

**Robbie McNaugher**

London Borough of Haringey  
Planning Service  
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225 High Road, Wood Green,  
London, N22 8HQ

**Our ref:** D&P/1239a/02/MJ

**Your ref:** HGY/2016/1719

**Date:** 4 January 2017

Dear Mr McNaugher

**Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008**

**Direction under Section 2A of the 1990 Act**

**Hale Wharf, Ferry Lane, London N17**

I refer to your letter of 22 December 2016 informing me that Haringey Council is minded to refuse planning permission for the above planning application. I refer you also to the notice that was issued on 23 December 2016 under the provisions of article 5(1)(b)(i) of the above Order.

Having now considered a report on this case, reference D&P/1239a/02 (copy enclosed), I hereby direct (under the powers conferred by Section 2A of the 1990 Act) that I will act as the local planning authority for the purposes of determining the above planning application.

My reasons are as follows:

- a) The development would have a significant impact on the implementation of the London Plan, as set out in the attached report.
- b) There are sound planning reasons for my intervention, as set out in the attached report.

I must also have regard to targets identified in development plans. As set out in the attached report, I recognise that Haringey has struggled to meet its London Plan housing targets over the last five years. I also acknowledge that the awarding of Housing Zone status and funding will have a positive impact on housing delivery in the borough.

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. I have taken the environmental information made available to date into consideration in formulating my decision.

I would be grateful if you provide me, as soon as reasonably practicable, any information relevant to the application that has not already been provided. In due course I will notify you of the date of the representation hearing and I will consult you on any draft planning obligation and/or conditions.

Yours sincerely

**Sadiq Khan**

Mayor of London

cc Joanne McCartney, London Assembly Constituency Member  
Tony Devenish, Chair of London Assembly Planning Committee  
National Planning Casework Unit, DCLG  
Lucinda Turner, TfL  
Sean Bashforth, Quod, Ingeni Building, London W1F 0AX

**Hale Wharf, Hale Village**

**in the London Borough of Haringey**

**planning application no. HGY/2016/1719**

**Strategic planning application stage II referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

**The proposal**

A hybrid application including up to 505 residential units and up to 1,607sqm (GIA) of non-residential floorspace, comprising retail (A1-A5) and office (B1) use. The detailed application includes buildings from 16 to 21 storeys, 249 residential units, 307 sq.m. (GIA) of flexible retail or business uses, access, landscaping and public realm works. The outline application includes buildings of up to 9 storeys, up to 256 residential units, up to 1,300 sq.m. of flexible retail or business uses, pedestrian/cycle footbridges, access, landscaping and public realm works.

**The applicant**

The applicants are **Muse Developments Ltd** and the **Canal and River Trust**, the architect is **Allies and Morrison**, and the agent is **Quod**.

**Key dates**

The GLA was involved in a number of pre-application meetings between Jan 2015 and Feb 2016; Stage I report 18 August 2016; Committee meeting 1 November 2016.

**Strategic issues summary**

Haringey Council has resolved to refuse permission for this application. The Mayor must consider whether the application warrants a direction to take over determination of the application under Article 7 of the Town and Country Planning (Mayor of London Order) 2008 (“Order”). Having regard to the details of the application, the matters set out in the Committee Report, and the Council’s draft decision notice, the development **has a significant impact on the implementation of the London Plan**, and there are **sound planning reasons for the Mayor to intervene** in this particular case, and issue a direction under Article 7 of the Order that the Mayor is to be the local planning authority for the application.

**Opportunity Area/London Plan housing delivery:** The proposals seek to deliver 505 new homes and up to 119 full time equivalent (FTE) jobs. The affordable housing offer has increased to 30% (from 9% at consultation stage), with a recycling mechanism to achieve up to 35% affordable housing should the viability of the development improve (paras. 31-40).

**Green Belt and natural environment:** The northern part of the site within the Green Belt is proposed to be built upon, which would be ‘inappropriate development’ and would be harmful to the Green Belt. Should the Mayor decide to issue a direction to take over determination of the application, this issue would need to be addressed in order to comply with the London Plan (paras 22-26).

