

Planning Sub Committee

REPORT FOR CONSIDERATION AT PLANNING SUB-COMMITTEE

1. APPLICATION DETAILS

Reference No: HGY/2018/0187

Ward: Northumberland Park

Address: The Goods Yard, 36 and 44-52 White Hart Lane, N17 8DP

Proposal: Hybrid Application with matters of layout, scale, appearance, landscaping and access within the site reserved for residential-led mixed use redevelopment to comprise the demolition of existing buildings/structures and associated site clearance and erection of new buildings/structures and basement to provide residential units, employment (B1 Use), retail (A1 Use), leisure (A3 and D2 Uses) and community (D1 Use) uses, with associated access, parking (including basement parking) and servicing space, infrastructure, public realm works and ancillary development. Change of use of No. 52 White Hart Lane (Station Master's House) from C3 use to A3 use.

Applicant: Tottenham Hotspur Football Club (THFC)

Ownership: Private

Case Officer Contact: James Hughes

Site Visit Date: 26/01/2018; 13/04/2018

Date received: 16/01/2018 **Last amended date:** 13/04/2018

Plans and Document: See **Appendix 1** to this report.

- 1.1 The planning application referenced in this report is currently the subject of an appeal for non-determination. Non-determination means that the Council did not deliver a planning decision before the 16-week period set by the government expired, and the applicant has exercised their option to appeal. A Planning Inspector (instead of the Council or the Mayor) will now make the planning decision.
- 1.2 This report is therefore presented to Planning Sub-Committee seeking a resolution to endorse recommended putative reasons for refusal. Putative reasons for refusal are the reasons why committee would have been recommended to refuse hybrid planning permission if the application was considered prior to the lodging of the appeal. The putative reasons for refusal in this report will be submitted to the Planning Inspectorate in support of the appeal. The appeal is likely to be heard at a Planning Inquiry in May 2019.

- 1.3 The hybrid planning application is major development and is accompanied by an Environmental Statement. It was referred to the Greater London Authority (GLA) upon receipt. A concurrent minor application at the same site for conservation area demolition is also the subject of a non-determination appeal. Putative reasons for refusal for this case are to be submitted to the Planning Inspectorate on a delegated basis by officers.

2 RECOMMENDATION

- 2.1 Planning Sub-Committee (PSC) resolve that should the development proposal the subject of this report have been determined by PSC, committee would have resolved to REFUSE hybrid planning permission for the following reasons:
- 1) In the absence of a full viability appraisal, the ability of the development to deliver the maximum reasonable amount and type of affordable housing, and to meet the requirements of Policy NT5, is unable to be determined. The proposal therefore fails to provide its contribution to the estate renewal required in NT5 and fails to meet the housing aspirations of Haringey's residents. The development proposal is contrary to the revised NPPF, London Plan Policies 3.9, 3.11 and 3.12, Draft London Plan Policies H5 and H6, Policy SP2, Policies DM 11 and DM 13, and Policies AAP3 and NT5.
 - 2) In the absence of a S106 agreement securing proportionate planning obligations, the development proposal makes an insufficient contribution to infrastructure and other obligations, including those specifically required by the High Road West Master Plan Framework and Site Allocation NT5. This insufficient contribution jeopardizes the viability and deliverability of the NT5 site. The development proposal is contrary to the revised NPPF, London Plan Policy 8.2, Draft London Plan Policy DF1, Strategic Policies SP16 and SP17, Policy DM48 and Policies AA1, AAP11 and NT5.
 - 3) The proposed access from White Hart Lane will give rise to a development that fails to improve connectivity and permeability for pedestrians and cyclists. The development fails to enhance White Hart Lane Station as a transport interchange. The development makes an insufficient contribution to place making and legible, pedestrian-focused Healthy Streets. The proposal is contrary to the revised NPPF, London Plan Policies 6.9 and 6.10, Draft London Plan Policy T1, Policy SP7 and Policies DM31, AAP7 and NT5.
 - 4) In the absence of a planning obligations agreement, the planning balance between harm to heritage assets and public benefit is not able to be determined and the less than substantial planning harm to heritage assets has been given appropriate weight. The development proposal is therefore

contrary to the revised NPPF, London Plan Policy 7.9, Draft London Plan Policy HC1, Policy SP12, Policies AAP5, DM9 and NT5.

2.2 Authorisation is delegated to the Head of Development Management and/or Assistant Director - Planning to:

- 1) Refer this report to the Mayor for information
- 2) Continue to defend the Council's position at appeal
- 3) Engage with the applicant to agree a Statement of Common Ground (SoCG) prior to the Planning Inquiry.

2.3 In the event that members choose to make a resolution contrary to officers' recommendation, members will need to state their reasons.

2.4 Summary of Reasons for the Recommendation

- The provision of a mixed use scheme comprising housing and commercial uses is acceptable in principle however concerns remain around the outline nature of the proposal and its comprehensiveness in relation to the site allocation NT5 and the High Road West Master Plan Framework (HRWMF).
- The access to the site is unacceptable and will undermine the public realm and the Council's regeneration objectives for White Hart Lane. Balancing planning harm against amenity impacts is not possible in the absence of a planning obligations agreement, as the benefits of the scheme to the wider locality cannot be quantified.
- The lack of re-provision of social housing is not acceptable. In addition, the applicant has failed to consider the early phasing of the site as set out in the HRWMF in articulating the affordable position. This demonstrates a lack of comprehensiveness. The development proposal undermines affordable housing delivery in the locality.
- In the absence of securing planning obligations, a range of conventional planning issues remain unaddressed and would result in harm. The proposal would result in 'less than substantial harm' to heritage assets which is not outweighed by public benefits without such obligations.

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3. PROPOSED DEVELOPMENT AND LOCATION DETAILS

3.1. Proposed Development

- 3.2. The applicant sought hybrid planning permission. The outline element of the application proposes the mixed use re-development of the site to provide a maximum of 316 residential units, and employment (B1 Use), retail (A1 Use), leisure (A3 and D2 Uses) and community (D1 Use) uses.
- 3.3. Matters of layout, scale, appearance, landscaping and access within the site were all reserved by the applicant. The full element of the application proposed the change of use of Station Master's House, a locally listed building, from a disused dwellinghouse to a restaurant. An extension to Station Master's House was also proposed.
- 3.4. While matters of layout and scale were reserved, the applicant submitted a set of Parameter Plans to control the development by defining the location of building blocks, maximum building heights, basement extent, internal circulation, building uses and open space.
- 3.5. The Parameter Plans were supported by a Development Specification document and a Design Code. The remaining details of the scheme were illustrative. The application was accompanied by an Environmental Statement (ES).
- 3.6. The Parameter Plans defined six blocks (Blocks A to F) extending northwards along the railway from White Hart Lane. Three primarily residential blocks (Blocks A, B and C) were located in the north of the Site, with three mixed use lower rise blocks (Blocks D, E and F) located in the southern part of the site, closer to White Hart Lane.
- 3.7. A range of building heights were proposed. These included two tall buildings of maximum heights of 21-storeys and 18-storeys (Blocks B and C), and a taller building of up to 8 storeys (Block A). The remaining blocks toward White Hart Lane are of a low-rise character. (Blocks D, E and F).
- 3.8. Station Master's House was proposed to be retained in its current location. A single-storey extension of approximately 65m² was proposed as part of the change of use of Station Master's House, to provide space for future kitchen and bar facilities.
- 3.9. The applicant undertook alterations to the scheme during the application process following feedback from Haringey's Quality Review Panel (QRP) and the Greater London Authority (GLA). The Parameter Plans and indicative images of the proposal are contained in **Appendix 2**.

- 3.10. The development falls within the scope of Paragraph 10B to Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulation 2017 (the EIA Regulations). An Environmental Statement (ES) was submitted.
- 3.11. **Site and Surroundings**
- 3.12. The application site lies on the north side of White Hart Lane and is irregular shaped. The plot is approximately 1.25 Ha in area and is bounded by a rail line to the west and a disused supermarket and the Peacock Industrial Estate to the north and east. A row of Grade II listed Georgian dwellinghouses (32, 34 and 35a White Hart Lane) lie to the east on White Hart Lane.
- 3.13. The site contains a locally listed building (Station Master's House) and the part of the site fronting White Hart Lane lies within the North Tottenham Conservation Area within the Tottenham High Road Historic Corridor. The most southern portion of the site lies in Flood Risk Zone 2.
- 3.14. Part of the site is currently being used as a construction compound pursuant to a temporary planning permission (Ref: HGY/2015/3002) to facilitate the construction of the new THFC stadium. The site was previously a car breakers' yard. Part of the site comprises the Carbery Enterprise Park.
- 3.15. The site lies within Site Allocation NT5 (High Road West) of the Tottenham Area Action Plan (AAP). The site has a Public Transport Accessibility Rating (PTAL) rating of 4/5 which means the site has good access to public transport. The list lies within an area of archaeological interest and within a Growth Area.
- 3.16. **Relevant Planning and Enforcement History**
- 3.17. The site was granted a temporary planning permission (Ref: HGY/2015/3002) for a period of three years to be used as a construction compound associated with the new stadium. This temporary permission expires on 12 February 2019. The Carbery Enterprise Park was approved and constructed between 2004 and 2008.
- 3.18. Improvements to White Hart Lane Station (Ref: HGY/2016/2573) adjoining the site were granted 3rd November 2016 including a new station entrance, ticket hall, station facilities and station forecourt.
- 3.19. **Consultation and Community Involvement**
- 3.20. The applicant submitted a Statement of Community Involvement (SCI) with the application. The SCI notes the applicant undertook three days of public exhibitions in November 2017.

- 3.21. The original scheme was considered by Haringey's Quality Review Panel (QRP) on 28th February 2018. The QRP Report addressing the scheme is attached as **Appendix 3**. The QRP had a number of comments about the original scheme.
- 3.22. The proposal was presented at a Development Management (DM) Forum on 19th February 2018. A summary of responses from the Forum are attached as **Appendix 4**.
- 3.23. The proposal has not previously been presented to Planning Sub-Committee at pre-application stage as would be expected pursuant to Haringey's Planning Protocol. The applicant sought pre-application advice from Haringey but lodged an application for planning permission prior to the issue of the Council's written pre-application advice note. The applicant did not seek formal pre-application advice from the Greater London Authority.

4. CONSULTATION RESPONSE

4.1. The following were consulted regarding the applications:

Internal Consultees

- LBH Tottenham Regeneration
- LBH Carbon Management
- LBH Housing
- LBH Tree Officer
- LBH Economic Regeneration
- LBH Waste Management
- LBH Environmental Health
- LBH Planning Policy
- LBH Conservation Officer
- LBH Emergency Planning and Business Continuity
- LBH Building Control
- LBH Drainage
- LBH Transportation

External Consultees

- Ministry of Housing, Communities and Local Government
- Greater London Authority
- Network Rail
- London Overground
- London Fire Brigade
- Historic England
- Transport For London
- Environment Agency
- Natural England
- Thames Water
- Greater London Archaeology Advisory Service (GLAAS)
- Metropolitan Police - Designing Out Crime Officer
- Love Lane Residents Association
- Tottenham Civic Society

4.2. An officer summary of the responses received is below. The full text of internal and external consultation responses is contained in **Appendix 5**. Due to their tabulated format, Natural England's full comments are **Appendix 5A**.

Internal:

LBH Carbon Management - The submitted energy strategy is pre-design and shows that policy compliance can be achieved through lean, clean and green measures, with residual emissions being offset. Final details cannot be confirmed at this stage. As the scheme moves forward through the design process towards detailed design, a detailed and updated Energy Strategy should be delivered for approval to the Council.

LBH Environmental Health – The Air Quality Dispersal Modelling is considered unsatisfactory for the proposed application. The assessment is considered obsolete because the traffic data (provided to WSP by the Applicant’s Transport Consultants (Vectos)) used in the modelling and appended the Air Quality report has not been approved by TfL. TfL’s initial position and comments on the initial submission were made on 2nd February 2018 and the issues raised have not been resolved. Air Quality methodology concerns identified. Recommend refusal of the proposed application on air quality grounds. Conditions recommended in the event of approval.

LBH Waste Management – No RAG status indicated. The management plan would need to refer to pest control of waste storage areas. Commercial enterprise must make arrangements for a scheduled waste collection with a Commercial Waste Contractor. The business owner will need to ensure that they have a cleansing schedule in place and that all waste is contained at all times. Informatives required. Updated comments 23.04.2018 – No change to initial comments.

LBH Conservation Officer – (Initial Comments) At present, the proposal would be considered to cause less than substantial harm at the least. Further assessment and impact on setting of heritage assets would only be possible if the applicant considers a wider master plan for the site, with a coherent approach towards scale, massing and circulation prior to developing only part of the site. Consideration towards openings should keep in mind the urban morphology of the area.

