



Appeal Decision

Inquiry held on 12, 13, 14, 15, 19, 20, 21 and 26 July 2022

Site visits made on 11 and 21 July 2022

by Jonathan Manning BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Assisted by Assessor: R Sabu BA (Hons), MA, BArch, PgDip, RIBA, ARB

Decision date: 24th October 2022

Appeal Ref: APP/Y5420/W/21/3289690

The Goods Yard and The Depot, 36 & 44-52 White Hart Lane and 867-879 High Road (and land to the rear), Tottenham, N17 8DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Goodsyard Tottenham Limited against the decision of London Borough of Haringey.
 - The application Ref HGY/2021/1771, dated 21 June 2021, was refused by notice dated 8 November 2021.
 - The development proposed is for (i) the demolition of existing buildings and structures, site clearance and the redevelopment of the site for a residential-led, mixed-use development comprising residential units (C3); flexible commercial, business, community, retail and service uses (Class E); hard and soft landscaping; associated parking; and associated works. (ii) Change of use of No. 52 White Hart Lane from residential (C3) to a flexible retail (Class E) (iii) Change of use of No. 867-869 High Road to residential (C3) use.
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Decision

1. The appeal is allowed and planning permission is granted for (i) the demolition of existing buildings and structures, site clearance and the redevelopment of the site for a residential-led, mixed-use development comprising residential units (C3); flexible commercial, business, community, retail and service uses (Class E); hard and soft landscaping; associated parking; and associated works. (ii) Change of use of No. 52 White Hart Lane from residential (C3) to a flexible retail (Class E) (iii) Change of use of No. 867-869 High Road to residential (C3) use, at The Goods Yard and The Depot, 36 & 44-52 White Hart Lane and 867-879 High Road (and land to the rear), Tottenham, N17 8DP, in accordance with the terms of the application, Ref HGY/2021/1771, dated 21 June 2021, subject to the planning conditions in the attached schedule.

Procedural Matters

2. In line with the Inquiry Rules, 2000 an assessor Rekha Sabu was appointed to provide expert advice to me on matters of architecture and

- design. The assessor's report is included at Appendix 1 to this decision. Where I have not agreed with the report, I have explained why.
3. I have received a copy of the agreed and executed Section 106 Agreement (S106), dated 2 August 2022. The S106 secures provisions relating to: affordable housing and related viability review; employment & training skills plan; future connectivity; residential and commercial travel plans; car club; car free development; highway works; energy efficiency plan; connection to a district wide energy network; a telecommunications plan; considerate constructors scheme; monitoring costs; infrastructure contributions (community space, library and public realm); business relocation strategy; open space and public access plan; access to Pickford Gardens; and an Enfield controlled parking zone contribution.
 4. I am satisfied that in each case the obligations meet the three tests set out in Paragraph 57 of the National Planning Policy Framework (the Framework) for planning obligations, which reflect those set out in Regulation 122 of the Community Infrastructure Levy (CIL) (2010). As a result, I have taken the S106 into account and have not considered such matters any further in my decision.
 5. Shortly before the close of the Inquiry, the Council resolved to grant planning permission, subject to a S106 for the development known as 'Lendlease'. The scheme includes the appeal site (reflective of the extant consents), as part of a much larger development that extends to the south and southeast of the appeal site. The Lendlease scheme had not been taken into account in the cumulative assessment of the Environmental Impact Assessment (EIA) for the proposal. Consequently, after the close of the Inquiry an updated assessment of the cumulative effects of the proposed development taking into account the 'Lendlease' scheme and any other recent development was requested under Regulation 25 of the EIA Regulations, 2017.
 6. This was subsequently provided, and the Council were also given the opportunity to comment. I have had regard to both the Environmental Statement Addendum (ES Addendum) and the Council's comments in reaching my decision.
 7. I understand that the London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest have resolved to adopt the joint North London Waste Plan. Whilst now forming part of the development plan, the document is of limited relevance to this appeal and its adoption does not have any bearing on my overall decision.

Main Issues

8. Having had regard to all of the written and oral evidence, I consider that the main issues of the appeal are:

- the effect of the proposed development on the character and appearance of the area;
- whether the proposed development would preserve or enhance the character or appearance of the North Tottenham Conservation Area;
- the effect of the proposed development on the significance of heritage assets, including: The Grange (Grade II) (No 34 White Hart Lane); 797-799 High Road (Grade II); 819-821 High Road (Grade II); 867-869 High Road (Grade II); and locally listed buildings;
- whether the proposed provision of public open space would comply with development plan policy; and
- in the planning balance whether any harm would significantly and demonstrably outweigh the benefits of the scheme.

Reasons

Preliminary Matters and Policy Context

9. At the Inquiry the relevance of the two extant planning permissions¹ on the appeal site was debated. Based on the evidence provided by the appellant, I see no reason to consider that both extant permissions would not be implemented should this appeal fail and the current planning application being determined by the Council be refused. Further, I consider that there would be sufficient time to implement them before they expire. I therefore afford the fallback position for both extant consents significant weight and they are referred to where necessary throughout this decision.
10. As set out above, shortly before the close of the Inquiry, the Council resolved to grant planning permission, subject to a S106 for the Lendlease scheme. This does not yet represent a planning permission and the site is a large one and its delivery is likely to be relatively complex. For these reasons, there is still some uncertainty about its delivery and therefore I afford it limited weight in the consideration of this scheme.
11. It is common ground between the parties that the Council cannot demonstrate a five-year housing land supply. A figure of 3.87 years was agreed between the parties at the Inquiry. Having regard to Paragraph 11 of the Framework, the policies which are most important for determining the application are therefore out-of-date. In such circumstances, the Framework sets out that permission should be granted unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

¹ Goods Yard – outline planning permission (HGY/2018/0187) and Depot – Appeal Decision APP/Y5420/W/18/3204591 & APP/Y5420/W/18/3204592.

Character and Appearance

12. The first reason for refusal relates to the proposed tall buildings (Goods Yard Blocks A and B and Depot Block A). The Council are of the view that their height, breadth, proximity to each other (including the existing Rivers Apartments tall building 'Brook House'), architectural expression and design would: (i) have an unacceptable adverse effect on long, mid-range and immediate views from the surrounding area, including the wider setting of designated and undesignated heritage assets; (ii) maximise rather than optimise residential density; and (iii) fail to be of a sufficiently high architectural quality expected of such prominent buildings. Matters associated with the setting of designated and undesignated heritage assets are considered later in this report.
13. The assessor's report considers these matters in detail and sets out a description of the appeal site and its surroundings, along with a planning policy summary, which will not be repeated here.
14. The assessor found that the height, breadth and massing of the tall buildings would result in an abrupt change in scale compared with the prevailing local townscape and that this would have an incongruous effect in a number of views and would diminish the spacious and modest character of the surrounding area. For the reasons given in the assessor's report, I agree with this view.
15. However, I am mindful that the spacing of the towers in the extant permissions would have a less harmonious relationship than the proposed tall buildings. I also agree with the assessor that the adverse effect would be tempered by the articulation of the massing and the harmonious relationship between the proposed towers.
16. I see no reason to disagree with the assessor's reasoning that the scheme would optimise rather than maximise residential density, particularly as the Council has not raised any significant concerns in relation to the future living environment of future residents, as agreed in the SOCG.
17. In terms of architectural design, I am in agreement with the assessor that the proposed buildings would have highly articulated facades with a range of materials, textures, colours, tones and layers of depth that would be set out in well-proportioned bays that would result in an exemplary standard of architectural quality. Although, I do share the concerns of the Council with regard to the proposed dark colour of the tops of the tall buildings. However, this matter can be overcome with a planning condition that would require the colour to be agreed with the Council.
18. In addition to all of the above, I would add that the layout of this scheme benefits from a more comprehensive approach that includes both sites as opposed to those of the extant permissions, which is in my view a clear improvement.

