

Officer Report

Application Number:	HGY/2024/0216
Application Type:	Non-Material Amendment
Address:	Florentia Clothing Village, Vale Road, Tottenham, London, N4 1TD
Proposal:	Non-Material Amendment to the wording of condition 13a (Energy Strategy) attached to planning reference HGY/2022/0044 to read as per covering letter.
Case Officer:	Sarah Madondo
Valid Date:	26/01/2024
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Applicant:	Florentia Property Unit Trust
Agent:	Carol Bowditch

RECOMMENDATION

Approve

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Non-Material Amendment to the wording of condition 13a (Energy Strategy) attached to planning reference HGY/2022/0044 to read as per covering letter.

Approved Development

HGY/2022/0044: Application for full planning permission for a comprehensive redevelopment of the site to provide four buildings comprising flexible light industrial floorspace (Class E) and storage and distribution units (Class B8), together with car and cycle parking, plant and all highways, landscaping and other associated works
Site and Surroundings

The site is located on the southern side of Vale Road, with four existing access points available from this road into the site. Directly to the northeast is the Florentia Clothing Village, and this is in the same ownership as the application site. The Florentia Clothing Village comprises a mix of uses, including: light industrial, office and residential. Neighbouring to the south-west of the site is the former Maynards Factory, which is in commercial and industrial use. The immediate surroundings are predominantly made up of premises in commercial or industrial use, although some of the nearby buildings are also in residential use. There are no statutorily listed buildings within or nearby to the site, and the land is not within a Conservation Area. However, several locally listed buildings are situated directly to the south-west, including: the Maynards building and No 102 Vale Road.

Proposed Amendments

Non-Material Amendment to the wording of condition 13a(Energy Strategy) attached to planning reference HGY/2022/0044 to read as per covering letter.

Background

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[1]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 applicant is seeking for amendments to the wording of Condition 13a to read as follows:
"The development hereby approved shall be constructed in accordance with the Energy Statement, (dated 18 March 2022, Issue 3) and Energy Note (dated October 2022) prepared by DWA, delivering a minimum 106% improvement on carbon emissions over 2013 Building Regulations Part L, with ~~SAP10~~ **SAP2012** emission factors, high fabric efficiencies, temporary communal heating solution with measures in place to allow for a future connection to the Decentralised Energy Network and a minimum ~~285.6~~ **271** kWp solar photovoltaic (PV) array.

A) Prior to above ground construction, details of the Energy Strategy shall be submitted to and approved by the Local Planning Authority. This must include:

- Confirmation of how this development will meet the zero-carbon policy requirement in line with the Energy Hierarchy;
- Confirmation of the necessary fabric efficiencies to achieve a minimum 21% reduction in ~~SAP10~~ **SAP2012** carbon factors, including details to reduce thermal bridging, with the aim of increasing the specified u-values;
- Details of the specification, efficiency, layout and capacity of temporary gas boiler plant and thermal store;
- Details of the solar PV, demonstrating the roof area has been maximised, with the following details: a roof plan; the number, angle, orientation, type, and efficiency level of the PVs; how overheating of the panels will be minimised; their peak output (kWp);
- A metering strategy.

The development shall be carried out strictly in accordance with the details so approved prior to first operation and shall be maintained and retained for the lifetime of the development. The solar PV array shall be installed with monitoring equipment prior to completion and shall be maintained at least annually thereafter.

ANALYSIS/ASSESSMENT

The carbon management team have raised concerns with the proposed amendments noting that changes were made to the energy strategy following committee resolution prior to permission being issued. The applicant notes that the wording of the condition is based on a superseded version of the energy report and that Energy report V3 dated 18-03-22 is the baseline report for this project. The carbon management team have raised concerns with the use of SAP2012 carbon factors however the use of SAP2012 carbon factors was agreed in the permission in line with GLA guidance at the time of the consideration of the application and due to the opportunity to connect to a District Energy Network.

The carbon management team have raised concerns with the change to the KWP calculation for the PV Array however the applicant's consultant notes that carbon emissions are reported in kilogrammes or carbon per kilowatt hour (kg.CO2/kWh), and therefore at all stages of the calculations system performances have had their measurement units normalised to kWh. The key value is 224,000 kWh/annum, and it is this value that offsets emissions elsewhere. The proposed 271 kWp system has been fully calculated by the manufacturers, and they have used more efficient panels than the generic panel used for the reports.

The proposal therefore provides the same carbon reduction as was expected when permission was issued and remains 'zero carbon' and likely to reduce emissions beyond 'zero carbon' so there is no material change proposed. A non-material amendment can therefore be granted.

Informatives:

INFORMATIVE:

Condition 13a now reads as follows:

"The development hereby approved shall be constructed in accordance with the Energy Statement, (dated 18 March 2022, Issue 3) and Energy Note (dated October 2022) prepared by DWA, delivering a minimum 106% improvement on carbon emissions over 2013 Building Regulations Part L, with **SAP2012** emission factors, high fabric efficiencies, temporary communal heating solution with measures in place to allow for a future connection to the Decentralised Energy Network and a minimum **271** kWp solar photovoltaic (PV) array.

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- Confirmation of the necessary fabric efficiencies to achieve a minimum 21% reduction in **SAP2012** carbon factors, including details to reduce thermal bridging, with the aim of increasing the specified u-values;
- Details of the specification, efficiency, layout and capacity of temporary gas boiler plant and thermal store;
- Details of the solar PV, demonstrating the roof area has been maximised, with the following details: a roof plan; the number, angle, orientation, type, and efficiency level of the PVs; how overheating of the panels will be minimised; their peak output (kWp);
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