**Urban design and tall buildings:** The site is identified as suitable for tall buildings, and the tallest blocks are located nearer to the existing and forthcoming tall buildings in Hale Village and public transport links at Tottenham Hale. The layout, architecture and materials are of a high quality (paras 44-47).

**The Council’s decision**

In this instance, Haringey Council has resolved to refuse permission.

**Recommendation**

That Haringey Council be directed that the Mayor will act as the local planning authority for the purposes of determining the above application.

## Context

1 On 8 June 2016, the Mayor of London received documents from Haringey Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Categories 1A, 1B and 1C(c) of the Schedule to the 2008 Order:

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

2 On 18 August 2016, the Mayor considered planning report D&P/1239a/01, and subsequently advised Haringey Council that the application did not yet comply with the London Plan for the reasons set out in paragraph 88 of the above-mentioned report but that the possible remedies set out in that paragraph could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 1 November 2016, Haringey Council resolved to refuse planning permission for the application, against officers’ recommendation, and on 22 December 2016 it advised the Mayor of this decision. Under the provisions of Article 5 of the Order, the Mayor may allow the draft decision to proceed unchanged, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application. The Mayor has until 4 January 2017 to notify the Council of his decision and to issue any direction.

4 The Council’s draft decision notice includes the following reasons for refusal:

1. The proposed development by virtue of its overall height, design and visual impact would fail to respond positively to the surrounding context, resulting in an overly large and discordant mass, detracting from the openness and character of the adjacent Lee Valley Regional Park, Green Belt, and the area generally, contrary to Policies 3.5, 7.4, 7.6, 7.7 and 7.16 of the London Plan 2016, Policies SP11 and SP13 of the Haringey Local Plan 2013, Saved Policies OS5 and UD3 of the Haringey Unitary Development Plan 2006, policies DM1, DM6 and DM20 of the Pre-Submission Version of the Development Management DPD January 2016 and Policies AAP6 and TH9 of the Tottenham Area Action Plan Pre-Submission Version January 2016.
2. The proposed development would fail to provide a sufficient number of car parking spaces, and therefore would significantly exacerbate the current on-street parking situation thereby prejudicing the safety and free flow of traffic in the area and promoting unacceptable parking stress. As such, it fails to strike an acceptable balance between sustainability and parking choice contrary to the requirements of Policy 6.13 of the London Plan 2016, Saved Policies UD3, HSG11 and M10 of the Haringey Unitary Development Plan 2006 and emerging Policy DM32 of the Development Management, Development Plan Document (pre-submission version January 2016).
3. The proposed development in the absence of a legal agreement securing the provision of on-site affordable housing would have a detrimental impact on the provision of much required affordable housing stock within the Borough and would set an undesirable

precedent for future similar planning applications. As such, the proposal is contrary to policy SP2 'Housing' of the Council's Local Plan March 2013 and Policy 3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes) of the London Plan.

