

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2022/2785

Ward:

Address: 227-249, High Road, London, N15 5BT

Proposal: Variation of Conditions 1 (Planning Obligations), 3 (drawing numbers) and 6 (Baseline Study) for minor amendments to planning permission ref.

HGY/2019/2315 'Restoration of the Wards Corner Department Store building for community uses (D2) with restaurant (A3) on the ground floor. Internal and external alterations at 229-249 to provide a refurbished market hall (A1) at ground and first floor levels, plus 642.8m² of office space (B1) at second floor level. Associated works to remove the front canopy extensions at 231-243 and 247-249 High Road; replace existing shop fronts; install bay windows at first floor level; realign roof to rear elevation and to front elevation to form dormer windows at second floor level; and replace rear skylights with flush roof lights'.

Applicant: UNIT 38 DESIGN & CO-RESEARCH LTD

Ownership: Transport Trading Limited Properties (TTLP, Transport for London)

Officer contact: Gareth Prosser

2. SUMMARY OF RECOMMENDATION

GRANT PERMISSION subject to conditions.

3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

Proposed development

- 3.1 The application is for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent relating to application HGY/2019/2315. Proposed works are as follows:
- 3.2 Restoration of the Wards Corner Department Store building for community uses with restaurant on the ground floor.
 - Internal and external alterations at 229-249 to provide a refurbished market hall at ground and first floor levels
 - office space at second floor level
 - Associated works to remove the front canopy extensions at 231-243 and 247-249 High Road
 - replace existing shop fronts
 - install bay windows at first floor level
 - realign roof to rear elevation and to front elevation to form dormer windows at second floor level
 - replace rear skylights.
- 3.3 The application proposes to vary the following conditions:

Condition 1 - amendment to baseline study and annual monitoring considering the market is currently closed.

Condition 3 - updated drawings to accommodate TfL temporary market.

Condition 6 - removal of condition as the market is currently closed.

3.4 Condition 1

Section 106 Agreement

1. No development shall take place on the site until all parties with a legal interest in the application site (as identified in red on the Existing Site Plan reference 0001) have entered into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) The planning obligations will need to be secured on equivalent terms as those set out at sections 2, 5, 7 and 8 in schedule 3 of a s106 deed of variation dated 25 July 2017 entered into by the Council, Grainger Seven Sisters Limited and Northumberland & Durham Property Trust Limited in connection with planning permission HGY/2012/0915 to secure the following:

Refurbished Market

- A market facilitator procured to work with market traders to promote the interests of non-English speaking traders; provide business support and advice; continue to trade during and after refurbishment of the market; raise awareness of the market; and assist individuals working at the market to find suitable alternative employment in the event they decide not to trade from the refurbished market;
- Traders shall have a unit of similar size in the refurbished market as the existing market and during works being carried out;
- Traders shall have a 3-month licence fee-free period in the refurbished market and, following the end of this period;
- Traders shall not be subject to more than one (1) increase in the license fee per annum in respect to each licensed unit in the refurbished market thereafter;
- Existing traders should be able to relocate their unit within the refurbished market without incurring a cost (relocated equipment or stock to exclude any dangerous unlawful or unauthorised equipment not able to be accommodated within the refurbished market);
- Set the rent for market units at a rate consistent with rents being paid for units of a similar size and nature in the vicinity of the site;
- Market units to be let to local independent traders unless it can be demonstrated that despite having used reasonable endeavours and advertised the unit at a reasonable rate for a period of 3 months, a lease with a local independent trader has not been agreed.

Equalities baseline study and annual monitoring

- Local employment opportunities.

Reason: The Council would have refused the planning application in the absence of the section 106 agreement and at the time of this permission being issued the applicant was not able to bind the legal interests in the development site under the section 106 agreement. Development must not commence on any part of the development site until the legal interests in that part are bound under the section 106 agreement in order to mitigate any potential risk and ensure that all existing traders, including those with protected characteristics, are provided with equal opportunity to continue to trade from the refurbished market

- 3.5 Condition 3 (Approved Plans). This amended drawings are considered below.
- 3.6 Condition 6 (Baseline Study and Annual Monitoring Report). The following condition has been proposed:
- 3.7 Within 12 months of the date of this grant of permission, the applicant shall submit in writing, for the Local Planning Authority's approval, a baseline study of former business owners, stall holders and other employees and annual monitoring to understand how diversity and equalities are reflected in the operation of the site; ; and local employment opportunities.

This baseline study and annual monitoring report shall be submitted annually thereafter until completion of the development, unless varied in writing by the Local Planning Authority.

Reason: To enable the Council to monitor the impact of the development on persons with protected characteristics in accordance with Policy 4.12 'Improving Opportunities for All' of the London Plan 2016.

