

Planning Sub Committee

REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE

1. APPLICATION DETAILS

Reference Number: HGY/2025/0930

Ward: Tottenham Hale

Address: Berol Quarter, Ashley Road, Tottenham Hale, London, N17 9LJ

Proposal: Application made under Section 73 of the Town and Country Planning Act 1990 to vary Condition 2 (Approved Plans and Documents) attached to planning permission HGY/2023/0261 granted 03/03/2025.

Permission is sought to alter the permitted level of affordable housing to change 60 intermediate affordable homes to market sale.

Permission is also sought to alter the approved drawings to show inward opening doors at the roof level of 2 Berol Yard instead of the permitted glass panels (shifting the openings to the centre of the room).

Applicant: Berol Quarter Limited (Berkeley Square Developments)

Ownership: Private

Case Officer: Philip Elliott

Date received: 07/04/2025

- 1.1 This application has been referred to the Planning Sub-Committee for decision as the planning application is a major application that seeks significant change to the affordable housing obligation agreed previously under s106 agreement.

1.2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal is for amendments to the Berol Quarter planning permission (reference HGY/2023/0261).
- The amendments include a design change to include inward opening doors at the roof level of 2 Berol Yard instead of the permitted glass panels – shifting the openings to the centre of the room. All other aspects of the design and proposal remain unchanged except for the amount of affordable housing that is proposed.
- Permission is sought to remove the affordable housing obligations secured in the associated section106 (s106) legal agreement to planning permission

reference HGY/2023/0261 by deed of variation (DoV), due to current market conditions that make the delivery of on-site affordable housing unviable.

- This would result in 60 intermediate affordable homes being changed to market sale. The sixty (60) affordable homes included twelve (12) 2-bed and six (6) 3-bed London Living Rent (LLR) homes; twenty-six (26) 2-bed homes let at 75% of market rent and sixteen (16) 3-bed homes let at 65% market rent (Discount Market Rent (DMR)).
- A viability assessment has been independently reviewed and confirms that the development is unable to provide any affordable housing. This could be reviewed by way of early, break and late stage review mechanisms to assess whether any such housing, or a contribution towards affordable housing off-site, could be achieved in the future.
- However, the applicant has offered to make a Payment in Lieu (PiL) to the Council to provide affordable housing in the sum of £1,534,050.00 (£7,305 per unit) to compensate for the removal of the Review Mechanisms. This is accepted as it gives more certainty to the Council and applicant and the contribution can be put towards Haringey's Council house building programme.
- If 2 Berol Yard is not completed within 50 months of commencement then the applicant will also be required to pay an Additional Affordable Housing Payment of over £150,000 for each year completion is delayed by.
- All the other public benefits of the permitted scheme would remain including:
 - A high quality designed housing and commercial development with 210 market homes and over 6,000sqm of commercial floorspace
 - A high quality landmark tall building that was supported by the Quality Review Panel (QRP)
 - Significant new employment opportunities during construction and once completed
 - Submission of a Commercial Strategy identifying how the proposed uses would complement and enhance the commercial offer in Tottenham Hale, including the creation of employment opportunities and contributing to the local economy
 - Employment and skills obligations including: 20% of the workforce employed during construction to comprise Haringey residents, the provision of skills-based training for 25% of those employed, employment of full-time apprenticeships up to 10% of workforce, and contribution to apprenticeship support
 - A new 161sqm community cultural and arts space to be let rent free for 3 years and subsequently at 80% of market rate for an agreed period up to 15 years
 - A new bridge head to support the delivery of a potential future bridge over Watermead Way and the railway into Hale Village
 - Submission of a feasibility study for the bridge over Watermead Way and the railway, including design options and secure by design principles in consultation with the Metropolitan Police

- A new public square and outdoor arts space to display local artworks and sculptures, which will be enhanced by a public lighting display
- Public realm improvements to further enhance the new District Centre and Ashley Road South including new tree planting and landscaping contributing to an increase in urban greening and biodiversity
- Estimated carbon offset of £327,750.00 for the whole development (to be reviewed once the amended energy statement has been assessed)
- Berol House Relocation Strategy - Submission of a relocation strategy to identify how existing occupants within Berol House would be supported to find new suitable premises
- £25,000 National Health Service (NHS) Contribution
- S106 obligations and Mayoral and Local CIL (in excess of £4.7 million) to contribute towards infrastructure improvements within the Borough and London as a whole

2. RECOMMENDATION

- 2.1 That the Committee authorise the Head of Development Management and Planning Enforcement or the Director of Planning & Building Standards to GRANT planning permission subject to the conditions and informatives set out below and the completion of a legal agreement/Deed of Variation satisfactory to the Head of Development Management and Planning Enforcement or the Director of Planning & Building Standards securing the obligations set out in the Heads of Terms below and subject to referral to the Mayor of London and any direction they make.
- 2.2 That the agreement referred to in resolution (2.1) above is to be completed no later than 01/05/2026 or within such extended time as the Head of Development Management and Planning Enforcement or the Director of Planning & Building Standards shall in their sole discretion allow.
- 2.3 That, following completion of the agreement(s) referred to in resolution (2.1) within the time period provided for in resolution (2.2) above, planning permission be granted in accordance with the Planning Application subject to the attachment of the conditions.
- 2.4 That delegated authority be granted to the Head of Development Management and Planning Enforcement or the Director of Planning & Building Standards to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions and informatives (planning permission) as set out in this report and to further delegate this power provided this authority shall be exercised in consultation with the Chair (or in their absence the Vice Chair) of the Planning Sub-Committee.

- 2.5 Summary of the heads of terms for the development are summarised below, it is noted that the legal agreement would be a deed of variation to the agreement associated with HGY/2023/0261 - with amendments made only to the relevant sections relating to affordable housing:

The on-site affordable housing (Discount Markt Rent - DMR and London Living Rent - LLR) and affordability obligations would be removed and the following added:

Affordable housing obligation updates

- A financial contribution/PiL in lieu of the early, development break, and late-stage viability review mechanisms calculated at £7,305 per unit, equating to a total contribution of £1,534,050.00. To be paid in two equal tranches: on commencement of 2 Berol Yard and 18 months thereafter.
- Associated changes to clawback, viability information, DEN connection costs, and formulas.
- Additional Affordable Housing Payments of £153,405 per year for each year completion of 2 Berol Yard is delayed by, beyond 50 months from commencement.

- 2.6 Summary of the recommended conditions for the development is provided below:

Conditions Summary – (the full text of recommended conditions is contained in Appendix 1 of this report).

- 1) Time limit to reflect time limit granted for HGY/2023/0261 (Compliance)
- 2) Approved Plans and Documents (Compliance)
- 3) Phasing Plan (PRE-COMMENCEMENT)
- 4) Accessible Accommodation (Compliance)
- 5) Commercial Unit - Opening Hours (Compliance)
- 6) Commercial Units - Class E Only (Compliance)
- 7) Quantum of development (Compliance)
- 8) BREEAM Certificates (PRE-COMMENCEMENT)
- 9) Residential – Noise Attenuation (Compliance)
- 10) Residential – Noise Attenuation from commercial (Pre-occupation)
- 11) Fire Statement (Pre-superstructure)
- 12) Landscape Details (Pre-occupation)
- 13) Playspace (Pre-occupation)
- 14) Surface Water Drainage (Pre-occupation)
- 15) Surface water network (Thames Water) (Pre-occupation)
- 16) Water network capacity (Thames Water) (Pre-occupation)
- 17) Flood Warning and Evacuation Plan (FWEP) (Pre-occupation)
- 18) Water Efficiency Condition (Compliance)
- 19) Biodiversity (Pre-occupation)
- 20) Lighting (Pre-occupation)
- 21) External Materials and Details (Pre-superstructure)

