

HGY/2021/3175 Hybrid Planning application, High Road West:
Stage two Planning Objection from Haringey Defend Council Housing

Introduction

This is the most important planning application to be submitted to Haringey Council in decades. It means the gentrification and social cleansing of North Tottenham. Poorly-designed market housing would exclude and overcrowd growing families. Higher house prices would be the broom to drive out local people and small businesses.

The documents submitted here provide evidence to show why Haringey Council's corporate commitment to this scheme has been a mistake, why the partnership between Haringey and Lendlease is disastrous for local people, and why the GLA's allocation of £91.5m of public funding for this scheme in its present form is mistaken. The Homes for Londoners Affordable Homes Programme (2021-26) does not allow affordable housing grant to be used to support demolition schemes.¹ This principle must be applied at Love lane too.

The issues will be addressed under the following 10 headings:

1. The council's independent Quality Review Panel does not support this application
2. Proposed permission for 317 homes without detail of location or architecture
3. An unviable proposal
4. Poor housing quality: 927 Single aspect homes
5. Service charging for maintenance and for clean-up costs related to Spurs events
6. Environmental damage
7. Undeliverable Decant Strategy
8. Faulty consultation
9. Gentrification, area impact and social cleansing
10. Recommendation

¹ https://www.london.gov.uk/sites/default/files/301120_homes_for_londoners_-_funding_guidance-acc1.pdf (see para 36).

1. The council's independent Quality Review Panel does not support this application

The Committee Report includes on pp74-83 a ten-page examination of the Quality Review Panel (QRP) report dated 2nd March 2022. We have numbered and highlighted some of the most telling points here:

1. The Panel 'has concerns about the proposed density of the development – from 1400 homes in the adopted AAP to the current figure of 2,900 – and the impact that this is having on several aspects of the overall scheme. It is thus **unable wholeheartedly to support the application in its current form.**'
2. The exact position of taller elements on Plots B, D and F [South of White Hart Lane] will be a significant factor in their impact on the townscape. The parameter plans should carefully define shoulder height elements on key street frontages such as White Hart Lane, Whitehall Street and Brereton Road where these would play an important role in **creating a human scale and mitigating wind impact.**
3. Similarly, the three-storey link blocks to the south of Plot C are crucial to let sunlight into the courtyards—but as proposed **the parameter plans would allow these to be taller.**
4. The panel asks planning officers and the applicant to consider areas where greater certainty about the scale and massing of the development is **needed to safeguard quality of life.**
5. **The planning process should ensure affordable housing is not allocated to the blocks that receive low daylight and sunlight levels.**
6. The 'marker building' on Plot D opposite White Hart Lane station **will have a negative impact on the environmental quality of Moselle Walk, requiring wind mitigation.**
7. The panel highlights the **overpowering relationship** of the 27-storey tower on Plot B in relation to its internal courtyard. **The quality of the courtyard and daylighting of some of the homes at lower levels will be poor.**
8. The panel remains **concerned about the wind mitigation across the scheme**, particularly the area south of White Hart Lane.
10. The panel asked the applicant to demonstrate **how delivery of Peacock Park early in the process can be achieved, as this is pivotal to decision making about the number of homes, and quality of life.** However, the applicant confirms this will not be delivered until phase 6 out of 8, and then only if a

compulsory purchase order (CPO) process is successful.

11. The panel feels there is a possibility that the service access required, particularly on Parkside West, **will reduce the quantity of green space provided.**
12. The panel recognises that there is limited vehicle access to Parkside East— where **access will be needed to service the buildings with no rear access.**

It is an extraordinary decision of the Council to continue to recommend granting permission following such a damning review from independent experts in urban design. Only very minor alterations have been made in response to the QRP report. The officers claim that if the present application is granted, they will be able to deal adequately with every issue in further discussions with the applicant. If we know anything, we know that the Council supports this application. However, under the Local Government Association (LGA) guidance 'Probity in planning: Advice for councillors and officers making planning decisions' (2019), 'holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias' (p7 – our emphasis).

The Council risks breaching the requirements of the LGA guidance, because no reasonable person would continue to recommend granting permission in these circumstances.