4. In the absence of a legal agreement to manage the provision of Private Rented Sector housing there would be insufficient clarity on the role that this housing would play in helping to meet local housing need.
5. In the absence of an agreement to work with the Haringey Employment Delivery Partnership the proposal would fail to support local employment, regeneration and address local unemployment by facilitating training opportunities for the local population contrary to Local Plan Policies SP8 and SP9.
6. In the absence of planning obligations to secure mitigation measures to promote sustainable transport, service and delivery plans, and a parking management plan the proposed development by reason of its lack of car parking provision would significantly exacerbate pressure on on-street parking spaces in surrounding streets, prejudicing the free flow of traffic and conditions of general safety along the neighbouring highway and would be detrimental to the amenities of local residents. As such the proposal is considered contrary to the requirements of Policy 6.13 of the London Plan 2015, Saved Policies UD3, HSG11 and M10 of the Haringey Unitary Development Plan 2006.
7. In the absence of planning obligations to secure the delivery of bridges between Watermead Way and the site and between the site and The Paddock, the proposed development would (a) result in unacceptable additional pedestrian flows on parts of the Ferry Lane footway leading to a decrease in pedestrian comfort levels and (b) fail to accommodate part of Haringey's proposed Green Grid which is due to pass through this site linking Tottenham High Road to Walthamstow Wetlands and the Lee Valley Regional Park (c) have insufficient public transport accessibility to justify the proposed density of Phases 2 and 3 and (d) fail to facilitate the extension of an existing District Energy network by providing the shortest route between the site and the Hale Village Energy Centre. This would be contrary to London Plan Policy 2.18, 3.4, 5.5, 5.6, Policy SP7 of the Haringey Local Plan 2013 and Policies AAP3, AAP7, AAP9 and TH9 of the Tottenham Area Action Plan Pre-Submission Version January 2016.
8. The proposed development would not provide an acceptable level of open space on the site itself and in the absence of planning obligations to secure financial contributions towards the improvement of adjoining The Paddock open space would be contrary to Policy SP13 of the Haringey Local Plan 2013.
9. In the absence of sufficient energy efficiency measures, extension of the existing Decentralised Energy Network or provision of an alternative on-site communal heating network and/or financial contribution towards carbon offsetting the proposal would result in an unacceptable level of carbon dioxide emissions. As such, the proposal would be contrary to London Plan Policy 5.2 and Local Plan Policy SP4.
10. In the absence of planning obligations to require the active marketing of Block K for Business (B1) purposes the opportunity would be lost to minimise the net loss of jobs that would result from the redevelopment of the site and to maximise the contribution the development would make to delivering mixed-use development and stimulating regeneration within the Upper Lee Valley Opportunity Area and the Tottenham Hale Local Employment Area. This would be contrary to Policy 2.13 of the London Plan, Policy SP8 of the Haringey Local Plan 2013 and policies AAP4 and TH9 of the Tottenham Area Action Plan Pre-Submission Version January 2016.
11. In the absence of a S278 agreement to alter the access to the site from Ferry Lane and improved pedestrian crossing across Ferry Lane, the proposal would be detrimental to

pedestrian and highway safety contrary to Policy 6.1 of the London Plan, Policy SP7 of the Haringey Local Plan 2013.

5 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

6 The Mayor's decision on this case, and the reasons, will be made available on the GLA's website [www.london.gov.uk](http://www.london.gov.uk).

## **Article 7: Direction that the Mayor is to be the local planning authority**

7 The initial policy test regarding the Mayor's power to take over and determine applications referred under categories 1 and 2 of the schedule to the Order is a decision about who should have jurisdiction over the application, rather than whether planning permission should ultimately be granted or refused.

8 The policy test consists of the following three parts, all of which must be met in order for the Mayor to take over the application:

- a) significant impact on the implementation of the London Plan;
- b) significant effects on more than one borough; and
- c) sound planning reasons for his intervention.

9 Parts (a) and (b) of the test identify the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the reasons for the Mayor's intervention, having regard to the Council's draft decision on the application. These tests are intended to ensure that the Mayor can only intervene in the most important cases.

10 As set out above, the application is for 505 homes. Article 7(4) of the Order sets out that where a development falls within Category 1A of the Schedule, namely that over 150 homes will be delivered, part (b) does not apply.

11 This report considers the extent to which the policy tests under Article 7(1) apply in this case and whether, therefore, the Mayor should direct that he is to be the local planning authority and apply the tests set out under Article 7(3) of the Order. This report does not consider the merits of the application, although regard has been given to the key planning issues in respect of assessing the policy test in Article 7(1) as set out below.

## **Policy test 7(1)(a): Significant impact on implementation of the London Plan**

12 There are significant impacts on the implementation of the London Plan for the reasons set out in the following paragraphs.