- 22) Living roofs (Pre-superstructure)
- 23) Landscape and ecological management plan (LEMP) (Pre-occupation)
- 24) Energy Strategy (Pre-superstructure)
- 25) DEN Connection (Pre-superstructure)
- 26) Overheating (Pre-superstructure)
- 27) Overheating Building User Guide (Pre-occupation)
- 28) Circular Economy (Pre-occupation)
- 29) Whole Life Carbon (Pre-occupation)
- 30) Secured by Design (Pre-occupation)
- 31) Written Scheme(s) of Investigation for Archaeology (PRE-COMMENCEMENT)
- 32) Land Contamination (PRE-COMMENCEMENT)
- 33) Unexpected Contamination (If identified)
- 34) Car Parking Management Plan (Pre-occupation)
- 35) Cycle Parking (Pre-superstructure)
- 36) Delivery and Servicing Management Plan (Pre-occupation)
- 37) Site Waste Management Plan (PRE-COMMENCEMENT)
- 38) Waste Management Plan (Pre-occupation)
- 39) Detailed Construction Logistics Plan (PRE-COMMENCEMENT)
- 40) London Underground Asset Protection (PRE-COMMENCEMENT)
- 41) Public Highway Condition (PRE-COMMENCEMENT)
- 42) Demolition/Construction Environmental Management Plans (PRE-COMMENCEMENT)
- 43) Updated Air Quality Assessment (Pre-superstructure)
- 44) Management and Control of Dust (PRE-COMMENCEMENT)
- 45) Combustion and Energy Plant (Compliance)
- 46) Business and Community Liaison Construction Group (PRE-COMMENCEMENT)
- 47) Telecommunications (Compliance)
- 48) Wind Mitigation (Pre-Superstructure)
- 49) Noise from building services plant and vents (Compliance)
- 50) Anti-vibration mounts for building services plant / extraction equipment (Compliance)
- 51) Signage and wayfinding (Pre-occupation)
- 52) Berol House Blue Badge Parking (Pre-occupation)
- 53) Public Art (Pre-occupation)
- 54) Residential homes to be C3 use only (Compliance)

2.7 Summary of the recommended informatives for the development is provided below:

Informatives Summary – (the full text of Informatives is contained in Appendix 1 to this report).

- 1) Working with the applicant

- 2) Community Infrastructure Levy
- 3) Hours of Construction Work
- 4) Party Wall Act
- 5) Numbering New Development
- 6) Asbestos Survey prior to demolition
- 7) Dust
- 8) Written Scheme of Investigation – Suitably Qualified Person
- 9) Written Scheme of Investigation - Deemed Approval Precluded
- 10) Maximise Water Efficiency
- 11) Minimum Water Pressure
- 12) Paid Garden Waste Collection Services
- 13) Sprinkler Installation
- 14) Designing out Crime Officer Services
- 15) Land Ownership
- 16) Site Preparation Works
- 17) s106 Agreement and s278 Agreement
- 18) Revised Fire Statement required with any revised submission
- 19) Building Control
- 20) Building Regulations – Soundproofing
- 21) Thames Water – Sewage Pumping Station

- 2.8 In the event that members choose to make a decision contrary to officers' recommendation, members will need to state their reasons.
- 2.9 That, in the absence of the agreement referred to in resolution (2.1) above being completed within the agreed time period, set out in (2.2) above, the planning permission be refused for the following reason:
- 2.10 In the absence of a deed of variation securing a financial contribution/PiL calculated at £7,305 per unit, equating to a total contribution of £1,534,050.00 the proposal would fail to deliver the maximum reasonable amount of affordable housing and would be contrary to policies H4 'Delivering affordable housing', and H6 'Affordable housing tenure' of the London Plan 2021 and policy SP2: 'Housing' of the Local Plan 2017.
- 2.11 In the event that the Planning Application is refused for the reason set out above, the Head of Development Management and Planning Enforcement or the Director of Planning & Building Standards (in consultation with the Chair of Planning Sub-Committee) is hereby authorised to approve any further application for planning permission which duplicates the Planning Application provided that:
 - i. There has not been any material change in circumstances in the relevant planning considerations, and
 - ii. The further application for planning permission is submitted to and approved by the Head of Development Management and Planning Enforcement or the

Director of Planning & Building Standards within a period of not more than 12 months from the date of the said refusal, and

- iii. The relevant parties shall have previously entered into the agreement contemplated in resolution (2.1) above to secure the obligations specified therein.

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APPENDICES:

- Appendix 1: Planning Conditions & Informatives
- Appendix 2: Report to Planning Sub-Committee (PSC) for HGY/2023/0261
- Appendix 3: PSC Report Appendices for HGY/2023/0261 (Not including Conditions which are superseded by Appendix 1)
- Appendix 4: Addendum Report to PSC for HGY/2023/0261
- Appendix 5: Minutes of PSC meeting for HGY/2023/0261
- Appendix 6: GLA Stage 1 Report 19 May 2025
- Appendix 7: Carter Jonas Review of Applicant's Financial Viability Assessment on behalf of LB Haringey June 2025
- Appendix 8: GLA Assessment of Financial Viability 14 August 2025
- Appendix 9: DS2 Response 25 September 2025
- Appendix 10: Carter Jonas Rebuttal Response October 2025
- Appendix 11: GLA Viability Team Comments 28 November 2025
- Appendix 12: Internal and external consultation responses
- Appendix 13: Neighbour representations and officer responses
- Appendix 14: DS2 Response 16 January 2026
- Appendix 15: GLA Viability Team Comments 27 January 2026
- Appendix 16: Design Changes to top floor

PROPOSED DEVELOPMENT AND SITE LOCATION DETAILS

Proposed Development

- 3.1 The application is submitted under section 73 (s73) of the Town and Country Planning Act (TCPA) to amend the previously granted planning permission. If granted, the s73 application would be a new planning permission but all conditions on the original permission would be reapplied (albeit updated as necessary). The time limit for implementing the permission would be the same as the original permission (03/03/2028).
- 3.2 The proposal is very similar to the original planning permission reference HGY/2023/0261 which was for:
- Full planning permission for the refurbishment and extension of Berol House to include Use Class E floorspace; and the redevelopment of 2 Berol Yard to provide new residential homes and Use Class E floorspace; with associated landscaping, public realm improvements, car and cycle parking, and other associated works.*
- 3.3 Members resolved to grant the above at the Planning Sub Committee meeting held on Monday 3rd July 2023. The scheme was subsequently granted planning permission on 3rd March 2025 once the s106 had been completed.
- 3.4 Planning permission HGY/2023/0261 allowed the refurbishment and extension of Berol House to provide workspace and retail accommodation; and for a new mixed use building comprising Build to Rent (BtR) homes and commercial, retail, and community spaces at 2 Berol Yard.
- 3.5 The current scheme proposes the following two changes to the extant planning permission reference HGY/2023/0261 relating to the design and affordable housing:

Design

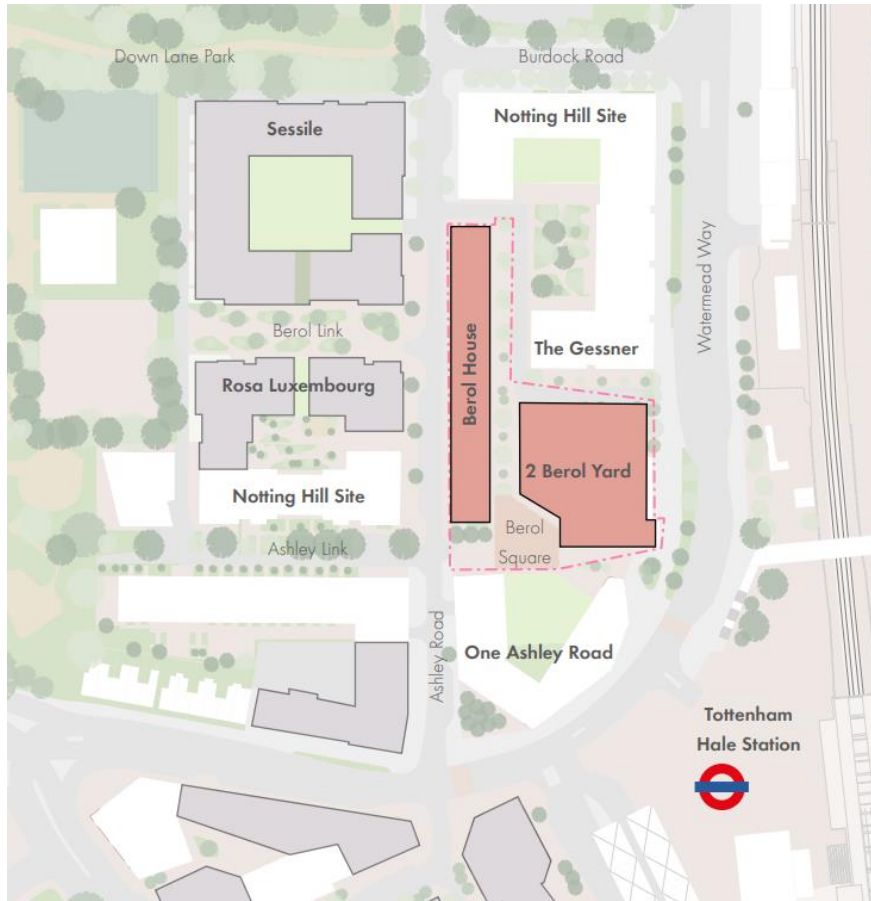
- The replacement of glass panels with inward opening doors at roof level of 2 Berol Yard; and

Affordable housing

- The removal of the affordable housing obligations secured in the associated s106 to HGY/2023/0261 by deed of variation.
- 3.6 As part of the extant scheme (planning permission reference HGY/2023/0261) 35% affordable housing was secured based on habitable rooms. This resulted in 60 affordable homes being secured (out of a total of 210 homes); 30% of the 35% total affordable housing provision was secured at London Living Rent (LLR). The remainder was secured at a discount to market rent (DMR).

- 3.7 The DMR that was secured included 2-bed homes let at 75% of market rent, and 3-bed homes let at 65% of market rent. This resulted in twenty-six 2-bed homes let at 75% of market rent and sixteen 3-bed homes let at 65% of market rent. The LLR element included twelve 2-bed and six 3-bed homes.
- 3.8 Across London, the average monthly rent for a two bedroom London Living Rent (LLR) home to be let in 2025-26 is approximately £1,350 a month, equivalent to just under two thirds of the average market rent in December 2024 (£2,118) as reported by the Office for National Statistics. The rent for a three bedroom LLR home is set at no more than 10 per cent above the two bedroom rent.
- 3.9 For the DMR (2-bed homes let at 75% of market rent, and 3-bed homes let at 65% of market rent) current rents for a 2-bed flat at The Gessner range from £2,744 – £3,000pcm, with an average rent of £2,860pcm. Therefore, the DMR rent for a 2-bed home in the development would be approximately £2,145. For 3-beds, the mean average rent last May was £3,695, so at 65% DMR Apportionment the rent would be £2,402.
- 3.10 The application is submitted under Section 73 of the Town and Country Planning Act 1990 (s73) which can be used to make a material amendment by varying or removing conditions associated with a planning permission. Amendments are sought to Condition 2 of HGY/2023/0261 to amend the approved plans.
- 3.11 Agreement is also sought to modify the s106 associated with HGY/2023/0261 through a deed of variation (DoV) to remove the affordable housing and affordability obligations and secure a financial contribution/PiL calculated at £7,305 per unit, equating to a total contribution of £1,534,050.00 to ensure the maximum amount of affordable housing can be secured.
- 3.12 The applicant has advised that due to current market conditions the on-site affordable housing provision granted under extant planning permission HGY/2023/0261 is no longer financially viable and the scheme cannot be delivered with the affordable housing included as part of the overall development.
- 3.13 The applicant has submitted a Financial Viability Assessment (FVA) to evidence this situation and to support the submission. This has also been scrutinised by the Council's own expert advisors and officers which is explained later in the report.
- 3.14 Figure 1 below shows the application site outlined in a dashed red line with the proposed buildings highlighted red:

Figure 1 - Berol Quarter site plan



3.15 The extant planning permission HGY/2023/0261 consists of the following three main components:

1. Berol House

Retained to the west of the site. Planning permission was granted for the building to be refurbished, and a three-storey extension erected at roof level covering the full extent of the roof plane on two of the three new floors; with a third floor set back at the north and south, and to a lesser extent to the east. An undercroft pedestrian route through Berol House (known as Berol Passage) was incorporated to increase west-east permeability through the building.

2. Berol Yard

Located to the east of Berol House at the eastern part of the site. Planning permission was granted for a 32 storey high building with a lift overrun core rising above the highest part of the main building, with upper floors rotated at an angle to the ground floor.

The western elevation of the ground floor runs parallel with Berol House with a 10.5m gap forming a new street between the two. The southern elevation runs parallel with the One Ashley Road building to the south with a minimum distance

of 10.2m. The eastern elevation runs parallel with Watermead Way to the east with the northern elevation running parallel with The Gessner to the north.

3. Public Realm

Paving, street planting, and street furniture was granted planning permission to connect the buildings on the ground floor, with a new public square located to the southwest corner of the site, creating a focal and navigation point for visitors and pedestrians.

Land use & housing mix

- 3.16 Planning permission was granted for a mix of residential and non-residential floorspace. 2 Berol Yard comprised 604sqm of Class E ('Commercial, Business and Service') accommodation expected to comprise shops, cafes, and restaurants at ground floor level and 160.2sqm of community space at first floor level. It included 210 homes on floors 1 to 29, and associated amenity space on the podium and at level 30 in the form of a sky terrace.
- 3.17 Berol House comprised 5,492sqm (GIA) of Class E floorspace ((3,294sqm (existing) and 2,198sqm uplift));with 428sqm of amenity space on the roof. In total, the site proposes 6,359sqm (GIA) of Class E and F2 (community) floorspace.
- 3.18 210 Build to Rent (BtR) homes were granted permission at 2 Berol Yard. Berol House did not include residential development. The total residential floorspace granted at 2 Berol Yard was 24,016 sqm.
- 3.19 The dwelling mix, home size and home quantity are set out in Table 1 below providing a mix of one, two, and three-bedroom homes. 10% of the total new homes are wheelchair accessible/adaptable homes. This equates to 22 wheelchair adaptable new homes.

Table 1 – Permitted Dwelling Mix

Flat type	No. of homes	% of homes	Wheelchair/accessible homes
Studio	20	10%	16
1 Bed	48	23%	
2 Bed 3 Person	21	10%	0
2 Bed 4 Person	93	44%	
3 Bed 5 Person	17	8%	6
3 Bed 6 Person	11	5%	
Total	210	100%	22 (10%)

- 3.20 Additional information on height, scale, and massing; 2 Berol Yard block heights; materials and detailed design; public realm; amenity and play space; access, servicing, and parking; cycle parking; and deliveries and servicing can be found in Appendix 2 in the 'proposed development' section.

Site Location Details

- 3.21 The application site comprises 2 Berol Yard, which is currently a vacant plot of land adjacent to Watermead Way; and Berol House, the former Berol pencil factory, which is now an existing office building that runs north-south along Ashley Road. The site forms an L-shaped parcel of land with a total area of 2.67 hectares.
- 3.22 2 Berol Yard is currently a vacant plot, most recently used as a construction site for neighbouring development and temporary car parking. Part of the car park is currently being utilised for the construction of the 'One Ashley Road' scheme (part of the Related Argent 'Heart of Hale' development), which is located to the south of the site.
- 3.23 Berol House is a three-storey locally listed building. The building was constructed in the early 1900s, having been fully completed by 1913. The building was a former pencil factory owned by the Berol Company who produced Berol pencils at the site. Currently, Berol House is used as a serviced office building.
- 3.24 The Berol Yard site (which includes Berol House, 2 Berol Yard, and The Gessner – See Figure 2) has planning permission for redevelopment under HGY/2017/2044 which is described in the relevant planning history section below.
- 3.25 The site is bounded as follows:

To the north

by the 'Cannon Factory' which has planning permission for new homes and commercial space, as part of the Notting Hill Genesis/Home Ownership outline application (HGY/2016/4165). Beyond this is the Harris Academy, which provides secondary education for 11–18-year-olds, and is due to increase in capacity up to 1,500 students;

To the northeast

by 'the Gessner' which comprises 166 build to rent (BtR) homes and commercial floorspace and was recently completed by the Applicant;

To the east

by Watermead Way, and beyond this the railway line and Hale Village;

To the south

by 'One Ashley Road', which has recently been constructed and was delivered by Related Argent as part of their 'Heart of Hale' development. One Ashley Road comprises two residential towers with the first three floors being retail and office space. Further south lies Tottenham Hale Station and the Tottenham Hale

District Centre as well as Tottenham Hale Retail Park on the opposite side of Ferry Lane; and

To the west

by Ashley Road and the development plots of Ashley Gardens, Ashley House and Ashley Park which will provide new residential accommodation. Down Lane Park is located further west and northwest and is within a 2-minute walking distance of the site.