19. At the Inquiry there was some discussion over the boundary treatments of Brook House Yard. I consider that the matter can be suitably addressed by a planning condition, requiring the details to be agreed by the Council.
20. Having regard to all of the findings in the assessor's report, the matters discussed above, along with my own observations at the site visits, I agree that the scheme, overall, would cause a low level of harm to the character and appearance of the area due to the scale, height and massing of the tall buildings. This would run contrary to: Policies D3 and D9 of the London Plan, 2021; Policies SP1 and SP11 of the Strategic Policies with alterations, 2017 (the Strategic Policies); Policy DM6 of the Development Management Development Plan Document (DPD), 2017 (the DM DPD); Policies AAP6 and NT5 of the North Tottenham Area Action Plan, 2017 (the AAP); guidance in the adopted High Road West Masterplan Framework, September 2014 (the HRWMF) and Paragraph 130 c) of the Framework. The Council's reason for refusal also includes several heritage related policies. However, such matters and their related policies are considered later in my decision.

Heritage Assets

North Tottenham Conservation Area

21. The North Tottenham Conservation Area includes a number of Georgian and Victorian buildings, some of which are listed and front the High Road and parts of White Hart Lane. The condition of the listed buildings in the conservation area varies and they are interspersed with other poor quality buildings and structures.
22. A principal feature of the Conservation Area is the historic linear continuity of buildings either side of the High Road and the character of the townscape and its sense of spatial sequence highlighted by the mix of Victorian and Georgian buildings that help to give the street its scale and sense of place.
23. The proposed tall buildings would in many views from High Road and White Hart Lane tower above the lower frontage development. The height, scale and more modern appearance of the tall buildings would be prominent on the skyline and would appear incongruous against the modest 18th and 19th century buildings of 2-4 storeys. Notwithstanding this, I consider that the impact of this would to a large degree be reduced by the set back of the tall buildings so that it would appear to form part of a different character area. This is a matter that the Inspector of the previous Goods Yard appeal also found. I consider that the architectural quality of the tall buildings would also help to mitigate such harm.
24. It should also be noted that there would be some enhancements to the Conservation Area. This relates to the proposed street scene

improvements to the northside of White Hart Lane around the Grange/Stationmaster's House and the existing goods yard entrance.

25. Taking all these factors into account, I consider that the scheme would not preserve or enhance the character or appearance of the Conservation Area and would cause less than substantial harm to its significance, as a whole. This would be on the low to moderate end of the scale.

Statutory Listed Buildings

The Grange (Grade II listed)

26. The Grange (listed as 34 White Hart Lane, but actually numbered 32, 34 and 34a) is a mid-18th century house with added 19th century wings either side. It represents one of the earliest developments within the area and has both architectural and historic significance; the former derived from the building's period and detailing, and the later from its period of construction and survival. I agree with the Council that the present and emerging context of the area has greatly compromised its setting. Particularly, the yard entrance with security fencing.
27. I consider that the ancillary activities to the rear of the building give it visual and functional prominence. This hierarchy in the scale and function, between front and back, is a part of the building's setting and contributes positively to its significance.
28. The Council has referred to White Hart Lane once being a country lane, but I observed on my site visit that there is little, if any, remnant of this. Further, I consider the Love Lane estate buildings to be part of the setting of the Grange, given it is in such close proximity. Whilst you generally have your back to the Love Lane estate towers when viewing the Grange, I experienced that you are nonetheless aware of them and can sense their significant presence behind you.
29. The drawings provided show that there would be visual competition between the proposed towers and the other large buildings of the appeal scheme and The Grange. This will draw the eye away from The Grange and would affect the existing hierarchy in scale and function behind it, affecting its significance.
30. However, in the large, I consider that The Grange would still stand out as a striking building. Further, the appeal scheme would help to improve the street scene on White Hart Lane, particularly the existing gap to the west of The Grange. This would bring a greater sense of coherence, enhancing its setting.
31. For these reasons, I consider that overall, there would be less than substantial harm caused to the significance of The Grange, at the lower end of the scale.

797-799 High Road (Grade II listed), 819-821 High Road (Grade II listed) and 867-869 High Road (Grade II listed)

32. As pointed out in the Council's closing submissions, the essence of the significance of these assets is their place within the linear High Road, both as buildings within the street scene and in the cases of 819-821 and 867-869 High Road, as buildings which are prominent in signifying the status of the High Road from adjoining side streets.
33. Whilst noting that the Inspector of the extant permission appeal decision for the Goods Yard scheme did not find any harm in relation to each of these buildings, this appeal scheme would deliver taller buildings that would be broader in the east/west viewing perspective. I consider there would therefore be a greater level of impact.
34. The three tall buildings would distract attention away from each of the buildings affecting their significance. Whilst there would be an alteration to the built hierarchy, I agree with the previous Inspector of the Goods Yard scheme that the towers would, to a large degree, appear to belong to an area of different character beyond the Conservation Area. I consider that this notably contributes to mitigating the impact of the scheme on the setting of these listed buildings.
35. Consequently, I consider that there would be less than substantial harm to the significance of both 797-799 High Road and 819-821 High Road at the low end of the scale.
36. In terms of 867-869 High Road, I consider that the above findings equally apply. However, the setting of 867-869 High Road is heavily compromised by the car park to the north and west alongside the hard standing for the supermarket. I consider the setting of the buildings would be enhanced by the removal of this and the fact that the buildings would be integrated into a well-designed townscape. Overall, I consider that there would be a neutral effect on the setting of 867-869 High Road and therefore no harm to their significance.
37. It should also be recognised that 867-869 High Road form part of the proposed development and would be reinstated and brought back into residential use, helping to secure their future. I consider this to be a clear heritage benefit.

Non-Designated Heritage Assets

38. Stationmaster's House is an attractive Victorian detached two-storey house that was built following the opening of White Hart Lane station in 1872. Its current setting is dominated by the Goods Yard part of the appeal site. Immediately to its east, the gap in the street frontage, breaks the cohesive streetscape available further to the east. I consider that these factors detract from its setting.
39. The building's conservation to a viable new use is considered a positive aspect of the proposal. The scheme would deliver a new corner building

to the east of Stationmaster's House, which steps up towards the corner. This would respect the building line of Stationmaster's House. However, whilst stepped, it would be greater in height and in my view would somewhat detract from Stationmaster's House given its very close proximity.

40. The tall buildings would also be clearly visible behind the Stationmaster's House which would also attract attention away from it. There would, however, be a courtyard behind Stationmaster's House to preserve something of the sense of its former garden. The area around the Stationmaster's House would also be landscaped, with surfacing together with soft landscaping.
41. Overall, there will be some harm caused to the setting of Stationmaster's House but there would also be some clear enhancements. I consider when weighed up, these result in an overall neutral effect on the non-designated heritage asset.
42. There are quite a number of locally listed buildings on the western side of High Road. In addition, the Council has raised concerns about the impact on 8-18 and 24-30 White Hart Lane, which although are not locally listed, have been identified as non-designated heritage assets by the Council. The main parties agree that there would be a low or minor level of harm to the settings of these buildings. I agree with this view, due to the visibility of the proposed towers that would draw the eye away from the buildings.

Heritage Balance

43. I have found that the scheme would cause less than substantial harm to the North Tottenham Conservation Area, The Grange, 797-799 High Road and 819-821 High Road. With the exception of the Conservation Area where there would be a low to moderate level of less than substantial harm, this would, in each case, be at the lower end of the scale. I afford great weight to the identified harm, in accordance with Paragraph 199 of the Framework.
44. Paragraph 202 of the Framework sets out that where a scheme 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.
45. The public benefits of the scheme are very substantial and as explained fully later in the planning balance section, include: much needed market and affordable housing delivery; supporting the regeneration of Tottenham; helping to deliver the objectives of the HRWMF; economic benefits through job creation and spending of future residents; and biodiversity enhancements.
46. I consider that the public benefits of the scheme clearly outweigh the above identified harm to designated heritage assets. The scheme

complies with Paragraph 202 of the Framework and therefore, heritage does not form a clear reason for refusal for the purposes of Paragraph 11 d) i) of the Framework.

