

Planning Sub Committee – 5 September 2022

ADDENDUM REPORT

UPDATE FOR CONSIDERATION AT PLANNING SUB-COMMITTEE Item No. 8

Reference No: HGY/2021/2304	Ward: Tottenham Hale
Address: The Hale, London, N17 9JZ	
Proposal: Redevelopment of site including demolition of existing buildings to provide a part 7, part 24 storey building of purpose-built student accommodation [PBSA] (Sui Generis); with part commercial uses [retail] (Use Class E(a)) at ground and first floor; and associated access, landscaping works, cycle parking, and wind mitigation measures.	

Contents

- 1. CONSULTEE RESPONSES**
- 2. REPRESENTATIONS**
- 3. CORRECTIONS AND CLARIFICATIONS IN THE MAIN REPORT**
- 4. RELEVANT PLANNING HISTORY**

1. CONSULTEE RESPONSES

Head of Building Control – Haringey Council

Both the fire strategy and the Basement Impact Assessment are acceptable, much more detail will come relating to Building Control subsequent to planning.

GLA Officer comment – These are the formal views of the GLA case officer without prejudice to the position of the Mayor at Stage 2:

The GLA require the application of a late stage review to be secured through the S106. The London Plan, the policy target for schemes delivering off-site affordable housing or in lieu contributions is 50 per cent affordable housing (para 4.4.13).

In addition, the report sets out that "the applicant will be obliged to use reasonable endeavours to secure a nominations agreement with a higher education institution for all or part of the proposed units of student accommodation". As per policy H15 of the London Plan, the word "majority" should be specified instead of "part" in relation to this obligation.

Officer comment – Officers have negotiated a higher payment in lieu contribution equalling 40% rather than insisting on a late stage review. Part is stated as majority is not defined and is unclear. Using part allows the scheme to be delivered in the event a majority could not be secured.

Cadent Gas Ltd

No objection to this proposal from a planning perspective, however we need you to add the following informative:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

The government has recently published (Published 23 August 2022) a circular on *Single stair provisions in very tall residential buildings and applicability of the Approved Documents*. The applicant has provided the following response in relation to this:

In response to your query regarding the Building Regulation Advisory Committee (BRAC) circular, we can confirm that the design team are aware of the complexity of tall buildings of this nature and within the next stages of design development beyond planning we will be conducting appropriate studies in line with the advice from BRAC. To date our engineering consultants AECOM have undertaken a review of the building, highlighted the associated risks with the design, and produced a London Plan fire statement and HSE fire statement which have been positively commented on by the London Fire Brigade and the HSE.

In respect of the building specification, the façade will be constructed in unitised panels which are brick faced with a concrete backing, spaces on all floors will be fully sprinklered and linked to an intelligent fire and smoke detection system which will be monitored 24/7 by the on-site management team. Also cooking within the building undertaken by the students will be restricted to the shared kitchen lounge on the seventh floor and within the kitchen/lounges within the clusters which are positioned at the 'far end' of each cluster to maintain safe egress in the event of a fire.

With regards to the advice from BRAC in the circular letter issued on 22/08/2022, AECOM understands that this building would fall under the definition of an uncommon building, due to its height exceeding 50m and having a single stair serving a portion of the building. As such, relying solely on design guidance such as Approved Document B or BS 9991 and BS9999 would not be considered suitable.

AECOM had recognised this and had previously stated in the HSE fire statement that a qualitative design review in accordance with BS 7974 will be carried out in RIBA stage 3 to consider if the recommendations of BS 9991 and BS 9999 are appropriate or if a fire engineered solution with potentially higher standard of means of escape provisions, construction, fire safety systems and firefighting access is needed.

AECOM has a fire engineering team with chartered fire engineers and would most certainly qualify to be considered as specialist professionals capable of carrying out this assessment and comment on the suitability of solely applying the guidance or applying a more robust, evidence based design.

2. REPRESENTATIONS

A further letter of objection has been received from DMH Stallard LLP on behalf of Sage Housing Limited.

The objection reiterates some concerns that were raised already in previous representations but also raises new points.

The main areas of objection relate to:

- The New 2022 BRE Guidance and how this affects the findings of the applicant's daylight/sunlight analysis
- The use of a reduced VSC figure and a mirror image approach and the acceptability of this
- Compliance with Site Allocation TH4 requirements and Policy AAP1
- Whether the proposal satisfies policies relating to inclusive design
- Impacts on other allocated sites in the area
- The acceptance of Building 3 as a good neighbour
- Failure to Apply Paragraph 11 of the NPPF
- Failure to Apply Section 38(6) of the 2004 Act

Officer response:

1. The Officer report refers to ADF, at paras 6.5.19, 6.5.22, 6.5.32 and 6.5.34-6.5.35 and the lower set of three images on page 64 of the pack ("Proportional ADF Changes to Building 3").

