
The Chocolate Factory, Wood Green

London Borough of Haringey

S96A Planning Statement

Prepared by Barton Willmore LLP on behalf of Workspace Management Ltd

March 2021

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1.0 INTRODUCTION

- 1.1 Planning permission was granted 15th February 2019 (LPA Ref HGY/2017/3020) for land at the Chocolate Factory, Wood Green ('the Site'), as follows:

Partial demolition, change of use and extension of the Chocolate Factory buildings. Demolition of the remaining buildings and redevelopment to create four new build blocks ranging in height from three up to 18 storeys. Mixed use development comprising 10,657 sq.m (GIA) of commercial floorspace (flexible Use Classes A1, A3, B1, D1 and D2), 230 Class C3 residential units together with associated residential and commercial car parking, public realm works and access.

- 1.2 The planning permission was granted subject to conditions and a S106 Agreement. Condition 1 of the permission requires that the permission be implemented within 3 years of the grant of permission.
- 1.3 Both Workspace and LB Haringey are freehold owners of the site and intend to implement the planning permission in respect of their respective land parcels as follows:
- Workspace: Chocolate Factory refurbishment and extension (Block A), Block F, Block B and part of Block E.
 - LB Haringey: Block D2 and part of Block E.
- 1.4 This has resulted in the need to make minor non-material changes to the approved drawings. These relate to minor changes to Block E to address the fact that the freehold ownership line dissects the approved Block E. The block will be delivered between the landholdings therefore the changes relate to ensuring a logical separation and enabling both parts of the block to be constructed and operated separately.
- 1.5 In addition to the above, changes are proposed to some condition triggers to facilitate the phased submission and approval of conditional details and the phased implementation and operation of the approved scheme.

- 1.6 It is on this basis that a S96A application is lodged as follows:

Non-Material amendment to planning permission (HGY/2017/3020) to amend the description of development to partial demolition, change of use and extension of the Chocolate Factory buildings. Demolition of the remaining buildings and redevelopment to create four new build blocks comprising commercial floorspace (flexible Use Classes A1, A3, B1, D1 and D2), residential dwellings (Class C3) together with associated residential and commercial car parking, public realm works and access.

Amendments to conditions to enable phased submission and approval of details, and control of the approved scheme on a phased basis. Changes proposed to Conditions 2 (Approved drawings and supporting documents), 3 (Minimum B1 Business floorspace) 6 (Materials to be approved), 8 (Electric charging facilities), 9 (Delivery and Servicing Plan and Waste Management Plan), 11 (External Lighting), 12 (Crossrail 2 operations protection), 16 (Sustainable drainage details), 17 (Drainage Management Maintenance Schedule), 19 (Contaminated land 1), 20 (Contaminated land 2), 25 (Secured by Design certification), 27 (Residential amenity noise levels), 28 (Sound Insulation – residential), 29 (Sound Insulation – commercial), 31 (Heating and hot water system), 32 (Construction standard of energy network), 33 (BREEAM), 34 (Overheating), 36 (Wheelchair unit provision), 37 (Central satellite dish), 38 (Broadband), 41 (Residential Design Standards) and 42 (Residential Access).

- 1.7 The changes have been the subject of pre-application engagement with Officers of London Borough of Haringey. This Report sets out the changes, the rationale and materiality of them.
- 1.8 In addition to the above, a Deed of Variation to the S106 Agreement is being progressed as a separate exercise.

2.0 THE AMENDED PROPOSALS

2.1 The scheme revisions can be summarised as:

- Renaming of Block E into E1 and E2 to reflect landownership split and likely phased delivery of the block.
- Minor changes to residential units along the proposed new landownership line.
- 2 x 1B2P units in Block E2 will increase in size from 50 sq.m. to 58 sq.m..
- 2 x 2B4P units in Block E1 decrease in size from 70 sq.m. to 61 sq.m. and become 2B3P.
- Minor changes to the internal layout of Block E2 units in response to ensuring compliance with GLA requirements for funding purposes.
- Changes to the landscape design to the Block E1 and E2 podium and roof level to Block E1.
- Separation of the non-residential floorspace in Block E1 and E2 and alterations to ensure independent access and servicing through the introduction of a further core to Block E2.

3.0 MATERIALITY

3.1 The application is made pursuant to Section 96A of the Town and Country Planning Act 1990, which allows a non-material amendment to be made to an existing planning permission. There is no statutory definition of 'non-material' as it is dependent on the context of the overall scheme – what may be non-material in one context may be material in another. The test for a S96A application is therefore one of whether the changes are non-material. The merit of the changes does not fall for consideration. We consider below the materiality of the changes having regard to the following matters:

- Changes to residential accommodation – quantum, mix, tenure, wheelchair accessibility, quality and standards.
- Changes to non-residential accommodation – mix and balance of land uses.
- Changes to external appearance.
- Highway considerations – access and servicing, car parking, electric car charging points.
- Public realm changes (including podium and roof).
- Energy strategy.

Changes to residential accommodation

3.2 The total number of units and habitable rooms remains as 230 residential homes and 315 habitable rooms. There have been minor changes to residential mix with 2 x 2B4P units in Block E1 decreasing in size to become 2B3P, this is to facilitate a new clear party wall between the landownerships. All altered units meet the mayor's internal space standards.

3.3 The relevant accommodation schedules have been updated, including new separate residential accommodation schedules for Block E1 and E2. These are submitted as part of the application, with associated changes proposed to Condition 3 citing approved documents.