Transport

- 3.26 Vehicular access to the site is from Ashley Road to the west which connects to Hale Road (A503) / Watermead Way (A1055) to the south.
- 3.27 The access to Ashley Road from the south is proposed to be amended as part of wider highway improvements to the District Centre and Ashley Road. The improvement works would make the street one-way. A new loading bay adjacent to the east of the site on Watermead Way has been installed as part of works under planning permission HGY/2017/2044.
- 3.28 The site has a Public Transport Accessibility Level (PTAL) rating of 5 to 6a (where 1 is least accessible and 6b is most accessible); so is considered to have very good to excellent accessibility. Tottenham Hale Underground Station is 180m from the site.
- 3.29 The site is also close to Tottenham Hale Bus Station.

Heritage

- 3.30 The closest Conservation Areas to the site (Tottenham High Road Historic Corridor – Tottenham Green, Bruce Grove, & Seven Sisters/Page Green) are at the High Road approximately 500m away to the west. Similarly, the nearest listed buildings are 62 Monument Way N17 which is approximately 450m away from the site and Tottenham High Cross on the High Road further west.
- 3.31 The site is within Flood Zone 2 (the zone of moderate flood risk) and within an Air Quality Management Area (AQMA). The site is within the Tottenham Hale Growth Area and Tall Building Growth Area. It also falls within a Local Employment Area: Regeneration Area and allocated site TH6: Ashley Road South Employment Area within the Tottenham Area Action Plan (TAAP).

Surroundings

- 3.32 The surrounding area is characterised by the site's immediate context within the Ashley Road South Masterplan (ARSM) and Tottenham Hale Housing Zone. The southern end of the site (south of the southern elevation of Berol House) falls within the emerging new Tottenham Hale District Centre. Figure 2 below shows the layout of the ARSM.

3.33 Across Tottenham Hale there have been several planning permissions:

- GLS Supplies Depot, Ferry Lane [Hale Village] (HGY/2006/1177) - *Demolition of all structures and remediation for the development of a mixed use scheme comprising up to 1210 residential units (Use Class C3), student accommodation (C2), office (B1), hotel (C1), retail (A1, A2, A3, A4, A5 and B1) uses, a health centre (D1), a health club (D2), crèche (D1) and a primary school, with provision for underground and on-street car parking, to be comprised within separate building blocks ranging in height from 1 to 18 storeys, incorporating public open space, an unculverted watercourse and Combined Heat and Power (CHP) with associated renewable energy systems (outline application).* [Constructed and occupied]
- Image House, Station Road [Premier Inn Hotel] (HGY/2014/0498) - *A 96 bed hotel (Class C1) including a 146sqm restaurant/bar, 3 disabled car parking spaces and 6 dedicated cycle spaces.* [Constructed and in use]
- Hale Wharf (HGY/2016/1719) - *Outline planning permission (for the entire site) for a residential led mixed use development comprising the demolition of existing buildings and structures; the construction of buildings across the site to include residential (up to 505 units) and flexible retail or business uses (Use Classes A1-A5 or B1); pedestrian/cycle footbridges, modification works to the existing vehicular access and associated highway works; refurbishment of existing infrastructure (including provision of an on-site energy centre, if required), landscaping and public realm works; new servicing arrangements; car/cycle parking; and associated and facilitating works.*
All matters are reserved for the pedestrian footbridges, Phases 2 and 3 Buildings and detailed permission is sought with no matters reserved for the Phase 1 Buildings.
The detailed component of the application (Phase 1 buildings only) comprises the demolition of existing buildings; the construction of buildings ranging from 16 to 21 storeys to accommodate 249 residential units and 307m2 (GIA) of flexible retail or business uses (Use Classes A1-A5 or B1); modification works to the existing vehicular access and associated highway works; infrastructure (including provision of an on-site energy centre, if required), landscaping and public realm works; new servicing arrangements; car/cycle parking; and associated and facilitating works. [Constructed and occupied]
- 1 Station Square [Millstream Tower] (HGY/2016/3932)- *Demolition of existing buildings and erection of a building providing 434 sqm (GEA) of commercial floorspace (Class A1/A3), 128 residential units (Class C3), landscaped amenity space, cycle parking and all structural and associated works.* [Constructed and occupied]
- SW Plot, Hale Village [Anthology Hale Works] (HGY/2017/2005) - *Mixed use development ranging from 11 to 33 storeys comprising 1,588 sqm commercial space (flexible A1/A3/A4/B1/D1 uses), 279 residential units including*

affordable housing, together with roof garden and associated landscaping, the provision of basement car parking, bicycle spaces, associated plant including building maintenance unit and internal refuse storage at Plot SW, Hale Village. [Constructed and occupied]

- Strategic Development Partnership (SDP) Sites [by Related Argent] (HGY/2018/2223) - *Demolition works and clearance of existing site to provide a mixed-use development comprising 6 buildings up to 38 storeys in height, which together with pavilion and basement accommodation will provide up to 104,053m² of floorspace (GIA), comprising residential (Use Class C3) (up to 1,036 units), retail (Use Class A1-A4), health centre (Use Class D1), office (Use Class B1), leisure (Use Class D2) parking and servicing areas, hard and soft landscaping (including the provision of a new public square), highways works, creation of new vehicular accesses and the realignment of Station Road, decentralised energy network works and other associated works.* [Constructed and occupied with final Ferry Island plots nearing completion]
- 29-33 The Hale [The Hale] (HGY/2021/2304) - *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. The development includes 432 rooms of student accommodation.* [Under construction]
- Council Depot, Ashley Road [Wingspan Walk (Ashley Road Depot)] (HGY/2022/0752) - Full planning application for the erection of 272 homes including 50% socially rented homes extending 4-13 storeys, 174sqm of flexible Use Class E floorspace along with a new vehicular access to the site, car parking and two pedestrian north south routes. The proposal also includes both private and public hard and soft landscaping throughout the site. [Constructed and occupied]

3.34 The allocated sites to the south of the Ashley Road East and West (ARSM) which form allocated site TH5 have been completed; with TH4 (in part) nearing completion and under construction; and TH10 (in part – eastern end) nearing completion by Related Argent for the 'Heart of Hale' District Centre redevelopment.

3.35 The site sits within the central and southeast sections of the ARSM. The ARSM is partially bounded by Down Lane Park to the north which also wraps around the western boundary and contains a children's playground, an existing nursery, tennis courts, bowling green, and BMX track. Ashley Road runs centrally through the masterplan.

- 3.36 On the opposite side of Ashley Road to Down Lane Park is the Harris Academy Tottenham which provides primary and secondary education. The site has been redeveloped to provide additional educational facilities for the Harris Academy (planning permission reference HGY/2015/3096).
- 3.37 The reservoirs to the east of the site (approximately 450m away) are a Site of Special Scientific Interest (SSSI) and a Special Protection Area & Ramsar site.
- 3.38 The buildings which form the ARSM have been developed by the Applicant and formerly by Notting Hill Genesis/Home Ownership, who worked collaboratively to deliver a masterplan for the area. The following planning permissions are in place for the masterplan:

- **Cannon Factory and Ashley House** submitted by Notting Hill Genesis/Home Ownership. Planning permission HGY/2016/4165 was granted outline permission in 2018, with detailed planning permission granted later in the same year under reference HGY/2018/2353.

The planning permission includes the demolition of existing buildings across the two sites and redevelopment consisting of the erection of three buildings of up to 17 storeys in height, to provide up to 3,600sqm of commercial floorspace, up to 256 homes, new public realm, landscaped amenity, and all other associated works. Whilst implemented, construction has not gone beyond demolition and site clearance.

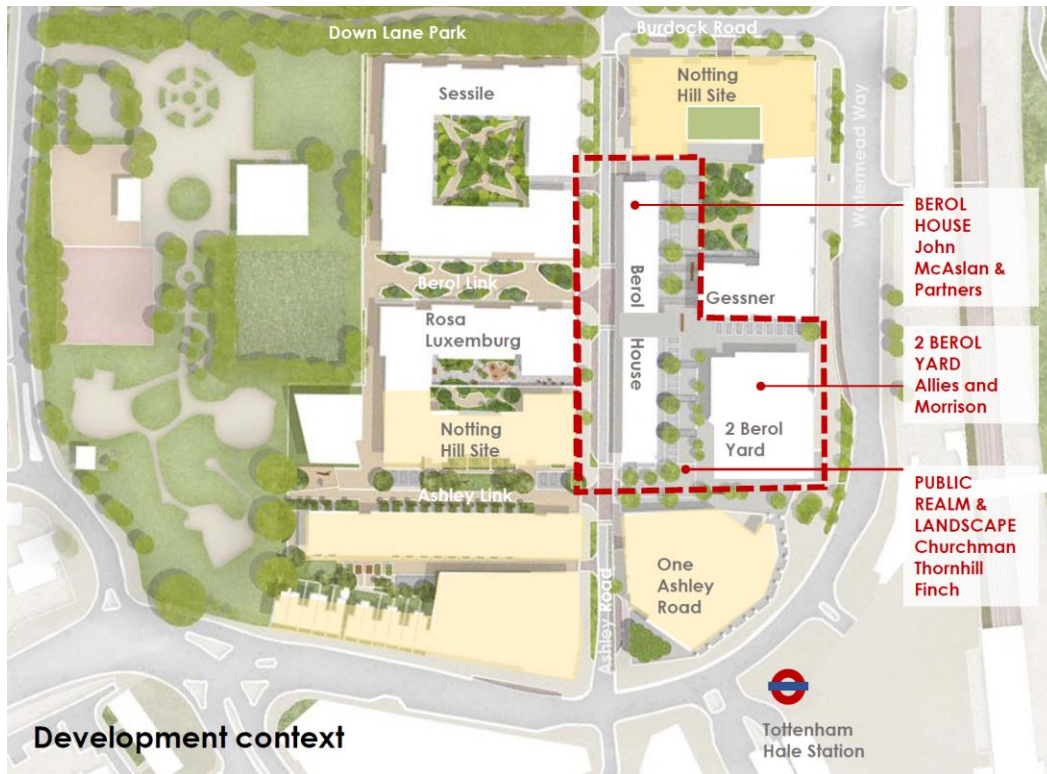
- **Ashley Gardens** comprises two residential-led mixed use buildings of up to 11 storeys, providing up to 417 homes and has been developed by the Applicant. Planning permission was approved in 2017 (HGY/2017/2045) and amended in 2019 (HGY/2019/2804) and in 2021 (HGY/2021/1170).

The first phase, known as Rosa Luxemburg Apartments, was completed in December 2021, and is now owned by the Council and the remainder of the scheme is completed and named 'The Sessile'.

- **Ashley Park** (Ashley House) comprises a part six and part eight storey residential-led mixed use building submitted by Notting Hill Genesis/Home Ownership, to deliver up to 97 homes. Planning permission was granted on appeal in April 2020 (HGY/2019/0108). Whilst implemented, construction has not gone beyond demolition and site clearance.
- **The Gessner** (1 Berol Yard) comprises a 14-storey residential-led mixed use building, developed by the Applicant. The Gessner was granted

permission in 2018 as part of a wider hybrid application (HGY/2017/2044). Works at The Gessner were completed in 2021.

Figure 2 – Layout of the ARSM with the site shown edged in red



Relevant Planning History

Extant parent permission - HGY/2023/0261

- 3.39 The site is subject to extant planning permission (HGY/2023/0261), which members resolved to grant at the Planning Sub Committee meeting held on Monday 3rd July 2023. The scheme was subsequently granted planning permission on 3rd March 2025 for:

Full planning permission for the refurbishment and extension of Berol House to include Use Class E floorspace; and the redevelopment of 2 Berol Yard to provide new residential homes and Use Class E floorspace; with associated landscaping, public realm improvements, car and cycle parking, and other associated works.

- 3.40 The site is also subject to extant planning permission (HGY/2017/2044), which includes 1 Berol Yard (now named The Gessner), 2 Berol Yard (formerly the college site) and Berol House. Planning permission was granted on 8 June 2018 for:

Full planning permission for the demolition of the existing buildings within the Berol Yard site and retention of Berol House. Erection of two buildings between 8 and 14 storeys providing 166 homes, 891 sqm (GEA) of commercial floorspace (Class A1/A3/B1/D1), 7,275 sqm (GEA) of education floorspace (Class D1), car and cycle parking, open space, landscaping and other associated works.

Outline proposals (all matters reserved) for the alteration/conversion of ground, first and second floors of Berol House with up to 3,685 sqm (GEA) of commercial floorspace (A1/A3/B1/D1) and the introduction of a two storey roof level extension introducing up to 18 homes, cycle parking and other associated works. Amendments to scheme including replacement of accommodation with "build-to-rent" and reconfiguration of internal residential and commercial layout.

- 3.41 Reserved Matters for appearance, landscaping, layout, scale and access in relation to Berol House (pursuant to Condition 1 of planning permission HGY/2017/2044) were approved in 2020 (HGY/2020/0080). Since the original planning permission was granted there have also been several non-material amendments (under section 96a) that have been made to the scheme and conditions approved to enable part of the development.
- 3.42 The residential component at 1 Berol Yard (now known as The Gessner) and associated public realm has been completed and has been in occupation/operation since 2021. The remaining two plots of the original hybrid planning application, the development of which has not commenced, comprise 2 Berol Yard or the College Site (approved for education floorspace) and Berol

House (approved for commercial floorspace and some residential in a roof level extension).

- 3.43 The phasing strategy for Berol Yard was approved under planning permission HGY/2018/2164. Phases 1 and 2 involved the construction of The Gessner, hard landscaping from Ashley Road and between Berol House and The Gessner, and the delivery of the layby on Watermead Way. Phase 3 involved the Berol House refurbishment & extension, phase 4 completion of the public realm, and phase 5 construction of ADA College.
- 3.44 The s106 associated with planning permission HGY/2023/0261 required the outstanding phases of planning permission HGY/2017/2044 to 'fall away' should planning permission HGY/2023/0261 be implemented, in order that planning permission HGY/2023/0261 could proceed without both different elements of the consented developments being able to be constructed.

4. CONSULTATION RESPONSES

Current Section 73 Planning Application Consultation

- 4.1 An officer summary of responses received to consultations is set out below. The full text of internal and external consultation responses is contained in Appendix 13.
- 4.2 Whilst all the consultees consulted under HGY/2023/0261 were consulted under this application, it is noted that due to the nature of the current section 73 proposal – constituting a minor design change and the removal of affordable housing, there were few consultee responses to the consultation. However, the following responses were received:

Internal responses (summarised):

LBH Design –

No design objections to these proposals.

LBH Pollution / Air Quality / Contaminated Land –

No objection to the proposed application with regards to land contamination and air quality. However, the applicant is reminded of the need to comply with the previous conditions on both grounds i.e. land contamination and air quality, as outlined in the approved planning permission.

External responses (summarised):

Greater London Authority (GLA) / The Mayor of London –

The full Stage 1 response can be found in Appendix 7 – The Strategic issues summary is included below:

Land use principles: The development of this brownfield site for a high-density, mixed-use development remains acceptable in principle. However, it is considered that the proposed nil affordable housing offer would conflict with London Plan Policies H4 and H5. The absence of any affordable housing materially impacts on overall planning balance of the scheme. This will be considered further at the Stage 2, if the Council resolves to grant permission.

Affordable housing: The proposal to reduce the level of affordable housing from 35% to 0% does not demonstrate compliance with London Plan Policies H4 and H6, nor is it a verified viability position. The FVA is currently being robustly scrutinised by GLA Viability Officers.