LBH Transportation – (Initial Comments) Concerns regarding TA methodology. Access Point poorly considered. Contributions to public realm required via S106 and S278 agreements. Obligations around parking required. Revision around car parking quantum required. Further detail around cycle parking required. Standard obligations and conditions required. Recommend refusal.

External:

Greater London Authority – Application does not currently comply with the London Plan and the draft London Plan. Provision of non-residential space (Use Classes B1, A1, A3, D1 and D2) floorspace is supported. Relocation strategy for existing businesses required. Heritage and design concerns outstanding. (The full text of the GLA Stage 1 Planning Report is **Appendix 6**).

Environment Agency - The EA have reviewed the proposals and have no objections. A small strip to the South of the site is located in Flood Zone 2, however there is no [vulnerable] development proposed in this area and we therefore have no comments. Updated comments 16.04.2018 – No change to initial view.

Historic England - This application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

Historic England – Archaeological Service - The planning application lies in an area of archaeological interest. Condition is recommended to require a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. Informatives recommended.

London Overground – Rail for London (RfL) is responsible for Infrastructure Protection matters relating to White Hart Lane station (just south of the site). Based on the nature of the scheme, planning condition on cranes/lifting equipment recommended.

Network Rail - No adverse comments on this proposal. However please ensure that the developer contacts the Asset Protection team once the application has been approved. Updated comments 17.05.2018 – no change to initial position.

Thames Water –TW is unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided - 'Grampian Style' condition should be applied. Scheme should incorporate a non-return valve or other suitable device. Petrol / oil interceptors should be fitted in all car parking/washing/repair facilities. Groundwater Risk Management Permit required. Updated comments 14.05.2018 – Concerns unresolved – conditions recommended in the event of approval.

Transport for London - The layout and design of the site should not prevent the opening access separate from White Hart Lane in the future. Routes through the site seem to be dominated by routes for vehicles with little thought for pedestrian / cyclist access. The applicant has not provided an analysis of local cycling conditions. Conditions required.

NHS Clinical Care Group – Haringey - Proposal could generate between 550 – 600 additional residents. Currently no surplus primary healthcare capacity and that, without mitigation, the development would have a minor adverse effect at the local level. A s106 contribution from the Goods Yard scheme would mitigate

the primary healthcare impact of the development and would help deliver the new facility. This would meet the tests in Regulation 122.

Natural England – Screening Checking complete. Hybrid application for mixed use redevelopment (including residential and commercial). Low risk – nearest SSSI 2km and no PL – no buffers triggered – no further comment.

LOCAL REPRESENTATIONS

- 5.1. First Round of Consultation – On 26th January 2018 notification was sent to the following:
- 626 Letters to neighbouring properties
 - 1 Letter to a Resident’s Association (as noted above)
 - 1 Letter to a Civic Society (as noted above)
 - 2 site notices erected in the vicinity of the site, publicising:
 - an application for Hybrid Planning Permission (Major Development)
 - an application accompanied by an Environmental Statement
 - development affecting the setting of the North Tottenham Conservation Area
 - 3 Press Advertisements (placed in Haringey Independent on 26th January 2018) advertising:
 - an application for Hybrid Planning Permission (Major Development)
 - an application accompanied by an Environmental Statement
 - development affecting the setting of the North Tottenham Conservation Area
- 5.2. Updates to the application were submitted by the applicant (including Further Information to the Environmental Statement pursuant to Regulation 25 of the EIA Regulations) on 13th April 2018. A second round of consultation was undertaken to publicise changes to the proposal. The second round of consultation was undertaken on 13th April 2018. The consultation replicated the first round of consultation in terms of letters and site notices, and e-mail notification to those who already commented was also sent. Three press advertisement as per the above ran in the Haringey Independent on 13th April 2018.
- 5.3. The number of representations received from neighbours, local groups etc in response to both rounds of consultation were as follows:
- No of individual responses: 6
Objecting: 3
Supporting: 2
Others: 1
- 5.4. The following Councillor made representations:
- Cllr John Bevan. An officer summary of the representation is below:

Scheme would prevent the provision of the various elements of the High Road West scheme. The agreed master plan should be implemented thus providing the public benefits that have been promised following on from the wide spread public consultation.

5.5. The full text of neighbour and councillor representations and the officer response are set out in **Appendix 7**. Due to its length, an objection from Lendlease is **Appendix 7A**. The issues are summarised as follows:

- Consenting of piecemeal development would undermine the securing of comprehensive redevelopment of the High Road West Regeneration Area (HRWRA).
- The grant of planning permission for proposal would undermine the viability of the wider regeneration of the NT5 site because it would constrain options for the delivery of HRWRA
- The grant of permission would preclude the consultation for wider proposals for the NT5 area and limit community benefit.
- The proposed affordable housing mix should be oriented towards social housing.
- The development should not incorporate high-rise tower block development.
- The design of the scheme may allow for the retention of existing businesses.
- The development should be sensitive to heritage assets in the vicinity of the site.
- The development should have a boundary wall treatment adjoining existing commercial users.
- Clear parking limits should be imposed and future occupiers should be prevented from holding on street permits.

5.6. The following issues raised are not material planning considerations:

- The applicant is a large landholder in the area
- Construction times should have a clear cut off point in the evening.

5.7. As noted above, the applicant lodged an appeal for non-determination to the Planning Inspectorate (PINS) following the expiry of the statutory determination period. The appeal was lodged in the absence of a committee resolution on the scheme and the Mayor's Stage II assessment.

5.8. This appeal was started on 1st August 2018 by PINS. The statutory and non-statutory consultees as well as neighbours and any commenters on the application were notified of the appeal. PINS has decided the appeal will be heard by way of a public inquiry. The same parties will be notified of the details of the public inquiry when are they set by PINS.

6. MATERIAL PLANNING CONSIDERATIONS

6.1 The main planning issues raised by the proposed development are:

1. Principle of the Development
2. Policy Background
3. Policy Assessment
4. Development Design
5. Amenity of Adjoining Occupiers
6. Heritage Conservation
7. Transportation and Parking
8. Waste and Recycling
9. Basement Development
10. Flood Risk, Drainage and Water Infrastructure
11. Energy and Sustainability
12. Air Quality
13. Land Contamination
14. Archaeology
15. Trees
16. Ecology
17. Fire Safety and Security
18. Conclusion

6.2 Principle of the development

6.2.1 *Policy Background*

6.2.2 The National Planning Policy Framework NPPF was updated in July 2018. The NPPF establishes the overarching principles of the planning system, including the requirement of the system to “drive and support development” through the local development plan process.

6.2.3 *The Development Plan*

6.2.4 For the purposes of S38(6) of the Planning and Compulsory Purchase Act 2004 the Local Plan comprises the Strategic Policies Development Plan Document (DPD), Development Management Policies DPD and Tottenham Area Action Plan (AAP) alongside the London Plan (2016) and draft London Plan.

6.2.5 A number of plans and strategies set the context for Tottenham’s regeneration. These documents should be read in conjunction with the AAP. The application site is located within a strategically allocated site - NT5 (High Road West). A key policy requirement of the site allocation is that proposed development within NT5 should accord with the principles set out in the most up-to-date Council-approved

masterplan. Details of this plan – the High Road West Masterplan Framework (HRWMF) - are set out in further detail below.

The London Plan

- 6.2.6 The London Plan is the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London over the next 20–25 years. The consolidated London Plan (2016) sets a number of objectives for development through various policies. The policies in the London Plan are accompanied by a suite of Supplementary Planning Guidance (SPGs) that provide further guidance.
- 6.2.7 The current London Plan is the adopted Development Plan, but the Draft London Plan is a material consideration in planning decisions. The significance given to it is a matter for the decision maker, but the draft plan gains more weight as it moves through the process to adoption.
- 6.2.8 Public consultation on the Draft London Plan took place from 1st December 2017 to 2nd March 2018. On 13 August 2018 the Mayor published a version of the draft Plan that includes minor suggested changes. The plan is proceeding to an Examination in Public (EiP).

Upper Lea Valley Opportunity Area Planning Framework

- 6.2.9 The Upper Lea Valley Opportunity Area Planning Framework (OAPF) (2013) is supplementary guidance to the London Plan. A Development Infrastructure Study (DIFS) in relation to the OAPF was also prepared in 2015. The OAPF sets out the overarching framework for the area, which includes the application site.
- 6.2.10 The OAPF notes the redevelopment of the High Road West area is supported by a comprehensive masterplan. The OAPF sets out the ambitions for the High Road West area to become a thriving new destination for north London, with a sports, entertainment and leisure offer supported by enhanced retail, workspace and residential development.

The Local Plan

- 6.2.11 The Strategic Policies DPD sets out the long term vision of how Haringey, and the places within it, should develop by 2026 and sets out the Council's spatial strategy for achieving that vision. The Site Allocations development plan document (DPD) and Tottenham Area Action Plan (AAP) give effect to the spatial strategy by allocating sufficient sites to accommodate development needs.

Strategic Policies

6.2.12 The site is located within the Northumberland Park Area of Change as per Haringey's Spatial Strategy Policy SP1. The Spatial Strategy makes clear that in order to accommodate Haringey's growing population, the Council needs to make the best use of the borough's limited land and resources. The Council will promote the most efficient use of land in Haringey.

6.2.13 SP1 requires that development in Growth Areas maximises site opportunities, provides appropriate links to, and benefits for, surrounding areas and communities, and provides the necessary infrastructure and is in accordance with the full range of the Council's planning policies and objectives.

Tottenham Area Action Plan

6.2.14 The Tottenham AAP sets out a strategy for how growth will be managed to ensure the best quality of life for existing and future Tottenham residents, workers and visitors. The plan sets area wide, neighbourhood and site specific allocations.

6.2.15 The AAP indicates that development and regeneration within Tottenham will be targeted at four specific neighbourhood areas including North Tottenham, which comprises the Northumberland Park, the Tottenham Hotspur Stadium and the High Road West area.

NT5 Site: High Road West

6.2.16 The site allocation for the wider area (NT5 – High Road West) calls for a master planned, comprehensive development creating a new residential neighbourhood and a new leisure destination for London. The residential-led mixed-use development will include a new high quality public square and an expanded local shopping centre, as well as an uplift in the amount and quality of open space and improved community infrastructure.

6.2.17 The NT5 site allocation contains site requirements, development guidelines and sets out the steps for undertaking estate renewal. These are set out below. The application of relevant site requirements, development guidelines and estate renewal steps to the application site is set out in the sections following.

NT5 Site Requirements

- The site will be brought forward in a comprehensive manner to best optimise the regeneration opportunity.
- Development should accord with the principles set out in the most up-to-date Council-approved masterplan.
- Creation of a new residential neighbourhood through increased housing choice and supply, with a minimum 1,400 new homes of a mix of tenure, type and unit size (including the re-provision of existing social rented council

homes, the offer of alternative accommodation for secure tenants, and assistance in remaining within the area for resident leaseholders from the Love Lane Estate).

- Creation of a new public square, connecting an enhanced White Hart Lane Station, and Tottenham High Road, to complement the redeveloped football stadium.
- New retail provision to enlarge the existing local centre, or create a new local centre, opposite to and incorporating appropriate town centre uses within the new stadium, including the new Moselle public square. This should complement not compete with Bruce Grove District Centre.
- Enhance the area as a destination through the creation of new leisure, sports and cultural uses that provide seven day a week activity.
- Improve east-west pedestrian and cycling connectivity with places such as the Northumberland Park Estate and Lee Valley Regional Park.
- The site lies within the North Tottenham Conservation Area, and includes listed and locally listed buildings. Development should follow the principles under the 'Management of Heritage Assets' section of the APP.
- Where feasible, viable uses should be sought for existing heritage assets, which may require sensitive adaptations and sympathetic development to facilitate.
- Deliver new high quality workspace.
- Increase and enhance the quality and quantity of community facilities and social infrastructure, proportionate to the population growth in the area, including:
 - A new Learning Centre including library and community centre;
 - Provision of a range of leisure uses that support 7 day a week activity and visitation; and
 - Provision of a new and enhanced public open space, including a large new community park and high quality public square along with a defined hierarchy of interconnected pedestrian routes.

NT5 Development Guidelines

- Produce a net increase in the amount and the quality of both public open space and private amenity space within the area.
- To deliver transport improvements including a new, safe and attractive entrance to White Hart Lane Station and improved rail connectivity.
- Re-provision of employment floorspace lost as a result of the redevelopment as new leisure, sports and cultural floorspace and as modern, flexible workspaces.
- This could be achieved by workspaces with potential to connect to High Road retail properties, and/or through the creation of workspace behind the High Road and the railway arches.
- This central portion of the site is in an area of flood risk, and a Flood Risk Assessment should accompany any planning application.

