

Officer's Report

Application Number	HGY/2022/3937
Type	Non-Material Amendment
Location	High Road West, Tottenham, London
Proposal	Non-Material Amendment (NMA) to planning permission HGY/2021/3175 to enable internal and associated elevation changes (including openings, balconies, & rooftop plant), landscape changes, and cycle strategy changes to Phase 1, Plot A. The amendments would increase the number of units across Plot A by one, to 61 units; and dual aspect homes across the plot would increase by 6% to 74% in total. The amendments do not affect the overall scale or massing of Buildings A1, A2, or A3. The amendments also include an updated Development Specification which uses the RICS code of measurement to update the floorspace areas for Plot A (to: GIA = 6,234 sqm & GEA = 6,933 sqm). Amendments are also sought to the wording of Condition 8 to allow for the installation of a water main with RfL approval prior to other works associated with the development of Plot A/Phase 1.
Case Officer	Philip Elliott
Valid Date	01/11/2022
Applicant	C/O Agent
Agent	Mr Archie Halls

RECOMMENDATION

Approve

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2022/3937

Ward: Bruce Castle

Date received: 01/11/2022

Last amended date: N/A

Drawing number of plans:

Plot A - Existing Plan - Community Centre HRWPA-PTE-XX-ZZ-DA-008003
P2 P05; Plot A - Existing Plans – 100 Whitehall Lodge HRWPA-PTE-XX-ZZ-DA-008002 P3 P06;
Plot A - Existing Plan & Elevations - Community Centre HRWPA-PTE-XX-ZZ-DA-008001 P3 P06;
Plot A - Existing Elevations & Section - 100 Whitehall Lodge HRWPA-PTE-XX-ZZ-DA-008000 P4
P07; Plot A - Site Plan - Existing HRWPA-PTE-XX-ZZ-DA-000002 P4 P07; Plot A -Proposed Site
Sections HRWPA-PTE-AX-ZZ-DA-033000 P3 P07; Plot A - Building A1-A3 - Proposed Sections
HRWPA-PTE-AX-ZZ-DA-023000 P2 P05; Plot A - Block Plan HRWPA-PTE-AX-ZZ-DA-011011 P4
P08; Plot A - Demolition Plan HRWPA-PTE-AX-ZZ-DA-011004 P4 P07; Plot A - Site Plan -
1to1250 HRWPA-PTE-AX-ZZ-DA-011003 P4 P09; Plot A - Site Plan - 1to500 HRWPA-PTE-AX-

ZZ-DA-011002 P4 P08; Plot A - Site Plan - Roof Plan HRWPA-PTE-AX-ZZ-DA-011001 P6 P11; Plot A - Site Plan - Level 0 HRWPA-PTE-AX-ZZ-DA-011000 P6 P11; Plot A - Building A2 - A3 - Elevations - West and North HRWPA-PTE-A2-ZZ-DA-024004 P5 P09; Plot A - Building A2 - A3 - Elevations - East and South HRWPA-PTE-A2-ZZ-DA-024003 P5 P09; Plot A - Buildings A2 - A3 - Plans - Level 02 - 05 HRWPA-PTE-A2-ZZ-DA-022004 P5 P09; Plot A - Buildings A2 - A3 - Plans - Level 0 - 01 HRWPA-PTE-A2-ZZ-DA-022003 P5 P09; Plot A - Building A1 Elevations - West and North HRWPA-PTE-A1-ZZ-DA-024001 P5 P09; Plot A - Building A1 Elevations - East and South HRWPA-PTE-A1-ZZ-DA-024000 P5 P09; Plot A - Building A1 - Plans - Level 03-04 HRWPA-PTE-A1-ZZ-DA-022002 P4 P08; Plot A - Building A1 - Plans - Level 01-02 HRWPA-PTE-A1-ZZ-DA-022001 P5 P08; Plot A - Building A1 - Plans - Level 0 HRWPA-PTE-A1-0-DA-022000 P5 P10; Plot A Landscape General Arrangement HRWPA-SEW-ZZ-GF-DL-007100 C03 P12; Kerbs and Edges General Arrangement HRWPA-SEW-ZZ-GF-DL-007101 C03 P10; Boundaries General Arrangement HRWPA-SEW-ZZ-GF-DL-007102 C03 P10; Soft Landscape & Tree Planting Character Plan HRWPA-SEW-ZZ-GF-DL-007103 C03 P05; Site Sections HRWPA-SEW-ZZ-GF-DL-007200 C03 P04; Typical Soft Landscape Details HRWPA-SEW-ZZ-GF-DL-007301 C03 P04; High Road West Development Specification January 2023; Cover letter dated 09 February 2023 (TAH/AWH/DP5594)