47. There would also be a low/minor level of harm caused to numerous non-designated heritage assets that need to be taken into account in the planning balance, in line with Paragraph 203 of the Framework. I consider such matters later in the decision.
48. Whilst there is some conflict with the wording of Policy SP12 of the Strategic Policies, Policies DM6 and DM9 of the DM DPD and Policy AAP5 of the AAP, these do not include the balancing exercise set out in the Framework and therefore this does not weigh against the scheme. The Council's reason for refusal in this regard also includes several other policies. However, I do not consider these relate directly to heritage matters.

Open Space

49. It is common ground between the parties that the appeal scheme will provide for 8,608 square metres of publicly accessible open space and 6,945 square metres of private communal open space. There is no dispute over the quality of the open space provided, but rather the quantity.
50. Policy DM20 of the DM DPD is the only policy to set out clear numerical standards for the provision of open space, although to some degree this is replicated by Policy SP13 of the Strategic Policies, which both require provision to be made in accordance with the Haringey Open Space and Biodiversity Study, 2013 (the Open Space Study). Policy DM20 at criterion F sets out that for sites over 1ha which are located in an identified area of deficiency, schemes should seek to provide for on-site publicly accessible open space in line with the space standards set out in the Open Space Study, subject to viability.
51. Approximately 60% of the site is located in an area of open space deficiency. For the purposes of calculating the necessary level of open space, there is dispute between the parties whether based on a fair reading of Policy DM20, the whole site or 60% of the site should be treated as being in an area of deficiency.
52. There is no further guidance provided in the policy or the supporting text for circumstances where the site is partially in an area of deficiency. Based on the above study that requires 1.64 hectares of open space per 1,000 people within areas of deficiency, the scheme would need to provide 18,000 square metres if the site was considered only 60% within the deficiency area and 29,684 square metres if all of the site was considered in the area of deficiency.
53. In either case the scheme would not provide sufficient open space to meet the requirements of Policy DM20. Further, Policy DM20 is clear

that the open space must be publicly open. In this case, only 8,608 square metres would be publicly accessible, with the rest being private communal space for the future residents of the scheme.

54. The appellant has pointed out that Policy DM20 refers to 'seek to' rather than must or shall. However, in my view, it is clear when reading the policy as a whole that the only circumstance set out where a lower level of open space provision may be justified would be based on viability grounds as set out in criterion F. Which is not the case here.
55. The Council raised concerns over the calculated population from the scheme and whether it was the inner or outer London 'Geographic Aggregation'. However, as demonstrated by the appellant these had no material effect on the overall requirement.
56. Given the above there is therefore, in my view, a substantial shortfall against the requirements of Policy DM20 and a subsequent policy conflict whether all or part of the site is considered to be in an area of deficiency.
57. However, I consider that there are a number of important other factors relevant to this matter. Firstly, the appeal site falls within site allocation NT5 of the AAP, which at Paragraph 5.125 includes a description of the allocation that includes a requirement to uplift the amount and quality of open space. Under the 'site requirements' there is a requirement for new social infrastructure proportionate to the population growth in the area and specifically the provision of new and enhanced public open space. This includes a large new community park and high-quality public square along with a defined hierarchy of interconnected pedestrian routes. Finally, under development guidelines it requires provision of a net increase in the amount and the quality of both public open space and private amenity space within the area.
58. Site Allocation NT5 also refers to the requirement for any development to comply with the principles of the most up-to-date Council approved masterplan. The HRWMF itself acknowledges that the level of open space provision proposed in the Masterplan Framework, whilst significantly increasing the amount of open space, would not meet the amount required by the current Open Space Study standards (Paragraph P106). The HRWMF also notes that in the context of wider open space assets and with a focus on high quality spaces and effective management strategies the proposed provision in the masterplan is considered appropriate.
59. I consider that the appeal scheme would meet all of the open space requirements set out in Site Allocation NT5 of the AAP and is in accordance with the HRWMF in this regard.
60. Secondly, the requirements in the Open Space Study date back to 2013. Since then, the London Plan, 2021 includes Good Growth Policies (GG2 and GG3) and Design Policies (D3 and D6) which has seen a clear shift

towards seeking to optimise development. The London Plan Housing Supplementary Planning Guidance (SPG), 2016 also post-dates the 2013 study and acknowledges that a balance must be struck and that this may generate comparatively reduced on-site requirements for social infrastructure, play and open space provision, thus enabling higher residential densities to be achieved.

61. Thirdly, as set out in the appellant's closing submissions, the appeal scheme maintains roughly the same amount of public space as the extant permissions but then also includes substantially more private communal open space. There would therefore be a general improvement over the extant permissions. Whilst the private communal open space would only be for the future residents of the scheme, I accept the appellant's view that it would take pressure of the publicly open space available to the existing residents and visitors to the area.
62. The Council has referred to Policy DM12 of the DM DPD in its reason for refusal. This requires the provision of additional open space in areas of especially poor residential quality. Even if the appeal site fell into this category, the scheme provides additional open space so would comply with Policy DM12.
63. Whilst there is conflict with Policy DM20 of the DM DPD and SP13 of the Strategic Policies, the scheme would comply with Site Allocation NT5 of the AAP, Policy DM12 of the DM DPD, Policies GG2 and D3 of the London Plan, guidance in the HRWMF and Paragraphs 7, 93 and 98 of the Framework. Overall and having regard to all of the above matters, I consider that the scheme makes appropriate provision for publicly available open space, whether all or part of the site is considered within an area of deficiency. Policies AAP5 and AAP6 have also been referred to in the Council's reason for refusal. However, I do not consider these to be particularly relevant to the matter of open space.
64. The appellant has set out that the provision of open space should be considered as a benefit of significant weight. However, given my findings above, I consider it is a matter of neutral weight in the overall balance.

Other Matters

65. Interested parties have raised a number of other matters. These relate to concerns with regard to: wind conditions; subsidence; noise and vibration impacts, including from trains to future residents; health and safety issues, including cladding; and parking issues. Having regard to the supporting evidence to the application in relation to such matters, I am content that, taking into account any necessary planning conditions and the role of building regulations, there would be no unacceptable impacts in relation to such matters.
66. The impact on the existing residents of the Rivers Apartments buildings (including the Brook House tall building) and other buildings along

Cannon Road, in relation to loss of privacy, overshadowing and loss of daylight and sunlight has raised a number of objections. The closest tall building to Rivers Apartments would be closer than that of the extant consent. However, it would still be located some 30 metres away, which in my view is still a significant distance and sufficient to ensure that there is no unacceptable overlooking. It is also well over the 18-21 metres general yardstick separation distance referred to in the Mayor of London's Housing SPG, 2016.

67. There would be some adverse impacts in terms of overshadowing and loss of daylight and sunlight to neighbouring properties in the area, including the Rivers Apartments. However, having regard to all of the evidence before me, I consider that the loss of daylight or sunlight would not lead to unacceptable living conditions for the occupants of the properties affected.
68. The impacts from construction would be temporary and appropriate working hours and working practices can be suitably secured by a planning condition to avoid unacceptable impacts on the living conditions of neighbouring residents. There have been suggestions that there is insufficient infrastructure to cope with the additional development. However, I have not been provided with any substantive evidence to support such a view. Although not a planning matter, there is also no evidence to suggest that the scheme would devalue nearby existing properties.
69. There is no evidence to suggest that the consultation undertaken by the Council on the amendments to the scheme was not appropriate.

Planning Balance and Conclusion

70. As set out above, the Council cannot demonstrate a five-year housing land supply. In accordance with the Framework, the policies which are most important for determining the application are therefore out-of-date. I have found that the identified heritage harm does not constitute a clear reason for refusal for the purposes of Paragraph 11 d) i) of the Framework. Consequently, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (the 'tilted balance').
71. The scheme would deliver 867 new homes, which I consider to be a public benefit of substantial weight, particularly in the context of the Council's significant shortfall in housing land supply. Whilst I acknowledge that the Council's housing delivery has improved in more recent times, there is clearly still some way to go, and the scheme would make an important and significant contribution.
72. Of the 867 new homes between 35.9% and 40% (depending on the availability of grant funding) would also be affordable. The Council has questioned whether the level of affordable housing has been maximised.

