

Martin Cowie
London Borough of Haringey
River Park House
Wood Green
N22 8HQ

Date: 22 June 2023
Our ref: 63296/02/BK/26722138v1

Dear Martin

Millstream Tower (Formerly One Station Square): Non-Material Amendment to Condition 15 of Planning Permission Ref. HGY/2016/3932 (as amended)

On behalf of our client, Newlon Housing Trust (Newlon), we have submitted via the Planning Portal an application for a Non-Material Amendment (NMA) to planning application ref. HGY/2016/3932 (as amended) to regularise the position in relation to Conditions 15 to the permission, to remove parts a-d which are no longer relevant to the scheme.

This application comprises:

- 1 Completed application form;
- 2 This cover letter; and
- 3 Site Location Plan.

A payment of £234 to cover the requisite application fees has been sent to London Borough of Haringey via the Planning Portal. This fee has been calculated in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended).

The granting of this NMA will resolve the final outstanding planning matter relating to the Millstream Tower development (formerly known as One Station Square) which has been constructed and was handed over to Newlon in 2021.

Background

Full planning permission for the redevelopment of 1 Station Square, Station Road, London, N17 9JZ was granted on 10 August 2017 for:

Demolition of existing buildings and erection of a building providing 434 sqm (GEA) of commercial floorspace (Class A1/A3), 128 residential units (Class C3), landscaped amenity space, cycle parking and all structural and associated works.

The original applicant was Berkeley Square Developments. Newlon acquired the site and the permission and is delivering the scheme with its contractors Kier. The scheme is now complete.

Following this permission, owing to design development as the scheme has evolved, a number of NMAs have been submitted:

- HGY/2017/3380: Non-material amendment to vary conditions 5, 15, 16, 23 and 25 of Planning Permission HGY/2016/3932 (approved 21 December 2017).
- HGY/2018/1564: Non-Material Amendment following a grant of planning permission HGY/2016/3932 to introduce minor alterations to the building façades and elevations (approved 11 July 2018).
- HGY/2019/0747: Non-Material Amendment following a grant of planning permission HGY/2016/3932 to change Window and Curtain Walling Manufacturer, change colour of curtain walling, windows and cladding to RAL 8022, change cycle store glazing wall to curtain walling and introduce Roof Level Plant Screening Proposal (approved 3 June 2019).
- HGY/2021/0483: Non-Material Amendment following a grant of planning permission HGY/2016/3932 for relocation of refuse store door, change to extent of rainscreen aluminium banding on the walkways, change to ground floor commercial level cladding and change to include the brick slip lintel cloaking from level 1 to level 07 inclusive (approved 31 March 2021).
- HGY/2021/1915: Non-Material Amendment following a grant of planning permission ref. HGY/2016/3932 to amend Condition 15 and delete Condition 16 relating to omission of Combined Heat and Power system (approved 16 May 2023).

Proposed Non-Material Amendment

Officers will be aware of the previous discussions in relation to the energy strategy for the scheme.

The discharge of Condition 15 (Combined Heat and Power (CHP) facility and associated infrastructure) parts a to d was validated in February 2019. It was agreed in principle, via email and additional assurance, that Officers were content with the information submitted for parts a to d and these could be discharged under this application.

Subsequently, NMA ref. HGY/2021/1915 was made in June 2021 relating to the removal of CHP from the scheme. The NMA sought to regularise the omission of the CHP by removing Condition 15f and Condition 16. At the time, parts a to d were left to remain on the basis that both verbal and written confirmation from LB Haringey had been received confirming the intention to sign off on parts a to d and as such, those were not part of the subsequent applications. In hindsight, we consider this was an oversight and parts a to d should also have been removed at this time. Procedurally, parts a and d inclusive are technically outstanding and are at odds with the rest of the permission.

Condition 15 was specifically included in the application to scrutinise the details pertaining solely to the CHP system within the building. It was not a condition imposed on the energy centre, but to seek detail on and approve the specific proposals for CHP provision. The Council still has control over the energy

strategy more widely via part e of Condition 15, which has been discharged, as well as the energy obligations set out in the S106.

This was acknowledged by Officers in their letter to the Applicant dated 27 May 2021, which stated that Condition 15 was only inserted into the planning approval to deal with the assessment of the CHP as per the below extract from that letter:

The energy strategy set out by Berkeley Square Developments in their application relied on combined heat and power (CHP). This is despite changes to GLA guidance to developers in October 2016 which indicated that sites of the scale of 1 Station Square were generally unsuitable for CHP and should only propose this if detailed analysis showed it was viable.

The scheme was approved on the basis that the energy strategy and inclusion of CHP would be scrutinised further via the Energy Plan process and Condition 15.

We have discussed with LBH the potential to remove the final parts of the condition to tie this matter up in the planning records for the development given the above context and the fact these parts are no longer relevant. The planning strategy to deal with this via NMA has been agreed.

Assessment of the Proposals

The amendments are in line with the Town and Country Planning Act (1990) under Section 96A(1) which states that a local planning authority may make a change to planning permission relating to land in their area where it is satisfied that the change is not material. Under Section 96A(3) this includes the power to (a) impose new Conditions and (b) remove or alter existing Conditions.

There is no statutory definition of a 'non-material amendment'. This is dependant on the nature of the amendment in the context of the overall scheme. In general, any proposed amendment that raises no new planning issues would be likely to fall into the non-material amendment category. In this case:

- 1 The applications red line and description of development remain unchanged.
- 2 The size and appearance of the development remain the same as permitted.
- 3 The NMA has been submitted essentially to regularise the conditions which has no material impact on the scheme itself.
- 4 The condition in question is no longer relevant to the scheme and cannot otherwise be discharged.
- 5 The amendment will not culminate in a significant change cumulatively with any previously approved NMAs.
- 6 It has been discussed with the Council beforehand that this change should be progressed as an NMA.

There are therefore no material considerations that would prevent this proposal being dealt with under Section 96a as a Non-Material Amendment. In the context of the overall scale and size of the scheme and wider redevelopment of the area, the changes proposed by this application are evidently non-material in nature.

Summary

Considering the position outlined within this letter, we consider the changes can be dealt with under Section 96A. This 'flexibility' is provided by statute to allow small scheme changes and amendments to the conditions to be made, ensuring development and investment can continue to move forward. Parts a to d of Condition 15 are no longer relevant to the application and likely should have been dealt with at the time of the discharge of part e. These are now outstanding but cannot and do not need to be discharged therefore it is most sensible to remove them via NMA to ensure clarity in the planning position in relation to the development.

We trust that the enclosed information is sufficient to ensure that this NMA application can be validated. Please do not hesitate to contact me or my colleague Ben Kelway should you have any queries

Yours sincerely

A handwritten signature in black ink, appearing to read 'PP. A. H.' followed by a flourish and a period.

Georgia Crowley
Senior Planner