- This site is identified as being in an area with potential for being part of a Decentralised Energy (DE) network. Development proposals should be designed for connection to a DE network, and seek to prioritise/secure connection to existing or planned future DE networks, in line with Policy DM22.
- Create a legible network of east-west streets that connect into the surrounding area, existing lanes off the High Road, and open spaces.
- Establish clear building frontages along the High Road and White Hart Lane to complement the existing character of the Local Centre.
- Incorporate a range of residential typologies which could include courtyard blocks of varying heights and terraced housing.
- In the part of the site facing the new stadium, development should respond to both the existing High Road Character and the greater heights and density of the new stadium. This needs to be carefully considered given the height differential between the existing historic High Road uses and future stadium development.
- Larger commercial and leisure buildings should be located within close proximity to the new public square linking the station to the stadium.
- Due to the size of the site and scale of development envisaged, particular consideration of the effect of the works on the nearby communities, including how phasing will be delivered. This is referenced in the High Road West Masterplan Framework (HRWMF).
- Where development is likely to impact heritage assets, a detailed assessment of their significance and their contribution to the wider conservation area should be undertaken and new development should respond to it accordingly.
- The Moselle runs in a culvert underneath the site and will require consultation with the Environmental Agency.

High Road West Master Plan Framework (HRWMF)

6.2.18 The current High Road West Master Plan Framework (HRWMF) prepared by Arup in September 2014 highlights opportunities for improvement and change in the subject area and identifies where housing, open space and play areas, as well as community, leisure, education and health facilities and shops could be provided. The HRWMP also helps to demonstrate how the growth and development planned for High Road West could be delivered through strategic interventions over the short to longer term.

6.2.19 The new THFC Stadium is the first stage of wider regeneration, and the intention is for it to be fully integrated within the comprehensive regeneration of High Road West and Northumberland Park. The priority is to ensure that on match and non-match days, the area is lively and attracts people to make the most of the stadium development, the High Road, and wider urban realm improvements that will take place as part of this development. Provision is therefore proposed for new community facilities and leisure orientated retail development to further build

and cement the area's reputation as a premier leisure destination within North London.

6.3 Policy Assessment

Principle of provision of housing

- 6.3.1 London Plan Policy 3.3 sets a target for the Council to deliver a minimum of 15,019 homes per year in the period 2015-2025. The Draft London Plan Policy H1 and Table 4.1 of the draft London Plan sets Haringey a target of 1,958 of homes per year between 2019/20 and 2028/29. Policy SP2 states that the Council will maximise the supply of additional housing to meet and exceed its minimum strategic housing requirement.
- 6.3.2 The Tottenham AAP identifies and allocates development sites with the capacity to accommodate new homes. The wider High Road West area is allocated in the AAP (NT5) as an appropriate place for residential development alongside a mix of other uses. Subject to detailed consideration of design and quality issues at reserved matters stage, the principle of the provision of new homes on the site (alongside a mix of other uses) is therefore acceptable. An assessment of the specific quantum of proposed housing and the indicative dwelling mix is set out in the sections below.

Principle of Loss of Existing Employment Land

- 6.3.3 London Plan Policy 4.4 requires a rigorous approach to industrial land management, but recognises that managed release may be required to provide other uses in appropriate locations. Draft London Plan Policy E4 continues this approach and identifies that sufficient land and premises need to be retained for industrial and related functions.
- 6.3.4 Policy SP8 supports the Borough-wide provision of B1a/b floorspace as part of mixed-use development on suitable sites. Policy SP9 also supports small and medium sized businesses that need employment land and space. Policy DM40 seeks to facilitate the renewal and regeneration (including intensification) of existing employment land and floorspace in accessible locations.
- 6.3.5 The site currently contains 1,125m² of Use Class B1 light industrial/office space, and Use Class B2 general industrial space (both within the Carbery Enterprise Park). Following the expiry of the temporary use of the site as a construction compound, the site would revert to lawful use as a car breaker's yard.
- 6.3.6 Given the site is strategically allocated in the development plan and the proposal incorporates replacement employment floorspace (as discussed below) the loss of 1,125 m² of B1 and B2 floorspace is acceptable. Greater London Authority officers consider a planning condition requiring a Relocation Strategy for existing

businesses should be sought in the event permission is granted. Officers will seek to agree the imposition of such a condition in the course of the appeal, should the Planning Inspector be minded to approve the development.

Principle of Provision of Employment Uses

- 6.3.7 Policy DM40 supports proposals for mixed use, employment-led development where necessary to facilitate the renewal and regeneration of existing non-designated employment sites within highly accessible or otherwise sustainable locations. All proposals for mixed use development must also satisfy the requirements of Part A of Policy DM38.
- 6.3.8 Policy NT2 of the AAP states the Council will support development which increases job density and therefore helps to meet the employment needs of the Borough and enables small firms to start up, and grow, in flexible industrial space.
- 6.3.9 The principles of the HRWMF seek to create a net increase in jobs and business opportunities in the area through an increase in commercial space and provision of a range of workspaces. The principles of the plan also seek to provide a range of retail and commercial units to encourage a greater mix and wider retail offer.
- 6.3.10 The application proposes up to 1,450 m² of non-residential space (Use Classes B1, A1, A3, D1 and D2), including at least 400 m² of Use Class B1 space and up to 400 m² of retail space. The non-residential elements of the application are in outline (except Station Master's House). The quantum of non-residential floorspace is indicatively proposed to be delivered on the ground floors of Blocks D, E and F, as well as Block S (Station Master's House). The applicant indicatively proposes active frontage surrounding Block F, on the western elevation of Block E and on the eastern elevation of Block D.
- 6.3.11 The quantum of employment floorspace proposed at outline stage is generally considered to make a proportionate contribution to NT5 allocated requirements however further detail is required at reserved matters stage. The applicant notes the proposed provision would deliver 8% of the non-residential site capacity and this delivery would be proportionate to the Goods Yard application site area, which is 11% of the NT5 allocation. The provision is judged generally consistent with the principles of the High Road West Master Plan Framework (HRWMF) in so far as it relates to an increase in employment space and job creation, however a rigorous assessment at reserved matters stage would be required to ensure employment provision is maximised and enhanced.
- 6.3.12 The applicant's planning statement notes that affordable workspace could be provided on-site subject to viability. A planning obligation around the provision of an affordable workspace plan will be sought in the course of the appeal process.

6.3.13 Subject to detailed assessment at reserved matters stage provision of up to 1,450 m² of non-residential space (Use Classes B1, A1, A3, D1 and D2), including at least 400 m² of Use Class B1 space and up to 400 m² of retail space is acceptable. In the event planning permission is granted by the Planning Inspector, officers consider a planning condition specifying the maximum quantum of non-residential floorspace (in accordance with the above) should be imposed.

Principle of Comprehensive Development

6.3.14 Policy AAP1 (Regeneration and Master Planning) indicates that the Council expects all development proposals in the AAP area to come forward comprehensively to meet the wider objectives of the AAP. To ensure comprehensive and coordinated development is achieved, masterplans will be required to accompany development proposals which form part of a Site Allocation included in the AAP.

6.3.15 AAP1 sets out the criteria applicants will be required to demonstrate, to show how any proposal:

- a) Contributes to delivering the objectives of the Site, Neighbourhood Area, and wider AAP;
- b) Will integrate and complement successfully with existing and proposed neighbouring developments; and
- c) Optimizes development outcomes on the site

6.3.16 Paragraph 4.6 of the AAP states that Haringey wants to ensure development proposals do not prejudice each other, or the wider development aspirations for the Tottenham AAP Area whilst enabling the component parts of a site allocation to be developed out separately. The various sites north of White Hart Lane are expressly set out in Table 2 of Policy AAP1 as requiring a comprehensive redevelopment approach.

6.3.17 Whilst the AAP states that component parts of the NT5 site may be progressed separately, it is vital that a comprehensive approach is undertaken to ensure that the proposal will not prejudice the future development of other parts of the site, adjoining land, or frustrate the delivery of the site allocation or wider area outcomes sought. The applicant's redline plan superimposed over an indicative plan of the High Road West Master Plan Framework is **Appendix 7B**.

6.3.18 The development is acceptable in principle, however elements of the outline scheme do not comply with the principles of the HRWMF (as set out below) and the failure to comply with those principles is likely to jeopardise development of the remainder of High Road West and may compromise aims for the wider area. These concerns around comprehensive development manifest themselves in the

detailed sections below and relate to the applicant's lack of engagement to re-provide social homes for Love Lane Estate tenants, the impacts of a singular site access on place making objectives and the comprehensive delivery of infrastructure within an allocated site.

6.3.19 The applicant's choice of application type also remains a concern to both Haringey and GLA officers. A proposal that is substantively in outline has failed to yield the level of detail expected to allow for an assessment of comprehensiveness against AAP policy within a strategic site. If permission is granted on appeal, this lack of detail will lead to a requirement for detailed and burdensome conditions and obligations to ensure the comprehensive principles of NT5 are preserved. Officers consider the lack of detail provided by the application type is manifested in the outstanding condition and obligation requirements as set out in the sections below.

Principle of the Development – Summary

6.3.20 The provision of a mixed use scheme comprising housing and commercial uses is acceptable in principle given the site allocation, however concerns remain around the outline nature of the proposal and the comprehensiveness of the scheme in relation to the wider HRWMF. Planning obligations around affordable workspace provision and relocation are required to make the employment elements of the scheme acceptable. Standard planning conditions around outline permission implementation timelines and content of reserved matters are also required to make the scheme acceptable.

Outline Development Density

6.3.21 London Plan Policy 3.4 indicates that a rigorous appreciation of housing density is crucial to realising the optimum potential of sites. This approach to density is reflected in the Tottenham AAP. While the draft London Plan proposes to remove the London Plan's density matrix, the current adopted London Plan retains the matrix. The local approach to density mirrors the current London Plan.

6.3.22 A key principle of the HRWMF is to achieve appropriate residential densities corresponding to guidelines set out by the Mayor in relation to public transport accessibility levels. This is currently up to 700 habitable rooms per hectare or equivalent, to meet the upper target of the London Plan density guidelines for urban sites with a PTAL level of 4-6.

6.3.23 The applicant proposes up to 316 residential units in outline and the site has a PTAL rating of 4/5. The proposal would contain up to 933 habitable rooms and the redline area is 1.25 Hectares (Ha) in area.

6.3.24 The updated outline scheme consequently would yield a density of 270 units/hectare (u/ha) and 746 habitable room/hectare (hr/ha). The scheme would yield average of 2.9 habitable rooms/unit (hr/u).

6.3.25 The London Plan sets a target range of 70-260 u/ha and 200–700 hr/ha for schemes with an average hr/unit of 2.7-3.0 and a PTAL of 4-6. The outline proposal therefore slightly exceeds the London Plan density range for both units per hectare and habitable rooms per hectare.

6.3.26 Given the site location within a growth area, and the AAP policy objectives to maximise development potential of land, the outline density is acceptable subject to a detailed assessment at reserved matters stage, including the design scrutiny referred to by GLA Officers. Officers consider that in the event planning permission is granted by the Inspector, a condition specifying the maximum quantum of residential development to be 316 units would be required to make the development acceptable.

Outline Dwelling Unit Mix

6.3.27 London Plan Policy 3.8 requires new residential developments to offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors. Strategic Policy SP2 and Policy DM11 of the Council's Development Management DPD continue this approach.

6.3.28 Policy DM11 states that the Council will not support proposals which result in an overconcentration of 1 or 2 bed units overall unless they are part of larger developments or located within neighbourhoods where such provision would deliver a better mix of unit sizes. A key principle around homes set out in the HRWMF is provision for a mix of housing sizes, types and tenures.

6.3.29 The scheme proposes the following indicative unit mix for the outline residential element of the scheme, which would comprise both market and affordable housing:

Bedroom Size	No. of Units	% by unit	Hab. rooms	% by Hab. rooms
1 bed 2 person	92	29%	184	20%
2 bed 4 person	182	58%	546	58%
3 bed 5 person	27	8%	114	12%
4 bed 6 person	15	5%	89	10%
Total	316	100%	933	100%

6.3.30 The proposed indicative dwelling mix is mostly of 1 and 2 bedroom units for both the affordable and market components of the scheme (87% by unit). The applicant's Development Specification and Framework document notes that family housing (3+bedroom units) will be provided at 20% (+/- 5%) of the number of units. The proposal is not considered to represent an unacceptable over-concentration of 1 and 2 bedroom units given the site location.

6.3.31 The indicative outline dwelling mix is generally consistent with the AAP approach to deliver smaller units in close proximity to public transportation. Subject to a detailed consideration at reserved matters stage, the indicative dwelling mix is acceptable and considered to meet with HRWMF principles.

6.3.32 Officers will seek to secure an obligation around family size housing in the course of the appeal. Haringey officers consider that should the Planning Inspector grant permission, a condition securing the indicative dwelling mix will be required. Officers will seek to agree such a condition in the course of the appeal. An assessment of the suitability of the dwelling mix as it relates to affordable housing is contained in the section below.

6.3.33 *Affordable Housing*

6.3.34 Paragraph 62 of the revised NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required. London Plan Policy 3.12 states that Boroughs should seek the maximum reasonable amount of affordable housing having regard to affordable housing targets, and the need to encourage rather than restrain residential development.