However, it is common ground that the level of affordable housing is policy compliant. The appellant has also provided evidence that shows the Council's affordable housing delivery in recent years has been relatively low. Consequently, I also give the benefit of the delivery of much needed affordable housing substantial weight in the planning balance.

73. There would be some heritage benefits associated with the proposed development. It would secure the future of the Listed Buildings at 867-869 High Road and would secure the future of the locally listed Stationmaster's House. I afford these matters a limited level of weight.
74. I also afford some weight to the fact that the scheme would make a positive contribution towards the regeneration of Tottenham, which has areas amongst the most deprived in the country and could act as a catalyst for further regeneration and inward investment. It would also help to deliver the objectives of the HRWMF.
75. There would be economic benefits associated with employment, including for local people and the spending generated from future occupants, as well as benefits derived from the new business floorspace. I afford this moderate weight in the balance. Finally, there would also be ecological and biodiversity enhancements, including an overall net gain in biodiversity. These factors attract limited weight in favour of the scheme.
76. In contrast to the identified benefits, I have found that the scheme would cause harm in several ways. The proposal would cause a low level of harm to the character and appearance of the area. There would be some less than substantial harm to the significance of several designated heritage assets, to which I afford great weight. There would also be some minor harm caused to numerous non-designated heritage assets that needs to be weighed in the balance.
77. I consider that the scheme conflicts with the development plan when considered as a whole. However, having regard to the 'tilted balance', the benefits of the scheme are very substantial indeed and the identified harm does not significantly and demonstrably outweigh those benefits. Consequently, there are material considerations to warrant a decision other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is therefore allowed.

Planning Conditions

78. As a result of the appeal succeeding, there is a need to consider what planning conditions are necessary. I have considered the suggested conditions against the tests set out within the Framework and the advice provided by the Government's Planning Practice Guidance and have amended them where required. As well as the standard time limit condition (1), a condition is necessary to ensure the development is

- undertaken in accordance with the approved plans to secure certainty (2). To ensure the suitable implementation and phasing of the scheme, condition (3) is required.
79. To suitably secure the business aspects of the scheme, condition (4) is imposed. Condition (5) is needed to ensure an adequate supply of accessible housing. To safeguard the living conditions of neighbouring residents, to provide suitable conditions for visitors to the development and/or to ensure suitable living conditions for future occupants of the scheme, conditions (6), (7), (9), (10), (11), (15), (46), (47) and (49) are imposed.
80. Condition (12) is necessary to ensure fire safety measures are incorporated in the development. Conditions (13), (14), (16), (18), (20) (50), (51) and (52) are needed to ensure the suitable appearance of the scheme and/or the protection of trees. To ensure sustainable development and/or energy efficiency, conditions (8), (21), (22), (23), (24), (25), (26) and (27) are required. In the interests of biodiversity, conditions (17) and (19) are imposed.
81. To ensure that there would be no unacceptable risk of crime or anti-social behaviour, conditions (28) and (29) are required. In the interests of archaeology and/or contaminated land, conditions (30), (31), (32), (34) (35) and (36) are necessary.
82. To ensure there would be no impacts on existing infrastructure surrounding the site, conditions (33), (45) and (48) are imposed. In the interests of highway safety and promoting sustainable modes of transport, conditions (37), (38), (39), (40), (41), (42), (43) and (44) are necessary.
83. A number of the above imposed conditions relate to pre-commencement activities. In each case, I am satisfied that the condition is necessary to make the development acceptable in planning terms and it would have been otherwise necessary to refuse planning permission. Further, the appellant has provided written confirmation that they accept the pre-commencement conditions.

Jonathan Manning

INSPECTOR

SCHEDULE OF PLANNING CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the approved plans set out in Appendix 2 to this decision.
- 3) (a) No Development, excluding site preparation works, shall commence on any Phase until a Phasing Plan has been submitted to and approved in writing by the Local Planning Authority.

(b) The Phasing plan shall set out a breakdown of the following for each identified Phase:
 - (i) Number of dwellings (including dwelling mix and tenure)
 - (ii) Children's play space
 - (iii) Car parking spaces
 - (iv) Cycle parking spaces
 - (v) Details of interim boundary treatments
(c) The development shall be carried out in accordance with the approved Phasing Plan and the approved interim boundary treatments shall be maintained in good condition until such times as they are replaced by permanent boundary treatments approved under Condition 13.
- 4) (a) The non-residential floorspace hereby approved shall include at least 400sqm of Business floorspace (Use Class E (g) (i) (ii) or (iii)).

(b) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as revised), or any Order or Regulations that revoke or further revises this Order, the 400sqm of Business floorspace that is provided under (a) above shall only be used for offices, research and development and industrial processes in perpetuity.
- 5) The detailed design for each dwelling in Goods Yard Blocks A, B, C, D, E, F and G and Depot Blocks A, B, C, D, E, F and G hereby approved shall meet the required standard of the Approved Document M of the Building Regulations (2015). The following dwellings shall meet Approved Document M, M4(3) (2b) ('wheelchair user dwellings'):
 - Block A: GY-L00-A-01, GY-L01-A-01, GY-L02-A-01, GY-L02-A-04, GY-L02-A-05, GY-L02-A-08, GY-L03-A-04, GY-L03-A-05, GY-L03-A-08, GY-L04-A-04, GY-L04-A-05, GY-L05-A-04, GY-L05-A-05, GY-L06-A-04, GY-L06-A-05, GY-L29-A-03, GY-L29-A-04, GY-L30-A-03, GY-L30-A-04, GY-L31-A-03 & GY-L31-A-04.
 - Block B: GY-L00-B-01, GY-L00-B-02, GY-L00-B-03, GY-L01-B-01,

GY-L01-B-05, GY-L02-B-04, GY-L03-B-04, GY-L04-B-04, GY-L05-B-04, GY-L06-B-04, GY-L07-B-04, GY-L08-B-04, GY-L09-B-04, GY-L10-B-04, GY-L11-B-04, GY-L12-B-04, GY-L13-B-04, GY-L14-B-04 & GY-L15-B-04.

- Block C: GY-L01-C-03 & GY-L01-C-04.
- Block D: GY-L05-D-01.
- Block E: GY-L02-E-01 & GY-L03-E-01.
- Block F: GY-L00-F-01, GY-L00-F-02 & GY-L02-F-04.
- Block G: GY-L01-G-01 & GY-L03-G-01.
- Block ABC: TD-L00-A-01-AC, TD-L01-A-01-AC, TD-L01-A-05-AC, TD-L01-C-01-AC, TD-L02-A-06-AC, TD-L02-B-03-AC, TD-L03-A-06-AC, TD-L03-B-03-AC, TD-L04-A-06-AC, TD-L04-B-03-AC, TD-L05-A-06-AC, TD-L05-B-03-AC, TD-L07-A-04-AC, TD-L08-A-04-AC, TD-L08-B-04-AC, TD-L11-A-04-AC, TD-L12-A-04-AC, TD-L13-A-04-AC, TD-L14-A-04-AC, TD-L15-A-04-AC, TD-L16-A-04-AC, TD-L23-A-027-AC, TD-L24-A-02-AC, TD-L25-A-02-AC, TD-L26-A-02-AC, TD-L26-A-06-AC, TD-L27-A-06-AC & TD-L28-A-06-AC.
- Block D: TD-L00-D-01-AC, TD-L00-D-06-AC, TD-L02-D-03-AC & TD-L02-D-04-AC.
- Block E: TD-L00-E-01 & TD-L00-E-04-AC.
- Block G: TD-L03-G-03-AC, TD-L04-G-04-AC & TD-L05-G-02-AC.

All other dwellings shall meet Approved Document M M4(2) ('Accessible and adaptable dwellings').

