

Officer's Report

Application Number	HGY/2023/1190
Type	Non-Material Amendment
Location	Strategic Development Partnership (SDP) Sites, Welbourne, North Island, Ferry Island, Ashley Road East and Ashley Road West, Station Road, London, N17, London, N17
Proposal	Non-material amendments (NMA) to the Tottenham Hale Centre development planning permission (LBH ref. HGY/2018/2223) dated 27 March 2019. The application seeks approval for non-material amendments to Plot B (Ferry Island site). The proposed amendments relate to minor internal and external design changes to Buildings 1 and 2 of Plot B in order to incorporate a second staircase within each building. Associated updates to the landscaping plans are also proposed to reflect the building modifications.
Case Officer	Martin Cowie
Valid Date	02/05/2023
Applicant	TH Ferry Island Nominee 1 Limited and TH Ferry Island Nominee 2 Limited
Agent	Quod

RECOMMENDATION

Approve

Proposal - Non-material amendments (NMA) to the Tottenham Hale Centre development planning permission (LBH ref. HGY/2018/2223) dated 27 March 2019. The application seeks approval for non-material amendments to Plot B (Ferry Island site). The proposed amendments relate to minor internal and external design changes to Buildings 1 and 2 of Plot B in order to incorporate a second staircase within each building. Associated updates to the landscaping plans are also proposed to reflect the building modifications.

Approved development

HGY/2018/2223 - 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.

CONSULTATION

Public:

No public consultation undertaken given nature of submission - no material impact on surrounding residents.

Internal:

LBH Urban Design - I am happy to confirm I have no objections to these proposed amendments, which maintain the high quality design of the original approved scheme and make remarkably few

changes, considering the inevitable complexity involved in inserting a second stair to each core - email dated 03.05.05.

LBH Building Control - No comments received.

External:

London Fire Brigade - No comments received.

SITE AND SURROUNDS

The site is one of a number of major redevelopment proposals currently under construction in Tottenham Hale centre.

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 application seeks approval for non-material amendments (NMA) to Plot B (Ferry Island site). The proposed amendments relate to minor internal and external design changes to Buildings 1 and 2 of Plot B in order to incorporate a second staircase within each building. Associated updates to the landscaping plans are also proposed to reflect the building modifications.

The NMA submission comprises:

- Covering Letter and supporting report;
- Application form
- Design Report, prepared by AHMM;
- Environmental Impact Assessment Further Information Note (FIN), prepared by Quod; and
- Revised drawings prepared by AHMM and Grant Associates.

Background:

The Tottenham Hale Centre Planning Permission 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 Ferry Island Plot (Plot B) is located to the south of Station Road and north of Ferry Lane. It comprises two mixed-use buildings (Building 1 and Building 2). Building 1 is formed of two elements that are 20 storeys (southern element) and 38 storeys (northern element) in height respectively. These taller elements are joined by a lower 7 storey link.

Building 1 contains 376 market residential dwellings as well as flexible retail, office and leisure floorspace. Building 2 is a part 7, part 13 storey mixed-use building providing 108 residential units at upper levels and flexible retail, office and leisure uses at ground floor level. All residential units within Building 2 will comprise market residential units. The two buildings share a basement.

Relevant planning history:

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

- 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;
- April 2022 NMA (ref: HGY/2022/0631) – For minor internal and external design modifications to Buildings 1 and 2 on Plot B;
- May 2022 NMA (ref: HGY/2022/1103) – For non-material amendments to Plot C (Welbourne site) involving minor external design changes to the building;
- November 2022 NMA (HGY/2022/2484) - 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; and
- November 2022 NMA (HGY/2022/2581) - for the provision of ground floor plant enclosure and external louvres to 3 windows into the Welbourne building.

Proposed Non-Material Amendments:

The changes proposed have arisen through the introduction of a second staircase to both buildings in response to a consultation paper that was issued by the Department for Levelling Up, Homes and Communities (DLUHC) and in December 2022, the Single Staircase Policy Position Statement issued by the National Fire Chiefs Council.