2. Proposed permission for 317 homes without detail of location or architecture:

The Application Details for the proposed development state that there would be 'Up to 2,869 new homes in addition to Plot A (including affordable housing)'. Because Plot A has 60 homes, this means a total of 2,929 homes, instead of the 2,612 homes in the illustrative masterplan which is referenced in the application documents. That is 317 more dwellings: more homes than there are on the existing Love Lane estate. Every problem with the illustrative masterplan is amplified because the permission actually being sought is for so many more homes. All arguments in favour of the indicative outline scheme are invalidated by the additional pressure of 317 more homes.

Officers should never have recommended grant of permission on this basis. Members of the Committee would be failing in their duty, were they to grant planning permission for so many additional homes with no details whatsoever of their location, building heights, practical design, infrastructure support, or architecture.

3. An Unviable Proposal

The proposed scheme is not deliverable according to the illustrative masterplan, because the applicant has no ownership (and no route to ownership) of key locations within the land it seeks to develop, which are all owned by Spurs. 790 of the proposed 2,612 homes within the illustrative masterplan are on land currently owned by Spurs, and 713 of them on land with extant Spurs planning permissions in place. None of the proposed Lendlease homes on these sites are at Social Rent. They are 100% ownership products (leasehold and shared ownership tenures) which are supposed to cross subsidise the redevelopment of the Love Lane estate.

The applicant's viability assessments completely fail to take proper account of the additional costs and uncertainties which arise because of the Spurs landownerships. But every assessment shows that the proposed development is not viable anyway. The application should be rejected on these grounds alone.

The Financial Viability Assessment updated to May 2022 indicates an outturn IRR [internal rate of return] of 6.6%, way below the market profit expectation of 14%. 'This demonstrates the Proposed Development is currently not viable with the anticipated planning and affordable housing liabilities.' (para 1.11.1.6). However 'The results of the sensitivity testing demonstrate that through a combination of changes to the sales and build cost inputs in the viability of the Proposed Development, an improvement in the Residual Profit can be achieved'(para 1.11.1.7). 'As a result, the developer is willing to proceed with the development subject to a planning consent being granted, taking a view on future growth' (1.10.2.2).

The July 2022 update (Briefing Note 120722.pdf - BNPP viability review note) gives revised figures, with an expected internal rate of return of 11.62% compared to a revised profit expectation of 13%; and 'the viability appraisal demonstrates that the Proposed Development currently generates a deficit'. This improved viability position has been achieved by adjusting or reducing home loss payments to residents from £8,306,575 down to £7,009,425, and increasing the Gross Development Value of the Council Social Rent homes from £110 per square foot up to £124. This means that the Council must pay more to buy the homes, based in charging much higher rents to new tenants in future.

Therefore, the applicant protects its profits with higher purchase costs for the Council, and higher rents and lower home loss compensation for tenants, in order to boost its profits; while using 'value engineering' (cheaper build cost inputs), which will be highly problematic, given the housing safety crisis and the inherent problems of high density schemes like this one.

The Officers tell us that they can control the applicant's behaviour, and reach agreements after the grant of planning permission, which we can all be happy about; and the Committee reports suggest that regular viability reviews would bring additional affordable housing. However, what has already been revealed in the BNPP viability review note shows that the opposite is the case. In the ongoing viability reassessments before the commencement of each phase and each sub phase of the scheme, it is much more likely that Haringey Council would work in partnership with the applicant to negotiate with the GLA for more Mayoral funding and

for the relaxation of affordability requirements.²

The applicant's promises will remain unreliable for many years to come, with the key 'public benefit' of 309 promised new council homes reserved until the end of the scheme, set for completion in 2032, but subject of course to delays and rescheduling. Haringey Council itself told Love Lane residents realistically and honestly that the scheme would take around 10-15 years to complete (Love Lane Landlord Offer, p 26), which means that the promised 309 council homes could be delayed until 2037. This timescale speaks volumes about the value which the applicant gives to its key promises. There is honestly no reliable guarantee whether these homes would be built at all, and if so with what tenure, rent regime, service charges, tenancy terms, etc.

For the avoidance of doubt, we believe that Lendlease would in reality make pots of money out of High Road West, should the scheme ever go ahead. However there is a real danger that the appearance of low profitability may lead to public benefits being eliminated from the scheme. The conclusion is that with no guarantee of deliverability, the applicant's pledges on public benefits are worthless.

Especially so, when Lendlease stated in the papers it submitted for the Haringey Development Vehicle in 2017, that central to the HDV's approach to housing delivery was to be 'to move away from categorisation of affordable and private tenures and instead to focus on providing homes to 'buy' and 'rent' for a range of income levels'.³ The applicant's strategic objectives are therefore contrary to Haringey Council's Housing Strategy, which of course supports affordable housing tenures with publicly defined rent regimes and legally enforceable tenancy rights.

We cannot say that we have not been warned.

4. Poor housing quality: 927 Single aspect homes

This scheme has been designed without regard to the London Housing Design Guide (paras 5.2 and 5.5):

A home with opening windows on at least two sides has many inherent benefits, including better daylight, a greater chance of direct sunlight for longer periods, cross ventilation, a choice of views, access to a quiet side of the building, and a greater flexibility in the use of rooms. The Mayor believes dual aspect should be the first option that designers explore for all new developments.

Daylight and sunlight animate indoor spaces and enhance the appearance and residents' enjoyment of an interior. Views out keep people in touch with their wider surroundings, the prevailing weather, and the

² Detail of viability reassessments is contained in the Heads of Agreement agreed between Haringey-Lendlease and the GLA.

³ Strategic Business Plan: Place Strategy, p 696 of Public Appendices – Items 9 & 10, Haringey Cabinet papers of 3 July 2017: <https://www.minutes.haringey.gov.uk/documents/b21292/Public%20Appendices%20to%20items%209%2010%2003rd-Jul-2017%2018.30%20Cabinet.pdf?T=9>

rhythm of the day and seasons. Good natural light reduces the energy needed to provide light for everyday activities, while controlled sun penetration can also help to meet part of the winter heating requirement.

London Plan policy D6, Housing quality and standards, Section C, states: 'Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings'.

However this application has 35.5% of proposed dwellings in the illustrative masterplan as single aspect (with windows facing in one direction only). See the 'HRW Outline Design & Access Statement Addendum Part 6.pdf – Amendments uploaded 20.05.2022', p 82.

The discussion of 'aspect' in this latest iteration of the Outline Design and Access Statement (as above, p 82) shows only too clearly that quality has been subordinated to cramming more properties onto the scheme. The highest proportion of single aspect comes where high rise buildings are being placed next to the conservation area. The single aspect dwellings are located on 17 plots out of 18 and across all tenures. The six supertall blocks of 34, 29, 27, 26, 21 and 18 storeys each have at least one single aspect flat on each floor, all the way up.

The proposed replacement new council housing at Whitehall Mews has 19 single aspect dwellings out of 60, including 16 one beds (in buildings A1, A2, and A3), and three disabled access two bed flats in building A1. The 'High Road West Plot A Overheating Input Report' states that none of the proposed homes have been assessed against the Category I (vulnerable persons) standard. The poor design of these homes does not comply with the professional standards laid out in the Code of Practice of the Royal Institute of British Architects, especially given the strong support in words for dual aspect in the design brief.

There are 927 single aspect homes in the illustrative masterplan, and there will therefore be well over 1,000 when the applicant brings forward proposals for the full 2,929 new homes. Residents will be condemned to condensation and mould, with trapped heat and water vapour because of the lack of through ventilation, with build-ups of pathogens instead of the safe and healthy homes which we need and deserve. No lessons have been learned from the pandemic. The Love Lane Residents Charter states at paragraph 5.2.2 that 'All the properties should be double aspect'. This has been completely ignored.

For more problems of poor housing quality related to all-in living spaces, lack of natural light, overlooking and lack of privacy, and separation distances between homes, see our earlier objection which can be found at Consultation comment 253.

5. Service charging for maintenance and for clean-up costs related to Spurs events

This location will be affected by excessive crowds, noise from bars especially at times of pre- and post-match excitement, potential clashes between rival groups of fans, littering and public urination. We know that Spurs will not pay for clean-ups after the events at its stadium, the cost of which is borne by Council tax payers in Haringey, while for clean ups on council estates, all of the 8,000 council tenants in the borough who pay estate service charges, also pay to clean up the mess on estates caused by the Spurs events. So the 8,000 tenants pay twice: once through Council Tax, and once through service charges.

