

PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department
 PO Box 3333
 222 Upper Street
 LONDON N1 1YA

PLANNING COMMITTEE		AGENDA ITEM NO:	B1
Date:	20 th February 2024	NON-EXEMPT	

Application number	P2024/0027/NMA
Application type	Non-Material Amendment
Ward	Tufnell Park
Listed building	none
Conservation area	Within 50m of Tufnell Park Conservation Area Within 50m of Hillmarton Conservation area
Development Plan Context	Designated Brownfield Site Holloway Prison Site (HPS) SPD Emerging Site Allocation NH7 (November 2018). Local view corridor from Archway Road (LV4) Local view form Archway Bridge (LV5). Not in a location identified as suitable for tall buildings LL4 Local Landmark Camden Road New Church tower and Spire Within 100m of Strategic Road Network and Transport for London Road Network Major cycle route
Licensing Implications	None
Site Address	Former Holloway Prison, Parkhurst Road, London, N7 0NU
Proposal	Non-material amendments to planning permission ref: P2021/3273/FUL dated 05/08/2022. The amendments proposed include the installation of a second staircase into Block C1 and C2 for the purposes of fire safety with associated internal layout changes resulting in modifications to the dwelling mix, the number of wheelchair dwellings, floorspace for non-residential uses, cycle parking spaces and alteration(s) to elevation(s) resulting in amendment to Condition 2 (approved plans) and Condition 35 (Accessible housing).

Case Officer	Nicholas Linford
Applicant	Peabody Construction Limited
Agent	Montagu Evans

1. RECOMMENDATION

The Committee is asked to resolve to **APPROVE** the non material amendment:

1. subject to the (amended) conditions set out in Appendix 1;
2. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1;

2. SITE PLAN (site outlined in red)

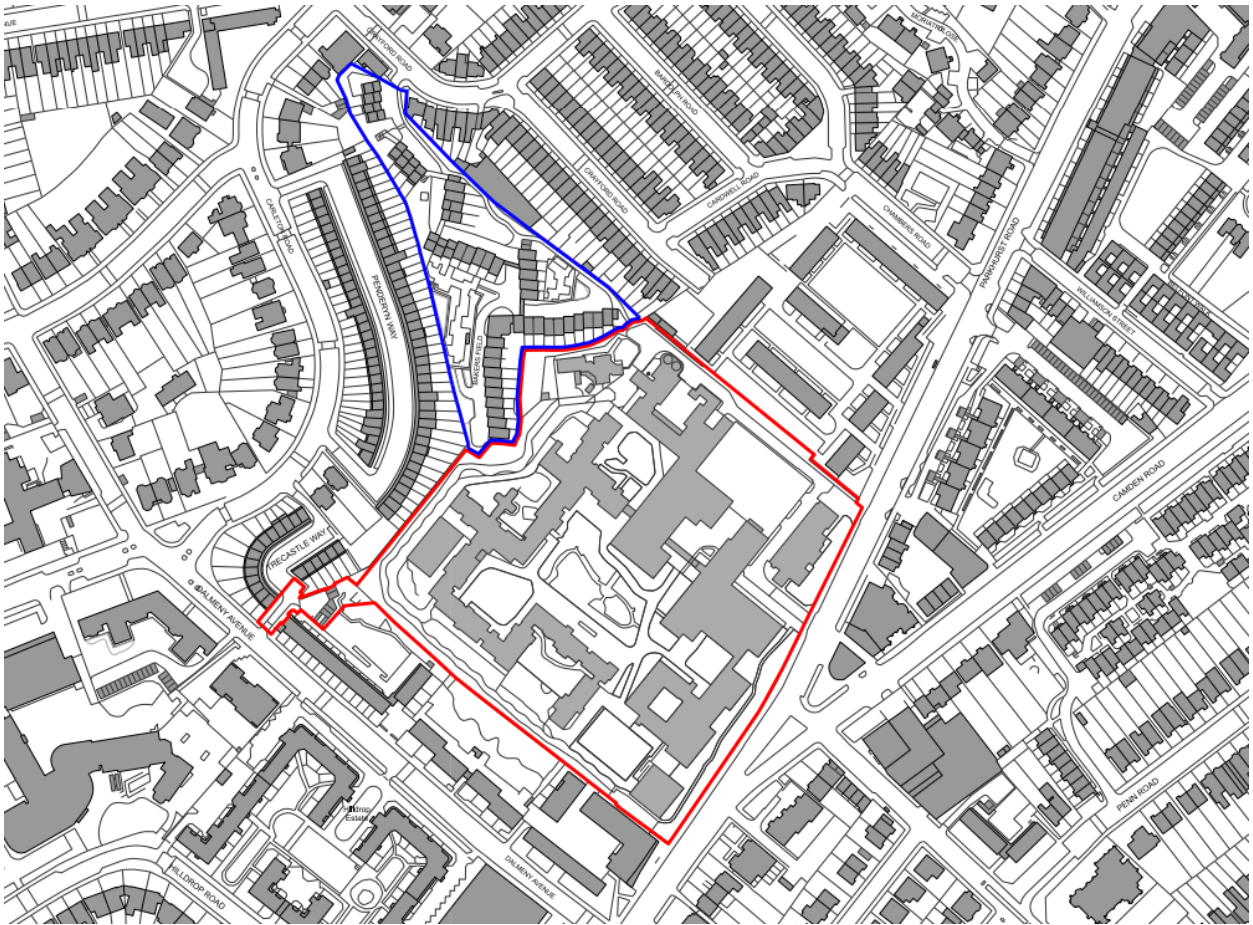


FIGURE 1: SITE LOCATION

3. PHOTOS OF SITE/STREET

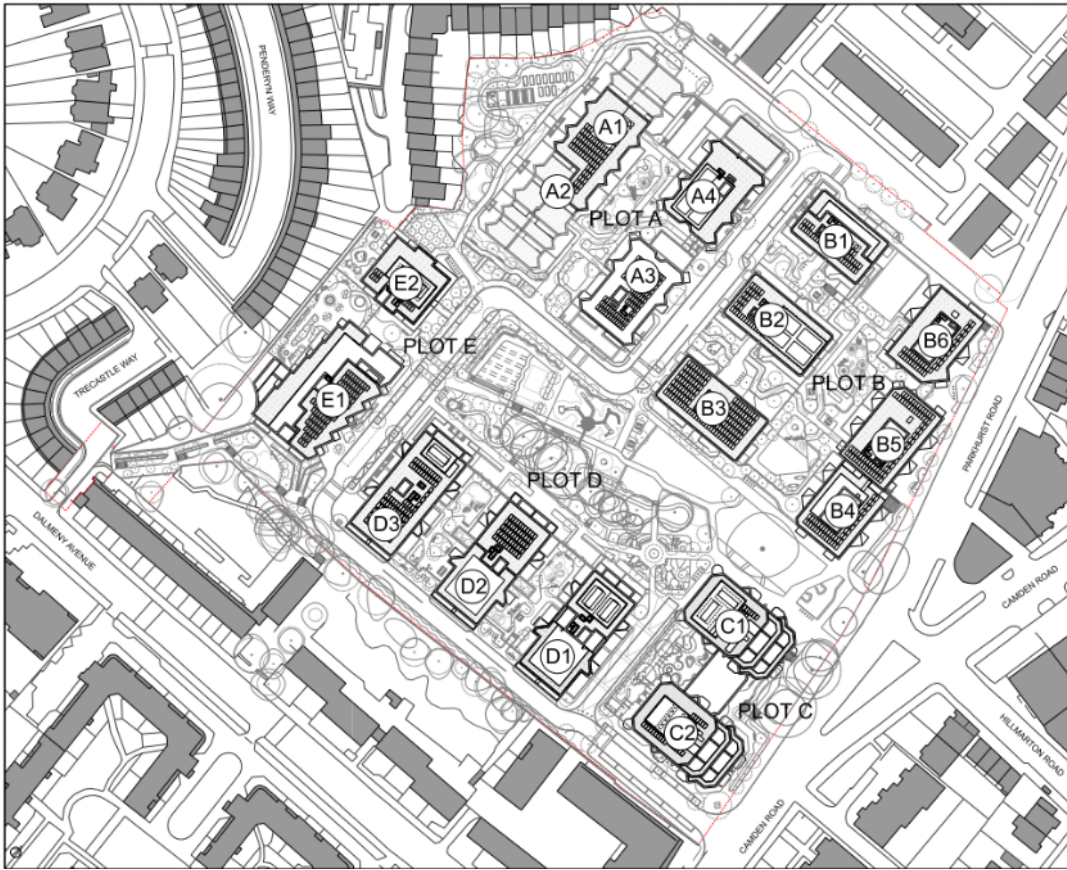


Figure 2: Masterplan layout



Figure 3: Phase 1 (with plot C to the right hand side).

4. SUMMARY

- 4.1 This is an application for a Non-Material Amendment (NMA) relating to planning condition 2 (approved plans) and 35 (wheelchair dwellings) to accommodate changes made to the consented development to address changes to fire safety and therefore install a second staircase to two residential blocks within phase 1 of the development due to their height being in excess of 18m. While the transitional arrangements set out by the Government in October 2023, allow for developers to continue their consented developments with only one staircase during the transitional period, the applicant – Peabody – have chosen to comply with the new requirements.
- 4.2 Planning permission was granted in August 2022 for a comprehensive phased redevelopment of the vacant Holloway Prison site which is a key site allocation within the Borough to redevelop former public sector land as a residential lead scheme. The planning permission – P2021/3273/FUL – sought planning permission for 985 homes including 60 units of extra care provision along with a Women’s building and flexible use commercial floorspace. The scheme provides for 60% affordable housing with a breakdown of 70% social rent and 30% shared ownership. This includes 355 units in social rent, 60 in extra care social rent and 178 as shared ownership. This leaves an outstanding figure of 392 units for private market housing. The scheme also proposes 1821sq.m of flexible commercial floorspace and 1489sq.m of space dedicated for use as a ‘Women’s building’, with the explicit use of providing refuge, resource and support for Women and girls as a legacy of the former use of the site as a Women’s prison.
- 4.3 On 23 December 2022, the Department of Levelling Up, Housing and Communities (DLUHC) issued a consultation on plans that it intended to mandate second staircases for new tower blocks with a height of over 30m. In July 2023, the Government amended the mandate so that the height limit for which a second staircase is required was reduced to 18m. In October 2023, in a written statement, the DLUHC announced that it would introduce transitional arrangements that would set out a period of 30 months during which developments can either continue construction in accordance with the previous building safety regime or undertake to incorporate a second staircase within the development. The transitional arrangements have not yet begun and will only commence on publication of further technical details and guidance by the DLUHC
- 4.4 The applicant has chosen to introduce a second staircase into relevant buildings within phase 1 of the scheme. In relation to this application, second staircases will be introduced to buildings C1 and C2 only. This will enlarge the floorspace on each level dedicated to access core and will have implications on functional floorspace on each floor. While there are no changes to the number of dwellings within the development, there will be reductions in the number of bedspaces within the larger two and three bed dwellings. There would also be a reduction in the number of wheelchair dwellings within this part of the development; there would be a reduction in the number of cycle parking spaces and a reduction in the area of flexible commercial floorspace. There would be a small increase of 1.2sq.m the internal size area of the Women’s Building. There would be no changes to the footprint of the buildings or the built envelope as a result.
- 4.5 The applicant has chosen to utilise Section 96a of the Town and Country Planning Act, also known as a non-material amendment. This allows the local planning authority to make a change to any planning permission if they are satisfied that the change(s) are not material. This power includes the ability to amend existing planning conditions. In order to execute the changes proposed, the application seeks to amend condition 2 (approved plans) and condition 35 (accessible housing). The first condition is recommended to be

amended to list substitute plans while the second condition is recommended to be amended to alter the number and distribution of categories of wheelchair user dwellings.

- 4.6 It will also be necessary to amend the existing Section 106 legal agreement and the changes required will be listed within the report.
- 4.7 It is recommended the non-material amendment is agreed. The changes necessary, derive from a legislative requirement for residential buildings above 30m in height to accommodate a second staircase. The amendments to the building, the layout and aspects of the scheme in relation to use, layout and composition are non-material in the context of the original planning application and while wide consultation has been carried out, there are no impacts arising to neighbours or other interested parties generated by this application.

5. SITE AND SURROUNDING

- 5.1 The 4.16 hectare (ha) former Holloway Prison site is located on Parkhurst Road, in the St George's Ward of the London Borough of Islington.
- 5.2 Used as a prison between 1852 and 2016, the site remains developed with buildings but is currently unoccupied. Buildings on the site were demolished by the end of December 2023 with the exception of the visitor centre. The site slopes steeply downwards from west to east, with over 10m level difference in between. Mature trees are distributed throughout the site, the most notable of which is a London Plane over 20 metres in height which could date back to the original prison.
- 5.3 The site is designated as Brownfield Site TRAJ1 within the Local Plan and NH7 in the Emerging Site Allocations (November 2018) DPD. Almost half the site (in the south and west) is included within the corridor of the local view from Archway Road (LV4) and the Local view from Archway Bridge (LV5). There are no statutorily listed buildings, or Tree Preservation Orders within the site.
- 5.4 The primary frontage, and only vehicular access to the site, remains along Parkhurst Road and Camden Road along the eastern boundary. An extension of Parkhurst Road (closed to traffic) runs along most of the north eastern site boundary, separating it from a residential estate owned by the Corporation of London (CoL) opposite. The CoL estate comprises apartment blocks of 4 storeys in light brown brick with pitched roofs, distributed around landscaped communal open spaces. The CoL estate also has frontages to Chambers Road (with access to a basement car park) and Crayford Road (where a small community garden is located). To the north of the site, there is an intersection between the CoL community garden (with basement car park beneath), three to four storey Victorian residential terraces on Crayford Road, and the eastern part of what is referred to as the Bakersfield Estate.
- 5.5 The Bakersfield Estate is a gated residential development of brown brick and concrete arranged similar to an X shaped ziggurat, rising from two - ten storeys, connected through lift cores and elevated walkways. The Bakersfield Estate was originally constructed to house prison officers, though is now owned by Peabody and let to Notting Hill Housing. There is a single vehicular and pedestrian access onto Crayford Road, opposite the St George and All Saints Church. Some of the units within the Bakersfield Estate have private gardens facing south east to the site, these are set at a significantly lower topographical level than the prison site.
- 5.6 To the west of the site, a Modernist row of three storey terraces on Penderyn Way have rear gardens along the perimeter of the site. A small (publicly owned but gated) park with mature trees is located in a break between the terraces. Along the south western edge of

the site is an estate owned by the London Borough of Islington. Fronting Dalmeny Avenue, the residential estate runs parallel to the perimeter of the prison but sits at a higher ground level. The buildings are four storeys high and constructed of brown brick with a pitched tile roof, and gardens are located at the rear. Finally, adjacent to the southern corner of the site is the Cat and Mouse Library, a recent redevelopment of 6 storeys with apartments above deck access is provided along the north eastern side of the building and overlooks the prison site.

