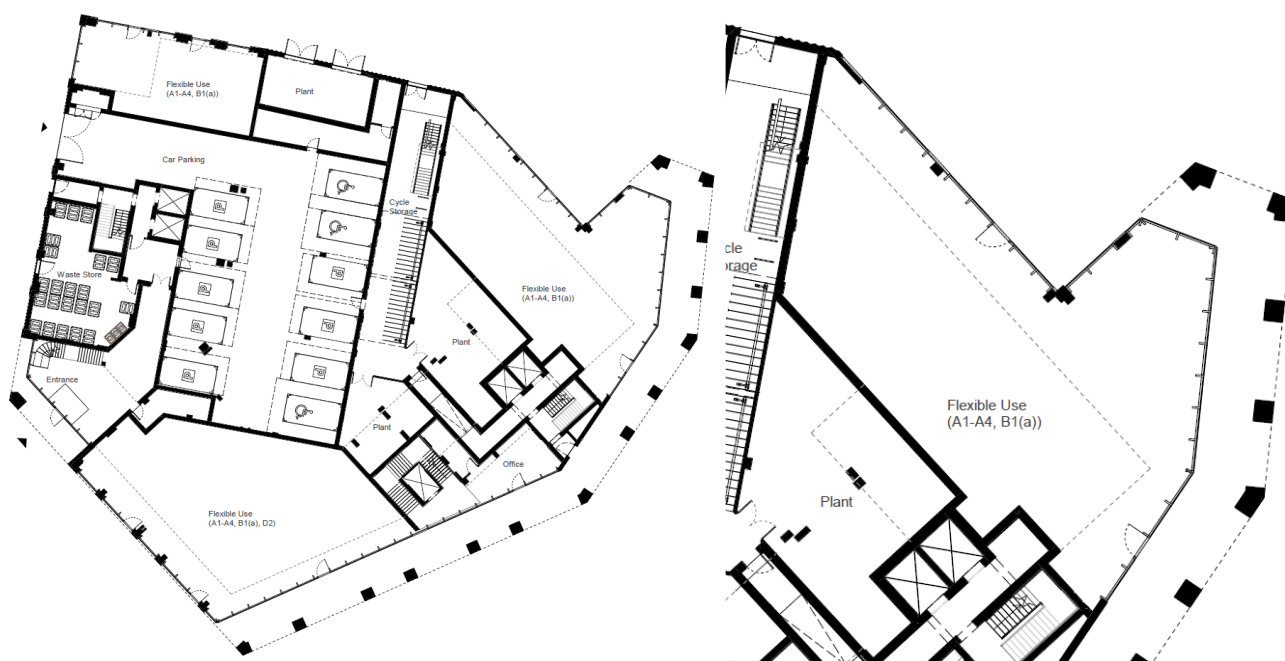


Figure 2 – Current Proposed Ground Floor Plan Rev 02 (full plan on left and relevant Flexible Use unit enlarged on the right).

A series of NMA's to the THC PP have subsequently been approved and involve:

- **February 2020 NMA (ref: HGY/2019/2934)** – Involving minor design changes to the Welbourne Plot (Plot C) and amendments to the wording of Conditions A13, B13, C13, D13 and E13;



- **May 2020 NMAs (refs: HGY/2020/1076; HGY/2020/1194; and HGY/2020/1075)** – Relating to minor internal and external alterations to Plots A (North Island), D (Ashley Road West) and E (Ashley Road East) and an amendment to the overall floorspace figure stated in the Description of Development. Together, the three NMA applications resulted in an increase of 84 sqm (GIA) to the overall floorspace permitted across the Site.
- **May 2021 NMA (ref: HGY/2021/1149)** – Relating to minor external alterations to Plot D (Ashley Road West);
- **October 2021 NMA (ref: HGY/2021/1661)** – Comprising minor internal and external design modifications to Buildings 2 and 3 in Plots A and B;
- **April 2022 NMA (ref: HGY/2022/0721)** – Amended the wording of conditions A6, B6, C6, D6 and E6 of the THC PP; and
- **Second April 2022 NMA (ref: HGY/2022/0631)** – For minor internal and external design modifications to Buildings 1 and 2 on Plot B; and
- **May 2022 NMA (ref: HGY/2022/1103)** – For non-material amendments to Plot C (Welbourne site) involving minor external design changes to the building.

Proposed Non-Material Amendments

Ashley Road East Plot

The proposed amendment seeks to alter the land uses in the north-eastern Flexible Use non-residential unit currently proposed as retail and office land uses (A1-A4 and B1(a)) approved under the THC PP to also include leisure use (Use Class D2). This is highlighted in Figure 3 below.