Officer comment: *GLA Viability Officers subsequently sent formal comments and after a number of discussions it is now agreed that the scheme could not support a contribution to affordable housing. This is discussed in Section 6 of this report.*

Health & Safety Executive (HSE) –

No comment.

Metropolitan Police - Designing Out Crime Officer (DOCO) –

No objections with the proposals and they have commented that they look forward to consultation with the design team in regard to achieving Secured by Design accreditation for the project.

5. LOCAL REPRESENTATIONS

5.1 On 24 April 2025, notifications were sent out as follows:

- 888 letters to neighbouring properties

5.2 A Press Advertisement was placed in the Enfield Independent on 30 April 2025.

5.3 On 26 April 2025, a site notice was erected in the vicinity of the site.

5.4 The number of representations received from neighbours, local groups etc. in response to the consultation are as follows:

Number of individual responses: 2

Support: 0

Objecting: 2

5.5 The full text of neighbour representations and officer responses are set out in Appendix 14.

5.6 The main issues raised in representations are summarised below:

Objections:

- The development economics are challenged – there are many errors in the FVA and even with the proposed changes the proposal is still not meeting viability and will continue to be “challenged financially” and couldn’t possibly be proceeding.
- Any reduction in the level of social/affordable housing is objected to.

Officer comment: *The applicant’s FVA has been independently assessed on behalf of the Council by financial viability consultants Carter Jonas and by the GLA’s Viability Team who have both found that the proposal cannot support affordable housing on site or an affordable housing contribution.*

6. MATERIAL PLANNING CONSIDERATIONS

1. Overview & Design Changes (6.1)
2. Affordable Housing and Viability (6.2)
3. Other matters (6.3)
4. Conclusion (6.4)

6.1 Overview & Design Changes

6.1.1 The proposed changes to planning permission HGY/2023/0261 are:

- design changes (at roof level of 2 Berol Yard) and
- the removal of the affordable housing

6.1.2 All the other aspects of extant planning permission HGY/2023/0261 remain unchanged. All of these aspects were assessed in detail in the reports to the Planning Sub-Committee (PSC) and were discussed at the meeting held on Monday 3rd July 2023 where members resolved to grant planning permission. The reports to PSC, and the minutes of the meeting are included at Appendices 2, 3, & 4; and 5 respectively.

6.1.3 Since planning permission was granted on 3rd March 2025 there has been no change to the development plan and all applicable planning policies remain largely the same.

6.1.4 However, the Council has recently consulted on a Draft Local Plan under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, with the consultation period running from 10 October to 19 December 2025.

6.1.5 The Draft Local Plan includes new site allocation 'TH SA04 Berol Yard' which includes the land that made up Berol Yard and the Cannon Factory site to the north. The indicative capacities and land uses proposed by the site allocation largely reflect the numerous extant planning permissions for the sites including HGY/2023/0261.

6.1.6 One of the key differences in terms of policies in the Draft Local Plan in relation to this site and the proposed development is the inclusion of a specific Build to Rent policy (Policy H4). This policy reflects the London Plan policy on Build to Rent schemes and supports standalone developments or blocks within large mixed tenure schemes. It seeks social housing and intermediate affordable housing tenures where there is more than one residential core and just DMR if not.

6.1.7 The Draft Local Plan sets out the Council's emerging placemaking framework, spatial strategy, and policy direction. At this stage, the new Local Plan is in the

early stages of preparation and has not yet been submitted for examination. In accordance with the National Planning Policy Framework (NPPF), paragraph 49, officers consider that only very limited weight should be afforded to the Draft Local Plan's policies at this time.

6.1.8 Therefore, the assessment against planning policy made under extant planning permission HGY/2023/0261 remains relevant and does not need to be assessed again or as part of this report. Instead, this report will focus on the changes (as specified above in paragraph 6.1.1) to the extant permitted scheme. See Appendices 2, 3, & 4 for the report and relevant addendum and appendices for HGY/2023/0261 for an assessment of the following matters:

- principle of the development;
- policy assessment;
- housing and policy H11 of the Local Plan 2017 (build to rent);
- impact on adjoining occupiers;
- design and tall building assessment;
- impact on heritage assets including affected conservation areas;
- quality of residential accommodation;
- social and community infrastructure;
- transportation, parking and highway safety;
- energy, climate change, and sustainability;
- urban greening and ecology;
- trees and landscaping;
- wind and microclimate;
- flood risk and drainage;
- land contamination;
- archaeology; and
- fire safety and security.

6.1.9 The design changes involve altering openings and glazing at the top floor of the tower. The appearance of the top floor would be very similar with glazing and doors, the arrangement and design of these has just been updated to move the opening to the centre of the room. The changes would not be discernible from the street and would have not have undue impact on the host building or on the character and quality of the area in general.

6.1.10 The design changes at roof level of 2 Berol Yard are minor in the context of the overall development and would have little discernible impact on the building when viewed at street level. The changes would comply with development plan policies relating to design and are acceptable.

6.2. **Affordable Housing and Viability**

National Policy

- 6.2.1 The National Planning Policy Framework (NPPF) 2024 states that where it is identified that affordable housing is needed, planning policies should expect this to be provided on site unless off-site provision or an appropriate financial contribution can be robustly justified, and the agreed approach contributes to the objective of creating mixed and balanced communities.

Regional Policy – London Plan 2021

- 6.2.2 Policy H4 of the London Plan 2021 also states that affordable housing should be provided on site or provided as a cash in-lieu contribution in exceptional circumstances.
- 6.2.3 The London Plan goes on to set out that cash in lieu contributions can be used where on-site affordable housing delivery is not practical and the contribution will not be detrimental to the delivery of mixed and inclusive communities.
- 6.2.4 The Mayor of London's Affordable Housing and Viability (AHV) Supplementary Planning Guidance (SPG) states that all developments not meeting a 35% affordable housing threshold should be assessed for financial viability through the assessment of an appropriate financial appraisal, with early and late-stage viability reviews applied where appropriate.
- 6.2.5 It also states that all schemes which propose cash in lieu payments are required to provide a detailed viability assessment as part of the justification.
- 6.2.6 The SPG states 'The starting point for determining in-lieu contributions should be the maximum reasonable amount of affordable housing that could be provided on-site as assessed through the Viability Tested Route. The value of the in-lieu contribution should be based on the difference in Gross Development Value arising when the affordable units are changed to market units within the appraisal.
- 6.2.7 This is to ensure that where the on-site component of market housing is increased as a result of the affordable contribution being provided as a cash in-lieu payment, this does not result in a higher assumed profit level for the market homes within the assessment which would have the effect of reducing the affordable housing contribution.

Local Policy

- 6.2.8 Policy SP2 of the Local Plan 2017 states that subject to viability, sites capable of delivering 10 homes or more will be required to meet a Borough wide affordable housing target of 40%, based on habitable rooms.

- 6.2.9 Policy DM13 of the Development Management Development Plan Document (DM DPD) 2017 reflects this approach and sets out that the Council will seek the maximum reasonable amount of affordable housing provision when negotiating on schemes with site capacity to accommodate more than 10 dwellings, having regard to Policy SP2 of the Local Plan 2017 and the achievement of the Borough-wide target of 40% affordable housing provision, the individual circumstances of the site, the availability of public subsidy, development viability; and other planning benefits that may be achieved.

Assessment

- 6.2.10 The Mayor's Affordable Housing and Viability SPG acknowledges the reality that developers require a competitive return in order to proceed with a scheme and to secure finance where required. Viability reviews consider residual land value methodology to determine the underlying land value once the costs of the development (including developer's profit) are deducted from the gross development value.
- 6.2.11 Within planning viability assessments there are two assessments of land value that are undertaken to determine whether a proposal is viable: the assessment of residual land value (RLV) and benchmark land value (BLV). The residual land value is determined through deducting development costs from development value to ascertain the underlying land value. This is then compared with the benchmark land value. The benchmark land value can be considered as the value below which a reasonable land owner is unlikely to release a site for redevelopment.
- 6.2.12 The NPPF's benchmark for viability appraisal is that it should '*take account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable*'. The Planning Practice Guidance (PPG) is clear that '*in all cases, land or site value should: reflect policy requirements and planning obligations and, where applicable, any Community Infrastructure Levy charge.*'
- 6.2.13 Viability assessments refer to profit as the agreed profit suitable for a site, given the specific circumstances. Surplus and deficit are referred to as what the applicant is expected to achieve in relation to that profit i.e. if there was a deficit of 1% on a profit of 20% then the developer would still anticipate achieving 19% profit. As referenced in the Mayor's Affordable Housing and Viability SPG an agreed profit is required to ensure that the proposal can be developed.