6.3.35 Draft London Plan Policy H5 and the Mayor's Affordable Housing and Viability SPG set a strategic target of 50% affordable housing. Policy H6 identifies a minimum threshold of 35% (by habitable room) (or 50% on former industrial sites) affordable housing, whereby applications providing that level of affordable housing, with an appropriate tenure split, without public subsidy, and meeting other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor, can follow the 'fast track route' set out in the SPG; this means that they are not required to submit a viability assessment or be subject to a late stage viability review.

6.3.36 Policy H7 of the draft London Plan and the Mayor's Affordable Housing and Viability SPG sets out a preferred tenure split of at least 30% low cost rent, with London Affordable Rent as the default level of rent, at least 30% intermediate (with London Living Rent and share ownership being the default tenures), and the remaining 40% to be determined in partnership with the Local Planning Authority and the GLA.

- 6.3.37 Policy SP2 of the Local Plan requires developments of more than 10 units to provide a proportion of affordable housing subject to viability to meet an overall borough target of 40%. Haringey's Planning Obligations SPD notes that if the proposed development is achieving 35% affordable housing on the site without grant funding, then the Council will not require a full viability appraisal and independent review.
- 6.3.38 Policy AAP3 sets out the affordable tenure split (DM13 A[b]) in the Tottenham AAP area should be provided at 60% intermediate accommodation and 40% affordable rented accommodation.
- 6.3.39 Haringey's Housing Strategy 2017-22 and Haringey's Intermediate Housing Policy statement 2018 provide guidance on the preferred tenure mix for affordable housing across the borough in order to deliver the overall aims of the Local Plan and meet housing need.
- 6.3.40 Revisions to the Housing Strategy agreed by Cabinet in January 2018 set out that the Council's preference for General Needs affordable housing is Social Rent or London Affordable Rent and the preference for intermediate rented housing is London Living Rent or Discount Market Rent, at rent levels equivalent to London Living Rent.

Affordable Housing Position

- 6.3.41 The application is substantially in outline, however the applicant has submitted an indicative Affordable Housing Statement and an Affordable Housing Statement Addendum. The applicant has also submitted a "short form" viability assessment. This submission is to set a 'baseline' only.
- 6.3.42 The applicant indicatively proposes 35% affordable housing by habitable room with the indicative tenure split for the affordable proportion of the scheme as follows:
- 40% affordable rent by habitable room
 - 60% shared ownership by habitable room
- 6.3.43 The affordable rent units are proposed to have the following reduction of local market rent:
- 1 bedroom units – up to 80%
 - 2 bedroom units – up to 65%
 - 3 bedroom units – up to 55%
 - 4 bedroom units – up to 45%
- 6.3.44 The applicant notes the final unit mix and location of the affordable housing within the scheme would be agreed at the reserved matters stage, however

based on the indicative housing mix provided for the illustrative scheme, the proposal would yield 41 affordable rented units and 80 intermediate units. This yield of 121 affordable units is modelled on an assumption of securing grant funding to raise the headline percentage from 35% to 40%. Officers are not aware the applicant has secured grant funding for affordable housing.

- 6.3.45 As the site is a non-designated industrial site, GLA officers consider a minimum threshold of 50% affordable housing is required in order to follow the 'fast track route' in relation to viability.
- 6.3.46 London Plan Policy 3.4 resists the loss of affordable housing unless this is replaced at existing or higher densities with at least the equivalent amount of floorspace reprovided. London Plan paragraph 3.82 confirms that the redevelopment of affordable housing should not be permitted unless it is replaced by better quality accommodation and at least the equivalent amount of affordable housing floorspace. This approach is continued in the draft London Plan.
- 6.3.47 A key NT5 site requirement is the re-provision of existing social rented council homes arising from the demolition of the Love Lane Estate. The Love Lane Estate contains 297 units and lies south of the Goods Yard site within the NT5 site allocation on the opposite side of White Hart Lane. The Estate was built in the 1960's and includes three 10-storey 'Y' shaped blocks and several four storey slab blocks. The High Road West Master Plan Framework calls for the demolition of the Love Lane Estate as part of the delivery of the wider NT5 site and the HRWMF.
- 6.3.48 The requirements of NT5 in respect of the form of affordable housing are therefore different from those in other parts of the Borough. In order to facilitate the comprehensive redevelopment of the NT5 site and facilitate estate renewal, and taking account of the phasing proposed in the HRWMF which sets part of the site out in phase 1C, the application site will need to provide a proportionate quantum of Social Rented Housing to address the loss on the Love Lane Estate.
- 6.3.49 Although it is recognised that the tenure split in favour of intermediate housing is in line with Local Plan policy, in the area covered by NT5 the split would need to be reversed or the affordable housing to be exclusively provided as social rented housing. If intermediate housing is to be provided officers would expect that to be London Living Rent.
- 6.3.50 The short form viability statement does not provide sufficient detail as to how assumptions in respect of Gross Development Value and Residual Land Value have been derived. It is unclear to officers if the applicant has had sufficient regard to contributions addressing infrastructure and other obligations within the NT5 site in setting out the short form viability position. The viability statement

has not taken account of the requirement for the replacement of social rented housing.

6.3.51 In addition, to make the scheme acceptable, an Early and Late Stage Viability Review should be secured by a planning obligation. These obligations would reconsider viability in the event any outline permission is not implemented in two years and once 75 per cent of homes are sold. Officers will seek to secure these obligations as the appeal progresses.

6.3.52 Officers consider that a planning condition related to the provision of an Affordable Housing Plan that secures details of affordable housing (including nominations agreement) would also be required to make the scheme acceptable if the Planning Inspector was minded to approve the application.

6.3.53 In the absence of a full viability appraisal, the ability of the development to deliver the maximum reasonable amount and type of affordable housing, and to meet the requirements of NT5, is unable to be determined. The proposal therefore fails to provide its contribution to the estate renewal required in NT5 and fails to meet the housing aspirations of Haringey's residents. The development proposal is contrary to the revised NPPF, London Plan Policies 3.9, 3.11 and 3.12, Draft London Plan Policies H5 and H6, Policy SP2, Policies DM 11 and DM 13, and Policies AAP3 and NT5.

6.3.54 *Planning and Infrastructure Obligations*

6.3.55 The Council expects developers to contribute to the reasonable costs of new infrastructure made necessary by their development proposals through the Community Infrastructure Levy (CIL) and use of planning obligations addressing relevant adverse impacts.

6.3.56 Two issues concerning planning obligations are considered below. Firstly, there are typically a range of usual planning issues which would normally be addressed by planning obligations, however because the applicants have lodged a non-determination appeal, no agreement on these issues has yet been secured in a S106 agreement. Secondly, some strategically allocated sites (such as NT5) may have requirements that go beyond normal planning obligations. The applicant has not offered an adequate contribution to address the specific obligations that are pursuant to NT5. As the applicant has appealed for non-determination, further discussions on these specific obligations have not taken place.

6.3.57 The revised National Planning Policy Framework sets out that Planning obligations must only be sought where they meet the tests of necessity, direct relatability and are fairly and reasonably related in scale and kind to the development. This is reflected in CIL Regulation 122. London Plan Policy 8.2 states that development proposals should address strategic as well as local

priorities in planning obligations, prioritising transport and affordable housing. Draft London Plan Policy DF1 continues this approach.

6.3.58 Strategic Policy SP16 sets out Haringey's approach to ensuring a wide range of services and facilities to meet community needs are provided in the borough. Strategic Policy SP17 is clear that the infrastructure needed to make development work and support local communities is vital, particularly in the parts of the borough that will experience the most growth. This approach is reflected in the Tottenham Area Action Plan in Policies AAP1 and AAP11. DPD Policy DM48 notes that planning obligations are subject to viability and sets a list of areas where the Council may seek contributions. The Planning Obligations SDP provides further detail on the local approach to obligations and their relationship to CIL.

NT5 Infrastructure Requirements and the HRWMF

6.3.59 The NT5 site envisages large scale redevelopment giving rise to infrastructure obligations above those that may be required on smaller and less complex sites addressed by CIL. The overarching vision for the High Road West area is for a significant increase in the provision of community facilities and envisages that the local community will have the best possible access to services and infrastructure. Key to the AAP site delivery for NT5 is the creation of new leisure, sports and cultural uses that provide seven day a week activity. The infrastructure requirements for the wider NT5 site are broadly identified in the NT5 site allocation, including:

- A new Learning Centre including library and community centre;
- Provision of a range of leisure uses that support 7 day a week activity and visitation; and
- Provision of a new and enhanced public open space, including a large new community park and high quality public square along with a defined hierarchy of interconnected pedestrian routes.

6.3.60 Haringey's Infrastructure Delivery Plan (IDP) Update (2016) draws on the HRWMF and sets out an indicative list of infrastructure with associated costings to deliver the NT5 site allocation. The IDP Update notes these items and costs may be subject to change as feasibility studies continue to be developed. The North Tottenham Infrastructure list sets out the costed obligations into 7 areas that accord with the vision and principles of the High Road West Master Plan Framework. The Council expects the applicant to make a proportionate contribution to these costs.

6.3.61 The AAP is clear that the Council will monitor government and London-wide policy and changes in legislation to make sure that the AAP continues to be consistent with relevant national, regional and local planning policies, and identify the need to review or reassess the approach taken in the Plan. Since the IDP

Update (2016) the cost of infrastructure has increased when considered against inflation and other appropriate pricing indices.

Current Situation – Planning Obligations

- 6.3.62 In a usual planning situation, an applicant and the Local Planning Authority would work together to agree the Heads of Terms of a S106 agreement prior to Planning Sub-Committee. These Heads of Terms would then inform the drafting of a S106 planning obligations agreement. In this instance, because the applicant has lodged an appeal following the expiry of the statutory timescale, no agreed Heads of Terms are presented in this report and no planning obligations agreement has been signed between the parties.
- 6.3.63 The financial and non-financial obligations identified in the relevant sections of this report would go toward mitigating the impacts of the development and make it acceptable. These conventional obligations would be in addition to financial obligations making a proportionate contribution to affordable housing and infrastructure within the wider NT5 site.
- 6.3.64 Statutory consultation has also identified that the Haringey NHS Clinical Care Group consider a site specific financial obligation is required, although officers take no formal view on this obligation due to a lack of discussion with the applicant concerning its policy basis.

Planning Appeal – Statement of Common Ground

- 6.3.65 Haringey's Planning Obligations SPD states that in the event of an appeal, the Council can continue negotiations with the developer to establish and set out the nature of the planning obligations which would be sought, should the application be granted. Officers will be discussing the planning obligations as set out above through the course of the appeal and the Statement of Common Ground process.
- 6.3.66 The applicant may submit a Unilateral Undertaking (UU) to the Planning Inspector, which is similar to a S106 but the agreement is sanctioned by the Planning Inspector as opposed to agreed with Haringey. The Planning Inspector will take a view of the applicant's proposed obligations as set out in a UU at the Planning Inquiry, unless the appeal parties reach agreement before the case is heard.
- 6.3.67 In the absence of a S106 agreement securing proportionate planning obligations, the development proposal makes an insufficient contribution to infrastructure and other requirements made necessary by new development and population growth. This insufficient contribution jeopardizes the viability and deliverability of the NT5 site. The development proposal is contrary to the NPPF, Policy SP17, Policy DM48 and Policies AA1, AAP11 and NT5.

6.3.68 Should the Planning Inspector grant hybrid planning permission by way of an appeal decision, this will trigger a Mayoral and Local CIL charge to be collected by Haringey as collection authority.

6.4 Development Design

6.4.1 The revised NPPF should be considered alongside London Plan Policies 3.5, 7.4 and 7.6, Local Plan Policy SP11, and Policy DM1. Policy DM1 states that all development must achieve a high standard of design and contribute to the distinctive character and amenity of the local area. Further, developments should respect their surroundings by being sympathetic to the prevailing form, scale, materials and architectural detailing. Local Plan Policy SP11 states that all new development should enhance and enrich Haringey's built environment and create places and buildings that are high quality, attractive, sustainable, safe and easy to use.

6.4.2 The application is substantively in outline. The applicant has provided a set a Parameter Plans and a Design Code. The applicant has also submitted a Development Specification and Framework document. The applicant's Environmental Statement (ES) sets out a Townscape Assessment with an indicative scheme to show how the outline development may appear in various views. In the event the Planning Inspector grants permission, the applicant will be required to submit reserved matters in conformity with any approved drawings and documents, likely including the Design Code should the Inspector consider it acceptable. However as the applicant has chosen to reserve all matters except site access, only a limited assessment of development design is possible at outline stage.

Quality Review Panel Comments

6.4.3 Haringey's Quality Review Panel (QRP) considered the initial outline scheme at application stage, and the applicant revised the proposal in response, however due to the lodging of the appeal, the updated scheme has not been reconsidered the by Panel. The applicant's updated proposed was accompanied by a Design and Access Statement (DAS) addendum.