- 5.7 The Hillmarton Road bus stop is immediately in front of the site and provides services to Wood Green (29) and Hackney Central (253). Buses from stop M on Camden Road connect to Euston (253) and Trafalgar Square (29). On Hillmarton Road, bus services are provided to Clapton Pond (393), Crouch End (91) and Archway (17).
- 5.8 Measured from the front of the site, train stations in the surrounding area include:
- Holloway Road Station (Piccadilly Line) - 770m east;
 - Archway Station (Northern Line) - 1.53km north west;
 - Upper Holloway Station (Overground) - 1.2km north north west;
 - Tufnell Park (Northern Line) - 1km north west;
 - Caledonian Road (Piccadilly Line) - 690m south east;
 - St Pancras International (Eurostar, EMR, Great Northern, Thameslink, South Eastern) - 2.2km south; and
 - Kings Cross (Piccadilly, Northern Line, Victoria Line, Metropolitan Line, Circle Line, Hammersmith and City Line) - 2.39km south
- 5.9 As explained within the Holloway Prison Site SPD 'The area around the prison is generally well connected with a legible network of strategic and local roads - including Parkhurst Road and Camden Road (part of the Transport for London Road Network), Hillmarton Road (a borough principal road and part of the Strategic Road Network) local distributor roads (Dalmeny Avenue, Charlton Road and Tufnell Park Roads) and other local access roads. Vehicular access to the site is from Parkhurst Road. There are no vehicular connections through the site at present. The only internal road is an access road that runs along the site's north eastern boundary. The existing prison buildings were purposefully laid out to discourage connections to the surrounding streets and movement across the site. In its current form the site does not reflect the generally permeable network of streets and blocks, with large blank frontages contrasting greatly with the surrounding built environment. The redevelopment of the site however represents a real opportunity to resolve this'.
- 5.10 The Public Transport Accessibility Level (PTAL) for the site ranges between 1a and 6a. The site is located within the St Georges Controlled Parking Zone (CPZ), referred to as Zone W - this restricts parking between 08:30am and 6:30pm on weekdays, no match day or Saturday parking restrictions apply. On the opposite side of Camden Road are Controlled Parking Zones Y and D. An electric vehicle charging point is located on Cardwell Road. The site is located within the Ultra-Low Emission Zone (ULEZ). Dalmeny Road, Camden Road (part) and Hillmarton Road are on the Whittington Park to Caledonian Road tube Air Quality clean route. Camden Road and Parkhurst Road are otherwise Air Quality: Polluted routes.

- 5.11 With respect to schools, shops and services near the site, a small public park is located on Chambers Road, north east of the site - this has restricted opening hours, but another pocket park on the corner of Carleton Road and Dalmeny Road to the west is open 24 hours. Tufnell Park primary school, The Bridge high school and the Beacon high school are all located approximately 200m west of the site. To the north of the site is the Cardwell Terrace Local Shopping Area (11). To the north east of the site, Nag's Head Town Centre (TC2) is located on Holloway Road and offers a good range of shops and services.
- 5.12 More widely around the site, is the Hillmarton Conservation Area (CA32) on the opposite side of Parkhurst and Camden Roads, and the Tufnell Park Conservation Area (CA11) to the west including one property, 44 Carleton Road, which is separated from the westerboundary by a publicly owned but fenced off play area. Further north of the site, on Tufnell Park Road is the Mercers Road / Tavistock Terrace Conservation Area (CA24). East of the site, where Camden Road and Parkhurst Road meet, the Camden Road New Church Tower and Spire is recognised as a local landmark (LL4). LL4 and the property opposite at 392 Camden Road (on the corner of Hillmarton Road are designated as an employment growth area (ID62). To the west of the site, the Tufnell Park Primary School Garden is designated as a local grade Site of Importance for Nature Conservation (SINC) (61). 392a and 394 Camden Road are designated as Site Allocation NH9.

6. PROPOSAL (IN DETAIL)

- 6.1 Approval is sought for a non-material amendments to a planning application for the phased redevelopment of the Holloway Prison site, which were granted through TP Ref: P2021/3273/FUL in August 2022. The description of the original planning permission is as follows:

Phased comprehensive redevelopment including demolition of existing structures; site preparation and enabling works; and the construction of 985 residential homes including 60 extra care homes (Use Class C3), a Women's Building (Use Class F.2) and flexible commercial floorspace (Use Class E) in buildings of up to 14 storeys in height; highways/access works; landscaping; pedestrian and cycle connections, publicly accessible park; car (blue badge) and cycle parking; and other associated works

- 6.2 Following modifications to the building safety regime set out in legislation through the Building Safety Act 2022, the Building Regulations as well as ministerial statements, the Government has introduced a requirement that all residential buildings with a height greater than 30m should have a second staircase.
- 6.3 While applicants have been given the right to either conform with the pre-existing building safety regime concerning second staircases, or to proceed with compliance with the pending regulatory change, the applicant at Holloway Prison has decided to install a second staircase in both blocks C1 and C2 which exceed the height of 30m. In doing so, it is proposed that the existing staircase core situated within the very centre of block C1 and C2 is will be enlarged so as to incorporate a staircase either side of the central corridor. Each core segment either side of the corridor will retain either an evacuation lift or a fire fighting lift in addition to a staircase.
- 6.4 At lower and upper ground floor level, the proposed staircase amendments impact upon the layout and siting of building management facilities such as plant, utilities, cycle parking, toilets and showers and generally involves the re-siting of partitions rather than the removal of such facilities. With respect to the Women's Building, the proposed amendment maintains a double floor height dividable multipurpose hall along with meeting rooms, toilets and refuse storage. The larger staircase core absorbs some of the space and therefore at the lower ground floor, the dedicated Women's building floorspace now

encompasses some of the area previously dedicated to general needs bike storage, however, the number of spaces indicated for the basement is proposed to increase despite a smaller storage area. A flexible commercial space at lower ground floor level is also proposed to decrease minimally. At the ground floor level, the number of cycle parking spaces is reduced from 122 to 52. However, the fundamental layout of the Women's Building remains the same with the same functions and divisions across the floor plan.

- 6.5 From the first floor upwards within block C which is entirely residential, the larger staircase and lift core results in 8 units per floor being retained in block C1 and 8 units per floor in block C2. In block C1, the floorspace dedicated to effective functional residential use decreases from 573sq.m to 547sq.m. While in block C2, the residential floorspace decreases from 575sq.m to 544sq.m. When repeated across all floors, this fire safety amendment gives rise to overall modifications that see the loss of 36 x 2b4p units and the gain of 42 x 2b3p units; the loss of 16 x 3b5p units and the gain of 10 x 3b4p units while seeing no change to the overall number of units within the scheme. In terms of the number of wheelchair dwellings, this number decreases from 10 to 3 within this part of the development. Furthermore, across the site, these changes result in the loss of 12 habitable rooms, all of which are in the social rent tenure.
- 6.6 In terms of the balance of consented uses, the scheme results in an increase of both the NIA and GIA of the Women's building with a substantial increase of building layout efficiency. However, to compensate there is a reduction in the amount of flexible commercial floorspace provision.
- 6.7 In order to accommodate these changes, the application proposes to modify two extant planning conditions set out on the 2022 permission. It is proposed to modify condition 2 (approved plans) to add substitute plans to replace those which are now defunct and an amendment to condition 35 to modify the categorisation of wheelchair housing units which are to be provided across the estate and across tenures.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 **P2021/3273/FUL** – Conditional planning permission with legal agreement, granted for the phased redevelopment including demolition of existing structures; site preparation and enabling works, and the construction of 985 residential homes including 60 extra care homes (Use Class C3), a Women's building (use class F2) and flexible commercial floorspace (use class E) in buildings of up to 14 storeys in height; highways/access works landscaping; pedestrian and cycle connections, publicly accessible park; car (blue badge) and cycle parking; and other associated works (05/08/2022).
- 7.2 **P2023/2864/NMA** – Application received for non-material amendments of planning permission reference: P2021/3273/FUL (dated 05/08/2022) for phased comprehensive redevelopment including demolition of existing structures; site preparation and enabling works; and the construction of 985 residential homes including 60 extra care homes (Use Class C3), a Women's building (use class F2) and flexible commercial floorspace (use class E) in buildings of up to 14 storeys in height; highways/access works landscaping; pedestrian and cycle connections, publicly accessible park; car (blue badge) and cycle parking; and other associated works. The amendments seek changes to the facades of Blocks C, D, E1 and E2 (Phase 1) of the approved development (received on 11 October 2023 and pending consideration)
- 7.3 **P2024/0031/NMA** – Application received for non-material amendments of planning permission reference: P2021/3273/FUL (dated 05/08/2022) for phased comprehensive redevelopment including demolition of existing structures; site preparation and enabling

works; and the construction of 985 residential homes including 60 extra care homes (Use Class C3), a Women's building (use class F2) and flexible commercial floorspace (use class E) in buildings of up to 14 storeys in height; highways/access works landscaping; pedestrian and cycle connections, publicly accessible park; car (blue badge) and cycle parking; and other associated works. The amendments proposed primarily include changes to the internal layout for the purposes of improving residents' fire safety; changes to the type and number of wheelchair accessible and adaptable dwellings; minor modifications to the layout and functionality of the residents and staff facilities and minor external changes to fenestration (received on 22 December 2023 and pending consideration)

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 11734 adjoining and nearby properties constituting the addresses identified for consultation under P2021/3273/FUL on Friday 12 January 2024 for a period of 2 weeks. A site notice and press advert were displayed on 12 January 2024. The public consultation of the application therefore expired on 26 January 2024, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of publication a total of 15 responses (from 13 objectors) had been received from the public with regard to the application which constitute objections to the proposed amendments. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):
- 8.3 Materiality (paras 12.1 – 12.9)
- There should be other ways for the extra staircases to be accommodated.
 - The proposed changes are material
- 8.4 Women's Building and commercial floorspace (paras 11.10 – 11.15)
- More details are required about the impact of the amendments on the layout of the Women's building.
 - The plans for the women's floors were already highly compromised. They have been made more convoluted and have been reduced in size, rendering them less efficient in their ability to fulfil their function. They are made less attractive for any tenant and are not trauma informed, comprising internal corridors and blind corners. The consented scheme fell well short on quality and this enhances the concern.
 - Concern is expressed that this application for a non-material amendment may include a variation to reduce the number of social housing units and the size of the Women's Building.
 - People would like to know more details about the impact on the layout if available at this stage.
 - There is concern over the reduced space for the commercial floorspace who will live at Holloway Park. The commercial space will have an important function as community hub, local business, workshops and training.

8.5 Impact on dwelling mix (paras 11.16 – 11.21)

- The reduction in the number of social rent three bedroom properties is a concern.
- There will be fewer 3 bed properties and more 2 bed properties. There will be 58 fewer social rent bedspaces within the development (535, down from 593). This needs to be compensated for elsewhere within the development.
- The loss of 48% of the 2B4P and 43% of 3B5p family units is also material and there is no compensation through the provision of 2B3P and 3B4P units. Wheelchair units should also not be lost and the changes are retrogressive.
- Decent sized housing, including units with three bedrooms for overcrowded families in Islington, is also very important for resident and needs to continue to be a priority on this site.
- The Council claims that there is an under-supply of family sized accommodation in the Borough. This scheme will not help to resolve this.
- The amended plans are showing fewer larger units suitable for families. Units without suitable number of bedrooms prompt families to move away rather than remain and create an established community.
- The number of bedspaces is just as important as the number of units and this will allow for a community to grow.

8.6 Impact on affordable housing (paras 11.22 – 11.25)

- There should be no reduction in the commitment to provide social rent on the development.
- The protection of the number of social rent units is welcomed, but the change in larger family units is regretted. Could it be possible to replace these lost bed spaces in other or later parts of the development.

8.7 Impact on wheelchair user accommodation (paras 11.26 – 11.32)

- The amendments to the plans seem to disproportionately affect the wheelchair users. 21 flats that are wheelchair accessible will be lost across the development and only 3 of those that remain will be in social rent. Wheelchair accessible units are hard to come by in the Borough and the scheme should either retain these or re-provide these elsewhere.
- Concern about the reduction in the number of wheelchair accessible flats. Accessible accommodation is in short supply and leads to backlogs in hospitals. The reduction from 10 to 1 units of 3 bed wheelchair accommodation seems drastic.
- Recognition that fire safety is important, but concerned that its disabled people who are enduring the impact of mitigating the fire safety related amendments.
- There will be fewer wheelchair accessible flats with a heavy impact on the number of 3 bed flats.
- Across all the blocks there will be a reduction of 21 wheelchair accessible units.
- A significant reduction has also been made in the number of social rent properties in Plot C that are wheelchair accessible (from 10 flats to 3) which is necessary to maintain

the mix of family homes within the development. Given that it is so important for those with mobility restrictions to have access to housing and the scope to continue to live with their family, this reduction is much regretted.

8.8 Impact on disabled access to residents facilities

- The accessible route to the bin store is far too long. There should be several entrances to avoid the long corridor.

8.9 Amenity impact (paras 11.36 – 11.45)

- The amount of open space is small, very shaded and overlooked.
- The original scheme was problematic with the design being too dense, the social housing single aspect giving rise to poor ventilation, severe overheating and unopenable windows on the highly polluted Parkhurst Road frontage and many flats will become uninhabitable. The amendments generate new issues.
- 97 flats will not have the minimum recommended daylight levels which is an increase from 57 flats.
- There will be nearly 100 flats with less than adequate daylight which is unacceptable given the importance of exposure nature, open space and daylight.
- The reduction of three bedroom properties seems underhand and tangibly reduces social rent provision within the development. This affects families with a disabled relative or families with children of different genders who cannot share rooms.
- The increased size of the cores has eroded the size of the flats and changed their layouts.
- The proximity of the lifts to the flats will give rise to unacceptable internal noise impacts for these dwellings.
- Daylight is restricted and single aspect should not be deemed to be sufficient.
- It is essential that open spaces within the development are open for all.

8.10 Energy, environment and sustainability (para 11.46)

- The amended layout of flats will increase the overheating risk.
- Some flats seem to be designed or orientated so that they will most likely overheat in hot summers. Energy demand should not increase to address design weakness.

8.11 Sustainable transport (paras 11.33-11.35)

- The inside of the bike store should not be accessed by steps but should be provided with a ramp.
- There is a loss of cycle storage space on this site due to these changes. How will this be replaced.

Internal Consultees

- 8.12 **Housing Officer:** Delivery of two fitted out wheelchair units were requested but satisfied that 10% would be adaptable to allow for flexibility based on demand.

- 8.13 **Access Officer:** Raises objection. The proposed reduction in the quantity of wheelchair accessible M4(3) dwellings reduces the percentage of standard M4(3) dwellings which is unacceptable.
- 8.14 The applicant has also shown no evidence that any effort has been made to reconfigure M4(2) units, or to reduce the total quantity of units to accommodate the additional staircase. The applicant should provide alternative reconfigurations that do not reduce the total quantity of any M4(3) units in both blocks. These reconfigurations should explore options that reduce the size of or remove M4(2) units to provide space for the additional staircase.
- 8.15 The NMA also impacts the proposed cycle parking at the site, seeking to reduce quantity of two-tier stand spaces from 236 to 226, and the quantity of Sheffield stand spaces from 44 to 6, reducing the total number of accessible spaces to 22. These figures are significantly below the total minimum required by the Local Plan (293), at just 248. In addition, the quantity of accessible spaces proposed is just 8.8%, which is significantly below the requirement laid out in Appendix 4 of the Local Plan, which requires at least 20% of cycle spaces to be accessible. Failing to provide the minimum quantity of cycle spaces set out in the Local Plan and providing just 22 accessible spaces is viewed as unacceptable. The applicant's suggestion that additional cycle parking will be provided elsewhere on site is also deemed unacceptable, inappropriate, and is not supported by any evidence.
- 8.16 **Conservation and Design Officer:** No overall objections subject to further modifications to the layout of the Women's Building to ensure that the entrance arrangements are more pleasant for future users. These entrance arrangements were amended and no design objections are raised against any aspect of this application.
- 8.17 **Planning Policy:** No objections to the scheme modifications in principle but would strongly urge that the cycle spaces that have been lost from the scheme as a result of this modification are secured in the most appropriate and relevant location for the occupiers of plot.