Site and Surroundings

- 3.8 The subject site is located on the north western side of Seven Sisters Road and Tottenham High Road (A10), comprising the properties known as Ward's Corner and the Seven Sisters Market. The site is located above the Seven Sisters London Underground Station and is owned by Transport for London. The site sits within a wider block bounded by West Green Road, Seven Sisters Road, Suffield Road and Tottenham High Road (A10), part of which is identified as a site allocation within the Tottenham Area Action Plan.
- 3.9 The building at the corner of Seven Sisters Road and the Tottenham High Road is known as Ward's Corner, a former department store of three storeys that is currently vacant. The adjoining market occupies the ground floor level of numbers 229 - 249 Tottenham High Road, above which is a vacant first floor level. Number 249 Tottenham High Road also contains accommodation / staff amenity space for the manager of the market within a second-floor level dormer.
- 3.10 Ward's Corner is an Edwardian brick building of three storeys, at the corner of Tottenham High Road and Seven Sisters Road, where its façade is chamfered. The building has large glass windows that appear to have original or historic timber frames. The building has been vacant for some years and a timber palisade fence surrounds the ground floor, preventing views and access into this part of the building. The southern elevation contains no windows, the western rear elevation is a two-storey extension to the original building and provides pedestrian ground floor access to a rear vehicle accessway. A brick wall prevents access to the adjoining market at ground floor level, but an opening at first floor level links the former department store with the first floor of numbers 229 – 249 High Road.
- 3.11 Numbers 229 – 249 High Road comprise a row of red brick two storey buildings which are consolidated at ground floor level to create an indoor market. The market has aisles lined with small retail units, some of which have extended to first floor

levels within the height available on the ground floor. On the eastern elevation, several larger units are used as restaurants, these extend towards Tottenham High Road to provide additional seating for restaurants beneath canopies. The façade treatments at ground floor level vary in respect to their fenestration, signage, colour palette and materials. At first floor level the buildings have a generally uniform appearance of red brick with timber sash windows, save for numbers 247 and 249 which have bay windows at first floor level. Internally, the first-floor level contains a large open space with timber flooring, this is currently vacant and understood not to be included within the market lease. Only numbers 247 and 249 are accessible at second floor level, the remainder of the row is finished with roof tiles that may have been installed when the dormer windows that originally featured on the terrace were removed.

- 3.12 12 diagonal car parking spaces are currently provided at the rear of the market, where an accessway from Suffield Road is also used for commercial deliveries and bin storage.
- 3.13 The frontage to Tottenham High Road has a row of mature trees, several benches for seating and a wide paved footway that provides access to Seven Sisters underground station. To the east of the site, on the opposite side of the High Road is a 1980s part four / part five storey commercial building that appears to have been styled on the red brick terrace of the market buildings. To the north of the site is a vacant plot of land where part of the original terrace has been demolished, the terrace then resumes at a slightly larger scale where retail land uses continue around the corner, north to West Green Road. Retail units also extend along Seven Sisters Road to the south west. West of the site, the vehicle accessway runs along the rear of residential properties with a frontage to Suffield Road. The dwellings are within a Victorian era row of terraces, with an average separation distance of 20m from the rear wall of 247 – 249 High Road.
- 3.14 The wider surrounding area is predominantly residential, but with commercial properties fronting main roads. Housing generally comprises 2 – 3 storey brick terraces with tiled roofs, constructed in waves between the 1850s and 1980s. To the south of the site, on the opposite side of Seven Sisters Road is a major residential led mixed used development with a 23-storey building providing the majority of the 163 new dwellings on the site known as Apex House (HGY/2015/2915).
- 3.15 The Public Transport Accessibility Level (PTAL) for the site is 6B (best). Shops, schools, banks, a post office and two train stations (South Tottenham and Seven Sisters) are located within 500m of the site. Bus routes 76, 149, 243, 259, 279, 318, 349, 476, N73 and N279 are available from immediately in front of the market
- 3.16 The site is located within Tottenham Green Conservation Area. Nos 227-249 enclosing the east of the site are locally listed as is No1 West Green Road to the north.
- 3.17 The site is partly located within a Primary Shopping Area (Seven Sisters / West Green) with the remainder bordering the designation. The site also has a site allocation SS5 'Wards Corner'.