The proposed amendments to Ferry Island are set out in full in the accompanying Design Report prepared by AHMM. The main changes are summarised below:

Ferry Island – Building 1

- Minor reconfiguration of the basement layout relating to stair doors, waste stores and risers.
- Minor reconfiguration to ground floor relating to additional fire escape, door and riser positions, cycle stair locations and lift arrangements.
- Minor reduction in retail floorspace at ground floor (-10sqm).
- Second stair added at upper levels alongside changes to the position of risers and additional doors.

Ferry Island – Building 2

- Update to back of house arrangements, riser position and additional fire escape at ground floor.
- Minor Reduction in residential floorspace (-34sqm).
- Revision of 1 bed apartment layout at levels 01 – 06.
- Second stair added at upper levels along with changes to corridor widths, riser locations and additional doors.
- Line of façade to access terrace at level 7 revised.
- Projecting balconies incorporated to replace recessed balconies.
- Certain apartment layouts revised to respond to addition of second stair and associated façade revisions.
- Updated roof plan to reflect stair rotation.
- Refined access to the main stair directly to the stair from the entrance lobby.

The proposed internal amendments are a direct response to the insertion of a second staircase into each building. This has been achieved through very limited internal changes and even more limited external changes.

Whilst the layout of a small number of units in Building 2 will change, there is no change to the overall unit numbers or the number of habitable rooms. There is also a very small change to the non-residential floorspace of -66sqm.

In terms of cycling storage and access arrangements, within the loading bay of Building 2 there is a dedicated cycle lift (sized to comply with the London Cycle Design Standards ("LCDS")) which the majority of cyclists for both buildings will use to access the cycle store in the shared basement due to its proximity to Station Road. This resident journey remains the same as in the currently approved scheme. Whilst there is also currently a lift in Building 1, this wasn't sized in accordance with the LCDS and was very much seen as a 'nice to have'. The intention was always for the majority of residents to enter via the LCDS compliant cycle lift in Building 2. A direct route into the basement for those residents that want to access the cycle store through Building 1 has still been maintained. The new configuration provides a more secure entrance from within the main reception, then down a cycle stair with an integrated channel to wheel bicycles. The new arrangement provides a shared entrance for residents on foot and cyclists in Building 1 and provides two lines of security into the cycle store in basement.

The Amendments will not affect the proposed footprint, massing, or heights of Building 1 and 2.

Notwithstanding the fact that neither the LBH Building Control service nor the LFB have been able to comments, in terms of the process following NMA approval, Argent has already registered the scheme under the Building Regulations and continues to engage with the Local Authority Building Control officers. As a complex scheme, CFD analysis will be developed to demonstrate the fire strategy strategies for the building and the team will engage with the LFB and Building Safety Regulator as part of due process in the construction of the scheme and demonstration of the building safety case.

In summary, the proposed amendments are minor in nature and non-material in the context of the Tottenham Hale Centre development planning permission.

Additional Environmental Information:

The NPPG also states:

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

An EIA Further Information Note accompanies the NMA submission and concludes that there are no new or materially different significant environmental effects expected as a result of the amendments and no further environmental information needs to be provided in respect of the Amendments, in line with the EIA Regulations. The Note considers the following topics:

- Socio-economic

- Transport
- Air quality
- Noise and vibration
- Ground conditions and contamination
- Daylight, sunlight and overshadowing
- Wind microclimate
- Townscape and visual impact
- Cumulative impacts

As highlighted above, the proposed amendments will not change the number of residential units proposed within the Building 1 and 2 of the Ferry Island Plot, nor will the proposed footprint, massing, or heights of Building 1 and 2 be affected.

LBH Planning officers consider that the Submitted Environmental Statement remains valid for decision making and no further environmental information is required.

Conclusion:

The enclosed application seeks approval for non-material amendments to Buildings 1 and 2 on Ferry Island of the Tottenham Hale Centre Development. The proposed amendments relate to minor internal and external design modifications to Buildings 1 and 2 in order to incorporate a second stair case within each building. Associated updates to the landscaping plans are also proposed to reflect the building modifications. The proposed amendments are minor in nature and will have no material impact on the character or appearance of the Tottenham Hale Centre development.

Accordingly, LBH Planning and Urban Design officers both individually and cumulatively these amendments are considered to be non-material and this is supported by the accompanying EIA note.

RECOMMENDATION

GRANT Non-Material Amendment