Officer comment – cycle parking

- 8.18 While the amendments propose the loss of cycle parking and compensation options include re-wording condition 24 or securing mitigation as part of this application, officers have had regard to the current condition 24 which requires an application to discharge this condition on a phase by phase basis. Details need to be submitted prior to occupation and the cycle storage needs to be provided prior to occupation. The application also requires the scheme to meet the headline figure of 1825. When an application is submitted to discharge this condition for this phase, compensatory provision for that lost through this NMA can be secured at that stage to be provided in an appropriate location at an appropriate timeline, noting that this phase comes relatively early in the process.

Officer comment – wheelchair housing

- 8.19 It is to be noted that the proposal results in the net loss of 7 units of M4(3)(2)(b) within this development. Officers have received comments on this matter from both the inclusive design officer and the housing officer. While objections remain to this point, it should be noted that the loss of this housing within this block has been agreed by housing officers who control the nominations process to social care units within plot C. Noting that the actual provision remains above 10% site wide despite this reduction, the case remains that the provision reflects the waiting lists that housing officers for the Council can nominate from and the fact that this brings flexibility to the process as officers can instruct modifications

and adaptations to kitchens and bathrooms as they arise at a cost to the developer, ensuring that needs met and the response is suitably dynamic.

External consultees

- 8.20 **London Fire Brigade:** No comments received.
- 8.21 **Council's Instructed Fire Safety Consultant:** Although the statement does not demonstrate compliance with the information required under the London plan D12B the plans indicate that the information is available and would be compliant if presented.

Officer comment – fire safety

- 8.22 While a fire statement has been submitted with this application to support the changes, Condition 43 requires a new statement to be submitted to allow the condition to be discharged in the event that the fire status of the building changes. In effect, condition 43 now requires the condition to be discharged and the issues raised in relation to the presentation of the information to the Council to confirm compliance by the developer can be fully resolved through that process.

9. LEGISLATION

- 9.1 Section 96A of the Town and Country Planning Act 1990 was brought into force on 1 October 2009, via the commencement of s.190 of the Planning Act 2008.
- 9.2 Section 96a of the Town and Country Planning Act 1990 (as amended) allows 'Non-material amendments' to an existing planning permission. It does not result in the a new planning permission. In relation to what would constitute 'non-material', the National Planning Practice Guidance (PPG), states: "There is no statutory definition of 'non-material'. This is because it will be depended 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 under Section 96A of the Town and Country Planning Act 1990.
- 9.3 The measure was one of three responses brought in by the Government as described within a DCLG document (*Greater Flexibility for planning permissions: Guidance (October 2010)*) to respond to the previous construction slowdown and was introduced as a measure to facilitate development by supporting the approval of small amendments without requiring time consuming expensive planning applications.
- 9.4 As an application under s.96A is not an application for planning permission, the existing Development Management Procedure Order 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. As by definition the changes sought will be non-material, consultation or publicity is not always thought to be necessary in the majority of cases, and it is not anticipated that an NMA application would generate effects which would need to be addressed under the EIA regulations.
- 9.5 The local planning authority must have regard to the effect of the change, together with any previous changes made under this section. 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, s.38(6) (presumption in favour of the development plan) of the Planning Act 2004 does not apply. There is no right to appeal.

10. RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following development plan documents.

National Guidance

- 10.1 The National Planning Policy Framework 2023 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

- 10.2 The Development Plan is comprised of the London Plan 2021, Islington Local Plan Strategic and Development Management Policies (2023), Site Allocations (2023) and the Bunhill and Clerkenwell Area Action Plan (2023) The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Planning Advice Note/Planning Brief

- 10.3 A Planning Advice Note/ Planning Brief Holloway Prison Site was published on 4 January 2018.

Designations

- 10.4 The site has the following designations under the London Plan 2021, Islington Local Plan Strategic and Development Management Policies 2023 and Site Allocations 2023:

Within 50m of Tufnell Park Conservation Area	Not in a location identified as suitable for tall buildings (>30m)
Within 50m of Hillmarton Conservation area	LL4 Local Landmark Camden Road New Church tower and
Designated Brownfield Site	Spire
Holloway Prison Site (HPS) SPD	Within 100m of Strategic Road Network and Transport for
Emerging Site Allocation NH7 (November 2018).	London Road Network
Local view corridor from Archway Road (LV4)	Major cycle route
Local view form Archway Bridge (LV5).	

Supplementary Planning Guidance (SPG) / Document (SPD)

- 10.5 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

11. ASSESSMENT

- 11.1 The main issues arising from this proposal relate to:

- The principle of using a Section 96A application to make the proposed amendments;
- Whether the proposed amendments can be considered to be non-material;
- Whether the changes safeguard the layout, size and function of the Women's Building;
- The implication of the proposed amendments on affordable housing;
- The implication of the proposed amendments on dwelling mix, scheme population and whether it continues to adequately meet housing need;
- The implications of the proposed amendments on the quality of residential accommodation;
- The implications of the proposed amendments on providing suitable accommodation for disabled people; and
- Whether the proposed amendments safeguard the objectives of providing for sustainable transport.

Background

- 11.2 Following the Grenfell Fire, the Hackitt Review into Building Regulations and Fire Safety was commissioned. It reported in May 2018 with a range of recommendations specifically in relation to what are termed as High Risk Residential Buildings that are 10 or more storeys in height or generally 30m. The report also recommended a change to the regulatory framework surrounding high risk residential buildings. This included making changes to Approved Document B (Fire Safety).
- 11.3 Out of this review, the Government legislated for improved building safety with a focus on high rise buildings by introducing the Building Safety Act. This included provisions for a Building Safety Regulator to oversee the safety and performance of all buildings as well as having a special focus on high rise buildings. This has then given rise to a range of secondary legislation documents specifically on building control and higher risk buildings.
- 11.4 Both the Mayor of London and Minister of State for the Department of Housing, Levelling Up and Communities proposed limitations on the height of buildings which could rely on a single staircase and Members will recall the changes that were made to buildings in the Barnsbury Estate planning application prior to its decision to overcome the restriction on residential floorspace above 30m. In July 2023, the Government announced through a Written Statement that buildings above 18m in residential use with at least two self contained residential units would become buildings at higher risk and would require a second staircase. Furthermore, the Government announced that transitional arrangements would be put in place.
- 11.5 In October 2023 these arrangements were announced and the Government advised that there would be a period of time of around 30 months starting from the point of an anticipated change to the Building Regulations which would permit a developer who had either commenced or had yet to commence their development to choose between continuing to complete their consented scheme with one staircase or to transition to the new regulatory regime of two staircases within a residential building above 18m in height.
- 11.6 A Circular was published on 31 October 2023 which sets out in detail the requisite changes to published legislation and regulations which changes the procedure for higher risk buildings, the introduction of an approval process through a new building safety regulator and the removal from local authority control, the approval process for higher risk buildings. However, transitional arrangements are yet to begin.
- 11.7 In this context, the developer of the Holloway Prison redevelopment, having commenced development in the latter half of 2022 were in a position therefore that they could opt to continue implementing the August 2022 planning permission in accordance with the

approved plans or make relevant amendments to comply with the requirements being introduced to the sector. Peabody have therefore decided to review their scheme and seek to introduce a second staircase to predominantly residential buildings above 30m within plot C which is within phase 1

11.8 The introduction of a second staircase into blocks C1 and C2 result in a reduction of around 35 – 40sq.m of functional residential floorspace per floor which is now dedicated to circulation and access. There is no fundamental change to the layout. The originally designed staircase and lift core was located centrally around a central linear corridor in each block with a lift to one side of the corridor and a staircase to the other side. The change to the scheme results in the stair and lift core being elongated on each side of the central corridor to provide a staircase on both sides accessible from each floor with the exception of the basement in block C1.

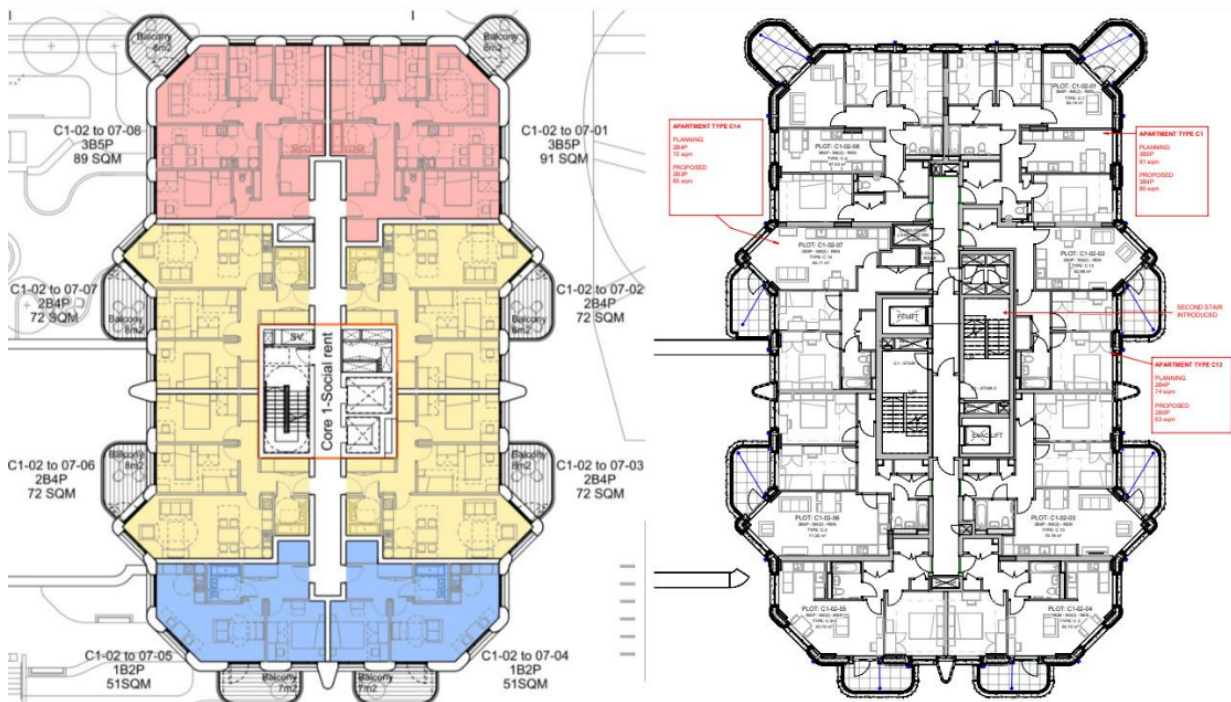
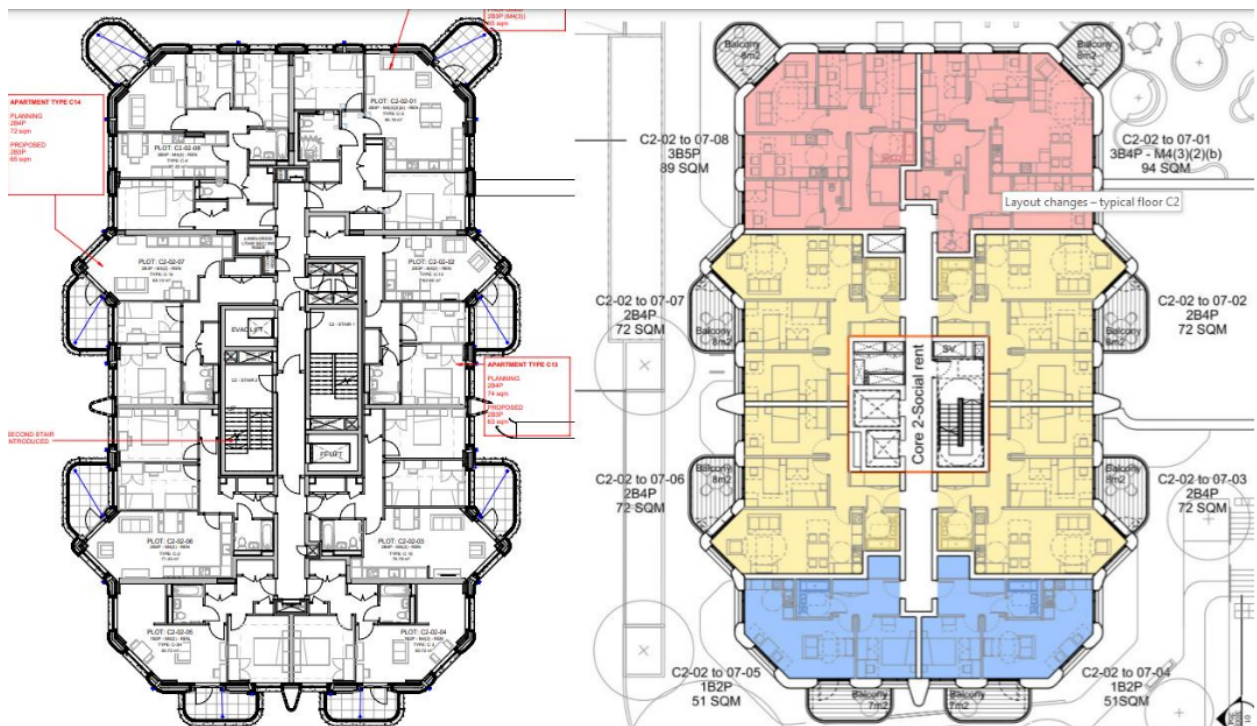


Figure 4: Block C1 staircase changes (proposed amended on right hand side)



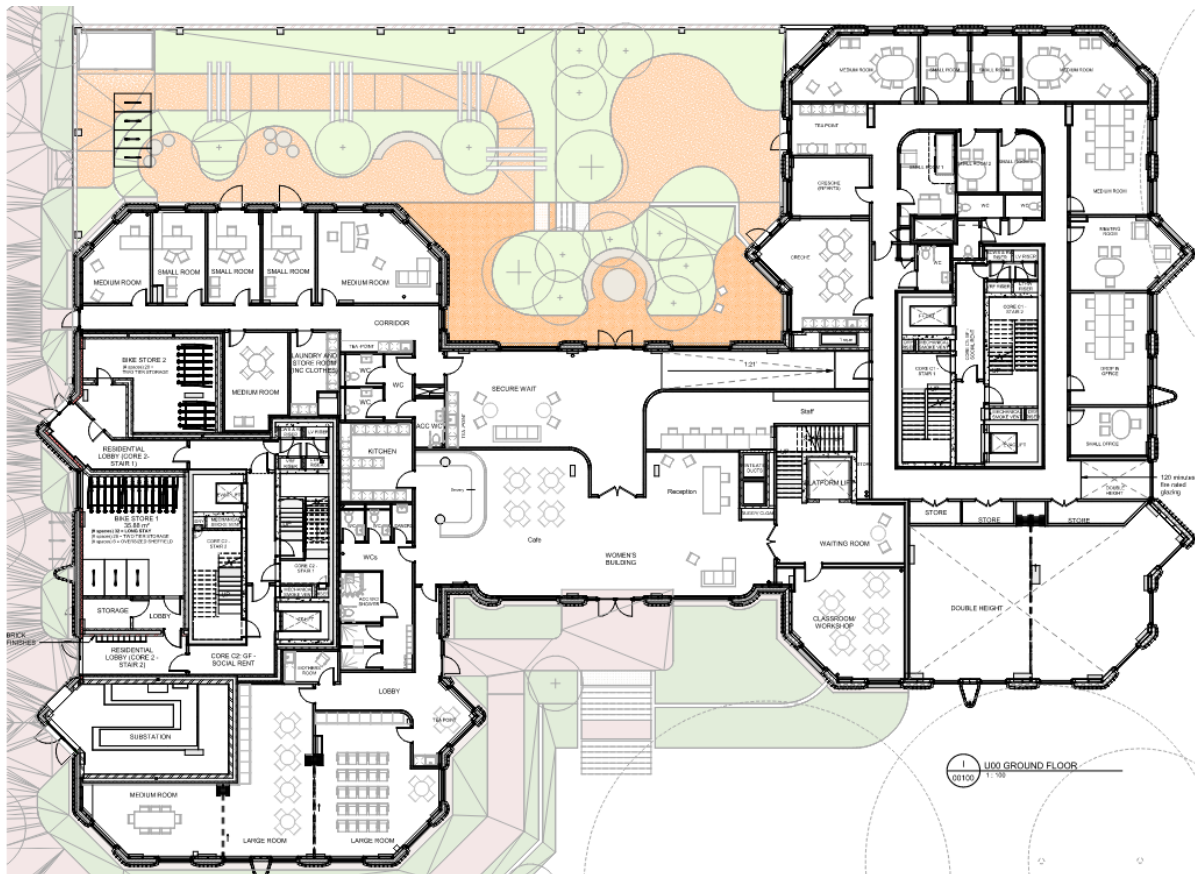


Figure 7: Proposed upper ground floor to plot C

11.12 Within Block C2, the consented plans indicated the presence on ground floor of a commercial unit. This has a consented NIA of 152sq.m or 168sq.m GIA. Due to the necessity of relocating part of the refuse storage and maintain the residential access lobby, the commercial unit is reduced in size to 92sq.m NIA (93sq.m GIA). This would be consistent with one of the other consented commercial units proposed to be located in block B. During the course of evaluating the application at the end of 2021, officers expressed concern (borne out by conclusions in the Committee Report) that given the site's location outside of a defined town centre or other retail location, there would need to be an impact assessment to limit the harm that isolated retail here would have on the function of the existing retail areas. It is considered that a further reduction in commercial floorspace in this location would not harm the qualities or benefits that this scheme would generate. Furthermore, the provision of commercial floorspace was not seen as a critical aspect of the planning balance in favour of this scheme.