### Opportunity Area objectives

13 The site is within the Upper Lee Valley Opportunity Area (as identified in the London Plan), which states that the Opportunity Area is capable of accommodating at least 20,100 homes up to 2031, with an indicative employment capacity of 15,000. Policy 2.13 'Opportunity Areas and Intensification Areas' states that development proposals in these areas should optimise residential and non-residential outputs and densities; realise scope for intensification associated with existing and proposed improvements in public transport accessibility; and support wider regeneration, including improvements to environmental quality. The Mayor's Upper Lee Valley Opportunity Area Planning Framework, which is supplementary planning

guidance to the London Plan, was published in July 2013 and identifies Tottenham Hale as a location of significant growth, including 5,000 homes, 4,000 jobs, high density housing and tall buildings.

14 The proposals seek to deliver 505 new homes and contribute up to 119 full time equivalent (FTE) jobs once completed, plus additional jobs during construction. The proposals will therefore make a positive contribution towards the delivery of the primary housing and employment objectives of the Opportunity Area.

#### London Plan housing delivery

15 London Plan Policy 3.3 'Increasing Housing Supply' recognises the pressing need for new homes in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford. Part B of this policy states that the Mayor will seek to ensure that the housing need identified in paragraphs 3.16a and 3.16b of the London Plan is met particularly through provision consistent with at least an annual average of 42,000 net additional homes across London. London Plan Table 3.1 requires that Haringey Council delivers a minimum of 1,502 new homes per year between 2015 and 2025. The site is also located within the Tottenham Housing Zone, which has a target for 1965 new homes by 2025. Housing Zones are identified in London Plan Policy 8.1 'Implementation' to deliver the full housing potential of Opportunity Areas. London Plan Policy 3.11 'Affordable Housing Targets' seeks to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes per year.

16 The proposal will deliver 505 new homes which would equate to a third of the Council's annual housing target, including a minimum of 30% affordable housing (as discussed below). The Council's performance relating to housing delivery, including affordable housing over recent years is set out under 'Matters that the Mayor must take account of' below. In essence, the position is that while Haringey has delivered a significant number of new homes and affordable housing, it has not met its housing target for three of the last five years.

#### London Plan transport strategy

17 London Plan Policy 6.1 'Transport - Strategic Approach' supports development that generates high levels of trips to be located in areas with high levels of public transport accessibility. The site is in close proximity to Tottenham Hale station and records an excellent public transport accessibility level (PTAL) of 6a at the southern end of the site, decreasing to 5 and then 4 towards the north of the site, on a scale of 1 to 6, where 1 is classed as very poor and 6 excellent. A new pedestrian bridge connection to Hale Village is also proposed, which would further improve accessibility. The station is likely to form part of the core Crossrail 2 route, where services could be operating into central London from the early 2030s. The proposal for 505 units would clearly generate high levels of trips at a location with high levels of public transport accessibility, which is likely to benefit from future transport improvements.

18 In summary, the proposed delivery of up to 505 new housing units and up to 1,607sq.m. (GIA) of non-residential floorspace, would clearly contribute to the objectives of the Opportunity Area, London Plan housing delivery, and London Plan transport requirements. The proposal would therefore have a significant impact on the implementation of the London Plan.

### **Policy test 7(1)(c): Sound planning reasons for intervening**

19 Notwithstanding part (a), part (c) of the policy test is whether the Mayor considers there to be sound planning reasons to intervene. Having regard to the details of the proposal and the Council's draft reasons for refusal, together with the issues identified by the Mayor at

consultation stage, which are examined in more detail below, there are sound planning reasons to take over this application.

### Opportunity Area

20 London Plan Policy 2.13 sets out the Mayor's policy on opportunity areas. London Plan paragraph 2.58 states that opportunity areas are the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility. London Plan Table A1.1 sets out the strategic policy direction for the Upper Lee Valley Opportunity Area, identifying that the Upper Lee Valley occupies a strategic position in the London-Stansted-Cambridge-Peterborough growth corridor and provides a range of development opportunities, including a growth point at Tottenham Hale, which is considered suitable for higher density development. The Mayor's Upper Lee Valley Opportunity Area Planning Framework, which is supplementary planning guidance to the London Plan, was published in July 2013 and identifies Tottenham Hale as a location of significant growth, including 5,000 homes, 4,000 jobs, high density housing and tall buildings.