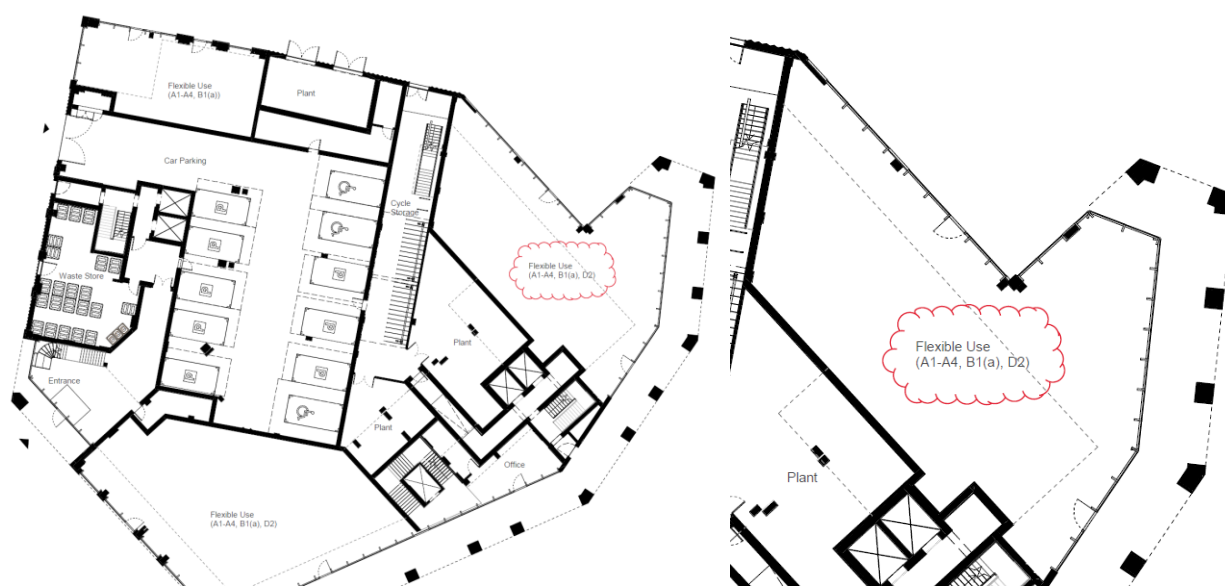


Figure 3 - Proposed Amendments to the Ground Floor Plan (full plan on left and relevant Flexible Use unit enlarged on the right).



This amendment is proposed to widen the approved land uses for the unit to help secure a gym operator for the Flexible Use unit (Use Class D2), which will help activate the key pedestrian routes around the building along Watermead Way and to the north between the building and the National College for Digital Skills (NCDS).

The southern Flexible Use unit includes approved leisure use (Use Class D2). However, there is a prospective retail tenant for the southern Flexible Use unit, which means the unit is not available.

Overall, Sitewide Condition 3 'Floorspace Ranges' controls the permitted amount of non-residential floorspace for each approved land use, with a range of up to 4,306m² of Retail (Use Class A1-A4), up to 2,288m² Leisure (Use Class D2) and between 831m² and 5,137m² Office (Use Class B1(a)) floorspace permitted. The Flexible Use units are proposed with a range of land uses and will draw down on the Sitewide Condition 3 maximum floorspaces once their first use is established.

Therefore, with the Flexible Use unit in the south proposed to be occupied in retail use, the proposed amendment to add leisure use (Class D2) for a gym in the north-eastern Flexible Use unit would not change the balance of land uses approved in for the ARE Plot. Furthermore, the overall amount of leisure floorspace permitted would still be controlled across the THC PP by Sitewide Condition 3, which includes ranges to allow the non-residential uses to flexibly implement the permitted non-residential floorspace.

Assessment

S96a of the TCPA 1990 (as amended) gives power to LPAs (in England) to make non-material changes to planning permissions. S96a, subsection (2) states:-

"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."

Additionally, s96a (subsection (3)) gives the power to impose new conditions or remove or alter existing conditions on a planning permission. Condition 2 of the THC PP lists the approved planning drawings for the Tottenham Hale Centre development, and it is the drawings in this condition relating to ARE that are proposed to be amended.

Further guidance on making a s96a/non-material amendment (NMA) to a planning permission is provided in the National Planning Practice Guidance (NPPG) published in March 2014. When considering the definition of an NMA the guidance states:-

"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 under section 96A of the Town and Country Planning Act 1990.” Reference ID: 17a-002-20140306

Ashley Road East Plot

The proposed amendments to the ARE Plot relate to changes brought about to secure tenants for the non-residential Flexible Use units on the ground floor of the building to support the full occupation of the building and activation of streets around the Plot.

