



## Appeal Decisions

Inquiry Held on 8-10 & 14-15 May 2019

Site visit made on 15 May 2019

**by Robert Mellor BSc(EstMan) DipTRP DipDesBEnv DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28<sup>th</sup> June 2019

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### The Goods Yard

**36 and 44-52 White Hart Lane, Tottenham, London N17 8DP**

#### Appeal A Ref: APP/Y5420/W/18/3204591

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for hybrid planning permission.
  - The appeal is made by Tottenham Hotspur Football Club Ltd against the Council of the London Borough of Haringey.
  - The application, Ref HGY/2018/0187, is dated 22 December 2017.
  - The development proposed is hybrid 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.
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#### Appeal B Ref: APP/Y5420/W/18/3204592

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for conservation area consent.
  - The appeal is made by Tottenham Hotspur Football Club Ltd against the Council of the London Borough of Haringey.
  - The application Ref HGY/2018/0188 is dated 5 January 2018.
  - The demolition proposed is demolition of Unit 1 of the Carbery Enterprise Park comprising a 2 storey brick building with a Gross External Area (GEA) of 92 sqm and removal of brick walls and associated fences at 36 White Hart Lane and removal of cement walls and fencing around the northern and eastern boundaries of 52 White Hart Lane.
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### Decisions

#### *Appeal A*

1. The appeal is allowed and planning permission is granted 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. at The Goods Yard 36 and 44-52 White Hart Lane, Tottenham, London N17 8DP in accordance with the terms of the application, Ref HGY/2018/0187, dated 22 December 2017 and the plans submitted with it, subject to the conditions set out on the attached schedule.

### *Appeal B*

2. The appeal is allowed and conservation area consent granted for demolition of Unit 1 of the Carbery Enterprise Park comprising a 2 storey brick building with a Gross External Area of 92 sqm and removal of brick walls and associated fences at 36 White Hart Lane and removal of cement walls and fencing around the northern and eastern boundaries of 52 White Hart Lane at The Goods Yard. 36 and 44-52 White Hart Lane, Tottenham, London N17 8DP in accordance with the terms of the application Ref HGY/2018/0188 is dated 5 January 2018 and the plans submitted with it subject to the conditions set out on the attached schedule.

### **Procedural Matters**

3. No. 36 White Hart Lane is also known as the Carbery Enterprise Park, which is proposed to be entirely demolished. Nos 44-50 White Hart Lane are the addresses of the former goods yard for White Hart Lane Station. That site has recently been the subject of a temporary permission for use as a construction yard associated with the development by the Appellant of the nearby Tottenham Stadium. The authorised use of that land is agreed by the main parties to have recently reverted to a previously permitted use for vehicle dismantling. However, the land is not being used for that purpose at present. No 52 is the former Stationmaster's House.
4. The Appeal A proposal is hybrid because it is a full application in respect of the change of use of 52 White Hart Lane but an outline application in respect of the other new development. All matters are reserved in that latter respect apart from the principle of the development and the access from White Hart Lane.
5. The application includes parameters plans in respect of the general layout and form of the proposed new built development. The parameters plans were amended in April 2018 with an associated reduction in the amount of development proposed and were subject to appropriate consultation at that time. The appeal is therefore determined on the basis of the amended scheme.
6. The Appeal A scheme would require the demolition of the Carbery Enterprise Park and a number of minor structures. One of the Enterprise Park units and some walls and fences are within the North Tottenham Conservation Area where, by reason of their dimensions, consent is required for their demolition, as is sought in relation to Appeal B.

## **The Policy Context**

7. I am required by statute to determine the planning application in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan here includes the London Plan (2016) (LP) together with Haringey Council's plans which include Haringey's Local Plan Strategic Policies 2013-2026 (2017) (HLP), the Development Management Development Plan Document (2017)(DMDDP) and the Tottenham Area Action Plan (2017)(TAAP).
8. Other material considerations may include the National Planning Policy Framework (2019) (the Framework), national Planning Practice Guidance (PPG), the draft London Plan (2017), various Supplementary Planning Guidance (SPG) issued by the Greater London Authority and Haringey Council, the North Tottenham Conservation Area Appraisal and Management Plan (2017) (the NTCAAMP), and the High Road West Masterplan Framework (2014) (the HRWMF).

## **Main Issues**

9. The Council does not dispute that the proposed mix of development is in accord with the development plan and is acceptable in principle. The mix provides for up to 316 dwellings, commercial floorspace, community uses and the change of use of the Stationmaster's House. Nevertheless, after the appeals were submitted, the Council resolved in September 2018 that it would have refused planning permission for the Appeal A hybrid development for 4 reasons. At the same time the Council resolved that it would have supported the Appeal B proposal and permitted that demolition (subject to conditions).
10. During the Inquiry and having regard both to the evidence as to the viability constraints on infrastructure provision and also to the Council's preference for the maximising of social housing provision, the Council and the Appellant reached agreement in respect of both the infrastructure contributions and the affordable housing provision. On that basis the Council was also then satisfied that the public benefits would outweigh the harm which the Council had identified to the significance of heritage assets. That left a single residual matter disputed by the Council which concerned the site access arrangements at White Hart Lane.
11. As these appeals concern the non-determination both of a planning application and of an application for consent for demolition in a Conservation Area, I must nevertheless determine the applications in first instance. It follows that I must reach my own conclusions on all the relevant issues including whether the developments comply with the development plan and what other material considerations may affect the determination of the appeals, including relevant statutory duties in relation to development affecting designated heritage assets.

### *Appeal A*

12. Having regard to the development plan and to other material considerations I consider the main issues for Appeal A to be:
  - Whether the development would deliver the appropriate amount and type of affordable housing.

- Whether the development would make adequate provision for infrastructure.
- Whether any harm to the significance and setting of any heritage assets, if less than substantial, would be outweighed by any public benefits of the development.
- Whether the development would make suitable and safe provision for pedestrian, cycle, and public transport connectivity.

### *Appeal B*

13. I consider the main issue for Appeal B to be:

- Whether there would be harm or benefit to the significance of heritage assets.

