

Officer Report

Application Number:	HGY/2023/3164
Application Type:	Non-Material Amendment
Address:	Tottenham Hale Station, London Underground Ltd, Station Road, Tottenham, London, N17 9LR
Proposal:	Non-material amendment of planning permission ref. HGY/2018/1897 (which amended the original permission HGY/2013/2610 for changes to the works to extend the operational railway station at Tottenham Hale), to amend the 'Description of Development' so as to remove reference to a new station entrance from Hale Village.
Case Officer:	Nathan Keyte
Valid Date:	24/11/202 3
Applicant:	London Underground Limited
Agent:	Mr Ian Gilbert

RECOMMENDATION

Approve

Proposed development

Non-material amendment of planning permission ref. HGY/2018/1897 (which amended the original permission HGY/2013/2610 for changes to the works to extend the operational railway station at Tottenham Hale), to amend the 'Description of Development' so as to remove reference to a new station entrance from Hale Village.

The proposed change to the description of development will result in the removal of the text as indicated below in strikethrough:

Works to extend the operational railway station at Tottenham Hale. Creation of a new station entrance, enlarged station concourse, improved access and a new access for all bridge.

~~Extension of the existing footbridge to form a new station entrance from Hale Village,~~
Relocation of the station vent shaft and provision of a new station control facility, provision of retail units and associated works. Development involves the closure of the existing Ferry Lane subway

Approved development

Works to extend the operational railway station at Tottenham Hale. Creation of a new station entrance, enlarged station concourse, improved access and a new access for all bridge. Extension of the existing footbridge to form a new station entrance from Hale Village, relocation of the station vent shaft and provision of a new station control facility, provision of retail units and associated works. Development involves the closure of the existing Ferry Lane subway.

This was varied by permission HGY/2018/1897:

Variation of condition 2 (plans and specification) attached to planning permission HGY/2013/2610 amending the drawings listed under Condition 2 to facilitate the following changes:

1. Re-location of the AFA bridge circa 50m further north.
2. AFA bridge no longer ties in with the LU ticket hall at mezzanine deck level.
3. Inclusion of a link corridor on the west side of the railway to provide a covered walkway, at ground level, between the LU ticket hall and NR AFA bridge.

A non-material amendment was granted 03/11/2020 for changes to internal layout and glass façade of the station.

Application HGY/2023/3078 has been lodged to vary Conditions 1 and 11 of the approved development (application ref. HGY/2018/1897 which amended the original permission HGY/2013/2610 for changes to the works to extend the operational railway station at Tottenham Hale). The variations are to replace the requirement of providing a new station entrance and footbridge from Hale Village to Tottenham Hale Station, to instead requiring pedestrian and cycle network improvements on Ferry Lane and accessory works. The application is currently awaiting consultations and has not been decided.

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 nonmaterial 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 NPPF 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 proposed non-material amendment is for changes to the description of development only. The amendment of description is proposed in association with the variation of conditions proposed under application HGY/2023/3078, as applications under s73 cannot amend 'the operative part' of the development which is taken to mean anything that is listed in the description of the development.

The application does not involve any alterations to the approved design of the development while the non-material amendment would allow the flexibility to amend the development through the variation of conditions proposed under application HGY/2023/3078. The granting of the non-material amendment to amend the description of the approved development does not constitute, nor prejudice, any decision on the current application (HGY/2023/3078) to vary conditions of the approved development of Tottenham Hale Station. That application is to be considered separately, and decided on the merits of the case.

On this basis, it is considered that a non-material amendment can be granted.

GRANT PERMISSION FOR NON MATERIAL AMENDMENT