The amendment would not increase maximum 2,288m² of permitted leisure floorspace in the THC PP controlled by Sitewide Condition 3 but would alternatively allow the permitted leisure floorspace to be implemented in a further Flexible Use unit. Therefore, the proposed amendment would only result in establishing the leisure use in a different Flexible Use unit and would not change the overall balance of land uses in the THC PP, once the Flexible Use units are occupied and uses established.

In summary, the proposed amendment is considered to be non-material to the THC PP due to the very limited scale relating only to Plot E and as a result of there being no changes to the approved land use mix once the prospective tenants have established the respective retail and leisure uses.

EIA Context

The NPPG also states:

“As by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the [Environmental Impact Assessment Regulations 2011](#).”

As outlined above, the amendment would not increase the maximum 2,288m² of permitted leisure floorspace in the THC PP controlled by Sitewide Condition 3 but would alternatively allow the permitted leisure floorspace to be implemented in a further Flexible Use unit. As such the amendments will not change the number of residential units, residential unit mix or quantum of flexible non-residential floorspace provided within the THC PP, nor will the proposed footprint, massing, orientation or heights of the buildings be affected.

Given the above, no new or materially different significant environmental effects are expected as a result of the amendment and no further environmental information needs to be provided in respect of the amendment, in line with the EIA Regulations. We consider that the approved ES remains valid for decision making and no further environmental information is required.

Summary

The enclosed NMA application seeks approval for an amendment to the approved land uses in the north-eastern Flexible Use non-residential unit in Plot E to allow leisure use (Use Class D2) for a prospective gym tenant.



In summary, the proposed amendment is considered to be non-material to the THC PP due to the very limited scale relating only to Plot E and as a result of there being no changes to the approved land use mix once the prospective tenants have established the respective retail and leisure uses.

I trust this enables registration and validation of the application, but please do not hesitate to contact me should you require any further information or have any queries at this stage.

Yours sincerely

Matthew Eyre
Associate

cc. Alexandra Woolmore – Argent Related



ANNEX 1 – Schedule of Drawings for Approval

1.1 The plans listed in Condition 2 of the THC PP (ref: HGY/2018/2223) are updated by this application as shown in the table below (amended drawings highlighted in red).

Drawing Reference	Title	Approved Revision	Proposed Revision
TH-ARE-01-001-A-2452-00-(P01)-P100	GA Plan Ground Floor	01	02
TH-ARE-01-001-A-2452-00-(P01)-P100M	GA Plan Mezzanine Level	01	02
TH-ARE-01-001-A-2452-00-(P01)-P101	GA Plan 1FL	01	01
TH-ARE-01-001-A-2452-00-(P01)-P102	GA Plan 2FL	01	01
TH-ARE-01-001-A-2452-00-(P01)-P103	GA Plan 3FL	01	01
TH-ARE-01-001-A-2452-00-(P01)-P104	GA Plan 4FL	01	01
TH-ARE-01-001-A-2452-00-(P01)-P105	GA Plan 5FL	01	01
TH-ARE-01-001-A-2452-00-(P01)-P106	GA Plan 6FL	01	01
TH-ARE-01-001-A-2452-00-(P01)-P107	GA Plan 7FL, 9FL, 11FL	01	01
TH-ARE-01-001-A-2452-00-(P01)-P108	GA Plan 8FL, 10FL, 12FL	01	01
TH-ARE-01-001-A-2452-00-(P01)-P113	GA Plan 13FL, 15FL, 17FL	01	01
TH-ARE-01-001-A-2452-00-(P01)-P114	GA Plan 14FL, 16FL, 18FL	01	01
TH-ARE-01-001-A-2452-00-(P01)-P120	GA Plan RL	01	01
TH-ARE-01-001-A-2452-00-(P01)-P300	South East Elevation	01	01
TH-ARE-01-001-A-2452-00-(P01)-P301	South West Elevation	01	01
TH-ARE-01-001-A-2452-00-(P01)-P302	West Elevation	01	01
TH-ARE-01-001-A-2452-00-(P01)-P303	North Elevation	01	01



TH-ARE-01-001-A-2452-00-(P01)-P304	Internal West Tower Elevation	01	01
TH-ARE-01-001-A-2452-00-(P01)-P305	Internal East Tower Elevation	01	01
TH-M_ZZ_001_A_17013_P(00)_P100	Proposed Site Plan Ground Floor Existing Context	02	02
TH-M_ZZ_001_A_17013_P(00)_P101	Proposed Site Plan Roof Existing Context	02	02
TH-AR-PR-001-LA-288-(90)-104	Proposed Hardworks - Site Plan	01	01
TH-AR-PR-001-LA-288-(90)-105	Proposed Softworks - Site Plan	01	01