## **REASONS**

### **Site Context**

14. TAAP Policy NT5 is a site allocation for a mixed residential, commercial and town centre development on 11.69 hectares of land in the High Road West regeneration area (which includes the appeal sites). Of the 1400 dwellings anticipated at this location in the '*Site Requirements*' of that policy, 200 have already been developed at the north end of the site. That includes the Brook House (River Gardens) tower, other dwellings, and a primary school. It leaves 1200 dwellings still to be provided.
15. The NT5 area includes the Love Lane Council estate to the south of White Hart Lane. The Site Requirements for the NT5 area refer to the: '*re-provision of existing social rented council homes, the offer of alternative accommodation for secure tenants, and assistance in remaining in the area for resident leaseholders of the Love Lane Estate*'.
16. The Requirements also include, amongst other things, a new Learning Centre (including a library and community centre) and improved pedestrian and cycle connectivity.
17. Policy NT5 provides that '*Development should accord with the principles set out in the most up-to-date Council approved masterplan*'. Currently that masterplan remains the HRWMF. This is not itself part of the development plan but is an important material consideration. However, the Council has also entered into partnership with another developer (Lendlease) who are preparing and consulting upon alternative proposals for a more intensive development of 2,500 dwellings in the same regeneration area (again including the appeal site) (ID12). Nevertheless, little weight can be accorded to those draft proposals unless and until there is a new council-approved masterplan and/or a planning permission for a development different from that envisaged in Policy NT5 and the HRWMF.
18. Policy NT5 seeks that the site is brought forward in a comprehensive manner. Although the HRWMF sets out a comprehensive overall redevelopment, the phasing provisions within the HRWMF explicitly recognise existing land ownership. They seek to create discreet development plots in each phase and assume a possible interim end state at each phase whilst allowing flexibility for the framework to adapt over time. It follows that, notwithstanding the

Council's agreement with Lendlease, the HRWMF provides that parts of the regeneration area may be developed independently whilst remaining consistent with the HRWMF.

19. The Appellant's Appeal A proposal corresponds closely to the indicated layout in the HRWMF and to the area identified there as Phase 1C. But it also includes some additional development in adjoining areas to the north that the HRWMF had identified for delivery in Phases 3 and 4. The Appellant also claims to control the remaining land in Phase 3 to the north of the appeal site through the partner landowners. Other land to the east in Phase 4 is controlled by the owners of the Peacock Industrial Estate and other adjoining landowners. They have also had pre-inquiry discussions with the Council for an independent development but have yet to submit a planning application.

### **Appeal A - Affordable Housing**

20. HLP Policy SP2 sets out a requirement for sites of 10 or more residential units to provide 40% affordable housing, subject to viability. That policy further provides for a tenure split of such housing at the ratio of 60% affordable rent to 40% intermediate housing. The reasoned justification at paragraph 3.2.20 seeks the maximum reasonable provision of affordable housing through negotiating section 106 agreements. The policy does not stipulate what proportion of the affordable rented housing should be social rented housing as opposed to other forms of affordable rented housing.
21. The TAAP maintains the overall 40% target for affordable housing provision. TAAP Policy AAP3 cross refers to HLP Policy SP2 but specifically alters the affordable housing tenure split within the TAAP area to 60% intermediate accommodation and 40% affordable rented accommodation, reversing the usual SP2 requirement. The reasoned justification is that there is an existing high concentration of social housing in Tottenham and the Council is seeking alternative affordable tenures to promote inclusive and mixed communities. That approach also has some support from LP Policy 3.8.
22. HLP Policy SP2 includes reference to the improvement or renewal of the Love Lane Estate. There are 297 units in the Love Lane Estate including secure tenants, temporary residents, and leasehold owners. But other regeneration objectives set out in the HRWMF (such as the creation of a large public square between the renovated White Hart Overground Station and the new Tottenham Stadium) could only be achieved if the Love Lane Estate is redeveloped rather than improved.
23. There is a tension between the Policy AAP3 objective to diversify tenure in the North Tottenham area and the Council's objective to redevelop the Love Lane Estate whilst committing to replace that existing social housing resource. That tension also exists between LP Policy 3.4, which resists the loss of affordable housing without replacement, and LP Policy 3.8 which seeks a more mixed and balanced mix of tenures, and particularly in areas where social renting predominates.
24. The 40% Borough-wide affordable housing target in HLP Policy SP2 was informed by the viability appraisal carried out in 2015 for the development plan site allocations. That appraisal did not specifically assess the Policy NT5 allocation, but it did highlight challenging viability considerations in some parts of the Borough including here in North Tottenham. The Appellant's viability

- evidence has confirmed that that remains the case. This is notwithstanding a local increase in residential values since 2015 and also the current incorporation by the expert witnesses of an uplift in residential floorspace values attributable to the recent and planned regeneration of the wider North Tottenham area. That regeneration has already included: residential development and a primary school to the north of the appeal site; the major Stadium redevelopment; a new Sainsbury's superstore and associated development in Northumberland Park; and public realm improvements in White Hart Lane. The new station entrance improvements scheme has already been funded and is currently under construction.
25. The Appellant's offer of 40% affordable housing provision in the Section 106 agreement with the Council is conditional in part upon housing grant being provided. For viability reasons that provision would reduce to 35% if no grant is available. But that still accords with HLP Policy SP2 in that the 40% target in that policy is expressly subject to viability.
  26. The tenure split of the affordable housing between 60% intermediate housing to 40% affordable rented housing would accord with the relevant TAAP Policy AAP3. However, in recognition of the Council's need to replace the Love Lane social housing, the Appellants agree that the affordable rented element here would be provided entirely as social rent housing. This is notwithstanding its lower return to the developer and the associated adverse effect on the residual land value. Other forms of affordable rented accommodation would have higher rental values.
  27. During the Inquiry a viability appraisal was agreed between the expert witnesses for the Appellant and the Council. This includes an identified benchmark value for the land. Consistent with the Viability PPG at paragraph 10-016-20190509 that value includes a premium above existing use value for both the Carbery Enterprise Park and the Stationmaster's House. It does not include a premium for the former vehicle dismantling site on the Goods Yard. But that land is already largely vacant following the completion of stadium development and is in the hands of the prospective developer and the associated landowner. In these circumstances it is unlikely to be sold or let for vehicle dismantling. Moreover, vehicle dismantling is a sui generis use outside any recognised use class. Planning permission would therefore be needed for any alternative use, which is not assured.
  28. It is reasonable to conclude that no incentive above existing use value is needed for the release of the Goods Yard for the proposed development. There is already every incentive for the Appellant and its land-owning partners to release the land for the subject development in order to realise the anticipated profit arising from carrying out the development itself. It would also support the wider regeneration of the area which would have external benefits for Appellant and the landowners.
  29. On the basis of the above affordable housing provision and the agreed infrastructure contributions, the return to the landowners is likely to be below the agreed benchmark value. However, the football club and the related landowner interests would benefit in other ways from the wider regeneration of the area, not least because the demolition of the Love Lane Estate would facilitate a much improved approach to the stadium from the railway station, as



well as other development that would improve the setting of the other landholdings in the area associated with the club and its partner landowners.