Address: High Road West N17

Proposal: Non-Material Amendment (NMA) to planning permission HGY/2021/3175 to enable internal and associated elevation changes (including openings, balconies, & rooftop plant), landscape changes, and cycle strategy changes to Phase 1, Plot A. The amendments would increase the number of units across Plot A by one, to 61 units; and dual aspect homes across the plot would increase by 6% to 74% in total. The amendments do not affect the overall scale or massing of Buildings A1, A2, or A3. The amendments also include an updated Development Specification which uses the RICS code of measurement to update the floorspace areas for Plot A (to: GIA = 6,234 sqm & GEA = 6,933 sqm). Amendments are also sought to the wording of Condition 8 to allow for the installation of a water main with RfL approval prior to other works associated with the development of Plot A/Phase 1.

Applicant: Lendlease (High Road West) Limited

Officer contact: Philip Elliott

1. RECOMMENDATION

GRANT Non-Material Amendment

2. PROPOSED DEVELOPMENT AND LOCATION DETAILS

3.1 Approved development

Hybrid Planning application was granted on 31/08/2022 for the following –

- 1) Outline component comprising demolition of existing buildings and creation of new mixed-use development including residential (Use Class C3), commercial, business & service (Use Class E), business (Use Class B2 and B8), leisure (Use Class E), community uses (Use Class F1/F2), and Sui Generis uses together with creation of new public square, park & associated access, parking, and public realm works with matters of layout, scale, appearance, landscaping, and access within the site reserved for subsequent approval; and
- 2) Detailed component comprising Plot A including demolition of existing buildings and creation of new residential floorspace (Use Class C3) together with landscaping, parking, and other associated works.

3.2 Proposed amendments

The following amendments are proposed:

Building A1

- Internal layout changes including:
 - o The 2B3P wheelchair home has been increased to a 2B4P dual aspect wheelchair home, with an east facing corner balcony;
 - o The 2B4P home facing east has been reduced to a dual aspect 1B2P home, with a balcony facing onto Whitehall Mews;
 - o Top floor layout has been amended such that the southern end of Building A1 stacks from first to fourth floor;
- The realignment of building A1;
- Elevation changes including:
 - o Changes to the south and north elevations, in response to the layout changes to the south of Building A1;
 - o Changes to East elevation to include balconies;
 - o Minor changes to the plant at roof level.

Building A2-A3

- Duplex changes including:
 - o Alterations to layout of ground floor duplexes;
 - o Ground floor windows to Building A2-A3 have raised sill (1100mm);
 - o Alterations to south and west elevations;
- Cycle strategy changes including:
 - o All cycle stores are externally accessible;
 - o Additional Cycle store in Building A1 as generator is no longer required;
- Landscape changes:
 - o Amendments to landscape areas.

The schedule of accommodation would also be amended due to the internal reconfiguration within Plot A in order to align with the updated requirements of LB Haringey's Regeneration and Housing Teams. This involves the number of units across Plot A increasing by one, to 61 units. The proposed changes to the internal layouts of the buildings have enabled the number of dual-aspect homes across the plot to increase by 6% to 74% in total. Further to this, all homes with more than 1 bedroom are dual aspect. The proposals do not affect the overall scale or massing of Buildings A1, A2, or A3.

This NMA application also seeks to clarify the proposed GIA (gross internal area) and GEA (gross external area) of Plot A. The permitted application under planning ref. HGY/2021/3175 permits 6,788 sqm GIA and 7,390 sqm GEA respectively across Plot A (the detailed element) which is wholly designated under use class C3, residential. However, the measurements used to generate the GIA figures were based on the 'Residential Measurement & Benchmarking Guide Development Cost Planning Version 6 (January 2021)' and not the 'RICS Code of Measuring Practice 6th Edition'.

