

Appendix 12: Internal and external consultation responses

| Response | Officer comment |
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| INTERNAL | |
| LBH Pollution | |
| <p><u>Re: Removal/variation of conditions on HGY/2025/0930 at Berol Quarter, Ashley Road , Tottenham Hale , London, N17 9LJ</u></p> <p>Thank you for contacting the Carbon Management Team (Pollution) regarding the above 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 approved drawings to show inward opening doors at the roof level of 2 Berol Yard instead of the permitted glass panels. Permission is also sought to alter the permitted level of affordable housing and I would like to comment as it relates to matters of this service as follows.</p> <p>Having considered the condition in question (Approved Plans and Documents) and the nature of the development, please be advised that we have no objection to the proposed application with regards to land contamination and air quality.</p> <p>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 HGY/2022/0280 where applicable for the previously approved development. The relevant conditions have been copied below:</p> <p>1. <u>Land Contamination</u></p> <p>Before development commences other than for investigative work:</p> <p>a) A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until the desktop study has been approved in writing by the Local Planning Authority.</p> | <p>Noted, conditions on Land Contamination, Unexpected Contamination, NRRM, Management and Control of Dust, and Combustion and Energy Plant. These aspects form part of the recommended conditions.</p> <p>Considerate Constructors Scheme forms part of the s106 and the CHP Facility condition is not required as there is no facility proposed nor is one required. So, the condition would not be reasonable or necessary.</p> |

- b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site, using information obtained from the desktop study and Conceptual Model. The investigation must be comprehensive enough to enable: an updated risk assessment to be undertaken, refinement of the Conceptual Model, and the development of a Method Statement Detailing the remediation requirements. The updated risk assessment and refined Conceptual Model along with the site investigation report, shall be submitted and approved in writing by the Local Planning Authority.
- c) If the updated risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements and any post remedial monitoring, using the information obtained from the site investigation, shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site. The remediation strategy shall then be implemented as approved.
- d) Before the development is occupied and where remediation is required, a verification report demonstrating that all works detailed in the remediation method statement have been completed shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

2. Unexpected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

3. NRMM

- a) Prior to the commencement of the development, evidence of site registration at <http://nrmm.london/> to allow continuing details of Non-Road Mobile Machinery (NRMM) and plant of net power between 37kW and 560 kW to be uploaded during the construction phase of the development shall be submitted to and approved by the Local Planning Authority.

- b) Evidence that all plant and machinery to be used during the demolition and construction phases of the development shall meet Stage IV of EU Directive 97/68/EC for both NOx and PM emissions shall be submitted to the Local Planning Authority.
- c) During the course of the demolitions, site preparation and construction phases, an inventory and emissions records for all Non-Road Mobile Machinery (NRMM) shall be kept on site. The inventory shall demonstrate that all NRMM is regularly serviced and detail proof of emission limits for all equipment. All documentation shall be made available for inspection by Local Authority officers at all times until the completion of the development.

Reason: To protect local air quality and comply with Policy 7.14 of the London Plan and the GLA NRMM LEZ

4. Management and Control of Dust

No works shall be carried out on the site until a detailed Air Quality and Dust Management Plan (AQDMP), detailing the management of demolition and construction dust, has been submitted and approved in writing by the LPA. The plan shall be in accordance with the GLA SPG Dust and Emissions Control and shall also include a Dust Risk Assessment. The works shall be carried out in accordance with the approved details thereafter.

Reason: To Comply with Policy 7.14 of the London Plan and GLA SPG Dust and Emissions Control.

5. Considerate Constructors Scheme

Prior to the commencement of any works the site or Contractor Company must register with the Considerate Constructors Scheme. Proof of registration must be submitted to and approved in writing by the Local Planning Authority. Registration shall be maintained throughout construction.

Reason: To Comply with Policy 7.14 of the London Plan.

6. Combustion and Energy Plant

Prior to installation, details of the gas boilers to be provided for space heating and domestic hot water should be forwarded to the Local Planning Authority. The boilers to be provided for space heating and domestic hot water shall have dry NOx emissions not exceeding 40 mg/kWh (0%).