3.4 A change is proposed to the wording of Condition 36 Wheelchair Unit Provision to ensure that there is clarity as to the wheelchair units to be delivered in each landholding. In addition, the application is accompanied by a Transport Phasing Strategy which demonstrates how the wheelchair accessible car parking spaces will be achieved on a phased basis until the final scheme is complete.

- 3.5 There are no changes to residential cores, Block E1 and E2 are served by separate cores with appropriately sized refuse and cycle stores.
- 3.6 In addition, minor changes have been proposed to Block E2 flat layouts to ensure GLA compliance for funding purposes. These mainly include minor furniture rearrangements demonstrating that sufficient dining/ living space is provided; TV position is indicated; access to balconies is not obstructed by furniture, storage accessed from bathroom and wet rooms is avoided where possible; separation screens between roof terraces are shown on the eastern side of core E3.
- 3.7 A change to the tenure and location of affordable housing is proposed, however this is being addressed through a Deed of Variation to the S106 Agreement separate to this S96A.

Changes to non-residential floorspace

- 3.8 There have been minor changes to the internal layout of Block E where it has been altered to become Block E1 and E2. This has resulted in the introduction of a further commercial core to Block E2 to provide access to the first floor commercial accommodation. This change has resulted in a reduction in the amount of commercial floorspace in Block E of 9sq.m. resulting in the total non-residential floorspace now being 10,648 sq.m. This is a reduction is non-material.
- 3.9 The relevant accommodation schedules have been updated. These are submitted as part of the application, with associated changes proposed to Condition 2 citing approved documents.
- 3.10 There are also proposed changes to Condition 3 which sets out a minimum B1 business floorspace. The proposed change introduces a minimum B1 requirement for each landholding.
- 3.11 There are to be changes to the location of the affordable workspace, however as above, this is being addressed through the Deed of Variation to the S106 Agreement, separate to this S96A.

External appearance

- 3.12 The internal changes have resulted in minor changes to the external appearance of Block E in terms of the opening to the commercial uses to the ground floor. In our view the changes are minor in nature and relate to a refinement in the proposals.

Highway considerations - access and servicing, car parking, electric car charging points

- 3.13 The application is accompanied by a Transport Phasing Strategy which demonstrates how the scheme will be delivered on a phased basis in terms of wheelchair accessible commercial and residential spaces, car club spaces, refuse collection and delivery and servicing. It includes a series of phasing drawings that show how the scheme will work on an interim basis until fully implemented.
- 3.14 To account for the intended phased delivery of the scheme, changes are proposed to a number of transport conditions as follows:
- Condition 8 Electric Charging Facilities: The proposed change clarifies that the electric charging facilities will be met through the final car parking spaces rather than the interim phased arrangements.
 - Condition 9 Delivery and Servicing Plan and Waste Management Plan: the proposed changes enable the submission of details on a phased basis and that in addition to the permanent final arrangements, it can include interim temporary measures.

- 3.15 The S106 Agreement includes a number of measures relating to transport. Through discussions it may be agreed that some matters are best addressed through changes to conditions. Accordingly, an amendment to this S96A may be needed post submission.

Public realm changes (including podium and roof)

- 3.16 There are minor changes proposed to the landscape design of the podium to Block E to enable the split in ownership between Block E1 and E2. There have also been minor changes to the rooftop amenity space proposed for Block E1.
- 3.17 Changes are proposed to Condition 42 Residential Access to confirm the communal amenity space access arrangements between the landholdings.

Energy strategy

- 3.18 There are no proposed changes to the overall energy strategy. The plant room to the ground floor of Block E2 is sufficient to meet needs of the residential units and commercial space within Block E2. Block E1 will see a change and will be serviced from a piped connection from Block B gas boiler / energy centre. The sizing of the plant rooms in Block B may be subject to minor changes.

4.0 CHANGES TO THE PERMISSION

Condition 2 Approved Drawings

- 4.1 As per the description of development, the purpose of the S96A is to regularise the scheme amendments through an update to the drawings listed in Condition 2.
- 4.2 As agreed with Officers at pre-application stage, it is proposed that there is a change to the way that drawings are listed in Condition 2, with them listed on a site wide and then block-by-block basis to assist understanding the complete drawing set for each block.
- 4.3 To account for the phased delivery of Block E, separate drawing sets have been prepared for Block E1 and Block E2. Where site wide drawings show the proposals, these have also been split per land ownership.
- 4.4 In terms of the approach to the landscape drawings these remain as site wide (not split by landownership) on the basis that additional details are to be submitted pursuant to condition 15 Hard/Soft Landscaping. Updated drawings have also been prepared where changes are proposed, namely the Block E1 and E2 podium and the roof to Block E1.
- 4.5 Whilst no changes are proposed to blocks other than Block E1 and E2, some drawings have been changed. As agreed with Officers, where drawings show other blocks, these have been shown as 'muted / greyed'. The intention being to provide clarity as to the drawings to be changed in the event of any future S96As.
- 4.6 Enclosed as part of the application is a drawing schedule setting out the approved drawings currently listed in Condition 2, the proposed status of those drawings (delete, retain or replace), the new drawings that form part of this S96A and then the composite list of drawings to be cited in the changes to Condition 2.

Condition Changes

- 4.7 In addition to the condition changes identified above in Section 3, minor changes are proposed to further conditions to enable the phased submission and approval of details.

4.8 The application includes a set of conditions with changes shown as tracked.

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