Therefore, as part of this NMA application, the applicant also seeks to update the Development Specification so that it uses the RICS code of measurement to generate GIA/GEA figures for Plot A. The proposed Plot A GIA (based on the RICS code of measurement) is 6,234 sqm. The proposed GEA is to be 6,933 sqm.

3. 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.

The applicant has submitted letters from daylight/sunlight consultants, EIA consultants, and overheating consultants which confirm that the proposed changes do not alter the conclusions of professional reports submitted alongside the original application.

The proposed changes would not cause any additional undue impact on the daylight and sunlight amenity received by neighbouring properties. And would not require any further consideration from an environmental assessment perspective. The findings of the Overheating Report submitted under Condition 26 are unaffected by the changes such that the findings of the report remain valid.

Likewise, a Fire Assessment letter has been included which confirms that the omission of the rear access to the gardens of the duplex units of building A2 and A3 as described within the changes sought in this application is aligned with the applicable guidance.

This application will not materially change, alter or require an amendment to the detailed information submitted to date to the Council under the conditions of the permission. Given the above, and the scale of the proposal, the proposed changes to the buildings would be non-material.

This NMA application also seeks to clarify the proposed GIA (gross internal area) and GEA (gross external area) of Plot A. The permitted application under planning ref. HGY/2021/3175 permits 6,788 sqm GIA and 7,390 sqm GEA respectively across Plot A (the detailed element) which is wholly designated under use class C3, residential.

However, the measurements used to generate the GIA figures were based on the 'Residential Measurement & Benchmarking Guide Development Cost Planning Version 6 (January 2021)' and not the 'RICS Code of Measuring Practice 6th Edition'. Therefore, the applicant seeks to update the Development Specification.

The proposed Plot A GIA (based on the RICS code of measurement) is 6,234 sqm. The proposed GEA is to be 6,933 sqm. These changes correct a small section of the original development specification and have no material impact on the permitted scheme. The amended areas would not

result in any of the residential accommodation falling below policy space standards both internally and externally.

Finally, this application seeks to alter the wording of Condition 8 on the decision notice dated 31st August 2022 (ref. HGY/2021/3175) to allow for the installation of a water main on Plot A with approval from Rail for London prior to submission of full details for the entire development so that minor works can be carried out prior to other works associated with the development of Plot A/Phase 1. The changes are highlighted & underlined below with deletions struck out:

8. Rail protection (PRE-COMMENCEMENT)

No development shall take place ~~in a Phase of the development~~ abutting the railway until written confirmation has been submitted to the Council which confirms that for **Part A or** the relevant **works within a** Phase of the development covering **including** demolition, substructure and superstructure and all temporary works have been agreed in writing by RfL ~~which covers the following details~~ **in relation to:**

Part A) all works associated with the installation of a water main on Plot A shown in Plan ref. HRWPA-PTE-XX-ZZ-D-A-000002; or

Part B) other works associated with a Phase of the development as set out below:

- provide details on all structures
- provide details on the use of plant
- accommodate the location of the existing RfL Assets / Infrastructure
- accommodate RfL Operational and Maintenance requirements
- accommodate ground movement arising from the construction thereof
- mitigate the effects of noise, vibration & distractions arising from the adjoining operations to the RfL Infrastructure & Operations
- No maintenance regime for the proposed development elevations facing the railway should be permitted which compromises the safe, efficient and economic operation of the railway.
- For all new developments adjacent to operational lines RfL accepts no liability in respect of noise and vibration. Developers should undertake their own investigations to establish any level of noise and vibration likely to originate from the operation of the railway, and design their mitigation measures accordingly.
- Any additional fencing required on the railway boundary, for example for screening purposes, must be independent of RfL's fencing and allow room for maintenance of both fences.
- All drainage needs to be directed away from the railway and into local authority sewers, and it should be installed a minimum distance of two metres from the railway boundary. The use of soakaways is not favoured by RfL and therefore is unacceptable as they could have a detrimental effect on RfL land. The drainage system should be designed to take this into account.

Part A or the relevant **works within a** Phase of the development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development relevant to RfL hereby permitted which are required by the approved design statements in order to procure the matters mentioned in ~~paragraphs of this~~ condition shall be completed, in their entirety, before any part of a building within the relevant Phase hereby permitted is occupied.