Relevant Planning and Enforcement history

3.18 The most recent planning history in relation to the site is as follows.

- HGY/2022/0280 - Full planning permission 245-249, High Road, London, N15 5BT The amalgamation of ground floor units at 245 and 247-249 High Road into a single unit and use as a retail market and community space (Classes E and F2) for a temporary period of 3 years; and associated external alterations including to the shopfronts.- Approved with Conditions
- HGY/2019/2315 - Restoration of the Wards Corner Department Store building for community uses (D2) with restaurant (A3) on the ground floor. Internal and external alterations at 229-249 to provide a refurbished market hall (A1) at ground and first floor levels, plus 642.8m² of office space (B1) at second floor level. Associated works to remove the front canopy extensions at 231-243 and 247-249 High Road; replace existing shop fronts; install bay windows at first floor level; realign roof to rear elevation and to front elevation to form dormer windows at second floor level; and replace rear skylights with flush roof lights Granted 2019. Permission not implemented.
- HGY/2017/1551 - Variation to the Section 106 associated with Planning permission reference HGY/2012/0915 to amend the terms of the obligations in relation to the replacement and temporary market, sustainability and to include an affordable housing review mechanism. (Details of application/2012/0915 are set out below) Granted 2017
- HGY/2017/0861 Certificate of lawfulness that the development authorised by planning permission reference number HGY/2012/0915 ('the Planning Permission') may lawfully be carried out as approved - Certificate of Lawful Development Approved 2017 and confirms that HGY/2012/0915 planning permission has been implemented as drainage works were carried out in January 2017
- HGY/2014/0575 - Restoration of the existing market and corner building bringing 2150m² of derelict space into A1, A2, A3 and B1 use, installation of bay windows to the front, dormer windows to the front and rear, reinstatement of chimneys, replacement of existing shop-fronts to the front of the market with new glazed facade, improvements to the public realm to the front of the market, new glazed rear doors added to the rear, new DDA compliant access to the first and second floor, reintroduction of internal light-wells from the first to ground floor and insulation of building to increase thermal efficiency.- Granted 2014. Implementation unknown.
- HGY/2012/0921 Conservation area consent for demolition of existing buildings and erection of a mixed-use development comprising class C3 residential, class A1/A2/A3/A4 uses, with access, parking and associated landscaping and public realm improvements - Granted 2012. Permission Implemented

4. CONSULTATION RESPONSE

4.1 The responses below were received following consultation on the application:

Internal:

- 1) LBH Conservation Officer: There is no objection to the proposed refurbishment and alterations at the locally listed Wards' Corner Market which

is located at the very heart of the Seven Sisters/Page Green Conservation Area. The proposed works are necessary and welcome and will provide improved employment space and will retain a valuable contributor to the historic character of this stretch of the conservation area.

The application is fully supported from the conservation stance and detailed the following details should be submitted for approval from the planning authority as part of pre-commencement consent conditions: Method statement, material specification, trial repair samples and replacement samples for repairs to corner building drawings to scale 1:10 as well as material specification of both new windows and doors on ground floor to the rear façade, new external escape stair on rear façade and new northern entrance to the market.

- 2) LBH Design Officer: There is no design objection to the proposals in principle. Provided the alterations and contemporary interventions are soundly detailed and built of good quality materials (both of which should be secured by conditions), the proposals should be a worthy restoration and beneficial reuse of these reasonably attractive town centre buildings.
- 3) LBH Transportation: No objection, subject to conditions. The changes included in this application on don't make any material changes in transportation terms to what was originally consented.

External:

- 4) Thames Water: No objections.
- 5) Transport for London: In principle, the development proposal is supported. Given its scope and the specific conditions it covers, we would not object to the application simply being approved.

5. LOCAL REPRESENTATIONS

- 5.1 The application has been publicised by way of 513 letters. The number of representations received from neighbours, local groups, etc in response to notification and publicity of the application were as follows:

No of individual responses: 85

Support: 83

Object: 2

- 5.2 The following local groups/societies made representations:

- The Fountain Area Residents Association

- 5.3 The following Councillor(s) made representations:

- None

- 5.3.1 The issues raised in representations that are material to the determination of the application are as follows:

- Steel canopy visually detracts from house-shop facades
- Retain the fascia sign boards, with their 'wood block' detailing and the pediment and rectangular 'entrance markers'.

5.4 The following issues raised are not material planning considerations:

- Potential for 'seasonal booths' (Officer Comment: This is noted but does not form part of the proposal presented for consideration).
- Funding for the proposal (Officer Comment: This is a private matter and therefore not a material planning consideration)

6 MATERIAL PLANNING CONSIDERATIONS

Legal/ policy considerations

- 6.1 An application can be made under s.73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a s.73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. A s.73 application results in a new permission being issued.
- 6.2 There is no statutory definition within Government Planning Policy Guidance (PPG) of a 'minor material amendment' but paragraph 017 reference ID: 17a-017-20140306 states that it is likely to include any amendment where its scale and/or nature does not result in a development which is substantially different from the one which has been approved.
- 6.3 The PPG advises that where an application under section 73 of the Town and Country Planning Act (as amended) is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.
- 6.3 Consequently the extent of the material planning considerations are somewhat restricted and only the amendments being applied for can be considered at this stage. Having said that, when determining the application, the local planning authority (LPA) will have to consider the application in the light of current policy. The LPA therefore has to make a decision focusing on national or local policies which may have changed significantly since the original granting of planning permission as well as the merits of the changes sought.
- 6.4 In this case since the original grant of planning permission, planning policies and guidance have changed with the introduction of a new London Plan 2021 and an updated NPPF. However, the overall policy approach relating to developments of this nature, particularly in highly accessible locations, the need to protect residential amenity and to preserve or enhance the character of heritage assets etc, remains consistent within such updated policy documents.

Planning considerations

6.5 The amendments proposed in this s. 73 planning application are considered in more detail below.

1. Principle of development;
2. Heritage, Conservation and Design;
3. Transportation
4. Noise, Lighting, and Contaminated Land
5. Equalities.