Table 5: Non-residential floorspace as approved and proposed

Use	As approved (Sqm)			As proposed (Sqm)		
	NIA	GIA	GEA	NIA	GIA	GEA
Women's building	1,409	1,488.6	1,610	1,458	1,490	1,573
Commercial	142	155	168	92	93	112
Total	1,551	1,643.6	1,778	1,550	1,583	1,685

Table 1: Proposed commercial layout amendments

11.13 However, of critical benefit is the provision and subsequent safeguarding of the Women's Building with no detrimental impact on its function by way of any reduction of floorspace or harmful change to its layout and siting. This is an autonomous and separate part of the development and cannot be used to accommodate displaced residential floorspace.

11.14 Where there have been increases of the stair and lift core within the space dedicated to the Women's Building, this has been compensated for by enlargements elsewhere. This

has resulted in reductions to the cycle storage units and the number of bicycles that can be accommodated within the ground floor and lower ground floor of block C. The implication of this is that the Women’s Building is retained as proposed and consented with as per the approved layout and room/use division and a minor increase in floor area.

11.15 As such the benefits of the scheme have been protected and the changes are considered non-material.

Dwelling Mix

11.16 In order to accommodate the second staircase in blocks C1 and C2 while maintaining the same building envelope and the same number of units in the existing tenure, has required modifications to the size and layout of individual units on each floor. Where plot C previously featured a quantum of 2 bed 4 person and 3 bed 5 person units, these have had to be amended to form 2 bed 3 person and 3 bed 4 person units. The implication is a reduction in bedspaces and therefore scheme population.

11.17 Within plot C, amendments are proposed to be made which result in an increase of 42 x 2b3p units (up from 0) and an increase of 10 x 3b4p units up from 9. Consequently, there is a reduction from 75 to 39 (-36) unit of 2b4p and a reduction from 37 to 21 (-16) of 3b5p units. Overall, there will be 575 two bed units rather than 569 two bed units and 108 three bed units rather than the 114 consented. This results in a potential maximum bedspace population reduction from 3450 to 3392, a reduction of 58.

Table 1: Plot C unit mix as approved and proposed

	1b2p	2b3p	2b4p	3b4p	3b5p	4b5p	4b6p	4b7p	Total
As approved	33	0	75	9	37	0	1	0	155
As proposed	33	42	39	19	21	0	1	0	155
Difference	0	+42	-36	+10	-16	0	0	0	0

Table 2: Site-wide unit mix as approved and proposed

	1b2p	2b3p	2b4p	3b4p	3b5p	4b5p	4b6p	4b7p	Total
As approved	289	44	525	10	104	1	9	3	985
As proposed	289	86	489	20	88	1	9	3	985
Difference	0	+42	-36	+10	-16	0	0	0	0

Table 2: Proposed dwelling mix amendments plot C and site wide.

11.18 The face value of these numbers may seem significant but when considered in the context of the 2022 Planning Permission as a whole – and expressed as percentages – the non-material nature of the amendments is clearly underlined.

11.19 In terms of the change of 2 bed units, the increase of two beds constitutes an increase of 9% in plot C, but just 1% of the overall development. The decrease of three beds constitutes a decrease of 13% in plot C, but 5% of the wider development. In respect of the reduction of bedspaces that result, the 58 spaces constitutes a reduction of 9.8% within plot C, but just 1.7% site wide when compared to the previous development.

11.20 Taking this a step further and utilising the GLA London Plan Child Yield Calculator, the changes result in a child yield reduction of 7 (1.25%) and a total population decrease of 9 (0.4%) from the consented scheme. The final expression of the non-material degree of change relates to the change of habitable rooms. The amendments result in a reduction of 12 social rent habitable rooms from the consented. The revised scheme would have 1334 habitable rooms in social rent – down from 1346 – and would have 2888 total habitable

rooms – down from 2900. This is a reduction of 0.04% of all habitable rooms and a reduction of 0.9% of all social rent habitable rooms.

11.21 However, the headline figure within the dwelling mix re-calculation is that the installation of a second staircase to each of blocks C1 and C2 mean that there is very little change to the breakdown of dwelling mix by unit size with a change of six units for each of the two bed and three bed categories and this remains within the ranges set out in Islington Local Plan Policy H2 dwelling mix matrix (with tenure split). Again the consequential change on dwelling mix is extremely negligible in this instance.

Affordable Housing and Financial Viability

11.22 The existing planning consent for the redevelopment of the Holloway Prison scheme secures a substantial provision of genuinely affordable housing. Through the legal agreement, the application will deliver 415 units of social rent. This includes 60 units of social rent of extra care in block E1. In addition, 178 units are to be provided as shared ownership along with the 392 units of market dwellings.

11.23 Blocks C1 and C2 are exclusively in social rent tenure with no shared ownership and no market dwellings. As stated above, there are no loss of units occurring as a result of the modifications to accommodate the second staircase. Therefore there is no degradation of the affordable housing offer over and above the reduction from 2b4p to 2b3p and 3b5p to 3b4p and the loss of 56 bedspaces.

Table 4: Site-wide habitable rooms as approved and proposed

Tenure	As approved			As proposed		
	Habitable Rooms	Percentage	Percentage of Affordable	Habitable Rooms	Percentage	Percentage of Affordable
Market	1,116	38%		1,116	39%	
London shared ownership	438	62%	25%	438	61%	25%
Social rent	1,346		75%	1,334		75%
Total	2,900			2,888		

Table 3: Proposed habitable room changes

11.24 The Islington Local Plan provides for dwelling mix/housing need matrix which sets out a position that there is high demand for 2 bed units in the social rent tenure and a medium demand for 3 bed units in the shared ownership tenure. As demonstrated above, there is an increase of provision in the category of higher demand which is two bed dwellings and slight reduction in the number of three bed dwellings which is in the category of medium demand. The original Committee Report for P2021/3273/FUL addressed housing need by tenure type on a Ward by Ward basis. It demonstrated that in St. George’s Ward (now Tufnell Park Ward) where the site is located, that the priority need for social rent housing is in 2 bed properties (28%) rather than in 3 bed properties (18%). The proposed modifications therefore accord with the general presumption of prescribed housing mix priorities for this area.

11.25 Nevertheless there is no change to the proposed affordable housing offer provided by the scheme and the impact is negligible. Any implications on scheme viability and the ability of the scheme to generate an additional surplus will be derived through the first affordable housing review, which in this case will be the mid stage review.

Accessibility

- 11.26 Policy D5 of the London Plan 2021 requires all new development to achieve the highest standards of accessible and inclusive design and meet the changing needs of Londoners over their lifetimes. At a local level, Islington's Local Plan Policy PLAN1 requires new developments to be adaptable, functional and resilient, and able to respond to the spatial, social and economic needs of the borough's increasingly diverse communities and their different and evolving demands. This includes sustaining and reinforcing a variety and mix of uses in line with any relevant land use priorities of the Local Plan. Islington's Inclusive Design SPD provides further details and specifics.
- 11.27 This involves the amendment to condition 35.
- 11.28 Condition 35 is currently written as follows:

ACCESSIBLE HOUSING (DETAILS): Notwithstanding the approved plans, 865 of the residential units hereby approved shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2) and 120 units shall be constructed to Category 3 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Wheelchair user dwellings' M4 (3).

The M4(3) Wheelchair use dwellings shall be provided as detailed below:

- 60 x 1 Bed Extra Care units shall be provided to Category M4(3)(2)(b) standards;*
- 1 x 1 bed, 10 x 2 bed, 14 x 3 bed and 4 x 4 bed social rented units shall be provided to Category M4(3)(2)(b) standards; and*
- 3 x 1 bed and 7 x 2 bed Shared Ownership units shall be provided to Category M4(3)(2)(a) standards; and*
- 4 x 1 bed, 16 x 2 bed and 1 x 3 bed Market units shall be provided to Category M4(3)(2)(a) standards*

Building Regulations Approved Plans and Decision Advice Notice, confirming that these requirements will be achieved, shall be submitted to and approved in writing by LPA prior to any superstructure works beginning on site for each relevant phase of the development. The Approved Plans to show furniture, key dimensions and manoeuvring allowances, as set out in the provisions of the Approved Document M (Volume 1).

The development shall be constructed strictly in accordance with the details so approved.

REASON: To secure development that achieves the highest standards of accessible and inclusive design. In order to secure the provision of visitable and adaptable wheelchair accessible homes appropriate to meet diverse and changing needs in accordance with policy D3 of the London Plan and Development Management Policy.

- 11.29 It is proposed that condition 35 is amended as follows as a result of this modification:

ACCESSIBLE HOUSING (DETAILS): Notwithstanding the approved plans, 886 of the residential units hereby approved shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4(2) and 99 units shall be constructed to Category 3 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Wheelchair User Dwellings' M4 (3). The M4 (3) Wheelchair use dwellings shall be provided as detailed below:

- 44 x 1 bed Extra Care units shall be provided to Category M4(3)(2)(a) standard
- 2 x 1 bed extra care units shall be provided to Category M4(3)(2)(b) standard
- **1 x 1 bed, 12 x 2 bed, 5 x 3 bed and 4 x 4 bed social rented units shall be provided to Category M4(3)(2)(b) standards**
- 3 x 1 bed and 7 x 2 bed Shared Ownership units shall be provided to Category M4(3)(2)(a) standards; and
- 4 x 1 bed, 16 x 2 bed and 1 x 3 bed market units shall be provided to Category M4(3)(2)(a) standard

Building Regulations Approved Plans and Decision Advice Notice, confirming that these requirements will be achieved, shall be submitted to and approved in writing by LPA prior to any superstructure works beginning on site for each relevant phase of the development. The Approved Plans to show furniture, key dimensions and manoeuvring allowances, as set out in the provisions of the Approved Document M (Volume 1).

The development shall be constructed strictly in accordance with the details so approved.

REASON: To secure development that achieves the highest standards of accessible and inclusive design. In order to secure the provision of visitable and adaptable wheelchair accessible homes appropriate to meet diverse and changing needs in accordance with policy D3 of the London Plan and Development Management Policy.

11.30 For the purposes of clarification and information, the following table confirms the different categories of homes suitable for wheelchair users and disabled occupants.

M4(2)(a)	Accessible and adaptable dwellings	A dwelling which makes reasonable provision for most people to access the dwelling and incorporates features that make it potentially suitable for a wide range of occupants including older people, those with reduced mobility and some wheelchair users.
M4(3)(2)(a)	Wheelchair adaptable dwellings	To allow a simple adaptation of the dwelling to meet the needs of occupants who use wheelchairs
M4(3)(2)(b)	Wheelchair accessible dwellings	To meet the needs of occupiers who use wheelchairs. Dwellings will be defined as wheelchair accessible.

Table 3: Categories of wheelchair housing

11.31 The number of M4(3) wheelchair user dwellings in Plot C will be reduced from 10 homes to 3 homes. The approved scheme provided 120 M4(3) wheelchair user dwellings equivalent to 12.18% of dwellings exceeding the London Plan and Local Plan policy requirement of 10%. The reduction of M4(3) wheelchair user dwellings in Plot C would reduce the overall number to 113 dwellings equivalent to 11.47%. When considered on a cumulative basis with concurrent E1 NMA application (P2024/0031/NMA), the provision of M4(3) wheelchair user dwellings reduces further to 99 dwellings and 10.05%. Notwithstanding this further reduction, the overall site wide number of M4(3) dwellings would still exceed 10%. 19 social rent wheelchair units would be retained across the rest of the estate (along with 10 shared ownership M4(3) units and 22 market dwellings as M4(3) units.

	1b2p	2b3p	2b4p	3b4p	3b5p	4b5p	4b6p	4b7p	Total
As approved	0	0	0	9	0	1	0	0	10
As proposed	0	2	0	0	0	1	0	0	3
Difference	0	2	0	-9	0	0	0	0	-7

Table 4: Proposed changes to wheelchair housing in plot C

11.32 In effect, in relation to the residential units in plot C, the units are provided as M4(2) accessible and adaptable units with the exception of 3 retained M4(3) units which are wheelchair user accessible and adaptable consisting of one 4 bed 6 person unit and two 2 bed 3 person units. Given that all these units in plot C are social rent, they are under the control of the Council's nominations policy for the social rent which secures 100% for all first round of nominations and 95% of subsequent tenancies. This ensures that the Council maintains a control over the monitoring of level of need and how it applies demand or need to the available supply within the development. The decision to reduce the numbers of social rent M4(3)(2)(a) and M4(3)(2)(b) units by 7 across the development has been supported by the Housing Team in previous discussions prior to the submission of this application, and as stated above the scheme retains policy compliance despite the modifications that are proposed to be made by virtue of the second staircase within the development.

Highways and Transportation

11.33 Condition 24 of the planning permission (P2021/3273/FUL) requires details of the cycle parking to be provided prior to the occupation of each phase. Overall, the scheme proposed to deliver 1825 secured long stay spaces and 39 short stay spaces for the residential elements along with 38 long term and 36 short term cycle parking spaces for the non-residential elements.

11.34 An earlier application to discharge this condition (P2023/1463/AOD) remains outstanding and was submitted in relation to the entire phase 1 and includes plots C, D and E. In relation to plot C, the submission anticipated that the scheme would deliver 236 two tier standard cycle parking spaces, 44 Sheffield Stands and 16 oversized Sheffield Stands for the residential use, providing 296 in total. 4 were to be provided for the flexible commercial floorspace and 16 for the Women's Building. This is in excess of the London Plan requirement by 2 spaces. Because of the reductions in overall functional floorspace in plot C for the residential element, the requirement for this part has fallen by 1 to 234 and the overall policy compliant requirement to 293. However, due to the changes to the layout in the lower and upper ground floor levels of plot C, the overall provision has fallen further with a reduction of 10 spaces to the standard cycle parking provision and a loss of 38 spaces for the standard Sheffield Stands. Oversized stands have remained the same at 16. This means that the commitment to provide 296 spaces within plot C has dropped to 248, an overall reduction of 48. Nevertheless the applicant still intends to explore opportunities to redistribute the cycle parking spaces lost in plot C to later phases of the redevelopment of the site. As stated, the most significant drop is in the Standard Sheffield Stands which are generally provided for the ambulant disabled. While it is stated that the reduction will be recouped, these will be in later stages, certainly after the occupation of plot C and distanced from the people who most need these. However, it is also noted that there is no intention to vary the figures provided for overall site wide cycle parking provision provided in Condition 24.