REASON: To ensure that the development does not impact on existing or proposed Rail for London transport infrastructure & operations, in accordance with London Plan (2021) policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012. This response is made as Rail for London Infrastructure Manager under the "Town and Country Planning (Development Management Procedure) Order 2015". It therefore relates only to railway engineering, operational and safety matters. Other parts of TfL may have other comments in line with their own statutory responsibilities.

This change allows for minor works to be carried out without the need for all development details to be shared and agreed with Rail for London. This is a proportionate change and still requires consent from the railway operator to ensure that rail infrastructure is protected. The splitting of the condition into parts enables agreed minor works to be carried out whilst still ensuring full details are submitted and agreed as and when required for the remaining development in Phase 1 (Plot A) and all other phases.

4. RECOMMENDATION

GRANT Non-Material Amendment

Applicant's drawing No.(s):

Plot A - Existing Plan - Community Centre HRWPA-PTE-XX-ZZ-DA-008003
P2 P05; Plot A - Existing Plans – 100 Whitehall Lodge HRWPA-PTE-XX-ZZ-DA-008002 P3 P06;
Plot A - Existing Plan & Elevations - Community Centre HRWPA-PTE-XX-ZZ-DA-008001 P3 P06;
Plot A - Existing Elevations & Section - 100 Whitehall Lodge HRWPA-PTE-XX-ZZ-DA-008000 P4
P07; Plot A - Site Plan - Existing HRWPA-PTE-XX-ZZ-DA-000002 P4 P07; Plot A -Proposed Site
Sections HRWPA-PTE-AX-ZZ-DA-033000 P3 P07; Plot A - Building A1-A3 - Proposed Sections
HRWPA-PTE-AX-ZZ-DA-023000 P2 P05; Plot A - Block Plan HRWPA-PTE-AX-ZZ-DA-011011 P4
P08; Plot A - Demolition Plan HRWPA-PTE-AX-ZZ-DA-011004 P4 P07; Plot A - Site Plan -
1to1250 HRWPA-PTE-AX-ZZ-DA-011003 P4 P09; Plot A - Site Plan - 1to500 HRWPA-PTE-AX-
ZZ-DA-011002 P4 P08; Plot A - Site Plan - Roof Plan HRWPA-PTE-AX-ZZ-DA-011001 P6 P11;
Plot A - Site Plan - Level 0 HRWPA-PTE-AX-ZZ-DA-011000 P6 P11; Plot A - Building A2 - A3 -
Elevations - West and North HRWPA-PTE-A2-ZZ-DA-024004 P5 P09; Plot A - Building A2 - A3 -
Elevations- East and South HRWPA-PTE-A2-ZZ-DA-024003 P5 P09; Plot A - Buildings A2 - A3 -
Plans - Level 02 - 05 HRWPA-PTE-A2-ZZ-DA-022004 P5 P09; Plot A - Buildings A2 - A3 - Plans -
Level 0 - 01 HRWPA-PTE-A2-ZZ-DA-022003 P5 P09; Plot A - Building A1 Elevations - West and
North HRWPA-PTE-A1-ZZ-DA-024001 P5 P09; Plot A - Building A1 Elevations - East and South
HRWPA-PTE-A1-ZZ-DA-024000 P5 P09; Plot A - Building A1 - Plans - Level 03-04 HRWPA-PTE-
A1-ZZ-DA-022002 P4 P08; Plot A - Building A1 - Plans - Level 01-02 HRWPA-PTE-A1-ZZ-DA-
022001 P5 P08; Plot A - Building A1 - Plans - Level 0 HRWPA-PTE-A1-0-DA-022000 P5 P10; Plot
A Landscape General Arrangement HRWPA-SEW-ZZ-GF-DL-007100 C03 P12; Kerbs and Edges
General Arrangement HRWPA-SEW-ZZ-GF-DL-007101 C03 P10; Boundaries General
Arrangement HRWPA-SEW-ZZ-GF-DL-007102 C03 P10; Soft Landscape & Tree Planting
Character Plan HRWPA-SEW-ZZ-GF-DL-007103 C03 P05; Site Sections HRWPA-SEW-ZZ-GF-
DL-007200 C03 P04; Typical Soft Landscape Details HRWPA-SEW-ZZ-GF-DL-007301 C03 P04;
High Road West Development Specification January 2023; Cover letter dated 09 February 2023
(TAH/AWH/DP5594).