Reason: As required by The London Plan Policy 7.14.

7. Combined Heat and Power (CHP) Facility

Prior to the commencement of the development, details of the Combined Heat and Power (CHP) facility of the energy centre or centralised energy facility or other centralised combustion process and associated infrastructure shall be submitted in writing to and for approval by the Local Planning Authority. The details shall include:

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| <p>a) location of the energy centre; b) specification of equipment; c) flue arrangement; d) operation/management strategy; and e) the method of how the facility and infrastructure shall be designed to allow for the future connection to any neighbouring heating network (including the proposed connectivity location, punch points through structure and route of the link) f) details of CHP engine efficiency</p> <p>The Combined Heat and Power facility and infrastructure shall be constructed in accordance with the details approved, installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>Reason: To ensure the facility and associated infrastructure are provided and so that it is designed in a manner which allows for the future connection to a district system.</p> <p><u>Informative:</u></p> <ol style="list-style-type: none"> 1. Prior to refurbishment or any construction work of the existing buildings, an asbestos survey should be carried out to identify the location and type of asbestos containing materials. Any asbestos containing materials must be removed and disposed of in accordance with the correct procedure prior to any demolition or construction works carried out. | |
| EXTERNAL | |
| Greater London Authority (GLA) / The Mayor of London | |
| <p>Strategic planning application stage 1 referral</p> <p>Recommendation That Haringey Council be advised that the application does not comply with the London Plan for the reasons set out in paragraph 21. The Mayor does not need to be consulted again if the borough decides to refuse the application.</p> <p>Context 1. On 24 April 2025 the Mayor of London received documents from Haringey Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor must provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other</p> | <p>GLA Viability Officers subsequently sent comments and ended up agreeing that the scheme could not support a contribution to affordable housing. This is discussed in Section 6 of the Committee report.</p> |

comments. This report sets out information for the Mayor's use in deciding what decision to make.

2. The application is referable under the following categories of the Schedule to the Order 2008:

- Category 1A: "Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats"
- Category 1B: "Development (other than development which only comprises the provision of houses, flats or houses and flats) which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 square metres" and
- Category 1C: "Development which comprises or includes the erection of a building of more than 30 metres high and is outside the City of London".

3. In this case, Haringey Council need not refer the application back to the Mayor should it resolve to refuse the application, but the comments made in this report should be taken into account in its determination of the application. Should Haringey Council resolve to approve the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or, allow the Council to determine it itself.

4. The Mayor of London's statement on this case will be made available on the GLA's public register:

<https://planapps.london.gov.uk>

Site description

5. The subject site is located within Tottenham Hale, comprises two plots, being 2 Berol Yard as well as Berol House. It forms an 'L' shaped parcel of land with a total area of 0.5 hectares. 2 Berol Yard is a vacant plot, whilst Berol House is a three storey locally listed building utilised as an office building (circa 3,400 sqm). The brownfield site is located within the Lee Valley Opportunity Area and it is partly located within the Tottenham Hale Town Centre.

Strategic case history

6. On 3 March 2025, the Deputy Mayor, under delegated authority, allowed Haringey Council to determine planning application itself 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 (LPA ref: HGY/2023/0261; GLA refs: GLA/2023/0100/S1 and GLA/2023/0226/S2).

7. The development of 2 Berol Yard comprises the provision 210 Build to Rent (BTR) homes including 35% (by habitable room)

affordable housing (30% London Living Rent; 70% Discount Market Rent). Details of this proposal

8. The Section 73 (S73) application seeks amendments to the extant planning permission to alter the approved drawings to show inward opening doors at the roof level of 2 Berol Yard instead of the permitted glass panels. Permission is also sought to alter the permitted level of affordable housing, reducing it from 35% down to 0%.

Strategic planning issues and relevant policies and guidance

9. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the Haringey Local Plan: Strategic Policies DPD (2013 with alterations 2017); Haringey Local Plan: Development Management DPD (2017); Haringey Local Plan: Site Allocations DPD (2017); Tottenham Area Action Plan (2016); Tottenham Hale District Centre Framework (2015); and the London Plan 2021.