- 6) (a) No ground floor commercial unit shall be occupied as a café/restaurant (Use Class E(b)) until such times as full details of ventilation and extraction of fumes have been submitted to and approved in writing by the Local Planning Authority.

(b) The approved ventilation and fume extraction measures shall be completed and made operational prior to the first occupation of the unit as a café/restaurant (Use Class E(b)), in accordance with the approved details and shall be permanently maintained thereafter.
- 7) Any café/restaurant use (Use Class E(b)) shall only be open to the public between the hours of 07.00 to 23.00 (Monday to Saturday) and 08.00 to 23.00 (Sundays and Public Holidays).
- 8) (a) Prior to commencement of any non-residential use with each relevant Phase (as identified in an approved Phasing Plan), a design stage accreditation certificate for that phase must be submitted to the Local Planning Authority confirming that the development will achieve a BREEAM "Very Good" outcome (or equivalent) for each non-residential use within that phase.

(b) The relevant Phase shall then be constructed in strict accordance with the approved details, shall achieve the agreed rating and shall be maintained as such thereafter for the lifetime of the development.

(c) Prior to occupation of any non-residential use within each relevant Phase, a post-construction certificate issued by the Building Research Establishment (or equivalent) for each non-residential use in that phase must be submitted to and approved in writing by the Local Planning Authority, confirming this standard has been achieved.

(d) In the event that any non-residential use fails to achieve the agreed rating, a full schedule and costings of remedial works required to achieve this rating shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the submission of the post construction certificate. Thereafter the schedule of remedial works must be implemented on-site within 3 months of the Local Authority's approval of the schedule, or the full costs and management fees given to the Local Planning Authority for off-site remedial actions.

9) (a) No development of Goods Yard Blocks E, F, G and H and Depot Blocks B and G at slab level or above shall commence until such times as full details of the floor slab and any other noise attenuation measures between the ground floor commercial unit and dwellings on the first floor have been submitted to and approved in writing by the Local Planning Authority.

(b) The details shall be designed to ensure that at any junction between dwellings and the ground floor commercial unit, the internal noise insulation level for the dwellings is no less than 60 dB DnT,w + Ctr.

(c) The approved floor slab and any other noise attenuation measures shall be completed in accordance with the approved details, prior to the occupation of any of the first floor dwellings directly above the commercial unit and shall be maintained thereafter.

10) (a) The dwellings hereby approved in Good Yard Blocks A, B, C, D, E, F and G and Depot Blocks A, B, C, D, E, F and G shall not be occupied until such times as full details of the glazing specification and ventilation for habitable rooms in all façades of the dwellings to which they relate have been submitted to and approved in writing by the Local Planning Authority.

(b) The above details shall be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' and meet the following noise levels;

Time	Area	Average Noise level
Daytime Noise 7am -	Living rooms &	35dB(A)

11pm	Bedrooms	(LAeq,16hour)
	Dining Room Area	40dB(A) (LAeq,16hour)
Night Time Noise 11pm - 7am	Bedrooms	30dB(A) (LAeq,8hour)

With individual noise events not to exceed 45 dB LAmax (measured with F time weighting) more than 10-15 times in bedrooms between 23:00hrs – 07:00hrs.

(c) The approved glazing specification and ventilation measures for the habitable rooms in all facades of the dwellings shall be installed and made operational prior to the occupation of any of the dwellings to which they relate in the Block as specified in part (a) of this condition and shall be maintained thereafter.

- 11) (a) The ground floor commercial unit in Depot Block G shall not be occupied as a Café/Restaurant (Use Class E(b)) until such times as landscaping details for the associated space immediately to the west of the unit (in the Detailed Element) that include wind mitigation measures that are designed to ensure the Lawson Criteria Comfort Rating for 'Long-term Sitting' (C4) have been submitted to and approved in writing by the Local Planning Authority.

(b) The approved wind mitigation measures shall be implemented prior to the first occupation of the unit as a Café/Restaurant (Use Class E(b)) and shall be permanently maintained thereafter when the unit is in use.
- 12) The Development must be carried out in accordance with the provisions of the Fire Statement (HRW-BHE-GD-XX-RP-YD-0001, Revision P05) prepared by Buro Happold, dated 10 September 2021.
- 13) (a) The following external landscaping details of external areas and amenity areas for each relevant Phase (as identified in an approved Phasing Plan) shall be submitted to and approved in writing by the Local Planning Authority before any Block in the Phase in which it is located commences above ground floor slab level:
 - i) Hard surfacing materials;
 - ii) Drinking water fountain/dispenser providing drinking water that is free to users in Peacock Park;
 - iii) Children's play areas and equipment;
 - iv) Boundary treatments;
 - v) Any relevant SuDs features (as identified in the Drainage Strategy (HRW-BHE-GD-XX-RP-C1-0001, Revision P03), dated 27 May 2021);

- vi) A SUDS management and maintenance plan for the proposed SUDS features, detailing future management and maintenance responsibilities for the lifetime of the development;
- vii) Minor artefacts/structures (e.g. furniture, refuse or other storage units and signs);
- viii) Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, indicating lines, manholes and supports);
- ix) Planting plans and a full schedule of species of new trees and shrubs proposed to be planted noting species, plant sizes and proposed numbers/densities where appropriate;
- x) Any food growing areas and soil specification;
- xi) Written specifications, including cultivation and other operations associated with plant and grass establishment; and
- xii) Implementation programme.

(b) The external landscaping and SUDS features shall be carried out in accordance with the approved details, management and maintenance plan and implementation programme.

- 14) Any trees or plants which within 5 years from them being planted die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with the same size and species or an approved alternative as agreed in writing by the Local Planning Authority.
- 15) (a) Within 30 days of the demolition of any existing buildings on The Depot part of the site, written details of temporary landscaping and/or the temporary use of the land left vacant by the demolition shall be submitted to and approved in writing by the Local Planning Authority.
- (b) The implementation of approved temporary landscaping and/or temporary use of the land shall be implemented within 90 days of the written approval of details (as required by part (a) above) and shall be maintained thereafter in accordance with the approved details.
- 16) (a) No development shall commence of the Depot Blocks E, F or G until adequate steps have been taken in accordance with 'Section 8 of BS 5837 Trees' to safeguard all trees to be retained (Trees 3001, 3002, 3003 and 3004 as identified on Drawing 37-1030.02) in the submitted Tree Survey (CC37-1030, dated May 2021) against damage prior to or during building works, including the erection of fencing.
- (b) Protective fences shall be erected to the extent of the crown spread of the trees, or where circumstances prevent this, to a minimum radius of 2m from the trunk of the tree and such protection shall be retained until works of demolition and construction have been completed.

- (c) No excavation site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage to the root structure of trees to be retained (as identified in (a) above).
- 17) a) Prior to occupation of the first Block in a Phase (as identified in an approved Phasing Plan) details of ecological enhancement measures for that Phase shall be submitted to and approved in writing by the Local Planning Authority. This shall be consistent with the recommendations of the Ecological Appraisal Report, dated 27 May 2021 and detail the biodiversity net gain, plans showing the proposed location of ecological enhancement measures (including bat boxes, bird boxes and bee bricks), a sensitive lighting scheme, justification for the location and type of enhancement measures by a qualified ecologist, and how the development will support and protect local wildlife and natural habitats.
- (b) Prior to the occupation of the last Block in a Phase (as identified in an approved Phasing Plan), photographic evidence and a post-development ecological field survey and impact assessment of that phase shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the delivery of the ecological enhancement and protection measures is in accordance with the approved measures and in accordance with CIEEM standards.
- (c) Development shall accord with the details as approved and retained for the lifetime of the development.
- 18) (a) No development of any Block in a Phase (as identified in an approved Phasing Plan) shall commence above ground floor slab level until all proposed external materials and elevational details for that Block have been submitted to and approved in writing by the Local Planning Authority. These external materials and details shall include:
- i). External facing materials and glazing, including sample boards of all cladding materials and finishes;
 - ii) Sectional drawings at 1:20 through all typical external elements/facades, including all openings in external walls including doors and window-type reveals, window heads and window cills;
 - iii) Sectional and elevational drawings at 1:20 of junctions between different external materials, balconies, parapets to roofs, roof terraces and roofs of cores;
 - iv) Plans of ground floor entrance cores and entrance-door thresholds at 1:20 and elevations of entrance doors at 1:20;
- (b) The development shall be carried out in accordance with the approved details and materials.
- 19) (a) Prior to the commencement of a Block above ground floor slab level in a Phase (as identified in an approved Phasing Plan), details of any living roofs for Blocks in that phase shall be submitted to and approved

in writing by the Local Planning Authority. Living roofs shall be planted with flowering species that provide amenity and biodiversity value at different times of year. Plants shall be grown and sourced from the UK and all soils and compost used must be peat-free. The submission shall include:

- i. A roof plan identifying where the living roofs will be located;
- ii. A ground floor plan identifying where the living walls will be rooted in the ground, if any;
- iii. Sections demonstrating installed and expected settled substrate levels of no less than 120mm for extensive living roofs, and no less than 250mm for intensive living roofs;
- iv. Roof plans annotating details of the diversity of substrate depths and substrate types across the roof to provide contours of substrate, including annotation of substrate mounds and sandy piles in areas with the greatest structural support to provide a variation in habitat, with a minimum of one feature per 10m² of living roof;
- v. Roof plans annotating details of the location of semi-buried log piles / flat stones for invertebrates, with a minimum footprint of 1m² and at least one feature per 10m² of living roof;
- vi. Details on the range of native species of (wild) flowers, herbs in the form of seeds and plug plants planted on the living roofs, or climbing plants planted against walls, to benefit native wildlife;
- vii. Roof plans and sections showing the relationship between the living roof areas and photovoltaic array; and
- viii. Management and maintenance plan, including frequency of watering arrangements.

(b) Prior to the occupation of 90% of the dwellings, evidence must be submitted to and approved by the Local Planning Authority that the living roof has been delivered in line with the details set out in point (a). This evidence shall include photographs demonstrating the measured depth of soil/substrate planting and biodiversity measures. If the Local Planning Authority finds that the living roof has not been delivered to the approved standards, the applicant shall rectify this to ensure it complies with the condition. The living roof(s) and/or walls shall be retained thereafter for the lifetime of the development in accordance with the approved management arrangements.

- 20) (a) No development shall commence above ground floor slab level of Depot Block D until details of either a stand-alone boundary fence and/or details of the treatment of the rear ground floor boundary elevation of the ground floor parking area have been submitted to and approved in writing by the Local Planning Authority.

(b) The approved boundary fence and/or building elevation shall be provided in accordance with the approved details, before any dwelling in Depot Block D is first occupied and shall be maintained thereafter.

21) (a) Prior to the commencement of works above ground floor slab level for a Block in a Phase (as identified in an approved Phasing Plan), an updated Energy Strategy for that phase must be submitted with Design Stage SAP worksheets based on the Sustainability and Energy Statement (HRW-BHE-GD-XX-RP-YS-0001, Revision P07) dated 28 October 2021. The development shall achieve minimum carbon emissions savings of 64% over 2013 Building Regulations Part L with SAP2012 carbon factors, with a minimum solar PV array of 168 kWp on the Goods Yard part of the site and minimum 45 kWp on the Depot part of the site. The updated Strategy shall include:

- i. Explanation as to how the Development phase achieves minimum carbon reductions at the Be Lean Stage of 8% for the domestic new build and 16% for the non-domestic new build elements (SAP2012 carbon factors);
- ii. An air tightness delivery strategy;
- iii. Detailed thermal bridging calculations demonstrating how thermal bridging shall be reduced;
- iv. Detailed design of the heat network within the Blocks and how this complies with CIBSE CoP1 and the LBH Generic Specification. This shall include detailed calculation of distribution losses (based on pipe routes and lengths, pipe sizes, taking account of F&R temperatures and diversification and insulation) to calculate total heat loss from the system expressed in W/dwelling and should demonstrate losses have been minimised;
- v. A strategy for the supply of heat to any phases occupied before a connection is made to an off-site District Energy Network;
- vi. A strategy that ensures heat can be supplied to the other sites within the High Road West masterplan area via this development site;
- vii. Further detail of how the developer shall ensure the performance of the system will be safeguarded through later stages of design, construction and commissioning including provision of key information on system performance required by CoP1; and
- viii. A metering strategy.

(b) Within six months of first occupation of any dwellings, evidence shall be submitted in writing to the Local Planning Authority that the development has been registered on the GLA's Be Seen energy monitoring platform.

- (c) The final agreed Energy Strategy shall be operational prior to the first occupation of the development. The development shall be carried out strictly in accordance with the approved details and shall be operated and maintained as such thereafter.
- 22) (a) Prior to the occupation of any non-residential floorspace in a relevant Phase (as identified in an approved Phasing Plan), an Overheating Report for that phase must be submitted to and approved in writing by the Local Planning Authority only if that space is to be occupied in accordance with the NCM Activity Database or will accommodate any vulnerable users, such as office/workspace, community, healthcare, or educational uses.
- (b) The report shall be based on the current and future weather files for 2020s, 2050s and 2080s for the CIBSE TM49 central London dataset. It shall set out:
- i. The proposed occupancy profiles and heat gains in line with CIBSE TM52.
 - ii. The modelled mitigation measures which will be delivered to ensure the development complies with DSY1 for the 2020s weather file.
 - iii. A retrofit plan that demonstrates which mitigation measures would be required to pass future weather files, with confirmation that the retrofit measures can be integrated within the design.
 - iv. The mitigation measures hereby approved shall be implemented prior to occupation and retained thereafter for the lifetime of the development.
- 23) (a) Prior to occupation of a Block in a Phase (as identified in an approved Phasing Plan), the approved dwellings in that Block shall be built in accordance with the approved overheating measures in line with the Sustainability and Energy Statement prepared by Buro Happold (dated 28 October 2021, Rev P07) and retained thereafter for the lifetime of the development. This shall include:
- i. Natural ventilation, with 100% (bedroom) and 30% (LKD) of openable area at night;
 - ii. Acoustic louvres for noise attenuated ventilation (30% free area);
 - iii. Ceiling fans;
 - iv. Glazing g-values of 0.35 and 0.30;
 - v. Vertical side fins;
 - vi. MVHR with summer bypass; and
 - vii. No active cooling.

24) (a) Prior to the occupation of any Block in a Phase (as identified in an approved Phasing Plan), a Post Completion Report for that phase setting out the predicted and actual performance against all numerical targets in the Detailed Circular Economy Statement (HRW-BHE-GY-XX-RP-YZ-GY-0001, Revision P04), dated 27 May 2021 shall be submitted to the GLA at: circularconomystatements@london.gov.uk and the Local Planning Authority, along with any supporting evidence as per the GLA's Circular Economy Statement Guidance. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials.

(b) The Post Completion Report shall be approved in writing by, the Local Planning Authority, prior to occupation of the Block to which it relates.

25) (a) Prior to the occupation of a Block in a Phase (as identified in an approved Phasing Plan), the post-construction tab of the GLA's whole life carbon assessment template for that phase shall be completed accurately and in its entirety in line with the GLA's Whole Life Carbon Assessment Guidance.

(b) The post-construction assessment required in part (a) shall provide an update of the information included in the Whole Life-Cycle Carbon Assessment included in the Sustainability and Energy Statement (HRW-BHE-GD-XX-RP-YS-0001, Revision P07) dated 28 October 2021, including the whole life carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. This shall be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk and the Local Planning Authority, along with any supporting evidence as per the guidance.

(c) The post construction assessment shall be approved in writing by the Local Planning Authority, prior to the occupation of the phase to which is relates.

26) (a) Upon final completion of the last Block in a relevant Phase (as identified in an approved Phasing Plan), suitable devices for the monitoring of the energy use and renewable/low-carbon energy generation (by residential unit) shall have been installed in each Block in that Phase, and the monitored data for each Block in that phase shall be submitted to the Local Planning Authority at daily intervals for a period of five years from final completion.