Viability review

- 6.2.14 In support of the planning application, a financial viability assessment (FVA) by DS2 (the viability consultants) was submitted by the Applicant alongside supporting information. The report outlined that the development with 100%

private housing would generate a deficit of £23,718,207 against the viability benchmark. This was based on a level of profit against costs of 12.5% for the Build to Rent homes (BtR) and 15% for the commercial uses. See Table 2 below:

Table 2 – Viability deficit

Proposed development	DS2 (Applicant)	Carter Jonas (LPA)
Total BLV	£10,971,043	£7,936,500
RLV	- £12,747,164	- £169,556
Surplus / Deficit	- £23,718,207	- £8,106,056

6.2.15 The DS2 viability assessment assumes a Benchmark Land Value of £10,971,043 based on the existing site comprising an office building (Berol House) arranged over ground to second floors. The building is currently 82% let to multiple tenants with a total passing rent of £438,399 per annum. The assessment also assumes CIL and s106 financial obligations as agreed under HGY/2023/0261 which includes a total CIL liability of £4,734,073.95.

6.2.16 The DS2 viability assessment was independently reviewed by Carter Jonas (see Appendix 7), on behalf of the Local Planning Authority, who questioned several assumptions but agreed the scheme was in deficit. Carter Jonas suggested that the proposal would be in deficit by £8,106,056 rather than the applicant's claim of £23,718,207.

6.2.17 The GLA's Viability Team also reviewed the FVA (see Appendix 8). They found that the scheme would produce a residual land value of between £8,198,450 and £10,404,405. When compared to their Benchmark Land Value of £7,117,639 (based on Existing Use Value plus a premium to incentivise a sale (EUV+)), they considered the scheme to be viable with a surplus at £1,080,811 to £3,286,766.

6.2.18 DS2 then produced a response on behalf of the applicant (see Appendix 9) to the reviews of both Carter Jonas and the GLA. In this response, the applicant accepted several of the positions taken by Carter Jonas and the GLA and reduced the deficit from £23,718,207 to £15,000,947. This was a result of reducing the BLV through an amendment to the yields, reducing the operating cost and expenditure (OPEX) from 25% to 22.5%, and by reducing the construction cost budget.

6.2.19 Carter Jonas produced a rebuttal response (see Appendix 10) which accepted some of the applicant's positions and concluded that the proposal would now be in deficit by £11,195,531. See Table 3 below:

Table 3 – Updated viability deficit

Proposed development	DS2 (Applicant)	Carter Jonas (LPA)
Total BLV	£8,658,000	£8,658,000
RLV	- £6,342,947	- £2,537,531

Proposed development	DS2 (Applicant)	Carter Jonas (LPA)
Surplus / Deficit	- £15,000,947	- £11,195,531

6.2.20 The GLA's Viability Team then produced their own rebuttal response (see Appendix 11). This rebuttal concluded that the viability position of the proposed development when assessed on a current day basis, with no affordable housing, would result in a deficit of £6,449,377.

6.2.21 However, the GLA based this on a 3% allowance for purchaser's costs as they asserted that the applicant would utilise a Special Purpose Vehicle to facilitate the BtR transaction, which would achieve tax efficiencies in the form of stamp duty savings.

6.2.22 The Council has accepted 6.8% purchaser's costs on other recent schemes when assessing viability. This is in line with the RICS 2018 Professional Standard 'valuing residential property purpose built for renting' which states that any deductions to purchaser's costs should be representative of the market rather than the specific stamp duty position of the investor.

6.2.23 When 6.8% purchaser's costs are accepted, the GLA's Viability Team deficit of £6,449,377 moves much closer to the Carter Jonas deficit of £11,195,531. Regardless of the differences in the total amounts of deficit, the GLA Viability Team accepts and agrees (see Appendix 11: GLA Viability Team Comments 28 November 2025) that on a current day basis, with no affordable housing, the proposal is unviable and cannot support an affordable housing contribution.

6.2.24 The GLA rebuttal included several sensitivity tests to understand the changes of viability position when growth and inflation are assumed, throughout the development period. Whilst some of these tests produced surpluses, they have not been carried out on a current day basis. With regard to growth, the Council's viability consultant has advised that there have been several appeal decisions confirming that FVAs should be based on current-day costs and values.

6.2.25 While growth can be tested at a high level through sensitivities, particularly where positive market movements may improve viability, that is ultimately the purpose of the review mechanisms to capture any uplift. Instead of review mechanisms being secured, the applicant has offered in lieu of the early, development break, and late-stage viability review mechanisms a total contribution of £1,534,050.00.

6.2.26 The GLA rebuttal also included several sensitivity tests relating to the measures to support housebuilding in London as announced by the Government and Mayor of London in October 2025 and put into the draft London Plan Guidance (Support for housebuilding) in November 2025.

6.2.27 For context, the Government's consultation on the proposed London emergency housing package states that 'Housebuilding in the capital has faced significant challenges over recent years – including the impact of the Covid-19 pandemic, high interest rates, spiralling construction costs regulatory blockers and wider economic conditions'.

6.2.28 Testing of the following was carried out:

- 20% Affordable Housing with Grant,
- 20% Affordable Housing with CIL relief, and;
- CIL relief + Grant funding.

Each of these tests above resulted in deficits of circa £10 million.

6.2.29 The GLA rebuttal also asserted that the BtR block, if delivered in isolation, would be more viable and that the applicant may fail to deliver the commercial floorspace without restrictions secured to prevent this.

6.2.30 During the determination of the initial Berol Quarter planning application (HGY/2023/0261) it was acknowledged by Officers that it was not possible or practical to link the delivery of Berol House with 2 Berol Yard.

6.2.31 Berol House is currently an occupied serviced office building, which provides employment space for many local businesses, details of the leases (including remaining term length) was disclosed during the planning process. This demonstrated that Vacant Possession could not be guaranteed within the same timescale as the commencement and construction of 2 Berol Yard.

6.2.32 In recognition of the importance of the existing employment provided at Berol House, the s106 required the applicant to prepare a Relocation Strategy to support the relocation of existing tenants.

6.2.33 Furthermore, the s106 required the applicant to accept a financial penalty in the event that the commencement of Berol House was delayed beyond the earlier of: 30th June 2029, or the practical completion of 2 Berol Yard (and the associated public realm).

6.2.34 It required that Additional Affordable Workspace would need to be delivered in those instances and for it to be let at 80% of the market rent until the later of: three years from the date of Practical Completion of 2 Berol Yard; or the date of Practical Completion of Berol House.

6.2.35 This penalty would remain and would encourage the applicant to deliver Berol House when they can achieve vacant possession and begin to implement the proposals for that building/phase.

6.2.36 The GLA rebuttal concludes:

“Based on our assessment of the scheme on a current day basis, the proposed development would not be viable, even without any affordable housing contributions.”

“Therefore, decision-makers should consider the updated viability position, as well as the sensitivity testing carried out in this report, when determining the planning application and afford weight to the submitted viability information. Based on the assessment above, it appears that the scheme would only be viable when reasonable growth and inflation are applied.”

6.2.37 Subsequent to the November 2025 GLA rebuttal the applicant met with the GLA viability team and Haringey Officers on 6 January 2026 to discuss areas of difference. The applicant then submitted a letter from DS2 summarising the discussion and setting out their position (See Appendix 14).

6.2.38 The GLA responded on 27 January 2026 (See Appendix 15) to confirm that the updated appraisal shows that the proposed development, when assessed on a current day basis with no affordable housing, a negative RLV of £3,485,238 is generated against a BLV of £8,658,000 meaning that a deficit of £12,053,238.80 remains as part of the application demonstrating that the proposal with nil affordable housing is not financially viable.