30. I do not consider that there is a clear policy justification to require the Appellant to provide more than 40% of the affordable housing tenure as social rented housing as first sought by the Council in written evidence. Neither, on the evidence of either party has an increase in affordable housing provision above that level been demonstrated to result in a viable development that would be delivered.
31. I conclude on this issue that the proposed development would achieve the maximum reasonable provision of affordable housing and would accord with the most relevant HLP and TAAP development plan policies in that regard. It would also contribute to the area's regeneration objectives in terms of tenure such that the development would deliver the appropriate amount and type of affordable housing.

### **Appeal A - Infrastructure**

32. The site requirements for TAAP Policy NT5 specify in general terms a number of items of community and social infrastructure and transport improvements associated with the High Road West Regeneration Area. Some of these would be shared with other development allocations in the TAAP and some would also be accessible to existing residents. A proposed library and community centre would include the replacement of existing facilities in the area which would be demolished as part of the redevelopment.
33. The HRWMF amplifies how and where some of that infrastructure provision might be made. The Council's Infrastructure Delivery Plan Update (2016) includes priced figures for a long list of infrastructure requirements for North Tottenham. However, some of the figures are misleadingly precise in that the items have not been designed or otherwise defined in a way that would allow precise costing. Also, the Delivery Plan does not specify the potential funding sources in North Tottenham; a position which may be contrasted with that Plan's identification of funding sources for infrastructure in another regeneration area at Tottenham Hale.
34. It is known that some North Tottenham infrastructure items have already been funded such as the schools, the public realm works in White Hart Lane, and improvements to White Hart Lane Station. It is also evident that potential funding sources would include the Community Infrastructure Levy and some of the Housing Zone funds that have been agreed with the Greater London Authority, as well as Section 106 payments. Some on-site items such as utilities and children's' play space are also expected to be addressed by direct provision as part of the development.
35. In negotiation in advance of the Inquiry the long list of potential infrastructure contributions in the IDP Update was reduced to 13 items. However, it was apparent that these still included items which would either be provided in whole or in part as part of the development, or where the proportionate need would vary according to which developments would share the infrastructure, which might include provision for the wider community, and how many residential units ultimately come forward in the NT5 and other North Tottenham policy areas. These proportionate shares could not all be readily or precisely defined at the Inquiry. Neither was it clear how much funding would be attributable to

Community Infrastructure Levy or to other sources of funds such as Housing Zone Grant. Some items could not be readily identified or reliably costed as they had not yet been specified or designed. In any event the viability evidence confirmed that the residual development value would fall well below the benchmark site value if the full requested payment was sought for all the items on the list meaning that the development could not be demonstrated to be viable. That would not accord with DMDPD Policy DM48 which provides that planning obligations are subject to viability.

36. In further negotiation during the Inquiry the parties therefore considered what the infrastructure priorities might be having regard to the viability considerations. The Council's priorities include the replacement of the library and community facilities which are due to be lost in the wider regeneration scheme and which facilities would be needed by residents of the proposed development and others. A further priority is to contribute to off-site transport and public realm works. These include works in the High Road and to improve pedestrian and cycle connectivity. A proportionate contribution to these works is necessary to support and mitigate the proposed development and would satisfy the Regulation 122 tests of the Community Infrastructure Levy Regulations.
37. The Appellant has agreed to make the contributions for these priority items which amount in total to the sum of £1m. This is notwithstanding that this would still result in a residual land value below the benchmark land value for the site. However, the Appellant wishes to proceed on this basis and the infrastructure provision would have other cumulative benefits for the Appellant's land and development interests in the area including for residents of other development being promoted by the Appellant in North Tottenham.
38. There remains a risk that some other infrastructure listed in the Infrastructure Delivery Plan for North Tottenham does not have identified funding and that the delivery of every item is not at present assured. However, some other sources of funding are available and there is no evidence before me that would lead me to conclude that each other item is essential such that the Appeal A proposal should not proceed without them.
39. I conclude on this issue that the Appeal A development proposal would make adequate provision for infrastructure and is in accordance with the development plan in that regard.

### **Appeals A and B - Heritage**

40. A wide range of heritage assets have been assessed for any potential impact from the proposed Appeal A development. Most are too remote from the appeal site for there to be any material effect on their heritage significance. However, there are 3 assets where there is a potential effect on significance. These are the designated North Tottenham Conservation Area, the Grade II listed The Grange in White Hart Lane, and the locally listed Stationmaster's House which is an undesignated heritage asset in the terms of the national Framework.
41. The North Tottenham Conservation Area includes a number of Georgian and Victorian buildings, some of which are listed and which front the High Road and parts of White Hart Lane. The Grange is an attractive Georgian building on White Hart Lane adjacent to the site frontage. The Stationmaster's House is a



characterful Victorian house which predates the more extensive surrounding development that followed the completion of the railway.

42. The condition of the listed buildings in the conservation area varies and they are interspersed with other poor quality buildings and structures. In particular the present entrance to the Goods Yard between the Grange and the Stationmaster's House is unsightly and has a negative effect on the conservation area's character and appearance and on the setting of those buildings.
43. The boundaries of the Conservation Area have recently been revised to exclude the area under redevelopment on and around the site of the very large new Tottenham Stadium. An area of mainly grass and trees on the south side of White Hart Lane opposite the appeal site but within the Policy NT5 site allocation has also been removed from the Conservation Area.
44. In relation to the Appeal B development, the commercial unit to be demolished at the Carbery Enterprise Park is a functional modern unit of no architectural merit. The other boundary structures to be demolished have no aesthetic or historic value. The removal of these features would allow the direct delivery of new buildings and landscaping in the immediate area at the front of the site. These have yet to be designed in detail or subject to a full or reserved matters planning application. However, they would be subject to design control by the Council who would have regard to their effect on the character and appearance of the Conservation Area and on the setting of The Grange and the Stationmaster's House.
45. The Appeal A development would conserve the structure of the Stationmaster's House and put it to a new use. Whilst the tall brick frontage wall would be preserved, the setting of the building would change. That change should be positive for the appearance of the conservation area and the setting of the Stationmaster's House and the Grange insofar as the unsightly adjacent access to the former Goods Yard and the Enterprise Park would be rationalised and improved. But that could be at the cost of some loss of historic character of the conservation area in that the Stationmaster's House would lose its original curtilage and would become attached to a much larger modern building to the rear whilst adjoining a modern paved square to the side and front. The final effects will depend upon the detailed design and materials for the new development. However, I consider that the likely improved appearance for this part of the conservation area and the setting of the listed and locally listed buildings would offset the likely loss of historic character. The overall effect on heritage significance in respect of these works should therefore be neutral.
46. The other principal impact of the proposed development relates to the inclusion of two notably tall modern towers that would appear above and behind the much lower frontage development in the Conservation Area that lines both White Hart Lane and the High Road. The height and modern appearance of the towers could appear incongruous in some views given that the area's character owes much to the survival of a rare near continuous frontage of modest 18th and 19th century buildings of 2-4 storeys. However, the impact would be mitigated by the proposed set back of the taller buildings from the frontages so that they would appear to belong to an area of different character beyond the Conservation Area. A similar effect can already be seen in the Brook House development north of the site. I consider that the impact of the towers

proposed in the appeal scheme will be similar. Whilst some harm would still arise to the setting and heritage significance of the Conservation Area that would be less than substantial harm.

47. Parts of the lower buildings on the appeal site could also appear above the rooflines of the frontage listed and other buildings in some views from outside the Conservation Area including in views across White Hart Lane from Love Lane and William Street. They would be much closer to the buildings in the Conservation Area, but their lower height would result in a less dramatic contrast than would the towers. What effect these may have would depend on their final design, but they are also likely to result in some less than substantial harm to heritage significance by reason of their different bulk, scale and massing when compared to the modestly proportioned historic buildings on the frontage.
48. DMDPD Policy DM9 and HLP Policy SP12 generally seek to promote the conservation of heritage assets but do not explicitly provide for the balancing of harm to heritage assets with other benefits. I therefore here accord greater weight to the up to date national Framework. That accords great weight to the conservation of historic assets and where, as here, a development proposal will lead to less than substantial harm to the significance of a designated heritage asset such as a listed building or conservation area, that harm should be weighed against the public benefits of the proposal.
49. In this case the public benefits are very substantial in that they include the regeneration of the appeal site, the provision of substantial new housing (including affordable housing), the support to further regeneration in the area, and other economic and social benefits including the financial contributions to new infrastructure, employment and investment during construction, and likely improvements to the appearance of the area.
50. I conclude that the less than substantial harm to the significance and setting of the Conservation Area and to listed and locally listed buildings within the area by reason of the bulk, scale and massing of the towers and other buildings within the appeal development would here be outweighed by the above public benefits of the development.

### **Appeal A - Access**

51. The Appeal A development is proposed to take its only vehicular access from White Hart Lane via a shared surface access that would also be available to use for pedestrians and cyclists. The principle and location of that access is not reserved for subsequent determination. It would accord with the layout and phasing proposals of the HRWMF insofar as that also proposed a shared surface access in a similar position to serve the Phase 1c element of the Policy NT5 allocation. That would be the only available vehicular access until such time as the development of Phase 4 included a dedicated vehicular access further east on White Hart Lane, to which Phase 1c would also be linked. That would then form part of a through route passing through the appeal site and serving all of the development north of White Hart Lane.
52. The main difference between the appeal scheme and the HRWMF phasing is that the appeal scheme extends beyond the Phase 1c area to include small parts of the HRWMF Phases 3 and 4. It follows that there may be additional vehicular traffic using the shared surface access unless and until an alternative

access (or accesses) is available to take some or all of the vehicular traffic. The Council's only outstanding objection to the Appeal A development concerns the potential for conflict between vehicular, pedestrian and cycle movements in this area. These movements would include access on foot between the development and the railway station and to bus stops and shops in White Hart Lane and the High Road.

53. The submitted Transport Assessment for the amended scheme seeks to provide a relatively low (but London Plan compliant) provision of parking for the residential units at 0.25 spaces per unit. 32 of the 79 residential spaces would be for disabled use and 2 would be used by a car club. Visitor parking was removed at the request of Transport for London. The Section 106 agreement provides that residents would not be eligible for on-street parking permits. Another 22 spaces would be available for commercial users and 5 spaces for short term retail parking. Whilst there would also be some freight movements associated with the commercial space this modest level of parking provision would limit the likely overall traffic generation by the scheme.
54. The Council does not dispute the Appellant's traffic generation figures. The inclusion of parts of Phases 3 and 4 has only a minor effect on those figures. The completion of the other phases in line with the HRWMF would allow future changes to the traffic routing such that the concentration of vehicle movements on the shared surface road may be only temporary. Once an alternative route is available for vehicles it may be desirable to restrict use of the shared surface access to prevent rat-running. The Section 106 agreement allows for that and for alternative pedestrian access to the High Road in later phases of the development in line with the HRWMF.
55. The shared surface details have yet to be designed. However, the illustrative layout does in any event include a separate pedestrian access to the development beside the Stationmaster's House with only one crossing of the shared surface route such that pedestrians would have an alternative safe route which was not shown on the HRWMF layout and which would be a benefit. The pedestrian connection of that secondary route to White Hart Lane is part of the access details to be determined now and would not be reserved for subsequent determination.
56. I conclude that the development would make suitable and safe provision for pedestrian, cycle, and public transport connectivity and is in accord with the development plan in that regard.

### **Other Matters**

57. I have taken into account all other matters raised. In particular I note that Peacock Estate Management (who represent the adjoining landowners) is generally supportive of the appeal proposals. Their objections raised at the Inquiry generally relate to the Lendlease alternative proposals for the development of the area which are not matters before me. Whilst they expressed concern about the potential for conflicts between residential amenity in the appeal development and activities on the Industrial Estate pending the redevelopment of its own land, that is only likely to be a temporary situation. A planning condition would seek to provide for liaison with neighbouring occupiers during construction. Neither these nor other matters outweigh my conclusions on the main issues.

## **Environmental Statement**

58. I am satisfied that the Environmental Statement supplied with the proposal is satisfactory in the terms of the Town and Country Planning Environmental Impact Assessment (England and Wales) Regulations 2017 and it has been taken into account in the determination of the appeals.

## **Planning Obligation**

59. A Section 106 Planning Obligation agreement has been completed between the Appellant, the landowners, and Haringey Council. It provides variously for: the provision of affordable housing (including the amount and tenure mix); an Employment and Skills Plan (to include training of local people); the provision of open space for public use; future connections to adjacent development; a residential travel plan; a commercial travel plan; a car club; a restriction on street parking permits for residents; highway works; future connection to a district energy network; an energy plan; a telecommunications plan; a considerate constructors scheme; a business relocation plan; a scheme for monitoring costs; a carbon offsetting contribution; the payment of contributions; infrastructure contributions (including a community space contribution, a library contribution and a highways and public realm contribution); provision for an upwards-only review of the scheme viability with a view to providing additional affordable housing (subject to a 40% cap) should development not be substantially implemented within 30 months of the date of the planning permission (with exceptions).

60. I have taken the provisions of the S106 Obligation into account in the determination of Appeal A.

## **Conditions**

61. The conditions applying to each permission are set out in the attached schedule and are necessary for the reasons stated there. The Appellant has given written consent to the use of the pre-commencement conditions should that be held to be legally necessary in respect of the hybrid permission.

62. A condition has been included in both permissions to require the provision of a temporary hoarding adjacent to The Grange during demolition and construction works as recommended in the Environmental Statement for noise mitigation.

## **CONCLUSIONS**

### *Appeal A*

63. My overall conclusion on the Appeal A proposal is firstly that there would be some less than substantial harm to the setting and significance of heritage assets in relation to the bulk, scale, and massing of the proposed development and especially the height of the towers. There should also be some benefits to the appearance, but not the historic character, of the White Hart Lane frontage within the Conservation Area and adjacent to listed and undesignated heritage assets there. That harm would contravene some development plan policies, but I here attach greater weight as another material consideration to the application of the public benefits test in the up-to-date National Planning Policy Framework; which benefits here outweigh the less than substantial harm to the significance of the heritage assets. The proposal is otherwise in overall

accordance with the development plan and the appeal should therefore be allowed and a hybrid planning permission granted subject to conditions.

*Appeal B*

64. The Appeal B demolition works are necessary in order for the Appeal A development to proceed. But regardless of whether that development goes ahead, the works would include the removal of unsightly structures to the overall benefit of the setting and significance of heritage assets including the character and appearance of the Conservation Area and the setting of the Listed Building and the locally listed Stationmaster's house. It would also facilitate other development that (subject to its final design) would be likely to improve the appearance, if not the historic character, of this part of the Conservation Area. The works would be in overall accordance with relevant development plan policies and the appeal should be allowed and consent granted.

*Robert Mellor*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Daniel Kolinsky	of Queen's Counsel, instructed by the Assistant Director of Corporate Governance, LB Haringey
He called	
Lucy Morrow MA(Hons) MSc	Senior Conservation Officer - LB Haringey
Anthony Lee PhD MRTPI MRICS	Senior Director and head of UK Development Consultancy BNP Paribas Real Estate
James Hughes Hon BA MPlan MRTPI	Principal Planning Officer - LB Haringey

### FOR THE APPELLANT:

Christopher Katkowski	of Queen's Counsel instructed by Quod
Assisted by Robert Walton	of Queen's Counsel instructed by Quod
They called	
Claire Dickinson	Director at Quod
BSc(Hons) DipCRP	
Sophie Camburn MA	Associate Director Arup
MSc RIBA FRSA	
Ignus Froneman	Director at Heritage Collective
BArchStud ACIFA IHBC	
Dan Bukin BA(Hons)	Partner F3 Architects
DipArch RIBA	
Sean David Bashforth	Director at Quod
BA MA MRTPI	

### INTERESTED PERSONS:

Faruk Tepeyurt	Chair of Management Committee, Peacock Estate Management
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## DOCUMENTS

- ID1 The Appellant's Opening Submissions
- ID2 The Local Planning Authority's Opening Submissions
- ID3 Appeal stage letter from Nick Oliveri dated 11 September 2018
- ID4 Appeal stage letter from Peacock Estate Management Ltd dated 11 September 2018
- ID5 Letter of Notification of the Appeal Date and Venue dated 3 April 2019 and list of persons notified
- ID6 Preliminary Issues as defined by the Inspector
- ID7 Erratum to Mr Hughes Proof of Evidence
- ID8 Inspector's Agenda for Round Table Discussion on Viability
- ID9 Letter of 24 January 2019 from Mr Hughes to Mr Bashforth
- ID10 Letter from Greater London Authority to Haringey Council dated 8 May 2019
- ID11 GVA Site Allocation Viability Assessment for LB Haringey February 2015.
- ID12 Lendlease public consultation document
- ID13 Revised draft S106 agreement (14 May 2019)
- ID14 Draft Ninth Schedule for S106 Agreement – Infrastructure Contributions
- ID15 Ditto with tracked changes and comments by the Council
- ID16 Basement Impact Assessment
- ID17 Delivery and Service Plan
- ID18 Viability Statement of Common Ground
- ID19 Further Revised Draft S106 Agreement (clean copy)
- ID20 Ditto with tracked changes from Document ID14
- ID21 Draft Conditions with and without tracked changes 15 May 2019
- ID22 Appellant's written agreement to pre-commencement conditions
- ID23 Local Planning Authority's Closing Submissions
- ID24 Appellant's Closing Submissions
- ID25 Revised Draft Conditions with and without tracked changes 15 May 2019
- ID26 Final signed version of the S106 Agreement

## **SCHEDULE OF CONDITIONS**

### **APPEAL A – REF: APP/Y5420/W/18/3204591**

#### **HYBRID PLANNING PERMISSION**

##### *Time Limits in Outline*

1. All applications for the approval of Reserved Matters within the HYBRID permission hereby approved, as depicted on the approved plans shall be made to the Local Planning Authority no later than the expiration of 4 years from the date of this permission, and the development hereby authorised must be begun not later than whichever is the later of the following dates, failing which the permission shall be of no effect:
  - a) The expiration of four years from the date of this permission, or
  - b) The expiration of two years from the final date of approval of any of the reserved matters.

REASON: This condition is imposed by virtue of Section 92 of the Town & Country Planning Act 1990 and to prevent the accumulation of unimplemented planning permissions.

##### *Submission of Reserved Matters*

2. This permission is granted in HYBRID, in accordance with the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and before any development is commenced in respect of the outline element, the approval of the Local Planning Authority shall be obtained to the following reserved matters:
  - (a) appearance;
  - (b) landscaping;
  - (c) layout;
  - (d) scale and
  - (e) internal access

Full particulars of these reserved matters, including plans, sections and elevations and all to an appropriate scale, and any other supporting documents shall be submitted to the Local Planning Authority for the purpose of obtaining their approval, in writing. The development shall then be carried out in complete accordance with those particulars.

REASON: In order to comply with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) which requires the submission to and approval by, the Local Planning Authority of reserved matters.

##### *Reserved Matters – Conformity with Design Code and Development Specification*

3. All submissions of details pursuant to the outline planning permission element hereby approved shall be in substantial accordance with the approved Design Code (April 2018) and Development Specification & Framework Update (April 2018), unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to ensure that the details of the development are within the parameters assessed at outline stage.

*Development in Accordance with Approved Plans – OUTLINE*

4. The OUTLINE development hereby authorised shall be carried out in accordance with the following approved plans: :

160623-GY-90-ST-101 P1; Parameter Plan 1: Site Location Plan

160623-GY-90-ST-102 P1; Parameter Plan 2: Existing Site Plan

160623-GY-90-ST-103 P1; Parameter Plan 3: Site Demolition Plan

160623-GY-90-ST-104 P2; Parameter Plan 4: Building Plot Parameters

160623-GY-90-ST-105 P2; Parameter Plan 5: Public Realm

160623-GY-90-ST-106 P2; Parameter Plan 6: Site Access

160623-GY-90-ST-107 P2; Parameter Plan 7: Building Uses Ground Floor

160623-GY-90-ST-108 P2; Parameter Plan 8: Building Uses Upper Floors

160623-GY-90-ST-004 P1; Parameter Plan 9: Building Plot Basement Plan

160623-GY-90-ST-007 P2; Parameter Plan 10: Building Uses Basement

The HYBRID development shall be completed in accordance with the approved plans and documents, and subsequently approved Reserved Matters applications except where conditions attached to this planning permission or S106 obligations related to this planning permission indicate otherwise.

REASON: To ensure that the Development is carried out in accordance with the approved plans and accords with the EIA undertaken.

*Development in Accordance with Approved Plans – FULL*

5. The Development of the FULL Element shall be carried out in accordance with the following approved plans:

160623-GY-20-GA-101 P1; SMH – Level 00 General Arrangement Plan

160623-GY-20-GA-102 P1; SMH – Level 01 General Arrangement Plan

160623-GY-20-GA-103 P1; SMH – Roof General Arrangement Plan

160623-GY-25-EL-101 P1; SMH – Proposed Elevations

160623-GY-92-EL-101 P1; SMH – Existing Elevations

160623-GY-92-GA-101 P1; SMH – Existing Level 00 Plan

160623-GY-92-GA-102 P1; SMH – Existing Level 01 Plan

160623-GY-92-GA-103 P1; SMH – Existing Roof Plan

VN70917-105; Existing Site Access

VN70817-100D; Proposed Site Access;

The FULL development shall be completed in accordance with the approved plans, except where conditions attached to this planning permission or S106 obligations related to this planning permission indicate otherwise.

REASON: For the avoidance of doubt and in the interests of proper planning.

*Maximum Number of Dwellings*

6. The number of dwellings to be developed on the application site shall not exceed 316.

REASON: To ensure the development is carried out in accordance with the plans and other submitted details and to ensure the development is within the parameters assessed.

*Maximum Quantum of Non-Residential Floorspace*

7. The quantum of non-residential floorspace to be developed on the application site shall not exceed 1,450sqm and shall comprise:

- At least 400m<sup>2</sup> of Employment floorspace (B1 use); and
- Up to 400m<sup>2</sup> retail floorspace (A1 & A3 use)

REASON: To ensure the development is carried out in accordance with the plans and other submitted details and to ensure the development is within the parameters assessed.

*Reserved Matters – Landscape Details*

8. Any relevant application for reserved matters pertaining to landscape shall provide details of hard and soft landscape works. Details of hard landscaping works shall include:

- a) hard surfacing materials
- b) minor artefacts and structures (eg. furniture, refuse or other storage units, signs etc.)
- c) proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc)
- d) bat and bird box measures; and

Details of soft landscape works shall include:

- e) planting plans for all open spaces (including a 900m<sup>2</sup> public square)
- f) a full schedule of species of new trees and shrubs proposed to be planted
- g) written specifications (including cultivation and other operations) associated with plant and grass establishment;
- h) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;

The details shall also include an implementation programme. The development shall be carried out in accordance with the approved details and

implementation programme unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the amenity of the locality.

#### *Phases*

9. No Development shall commence in any Phase within the Outline Element until a plan showing the location of that Phase has been submitted to and approved in writing by the Local Planning Authority, which may only be varied with the prior written approval of the Local Planning Authority.

REASON: To assist with the identification of each chargeable development (being each Phase) and the calculation of the amount of CIL payable in accordance with the Community Infrastructure Levy Regulations 2010 (as amended)

#### *Stage I Written Scheme of Investigation of Archaeology*

10. No development shall commence until a Stage 1 Written Scheme of Investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

REASON: to protect the historic environment

#### *Stage II Written Scheme of Investigation of Archaeology*

11. If heritage assets of archaeological interest are identified by Stage 1 then for those parts of the site which have archaeological interest a Stage 2 WSI shall be submitted to and approved by the Local Planning Authority in writing. For land that is included within the Stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- a) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

REASON: to protect the historic environment

#### *Accessible and Adaptable Dwellings 1*

12. At least 90% of residential units within the proposed development shall be designed to Part M4 (2) 'accessible and adaptable dwellings' of the Building Regulations 2015 unless otherwise agreed in writing with the Local Planning Authority. Applications for approval of reserved matters relating to the Outline Element shall be accompanied by a statement which details the size, location, tenure and layout of proposed accessible and adaptable dwellings in that

phase. The development shall be carried out in accordance with the approved details.