10. The following are also relevant material considerations:

- The National Planning Policy Framework (2024) and National Planning Practice Guidance;
- National Design Guide (2021); and
- Relevant strategic supplementary planning guidance (SPG) and London Plan Guidance (LPG), including on housing, affordable housing, design, heritage, and transport which can be found on the GLA's website.

Land use principles

11. The principle of the land use (office and residential) has been established through the extant permission and remains accepted. However, in addition to the proposed amendments to conditions on the extant permission, the applicant seeks to reduce the affordable housing offer from 35% to 0%, by way of a formal deed of variation of the original S106 agreement.

12. The current proposal would fail to address London wide and local affordable housing need to the same extent as the approved permission and 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

13. The affordable housing to be provided in the extant scheme is secured through a S106 planning obligation and as such, S73 of the TCPA 1990 (as amended) which grants a new permission subject to new or amended planning condition(s), or without compliance with a planning condition, is not considered to be the appropriate basis for assessing a reduction in affordable housing

obligations. Nevertheless, on the basis that the application has been validated and referred, the following assessment is made with respect to affordable housing.

14. As noted above, the extant permission was granted for 210 Build to Rent (BTR) homes, which included 35% affordable housing (by habitable room) comprising a tenure split of 30% London Living Rent; 70% Discount Market Rent), which were secured in the Section 106 agreement. The application seeks to reduce the affordable housing provision to 0% and the applicant has prepared a Financial Viability Assessment (FVA) to justify the proposal. The FVA includes an Order of Cost Estimate dated 7 February 2025 which predates the current signing of the S106 and planning permission.

15. GLA officers will robustly scrutinise the FVA to ensure that the maximum level of affordable housing is secured. Advice will be provided in due course and further discussion with the applicant team and the Council will be required prior to consideration at local Planning Committee. The Council is requested to share its viability advice with GLA officers at the earliest opportunity. An update on viability will be provided prior to the Council's committee meeting and affordable housing and viability will be considered further at the Stage 2 referral, if the Council resolves to grant permission.

16. In summary, the proposal to reduce the level of affordable housing to 0% does not demonstrate compliance with London Plan Policies H4 and H6, nor is it a verified viability position.

Urban design

17. The only design related amendment seeks the replacement of glass panels with inward opening doors at roof level of 2 Berol Yard. This raises no strategic concern. Local planning authority's position

18. Haringey Council planning officers are currently assessing the application. In due course the Council will formally consider the application at a planning committee meeting.

Legal considerations

19. Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged; or, direct the Council under Article 6 of the Order to refuse the application; or, issue a direction under Article 7 of the Order that he is to act as the local planning authority for

the purpose of determining the application (and any connected application). There is no obligation at this stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

20. There are no financial considerations at this stage.

Conclusion

21. London Plan policies on office, residential development, affordable housing, design, transport, sustainable development, and environment relevant to this application. The application does not comply with the London Plan as summarised 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.
- Urban design: No strategic concerns regarding the very minor changes to the design of the scheme.

Health and Safety Executive (HSE)

Headline response from HSE **'no comment'**

Scope of consultation

1.1. The above consultation relates to an application to vary condition 2 of permission HGY/2023/0261, to alter the approved drawings to show inward opening doors at the roof level of 2 Berol Yard instead of the permitted glass panels, and to alter the permitted level of affordable housing.

Previous consultation

1.2. HSE issued a substantive response on 07/03/2023 (ref pgo-2809) in relation to the extant permission HGY/2023/0261, with a 'content' headline.

Noted, there have been no changes to the internal arrangement of the building and fire safety.

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| <p>Current consultation</p> <p>1.3. The current consultation was received on 24/04/2025. It is noted that the fire statement provided with the current consultation is dated 21/11/2022. As no revised fire statement has been provided for assessment, HSE has no comment to make.</p> | |
| <p>Metropolitan Police - Designing Out Crime Officer (DOCO)</p> | |
| <p>No issues with the application proposals related to the application and look forward to consultation with the design team in regard to achieving Secured by Design accreditation for the project.</p> | <p>Noted.</p> |