11.35 Given that Condition 24 requires a headline target of 1825 spaces to be provided within the development, and that details of the proposed storage on a phase by phase basis,

should be both submitted and approved prior to occupation, officers retain the power to secure the compensatory provision associated with mitigating the currently proposed loss in a manner which allows the reprovided storage which best meets the needs of people living in these blocks. This includes recognising that accessible bike storage should be located as close as possible to the users of such bikes, which is envisaged will be occupying this plot. Officers will continue to ensure that the headline target will continue to be met throughout the construction and pre-occupation periods.

Quality of accommodation – daylight, sunlight, outlook and internal floorspace

Internal Floorspace

- 11.36 Notwithstanding the modifications being proposed to the layout of each of blocks C1 and C2, the internal floorspace of each unit meets or exceeds the requirement for internal space dwelling standards set out in the London Plan and there is no shortfall. It is likely that were the units to remain the same size as those consented in August 2022, that would have needed to have been a reduction in (social rent) unit numbers across the scheme which would be likely to represent a material change.

Outlook and Aspect

- 11.37 In respect of outlook and aspect, the layout of each floor of residential within plot C remains the same. While there may be instances where there are smaller units with fewer bedrooms in situ compared to the consented plans, the placement of key habitable rooms such as lounge, kitchen and diner (LKD) and lounge and diner (LD) arrangements remain the same. The rationale underpinning the placement of these rooms in context with balconies and the positioning of bedrooms also remain the same. Across all floor plans room uses remain in the same place and therefore the outlook and aspect remain the same as those approved. The relationship between room uses and balconies within flats and between flats also remain the same as approved. In some instances in the consented plans, the kitchens were individually enclosed rooms separate from the lounge areas and with no outlook, aspect or access to natural daylight. The kitchens are now absorbed into the Kitchen/Dining Room or Living/Kitchen/Dining Room combinations so that the kitchen will benefit from natural light, aspect and outlook which constitutes a beneficial enhancement.

Daylight and Sunlight

- 11.38 A number of representations have commented that the proposed development results in a significant degradation of the quality of daylight and sunlight that may be enjoyed by residents within the development. It should be noted that the layout and placement of units and habitable rooms within plot C remain the same with no reduction in the number, size and position of windows.
- 11.39 Nevertheless, the applicant has submitted an updated daylight and sunlight assessment for the scheme in regard to the implications arising from the amended stair and lift core. Furthermore, the covering letter to the daylight assessment is clear in advising that there have been changes to the BRE Guidance since the planning application was evaluated and subsequently consented.
- 11.40 The new climate based daylight modelling (CBDM) methodology is based on the British Standard 'Daylight in Buildings' (BS EN17037). This supersedes BS8206 Part 2 which was based on the average daylight factor (ADF). The CBDM methodology is based on target illuminances from daylight. This is the daylight illuminance to be achieved over half of the area of the room for at least 50% of the daylight hours every ye.

- 11.41 The UK national annex gives illuminance recommendations of 100 lux in bedrooms, 150 lux in living rooms and 200 lux in kitchens (and any space that includes a kitchen). These are median illuminances to be achieved in over 50% of the assessment grid for at least half of the daylight hours.
- 11.42 While the BRE guidance has been updated, the submitted daylight and sunlight assessment provides both the results of the updated guidance and the results used to evaluate the consented planning application to ensure consistency and comparable data.
- 11.43 As a result of the layout changes, there are 10 fewer habitable rooms to be tested for ADF with 504 rooms evaluated within this scheme. There are 10 fewer bedrooms, of which 96% pass the ADF compared to the consented scheme where 95% passed the 1% ADF. There is one additional LKD arrangement in the scheme, 87% (compared to 82% previously) now pass the 2% ADF. There are 11 more living rooms, with 63% (compared to 58% previously) pass the 1.5% ADF, while there are also 10 fewer KDs but with 91% (compared to 100% previously) passing the 2% ADF. Overall, 1% additional rooms pass their respective ADF target rising from 89% to 90%.
- 11.44 In respect of the climate based modelling which forms the updated methodology, 79% of bedrooms pass the threshold, 63% of LKDs pass the relevant threshold, 43% of living rooms pass the relevant threshold and 67% of LKs pass the relevant threshold. Overall 72% of all evaluated habitable rooms pass their relevant room use threshold.
- 11.45 In respect of sunlight exposure, 154 out of 156 rooms meet the required sunlight exposure target (constituting 99% of relevant rooms orientated within 90 degrees of due south).
- 11.46 In response to the commentary about internal overheating, no change is occurring to the scheme that would exacerbate or modify the overheating status of plot C. Condition 27 of the planning permission requires details of the overheating mitigation to be provided for approval prior to the relevant phase of the development superstructure. This is an additional safeguard to the excellent performance of the development with respect to overheating as noted in paragraphs 14.6.1 – 14.6.5 of the Committee report for the consented application.

Fire safety

- 11.47 The amendments proposed to the original 2022 consent have been driven by changes to the regulatory framework. Furthermore the design and layout were progressed through a fire safety context ahead of the recommendation being presented to the Committee in February 2022 and a fire safety strategy and statement formed part of the approved documents for that application. Condition 43 requires the development to be implemented in accordance with that statement.
- 11.48 A fire statement was submitted with this application for a non-material amendment and this was appraised by the Council's independent fire consultant in discussion with the applicants. It was concluded following this process of negotiation that while the information was available, the statement was not configured in the required template format. This statement has now been updated to have regard to the method and format directed by policy D12 as recommended by the fire consultant. No objections were raised in relation to the concept of two staircases in each of the two towers in plot C.
- 11.49 Nevertheless, the composition of the condition (43) allows for the Council to require a further statement to be submitted to the Council for approval – in order to discharge the condition – in the event that the fire safety status changes, which this application evidently does. This allows the Council to monitor and manage compliance with London Plan policy going forward.

Cumulative Relationship with Co-Submitted NMA Applications

- 11.50 The applicant has submitted two further applications for a non-material amendment to the consented scheme. The first was submitted in September 2023 and is for minor updating changes to the elevations. These are updating amendments and are necessary to respond to changes in regulation, requirements of insurers, availability of materials and to reflect minor design changes following technical construction updates. In respect of the materials, the design intent for the material selection for Plot C and Plot D remains the same as approved in August 2022. However, there would be a simplification of the materials in plot E with the same brick, mortar and metal work colour over both E1 and E2. Elsewhere in plot E, proposed amendments include changes to the balcony detail, coping, rainwater goods, fenestration, doors and louvre positions and their sizing.
- 11.51 In plots C and D, changes are proposed to balconies, window frames, coping, fenestration, doors and louvres. In addition, plot D would endure changes to the window cills, rainwater goods, privacy walls and the materiality of columns. These amendments are contained within application ref: P2023/2864/NMA. This application has been subject to revision following first review by officers to ensure that the scheme retains existing design qualities. These changes have been promoted by the original scheme architect on behalf of the construction stage architect.
- 11.52 The second parallel application for non material amendment has recently been validated and is for amendments to block E1. This application has application ref: P2024/0031/NMA. This application has arisen from detailed discussions with the Housing Nominations Team and the Adult Social Care Teams to ensure that the accommodation delivered would be mutually acceptable to the extra care provider and the council given its rights to 100% first round nominations in relation. Changes are proposed to address fire safety, reduce the number of wheelchair accessible units, alter the kitchen design and for amendments to external doors.
- 11.53 With the submission of each sequential application for an NMA, officers will consider the cumulative impact of the proposed amendments on the original consent. In the context of this application, the changes remain non-material.

Section 106/CiL

- 11.54 In order to execute the proposed non material amendment, a small number of modifications are proposed to be made to the legal agreement through a Deed of Variation. The proposed amendments have no CiL implications. The required modifications to the legal agreement are set out below.

Modification
Annexe 2 (Affordable Housing Unit Mix): A revised table is required to outline and confirm the changes from 2b4p and 3b5p to 2b3p and 3b4p respectively within the social rent tenure
Annexe 3 (Wheelchair accessible unit mix): A revised table is required to outline and confirm the changes of categorisation of M4(3)(2) units.
Annexe 4 (Wheelchair accessible units plans): Revised plans showing the demarcation, siting and layout of M4(3)(2)(a) and M4(3)(2)(b) units within the development.

Amendment to the 'Commercial Floorspace' figure of 1821.4sq.m to reflect the reduction of the flexible commercial floorspace figure as a result of the additional staircase in block C2 within the definitions section of the legal agreement.
Revision to the figure given within the definitions for the wheelchair accessible units. The original figure of 120 will be reduced to 113.
Revision to the figure given within the definitions for the size of the Women's building. The original figure of 1489sq.m will rise to 1490sq.m.
Annexe 21 (Women's building plan) revised plans are required showing the layout of the Women's building at ground and lower ground floor.

Table 5: Proposed modifications to the legal agreement.

Equalities Considerations.

11.55 In relation to the Equality Act 2010, the Council has a duty, known as the public sector equality duty, to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other unlawful conduct prohibited by the act
- advance equality of opportunity between people who share and people who do not share a relevant protected characteristic
- foster good relations between people who share and people who do not share a relevant protected characteristic

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

11.57 In assessing the acceptability of this non-material amendment the council has had due regard to its public sector equality duty, in particular with regard to disability and sex.

11.58 Agreement of the non-material amendments described in this report largely have implications on people with disabilities. The scheme results in a reduction of the number of wheelchair user accessible or wheelchair user adaptable units across the scheme. The planning application in 2022 gave consent to 120 units of this type while the amendments being secured now results in a reduction of 7 to 113. Although there is a reduction in the number of wheelchair user accessible or wheelchair user adaptable units it is not considered that this reduction is in itself discriminatory. The number of wheelchair accessible and wheelchair user adaptable units is policy compliant with 10% in this category across the development as a whole with the remaining number of units meeting at least M4(2).

11.59 The proposed reduction in the number of wheelchair user accessible and adaptable is a direct response to the levels of need which is monitored and managed by the Council's Housing Nominations and Adult Social Care officers. As such, these reductions are evidenced through the Council's own nominations policy.

- 11.60 It should be noted that this reduction is a result of delivering fire safety standards to the proposal, which will directly benefit both residents and visitors with protected characteristics and those without.
- 11.61 The reduction in cycle parking for accessible cycle parking has been evaluated but is subject to the applicant's commitment to re-providing this reduced offer in later stages of the masterplan. In addition, the condition still requires a specific number of bikes (by category) should be provided. Although the reduction in accessible cycle parking spaces is noted it is not considered that this reduction is in itself discriminatory towards disabled residents and visitors, as the condition will ensure a policy compliant level of high quality accessible parking spaces are provided. As such, this reduction is not considered to be unacceptable.
- 11.62 The Women's Building is an important part of the scheme and was a critical part of the scheme's overall planning balance. This has been retained with no reduction in floorspace and no reduction in functionality. While there have been some changes to the positioning of some rooms, this is not to the detriment of this opportunity. As such, there will be no impact on the women who will use this building who have protected characteristics.

Proposed changes to conditions

- 11.63 In order to facilitate the introduction of the non – material amendments, the application proposes the re-wording of two conditions. These are condition 2 (approved plans) and condition 35 (accessible housing).
- 11.64 The conditions are to be amended as follows:

Condition 2

Approved plans list (compliance): The development hereby approved shall be carried out in accordance with the following approved plans and documents:

Existing Plans:

Site Location Plan	17105_0_(00)_P001	P01
Detailed Existing Site Survey Plan	17105_0_(01)_P100	P01
Existing Site: Buildings to be Demolished	17105_0_(01)_P110	P01
Phasing Plan: Demolition Phase	17105_0_(01)_P150	P01
Phasing Plan: Construction Phases	17105_0_(01)_P151	P01
Existing Site: Northeast Elevation External	17105_0_(01)_P200	P01
Existing Site: Southeast Elevation External	17105_0_(01)_P201	P01
Existing Site: Southwest Elevation External	17105_0_(01)_P202	P01
Existing Site: Northwest Elevation External	17105_0_(01)_P203	P01

Proposed Plans:

Masterplan: Plot and Building Naming Plan	17105_0_(00)_P010	P02
Masterplan: Proposed Site Plan	17105_0_(00)_P100	P02
Masterplan: Lower Ground Floor	17105_0_(00)_P117	P02
Masterplan: Upper Ground Floor	17105_0_(00)_P118	P02
Masterplan: First Floor	17105_0_(00)_P119	P02
Masterplan: Typical Floor	17105_0_(00)_P121	P02
Masterplan: Roof Plan	17105_0_(00)_P122	P02
Masterplan lower ground floor (west)	HPA-VER-ZZ-ZZ-DR-A-07003	P01
Masterplan ground floor	HPA-VER-ZZ-ZZ-DR-A-07004	P01
Masterplan typical floor	HPA-VER-ZZ-ZZ-DR-A-07006	P01
Masterplan roof plan	HPA-VER-ZZ-ZZ-DR-A07011	P01
DELETED		
Masterplan: Bird and Bat Box Scope	17105_0_(00)_P150	P02
Masterplan: Proposed Northeast Elevation External	17105_0_(00)_P200	P01

Masterplan: Proposed Southeast Elevation External	17105_0_(00)_P201	P01
Masterplan: Proposed Southwest Elevation External	17105_0_(00)_P202	P01
Masterplan: Proposed Northwest Elevation External	17105_0_(00)_P203	P01
Masterplan: Proposed Southwest Elevation Internal	17105_0_(00)_P204	P01
Masterplan: Proposed Northeast Elevation Internal	17105_0_(00)_P205	P01
Masterplan: Proposed Southeast Elevation Internal	17105_0_(00)_P206	P01
Masterplan: Proposed Southwest Elevation Internal	17105_0_(00)_P207	P01
Plot A – Proposed Lower Ground Floor 01	17105_1_(00)_P098	P02
Plot A - Proposed Lower Ground Floor 02	17105_1_(00)_P099	P02
Plot A – Proposed Upper Ground Floor	17105_1_(00)_P100	P02
Plot A – Proposed First Floor	17105_1_(00)_P101	P02
Plot A – Proposed Second Floor	17105_1_(00)_P102	P02
Plot A – Proposed Third Floor	17105_1_(00)_P103	P02
Plot A – Proposed Fourth Floor	17105_1_(00)_P104	P02
Plot A – Proposed Fifth Floor	17105_1_(00)_P105	P02
Plot A – Proposed Sixth Floor	17105_1_(00)_P106	P02
Plot A – Proposed Seventh Floor	17105_1_(00)_P107	P02
Plot A – Proposed Eighth Floor	17105_1_(00)_P108	P02
Plot A - Proposed Roof Plan	17105_1_(00)_P111	P02
Plot A - Building A1 First Floor Proposed Wheelchair Flat Layout	17105_1_(00)_P154	P01
Plot A - Building A1 Lower Ground Floor Proposed Wheelchair Flat Layout	17105_1_(00)_P155	P01
Plot A - Building A1 and A2 Upper Ground Floor Proposed Wheelchair Flat Layouts	17105_1_(00)_P157	P01
Plot A - Building A3 Upper Ground Floor Proposed Wheelchair Flat Layouts	17105_1_(00)_P158	P01
Plot A - Building A4 Upper Ground Floor Proposed Wheelchair Flat Layouts	17105_1_(00)_P159	P01
Plot A - Building A2 Second Floor Proposed Wheelchair Flat Layout	17105_1_(00)_P160	P01
Plot A Building A1 and A2 Proposed Northwest Elevation – External	17105_1_(00)_P200	P01
Plot A Building A3 and A4 Proposed Southeast Elevation - External	17105_1_(00)_P201	P01
Plot A Building A1 and A4 Proposed Northeast Elevation – External	17105_1_(00)_P202	P01
Plot A Building A2 and A3 Proposed Southwest Elevation – External	17105_1_(00)_P203	P02
Plot A Building A3 and A4 Proposed Northwest Elevation - External	17105_1_(00)_P205	P01
Plot A Building A1 and A2 Proposed Southeast Elevation - External	17105_1_(00)_P206	P01
Plot A Building A4 Proposed Southwest Elevation - External	17105_1_(00)_P207	P01
Plot A Building A3 Proposed Northeast Elevation – External	17105_1_(00)_P208	P01
Plot A Building A1 and A4 Proposed Section AA	17105_1_(00)_P300	P02
Plot A Building A2 and A3 Proposed Section BB	17105_1_(00)_P301	P01
Plot A Building A2 Proposed Bay Elevation Southwest	17105_1_(00)_P400	P01
Plot A Building A3 Proposed Bay Elevation Southeast	17105_1_(00)_P401	P01
Plot A Building A1 and A2 Proposed Bay Elevation Southeast	17105_1_(00)_P402	P01
Plot A Building A3 Proposed Bay Elevation Southwest	17105_1_(00)_P404	P01
Plot B - Proposed Lower Ground Floor 01	17105_2_(00)_P098	P02
Plot B - Proposed Lower Ground Floor 02	17105_2_(00)_P099	P02
Plot B - Proposed Upper Ground Floor	17105_2_(00)_P100	P02
Plot B - Proposed First and Second Floor	17105_2_(00)_P101	P02