Principle of development

Town Centres

- 6.1 Haringey's Local Plan Policy SP10: 'Town Centres' states that the Council will promote and encourage development of retail, office, community, leisure, entertainment facilities, recreation uses, arts and cultural activities within its town centres according to the borough's town centre hierarchy.
- 6.2 The Plan states that The District Town Centres including West Green Road/Seven Sisters will continue to be supported and strengthened as important shopping and service centres to meet people's day-to-day needs. The Council will take a proactive partnership approach to reinvigorating these town centres, widening their role and offer, developing their identities, improving the public realm and accessibility to them.
- 6.3 In addition, the Local Plan states that the Council will ensure that development in its centres is appropriate to the character, size and role of the centre in which it is located, and does not cause harm to neighbours, the local area or other centres. Shops and service uses are considered suitable for all town centres.
- 6.4 The Council also will seek to ensure that there is a diverse range of shopping facilities provided across the borough, from its town centres, through to the smallest shopping parades and frontages

New Town Centre Development and Land Uses

- 6.5 Policy DM41: New Town Centre development states that proposals for new retail, leisure and cultural uses within Metropolitan and District Town Centres, and Local Centres, will be supported where they:
- a Are consistent with the size, role and function of the centre and its catchment;
 - b Sustain and enhance the vitality and viability of the town centre network; and
 - c Contribute to the delivery of Haringey's spatial strategy.
- 6.6 In addition, policy DM45 of Haringey's Development Management DPD 'Optimising the Use of Town Centre Land and Floorspace' states that the Council will seek to optimise the use of land and floorspace within town centres by encouraging new mixed use development, including new or re-used space above shops and commercial premises, having regard to:
- a The role and function of the town centre;
 - b Impact on town centre vitality and viability;
 - c Compatibility of both the proposed and existing neighbouring uses; and

d Compliance with other policies.

- 6.7 To support a range of uses and activities in town centres, the Council is seeking to maximise opportunities for additional sources of land and floorspace to come forward through the planning process, especially in locations with good public transport accessibility.

Primary Shopping Frontage

- 6.8 Policy DM42: Primary and secondary shopping frontages states that within Primary Shopping Frontages of the Metropolitan and District Town Centres, as defined on the Haringey Policies Map, the use of ground floor units for appropriate town centre uses will be permitted where:
- a The overall number of units in non-retail use (including extant planning permissions) will not exceed 35% across the entire frontage, unless it can be demonstrated the proposal will significantly enhance the vitality and viability of the centre;
 - b The continuity of the centre's retail frontage will be maintained, normally with no more than two adjoining units in non-retail use; and
 - c An active frontage is provided.
- 6.9 The policy continues, stating that within designated Primary and Secondary Shopping Frontages, the Council will give consideration to the granting of temporary permissions for meanwhile uses not compliant with (A-C) above where it can be demonstrated that the use will positively support the retail function of the town centre. The temporary use of a vacant ground floor unit will be supported where it can be demonstrated that the unit is being actively marketed

Tottenham AAP and Site Allocation

- 6.10 The Tottenham Area Action Plan policy AAP10 Meanwhile Uses identifies that the council will support, through the granting of temporary planning consents, and where appropriate, time-limited Local Development Orders, "meanwhile" uses on allocated development sites which are not expected to come forward in the short term. Such uses will be required to demonstrate how they contribute to the vibrancy of the immediate area and support the delivery of the development outcomes and vision as set out in this Plan.
- 6.11 Site Allocation SS5: Wards Corner identifies the site for mixed-use development providing town centre uses at ground floor level, including a replacement market, with residential use above. Specifically, the allocation states that proposals should ensure re-provision of the existing market will be on site and arrangements should be made for the temporary housing of the market whilst the proposal is being built out.

Proposal

- 6.12 The uses proposed remain unchanged from the previous permission and propose the restoration of the Wards Corner Department Store building for community uses with restaurant on the ground floor is mixed-use development providing a vibrant, active market use at ground and first floor levels and office use, also at second floor level which is considered an appropriate supporting use.

- 5.1 Restoration of the Wards Corner Department Store building for community uses with restaurant on the ground floor.
- Internal and external alterations at 229-249 to provide a refurbished market hall at ground and first floor levels
 - office space at second floor level
 - Associated works to remove the front canopy extensions at 231-243 and 247-249 High Road
 - replace existing shop fronts
 - install bay windows at first floor level
 - realign roof to rear elevation and to front elevation to form dormer windows at second floor level
 - replace rear skylights.

6.12.1 The site has permission for the redevelopment of the site for 'Restoration of the Wards Corner Department Store building for community uses' and associated works via application HGY/2019/2315. As such the principle of development is considered acceptable and in accordance with the above policies and site allocation.