The effect of transferring the Council's housing land at Love Lane to Lendlease for a new walkway to be built under this application will be to weaken the council's control over service charging for its tenants at Love Lane / High Road West; and to swing the burden of cost onto service-charging residents living South of White Hart Lane.

The HRW Affordable Housing Statement – Amendment May 2022, para 1.8.8 says, 'Service charges for the affordable housing will be minimised as far as possible, with tenants only paying towards services and facilities they are able to use'. But the key following paragraph reads, 'Service charges will cover items such as maintenance and upkeep of the building fabric, communal areas, and an element of estate charge to maintain the public realm and outside amenity'. There is no effective limitation on the amount of these charges. Tenants should not have to pay for maintenance and upkeep of the building fabric, or for upkeep of the public realm and outside amenity. We say, that residents should not pay for these clean ups. It is the polluter who should pay, i.e. Spurs.

Sensible and humane planning would locate housing not directly outside the Stadium, but at a reasonable distance from it, allowing sport activities to take place without these gross intrusions into residents daily lives and domestic spaces.

6. Environmental damage

Haringey Council has declared a Climate emergency, and the requirements of the emergency must be applied robustly to this application. The Royal Institute of British Architects and the Architects Journal have announced their support for a halt to demolition schemes and the use of retrofitting instead.⁴ The existing homes should be improved and properly managed, and not demolished.

⁴ <https://www.architectsjournal.co.uk/news/retrofit>

7. Undeliverable Decant Strategy

The HRW Affordable Housing Statement - Amendments uploaded 20.05.2022 (para 1.8.4) lays out a Decant Strategy with a pledge that after Stage 1, 'the aim is that sufficient new build provision will enable residents to be rehomed directly into their new property before demolition of their previous home is required, meaning a single move for the majority of residents' (para 1.8.4.7). However, this cannot be delivered upon, because the applicant has cynically delayed construction of the majority of new council homes (309 out of 500) until the very end of the scheme, which according to the Council may take may take around 10-15 years to complete (Love Lane Landlord Offer, p 26). There were 232 households at Love Lane at the time of the ballot who were promised these new homes, but only 191 new council homes would be built in Phases 1 and 2.

Haringey Council promised residents during the ballot that when residents currently living in Phase 3 moved into the new council homes in Phase 2, 'At this point, all current residents on Love Lane will have moved into their new home' (Love Lane Landlord Offer, p 26). This promise will now be broken.

It is likely that at each of the three phases of redevelopment, there would considerable numbers of tenants without the single move. Instead they would be decanted for years, either on the estate, or elsewhere.

The only way that single move might occur for all residents entitled to it, is if the new build was delayed to long, that many of the temporary accommodation tenants were offered permanent rehousing elsewhere, before the new homes are built.

The Officer responses to this question, 'This is not a material planning consideration' and 'This will be controlled by the legal agreement', are totally unacceptable (Appendix 3 to Committee Report: Neighbour Representations, pp 2 and 6). No planning condition can speed up the pace of development. The applicant says that they will not build enough council homes soon enough, for the promises to tenants on single move in the Offer Document for the Ballot, and in the Lendlease's Affordable Housing Statement, to be delivered upon.

8. Faulty consultation

The resident ballot conducted in August and September 2021 was faulty for several reasons:

ONE: Council officers collected votes door to door while canvassing, contrary to the published expectations of ballot conduct. The ballot administration company CES (Civica) subsequently wrote that 'The Council sought our guidance and advice in relation to the door-step collection of ballot papers by their officers or representatives. We advised, in writing, against this practise'.⁵ Here are two examples of what happened:

Tower block resident

Journalist: Can you just tell me what happened when the council came here to ask you about voting for demolition?

Tenant: They asked me about the voting, they asked me if I vote already, I tell them no because I didn't make my mind up. I didn't sure what I want to do, 'cos I didn't understand properly. Anyway they came, they came inside, they talked, they explained it to me, I decided to do it right there and then so, they helped me with the vote, you understand, because I didn't... I used the phone, they go online, they do the thing, and I go ahead and just vote.

Question: On the officer's phone, was it?

Tenant: Yes, it was on their phone.

Low rise resident

Tenant: They came in here and they asked me whether I had voted and I said no, because I wasn't sure where they were going to take us to, so I didn't want to vote. I asked if they are going to move us to a house nearby, they said it's a maisonette, the rooms are going to be big, it's going to be far, far better than where we are staying here. So I said if that's the case then I will vote. So she said if I want to vote now, she's ready to take the paper, so I went in to vote, then my husband has already voted but I have not posted it. So I went in to add my vote to it and gave it to her and she took it away.