Plot B - Proposed Third Floor	17105_2_(00)_P103	P02
Plot B - Proposed Fourth and Fifth Floor	17105_2_(00)_P104	P02
Plot B - Proposed Sixth Floor	17105_2_(00)_P106	P02
Plot B - Proposed Seventh Floor	17105_2_(00)_P107	P02
Plot B - Proposed Eighth Floor	17105_2_(00)_P108	P02
Plot B - Proposed Ninth Floor	17105_2_(00)_P109	P02
Plot B - Proposed Tenth Floor	17105_2_(00)_P110	P02
Plot B - Proposed Eleventh Floor	17105_2_(00)_P111	P02
Plot B - Proposed Roof Plan	17105_2_(00)_P120	P02
Plot B - Building B2 Upper Ground Floor Proposed Wheelchair Flat Layouts 01	17105_2_(00)_P151	P02
Plot B - Building B2 Upper Ground Floor Proposed Wheelchair Flat Layouts 02	17105_2_(00)_P152	P01
Plot B - Building B4 and B5 Upper Ground Floor Proposed Wheelchair Flat Layouts	17105_2_(00)_P153	P01
Plot B - Building B6 Upper Ground Floor Proposed Wheelchair Flat Layouts	17105_2_(00)_P154	P01
Plot B - Building B6 Typical Floor Proposed Wheelchair Flat Layout	17105_2_(00)_P155	P01
Plot B Building B1 B2 and B3 Proposed Northwest Elevation – External	17105_2_(00)_P200	P01
Plot B Building B4 B5 and B6 Proposed Southeast Elevation – External	17105_2_(00)_P201	P01
Plot B Building B3 and B4 Proposed Southwest Elevation – External	17105_2_(00)_P202	P02
Plot B Building B1 and B6 Proposed Northeast Elevation– External	17105_2_(00)_P203	P01
Plot B Building B4 B5 and B6 Proposed Northwest Elevation – External	17105_2_(00)_P204	P01
Plot B Building B3 Proposed Northeast Elevation – External	17105_2_(00)_P205	P02
Plot B Building B2 and B5 Proposed Northeast Elevation – External	17105_2_(00)_P206	P01
Plot B Building B1 and B6 Proposed Southwest Elevation – External	17105_2_(00)_P207	P02
Plot B Building B2 Proposed Southwest Elevation – External	17105_2_(00)_P208	P02
Plot B Building B1 B2 and B3 Proposed Southeast Elevation – External	17105_2_(00)_P209	P01
Plot B Building B1 B2 and B3 Proposed Section AA	17105_2_(00)_P300	P01
Plot B Building B4 B5 and B6 Proposed Section CC	17105_2_(00)_P302	P01
Plot B Building B5 Proposed Bay Elevation Southeast	17105_2_(00)_P400	P02
Plot B Building B3 Proposed Bay Elevation Southwest	17105_2_(00)_P401	P02
Plot B Building B6 Proposed Bay Elevation Northeast	17105_2_(00)_P402	P02
Plot C - Proposed Lower Ground Floor	17105_3_(00)_P099	P01
	HPA-VER-C-L00-DR-A-00090	P02
Plot C - Proposed Ground Floor	17105_3_(00)_P100	P02
	HPA-VER-C-U00-DR-A00100	P02
Plot C - Proposed First Floor	17105_3_(00)_P101	P01
	HPA-VER-C-01-DR-A-00101	P01
Plot C - Proposed Second to Seventh Floor	17105_3_(00)_P102	P01
Plot C – Proposed Second floor	HPA-VER-C-02-DR-A-00102	P01
Plot C – Proposed third floor	HPA-VER-C-03-DR-A-00103	P01
Plot C – Proposed fourth floor	HPA-VER-C-04-DR-A-00104	P01
Plot C – Proposed fifth floor	HPA-VER-C-05-DR-A-00105	P01
Plot C – Proposed sixth floor	HPA-VER-C-06-DR-A-00106	P01
Plot C – Proposed seventh floor	HPA-VER-C-07-DR-A-00107	P01
Plot C - Proposed Eighth Floor	17105_3_(00)_P108	P01
	HPA-VER-C-08-DR-A-00108	P01
Plot C - Proposed Ninth Floor	17105_3_(00)_P109	P01

	HPA-VER-C-09-DR-A-00109	P01
Plot C - Proposed Tenth Floor	17105_3_(00)_P110	P01
	HPA-VER-C-10-DR-A-00110	P01
Plot C - Proposed Eleventh Floor	17105_3_(00)_P111	P01
	HPA-VER-C-11-DR-A-00111	P01
Plot C - Proposed Twelfth Floor	17105_3_(00)_P112	P01
	HPA-VER-C-12-DR-A-00112	P01
Plot C - Proposed Roof Plan	17105_3_(00)_P120	P01
	HPA-VER-C-RF-DR-A-00113	P01
Plot C - Proposed Wheelchair Flat Layouts - First floor and First to Ninth Floor	17105_3_(00)_P152	P01
DELETED		
Plot C Proposed Southeast Elevation – External	17105_3_(00)_P200	P01
Plot C Proposed Northwest Elevation – External	17105_3_(00)_P201	P01
Plot C Building C1 Proposed Northeast Elevation – External	17105_3_(00)_P202	P01
	04104	P3
Plot C Building C2 Proposed Southwest Elevation –External	17105_3_(00)_P203	P01
	04100	P3
Plot C Building C2 Proposed Northeast Elevation – External	17105_3_(00)_P204	P01
Plot C Building C1 Proposed Southwest Elevation – External	17105_3_(00)_P205	P01
Plot C Proposed Section AA	17105_3_(00)_P300	P01
	00500	P2
Plot C Proposed Section CC	00502	P2
Plot C Building C1 Proposed Section BB	17105_3_(00)_P301	P01
	00501	P1
Plot C Building C2 Proposed Section CC	17105_3_(00)_P302	P01
Plot C Proposed Section DD	17105_3_(00)_P303	P01
	00503	P1
Plot C Building C2 Proposed Bay Elevation Southeast	17105_3_(00)_P400	P01
Plot D - Proposed Lower Ground Floor	17105_4_(00)_P099	P02
Plot D - Proposed Upper Ground Floor	17105_4_(00)_P100	P02
Plot D - Proposed First Floor	17105_4_(00)_P101	P02
Plot D - Proposed Second Floor	17105_4_(00)_P102	P02
Plot D - Proposed Third to Fifth Floor	17105_4_(00)_P103	P02
Plot D - Proposed Sixth Floor	17105_4_(00)_P106	P02
Plot D - Proposed Seventh Floor	17105_4_(00)_P107	P02
Plot D - Proposed Eighth Floor	17105_4_(00)_P108	P02
Plot D - Proposed Roof Plan	17105_4_(00)_P111	P01
Plot D Proposed Wheelchair Flat Layouts - Upper Ground Floor	17105_4_(00)_P150	P01
Plot D Proposed Wheelchair Flat Layouts - Upper Ground Floor	17105_4_(00)_P151	P01
Plot D Proposed Wheelchair Flat Layouts - First floor and First to Sixth Floor	17105_4_(00)_P152	P01
Plot D Building D3 Proposed Northwest Elevation – External	17105_4_(00)_P200	P01
Plot D Proposed Northeast Elevation – External	17105_4_(00)_P201	P01
Plot D Proposed Southwest Elevation – External	17105_4_(00)_P202	P01
Plot D Building D1 Proposed Southeast Elevation – External	17105_4_(00)_P203	P01
Plot D Building D2 Proposed Southeast Elevation – External	17105_4_(00)_P204	P01
Plot D Building D3 Proposed Southeast Elevation –	17105_4_(00)_P205	P01

External		
Plot D Building D1 Proposed Northwest Elevation – External	17105_4_(00)_P206	P01
Plot D Building D2 Proposed Northwest Elevation – External	17105_4_(00)_P207	P02
Plot D Building D2 Proposed Cross Section AA	17105_4_(00)_P300	P01
Plot D Proposed Long Section BB	17105_4_(00)_P301	P01
Plot D Building D2 Proposed Bay Elevation Northeast	17105_4_(00)_P400	P01
Plot D Building D1 Proposed Bay Elevation Southeast	17105_4_(00)_P401	P01
Plot E - Proposed Ground Floor	17105_5_(00)_P100	P01
Plot E - Proposed First Floor	17105_5_(00)_P101	P01
Plot E - Proposed Second Floor	17105_5_(00)_P102	P01
Plot E - Proposed Third Floor	17105_5_(00)_P103	P01
Plot E - Proposed Fourth Floor	17105_5_(00)_P104	P01
Plot E - Proposed Fifth Floor	17105_5_(00)_P105	P01
Plot E - Proposed Sixth Floor	17105_5_(00)_P106	P01
Plot E - Proposed Roof Plan	17105_5_(00)_P115	P01
Plot E Proposed Wheelchair Flat Layouts - First floor to Fifth Floor 01	17105_5_(00)_P154	P01
Plot E Proposed Wheelchair Flat Layouts - First floor to Fifth Floor 02	17105_5_(00)_P155	P01
Plot E Proposed Wheelchair Flat Layouts - First floor to Fifth Floor 03	17105_5_(00)_P156	P01
Plot E Proposed Wheelchair Flat Layouts - First floor to Fifth Floor 04	17105_5_(00)_P157	P01
Plot E Proposed Wheelchair Flat Layouts - Ground Floor and Sixth floor	17105_5_(00)_P158	P01
Plot E Building E1 and E2 Proposed Southeast Elevation– External	17105_5_(00)_P200	P01
Plot E Building E2 Proposed Northeast Elevation - External	17105_5_(00)_P201	P01
Plot E Building E1 and E2 Proposed Northwest Elevation - External	17105_5_(00)_P202	P01
Plot E Building E1 Proposed Southwest Elevation - External	17105_5_(00)_P203	P01
Plot E Building E1 Proposed Northeast Elevation - External	17105_5_(00)_P204	P01
Plot E Building E2 Proposed Southwest Elevation - External	17105_5_(00)_P205	P01
Plot E Building E1 Proposed Section AA	17105_5_(00)_P300	P01
Plot E Building E1 and E2 Proposed Section BB	17105_5_(00)_P301	P01
Plot E Building E2 Proposed Section CC	17105_5_(00)_P302	P01
Plot E Building E1 Proposed Section DD	17105_5_(00)_P303	P01
Plot E Building E2 Proposed Bay Elevation Southeast	17105_5_(00)_P400	P01
Plot E Building E1 Proposed Bay Elevation Southeast	17105_5_(00)_P401	P01
Illustrative Masterplan	1947-EXA-ZZ-ZZDR-L-00001	P01
Reference Plan	1947-EXA-ZZ-ZZDR-L-00010	P01
Detailed Landscape General Arrangement Plan Legend	1947-EXA-ZZ-ZZDR-L-00050	P01
Landscape General Arrangement Plan Ground Floor	1947-EXA-ZZ-ZZDR-L-00100	P01
Detailed Landscape General Arrangement Plan Sheet 01 of 06	1947-EXA-ZZ-ZZDR-L-00101	P01
Detailed Landscape General Arrangement Plan Sheet 02 of 06	1947-EXA-ZZ-ZZDR-L-00102	P01
Detailed Landscape General Arrangement Plan Sheet 03 of 06	1947-EXA-ZZ-ZZDR-	P01

	L-00103	
Detailed Landscape General Arrangement Plan Sheet 04 of 06	1947-EXA-ZZ-ZZDR-L-00104	P01
Detailed Landscape General Arrangement Plan Sheet 05 of 06	1947-EXA-ZZ-ZZDR-L-00105	P01
Detailed Landscape General Arrangement Plan Sheet 06 of 06	1947-EXA-ZZ-ZZDR-L-00106	P01
Landscape General Arrangement Plan Roof	1947-EXA-ZZ-ZZDR-L-00110	P01
Planting Plan Trees	1947-EXA-ZZ-ZZDR-L-00200	P01
Planting Plan Shrubs and Groundcovers	1947-EXA-ZZ-ZZDR-L-00210	P01
Levels Plan	1947-EXA-ZZ-ZZDR-L-00300	P01
Site Sections Reference Plan	1947-EXA-ZZ-ZZDR-L-00500	P01
Site Sections Sheet 01 of 06	1947-EXA-ZZ-ZZDR-L-00501	P01
Site Sections Sheet 02 of 06	1947-EXA-ZZ-ZZDR-L-00502	P01
Site Sections Sheet 03 of 06	1947-EXA-ZZ-ZZDR-L-00503	P01
Site Sections Sheet 04 of 06	1947-EXA-ZZ-ZZDR-L-00504	P01
Site Sections Sheet 05 of 06	1947-EXA-ZZ-ZZDR-L-00505	P01
Site Sections Sheet 06 of 06	1947-EXA-ZZ-ZZDR-L-00506	P01
Typical Surface Treatment Details	1947-EXA-ZZ-ZZDR-L-00600	P01
Typical Boundary Treatment Details	1947-EXA-ZZ-ZZDR-L-00601	P01
Typical Edge Treatments	1947-EXA-ZZ-ZZDR-L-00602	P01
Typical Soft Landscape Details	1947-EXA-ZZ-ZZDR-L-00700	P01
Planting Schedule	1947-EXA-ZZ-ZZSH-L-00200	P01

Documents:

Affordable Housing Statement (November 2021); Arboricultural Impact Assessment prepared by Barton Hyett Associates (October 2021); Arboricultural Method Statement prepared by Barton Hyett Associates (October 2021); Biodiversity Net Gain Assessment prepared by Penny Anderson (28 October 2021); Circular Economy Statement prepared by Hoare Lea (29 October 2021); Construction Environmental Management Plan prepared by London Square (November 2021); Contamination - Generic Quantitative Environmental Risk Assessment prepared by Waterman (October 2021), Contamination - Ground Investigation Strategy and Specification prepared by Waterman (October 2021); Contamination - Preliminary Environmental Risk Assessment prepared by Waterman (October 2021); Contamination - Remediation Strategy prepared by Waterman (October 2021); Daylight and Sunlight Assessment prepared by Point 2 (November 2021); Delivery and Servicing Plan prepared by Velocity (November 2021), Design and Access Statement prepared by AHMM (November 2021: updated Design and Access Statement p112 Tenure, Design and Access Statement p113 Tenure revA); Environmental Statement prepared by Avison Young (November 2021); Equalities Impact Assessment prepared by WSP (October 2021); Fire Statement prepared by FDS (15 November 2021), Flood Risk Assessment and Drainage Report prepared by Waterman (October 2021); Health Impact Assessment prepared by WSP October 2021; Historic Environment Assessment prepared by MOLA (November 2021); Main Town Centre Uses Assessment prepared by WSP (October 2021); Noise Impact Assessment prepared by Max Fordham (1 November 2021); Open Space and Recreation Assessment and Landscape Design Strategy prepared by Exterior Architecture (November 2021: updated Play Strategy Addendum), Parking Design and Management Plan prepared by Velocity (November 2021); Planning Statement prepared by Avison Young (November 2021); Schedule of Accommodation prepared by AHMM **Veretec** (February 2024 2022: updated 17105_0_(00)_P910_RevP02; 17105_0_(00)_P912_RevP02; 17105_2_(00)_P901_RevP02; 17105_2_(00)_P903_RevP02; 17105_2_(00)_P905_RevP03); Site Waste Management Plan prepared by London Square (November 2021); Statement of Community Involvement prepared by Kanda (October 2021); Sustainable Design and Construction Statement prepared by Hoare Lea

(29 October 2021); Transport Assessment prepared by Velocity (November 2021); Travel Plan prepared by Velocity (November 2021); Utilities Assessment prepared by Hoare Lea (1 November 2021); Ventilation and Extract Statement prepared by Hoare Lea (1 November 2021); and Waste Management Plan prepared by WSP (November 2021), **Daylight and sunlight assessment (Point 2, January 2024). Fire Statement (MSC January 2024).**

REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.