Design, Character and Appearance of the Conservation Area

- 6.13 DPD Policy DM1 'Delivering High Quality Design' requires development proposals to relate positively to their locality, while Local Plan (2017) Policy SP11 requires the highest standard of design that respects local context and character and historic significance, which is equally supported by London Plan (2021) Policy D6.
- 6.14 London Plan (2021) Policy HC1 seeks to ensure that development proposals affecting heritage assets and their settings, should conserve their significance. This policy applies to designated and non-designated heritage assets. Local Plan Policy SP12 and DPD Policy DM9 set out the Council's approach to the management, conservation and enhancement of the Borough's historic environment.
- 6.15 DPD Policy DM9 states that proposals affecting a designated or non-designated heritage asset will be assessed against the significance of the asset and its setting, and the impact of the proposals on that significance; setting out a range of issues which will be taken into account. In relation to extensions or alterations to residential buildings, including roof extensions, Policy DM9 requires proposals to be of a high, site specific, and sensitive design quality, which respect and/ or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. The policy also requires the use of high-quality matching or complementary materials, in order to be sensitive to context.
- 6.16 The setting of a heritage asset is defined in the glossary to the NPPF as: "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral". There is also the statutory requirement to ensure that proposals 'preserve or enhance' the conservation area.
- 6.17 The site's existing appearance from High Road is very poor having a harmful impact on the appearance and character of the conservation area. The proposal enhances

the conservation area by restoring the former department store to full use, providing an active frontage at both ground and first floor levels.

Proposed Changes from previous permission

- 6.18 As stated above, the site has a previous permission for the redevelopment of the site for the Restoration of the Wards Corner Department Store building for community uses and associated works via application HGY/2019/2315. The majority of the proposed works within this application are in accordance with the previous permission. Given the limited policy changed, these works are still considered acceptable and in accordance with existing policies.
- 6.19 While the brief and overall intention of the project has not changed since the previously consented scheme, there are minor changes to the proposed design to accommodate the new planning approval (temporary market) on the adjoining site, improve accessibility to the upper floors and improve means of escape. The majority of these changes are internal and have no material change to the exterior.
- 6.20 The changes are:
- Amendments to corner building following updated information on the existing building's rear facade
 - Inclusion of TfL's temporary market layout
 - Keeping the position of the first floor rooflights to reduce embodied carbon of new structure required
 - Changes to the internal layout of the market to align better with existing rooflights;
 - Repositioning of lift and stair in corner building to improve accessibility to the market and corner building, and allow them to function independently.
- 6.21 The external changes are:
- Opening up units on ground floor to the rear facade
 - New external escape stair on rear facade
 - Repositioning of northern entrance to the market to accommodate TfL's temporary market.
- 6.22 The granting of planning permission HGY/2023/0075 for provision of an outdoor food and retail market (Sui Generis) consisting of market stalls and outdoor seating areas has changed the site context, offering an opportunity to open the site to the rear, creating cohesion between the two developments. The most significant change proposed as a result, is the opening of the ground floor rear façade of the terraces with entranceways and windows. This is seen as a positive addition, creating an active façade, enabling cohesion and movement between the main indoor market and office spaces and the external, temporary market.
- 6.23 Whilst the buildings are locally listed and within a conservation area, the front facade is of considerably greater aesthetic value than the rear, which comprises a poorly detailed and unattractive addition to the original terrace. The proposed external changes animate the blank and unattractive façade which is considered to detract from the character and appearance of both the locally listed building and the conservation area. Given the increased prominence the rear façade will have due to

the presence of the temporary market, the proposed changes including the new external escape stair and the repositioned north entrance are considered acceptable, enhancing this poor and neglected corner of the conservation area. The retention of the rear roof lights is acceptable

6.24 Both the Conservation Officer and Design Officer have reviewed the proposal, specifically the changes from the previous permission. Both support the proposal with no objections raised. The proposal is considered to 'retain a valuable contributor to the historic character of this stretch of the conservation area'.

6.25 As such, the proposal is considered to both preserve and enhance the character and appearance of the conservation area, improving this neglected, yet highly prominent corner which, in its current state of disrepair and vacancy detracts from the character and appearance of the heritage asset. The proposal is in accordance with the above policies.

6.26 As such, the proposal is considered in accordance with the above policies.

6.27 Noise, Lighting, and Contaminated Land

6.28 Policy DM23 'Environmental Protection' seeks to improve or mitigate the impacts of poor air quality and noise, lighting, and contaminated land. Although there is limited potential for the proposal to improve baseline environmental conditions, planning conditions and informatives can be used to ensure that food businesses are appropriately ventilated, and that operational hours do not cause disturbance to nearby residents. The site is not designated as having a risk of ground contamination and the proposal should not require intrusive ground works. Conditions have been requested to manage environmental health matters.

6.29 Equalities

6.30 In determining this application, the Council is required to have regard to its obligations under Section 149 of the Equality Act 2010. Under the Act, a public authority must, in the exercise of its functions, have due regard to the need to:-

- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

6.6.2 The protected characteristics comprise age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.6.3 The proposed development is designed to be fully accessible and this will therefore have a positive equalities impact for those with disabilities.

6.6.4 The proposed improvements to the condition and quality of the buildings and forecourt area are likely to result in an urban environment which feels safer,

particularly at night. This will reduce fear of crime in the immediate area, resulting in positive equalities impacts for all groups.

- 6.6.5 The formal market is characterised by the diversity of its business, traders and visitors. Due to this diversity, any changes to the ongoing operation of the market is likely to have an equalities impact on the protected characteristics of race and religion/belief. The former tenants of the site have been forced to vacate the site due to safety concerns and are understood to largely wish to return. The previous approval required monitoring of the equalities impact of the proposal on the tenants that existed at that time through a S106 legal agreement and a similar condition. Given the change in circumstances on the site this approach needs modified to monitor the impact on these former tenants. The duplication in the obligation and condition is also addressed through removing the obligation. Subject to this condition there should be no significant or differential long- term impacts upon the occupiers or any of the protected characteristics of occupiers or visitors.
- 6.6.6 The terms within the Section 106 Agreement relating to equalities are:
- Local employment opportunities.
- 6.6.7 The Section 106 agreement would be secured by a Grampian condition requiring the agreement to be entered into before the proposed development can commence. Having regard to the PPG chapter on 'Use of Planning Conditions' and given that it is not considered realistic to secure such an agreement at this stage it is considered appropriate in this instance to secure the planning obligations through a negatively worded condition, rather than entering into a legal agreement before the grant of this permission. A Grampian form condition is specifically required in this instance for the following reasons:
- the applicant is not the owner of the site and their consent to enter into an agreement with the land owner has not yet been procured;
 - the complex history of the site, including the extant planning permission HGY/2012/0915 and the ongoing challenges in the court relating to the CPO;
 - the existing lease arrangements;
 - the need for the applicant to secure funding.
- 6.6.8 The use of such a Grampian condition is considered to meet all of the six tests within Paragraph 55 of the National Planning Policy Framework. In particular, the Grampian condition is necessary mitigate any potential risk and ensure that all existing traders, including those with protected characteristics, are provided with equal opportunity to continue to trade from the refurbished market. The terms of the obligations have been agreed in principle with the applicant and a Grampian condition is also therefore considered to be enforceable and precise.
- 6.6.9 The Council has therefore considered the likely equalities impacts of the proposed development, including through the completion of an Equalities Impact Assessment and they are considered to result in no significant or differential long-term impacts on persons sharing the protected characteristics, though to ensure that the long-term operation of the market is equitable for all members of the local area, equalities monitoring will be required by condition. In doing so, the Council has had due regard to its duties under the Equality Act 2010.

Transport

- 6.31 Paragraph 110 of the NPPF (2021) states that in assessing development proposals, decision makers should ensure that appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its location. It prioritises pedestrian and cycle movements, followed by access to public transport, including facilities to encourage this.
- 6.32 The London Plan (2021) Policy T1 sets out the Mayor's strategic target for 80% of all trips in London to be made by foot, cycle or public transport by 2041. This policy also promotes development that makes the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport. Policy T6 sets out cycle parking requirements for developments, including minimum standards. T7 concerns car parking and sets out that 'car-free' development should be the starting point for all development proposals in places that are well-connected by public transport. Policy T6.1 sets out requirements for car parking spaces that are proposed.
- 6.33 Local Plan Policy SP7 states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This approach is continued in DM DPD Policies DM31, DM32 and DM33.
- 6.34 The changes included in this application don't make any material changes in transportation terms to what was originally consented.
- 6.35 that the Council's transportation team advise that the transportation related conditions applying to the earlier application are retained for this should it be granted permission, namely conditions relating to;
- Cycle parking
 - Delivery and servicing plan
 - Construction Method Statement or Construction Logistics Plan
- 6.36 They also advise that one of the relocated car parking bays is marked as a blue badge/disabled bay.
- 6.37 As such, the proposal is considered in accordance with the above policies.

Conclusion

- 6.38 The proposed development would serve to restore the existing buildings on the site in a manner consistent with the Council's duty to have special regard to the preservation or enhancement of the character and appearance of the Conservation Area. Subject to specific conditions, the design of alternations to the exterior of the building are considered acceptable. The reinstatement of town centre uses within the Ward's Corner building would not give rise to significant adverse impacts upon the amenities of surrounding properties, or conditions on the highway network. The proposal is in line with the Tottenham AAP site allocation. The proposals are not considered to give rise to an adverse impact upon the protected characteristics of any individual or group such that permission should be denied.

