

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2022/2484

Ward:

Date received: 27/09/2022

Last amended date: n/a

Drawing number of plans: Covering Letter and Supporting Report prepared by Quod and dated 26.09.2022; Application form and Certificates; Drawings prepared by ABA - TH-ARE-01-001-A-2452-00-(P01)-P100; GA Plan Ground Floor 02; TH-ARE-01-001-A-2452-00-(P01)-P100M; GA Plan Mezzanine Level 02; TH-ARE-01-001-A-2452-00-(P01)-P101 GA Plan 1FL 01; TH-ARE-01-001-A-2452-00-(P01)-P102 GA Plan 2FL 01; TH-ARE-01-001-A-2452-00-(P01)-P103 GA Plan 3FL 01; TH-ARE-01-001-A-2452-00-(P01)-P104 GA Plan 4FL 01; TH-ARE-01-001-A-2452-00-(P01)-P105 GA Plan 5FL 01; TH-ARE-01-001-A-2452-00-(P01)-P106 GA Plan 6FL 01; TH-ARE-01-001-A-2452-00-(P01)-P107 GA Plan 7FL, 9FL, 11FL 01; TH-ARE-01-001-A-2452-00-(P01)-P108 GA Plan 8FL, 10FL, 12FL 01; TH-ARE-01-001-A-2452-00-(P01)-P113 GA Plan 13FL, 15FL, 17FL 01; TH-ARE-01-001-A-2452-00-(P01)-P114 GA Plan 14FL, 16FL, 18FL 01; TH-ARE-01-001-A-2452-00-(P01)-P120 GA Plan RL 01; TH-ARE-01-001-A-2452-00-(P01)-P300 South East Elevation 01; TH-ARE-01-001-A-2452-00-(P01)-P301 South West Elevation 01; TH-ARE-01-001-A-2452-00-(P01)-P302 West Elevation 01; TH-ARE-01-001-A-2452-00-(P01)-P303 North Elevation 01; TH-ARE-01-001-A-2452-00-(P01)-P304 Internal West Tower Elevation 01; TH-ARE-01-001-A-2452-00-(P01)-P305 Internal East Tower Elevation 01; TH-M_ZZ_001_A_17013_P(00)_P100 Proposed Site Plan Ground Floor Existing Context 02; TH-M_ZZ_001_A_17013_P(00)_P101 Proposed Site Plan Roof Existing Context 02; TH-AR-PR-001-LA-288-(90)-104 Proposed Hardworks - Site Plan 01; TH-AR-PR-001-LA-288-(90)-105 Proposed Softworks - Site Plan 01

Address: Strategic Development Partnership (SDP) Sites Welbourne, North Island, Ferry Island, Ashley Road East and Ashley Road West Station Road N17

Proposal: Section 96A Application for non-material amendments in respect to Plot E (Ashley Road East site) of the Tottenham Hale Centre development Planning Permission (ref: HGY/2018/2223) dated 27 March 2019. The amendment seeks to introduce a leisure use (Use Class D2) to the approved land uses for the flexible use non-residential unit at ground floor level of the building.

Applicant: TH Ferry Island Nominee 1 Limited and

Officer contact: Martin Cowie

2. RECOMMENDATION

GRANT Non-Material Amendment

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

3.1 Approved development

Demolition works and clearance of existing site to provide a mixed-use development comprising 6 buildings up to 38 storeys in height, which together with pavilion and basement accommodation will provide up to 104,053m of floorspace (GIA), comprising residential (Use Class C3) (up to 1,036 units), retail (Use Class A1-A4), health centre (Use Class D1), office (Use Class B1), leisure (Use Class D2) parking and servicing areas, hard and soft landscaping (including the provision of a new public square), highways works, creation of new vehicular accesses and the realignment of Station Road, decentralised energy network works and other associated works.

Approved – 27.03.2019. Planning Ref: HGY/2018/2223.

3.2 Proposed amendments

The amendment seeks to introduce a leisure use (Use Class D2) to the approved land uses for the flexible use non-residential unit at ground floor level of the building at Plot E (Ashley Road East site).

3.3 Site and surrounds

Plot E (Ashley Road East site) is one of a number of major development sites forming part the Tottenham Hale Centre planning permission (LPA ref: HGY/2018/2223) which will contribute, in part to the comprehensive transformation of Tottenham Hale into a vibrant and sustainable new residential quarter and new town centre.

3.4 Consultation

LBH Regeneration:

- The planning consent for Ashley Road East indicated that this was a flexible use unit, with permitted use classed A1-4 or B1. The main objective we have for this unit is to help to invigorate and animate this part of the district centre and in particular draw footfall to and from College Link during the day and in the evening. Despite being a different use class, a gym would broadly support this objective so the application for change of use is supported – email dated 05.10.2022.

4. 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.

Background

The ARE Plot (Plot E) is located to the northeast of Tottenham Hale District Centre at the junction of Ashley Road and Watermead Way. 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 nonresidential units in the south, northwest and northeast of the ground floor. This NMA relates to the north-eastern Flexible Use unit.

Proposed Non-material Amendments

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 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 no-residential floorspace.

Assessment

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

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.

Conclusion

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.

On this basis, it is considered that a non-material amendment can be granted.

5. RECOMMENDATION

GRANT Non-Material Amendment

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For the following reason: The proposed amendments are minor in nature and will have no material impact on the purpose, character or appearance of the Tottenham Hale Centre development proposals approved under planning permission Ref: HGY/2018/2223.