6.4.4 The QRP's initial comments together with the applicant's response (as summarised from the DAS addendum) and the officer response is set out in the table below.

QRP Comment	Applicant Response	Officer Response
Massing and Development Density		
Proposed density of development is exceeding	The applicant has reduced the maximum number of units in the	The reduced density slightly

<p>that identified within the adopted wider masterplan for the area.</p>	<p>scheme to 316 from 330.</p>	<p>exceeds with London Plan Density Matrix guidelines but is judged broadly acceptable given the policy context and subject to a detailed review at reserved matters stage.</p>
<p>Amount and quality of open space is compromised. Neighbouring developments will have to make up the shortfall.</p>	<p>The amount of open space on the site has been increased by 440m² with the reduction in the building footprint.</p>	<p>The increased provision broadly is considered a proportionate contribution to the wider site, however a detailed assessment of layout is required.</p>
<p>In comparison to the wider masterplan, the scale of the towers are wider and broader, which will have a negative impact on the courtyards, open spaces and accommodation adjacent, in terms of place quality, overshadowing, and reduced access to daylight and sunlight.</p>	<p>Comparative diagrams and calculations of the respective tall buildings show that the proposals are neither broader or wider than those illustrated within the HRWMF layout diagrams. The footprints are commensurate with Brook House, recently approved by the LPA.</p>	<p>The applicant has submitted a daylight/sunlight assessment. While an update is required at reserved matters stage, a SHOG assessment indicates that sunlight provision to new and existing amenity areas may be acceptable. Further layout and design details would be required at reserved matters stage.</p>
<p>A rethink of the distribution</p>	<p>The applicant has undertaken a</p>	<p>Officers note</p>

<p>of the accommodation is required to ensure the amount (and quality) of open space provided, the amenity of courtyards within blocks, the nature of the routes and the interface with future developments to the east within the master plan area.</p>	<p>reduction in the footprint to Building Plots C3 & C4 to remove the east side of Block C.</p> <p>The east-west routes and the north-south route along the eastern and western boundary will ensure that there will be many access points to the future phases of the wider comprehensive regeneration, as envisioned within with HRW Masterplan.</p>	<p>that internal site access is a reserved matter, however in the absence of the S106 agreement to secure future east-west connectivity, the indicative scheme layout is unacceptable. The reduction in Block C is supported by officers.</p>
<p>There may be some flexibility in adjusting the heights of the towers subject to a detailed assessment of their impact on long distance views.</p>	<p>At the reserved matters stages the final material choices, architectural proportions and high quality detailing will be provided. These will make reference to context to ensure that the new buildings are clear interventions, distinct from the existing buildings, but are still rooted in their location. Long distance views have been provided.</p>	<p>Comment noted. The AOD heights of the buildings will be fixed in the event the Planning Inspector grants outline planning permission. The policy context supports the provision of tall buildings but more information is required to undertake a full assessment.</p>
<p>Scheme layout and architectural expression</p>		
<p>Configuration of blocks C and B requires further consideration, as they currently create a very difficult junction at the boundary to the neighbouring areas of the masterplan to the east.</p>	<p>The amendment to Block C provides greater flexibility for the scheme to coordinate with future development of the adjacent land to the east, and eliminates the previously identified constraint for wider comprehensive regeneration to be delivered as envisioned within with HRW Masterplan.</p>	<p>Officers consider a detailed assessment at reserved matters stage would be required, however the applicant's amendments have sought to</p>

		mitigate the interface between proposed and planned blocks. A planning obligation to secure connectivity is required.
The internal courtyard of block C is now also much smaller, with a reduction in quality and amenity, and a greater degree of overshadowing due to the increase in width of the tower element in addition to the new wing of accommodation that closes the courtyard at the eastern end of the site.	Block C has been reduced with a consequent improvement in the amenity of the courtyard.	Officers consider a detailed assessment at reserved matters stage would be required, however the reduction in the footprint of Block C has generally reduced the enclosed nature of the subject courtyard.
<p>The proposal for a mixed-use 'shared surface' space at the southern entrance to the site around the Station Master's House seems well-considered.</p> <p>However, this will only be successful if vehicle access at this point is seen as a short-term measure. Once the remaining parts of the master plan area are developed the main vehicle access to the site should be taken through the site to the east as shown on the master plan, and this should be secured through a S106 Agreement.</p>	Following completion of the wider street network it is considered that the designated and defined 'Secondary Road' to the east, as established in the Masterplan, would be favoured by motorists over the shared surface route through the Goods Yard Site, as envisioned in the HRW Masterplan Transport and Movement Diagram.	As per the assessment below, officers consider that once circulation patterns are established, it may be difficult to reorient the focus of the shared surface away from vehicle access and the wider master plan objectives for White Hart Lane are not met by a single access point to the proposed development.
Inclusive and Sustainable Design		

The panel would like to see more information on the technical aspects of the proposals, including results of studies undertaken, plus plans and sections marked up to illustrate the findings (in terms of daylight, sunlight, and wind).	N/A	Comment noted.
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Tall Building Height and Massing – Policy Context

- 6.4.5 London Plan Policy 7.7 requires that tall buildings generally be limited to sites in opportunity areas, areas of intensification or town centres that have good access to public transport. Draft London Plan D8 continues this plan-led approach and states that the visual, functional and environmental elements of tall buildings should be considered in planning decisions.
- 6.4.6 The Upper Lee Valley Opportunity Area Framework proposes that future tall buildings will generally be in well-defined clusters in identified urban growth centres. Strategic Policy SP11 requires all new development to ‘enhance and enrich Haringey’s built environment and create places and buildings of high quality’. Policy AAP6 states that, in line with DM6, Tottenham Hale and North Tottenham as growth areas have been identified as being potentially suitable for the delivery of tall buildings.
- 6.4.7 The High Road West Master Plan Framework (HRWMF) sets out the principle that tall buildings will only be considered in parts of the masterplan area where existing character would not be affected adversely by the scale, mass or bulk of a tall building. The HRWMF envisages a “legible tall building spine” that descends from Brook House to create an appropriate heritage setting for statutorily listed and locally listed assets.
- 6.4.8 The HRWMF also sets the principles that tall buildings should be located to minimise overshadowing of adjacent development and used as part of a way finding and movement strategy (for example located towards the end of east-west routes). Key views of the stadium should be considered and maintained in the profile of buildings.

Building Scale, Form and Massing

- 6.4.9 The applicant’s parameter plans indicate that the development proposal would contain two tall buildings as defined by policy, if built to maximum parameters. The buildings (Building B and Building C) would rise to 21 and 18 storeys respectively. The height of the towers would be located in the northeast corner of larger perimeter blocks. The applicant has submitted a Townscape and Visual

Impact Assessment (TVIA) within the Environmental Statement. No local or strategic views cross the site.

- 6.4.10 The Quality Review Panel has considered the initial outline proposal (as per the summary table above). The Panel noted that in comparison to the High Road West Master Plan Framework, the scale of the towers was wider and broader than that envisaged. The applicant declined to amend the footprint of the taller elements of Buildings B or C in submitting an amendment to the scheme.
- 6.4.11 The principle of tall buildings is acceptable within the growth area, and the spatial location of the two tall buildings on site is considered to be broadly appropriate in the context of the HRWMF and the outline parameters would generally allow for decreasing buildings heights abutting the rail line southwards.
- 6.4.12 An assessment of the views in the TVIA indicates the outline massing impacts to be broadly acceptable, however a full assessment is not possible without further details around the visual appearance of the buildings, their design and materials.
- 6.4.13 A full consideration of the criteria in Policy DM6 (including if the buildings will yield an elegant urban form) is not possible given the outline nature of the application. Likewise a consideration of the visual, functional and environmental elements of the buildings as described in the draft London Plan is not possible given the application type.
- 6.4.14 Officers anticipate additional details would be presented at reserved matters stage. To make the scheme acceptable a condition requiring an update of the TVIA setting out the buildings appearance would be required. Officers will seek to secure such a condition in the course of the appeal.

Matters of Site Access

- 6.4.15 A key principle of the High Road West Master Plan Framework (HRWMF) is to create a legible network of east-west streets that connect into the surrounding area, existing lanes off the High Road pocket parks and other open spaces.
- 6.4.16 The HRWMF speaks to a movement network that is organised around a legible street network. The Framework is clear that the White Hart Lane access to the site is envisaged to be a shared surface. The hierarchy set out by the HRWMF shows White Hart Lane as a primary road, with a secondary connection east of the applicant's proposed access, extending north.
- 6.4.17 The applicant's site access Parameter Plan shows an access arrangement that would give rise to a circulating and self-contained internal road system that does not interface with the wider master plan area. The applicant's Transport Assessment (at Paragraph 5.7.1) sets out that the internal access roads are proposed to run through the site from north to south and along the western side

of the site. Three east-west cul-de-sacs will extend from this primary internal road.

- 6.4.18 While the transportation impacts of the access arrangement in terms of highway safety and operation are assessed in the section below, the design and place-making implications of the proposed access point are considered following.
- 6.4.19 While the layout is indicative, the access point shown on the Parameter Plan would give rise to a vehicle-focused arrangement leading inward toward a proposed 79 residential and 22 commercial car parking spaces. The shared surface would initially be the lone access point to the site for vehicles, pedestrians and cyclists.
- 6.4.20 While the scheme's outline density is broadly acceptable (and podium car parking is depicted in the HRWMF on the western edge of the site) the applicant's access point would conflict with the HRWMF's proposed circulation hierarchy, and create a wider and more vehicular-focused route where a narrow shared surface is envisaged. If the current proposed access is allowed then this would not be possible to reverse when the rest of NT5 site comes forward, and this would undermine the internal circulation strategy envisaged in the HRWMF, and create an unacceptably car-focused layout. Officers consider that once vehicle circulation patterns are established, the access point may remain car focused into the future.
- 6.4.21 It is accepted a secondary connection would draw vehicular traffic north of White Hart Lane from east to west (toward the applicant's part of the site) in any access scenario. However, the low rise area between Building E and Buildings D and F (and between Station Master's House and the Grange) would be traversed by a higher number vehicles than the HRWMF envisages. Officers consider this would have place-making implications and may lead to a car-focused piece of urban realm in a sensitive area that lies between heritage assets. This is contrary to the HRWMF principles of attractive walkable streets, and improved connectivity and circulation for pedestrians.
- 6.4.22 The HRWMF speaks to public realm improvements to create an enhanced setting for retained heritage assets and significant uplift in the shopping and café experience along the White Hart Lane. Officers consider a higher number of car movements across the applicant's White Hart Lane access would detract from these objectives and undermine the pedestrian priority to a narrow, shared surface access route. An indicative image of a future White Hart Lane from the HRWMF is **Appendix 8**.
- 6.4.23 Likewise, a higher number of vehicle movements in this location would also weaken the pedestrian connection between the proposed development and an improved pedestrian access to White Hart Lane Station and future retail space on the south side of White Hart Lane. Station forecourt improvement works are

proceeding. There is also concern the access would not optimise the cycle route along White Hart Lane.

6.4.24 The proposed access from White Hart Lane will give rise to a development that fails to improve connectivity and permeability for pedestrians and cyclists. The development fails to enhance White Hart Lane Station as a transport interchange. The development makes an insufficient contribution to place making and legible, pedestrian-focused Healthy Streets. The proposal is contrary to the revised NPPF, London Plan Policies 6.9 and 6.10, Draft London Plan Policy T1, Policy SP7 and Policies DM31, AAP7 and NT5.

6.4.25 It is accepted that the HRWMF envisages that a portion of the applicant's site (Phase 1C) is to be delivered separately and in practice, the complete east-west connectivity envisaged in the plan would be achieved incrementally as the plan area is built out.

6.4.26 Officers understand the applicant may be open to the possibility of planning obligations to require the developer to link the three cul-du-sac streets (and the northern tip of the site) on the access Parameter Plan into a future street network. To make the scheme acceptable, an obligation to secure a future network connectively plan and the phasing of the development as generally envisaged by the HRWMF is required.

Matters of Layout

6.4.27 While matters of layout are reserved, the Parameter Plans indicate a perimeter block typology with interspersed circulation spaces and amenity areas. The updated scheme proposes minimum separation distances between blocks. The revised Parameter Plans identify minimum separation distances between the blocks of 12 metres, which is below the 18-21 metres usually identified as good practice. GLA officers consider distances should be increased and the indicative layout is somewhat constrained. The representations of Peacock Estate Management Limited in relation to a suitable boundary to the east of the site given indicative separation distances are noted. Officers will further engage the applicant regarding this point during the Statement of Common Ground Process. A more detailed assessment of layout is required at reserved matters stage.

Open Space

6.4.28 A key principle of the HRWMF and a development guideline as per the AAP site allocation (NT5) is the production of a net increase in the amount and the quality of public open space. The HRWMF identifies broad building typologies to frame open space, and the site allocation calls for the creation of open space in addition to the creation of a legible network of east-west streets that connect into the surrounding area and the existing lanes off the High Road.