- 6.39 The proposal would not prejudice the longer term aspirations of the site allocation SS5 or the Tottenham AAP.
- 6.40 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION

7. CIL APPLICABLE

N/A

GRANT PERMISSION subject to conditions

Registered No. HGY/2022/2785

CONDITIONS

Section 106 Agreement

1. No development shall take place on the site until all parties with a legal interest in the application site (as identified in red on the Existing Site Plan reference 0001) have entered into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). The planning obligations will need to be secured on equivalent terms as those set out at sections 2, 5, 7 and 8 in schedule 3 of a s106 deed of variation dated 25 July 2017 entered into by the Council, Grainger Seven Sisters Limited and Northumberland & Durham Property Trust Limited in connection with planning permission HGY/2012/0915 to secure the following:

Refurbished Market

- A market facilitator procured to work with market traders to promote the interests of non-English speaking traders; provide business support and advice; continue to trade during and after refurbishment of the market; raise awareness of the market; and assist individuals working at the market to find suitable alternative employment in the event they decide not to trade from the refurbished market;
- Traders shall have a unit of similar size in the refurbished market as the existing market and during works being carried out;
- Traders shall have a 3-month licence fee-free period in the refurbished market and, following the end of this period;
- Traders shall not be subject to more than one (1) increase in the license fee per annum in respect to each licensed unit in the refurbished market thereafter;
- Existing traders should be able to relocate their unit within the refurbished market without incurring a cost (relocated equipment or stock to exclude any dangerous unlawful or unauthorised equipment not able to be accommodated within the refurbished market);
- Set the rent for market units at a rate consistent with rents being paid for units of a similar size and nature in the vicinity of the site;
- Market units to be let to local independent traders unless it can be demonstrated that despite having used reasonable endeavours and advertised the unit at a reasonable rate for a period of 3 months, a lease with a local independent trader has not been agreed.

Equalities baseline study and annual monitoring

- Local employment opportunities.

Reason: The Council would have refused the planning application in the absence of the section 106 agreement and at the time of this permission being issued the applicant was not able to bind the legal interests in the development site under the section 106 agreement. Development must not commence on any part of the development site until the legal interests in that part are bound under the section 106 agreement in order to mitigate any potential risk and ensure that all existing traders, including those with protected characteristics, are provided with equal opportunity to continue to trade from the refurbished market

Implementation

2. Subsequent to the completion of a Section 106 Agreement, the development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.

Reason: This condition is imposed by virtue of the provisions of the Planning & Compulsory Purchase Act 2004 and to prevent the accumulation of unimplemented planning permissions.

3. Approved plan

The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

Reason: For the avoidance of doubt and in the interests of proper planning.

4. No later than six (6) months before commencement of the development hereby approved, to serve notice on the Qualifying Traders; and any other person operating a unit at the market of the phasing, including the completion and trading dates of the refurbished market.

Reason: To ensure that the proposed works are phased to minimise the disruption to existing occupants and avoid the temporary or permanent displacement of market traders.

5. No later than six (6) months before the commencement of the development hereby approved the phasing strategy for the development [notwithstanding the approved plans] shall be submitted to, and approved in writing, by the Local Planning Authority. The phasing strategy shall set out for each phase:

- The area of the site covered by the phase;
- A schedule of the works included in each phase;
- Details of any temporary relocation of market stalls within the site as part of the phase, ensuring adequate space is provided for all the existing marking stalls at all times.

The development shall be implemented in accordance with the approved phasing strategy, unless agreed to in writing by the Local Planning Authority.

Reason: To ensure that the proposed works are phased to minimise the disruption to existing occupants and avoid the temporary or permanent displacement of market traders.

Materials

7. Samples of all materials to be used for the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority before any of the relevant part of the development is commenced. Samples should include sample panels of brick types, balcony and roofing materials combined with a schedule of the exact product references. The development hereby authorised shall not be carried out otherwise than in accordance with the approved details.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity in a Conservation Area.

Construction

8. No works shall be carried out on the site until a detailed report, including Risk Assessment, detailing management of demolition and construction has been submitted and approved by the LPA. This shall be with reference to the London Code of Construction Practice. In addition, either the site or the Demolition Company must be registered with the Considerate Constructors Scheme. Proof of registration must be sent to the LPA prior to any works being carried out on the site.

Reason: In order to ensure that the effects of construction on amenity and the surrounding road network, are appropriately managed.

Refuse and recycling

9. No development shall take place until a detailed scheme for the provision of refuse and waste storage and recycling facilities and the management thereof has been submitted to and approved in writing by the Local Planning Authority. The detailed scheme should include warning signage and CCTV to deter fly tipping in accordance with the advice received from the Council's Waste Management Team. Such a scheme as approved shall be implemented and permanently retained thereafter.

Reason: In order to ensure that waste facilities are provided within defined spaces to the rear of the property, in the interests of encourage responsible waste disposal, to protect the amenities of the locality and safeguard the character and appearance of the conservation area in accordance with Policies DM4 'Provision and Design of Waste Management Facilities' of the DMDPD, SP6 'Waste and Recycling' of the Local Plan and D6 of the London Plan 2021.

Equal Access

10. The entrance doors to the market, community centre and restaurants hereby authorised shall have a minimum width of 900mm, and a maximum threshold of 25mm.

Reason: In order to ensure that the shop unit is accessible to all those people who can be expected to use it in accordance with Policies DM2 'Accessible and Safe Environments' of the Haringey DMDPD.

Detailed Architectural Design

11. Samples of materials and detailed plans of the design and external appearance of the retained buildings hereby authorised, including 1:20 elevation and sectional drawings of the

bay windows; roof dormers; external windows; doors; shop fronts; samples of materials; roof lights; canopy; fascias; lighting and signage shall be submitted to and approved in writing by the Local Planning Authority before the appearance of any shopfront is changed. All shopfronts shall be installed in accordance with the approved details.

Reason: The submitted plans are considered to be insufficiently detailed to fully assess the quality of architectural of the proposed development on the visual amenity and conservation value of the area. More detailed plans are required to ensure that the development does not have an adverse impact on the character and appearance of the building or Conservation Area having regard to Policy HC1 of the London Plan (2021), Haringey Local Plan Policies SP11 and SP12.

Secured by Design

12. The development hereby authorised shall comply with the aims and objectives of the Police requirement of 'Secured by Design' and 'Designing Out Crime' principles.

Reason: To ensure safe and secure development and reduce crime..

Parking and Loading/unloading

13. No part of the development hereby authorised shall be occupied a Delivery and Servicing Plan (DSP) has been provided to, and approved in writing by, the Local Planning Authority. The approved arrangements and facilities shall be permanently retained for the accommodation of vehicles of the occupiers, users, or persons calling at the premises and shall not be used for any other purposes.

Reason: In order to ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

Satellite Aerials

14. Notwithstanding the provisions of Article 4 (1) and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, no satellite antenna shall be erected or installed on any building hereby approved. The proposed development shall have a central dish / aerial system for receiving all broadcasts for the residential units created: details of such a scheme shall be submitted and approved by the Local Planning Authority prior to the occupation of any part of the development hereby authorised, and the approved scheme shall be implemented and permanently retained thereafter.

Reason: In order to prevent the proliferation of satellite dishes on the development.

Drainage

15. The development hereby authorised shall not be commenced until details of drainage works (including a programme for implementation) have been submitted to and approved by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory provision for drainage on site and ensure suitable drainage provision for the authorised development.

Cycle Parking

16. The development hereby authorised shall provide service covered storage for 20 bikes, the cycle parking shall be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards (LCDS), installed prior to occupation of the development hereby authorised and shall be subsequently maintained.

Reason: In order to promote a sustainable mode of travel and improve conditions for cyclists at this location.

Commercial Opening Hours

17. The commercial uses hereby authorised shall not be open to the public before 0700 or after 0100 hours on any day.

Reason: In order to protect the amenity of adjoining residential occupiers.

Demolition Management Plan

18. Prior to the commencement of the development hereby approved, a demolition management plan detailing the method of demolition, all construction vehicle activity related to demolition works, noise, dust and vibration mitigation measures and suitable measures to enhance the external appearance of the site, including appropriate additional lighting, associated with the development hereby approved shall be submitted to, and approved in writing by the Local Planning Authority. Works of demolition associated with the development hereby authorised shall not be undertaken otherwise than in accordance with the approved management plan.

Reason: To protect the existing amenity of the surrounding area.

Electric Vehicle Charging Point

19. 20% of all commercial parking spaces hereby authorised shall be fitted with electric vehicle charging points (EVCP's), with a further 20% having passive provision.

Reason: To encourage the uptake of electric vehicles in accordance with London Plan (2021) Policy SI3.

London Underground

20. The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures
- accommodate the location of the existing London Underground structures and tunnels
- accommodate ground movement arising from the construction thereof
- and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

No part of the development shall be occupied until all the works identified in the approved design and method statements have been completed.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure.

21. All associated with the construction and maintenance of the proposed works and all loading and unloading must take place to the rear and away from the Transport for London Road Network (TLRN) public highway at all times. The bus stop and footway adjacent to the bus stop/ tube station entrance must not be blocked or obstructed at any time.

Reason: In order to protect the free flow and safety of traffic on the adjacent Transport for London Road Network (TLRN). Management and Control of Dust

22. No works shall be carried out on the site until a detailed Air Quality and Dust Management Plan (AQDMP), detailing the management of demolition and construction dust, has been submitted and approved by the LPA. The plan shall be in accordance with the GLA SPG Dust and Emissions Control and shall also include a Dust Risk Assessment.

Reason: To safeguard residential amenity, reduce congestion and mitigate obstruction to the flow of traffic, protect air quality and the amenity of the locality.

Combustion and Energy Plant

23. Prior to installation details of the boilers to be provided for space heating and hot water should be forwarded to the Local Planning Authority. The boilers to be provided for space heating and domestic hot water shall have dry NO_x emissions not exceeding 40 mg/kWh (0%).

Reason: The Seven Sisters area is an air pollution hotspot area for nitrogen dioxide (NO₂) – pollution.

INFORMATIVES

A. The development hereby authorised is subject to covenants contained within a planning obligation entered into pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).

B. As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

C. As per Building regulations part H paragraph 2.21, Drainage serving kitchens in commercial hot food premises should be fitted with a grease separator complying with BS EN 1825-2:2004 and designed in accordance with BS EN 1825-2:2002 or other effective means of grease removal. Thames Water further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Please refer to our website for further information:

www.thameswater.co.uk/advice

D. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

E. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

F. Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development