REASON: To ensure inclusive and accessible development

#### *Accessible and Adaptable Dwellings 2*

13. At least 10% of all dwellings hereby approved shall be wheelchair accessible or easily adaptable for wheelchair use (Part M4 (3) 'wheelchair user dwellings' of the Building Regulations 2015) in conformity with the submitted Design and Access Statement (December 2017) and Addendum (April 2018), Applications for approval of reserved matters relating to the Outline Element submitted pursuant to this permission shall be accompanied by a statement which details the size, location, tenure and layout of proposed wheelchair accessible units in that phase. The development shall be carried out in accordance with the approved details.

REASON: To ensure inclusive and accessible development

#### *Updated Noise Assessment*

14. Each reserved matters application for residential units shall be accompanied by a statement to demonstrate that:
- i) the sound insulation against external noise and vibration achieves or exceeds the internal noise requirements set out in Chapter 10 of the Environmental Statement; and
  - ii) Appropriate soundproofing has been incorporated into the design where mixed use or commercial blocks adjoin residential units consistent with the requirements of Chapter 10 of the Environmental Statement The development shall be carried out in accordance with the approved details;

REASON: to protect the amenity of the locality and future residents.

#### *Updated Energy Strategy*

15. Any application for reserved matters related to layout shall be accompanied by an updated Energy Strategy relating to the inclusion of renewable energy achieving reductions through solar PV (green) consistent with the Energy Statement dated December 2017

REASON: To ensure that the development achieves a high level of sustainability in accordance with Policies 5.1, 5.2 and 5.7 of the London Plan.

#### *Open Space Plan*

16. Any application for reserved matters pertaining to layout shall be accompanied by an Open Space Plan. The Plan shall propose a minimum of 4,800m<sup>2</sup> of open space, of which a minimum of 900m<sup>2</sup> is proposed to be provided as a public square. The open space plan shall be in broad conformity with the approved drawings, unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that the details of development are within the parameters assessed at the outline stage.



*Updated Basement Impact Assessment*

17. Any application for reserved matters which includes basements shall be accompanied by an updated Basement Impact Assessment (BIA). The updated BIA shall be in broad conformity with the approved outline BIA and Chapter 14 of the Environmental Statement insofar as it relates to basement design.

REASON: to protect the amenity of the locality.

*Updated Ecological Appraisal*

18. No development shall commence in the relevant Phase, excluding site preparation works, until an Ecological Mitigation Plan (EMP), has been submitted to and approved in writing by the Local Planning Authority for that Phase. The EMP shall be implemented and complied with unless otherwise agreed in writing by the Local Planning Authority.

REASON: To accord with the recommendations of Chapter 15 of the Environmental Statement

*Updated Daylight/Sunlight Assessment*

19. Any application for reserved matters relating to scale shall be accompanied by an updated daylight/sunlight assessment. The assessment shall be in broad conformity with the approved documents Internal Sunlight and Daylight Assessment; Daylight, Sunlight and Overshadowing Addendum (April 2018).

REASON: To protect the amenities of existing and future residents

*Updated Wind and Microclimate Assessment*

20. Each application for reserved matters shall include a statement explaining how the detailed design in that Phase of development is consistent with the wind mitigation measures set out in Chapter 16 of the Environmental Statement (December 2017) and Environmental Statement addendum (April 2018). The relevant wind mitigation measures shall be completed prior to the occupation of the relevant Phase within the outline element and shall be permanently maintained thereafter.

REASON: In order to prevent adverse impact on wind microclimate, in accordance with Policy 7.7. of the London Plan(2016) and Policy DM6 of the Haringey Development Management Policies DPD July 2017

*Dynamic Thermal Modelling/ Overheating*

21. No development shall take place in the relevant Phase until details of overheating mitigation measures (Informed by Dynamic Thermal Modelling based on London's future weather/temperature projections) for that Phase have been submitted to and approved in writing by the Local Planning Authority.

The development shall be constructed in accordance with approved details and maintained thereafter.

REASON: To ensure sustainable development and mitigate overheating risk in accordance with Policy 5.9 of the London Plan

*BREEAM Accreditation – Post Completion Certificate (LBH Carbon Management)*

22. The hereby approved retail and office floorspace (A1 & B1 Use Class) shall not be occupied until a final Certificate has been issued certifying that a BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of Excellent for that Phase has been achieved for the hereby approved retail and office floorspace for that Phase. The Accreditation of Excellent shall be maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON: to ensure sustainable development.

*Updated Air Quality Assessment*

23. No development shall commence in the relevant Phase until an updated Air Quality Assessment for that Phase has been agreed in writing by the Local Planning Authority. All mitigation measures as identified within the approved Air Quality Assessment that are installed during the course of the development of the relevant Phase shall be carried out in accordance with the approved details.

REASON: To protect the amenity of existing and future occupiers.

*Secure by Design*

24. Prior to carrying out above ground works (excluding demolition) details shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate that the approved development has incorporated the principles and practices of Secured by Design. Where the principles cannot be achieved, then written justification for this will be required. The development shall be implemented in accordance with the approved details.

REASON: To ensure safe and secure development and reduce crime.

*Railway Infrastructure Protection Plan*

25. No development shall commence until an Infrastructure Protection Plan relating to London Overground has been submitted to and approved in writing by the Local Planning Authority. Any protection measures approved as part of that Plan shall be implemented in accordance with approved details

REASON: to protect infrastructure in close proximity to London Overground track.