Question: Two votes?

Tenant: Yes, I gave her two votes that day.

In both of these cases, false promises were made about rehousing: especially to the low rise resident, as detailed above.

⁵ Sian Berry (GLA assembly member), Estate ballots: are they working well? (July 2022) p 6.

https://www.london.gov.uk/sites/default/files/2022_07_12_ballot_research_sian_berry_final_1.pdf

The Overview and Scrutiny Committee asked Cabinet to hold an independent review of the ballot. The response of Cllr Ruth Gordon (Cabinet Member for Council House-Building, Placemaking, and Development) at Cabinet on 18 January 2022 regarding the two sound recordings referred to above was 'the Cabinet Member had listened to the transcript three times and did not hear evidence of untoward activity' (Cabinet Minutes). This is clearly inadequate as a balanced assessment of what had taken place.

TWO: Both the Landlord Offer and the Chief Executive's letter (26 August 2021) made purported guarantees to voters, without stating honestly that these were dependent on delivery; which is especially problematic because the scheme is not viable. Promises regarding single move were broken in October 2021, just weeks after the ballot closed, when the present application was submitted by Lendlease with the full support of Haringey council. Therefore the landlord failed in its duty to give residents a fair and accurate description of the proposal during the ballot period.

THREE: An Open letter published by Damian Tissier, Independent Tenant and Leaseholder Advisor at Love Lane from 2014 to 2021, stated:

During the ballot, it appears that officers carried out extensive lobbying to encourage residents to participate in the ballot and also to promote a 'yes' vote. What the Council and Lendlease describe as community engagement was in effect a promotional campaign that employed aggressive marketing techniques - persistent telephone calls, unannounced home visits, etc. I've received complaints of residents been called on three occasions per day, including Sundays, and of being visited by two/three officers on more than one occasion.

The authors of "Another Storey", a report for the Centre For London on estate regeneration schemes in the capital assessed and then monetarised the negative impacts for residents, estimating at an average cost to households of £15,000. Based upon the Centre for London report, the overall cost to the local community of the High Road West Regeneration Scheme is around £4,455,000.⁶

The conclusion reached by Sian Berry is that 'residents at Love Lane did not universally experience a democratic, above-board, and rigorously overseen ballot'. (Report, p 9).

9. Gentrification and area impact

⁶ <https://haringeydefendcouncilhousingblog.wordpress.com/2021/09/19/open-letter-on-the-love-lane-ballot/>

Haringey Council's Joint Strategic Needs Assessment (2015) included a discussion on Social Inclusion which demonstrated that housing policy is a main driver of social exclusion:

- Haringey residents are being priced out of the local property market.
- Many residents are also being priced out of the private rental market.
- Unaffordable housing and welfare changes are driving increasing homelessness.

Only council rent is affordable to most local people in housing need. The illustrative masterplan would deliver 2,285 net additional homes; by tenure: Open market +1,620 (70.9%), Shared ownership +416 (18.2%), Council rent +249 (10.9%).

This is a tenure-segregated scheme where the applicants' masterplan includes NO Social Rent homes north of White Hart Lane. By contrast, the rival Spurs consented schemes do offer Social Rent homes in these locations.

The excess supply of unaffordable housing in the applicant's scheme would drive through changes far beyond the red line boundary, by increasing area house prices, raising market rents and retail costs, destroying small local businesses, and pricing out local people. What a future.

10. Recommendation

This application should be refused.

The alternative is to retain the existing council housing at Love Lane and invest in it, give the temporary accommodation tenants the secure tenancies which they requested before the ballot, and build additional council housing on existing council owned land, and also by arrangement with Tottenham Hotspur, who should be encouraged to invest in the real needs of the community whose name they are pleased to use. The Council should engage with the GLA to use public housing investment funds for beneficial rather than for negative purposes. The present planning application should be rejected, and the whole High Road West scheme reconsidered. Estate Demolition Ballot procedures should be reviewed and reformed, and doorstep vote collection banned.

Paul Burnham
Secretary
Haringey Defend Council Housing
19/07/2022