(b) The installation of the monitoring devices and the submission of the data shall be carried out in accordance with the principles of the London Plan Guidance 'Be Seen' energy monitoring guidance.

27) Installed PV Arrays shall be maintained in good working order or replaced as necessary and cleaned at least annually for the lifetime of the scheme.

- 28) (a) The Public Realm/Children's Play Space immediately to the east of Depot Block E (as identified on Proposed GA Ground Floor Plan, reference 'DEPOT-F3-Z4-00-GA-A- 89006, Rev P2) shall only be used as an extension to the Brook House School playground until such times as a Management & Maintenance Plan that allows for non- school related uses has been submitted to and approved in writing by the Local Planning Authority. The Plan shall set out details of the following:
- i) Days and times when the space is to be open for use by residents of the approved development for non-school related specified activities.
 - ii) Measures to discourage and manage anti-social behaviour
 - iii) Management and maintenance responsibilities to ensure that there is no impediment to use of the space for the approved non-school related specific activities
- (b) The Management & Maintenance Plan may be revised from time to time with the written approval of the Local Planning Authority and all those responsible for managing and maintaining the space.
- (c) The Space shall be used, managed and maintained for non-school related activities only in accordance with the approved Management & Maintenance Plan.
- 29) (a) Prior to the first occupation of each Block in a Phase (as identified in an approved Phasing Plan), a 'Secured by Design' accreditation shall be obtained for that phase and thereafter all features are to be permanently retained.
- (b) Accreditation must be achieved according to current and relevant Secured by Design guidelines at the time of above ground works of each Phase of the development.
- 30) No development shall commence in each relevant phase until a Stage 1 Written Scheme of Investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing for each relevant phase. 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.
- 31) If heritage assets of archaeological interest are identified by a Stage 1 Written Scheme of Investigation (WSI) of Archaeology, 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:

- i) 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.
 - ii) 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.
- 32) (a) In the event that the Stage I and/or Stage II Written Scheme of Investigation of Archaeology identifies any archaeological remains that require protection, no development shall take place in each relevant Phase (as identified in an approved Phasing Plan) until details of the foundation design and construction method to protect any archaeological remains in that phase have been submitted to and approved in writing by the Local Planning Authority.

(b) The development shall be carried out in accordance with the approved details.
- 33) (a) No development for each relevant phase shall commence until impact studies of the existing water supply infrastructure for that phase have been submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water. 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.

(b) The development within each phase, as approved under Condition 3 above, shall then be implemented in accordance with the recommendations of the approved impact study and retained in perpetuity thereafter.
- 34) No development shall commence in each relevant phase other than investigative work until:
 - i) Taking account of information in the Land Contamination Assessment (Phase I) with reference HRW-BHE-GD-XX-RP-CG-002 Revision P03 prepared by Buro Happold Ltd dated 27th May 2021, a site investigation for that phase has been conducted for the site using information obtained from the desktop study and Conceptual Model. The investigation must be comprehensive enough to enable: a risk assessment to be undertaken, refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.

- ii) The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report for that phase, to the Local Planning Authority.
 - iii) 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.
- 35) Where remediation of contamination within each relevant Phase (as identified in an approved Phasing Plan) on the site is required pursuant to the condition above, completion of the remediation detailed in the method statement for each phase 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 first occupied.
- 36) (a) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority.
- (b) The remediation strategy shall be implemented as approved.
- 37) (a) The basement car parking areas hereby approved shall not be brought in to use until such times as Basement Access Control Arrangements have been submitted to and approved in writing by the Local Planning Authority.
- (b) The Basement Vehicular Access Control Arrangements shall include written and illustrated details of signal control and give-way systems to manage vehicular movements in and out of the approved basement car parks and demonstrate their adequacy to manage any vehicle queues.
- (c) The car parking areas shall be operated only in accordance with the relevant approved Basement Vehicular Access Control Arrangements.
- 38) (a) No development on the Goods Yard part of the site shall commence until a combined Stage 1 and Stage 2 Road Safety Audit for the proposed vehicular access junction and associated pedestrian footways on White Hart Lane has been submitted to and approved in writing by the Local Planning Authority.
- (b) The detailed design of the junction hereby approved shall be in accordance with the recommendations in an approved Audit and maintained thereafter and implemented before the first occupation of the development.

- 39) (a) No development on the Goods Yard part of the site shall commence until a combined Stage 1 and Stage 2 Road Safety Audit for the proposed vehicular route and associated pedestrian footways referred to as 'Embankment Lane' between Central Court (south of Goods Yard Block C) and Northern Square (northern edge of Goods Yard Zone 1) as shown on Drawing GYARD-F3-Z1-00-GA-A-82102-P3) has been submitted to and approved in writing by the Local Planning Authority.
- (b) The detailed design of the junction hereby approved shall be in accordance with the recommendations in an approved Audit and maintained thereafter and implemented before the first occupation of the development.
- 40) (a) No development in the relevant Phase shall be occupied until a Car Parking Design and Management Plan (CPMP) for that Phase has been submitted to and approved in writing by the Local Planning Authority.
- (b) The CPMP shall include details of the following:
- i. Location and design of any temporary car parking spaces.
 - ii. Location and design of car parking spaces.
 - iii. Provision of Electric Vehicle Charging Points (direct provision for 20% of spaces, with passive provision for the remaining 80%).
 - iv. Allocation, management and enforcement of residential car parking spaces (prioritising disabled people, then families with children then others).
 - v. Allocation, management and enforcement of commercial car parking spaces (provision only as needed by individual businesses).
 - vi. Provision, management and enforcement of disabled car parking spaces to allow for the required number of such spaces (up to 87 overall).
 - vii. Details of the proposed signal control and give-way systems used to manage vehicular movements in and out of the basement car parks via the proposed ramps.
- (c) Car parking shall be allocated, managed and enforced in accordance with the approved CPMP.
- (d) All car parking spaces shall be leased and not sold outright.
- 41) (a) No development shall commence in the relevant Phase until details of cycle parking and provision for changing/locker space for commercial units in that Phase have been submitted to and approved in writing by the Local Planning Authority.

(b) The cycle parking details shall demonstrate compliance with the relevant standards in Policy T5 of the London Plan (2021) and the London Cycling Design Standards.

(c) The cycle parking provision shall be implemented in accordance with the approved details before the occupation of each phase and retained thereafter for this use only.

42) (a) No development in the relevant Phase shall be occupied until a Delivery and Servicing Plan (DSP) for that Phase has been submitted to and approved in writing by the Local Planning Authority. The DSP for that Phase shall be in broad conformity with the approved Delivery and Servicing Plan (within the Transport Assessment prepared by Arup, 278880-ARP-XX-XX-RP-T-000001, 28 May 2021 and loading bay arrangements in the Arup response note dated 18 August 2021) and Transport for London's Delivery and Servicing Plan Guidance (2020), other than details of the location and dimensions of the all proposed loading bays which shall be submitted to and approved in writing by the Local Planning Authority.

(b) The DSP, including loading bays approved under (a) above shall be implemented and updated following the results of the first delivery and servicing survey to be undertaken within 12 months of first occupation of the relevant Phase of the proposed development.

(c) The process identified in (b) above shall be repeated until all Phases of the proposed development have been delivered and occupied, at which point every Phase DSP shall be consolidated into one overarching full DSP and retained thereafter.

(d) Further surveys and updates of the full DSP shall be submitted to and approved in writing by the Local Planning Authority.

43) (a) No development shall commence in a Phase (as identified in an approved Phasing Plan) until a Detailed Construction Logistics Plan (CLP) for that Phase has been submitted to and approved in writing by the Local Planning Authority.