- 6.4.29 The HRWMF proposes 39,400m² of open space in total, compared to 21,000m² of (poor quality) open space in the NT5 site area currently. This seeks to achieve an overall increase of 80% open space in the area. While matters of layout are reserved, the applicant's Parameter Plans would yield the indicative provision of 4,800m² of open space, of which a minimum of 900m² is proposed to be provided as a public square. This open space figure includes play space and public realm and excludes private residential amenity areas. This quantum of open space was increased following amendments to the scheme in April 2018.
- 6.4.30 There is currently no public open space on the application site. The applicant sets out a comparison with the HRWMF and notes the application site comprises 11% (1.28 Ha) of the HRWMF area (11.69 Ha) and notes the proposed open space and play space provision would equate to 12% (4,800m²) of the 39,400m² open space proposed in the Framework.
- 6.4.31 Subject to a detailed assessment at reserved matters stage addressing the accessibility, layout quality and design of public space (including the public square), the quantum of open space proposed is considered proportionate and broadly in line with the site allocation and HRWMF principles. Officers will further discuss any planning obligations concerning open space during the Statement of Common Ground process.

Child Play Space

- 6.4.32 London Plan Policy 3.6 and Policy S4 of the draft London Plan seek to ensure that development proposals include suitable provision for play and recreation, and incorporate good quality, accessible play provision for all ages, of at least 10 square metres per child.
- 6.4.33 Matters of layout and landscaping are reserved. The applicant's illustrative scheme identifies a requirement for 1,000m² of play space, with 420m² for under-fives. A minimum of 1,360 m² of play space is proposed in residents' communal courtyards, public open spaces, and a proposed dedicated play space at the north end of the site. An indicative design of the play space has also been provided.
- 6.4.34 Any reserved matters application would need to fully detail play space proposals taking account of existing and proposed off-site facilities. To make the development acceptable, a Play Space Plan should be secured by way of a planning obligation. Subject to reserved matters assessment the outline provision of playspace is acceptable. Officers will further discuss any planning obligations concerning child play space during the Statement of Common Ground process.

Residential Unit Quality

6.4.35 To control the design quality that the development will deliver, a Design Code document accompanies the planning application. The Design Code is submitted for approval and sets out a series of design requirements that any future reserved matter application must adhere to. The Design Code covers matters relating to the internal layout and the appearance of the residential buildings.

6.4.36 The submitted Code notes the 316 units will meet London Plan standards around size and private amenity. Subject to detailed assessment at reserved matters stage, a Design Code is considered to be an acceptable method of controlling unit quality. Officers will seek to secure the Code as an approved document in the course of the appeal. Further details of unit aspects would be required at reserved matters stage.

6.4.37 Conditions around noise mitigation to preclude undue noise transmission between residential and commercial uses would be required to make the scheme acceptable. Officers will seek to secure such conditions (or a detailed noise assessment to accompany reserved matters applications) in the course of the appeal. Officers would also expect that Secure by Design conditions would be required at reserve matters stage.

Development Design – Summary

6.4.38 A limited assessment is undertaken given the outline application type. The site is suitable for Tall buildings, however further information around the visual appearance of the Tall buildings proposed is required. The Parameter Plan layout indicates that separation distances between blocks will require robust assessment at reserved matters stage. The access to the site is unacceptable and will undermine the public realm and the Council's wider regeneration objectives for White Hart Lane and the upgraded rail station. Subject to further assessment, the provision of open and child playspace is broadly acceptable. The proposal is likely to yield acceptable quality housing units based on the submitted Design Code, although again further assessment is required.

6.5 Impact on the amenity of adjoining occupiers

6.5.1 London Plan Policy 7.6 states that development must not cause unacceptable harm to the amenity of surrounding land and buildings. Policy DM1 states that development proposals must ensure a high standard of privacy and amenity for the development's users and neighbours.

6.5.2 The Council will support proposals that provide appropriate sunlight, daylight and open aspects (including private amenity space where required) to all parts of the development and adjacent buildings.

- 6.5.3 Developments should provide an appropriate amount of privacy to their residents and neighbouring properties to avoid overlooking and loss of privacy detrimental to the amenity of neighbouring residents and the residents of the development.

Daylight/Sunlight Assessment - Methodology

- 6.5.4 The impacts of daylight provision to adjoining properties arising from proposed development is considered in the planning process using advisory Building Research Establishment (BRE) criteria. A key measure of the impacts is the Vertical Sky Component (VSC) test. In conjunction with the VSC tests, the BRE guidelines and British Standards indicate that the distribution of daylight should be assessed using the No Sky Line (NSL) test. This test separates those areas of a 'working plane' that can receive direct skylight and those that cannot.
- 6.5.5 If following construction of a new development, the no sky line moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.8 times its former value, this will be noticeable to the occupants and more of the room will appear poorly lit.
- 6.5.6 The BRE Guide recommends that a room with 27% VSC will usually be adequately lit without any special measures, based on a low density suburban model. This may not be appropriate for higher density, urban London locations and the Mayor's Housing SPD notes that guidance should not be applied rigidly to proposals in urban areas as developments in urban areas are of much higher density than developments in more suburban areas.
- 6.5.7 It is considered that VSC values in excess of 20% are considered as reasonably good and that VSC values in the mid-teens are deemed acceptable within a high density urban location. Paragraph 2.3.47 of the Mayor's Housing SPD supports this view as it acknowledges that natural light can be restricted in densely developed parts of the city.
- 6.5.8 The acceptable level of sunlight to adjoining properties is calculated using the Annual Probable Sunlight Hours (APSH) test. In terms of sunlight, the acceptability criteria are greater than 25% for the whole year or more than 5% between 21st September and 21st March.
- 6.5.9 A Sun Hours On Ground (SHOG) assessment considers if existing amenity spaces will receive the levels of sunlight as recommended within the BRE guidelines.

Daylight/Sunlight – Assessment

- 6.5.10 The applicant has submitted a daylight/sunlight assessment and an addendum to the daylight/sunlight report following updates to the proposal. The applicant's

Environmental Statement (ES) and ES addendum also consider the issues of daylight and sunlight.

6.5.11 The applicant's ES has undertaken an assessment of daylight and sunlight impacts to adjoining occupiers. Regarding daylight conditions in a baseline scenario, 303 (68%) of the 443 windows assessed meet the BRE criteria for VSC by achieving a VSC level of 27% or above. For NSL, 257 (98%) out of the 261 rooms assessed meet the BRE criteria with 80% or above daylight distribution. In line with BRE methodology additional assessment of non-compliant windows is undertaken. The non-compliant properties that would experience noticeable effects and the relative impacts are set out below.

- *Negligible*: 8-16 (Even) White Hart Lane; 24 White Hart Lane; 28 White Hart Lane; 1-60 Charles House; 57-63 (Odd) White Hart Lane; 38 Pretoria Road; 39 Pretoria Road.
- *Minor Adverse*: 18 White Hart Lane; 26 White Hart Lane; 30 White Hart Lane; 1-8 Pretoria Road
- *Minor to Moderate Adverse*: 34-37 Pretoria Road
- *Moderate Adverse*: 9-12 Pretoria Road; 15-17 Pretoria Road; Lorenzo House

6.5.12 While there is some localised non-compliance with BRE criteria (generally along Pretoria Road and to a lesser extent along White Hart Lane) London Plan guidance notes that the application of BRE criteria should take account of the context of urban London. The site is located in a growth area that is programmed for tall buildings. The HRWMF envisages a descending spine of tall buildings toward the rail station in this location. Given the policy context and the impacts in the assessment, localised daylight/sunlight impacts would be expected.

6.5.13 Officers consider that given the variation noted in plot Parameter Plans, and the indicative nature of the scheme (i.e. unit layouts are not yet resolved), an updated Daylight/sunlight assessment would be required at reserved matters stage to confirm the impacts to adjoining occupiers and ensure new unit quality. Officers would seek to secure a planning condition to this effect in the event the Planning Inspector is minded to grant outline planning permission. At this stage given that the overall benefits of the scheme cannot be determined in the absence of a section 106 agreement and given the lack of replacement social rented housing it is not possible for officers to assess if, in the overall planning balance, the benefits of the scheme would outweigh any adverse impacts.

Overlooking/Privacy

6.5.14 The site is comparatively isolated and is not in close proximity to adjoining residential development. The site is separated from residential development on Pretoria Road by an existing rail line. The northern most Y-Block in the Love

Lane estate across White Hart Lane is separated from the southern site boundary by more than 20 metres.

- 6.5.15 There have been no specific objections from adjoining occupiers in relation to overlooking and privacy issues. Subject to a detailed assessment at reserved matters stage, including specific placement of balconies and amenity areas, the scheme would not be anticipated to give rise to undue privacy or overlooking impacts.

Wind and Microclimate

- 6.5.16 London Plan Policy 7.6 and 7.7 state that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to wind and microclimate. This is particularly important for tall buildings. This approach is reflected in the draft London Plan. Policy DM6 states that proposals for tall buildings should consider the impact on microclimate. Policy AAP6 requires a high quality public realm for developments in Tottenham.

- 6.5.17 The Lawson Criteria (Bristol Method) may be used to determine the acceptability of wind conditions for pedestrian safety and comfort in baseline and proposed scenarios. The Lawson Criteria provide it is not only the velocity of wind that is considered but also the frequency of occurrence of these velocities. The frequency of occurrences is used as an indicator of the likely duration of certain wind speeds.

- 6.5.18 As part of the submitted ES, wind tunnel testing of a physical scale model was combined with long-term wind statistics to provide an assessment of pedestrian and podium level wind conditions in and around the site. The assessment demonstrates that the key wind effects are downdraughts, from the west elevations of the towers (for prevailing winds), reaching pedestrian level before channelling along the western facades and accelerating around the north-west corners and into the west-to-east passages. The assessment concludes that micro-climate effects are expected to range from negligible to minor adverse depending on the location.

- 6.5.19 The applicant's ES states that the development includes proposals for substantial soft landscaping which will help alleviate channelling of winds, particularly around the bases of the towers and that the details of this landscaping will be confirmed at reserved matters stage. Given the applicant is relying on landscaping details to mitigate the identified impacts, officers consider an update to the wind and micro-climate assessment is required in the event the Planning Inspector is minded to grant permission.

Amenity Impacts – Summary

6.5.20 Subject to assessment at reserved matters stage, the scheme is not anticipated to give rise to privacy or overlooking impacts given its separation distance from existing residential development.

6.5.21 The daylight/sunlight impacts to adjoining occupiers may be acceptable for an urban site in London although as per the discussion above a balancing exercise is not able to be conducted given the numerous planning issues that are unresolved and given the absence of the planning obligations agreement. The wind and microclimate impacts require updated information and details of landscaping mitigation at reserved matters stage.

6.5.22 Officers note the broader issue of amenity impact must to be considered in the overall planning balance, with any harm weighed against benefit. Given that the benefits of the scheme cannot be confirmed (officers note the absence of a planning obligations agreement to date) a balancing exercise in relation to amenity is unable to be undertaken at this juncture.

6.6 Heritage Conservation

6.6.1 Paragraph 196 of the revised NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.6.2 London Plan Policy 7.8 is clear that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. The draft London Plan Policy HC1 continues this approach and places an emphasis on integrating heritage considerations early on in the design process.

6.6.3 Policy SP12 of the Local Plan seeks to maintain the status and character of the borough's conservation areas. Policy DM6 continues this approach and requires proposals affecting conservation areas and statutory listed buildings, to preserve or enhance their historic qualities, recognise and respect their character and appearance and protect their special interest.

6.6.4 Policy AAP5 speaks to an approach to Heritage Conservation that delivers "well managed change", balancing continuity and the preservation of local distinctiveness and character, with the need for historic environments to be active living spaces, which can respond to the needs of local communities.

6.6.5 Policy NT5 requires consistency with the AAP's approach to the management of heritage assets. The High Road West Master Plan Framework's approach to managing change and transition in the historic environment seeks to retain a traditional scale of development as the built form moves from the High Road to inward to the Master Plan area.

6.6.6 The HRWMF promotes the adaptable reuse of heritage assets with appropriate future uses identifying how various individual buildings will be used, what works they will require including restoration and refurbishment works to adapt to the proposed use.

Legal Context

- 6.6.7 There is a legal requirement for the protection of the North Tottenham Conservation Area. The Legal Position on the impact on these heritage assets is as follows, Section 72(1) of the Listed Buildings and Conservation Areas Act 1990 provides: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." Among the provisions referred to in subsection (2) are "the planning Acts".
- 6.6.8 Section 66 of the Act contains a general duty as respects listed buildings in exercise of planning functions. Section 66 (1) provides: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 6.6.9 The Barnwell Manor Wind Farm Energy Limited v East Northamptonshire District Council case tells us that "Parliament in enacting section 66(1) intended that the desirability of preserving listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise."
- 6.6.10 The judgment in the case of the Queen (on the application of The Forge Field Society) v Sevenoaks District Council says that the duties in Sections 66 and 72 of the Listed Buildings Act do not allow a Local Planning Authority to treat the desirability of preserving listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell, it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area or a Historic Park, it must give that harm considerable importance and weight.
- 6.6.11 The authority's assessment of likely harm to the setting of a listed building or to a conservation area remains a matter for its own planning judgment but subject to giving such harm the appropriate level of weight and consideration. As the Court

of Appeal emphasized in Barnwell, a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one, but it is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. An authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the strong statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.

6.6.12 In short, there is a requirement that the impact of the proposal on the heritage assets be very carefully considered, that is to say that any harm or benefit needs to be assessed individually in order to assess and come to a conclusion on the overall heritage position. If the overall heritage assessment concludes that the proposal is harmful then that should be given "considerable importance and weight" in the final balancing exercise having regard to other material considerations which would need to carry greater weight in order to prevail.

Assessment of Significance

6.6.13 Chapter 12 of the Environmental Statement (ES) addresses heritage and conservation, and the applicant has also submitted a Heritage Statement prepared by F3. An identification of the significance of relevant assets is set out below, including the relevant sections of the North Tottenham Conservation Area, the locally listed Station Master's House, and the listed terrace of Georgian properties southeast of the site.

6.6.14 The Tottenham High Road Historic Corridor consists of a sequence of six conservation areas. The North Tottenham neighbourhood is at the northern end of the historic corridor; it is, therefore, a threshold or point of entry to the historic corridor as a whole. The whole North Tottenham Conservation Area is in a fragile condition and it is currently designated a "Conservation Area at Risk" by Historic England.

6.6.15 The southern boundary of the application site is a prominent frontage within Sub Area B, situated directly in front of White Hart Lane station. This subject area of White Hart Lane is significant in that it has retained buildings representative of each period from Georgian through mid to late Victorian up to post war housing.

6.6.16 The Conservation Area appraisal considers the collection of Georgian buildings, including the Grange and Station Master's House to be good examples of early railway buildings, which were key to the transportation developments in the area during the 19th Century.

6.6.17 The Grange has two later flank wings to the Georgian structure that are early to mid-19th century. These have been restored. The Grange is listed Grade II (Historic England Ref: 1358877). The house and its extensions form an

impressive Georgian group but its setting is marred by the projecting blank end wall of the Victorian terrace on one side and the open yard entrance with security fencing on the other. Station Master's House is locally listed.

Impact to Assets

- 6.6.18 The impact on the Conservation Area and its setting are considered in the Townscape and Visual Impact Assessment (TVIA) which shows the maximum parameters of the development, including the tall buildings. These views also show how the scheme would appear alongside other consented developments that are due to be constructed in the vicinity of the site. Key extracts from the TVIA are contained in Appendix 2.
- 6.6.19 The impacts of the tall buildings (18 and 21 storeys) on the Conservation Area would be comparatively minor along the High Road and the eastern end of White Hart Lane, where they would be visible but partly screened by industrial buildings. The impacts would increase closer to White Hart Road Station, where the site is more visible and includes the street edge. This assessment would be subject to a detailed consideration at reserved matters stage including matters of appearance, which would allow for an assessment of materials against the character and appearance of the Conservation Area. However, it is concluded from the applicant's outline submission that the harm to the Conservation Area from the tall buildings is likely to be less than substantial.
- 6.6.20 The frontage to the Grange property would be improved with redevelopment and the setting at the rear would be retained and strengthened. The tall buildings would appear in views from William Street. It is concluded the harm to the Grange is likely to be less than substantial. The impacts to Station Master's house are judged to be positive and would allow for reuse of the building to provide a new function (an A3 restaurant use). Details of the extension to the locally listed structure would be required to make the scheme acceptable. The broader outline scheme is designed to decrease in height towards White Hart Lane, and elements adjoining the Conservation Area and listed and locally listed buildings are of a low rise character.

Heritage Conclusion

- 6.6.21 Historic England raises no objection to the proposal, but notes the application should be determined in accordance with national and local policy guidance, and on the basis of Haringey's specialist conservation advice. GLA officers note the strong presumption against granting permission that would harm the character or appearance of the Conservation Area, and place considerable importance and weight to the harm caused to the setting of the listed buildings. Haringey Officers are also bound to consider this strong presumption in line with the legal context above.

- 6.6.22 The Conservation Officer has assessed that there is likely to be less than substantial harm to identified heritage assets. A balancing exercise against public benefit is therefore required.
- 6.6.23 The scheme will provide housing for which there is a pressing need in the locality, although, as set out above, it is not clear that a proportionate number of social rented homes are re-provided to meet a need created by estate renewal. The proposal is considered to be a piecemeal scheme that will undermine the Council's regeneration and place making objectives in relation to High Road West. The provision of employment space (and consequent employment opportunities) open space and child play areas are all acknowledged to be benefits of the scheme.
- 6.6.24 There is clear difficulty in definitively assessing public benefit at this juncture given the lack of a planning obligations agreement and the outstanding planning issues noted elsewhere in this report.
- 6.6.25 In the absence of a planning obligations agreement, the planning balance between harm to heritage assets and public benefit is not able to be determined and the less than substantial planning harm to heritage assets has been given appropriate weight. The development proposal is therefore contrary to the revised NPPF, London Plan Policy 7.9, Draft London Plan Policy HC1, Policy SP12, Policies AAP5, DM9 and NT5.

6.7 Transportation and Parking

- 6.7.1 The revised NPPF (July 2018) is clear at Paragraph 108 that in assessing development proposals, decision makers should ensure that appropriate opportunities to promote sustainable transport modes have been taken up.
- 6.7.2 London Plan Policy 6.1 seeks to support development that generates high levels of trips at locations with high levels of public transport accessibility. This policy also supports measures that encourage shifts to more sustainable modes and promotes walking by ensuring an improved urban realm. London Plan Policies 6.9 and 6.10 address cycling and walking, while Policy 6.13 sets parking standards.
- 6.7.3 Policy SP7 states that the Council aims to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by promoting public transport, walking and cycling and seeking to locate major trip generating developments in locations with good access to public transport. This approach is continued in DM Policies DM31 and DM32.
- 6.7.4 A key principle of the High Road West Master Plan Framework (HRWMF) is to create a legible network of east-west streets that connect into the surrounding area, existing lanes off the High Road pocket parks and other open spaces.

- 6.7.5 The applicant has submitted an Environmental Statement (ES) and Transport Assessment (TA) as well as an addendum to both these documents with the updated scheme. The applicant's consultant has also responded to Transport for London's (TfL's) initial comments on the scheme. Haringey's Principal Transportation Officer has assessed the proposal.

Trip Generation

- 6.7.6 The multi-modal trip generation was derived using selected sites from the TRICS database. Following discussion with the applicant, TfL considers that the trip generation has been assessed in accordance with TfL guidance and is acceptable. TfL considers the trip generation may give rise to impacts to the bus network and mitigation may be required in the form of a S106 contribution for additional bus capacity. Haringey Officers take no view on such an obligation in the absence of further discussions with the applicant.

Matters of Site Access

- 6.7.7 Site access is not a reserved matter. The application proposes the main point of access for the site will be via the existing access from White Hart Lane. While matters of internal access are reserved, the Parameter Plans indicate this access to be a shared surface.
- 6.7.8 The applicant's Design and Access Statement (DAS) Addendum notes that the proposed shared surface is envisaged to "give priority to pedestrians over other users in the following order of descending importance: pedestrians, including those with mobility, visual and other impairments; cyclists, service and maintenance vehicles and finally private motor vehicles".
- 6.7.9 The Principal Transportation Officer notes there are design issues outstanding with respect to this access point and that a detailed technical audit may be required. While some of the access issues noted in the Principal Transport Officer's initial observations have been subsequently resolved (following discussion between TfL and the applicant's consultant) there are still outstanding matters that officers intend to pursue by way of the Statement of Common Ground process. Officers consider the proposed outline access point to the site may be feasible in transportation terms, but further information is required to confirm this.
- 6.7.10 However, there are place-making and design implications to the access point (separate to issues of highway operation and safety) that are set out in the section above and indicate the development proposal should be refused planning permission, as the access point will undermine the Council's regeneration objectives for White Hart Lane.

Car Parking

6.7.11 The amended outline scheme proposes 79 parking spaces for residential use, equating to a ratio of 0.25 spaces per unit. Of the residential parking spaces, 32 Blue Badge spaces are proposed in accordance with draft London Plan requirements. 27 car parking spaces are proposed for commercial/business users, of which 22 are for employees and 5 are 'visitor' spaces. GLA Officers consider these provisions are acceptable and in accordance with London Plan and the draft London Plan Policies.

6.7.12 Haringey Officers consider that a S106 obligation precluding the issuance of on street parking permits to future occupiers will be required to make the development acceptable. A detailed car parking management plan (that encompasses the location and details of Electric Vehicle Charging Points and Blue Badge spaces) will also be required by condition. An obligation to ensure that residential parking spaces be used only by residents of the development, and made available before occupation, is also required.

6.7.13 Haringey Officers consider that a planning obligation securing a Highways Agreement pursuant to S278 the Highways Act 1980 is required to address:

- 1) Improvements to the public realm, pedestrian and cycle routes, and crossing facilities on the public highway;
- 2) Reinstatement of the two redundant accesses; and
- 3) Footway improvements in the immediate vicinity of the site.

6.7.14 Officers will further discuss these obligations (including S278 agreement costings) with the applicant in the Statement of Common Ground process.

Cycle Parking

6.7.15 GLA Officers note that limited detail is provided on cycle parking matters and that any cycle parking provided should conform to current London Plan policy. Haringey Officers consider that the site is capable of meeting London Plan standards in respect of cycle parking and that the issue may be addressed at reserved matter stage in the event outline permission is granted by the Inspector. The applicant should propose to meet draft London Plan standards, which would offer a higher quantum and quality of provision than the current London Plan.

6.7.16 A cycle parking plan would be required to ensure future provision is in accordance with London Cycling Design Standards. Officers will seek to secure a planning condition to address cycle parking should the proposal be granted outline planning permission.

Future Access Points

6.7.17 The TA indicates that the internal road network has been designed to allow future connections through to the east of the site, however the applicant to date has not articulated a detailed mechanism to allow this future connection to be realised and this element of the proposal remains unresolved. GLA Officers note the layout and design of the site should not prevent the future opening of the four potential access routes. While layout is a reserved matter, given Parameter Plan layouts, Haringey Officers will seek a planning obligation to secure the east-west connectivity in the event the outline permission is granted.

Other Obligations

6.7.18 GLA officers note that a full Delivery and Servicing Plan (DSP) should be secured by condition, including plans demonstrating vehicle access to the site and servicing bays, as well as measures to promote a safe and sustainable pattern of deliveries and servicing. A construction logistics plan (CLP) should be provided (including measure to ensure Considerate Constructor registration) and a detailed CLP should be secured by pre-commencement condition. Haringey Officers consider travel-planning obligations (including monitoring costs and provision of a car club) would be required to make the scheme acceptable. As per the consultation responses from Network Rail and London Overground, conditions addressing asset protection are also required to make the scheme acceptable.

6.7.19 Officers are broadly of the view the above items are capable of resolution, but that the lodging of the appeal has prevented the progression of discussions to secure relevant conditions and obligations. Officers will again seek to secure these measures in the course of the appeal should the Inspector be minded to grant planning permission.

6.8 Waste and Recycling

6.8.1 London Plan Policy 5.16 indicates the Mayor is committed to reducing waste and facilitating a step change in the way in which waste is managed. Local Plan Policy SP6 and Policy DM4 require development proposals make adequate provision for waste and recycling storage and collection.

6.8.2 The applicant has submitted an Occupational Waste Management Plan at outline stage. The plan estimates the proposed development would require approximately 52 bins for general rubbish and 23 bins for recycling based on a collection once per week for the residential flats. The Council's Waste Management Team has assessed the proposal and raises no objection subject to ensuring commercial collection is contracted.

6.8.3 Officers consider that storage and collection of the estimated volume of generated waste is feasible, but that further details would be required at reserved matters stage including details of commercial collection and pest management.

Should a Planning Inspector be minded to grant planning permission, a condition around an updated Waste Management Plan will be sought by officers.

6.9 Basement Development

6.9.1 Policy DM18 relates to new Basement development and sets out criteria for where basements can be permitted. Basement development must be addressed through a Basement Impact Assessment (BIA).

6.9.2 The outline development proposes non-residential basement space. The applicant has submitted a Basement Impact Assessment (BIA) prepared by Lyons O'Neil dated December 2017. The report notes the document is an initial screening at outline stage to determine if a full BIA is required. The report also notes there are no other basements in the vicinity of the site that would result in cumulative impacts. Chapter 14 to the Environmental Statement notes that an updated BIA is required should the scheme progress to reserve matters stage to propose mitigation and inform a Construction Management Plan.

6.9.3 Should the Planning Inspector be minded to grant planning permission, officers will seek to secure a planning condition requiring an updated the BIA, setting out a suitable basement design and construction methods.

6.10 Flood Risk, Drainage and Water Infrastructure

6.10.1 Development proposals must comply with the NPPF and its associated technical guidance around flood risk management. London Plan Policy 5.12 continues this requirement. London Plan Policy 5.13 and Local Policy SP5 expects development to utilize Sustainable Urban Drainage Systems (SUDS). Policy 5.14 requires proposals to ensure adequate wastewater infrastructure capacity is available.

6.10.2 Policies DM24, 25, and 29 continue the NPPF and London Plan approach to flood risk management and SUDS to ensure that all proposals do not increase the risk of flooding. DM27 seeks to protect and improve the quality of groundwater.

6.10.3 The applicant has submitted a Flood Risk assessment and Chapter 14 of the Environmental Statement also considers the issue of flood risk. The ES Addendum updates the flood risk position. The southern tip of the site lies in Flood Risk Zone 2. The applicant has prepared an outline surface water drainage strategy.

6.10.4 The applicant has undertaken a sequential approach to flood risk, and located more sensitive development in Flood Risk Zone 1. No residential development is proposed to be located in Flood Risk Zone 2. The Environment Agency has assessed the proposal and raises no objection in flood risk terms.

6.10.5 The applicant has submitted a Water and Waste Water Utilities Assessment. Thames Water raises several water infrastructure issues concerning the proposal, and officers understand these issues remain unresolved at the time of the lodging of the appeal. Thames Water has specifically identified an inability of the existing surface water infrastructure and existing water network infrastructure to accommodate the needs of the development proposal.

6.10.6 Should the Inspector be minded to grant outline planning permission, officers will seek to secure an updated Surface Water Drainage Strategy as per Thames Water's comments of 14th May 2018 and other relevant conditions including conditions around water network upgrades and/or housing and infrastructure phasing. Officers will seek to secure a planning condition concerning a Construction Environmental Management Plan as per Thames Water's comments. Officers also consider the Statement of Common Ground process may allow further engagement with stakeholders, including Thames Water if required.

6.11 Energy and Sustainability

6.11.1 The NPPF and London Plan Policies 5.1, 5.2, 5.3, 5.7, 5.8, 5.9, 5.10 and 5.11, and Policy SP4 sets out the approach to climate change and requires developments to meet the highest standards of sustainable design, including the conservation of energy and water; ensuring designs make the most of natural systems and the conserving and enhancing the natural environment. The London Plan requires all new homes to achieve a 35 per cent carbon reduction target beyond Part L 2013 of the Building Regulations (this is deemed to be broadly equivalent to the 40 per cent target beyond Part L 2010 of the Building Regulations, as specified in Policy 5.2 of the London Plan for 2015).

6.11.2 The London Plan sets a target of 25% of the heat and power used in London to be generated through the use of localised decentralised energy systems by 2025. Where an identified future decentralised energy network exists proximate to a site it will be expected that the site is designed so that it can easily be connected to the future network when it is delivered.

6.11.3 The applicant's Energy Statement sets out the cumulative CO2 savings on site that are estimated to be 50.1% for the domestic part and 27.1% for the non-domestic part of the development, against a Part L 2013 compliant scheme. The statement notes the regulated CO2 savings for the site as a whole are 45.0%. To achieve this the Energy Statement indicates that photovoltaic cells and air source heat pumps should be incorporated into the proposed scheme.

6.11.4 To achieve 'zero carbon' for the residential portion of the scheme, 172.1 tonnes per annum of regulated CO2, equivalent to 5,162 tonnes over 30 years, from the new-build domestic portion would need to be offset offsite. The Sustainability

Statement states that the non-residential spaces proposed within the development are targeting BREEAM certification to the level of 'Excellent'.

6.11.5 The Council's Carbon Management Team and GLA officers have assessed the proposal. The Council's assessment considers the carbon savings to be policy compliant, but notes that further information is required in respect of a connection to a District Energy Network and a condition is required to secure a future connection. A connection charge may be required by way of a planning obligation. Additional conditions are also recommended by the Carbon Management Team, including conditions requiring an updated Energy Strategy, Dynamic Thermal Modelling, BREEAM accreditation and living roof details. In the event the Planning Inspector is minded to grant planning permission, officers will seek to secure these conditions at reserved matter stage.

6.12 Air Quality

6.12.1 Policies DM4 and DM23 provide guidance on air quality in relation to development proposals. Policy indicates that development proposals should consider air quality and be designed to improve or mitigate the impact on air quality in the Borough and improve or mitigate the impact on air quality for the occupiers of the building or users of development. Air Quality Assessments will be required for all major developments where appropriate.

6.12.2 Where adequate mitigation is not provided planning permission will be refused. This approach is reflected in the London Plan Policy 7.14. Additional Air Quality issues are addressed by London Plan SPGs around dust control and sustainable design and construction. Haringey is an Air Quality Management Area (AQMA).

6.12.3 Chapter 9 of the applicant's Environmental Statement (ES) provides a consideration of air quality. The Council's Environmental Health Officer (EHO) has assessed the submission. The issue concerning transport modelling and its consequent impacts on air quality is currently unresolved between the applicant and the Council's HMO, however officers anticipate further discussions concerning this matter may be undertaken during the Statement of Common Ground (SoCG) process. Given the final agreement between TfL and the applicant around transport modelling (as per the GLA Stage 1 report) the issue is likely capable of resolution.

6.12.4 Should the Planning Inspector be minded to grant planning permission officers will seek to secure an updated Air Quality Assessment, stipulating that any updated assessment reflects the various comments of the EHO concerning assessment methodology.

6.12.5 The other conditions noted by the EHO concerning combustion and energy plant, Combined Heat and Power details, Dust Management, and Non-Road Mobile Machinery registration are all required to make the scheme acceptable in air

quality terms. Officers will seek to secure these conditions in the event planning permission is granted by the Inspector.

6.13 Land Contamination

6.13.1 Policy DM32 require development proposals on potentially contaminated land to follow a risk management based protocol to ensure contamination is properly addressed and carry out investigations to remove or mitigate any risks to local receptors. The applicant has submitted a Preliminary Remediation Strategy Report as per Chapter 13 of the Environmental Statement. The site is a former car breaker's yard with a history of industrial uses.

6.13.2 The Council's Environmental Health Officer (EHO) has assessed the proposal and considers the imposition of pre-commencement planning conditions around land remediation with the grant of planning permission should be imposed. Officers will seek to secure such conditions in the event permission is granted.

6.14 Archaeology

6.14.1 The revised NPPF states that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. London Policy 7.8 states that development should incorporate measures that identify record, interpret, protect and, where appropriate, preserve a site's archaeology. This approach is reflected at the local level.

6.14.2 The site lies in an area of archaeological interest. The Greater London Archaeological Advisory Service (GLAAS) has assessed the proposal and indicates the need for field evaluation to determine appropriate mitigation. GLASS note a two stage process of archaeological investigation comprising evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. Should the Planning Inspector be minded to grant outline planning permission, officers will seek to secure such planning conditions to ensure evaluation and mitigation.

6.15 Trees

6.15.1 The applicant has submitted an Arboriculture Statement including a Tree Survey. The survey records 98 trees on the site (mostly silver birch and sycamores), the majority running along the fringe of the industrial land next to the railway. Of these trees, none are Category A (the highest quality), 12 are Category B and 78 are category C. 8 trees in the survey are noted to be Category U (unsuitable for retention). The Council's records do not indicate there are any trees on the site subject to a Tree Protection Order (TPO).

- 6.15.2 The applicant's outline proposal would give rise to the loss of 17 trees. (including all 8 Category U trees, 5 Category B trees and 4 category C trees). This equates to 95% retention on site. While the applicant's submission notes that a replanting scheme is possible, no details are provided and an update to the submission at reserved matters stage would be required, setting out details of a such a replanting program.
- 6.15.3 The applicant's submission notes that planning conditions would be attached to a planning consent that would required retained trees to be protected during demolition and construction, in accordance with relevant British Standards. In the event outline permission is granted, officers will seek to secure such pre-commencement conditions.
- 6.15.4 A consultation response from the Council's Tree Officer was not received prior to the lodging of the appeal, however officers consider the Statement of Common Ground process will allow for further engagement regarding the issues above.

6.16 **Ecology**

- 6.16.1 London Plan Policy 7.19 indicates that whenever possible development should make a positive contribution to the protection enhancement creation and management of biodiversity. Priority is given to sites with ecological designations. Local Plan Policy SP13 states that all development must protect and improve sites of biodiversity and nature conservation.
- 6.16.2 The applicant has submitted a Phase 1 Habitat Survey prepared by WSP. A Preliminary Bat Roosting Assessment (PBRA) of Station Master's House was also submitted. The site is not subject to any statutory ecological designations. Natural England has assessed the proposal and raises no objection in ecological terms.
- 6.16.3 Two species of invasive plant were recorded by the survey. To prevent the spread of these species, an updated survey is required to be completed in advance of site clearance works and the species should subsequently be removed in-line with best practice methods. Officers will seek to secure such an updated survey.
- 6.16.4 The applicant's assessment also notes that mitigation to address the provision of bat replacement roosting features (with the redevelopment of Station Master's House) is required. Officers consider this matter can be addressed by pre-commencement planning conditions and will seek to secure such conditions and updated ecological information in the course of the appeal.

6.17 **Fire Safety and Security**

6.17.1 Fire safety is not a planning matter and it is usually addressed by Building Regulations. Building Regulations are minimum standards for design and construction for the erection of new buildings and the alterations of existing buildings. The regulations cover many areas including requirements surrounding structure, fire, sound resistance, ventilation, drainage, conservation of fuel, electrical installations, security and access for disabled people. In light of recent events at Grenfell Tower the following information around fire safety and security is provided.

6.17.2 The development would be required to meet the Building Regulations in force at the time of its construction. The Building Control Body (the Local Authority or an Approved Inspector) would carry out an examination of drawings for the proposed works and carry out site inspections during the course of the work to ensure the works are carried out correctly as far as can be ascertained. As part of the plan checking process a consultation with the Fire Service would also be carried out. On completion of work the Building Control Body will issue a Completion Certificate to confirm that the works comply with the requirement of the Building Regulations.

6.18 Conclusion

6.18.1 The provision of a mixed use scheme comprising housing and commercial uses is acceptable in principle however concerns remain around the outline nature of the proposal and its comprehensiveness in relation to the site allocation NT5 and the High Road West Master Plan Framework (HRWMF).

6.18.2 Subject to detailed assessment at reserved matter stage, the density and outline dwelling mix are broadly acceptable. The site is suitable for tall buildings, however further information is required to make a full assessment. The Parameter Plan layout indicates that the separation distance between blocks would also require detailed assessment at reserved matters stage.

6.18.3 The access to the site is unacceptable and will undermine the public realm and the Council's regeneration objectives for White Hart Lane. The proposal is on track to yield housing of an acceptable quality based on the submitted Design Code, although further assessment is again required. The amenity impacts of the proposal also require further assessment. Notwithstanding the provision of further details, balancing planning harm against amenity impacts is problematic in the absence of a planning obligations agreement as the benefits of the scheme to the wider locality cannot be quantified.

6.18.4 The lack of re-provision of social housing is not acceptable. In addition, the applicant has failed to consider the early phasing of the site as set out in the HRWMF in articulating the affordable position. This demonstrates a lack of comprehensiveness. The development proposal undermines affordable housing delivery in the locality.

- 6.18.5 In the absence of a S106 planning obligations agreement, a range of conventional planning issues remain unaddressed and the planning harm arising therefore weighs against the grant of permission. The applicant has failed to engage the Local Planning Authority concerning the site specific planning obligations related to the NT5 site. This jeopardizes the viability and deliverability of a strategically allocated site in the Local Plan.
- 6.18.6 The Council must give great weight to the conservation of heritage assets. The development is anticipated to have less than substantial harm to heritage assets and a balancing of harm and public benefit is therefore required. In the absence of a planning obligations agreement, required public benefits are unsecured and the proposal is therefore considered to have an unacceptable impact on heritage assets as the benefits cannot be said to outweigh the harm.
- 6.18.7 Hybrid planning permission should be refused for the reasons set out at the beginning of this report. In coming to this conclusion, the Local Authority has considered the significant environmental effects of the proposed development as set out in the Environmental Statement, and taken into account the responses to consultation and other relevant information in accordance with EIA Regulations, and other relevant legislation and guidance.

7 Community Infrastructure Levy (CIL)

- 7.1 As noted above, should the Planning Inspector grant outline planning permission, a full CIL assessment will then be undertaken by Haringey as collection authority. The Planning Practice Guidance (PPG) states that for outline planning permissions, if there is a charging schedule in force at the time when the outline planning permission is granted, each phase of that permission is subject to that charging schedule, or to any replacement schedule which the charging authority may bring into force.