ADF has recently been removed from BRE Guidance in June 2022. In their assessments submitted in support of Jigsaw's application, Point 2 have used ADF to allow comparison with the Argent ADF figures. The conclusions drawn in the Point 2 reports and in the Officer's report are considered to remain valid. It should be noted that the ADF analysis does not form any part of the consideration and conclusions and is only for comparison purposes.

2. The updates to the BRE Guidelines in June 2022 primarily concern the assessment of daylight within proposed residential accommodation. The guidance does not fundamentally change in assessing light loss to surroundings properties. The Vertical Sky Component ("VSC") is still key to coming to an appropriate conclusion.
3. It should be noted that Average Daylight Factor ("ADF") methodology has been superseded with Climate Based Daylight Modelling ("CBDM") for the assessment of daylight within proposed residential accommodation.
4. The daylight to Building 3 would be sufficient in the context of this being an urban area and with the appropriateness of using the mirror image assessment and would therefore comply with the local plan policies and para 125 of NPPF. The impact of the scheme is not materially worse on the lower windows (where the impact is greatest) than a mirror image building would be.
5. Policies Policy TH4 and Policy AAP1 are not breached, as the impact on Building 3 is considered acceptable in light of previous masterplanning and the design and land uses would complement existing parts of the site and integrate and complement the proposed neighbouring development.
6. There would be no conflict with AAP para 4.6, as it has been shown to officers satisfaction that the development of 1-21 Hale Road would not be prejudiced.

7. The objection questions whether the resultant levels of daylight in Building 3 would result in an acceptable standard of amenity. There are some situations where the impacts would fall short of acceptable levels - this was assessed in the independent review by DPR. These impacts have been considered by officers during their determination and on balance officers have concluded that the impact on these windows is acceptable given other considerations.
8. Finally, officers consider the development accords with the development plan as required by section 38(6) of the Planning and Compulsory Purchase Act 2004.
9. As noted at para 6.2.6 The Council at the present time is unable to fully evidence its five-year supply of housing land. The 'presumption in favour of sustainable development' and paragraph 11(d) of the NPPF should be treated as a material consideration when determining this application, which for decision-taking means granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The adverse impacts are not considered to demonstrably outweigh the benefits.

3. CORRECTIONS AND CLARIFICATIONS IN THE MAIN REPORT

The following items in **green** will show amendments/corrections/changes and **red** deletions. Existing text in the report and points of clarification are in black. Page numbers referred to relate to the page number of the pack at the top of the page.

1. **At page 19 under SUMMARY OF KEY REASONS FOR RECOMMENDATION section the first bullet shall state 569sqm of retail space:**
 - The proposal is a well-designed mixed-use scheme which would primarily provide purpose-built student accommodation (PBSA) alongside **569** ~~564~~ sqm (GIA) of commercial retail space (Use Class E(a)) in an appropriate location near to Tottenham Hale train station and the District Centre.
2. **At page 23 under 'Travel Plan (pre-occupation and operational, as well as monitoring reports) and monitoring fee (£5,000 contribution)' section the reference to non-residential uses shall be removed in the fourth bullet as this is covered in Condition 29.Cycle & Mobility Scooter Parking Details:**
 - Details of cyclist facilities (lockers, changing rooms, showers, & drying rooms ~~for the non-residential uses~~);
3. **At page 49 under para 6.3.24 it shall state 786sqm of existing retail space:**
 - The existing buildings include **786sqm** ~~859.3-square metres~~ of existing gross internal commercial floor area. However, a significant portion of this is ancillary storage to the principal retail functions and display areas.
4. **At page 50 under para 6.4.5 and page 52 under para 6.4.17 it shall state reasonable endeavours as opposed to best:**
 - The applicant has agreed to the inclusion of a **reasonable best** endeavours clause to secure a nominations agreement but will also provide the maximum reasonable

amount of affordable accommodation in the form of a payment in lieu of on-site affordable housing. The Council accepts that a payment in lieu of on-site affordable accommodation is in accordance with the above stated policy in this case because a higher level of more mixed affordable accommodation (than just student accommodation) which better addresses Haringey's priority needs for low cost rent and family sized housing can be achieved here. This is also discussed under the following consideration of London Plan policy H15 below.