11.65 Condition 35 is amended as follows

ACCESSIBLE HOUSING (DETAILS): Notwithstanding the approved plans, 886 of the residential units hereby approved shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accesible and adaptable dwellings' M4(2) and 99 units shall be constructed to Category 3 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Wheelchair User Dwellings' M4 (3). The M4 (3) Wheelchair use dwellings shall be provided as detailed below:

- 44 x 1 bed Extra Care units shall be provided to Category M4(3)(2)(a) standard
- 2 x 1 bed extra care units shall be provided to Category M4(3)(2)(b) standard
- **1 x 1 bed, 12 x 2 bed, 5 x 3 bed and 4 x 4 bed social rented units shall be provided to Category M4(3)(2)(b) standards**
- 3 x 1 bed and 7 x 2 bed Shared Ownership units shall be provided to Category M4(3)(2)(a) standards; and
- 4 x 1 bed, 16 x 2 bed and 1 x 3 bed market units shall be provided to Category M4(3)(2)(a) standard

Building Regulations Approved Plans and Decision Advice Notice, confirming that these requirements will be achieved, shall be submitted to and approved in writing by LPA prior to any superstructure works beginning on site for each relevant phase of the development. The Approved Plans to show furniture, key dimensions and manoeuvring allowances, as set out in the provisions of the Approved Document M (Volume 1).

The development shall be constructed strictly in accordance with the details so approved.

REASON: To secure development that achieves the highest standards of accessible and inclusive design. In order to secure the provision of visitable and adaptable wheelchair accessible homes appropriate to meet diverse and changing needs in accordance with policy D3 of the London Plan and Development Management Policy

12. SUMMARY AND CONCLUSION

Summary

- 12.1 As stated above, there is no definition as to what constitutes a non-material amendment and government advice is such that what may be material in one application may not be material in another application and the outcome of such a determination is driven by the context of a particular planning application and the implications of such changes on the appreciation, understanding and experience of said development and proposed amendments.
- 12.2 This application proposes the installation of a second staircase shaft into the full height of each of blocks C1 and C2. This change in itself is wholly internal and does not manifest itself externally.

- 12.3 The principal components of the original planning permission consist of the 985 dwellings comprising the 355 units of social rent and 60 units of extra care social rent, the Women's building, and the approved macro and detailed design concepts of the scheme which remain unchanged. In re-configuring the proposed layout, the installation of the new staircase results in the reduction of size (and bedspaces) of the consented units within the development; a reduction in the number of cycle spaces and a reduction in the number of wheelchair accessible and adaptable units within the development. There is also a reduction in the floorspace of an area of commercial floorspace. Other aspects of the scheme such as cycle parking including proportions of accessible cycle parking and the proportions of accessible wheelchair housing are guided by planning conditions.
- 12.4 The overall function of the land uses would remain unchanged in the proposal. The reduction in bed spaces is limited to 2% of the overall optimum site wide population. The change in dwelling mix relating to the proportions of the 1 and 2 bed units is limited to just 1%, and the reduction in the number of habitable rooms in the social rent tenure drops by 12 which again, is just 1% of the overall total of habitable rooms in that tenure type. These amendments will be secured through an alteration to the approved documents condition (Condition 2) which is listed as proposed to be revised below.
- 12.5 The other implication of the proposed development involves the changes to the proportions of different categories of wheelchair housing. This is addressed through condition 35 (Accessible Housing) which outlines the number of units that should be provided as M4(3)(2)(a) and M4(3)(2)(b) within each tenure type that the development provides for. There is a drop in the number of wheelchair user adaptable and accessible dwellings within plot C with the loss of 7 (from a consented position of 9). These will be replaced with M4(2) dwellings which can be adapted and made accessible. M4(2) can be defined as being accessible and adaptable dwellings that have a higher level of accessibility that is beneficial to a wide range of people who occupy or visit the dwelling.
- 12.6 In effect, 7 of the 9 social rent units will become accessible and adaptable units. While this loss is regrettable, it is noted that the use and occupation of proposed wheelchair housing in social rent tenure, would be subject to the Council's nominations policy which is controlled by the Housing Department. Housing Officers are content that current needs are being met despite this reduction in this block. Furthermore, the development would continue to deliver a policy compliant level of wheelchair dwellings.
- 12.7 While cycle parking is being lost, particularly the reduction in the number of Sheffield stands for accessible bikes, the applicant has advised that this reduction will be compensated for across the development as a whole as (the) condition 24 (cycle parking) is discharged on a phase by phase basis. Nevertheless, accessible cycle parking should be provided close to where it is needed and the reductions from within plot C should be mitigated.
- 12.8 It can be demonstrated therefore within the context of a significant scheme of this nature, that the actual changes proposed through the installation of a new staircase has no material impact. With no subsequent change in the number of units, dwelling mix, or tenure split and no undermining of the critical planning balance used to justify the grant of planning consent, it is considered that the implications arising from the change of wheelchair housing and the loss of cycle parking, while regrettable, is not fundamental to the scheme as a whole and does not constitute a material change.
- 12.9 The wording of the conditions to reflect these specific implications are considered appropriate and non-material within the wider scheme context. On this basis, it is considered that the scheme has not changed in this respect.

Conclusion

12.10 It is recommended that the non-material amendment be agreed subject to compliance with the amended conditions and modifications to the completed legal agreement subject to a deed of variation terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the non-material amendment be agreed subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the changes described above to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service.

That, should the **Section 106** Deed of Planning Obligation not be completed within 13 weeks / 16 weeks (for EIA development) from the date when the application was made valid, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

List of Informatives:

1	Condition 2 should be amended as follows		
CONDITION: Approved plans list (compliance): The development hereby approved shall be carried out in accordance with the following approved plans and documents:			
Existing Plans:			
	Site Location Plan	17105_0_(00)_P001	P01
	Detailed Existing Site Survey Plan	17105_0_(01)_P100	P01
	Existing Site: Buildings to be Demolished	17105_0_(01)_P110	P01
	Phasing Plan: Demolition Phase	17105_0_(01)_P150	P01
	Phasing Plan: Construction Phases	17105_0_(01)_P151	P01
	Existing Site: Northeast Elevation External	17105_0_(01)_P200	P01
	Existing Site: Southeast Elevation External	17105_0_(01)_P201	P01
	Existing Site: Southwest Elevation External	17105_0_(01)_P202	P01
	Existing Site: Northwest Elevation External	17105_0_(01)_P203	P01
Proposed Plans:			
	Masterplan: Plot and Building Naming Plan	17105_0_(00)_P010	P02
	Masterplan: Proposed Site Plan	17105_0_(00)_P100	P02
	Masterplan: Lower Ground Floor	17105_0_(00)_P117	P02
	Masterplan: Upper Ground Floor	17105_0_(00)_P118	P02
	Masterplan: First Floor	17105_0_(00)_P119	P02
	Masterplan: Typical Floor	17105_0_(00)_P121	P02
	Masterplan: Roof Plan	17105_0_(00)_P122	P02
	Masterplan lower ground floor (west)	HPA-VER-ZZ-ZZ-DR-A-07003	P01

Masterplan ground floor	HPA-VER-ZZ-ZZ-DR-A-07004	P01
Masterplan typical floor	HPA-VER-ZZ-ZZ-DR-A-07006	P01
Masterplan roof plan	HPA-VER-ZZ-ZZ-DR-A07011	P01
DELETED		
Masterplan: Bird and Bat Box Scope	17105_0_(00)_P150	P02
Masterplan: Proposed Northeast Elevation External	17105_0_(00)_P200	P01
Masterplan: Proposed Southeast Elevation External	17105_0_(00)_P201	P01
Masterplan: Proposed Southwest Elevation External	17105_0_(00)_P202	P01
Masterplan: Proposed Northwest Elevation External	17105_0_(00)_P203	P01
Masterplan: Proposed Southwest Elevation Internal	17105_0_(00)_P204	P01
Masterplan: Proposed Northeast Elevation Internal	17105_0_(00)_P205	P01
Masterplan: Proposed Southeast Elevation Internal	17105_0_(00)_P206	P01
Masterplan: Proposed Southwest Elevation Internal	17105_0_(00)_P207	P01
Plot A – Proposed Lower Ground Floor 01	17105_1_(00)_P098	P02
Plot A - Proposed Lower Ground Floor 02	17105_1_(00)_P099	P02
Plot A – Proposed Upper Ground Floor	17105_1_(00)_P100	P02
Plot A – Proposed First Floor	17105_1_(00)_P101	P02
Plot A – Proposed Second Floor	17105_1_(00)_P102	P02
Plot A – Proposed Third Floor	17105_1_(00)_P103	P02
Plot A – Proposed Fourth Floor	17105_1_(00)_P104	P02
Plot A – Proposed Fifth Floor	17105_1_(00)_P105	P02
Plot A – Proposed Sixth Floor	17105_1_(00)_P106	P02
Plot A – Proposed Seventh Floor	17105_1_(00)_P107	P02
Plot A – Proposed Eighth Floor	17105_1_(00)_P108	P02
Plot A - Proposed Roof Plan	17105_1_(00)_P111	P02
Plot A - Building A1 First Floor Proposed Wheelchair Flat Layout	17105_1_(00)_P154	P01
Plot A - Building A1 Lower Ground Floor Proposed Wheelchair Flat Layout	17105_1_(00)_P155	P01
Plot A - Building A1 and A2 Upper Ground Floor Proposed Wheelchair Flat Layouts	17105_1_(00)_P157	P01
Plot A - Building A3 Upper Ground Floor Proposed Wheelchair Flat Layouts	17105_1_(00)_P158	P01
Plot A - Building A4 Upper Ground Floor Proposed Wheelchair Flat Layouts	17105_1_(00)_P159	P01
Plot A - Building A2 Second Floor Proposed Wheelchair Flat Layout	17105_1_(00)_P160	P01
Plot A Building A1 and A2 Proposed Northwest Elevation – External	17105_1_(00)_P200	P01
Plot A Building A3 and A4 Proposed Southeast Elevation - External	17105_1_(00)_P201	P01
Plot A Building A1 and A4 Proposed Northeast Elevation – External	17105_1_(00)_P202	P01
Plot A Building A2 and A3 Proposed Southwest Elevation – External	17105_1_(00)_P203	P02
Plot A Building A3 and A4 Proposed Northwest Elevation - External	17105_1_(00)_P205	P01
Plot A Building A1 and A2 Proposed Southeast Elevation - External	17105_1_(00)_P206	P01
Plot A Building A4 Proposed Southwest Elevation - External	17105_1_(00)_P207	P01
Plot A Building A3 Proposed Northeast Elevation – External	17105_1_(00)_P208	P01
Plot A Building A1 and A4 Proposed Section AA	17105_1_(00)_P300	P02
Plot A Building A2 and A3 Proposed Section BB	17105_1_(00)_P301	P01
Plot A Building A2 Proposed Bay Elevation Southwest	17105_1_(00)_P400	P01
Plot A Building A3 Proposed Bay Elevation Southeast	17105_1_(00)_P401	P01
Plot A Building A1 and A2 Proposed Bay Elevation Southeast	17105_1_(00)_P402	P01

Plot A Building A3 Proposed Bay Elevation Southwest	17105_1_(00)_P404	P01
Plot B - Proposed Lower Ground Floor 01	17105_2_(00)_P098	P02
Plot B - Proposed Lower Ground Floor 02	17105_2_(00)_P099	P02
Plot B - Proposed Upper Ground Floor	17105_2_(00)_P100	P02
Plot B - Proposed First and Second Floor	17105_2_(00)_P101	P02
Plot B - Proposed Third Floor	17105_2_(00)_P103	P02
Plot B - Proposed Fourth and Fifth Floor	17105_2_(00)_P104	P02
Plot B - Proposed Sixth Floor	17105_2_(00)_P106	P02
Plot B - Proposed Seventh Floor	17105_2_(00)_P107	P02
Plot B - Proposed Eighth Floor	17105_2_(00)_P108	P02
Plot B - Proposed Ninth Floor	17105_2_(00)_P109	P02
Plot B - Proposed Tenth Floor	17105_2_(00)_P110	P02
Plot B - Proposed Eleventh Floor	17105_2_(00)_P111	P02
Plot B - Proposed Roof Plan	17105_2_(00)_P120	P02
Plot B - Building B2 Upper Ground Floor Proposed Wheelchair Flat Layouts 01	17105_2_(00)_P151	P02
Plot B - Building B2 Upper Ground Floor Proposed Wheelchair Flat Layouts 02	17105_2_(00)_P152	P01
Plot B - Building B4 and B5 Upper Ground Floor Proposed Wheelchair Flat Layouts	17105_2_(00)_P153	P01
Plot B - Building B6 Upper Ground Floor Proposed Wheelchair Flat Layouts	17105_2_(00)_P154	P01
Plot B - Building B6 Typical Floor Proposed Wheelchair Flat Layout	17105_2_(00)_P155	P01
Plot B Building B1 B2 and B3 Proposed Northwest Elevation – External	17105_2_(00)_P200	P01
Plot B Building B4 B5 and B6 Proposed Southeast Elevation – External	17105_2_(00)_P201	P01
Plot B Building B3 and B4 Proposed Southwest Elevation – External	17105_2_(00)_P202	P02
Plot B Building B1 and B6 Proposed Northeast Elevation– External	17105_2_(00)_P203	P01
Plot B Building B4 B5 and B6 Proposed Northwest Elevation – External	17105_2_(00)_P204	P01
Plot B Building B3 Proposed Northeast Elevation – External	17105_2_(00)_P205	P02
Plot B Building B2 and B5 Proposed Northeast Elevation – External	17105_2_(00)_P206	P01
Plot B Building B1 and B6 Proposed Southwest Elevation – External	17105_2_(00)_P207	P02
Plot B Building B2 Proposed Southwest Elevation – External	17105_2_(00)_P208	P02
Plot B Building B1 B2 and B3 Proposed Southeast Elevation – External	17105_2_(00)_P209	P01
Plot B Building B1 B2 and B3 Proposed Section AA	17105_2_(00)_P300	P01
Plot B Building B4 B5 and B6 Proposed Section CC	17105_2_(00)_P302	P01
Plot B Building B5 Proposed Bay Elevation Southeast	17105_2_(00)_P400	P02
Plot B Building B3 Proposed Bay Elevation Southwest	17105_2_(00)_P401	P02
Plot B Building B6 Proposed Bay Elevation Northeast	17105_2_(00)_P402	P02
Plot C - Proposed Lower Ground Floor	17105_3_(00)_P099	P01
	HPA-VER-C-L00-DR-A-00090	P02
Plot C - Proposed Ground Floor	17105_3_(00)_P100	P02
	HPA-VER-C-U00-DR-A00100	P02
Plot C - Proposed First Floor	17105_3_(00)_P101	P01
	HPA-VER-C-01-DR-A-00101	P01
Plot C - Proposed Second to Seventh Floor	17105_3_(00)_P102	P01
Plot C – Proposed Second floor	HPA-VER-C-02-DR-A-00102	P01
Plot C – Proposed third floor	HPA-VER-C-03-DR-A-00103	P01