*Construction Logistics Plan*

26. No development shall commence in a relevant Phase until a Construction Logistics Plan (CLP) for that Phase has been submitted to and approved in writing by the Local Planning Authority. The CLP for that Phase shall include the following details:
- a) Site access and car parking arrangements;
  - b) Delivery booking systems;
  - c) Construction phasing and agreed routes to/from the development replace lorry routeing;

- d) Timing of deliveries to and removals from the site (to avoid peak times as agreed with HA) 07.00 to 9.00 and 16.00 to 18.00 where possible);
- e) Travel plans for staff/ personnel involved in construction.
- f) Additional construction management measures in accordance with the London Plan Supplementary Guidance Sustainable Design and Construction, including:
  - i) A Construction Liaison Group
  - ii) Considerate Construction Registration
  - iii) Non-Road Mobile Machinery (NRMM)
  - iv) Crane Lifting Management Plan (CLMP)
  - v) Crane Erection and Dismantling

Construction works shall only proceed in accordance with the approved relevant CLP;

REASON: To protect the amenity of the locality.

#### *Land Contamination – Part 1*

27. No development shall commence other than for investigative work until:

- a) Using information obtained from the Previous Assessment an additional site investigation, sampling and analysis shall be undertaken. The investigation must be comprehensive enough to enable:
  - i) a risk assessment to be undertaken,
  - ii) refinement of the Conceptual Model, and
  - iii) the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

- b) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

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

#### *Land Contamination – Part 2*

28. Where remediation of contamination on the site is required pursuant to the condition above, completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

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

*Management and Control of Dust*

29. No development shall commence, save for investigative work, until a detailed Air Quality and Dust Management Plan (AQDMP), detailing the management of demolition and construction dust, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include a Dust Risk Assessment.

REASON: To protect local amenity.

*Car Parking Management Plan*

30. No development in the relevant Phase shall be occupied until a Car Park Design and Management Plan (CPMP) for that Phase has been submitted to and approved in writing by the Local Planning Authority. The CPMP shall include details on the allocation and management of the on-site car parking spaces, including the wheelchair accessible car parking spaces. The CPMP shall also proposed electric vehicle charging points in accordance with London Plan Guidance. The approved CPMP shall be implemented as approved and retained thereafter.

REASON: To protect amenity and promote sustainable travel.

*Cycle Parking Details*

31. No development shall commence in the relevant Phase until details of cycle parking in that Phase have been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate compliance with relevant London Plan standards. The cycle parking shall be implemented in accordance with approved details and retained thereafter.

REASON: To ensure sustainable travel

*Updated Delivery and Servicing Plan*

32. Any relevant application for reserved matters shall be accompanied by a full Delivery and Servicing Plan (DSP). The Plan shall be in broad conformity with the approved Delivery and Servicing Plan (within the approved Transport Statement).

REASON: to ensure sustainable travel and protect the amenity of the locality.

*Main Access - Technical Audit*

33. Any application for reserved matters in relation to internal access shall be accompanied by a highway safety technical audit in relation to relevant works in that reserved matters application. The audit shall address: traffic and pedestrian flows along the public street; visibility splay(s); effect on mobility or visually impaired people and other vulnerable road users; impact on existing street environment, layout, and nearby crossing.

REASON: To ensure Highway Safety

### *Drainage Strategy*

34. No development shall commence in the relevant phase until a drainage strategy for that phase detailing any on and/or off site drainage works, has been submitted to and approved in writing by local planning authority. No discharge of foul or surface water from the site in that phase shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

REASON: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

### *Business and Community Liaison Construction Group*

35. For the duration of the construction phase of the development the Applicant will establish and maintain a Liaison Group having the purpose of:
- a) informing local residents and businesses of the design and development proposals;
  - b) informing local residents and businesses of progress of preconstruction and construction activities;
  - c) considering methods of working such as hours and site traffic;
  - d) providing local residents and businesses with an initial contact for information relating to the development and for comments or complaints regarding the development with the view of resolving any concerns that might arise;
  - e) providing advanced notice of exceptional works or deliveries; and
  - f) providing telephone contacts for resident's advice and concerns.

the terms of reference for the Liaison Group shall be submitted to the Local Planning Authority for approval in writing prior to commencement of the development.

REASON: In order to ensure satisfactory communication with residents, businesses and local stakeholders throughout the construction of the development.

### *Water Supply Infrastructure Study*

36. No development shall commence until impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the local planning authority. The studies shall determine the magnitude of any new additional capacity required in the system and a suitable connection point. Should additional capacity be required, the impact study should include ways in which this capacity will be accommodated. The development within each phase will then be implemented in accordance with the recommendations of this impact study and retained in perpetuity thereafter.

REASON: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

*Noise mitigation during demolition and construction*

37. On or before the commencement of works of demolition or construction a temporary solid hoarding shall be erected between The Grange Community Hub and the site to act as a barrier to the passage of noise during demolition construction. The hoarding shall consist of plywood sheets at least 19mm thick with all knots, holes, joints and cracks sealed to provide noise attenuation of between 5dB and 10dB as indicated by BS 5228-1:2009+A1:2014 and the hoarding shall be maintained in that condition until the demolition and construction works are completed.

REASON: In accordance with the noise mitigation recommended at paragraph 10.6.24 of the Environmental Statement to protect the amenity of occupiers of the Community Hub.



## **SCHEDULE OF CONDITIONS**

### **APPEAL B – REF. APP/Y5420/W/18/3204592**

#### **DEMOLITION**

##### *Time Limits*

1. The demolition hereby authorised must be begun not later than the expiration of 4 years from the date of this permission.

REASON: This condition is imposed by virtue of the provisions of s74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to prevent the accumulation of unimplemented consents.

##### *Demolition in Accordance with Approved Drawings and Documents*

2. The relevant demolition hereby approved shall be completed in accordance with drawing 90-ST-103 - Parameter Plan 3 Site Demolition in so far as it relates to demolition within the North Tottenham Conservation Area.

REASON: In the interests of proper planning.

##### *Noise mitigation during demolition*

3. On or before the commencement of works of demolition a temporary solid hoarding shall be erected between The Grange Community Hub and the site to act as a barrier to the passage of noise during demolition construction. The hoarding shall consist of plywood sheets at least 19mm thick with all knots, holes, joints and cracks sealed to provide noise attenuation of between 5dB and 10dB as indicated by BS 5228-1:2009+A1:2014 and the hoarding shall be maintained in that condition until the demolition works have been completed.

REASON: In accordance with the noise mitigation recommended at paragraph 10.6.24 of the Environmental Statement to protect the amenity of occupiers of the Community Hub.