5. At page 56 under para 6.5.4 it shall state the following:

- The site forms part of the TH4 site allocation which has been partially developed as part of the Argent SDP masterplan development. In the assessment of the adjacent development known as Building 3 (B3) it was noted that the applicant had demonstrated that this parcel is capable of being delivered separately in the future and noted that care would need to be taken to ensure that any future mixed-use proposals protect the amenity and privacy of current and future occupiers and achieve a suitable separation distance from Building 3 and future play spaces. The proposed building is set out in the images below and given this was accepted as part of the assessment of the quality of the neighbouring building it has been treated as **a one of the baselines** for the assessment of the impact on amenity of this block, **along with the existing massing and a mirror massing of Building 3.**

6. At page 60 under para 6.5.22 it shall state the following:

- In terms of Ashley Road West to the southeast of the site the applicant's studies found that ~~Ashley Road West would have experienced significant 'reductions' in daylight and sunlight as a result of the re-development of One Station Square. There are several windows in recessed locations that disproportionately accentuate their VSC reductions, and a number of rooms fail to meet their respective BRE recommended ADF target in the existing situation, as they were designed.~~ the majority of windows are compliant with the BRE VSC criteria with reductions within 20% to 183 windows. Of the 35 with reductions 13 are minor, 6 moderate and 16 major – i.e. over 40%. The 16 windows experiencing reductions in excess of 40% have more than one window or are dual aspect and the impact is in part due to the recessed balconies of their building design. Overall the retained VSC levels are in the mid-teens and commensurate with this location. The Daylight Distribution analysis further supports this view with the largest impacts being identified as those windows already compromised for example by recessed balconies.

7. At page 61 under para 6.5.25 it shall state the following:

- The report noted that the windows on the north-west façade of the proposed Building 3 development are very close to the common boundary (approximately 4.2 meters). It states that an assessment of a mirror massing in relation to Building 3 shows that the impact of the proposed scheme is similar, if not less than in some areas, to a mirror image of itself and therefore, the scheme is **acceptable comparable with little in the way of material difference to much of Building 3.** Where the change is greater than 20% on the upper floors of Building 3 the **retained daylight levels are considered acceptable.** Following the amendments to the proposal the applicant notes that increasing the distance to Building 3 by 3m

from 10m to 13m improved daylight amenity and the mirror massing of Building 3 would introduce in some places, more adverse impacts than the proposal.

8. At page 61 under para 6.5.26 it shall state the following:

- The applicant's studies found that the daylight impact of the Argent masterplan building on the application site facing windows and rooms within Building 3 would not be fully BRE compliant **and would perform similarly to the applicant's proposal**. The image below (Figure 5) shows the scale to which the site could be developed in compliance with all BRE guidelines.

9. At page 65 under para 6.5.28 it shall state the following:

- The applicant's studies show that there would be non BRE-compliant losses from all of the **examples baselines**. Due to the proposed building being taller it results in further non-compliance at higher levels of the building. However, the studies show that there would be a number of improvements over a mirror image building, albeit not at the highest floor levels as the proposed tower is taller than the adjacent building.

10. At page 70 under para 6.5.60 it shall state the following:

- So whilst it is acknowledged that the proposal would result in adverse impacts in terms of daylight and sunlight. It would be reasonable to use a mirror image assessment of Building 3 as a baseline and in order to judge whether such reductions/losses and impacts are **acceptable comparable**. When a mirror assessment is used, the proposal is acceptable as it would have similar impacts and this has been endorsed by a third party review of this assessment.

11. At page 70 under para 6.5.62 it shall state the following:

- The principal change relates to the assessment of daylight within new schemes, **known as Climate Based Daylight Modelling ("CBDM")**. In addition to internal daylight, the assessment methodology for testing **internal** sunlight levels within new development has also been revised with the test now requiring proposed buildings to receive a minimum of 1.5 hours of sunlight on March 21st. Whilst these changes are relevant **to residential accommodation**, there is **no explicit** criteria for assessing **the daylight and sunlight within** student accommodation, **which** is by its very nature **considered** different. Therefore, internal daylight levels are still considered to be acceptable given the proposed use of the building.

12. At page 73 under para 6.5.70 it shall state the following:

- As noted by the independent daylight sunlight review the consideration of the impacts on neighbouring properties is a judgement of planning balance. Consideration of the impact of the proposals when compared with a mirror massing and the masterplan proposal show this proposal would largely provide better **or comparable** impacts to B3 on the whole than the mirror building and other than the upper floors the masterplan building. The scale of a fully BRE compliant building illustrates that any building that delivers the vision set out in the DCF, and site allocation will have significant impacts on B3, so lessening the impacts could effectively sterilise the site.