(b) The Detailed CLP for each Phase shall conform with the approved Outline Construction Logistics Plan within the submitted Transport Assessment (278880- ARP-XX-XX-RP-T-000001, dated 28 May 2021) and Transport for London's Construction Logistics Planning Guidance (2021) and shall include the following details:

- i. Site access and car parking arrangements;
- ii. Delivery booking systems;
- iii. Construction phasing and agreed routes to/from the development replace lorry routing;

- iv. Timing of deliveries to and removals from the site (to avoid peak times of 07.00 to 9.00 and 16.00 to 18.00 where possible);
- v. Travel plans for staff/ personnel involved in construction;
- vi. Crane Lifting Management Plan (CLMP); and
- vii. Crane Erection and Dismantling.

(c) Development shall be undertaken in accordance with the approved details.

- 44) (a) No development shall commence until an existing condition survey of the western half of the High Road carriageway and footway (between the railway bridge and the western pedestrian access to The Grange) and the northern half of White Hart Lane carriageway and footway (between the southern and northern site boundaries) has been undertaken in collaboration with the Council's Highways Maintenance team and submitted to and approved in writing by the Local Planning Authority.

(b) Within one month of the completion of all development works, including any highway works, a final condition survey shall be undertaken of the highway areas identified in (a) in collaboration with the Council's Highways Maintenance team and submitted to and approved in writing by the Local Planning Authority.

(c) The applicant shall ensure that any damages caused by the construction works and highlighted by the before-and-after surveys are addressed and the condition of the public highway is reinstated to the satisfaction of the Council's Highways Maintenance team in accordance with an associated Highway Agreement.

- 45) (a) No development in a relevant Phase (as identified in an approved Phasing Plan) that adjoins the western boundary of the site shall commence until an Infrastructure Protection Plan (IPP) for that Phase relating to London Overground has been submitted to and approved in writing by the Local Planning Authority.

(b) Any protection measures approved in an IPP shall be implemented in accordance with approved details.

- 46) (a) No demolition in each relevant Phase (as identified in an approved Phasing Plan) shall commence until a Demolition Environmental Management Plan (DEMP) for that Phase has been submitted to and approved in writing by the Local Planning Authority.

(b) No development in each relevant phase shall commence (other than demolition) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

(c) The DEMP and CEMP shall provide details of how demolition and construction works respectively are to be undertaken and shall include:

- i. A construction method statement which identifies the stages and details how works will be undertaken;
- ii. Details of working hours, which shall be limited to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays. There shall be no working on Sundays or bank holidays;
- iii. Details of plant and machinery to be used during demolition/construction works;
- iv. Details of an Unexploded Ordnance Survey;
- v. Details of the waste management strategy;
- vi. Details of community engagement arrangements;
- vii. Details of any acoustic hoarding;
- viii. A temporary drainage strategy and performance specification to control surface water runoff and Pollution Prevention Plan (in accordance with Environment Agency guidance);
- ix. Details of external lighting;
- x. Details of any other standard environmental management and control measures to be implemented.
- xi. Evidence of site registration at nrmm.london to allow continuing details of Non-Road Mobile Machinery (NRMM) and plant of net power between 37kW and 560kW to be uploaded.

(d) the CEMP shall also include consideration as to whether any ecological protection measures are required for each relevant Phase (as identified in an approved Phasing Plan), to include an assessment of vegetation for removal, including mature trees, for the presence of nesting birds. Mitigation measures including the use of sensitive timings of works, avoiding the breeding bird season (March-August, inclusive) and, where not possible, pre-works checks by a suitably experienced ecologist will be provided in detail.

(e) All plant and machinery to be used during the demolition and construction phases of the development shall meet Stage IIIA of the EU Directive 97/68/EC for both NO_x and PM emissions.

(f) Demolition and construction works shall only be carried out in a particular Phase in accordance with an approved DEMP and CEMP for that Phase.

- 47) (a) No development in each relevant Phase (as identified in an approved Phasing Plan) 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 AQDMP shall be in accordance with the Greater London Authority SPG Dust and Emissions Control (2014) and shall include:

- i) Monitoring locations;
- ii) Mitigation measures to manage and minimise demolition/construction dust emissions during works; and
- iii) a Dust Risk Assessment.

(b) Demolition and construction works shall only be carried out in a particular Phase in accordance with an approved AQDMP for that Phase.

- 48) (a) No piling shall take place in each relevant Phase (as identified in an approved Phasing Plan) until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) for that Phase has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water.

(b) Any piling in each relevant Phase must be undertaken in accordance with the terms of the approved piling method statement for that Phase.

- 49) For the duration of the demolition and construction works the developer and its contractors shall establish and maintain a Liaison Group having the purpose of:

- i. informing local residents and businesses of the design and development proposals;
- ii. informing local residents and businesses of progress of preconstruction and construction activities;
- iii. considering methods of working such as hours and site traffic;
- iv. 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;
- v. providing advanced notice of exceptional works or deliveries; and
- vi. providing telephone contacts for resident's advice and concerns.

The terms of reference for the Liaison Group, including frequency of meetings, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. For the avoidance of doubt, this could comprise the Applicant's existing 'Business and Community Liaison Group '(BCLG) or an alternative agreed with the Council.

- 50) The placement of any telecommunications apparatus, satellite dish or television antenna on any external surface of the development is precluded, with exception provided for a communal satellite dish or television antenna for the residential units details of which are to be submitted to the Local Planning Authority for its written approval prior to the first occupation of the development hereby approved. The provision shall be retained as installed thereafter.
- 51) (a) No development of any or all of Depot Block A, Goods Yard Block A & Goods Yard Block B shall commence above ground floor slab level until (notwithstanding what is indicated on the approved drawings), details of the colour of the external façade including the tops of the towers have been submitted to and approved by the Local Planning Authority
- (b) Thereafter the development shall be carried out in accordance with the approved details and materials.
- 52) (a) No development of any Block in the land known as "The Depot" shall commence above ground floor slab level until the boundary treatments of the Brook House Yard (shown on page 135 of the Design and Access Statement, May 2021) have been submitted to and approved by the Local Planning Authority.
- (b) Thereafter the development shall be carried out in accordance with the approved details and materials.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Fraser-Urquhart KC Instructed by London Borough of Haringey

He called:

Marcus Wilshere	Director, the Collaborative City (Architecture)
Paul Reynolds	Director, Tapestry (Urban Design and Townscape)
Nairita Chakraborty	Founder of Revive and Tailor (Heritage)
Elizabeth Fitzgerald	Director, Barker Parry (Planning)
Philip Crowther (Housing land supply roundtable only)	London Borough of Haringey
Matthew Barrett (S106 Roundtable only)	Solicitor, London Borough of Haringey

FOR THE APPELLANT:

Christopher Katkowski KC and Instructed by Richard Max & Co LLP
Freddie Humpreys of Counsel

They called:

Ian Laurence	Partner, F3 Architects LLP (Architecture)
Richard Coleman	Founder of City Designer (Urban Design and Townscape)
Ignus Froneman	Director, Cogent Heritage (Heritage)
Sean Bashforth	Senior Director, Quod (Planning)
James Beynon (Roundtable sessions only)	Associate Director, Quod
David Warman (S106 roundtable only)	Richard Max & Co LLP

DOCUMENTS SUBMITTED AT THE INQUIRY

1. The appellant's opening submissions.
2. The Council's opening submissions.
3. Assumed delivery rates from the extant permissions.
4. CIL compliance statement.
5. Revised list of planning conditions.
6. Site visit itinerary map.
7. Open space overlay and key from Mr Reynolds.
8. Site 4 housing land supply questionnaire.
9. Site 6 housing land supply questionnaire.
10. Mr Laurance – Evidence in Chief folder.
11. Secretary of State Appeal Decision – 3277137.
12. Mr Bashforth – open space document.
13. Extant consents maximum parameters of proposed blocks.
14. Revised list of planning conditions.
15. The Council's closing submissions.
16. The appellant's closing submissions.

DOCUMENTS SUBMITTED AFTER THE INQUIRY

1. Copy of signed and dated Section 106 Agreement.
2. Environmental Statement – Addendum, September 2022.
3. Updated ES Non-Technical Summary, September 2022.
4. Council's comments on the Environmental Statement Addendum and Non-Technical Summary.