6.2.39 This latest GLA response states that the scheme should incorporate early and late stage review mechanisms as per Policy H5 of the London Plan. However, the applicant has offered to make a Payment in Lieu (PiL) to the Council to provide affordable housing in the sum of £1,534,050.00 (£7,305 per unit) to compensate for the removal of the Review Mechanisms.

6.2.40 This is accepted as it gives more certainty to the Council and applicant and the contribution can be put towards Haringey's Council house building programme. In order to encourage delivery of 2 Berol Yard and to help ensure the public benefits of the scheme are delivered, the applicant would be penalised if 2 Berol Yard is not completed within 50 months of commencement.

6.2.41 The applicant would be required to pay Additional Affordable Housing Payments of £153,405 per year for each year completion of 2 Berol Yard is delayed by, beyond 50 months from commencement. The 50 month timeframe allows for potential delays with the gateways to building safety and any minor adjustments that may be required to the scheme to respond to the latest Fire Regulations, which is why the trigger is linked to commencement of 2 Berol Yard and not a planning permission date.

6.2.42 The GLA also refer to the recent government announcement, through a Written Ministerial Statement and letter to the planning inspectorate, which seeks to

address the use of s73 to stop it being used as an alternative means of reconsidering fundamental questions of scheme viability or planning obligations.

6.2.43 As part of this, the government have set out that where s73 is being used to reduce affordable housing that the decision maker should have regard to the harm that such a reduction may cause and give this appropriate weight in the overall planning balance.

6.2.44 The GLA have concluded that the proposal cannot support an affordable housing contribution. The loss of the affordable housing has been given appropriate weight in this assessment. It should be noted that although the site would not provide affordable homes it would provide a substantial number of homes as well as other benefits which formed part of the extant consent as set out below in the conclusion.

6.3. **Other matters**

Biodiversity Net Gain (BNG)

6.3.1 Planning application HGY/2023/0261 was submitted prior to day one of the mandatory BNG requirements coming into force on 12 February 2024. The need to include biodiversity net gain measures into the scheme does not apply to s73 permissions where the application for the original permission was made before 12 February 2024; as in this case.

6.3.2 However, the site has little existing biodiversity value and the proposals include new tree planting and landscaping that would deliver biodiversity net gain and urban greening benefits.

DEN connection costs

6.3.3 Within the viability appraisal, provision has been made for the District Energy Network (DEN) connection at a cost of £1,900,000.00 reflecting the figure mentioned during the original s106 negotiations. This sum is materially higher than the £50,000 DEN contributions secured under the Berol Yard permission (HGY/2017/2044) and the Ashley Gardens scheme (HGY/2017/2045).

6.3.4 Accordingly, the applicant has proposed that the DEN connection cost is similarly capped within the Section 106 at £61,740, reflecting the previously agreed position with an allowance for inflation. The capping of this charge allows for, in parallel, a financial contribution to be made in lieu of the early, mid and late-stage viability reviews calculated at £7,305 per unit, equating to a total contribution of £1,534,050.

Key Worker Living Rent (KWLR) homes

- 6.3.5 On 20 January 2026 the Mayor of London launched a new plan to deliver thousands of rent-controlled, affordable homes for London's key workers. The scheme is specifically aimed at Londoners working in key worker roles, including those at the start of their careers, who are unlikely to secure social rented homes but who struggle to afford a home that meets their needs in the private market.
- 6.3.6 The proposal would not be able to include such homes given the viability position which cannot support any on-site affordable housing. From the information currently available, grant funding for this type of intermediate affordable housing would be similar to current levels for LLR homes. As the scheme cannot viably support LLR it is expected that this would also be the case for KWLR homes.

Council purchase of homes

- 6.3.7 The potential purchase of part or all of the development has been considered. London Plan Policy H11 (Build to Rent) does not encourage dual ownership with a Registered Provider or a Council managing/operating some of the units. The policy provides a specific approach to the affordable housing offer, where the aim is to maintain the integrity of the Build to Rent development, with unified ownership and management of all the homes.
- 6.3.8 Split ownership of the building is unlikely to meet the Council's needs and result in management issues. The cost of purchasing all of the housing would be too high even if a deal was possible and there would be too many units that would need to be purchased. Should things change in the future, Housing colleagues could look at it again, but sale of the homes is not something that the applicant has proposed.

6.4. Conclusion

- 6.4.1 In conclusion, whilst current market conditions mean that the scheme can no longer deliver any on-site affordable housing the scheme would still deliver a number of substantial public benefits, as follows:
- A high quality designed housing and commercial development with 210 market homes and over 6,000sqm of commercial floorspace
 - A high quality landmark tall building that was supported by the Quality Review Panel (QRP)
 - A Payment in Lieu (PiL) of £1,534,050.00 (£7,305 per unit) towards affordable housing in the borough.
 - Additional Affordable Housing Payments of £153,405 per year for each year completion of 2 Berol Yard is delayed by, beyond 50 months from commencement.
 - Significant new employment opportunities during construction and once completed
 - Submission of a Commercial Strategy identifying how the proposed uses would complement and enhance the commercial offer in Tottenham Hale

- Employment and skills obligations including: 20% of the workforce employed during construction to comprise Haringey residents, the provision of skills-based training for 25% of those employed, employment of full-time apprenticeships up to 10% of workforce, and contribution to apprenticeship support
- A new 161sqm community cultural and arts space to be let rent free for 3 years and subsequently at 80% of market rate for an agreed period up to 15 years
- A new bridge head to support the delivery of a potential future bridge over Watermead Way and the railway into Hale Village
- Submission of a feasibility study for the bridge over Watermead Way and the railway, including design options and secure by design principles in consultation with the Metropolitan Police
- A new public square and outdoor arts space to display local artworks and sculptures, which will be enhanced by a public lighting display
- Public realm improvements to further enhance the new District Centre and Ashley Road South including new tree planting and landscaping contributing to an increase in urban greening and biodiversity
- Estimated carbon offset of £327,750.00 for the whole development (to be reviewed once the amended energy statement has been assessed)
- Berol House Relocation Strategy - Submission of a relocation strategy to identify how existing occupants within Berol House would be supported to find new suitable premises
- £25,000 National Health Service (NHS) Contribution
- S106 obligations and Mayoral and Local CIL (in excess of £4.7 million - £1,905,709.63 Mayoral CIL and £2,828,364.32 Haringey CIL) to contribute towards infrastructure improvements within the Borough and London as a whole (the full total of which would need to be paid as the scheme would no longer benefit from any form of relief)

6.4.2 These are significant public benefits and therefore it is recommended, on balance, that the proposal is granted, subject to conditions and a deed of variation, and subject to any contrary direction from the Mayor at Stage 2.

6.4.3 All relevant policies and considerations, including equalities, have been considered when making the recommendation. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:
A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 6.4.4 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010, when making a recommendation on this application. There are no known equality implications arising directly from this development.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1. Based on the information submitted, the Mayoral CIL charge will be approximately £1,905,709.63 (26,807sqm x £71.09). The Haringey CIL charge will be approximately £2,828,364.32 (24,016sqm x £117.77). The total CIL liability would be £4,734,073.95.
- 7.2. It is noted that under permission HGY/2023/0261 the applicant would have benefitted from social housing relief because of the inclusion of affordable homes.
- 7.3. Because the affordable housing has been removed, the applicant will no longer benefit from relief and therefore has to pay the full liability, this would result in an increased payment of over half a million pounds (£572,132.32) more towards Mayoral CIL and over £600k (619,116.89) more towards Haringey CIL and infrastructure within the Borough.
- 7.4. It is noted that in the east of the Borough, the Build to Rent CIL charge (£120.48/sqm) is double that of the standard private residential CIL Charge (£60.24/sqm). So therefore, this development would be contributing £1,414,182.16 more to infrastructure in Haringey than a conventional residential development would be contributing.
- 7.5. This will be collected by Haringey should the scheme be implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment. An informative is recommended advising the applicant of this charge.

8. RECOMMENDATION

- 8.1. It is recommended Planning Permission is granted subject to conditions, informatives and the signing of a Deed of Variation legal agreement, and subject to referral to the Mayor of London and any direction they make, as set out in Section 2.