13. At page 80 under the final para on the page it shall state the following:

- The building has been appropriately designed to respond to its use, the range of internal environments proposed and the surrounding context. The predominately masonry elevations comprise a material palette of brick, metal and reconstituted stone with punched windows. As a result of the prevailing materiality and massing of the proposal, there is unlikely to be **any** ~~no~~ adverse reflected glare.

14. At page 93 under para 6.6.68 the items in red below shall be deleted:

- The recently published NPPF (July 2021) makes beauty and placemaking a strategic policy and places an emphasis on granting permission for well-designed development and for refusing it for poor quality schemes, especially where it fails to reflect local design policies and government guidance contained in, amongst other things, the National Design Guide (January 2021). London Plan and Local Plan policies require high-quality design ~~and the HRWMF provides local guidance on place-making and design for Site Allocation NT5.~~

15. At page 105 under para 6.10.26 it shall state the following:

- The applicant has considered this but has highlighted the difficulties with providing cycle parking anywhere other than the basement because of the shape of the site and the knock on effect this has on the floorplans. As a compromise the applicant has suggested that **there would be sufficient storage space for occupants to store foldable bikes in the** ~~storage spaces within the accommodation for foldable bikes could be provided within the~~ bedroom storage spaces if required.

16. At page 105 under para 6.21.10 it shall state the following:

- In respect of the building specification, the façade would be constructed in unitised panels which are brick faced with a concrete backing, spaces on all floors would be fully sprinklered and linked to an intelligent fire and smoke detection system which would be monitored 24/7 by the on-site management team. Also **the majority of** cooking within the building undertaken by the students would be restricted to the shared kitchen lounge on the seventh floor and within the kitchen/lounges within the clusters which are positioned at the 'far end' of each cluster to maintain safe egress in the event of a fire. **Studio units would have their own kitchenettes within their rooms.**

17. At page 128 under COMMUNITY INFRASTRUCTURE LEVY section the figure for Haringey CIL shall state the following:

- £1,111,120 (13,072sqm x £85) as opposed to £1,131,973.05 (13,317.33sqm x £85).

18. Para 6.9.8 shall also be amended to reflect the updated CIL figure – this shall also be updated in the Informatives.

4. RELEVANT PLANNING HISTORY

Planning application reference HGY/2019/0108, refused 10/04/2019
 Appeal Ref: APP/Y5420/W/19/3232707 dismissed 16 April 2020
 Ashley House, Ashley Road, Tottenham, London N17 9LZ

19. Of relevance to the consideration of this application, is the following reason for refusal:

2. The proposed development would fail to provide adequate on-site playspace for resident children above 5 years old, to the detriment of the quality of the residential environment and would result in unacceptable pressure and stress on nearby areas of public Open Space, and fail to protect and enhance the value of the Open Space. As such, the application is contrary to London Plan (2016) policy 3.6, Local Plan (2017) policy SP2 and SP13, and Policy DM12 and DM20 of Development Management DPD (2017).

20. In this regard the inspector noted the following-

16. The Council acknowledge that this park would be a facility that would be accessible to children living at the development for play, including those over 5 years of age. However, the Council have concerns over the capacity of the park due to children from this development and others in this growth area of Tottenham. I recognise that the redevelopment near this park will likely increase the usage of this park, but I have no substantive evidence before me that the park is struggling with overuse or that its practical capacity would be exceeded by these new developments. I also have no detailed evidence that the biodiversity and nature conservation values that the park includes would be undermined by increased use. Furthermore, from the evidence I have seen regarding the park I am not convinced that the children from the development (which includes 11 family size dwellings) would likely be that 'tipping point' where such a capacity is exceeded.

17. It is also important in these considerations to factor in the planning obligation for the provision of £360,000 towards open space, which according to the Council as heard in the Hearing would likely be spent mainly on enhancing Down Lane Park. This is a substantial amount of money which can be spent to develop the park and maintain it. This money would sufficiently mitigate the pressure on the park from the additional children from the appeal site development, who would likely be quite dependent on this park for play and sport if they are over 5 years old.

21. The Council was unable to successfully defend this reason for refusal as no evidence could be presented to demonstrate that the park is struggling with overuse or that its practical capacity would be exceeded by that new development. Nor could the Council provide detailed evidence that the biodiversity and nature conservation values that the park includes would be undermined by increased use. The Inspector found that the payment towards the improvement of this open space would be sufficient to mitigate any impacts.