Plot C – Proposed fourth floor	HPA-VER-C-04-DR-A-00104	P01
Plot C – Proposed fifth floor	HPA-VER-C-05-DR-A-00105	P01
Plot C – Proposed sixth floor	HPA-VER-C-06-DR-A-00106	P01
Plot C – Proposed seventh floor	HPA-VER-C-07-DR-A-00107	P01
Plot C - Proposed Eighth Floor	17105_3_(00)_P108	P01
	HPA-VER-C-08-DR-A-00108	P01
Plot C - Proposed Ninth Floor	17105_3_(00)_P109	P01
	HPA-VER-C-09-DR-A-00109	P01
Plot C - Proposed Tenth Floor	17105_3_(00)_P110	P01
	HPA-VER-C-10-DR-A-00110	P01
Plot C - Proposed Eleventh Floor	17105_3_(00)_P111	P01
	HPA-VER-C-11-DR-A-00111	P01
Plot C - Proposed Twelfth Floor	17105_3_(00)_P112	P01
	HPA-VER-C-12-DR-A-00112	P01
Plot C - Proposed Roof Plan	17105_3_(00)_P120	P01
	HPA-VER-C-RF-DR-A-00113	P01
Plot C – Proposed Wheelchair Flat Layouts – First floor and First to Ninth Floor	17105_3_(00)_P152	P01
DELETED		
Plot C Proposed Southeast Elevation – External	17105_3_(00)_P200	P01
Plot C Proposed Northwest Elevation – External	17105_3_(00)_P201	P01
Plot C Building C1 Proposed Northeast Elevation – External	17105_3_(00)_P202	P01
	04104	P3
Plot C Building C2 Proposed Southwest Elevation –External	17105_3_(00)_P203	P01
	04100	P3
Plot C Building C2 Proposed Northeast Elevation – External	17105_3_(00)_P204	P01
Plot C Building C1 Proposed Southwest Elevation – External	17105_3_(00)_P205	P01
Plot C Proposed Section AA	17105_3_(00)_P300	P01
	00500	P2
Plot C Proposed Section CC	00502	P2
Plot C Building C1 Proposed Section BB	17105_3_(00)_P301	P01
	00501	P1
Plot C Building C2 Proposed Section CC	17105_3_(00)_P302	P01
Plot C Proposed Section DD	17105_3_(00)_P303	P01
	00503	P1
Plot C Building C2 Proposed Bay Elevation Southeast	17105_3_(00)_P400	P01
Plot D - Proposed Lower Ground Floor	17105_4_(00)_P099	P02
Plot D - Proposed Upper Ground Floor	17105_4_(00)_P100	P02
Plot D - Proposed First Floor	17105_4_(00)_P101	P02
Plot D - Proposed Second Floor	17105_4_(00)_P102	P02
Plot D - Proposed Third to Fifth Floor	17105_4_(00)_P103	P02
Plot D - Proposed Sixth Floor	17105_4_(00)_P106	P02
Plot D - Proposed Seventh Floor	17105_4_(00)_P107	P02
Plot D - Proposed Eighth Floor	17105_4_(00)_P108	P02
Plot D - Proposed Roof Plan	17105_4_(00)_P111	P01
Plot D Proposed Wheelchair Flat Layouts - Upper Ground Floor	17105_4_(00)_P150	P01
Plot D Proposed Wheelchair Flat Layouts - Upper Ground Floor	17105_4_(00)_P151	P01
Plot D Proposed Wheelchair Flat Layouts - First floor and First to Sixth Floor	17105_4_(00)_P152	P01
Plot D Building D3 Proposed Northwest Elevation – External	17105_4_(00)_P200	P01

Plot D Proposed Northeast Elevation – External	17105_4_(00)_P201	P01
Plot D Proposed Southwest Elevation – External	17105_4_(00)_P202	P01
Plot D Building D1 Proposed Southeast Elevation – External	17105_4_(00)_P203	P01
Plot D Building D2 Proposed Southeast Elevation – External	17105_4_(00)_P204	P01
Plot D Building D3 Proposed Southeast Elevation – External	17105_4_(00)_P205	P01
Plot D Building D1 Proposed Northwest Elevation – External	17105_4_(00)_P206	P01
Plot D Building D2 Proposed Northwest Elevation – External	17105_4_(00)_P207	P02
Plot D Building D2 Proposed Cross Section AA	17105_4_(00)_P300	P01
Plot D Proposed Long Section BB	17105_4_(00)_P301	P01
Plot D Building D2 Proposed Bay Elevation Northeast	17105_4_(00)_P400	P01
Plot D Building D1 Proposed Bay Elevation Southeast	17105_4_(00)_P401	P01
Plot E - Proposed Ground Floor	17105_5_(00)_P100	P01
Plot E - Proposed First Floor	17105_5_(00)_P101	P01
Plot E - Proposed Second Floor	17105_5_(00)_P102	P01
Plot E - Proposed Third Floor	17105_5_(00)_P103	P01
Plot E - Proposed Fourth Floor	17105_5_(00)_P104	P01
Plot E - Proposed Fifth Floor	17105_5_(00)_P105	P01
Plot E - Proposed Sixth Floor	17105_5_(00)_P106	P01
Plot E - Proposed Roof Plan	17105_5_(00)_P115	P01
Plot E Proposed Wheelchair Flat Layouts - First floor to Fifth Floor 01	17105_5_(00)_P154	P01
Plot E Proposed Wheelchair Flat Layouts - First floor to Fifth Floor 02	17105_5_(00)_P155	P01
Plot E Proposed Wheelchair Flat Layouts - First floor to Fifth Floor 03	17105_5_(00)_P156	P01
Plot E Proposed Wheelchair Flat Layouts - First floor to Fifth Floor 04	17105_5_(00)_P157	P01
Plot E Proposed Wheelchair Flat Layouts - Ground Floor and Sixth floor	17105_5_(00)_P158	P01
Plot E Building E1 and E2 Proposed Southeast Elevation– External	17105_5_(00)_P200	P01
Plot E Building E2 Proposed Northeast Elevation - External	17105_5_(00)_P201	P01
Plot E Building E1 and E2 Proposed Northwest Elevation - External	17105_5_(00)_P202	P01
Plot E Building E1 Proposed Southwest Elevation - External	17105_5_(00)_P203	P01
Plot E Building E1 Proposed Northeast Elevation - External	17105_5_(00)_P204	P01
Plot E Building E2 Proposed Southwest Elevation - External	17105_5_(00)_P205	P01
Plot E Building E1 Proposed Section AA	17105_5_(00)_P300	P01
Plot E Building E1 and E2 Proposed Section BB	17105_5_(00)_P301	P01
Plot E Building E2 Proposed Section CC	17105_5_(00)_P302	P01
Plot E Building E1 Proposed Section DD	17105_5_(00)_P303	P01
Plot E Building E2 Proposed Bay Elevation Southeast	17105_5_(00)_P400	P01
Plot E Building E1 Proposed Bay Elevation Southeast	17105_5_(00)_P401	P01
Illustrative Masterplan	1947-EXA-ZZ-ZZDR-L-00001	P01
Reference Plan	1947-EXA-ZZ-ZZDR-L-00010	P01
Detailed Landscape General Arrangement Plan Legend	1947-EXA-ZZ-ZZDR-L-00050	P01

Landscape General Arrangement Plan Ground Floor	1947-EXA-ZZ-ZZDR-L-00100	P01
Detailed Landscape General Arrangement Plan Sheet 01 of 06	1947-EXA-ZZ-ZZDR-L-00101	P01
Detailed Landscape General Arrangement Plan Sheet 02 of 06	1947-EXA-ZZ-ZZDR-L-00102	P01
Detailed Landscape General Arrangement Plan Sheet 03 of 06	1947-EXA-ZZ-ZZDR-L-00103	P01
Detailed Landscape General Arrangement Plan Sheet 04 of 06	1947-EXA-ZZ-ZZDR-L-00104	P01
Detailed Landscape General Arrangement Plan Sheet 05 of 06	1947-EXA-ZZ-ZZDR-L-00105	P01
Detailed Landscape General Arrangement Plan Sheet 06 of 06	1947-EXA-ZZ-ZZDR-L-00106	P01
Landscape General Arrangement Plan Roof	1947-EXA-ZZ-ZZDR-L-00110	P01
Planting Plan Trees	1947-EXA-ZZ-ZZDR-L-00200	P01
Planting Plan Shrubs and Groundcovers	1947-EXA-ZZ-ZZDR-L-00210	P01
Levels Plan	1947-EXA-ZZ-ZZDR-L-00300	P01
Site Sections Reference Plan	1947-EXA-ZZ-ZZDR-L-00500	P01
Site Sections Sheet 01 of 06	1947-EXA-ZZ-ZZDR-L-00501	P01
Site Sections Sheet 02 of 06	1947-EXA-ZZ-ZZDR-L-00502	P01
Site Sections Sheet 03 of 06	1947-EXA-ZZ-ZZDR-L-00503	P01
Site Sections Sheet 04 of 06	1947-EXA-ZZ-ZZDR-L-00504	P01
Site Sections Sheet 05 of 06	1947-EXA-ZZ-ZZDR-L-00505	P01
Site Sections Sheet 06 of 06	1947-EXA-ZZ-ZZDR-L-00506	P01
Typical Surface Treatment Details	1947-EXA-ZZ-ZZDR-L-00600	P01
Typical Boundary Treatment Details	1947-EXA-ZZ-ZZDR-L-00601	P01
Typical Edge Treatments	1947-EXA-ZZ-ZZDR-L-00602	P01
Typical Soft Landscape Details	1947-EXA-ZZ-ZZDR-L-00700	P01
Planting Schedule	1947-EXA-ZZ-ZZSH-L-00200	P01

Documents:

Affordable Housing Statement (November 2021); Arboricultural Impact Assessment prepared by Barton Hyett Associates (October 2021); Arboricultural Method Statement prepared by Barton Hyett Associates (October 2021); Biodiversity Net Gain Assessment prepared by Penny Anderson (28 October 2021); Circular Economy Statement prepared by Hoare Lea (29 October 2021); Construction Environmental Management Plan prepared by London Square (November 2021); Contamination - Generic Quantitative Environmental Risk Assessment prepared by Waterman (October 2021), Contamination - Ground Investigation Strategy and Specification prepared by Waterman (October 2021); Contamination - Preliminary Environmental Risk Assessment prepared by Waterman (October 2021); Contamination - Remediation Strategy prepared by Waterman (October 2021); Daylight and Sunlight Assessment prepared by Point 2 (November 2021); Delivery and Servicing Plan prepared by Velocity (November 2021), Design and Access Statement prepared by AHMM (November 2021: updated Design and Access Statement p112 Tenure, Design and Access Statement p113 Tenure revA); Environmental Statement prepared by Avison Young (November 2021); Equalities Impact Assessment prepared by WSP (October 2021); Fire Statement prepared by FDS (15 November 2021), Flood Risk Assessment and Drainage Report prepared by Waterman (October 2021); Health Impact Assessment prepared by WSP October 2021; Historic Environment Assessment prepared by MOLA (November 2021); Main Town Centre Uses Assessment prepared by WSP

(October 2021); Noise Impact Assessment prepared by Max Fordham (1 November 2021); Open Space and Recreation Assessment and Landscape Design Strategy prepared by Exterior Architecture (November 2021: updated Play Strategy Addendum), Parking Design and Management Plan prepared by Velocity (November 2021); Planning Statement prepared by Avison Young (November 2021); Schedule of Accommodation prepared by AHMM **Veretec** (January ~~2024~~ 2022: updated 17105_0_(00)_P910_Rev_P02; 17105_0_(00)_P912_RevP02, 17105_2_(00)_P901_RevP02, 17105_2_(00)_P903_RevP02, 17105_2_(00)_P905_RevP03); Site Waste Management Plan prepared by London Square (November 2021); Statement of Community Involvement prepared by Kanda (October 2021); Sustainable Design and Construction Statement prepared by Hoare Lea (29 October 2021); Transport Assessment prepared by Velocity (November 2021); Travel Plan prepared by Velocity (November 2021); Utilities Assessment prepared by Hoare Lea (1 November 2021); Ventilation and Extract Statement prepared by Hoare Lea (1 November 2021); and Waste Management Plan prepared by WSP (November 2021), **Daylight and sunlight assessment (Point 2, January 2024). Fire Statement (MSC January 2024).**

REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.

2 Condition 35 should be amended as follows

ACCESSIBLE HOUSING (DETAILS): Notwithstanding the approved plans, 886 of the residential units hereby approved shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accesible and adaptable dwellings' M4(2) and 99 units shall be constructed to Category 3 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Wheelchair User Dwellings' M4 (3). The M4 (3) Wheelchair use dwellings shall be provided as detailed below:

- 44 x 1 bed Extra Care units shall be provided to Category M4(3)(2)(a) standard
- 2 x 1 bed extra care units shall be provided to Category M4(3)(2)(b) standard
- **1 x 1 bed, 12 x 2 bed, 5 x 3 bed and 4 x 4 bed social rented units shall be provided to Category M4(3)(2)(b) standards**
- 3 x 1 bed and 7 x 2 bed Shared Ownership units shall be provided to Category M4(3)(2)(a) standards; and
- 4 x 1 bed, 16 x 2 bed and 1 x 3 bed market units shall be provided to Category M4(3)(2)(a) standard

Building Regulations Approved Plans and Decision Advice Notice, confirming that these requirements will be achieved, shall be submitted to and approved in writing by LPA prior to any superstructure works beginning on site for each relevant phase of the development. The Approved Plans to show furniture, key dimensions and manoeuvring allowances, as set out in the provisions of the Approved Document M (Volume 1).

The development shall be constructed strictly in accordance with the details so approved.

REASON: To secure development that achieves the highest standards of accessible and inclusive design. In order to secure the provision of visitable and adaptable wheelchair accessible homes appropriate to meet diverse and changing needs in accordance with policy D3 of the London Plan and Development Management Policy.

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

1 National Guidance

The National Planning Policy Framework 2023 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2021, Islington Development Management Policies 2023, Finsbury Local Plan 2023 and Site Allocations 2023. The following policies of the Development Plan are considered relevant to this application: