

Our ref: Q80170
Email: sean.bashforth@quod.com
Date: 5 October 2018



Emma Williamson
Assistant Director – Planning
Planning, Regeneration and Economy
Haringey Council
River Park House
225 High Road
London, N22 8HQ

By email

Dear Emma,

GOODS YARD SITE, 44-52 WHITE HART LANE (LPA REF HGY/2018/0187)

I refer to the above planning application which is due to be reported to the Planning Sub Committee on 8 October 2018. On behalf of the applicant, Tottenham Hotspur Football & Athletic Co. Ltd (THFC) we write to make some observations on the officer's report to Committee or the 'Report'.

Given that the application will be determined at appeal, the applicant has not sought to respond to all of the points made in the Report. The purpose of this letter is to respond to several points raised in the Report regarding proposed planning and infrastructure obligations.

S.106 Obligations

As set out in the Report, THFC has appealed against non-determination because the Council did not determine the application within the prescribed statutory period. We note that on officers' analysis at least three of the four putative recommended reasons for refusal cited in the report are capable of being resolved by THFC entering into a S.106 planning agreement.

It is important to record that before submitting the appeal the applicant actively sought to enter into discussions on S.106 and other matters with officers.

THFC proposes to enter into a planning obligation to address several matters as set out in the Planning Statement in support of the application, and more latterly in the Statement of Case submitted as part of the appeal documentation.

THFCs preference would be to enter into a bilateral Section 106 agreement with the Council if possible. Such an agreement could be negotiated between the parties before the planning inquiry. Any agreement would be explicitly conditional upon the Inspector granting consent and would therefore be without prejudice to the Council's case at the public inquiry. The Report does not currently seek authority for officers to undertake such negotiations and we therefore request that officers additionally seek delegated authority to negotiate and enter into such a bi-lateral agreement with THFC.



THFC has sought to engage with the Council over the scope of the proposed agreement. For example, I attach a letter dated 27 February 2018, which responds in detail to an objection from Lend Lease (appendix 7A of the Report) and explains how, informed by the Borough's Infrastructure Plan, the infrastructure requirements for the wider area can be satisfactorily addressed in a proportionate way taking into account the Council's Infrastructure Delivery Plan and Community Infrastructure Levy. No written or other feedback was received on this approach from Officers during the determination of the application.

Any obligation must comply with the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) ("the CIL Regulations") – specifically regulations 122 and 123. Regulation 122 requires any obligation must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

In turn Regulation 123 expressly prohibits any obligation to provide the funding or the provision of any infrastructure included on the Council's Regulation 123 list. The Council's Regulation 123 List is expressly based on its Infrastructure Delivery Plan, which itself already specifically includes infrastructure required for the whole High Road West masterplan.

The Report (at paragraph 6.3.63) refers generically to both "conventional" obligations towards mitigating the impacts of the development and also wider obligations towards making a proportionate financial contribution to affordable housing and infrastructure within the wider NT5 site. However, it fails to clearly and precisely set out a detailed schedule of individual obligations (including the scope and quantum of the contemplated financial contributions) which officers consider to be necessary.

Given the way the recommended putative reasons for refusal have been framed it is incumbent upon the Council to articulate precisely what obligations it does consider are necessary to render the proposals acceptable and the basis on which such obligations comply with the CIL Regulations.

Affordable Housing

THFC welcomes confirmation that the housing mix is compliant with Local Plan policy (paragraph 6.3.49 of the report), but can find no specific policy support for enhanced social rented provision on this site in order to provide replacement housing for Love Lane residents. In relation to affordable housing, Policy NT5 of the TAAP states as follows:

"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)." Our Emphasis.

More than a year ago it was reported to Cabinet that 147 of the 212 secure tenants on the Love Lane Estate had been rehoused, leaving 65 secure tenants left to be rehoused (12 September 2017 Cabinet Report).

The Goods Yard proposals would be able to provide up to 40% of habitable rooms equating to around 121 affordable homes, **including 41 as social rented**, which could accommodate a significant proportion of the remaining Love Lane secure tenants as required by policy.

By delivering up to 40% affordable housing on the Goods Yard site, THFC are already committing to more affordable housing proportionately (including social rented) than the Council's own development partner. Lend Lease's bid proposals for High Road West (presented in the 12 September 2017 Cabinet Report) indicate their plans to provide 2,500 homes (30% affordable) over the wider area.

THFC already has a good track record of assisting the Council delivering affordable homes in the local area. To the north of the Goods Yard site, THFC secured consent in February 2013 (ref: HGY/2012/2128) for 222 affordable homes, as well as new buildings for Brook House Primary School. Separately, the Council has also agreed to acquire 29 affordable homes at 500 White Hart Lane following a S.106 agreement and planning permission secured by THFC for the relocation of residents at Love Lane. When this was agreed at Cabinet on 12 September 2017, it was reported that this approach was supported by Love Lane residents and provided them with wider choice.

As we explained in our response to the Council in April 2018, no weight can be given the GLA's position that 50% affordable housing is the target (due the sites former industrial use). This is only a requirement in the draft replacement London Plan, which can be given no weight in planning terms. Up to 40% affordable housing is proposed and is consistent with the Local Plan. In accordance with the Mayor of London's Affordable Housing Viability SPG, schemes delivering 35% should not be subject to a full viability assessment.

Paragraph 6.3.51 of the officer's report recommends obligations for early and late stage affordable housing viability reviews. However, a successful legal challenge to the Mayor of London's Affordable Housing SPG means that late reviews may not be necessary or appropriate. The Council appear to share this view. The minutes in Agenda item 6 of the Report relating to the 168 Park View Road application (HGY/2018/0076) state as follows:

'Officers had originally recommended a late stage viability review, however the developer had not been keen to agree to this. The Council's Lawyer advised that a decision had been made by the Court in May against the Mayor's policy of setting viability at 75%, and this had now cast doubt over whether Councils can impose 75% viability on developments.'

In this context, the Report should be modified to exclude suggestions that there should be a late review, although for the avoidance of doubt THFC does not consider any review to be justified given a policy compliant provision of affordable housing is proposed

Related Application

The Report focusses on hybrid application HGY/2018/0187 not the related application HGY/2018/0188 seeking permission for demolition in a conservation area. This application is also subject of a related appeal for non-determination. We expect that the Council's views on the hybrid application also apply to the related application and suggest that the Report should be updated.



We trust the enclosed is of assistance.

Yours sincerely

Quod

Quod on behalf of
Tottenham Hotspur Football & Athletic Co. Ltd

cc Richard Serra – THFC

Your ref: HGY/2018/0187:
Email: matt.eyre@quod.com
Date: 27 February 2018



Planning and Building Control
6th Floor
River Park House
225 High Road
Wood Green
London
N22 8HQ

For the attention of James Hughes

By email

Dear Mr Hughes,

REF: HGY/2018/0187: THE GOODS YARD 36 AND 44-52, WHITE HART LANE, LONDON, N17 8DP

RESPONSE TO REPRESENTATIONS BY LENDLEASE EUROPE HOLDINGS LIMITED, DATED 16 FEBRUARY 2018

I refer to the above application and representations submitted on behalf of Lendlease Europe Holdings Limited (“Lendlease”) and deal with the issues raised in that letter.

Policy Compliance

Any assessment of the Goods Yard application must be based on a full reading and understanding of the relevant planning policy, not selective quotes. Lendlease acknowledge that paragraph 4.6 of the Tottenham Area Action Plan (“TAAP”) stipulates that proposals should not prejudice each other. They have, however, omitted to mention that the same paragraph of the TAAP also recognises that component parts of a site allocation can be developed out separately as follows:

..”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.” [Our emphasis]

This text confirming that proposals can come forward for part of a Site Allocation was introduced by LB Haringey (“LBH”) during the TAAP examination in response to comments provided in Paragraph 80 of the Inspector’s Report (dated 28 April 2017), which read:



“There are 11 area wide policies (AAP) which, in addition to other local plan documents, aim to guide and manage new development in the area. Policies AAP1 and AAP2 promote a co-ordinated approach to regeneration through Tottenham. This is essential to achieve high quality and inclusive environments. To ensure implementation of development is flexible, modification AAPMM10 adds that the aspirations for comprehensive development should enable the component parts to be developed separately as long as they do not compromise aims for the wider area. Without this policy AAP1 would not be positively prepared.” [Emphasis Added]

This approach has been accepted by LBH elsewhere in the TAAP area, as shown by the following examples:

- Cannon Factory and Ashley House (Ref: HGY/2016/4165) – Part of Site Allocations NT5;
- Berol Yard (Ref: HGY/2017/2044) – Part of Site Allocations TH5 and TH6;
- Apex House & Seacole Court (Ref: HGY/2015/2915) – Part of Site Allocation SS6; and
- Station Square West (Ref: HGY/2016/3932) – Part of Site Allocation TH4.

As also noted by Lendlease, TAAP Policy AAP1 states that:

“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 this Plan.”

The Goods Yard application responds to the requirements of both TAAP Policy AAP1 and Policy DM55 of the Development Management DPD by providing assessments of comprehensiveness within the Design and Access Statement, Planning Statement and other supporting documents.

Finally, in respect of comments on policy, we note that there is a factual error in the Lendlease letter. The adopted TAAP states that Site Allocation NT5: High Road West has an indicative development capacity of 1,200 residential units and 17,293m² of commercial, town centre and other uses. Lendlease incorrectly refer to 1,500 residential units and 12,590m² of commercial, town centre and other uses.

Prematurity?

Lendlease’s letter advises that they are currently formulating their own proposals and suggest that it would be premature to approve the Goods Yard application in advance of their application being brought forward. However, there is no planning policy basis to justify the refusal of the application on the grounds of prematurity. The Site Requirements for Allocation NT5 state in the second bullet point that *“Development should accord with the principles set out in the most up-to-date Council-approved masterplan”*.

The London Borough of Haringey (“LBH”) has already consulted upon and approved the High Road West Masterplan Framework (“HRWMF”), September 2014. The HRWMF constitutes the most up-to-date Council-approved masterplan, which proposals in High Road West, including those on the Goods Yard site, should therefore follow.

Consequently, any application following the principles of the HRWMF, such as the Goods Yard application proposals, cannot be premature as they are consistent with the approved masterplan. The Planning and Design and Access Statements and other supporting documents explain at length how the Goods Yard proposals have been formulated to be consistent with the HRWMF and are therefore consistent with policy. We note that Lendlease do not seek to suggest that the Goods Yard proposals will prejudice the delivery of the wider High Road West regeneration proposals for wider design or land use reasons.

Lendlease assert that the Goods Yard application will impact upon the viability and constrain the delivery of the development of High Road West, as whole. However, no evidence has been provided to back up this assertion and no weight should be afforded to it.

We note that Lendlease's bid proposals for High Road West cited in the 12 September 2017 LBH Cabinet Report include the provision of:

- Over 2,500 homes (750 affordable homes (30%); and
- Over 18,500m² of commercial, retail and leisure space.

When the Goods Yard proposals are viewed against Lendlease's High Road West proposals, they deliver up to 13% of the residential capacity, at least 15% of affordable housing capacity and 8% of the non-residential capacity. This is proportionate to the Goods Yard application site area, which is 11% of the entire High Road West Site Allocation and in land use terms, consistent with the general disposition of residential and non-residential across the HRWMF. The majority of the development capacity at High Road West will therefore be available to deliver viable proposals for the remaining land.

Contribution to Infrastructure and Community Benefits

The HRWMF also includes principles for the provision of infrastructure for energy networks, open space and community facilities, of which the local schools identified, Brook House Primary School and London Academy of Excellence Tottenham, have already been delivered by the Club. The Borough's Infrastructure Delivery Plan ("IDP") (updated in April 2016) sets out the social and physical infrastructure requirements to support the Local Plan as required by Local Plan Policy SP2. In particular, Section 14 (b) of the IDP provides a list and costings of infrastructure sought for the North Tottenham Growth Area based on the approved HRWMF. As a result, the necessary infrastructure for the Goods Yard can and will be provided, as required by Local Plan Policy SP1.

Therefore, it is clear that the social and infrastructure requirements are known and costed for High Road West as a whole and an assessment of the infrastructure requirements for the Goods Yard proposals can and should be made on this basis, as would be the case with any other application. We note that many of these requirements have been factored into the Council's CIL Charging Scheme.

The Goods Yard proposals will also provide the following infrastructure and community benefits sought by the TAAP:

- Opportunity to relocate residents from the Love Lane Estate to new accommodation within the High Road West area;
- Provision of a high proportion of affordable housing than currently proposed under the Lendlease proposals;
- Increased provision of public open space and private amenity space;
- Re-provision of employment space lost through the redevelopment for existing businesses;
- Opportunity to connect into the proposed District Energy Network;
- New east-west streets able to link to the High Road; and
- The refurbishment and reuse of heritage assets.

The Club has been in dialogue with Lendlease before and after their selection as the Council's selected development partner and would welcome further discussions to agree how both parties can deliver complementary development and wider benefits on sites in their respective ownerships.

In addition, the Club would like to meet with you and your colleagues within the next two weeks to discuss the scope of the S106 agreement and the scheme's infrastructure contribution. We will contact you separately to seek to arrange the meeting.

Conclusion

For many years, the Club has been an advocate for the regeneration of High Road West and is supportive of the priority afforded by the Council for its regeneration. The application proposals submitted by the Club for the Goods Yard will help to bring this regeneration forward earlier. The Club has already been instrumental in beginning the transformation of the wider area with the construction of the Northumberland Development Project ("NDP") Stadium Development and the Cannon Factory scheme, which created 222 affordable homes as well as the Brook House Primary School referred to above.

The Goods Yard is currently used as a construction site associated with the NDP stadium works. These works are due to be completed and the worksite cleared by early 2019, after which the land is available for permanent redevelopment. Given that the application site is under the control of the Club, if the Goods Yard application is approved, works would be able to commence on-site as an early phase of the High Road West masterplan from 2019, subject to further consents.



The Goods Yard proposals will contribute towards and act as a catalyst for the comprehensive development of the High Road West area and are designed in accordance with the HRWMF, as required by the Development Plan. They can be delivered as an early phase of the regeneration and provide new facilities on-site for local residents and businesses to be relocated to facilitate the development of the wider area.

Yours sincerely

Quod