21 The proposal would therefore support the strategic policy direction for the Opportunity Area, particularly with regards to the provision of 505 new homes.

### Impact of the proposals on the Green Belt and natural environment

22 London Plan Policy 7.16 'Green Belt' gives the strongest protection to the Green Belt; states that inappropriate development should be refused, except in very special circumstances; and supports development that is appropriate and helps secure the objectives of improving the Green Belt. At consultation stage, the Mayor considered that the height and massing of the proposals appropriately respond to the sensitivities of the site and were supported, with no harm caused to the Green Belt. At that time, it was understood that no areas of the site fell within the Green Belt; however the Council's Committee Report identified that the northern tip of the site is within the Green Belt, and stated that this area is proposed as part of an ecological area with no buildings, which the NPPF identifies as an appropriate use of Green Belt land and would enhance the retained adjacent Green Belt.

23 GLA officers have examined Haringey's Proposals Map, which indicates that the northern part of the site is within the Green Belt. The application proposes to construct buildings on this area of Green Belt, which would be 'inappropriate development' as defined by the NPPF and would be harmful to the Green Belt, with no special circumstances identified. Should the Mayor decide to issue a direction to take over determination of the application, the issue of inappropriate development in the Green Belt would need to be addressed in order to comply with the London Plan. Furthermore, a thin strip of land on the eastern edge of the site is also within the Green Belt; however this would be subject to landscape improvements, with no buildings, which would therefore improve the Green Belt.

24 Notwithstanding this, the Council's draft decision notice identifies that the proposals fail to respond positively to the surrounding context, detracting from the openness and character of the Lee Valley Regional Park and Green Belt. However, at consultation stage, the Mayor considered that the proposals appropriately respond to the sensitivities of the areas surrounding the site and were supported, albeit at that time the Mayor was not aware that part of the built development was in the Green Belt.

25 The application includes an Environmental Statement, which examines the ecology of the site, which is within the Lee Valley Regional Park and forms part of a metropolitan Site of Importance for Nature Conservation (SINC) and is near to Walthamstow Marshes and the



Reservoirs to the east, which form part of the Lee Valley Special Protection Area (SPA), a Ramsar site, an Important Bird Area, and the Walthamstow Reservoirs Site of Special Scientific Interest (SSSI). The Environmental Statement concludes that the impact on habitats important at a metropolitan scale is not significant, no significant impacts are expected to areas of international designation and that subject to the proposed mitigation measures, any impacts on bird populations and other protected species are considered to be minor. At consultation stage, these conclusions were accepted, subject to the views of Natural England, which has confirmed that providing the proposed mitigation package is implemented there are unlikely to be significant effects on the Lee Valley SPA and Ramsar site or the Walthamstow Reservoirs SSSI. Natural England has also considered the applicant’s Habitat Regulation Assessment Screening Report and has confirmed that no further assessment is necessary. The Council also commissioned independent ecological advice, which raised no objection, subject to a number of conditions to mitigate potential impacts, which are included in the Council’s Committee Report. It is also noted that London Wildlife Trust and the Royal Society for the Protection of Birds responded but made no objections.

## Matters the Mayor must take account of

26 The Mayor must take account of the Council’s current and past performance against development plan targets for housing and affordable housing.

27 The London Plan Annual Monitoring Reports indicate that the Council has failed to meet the London Plan housing targets in the last two years, and in three of the last five years, achieving 41% in 2014/15, 49% in 2013/14, 166% in 2012/13, 155% in 2011/12, and 49% in 2010/11. If the pattern of recent years continues, the Council will find it challenging to meet its current 10 year target in the London Plan; however, it is acknowledged that the awarding of Housing Zone status and funding will have a positive impact on housing delivery in the borough.

28 The most recent 2014/15 Annual Monitoring Report indicates that Haringey has reported the highest percentage of affordable housing of all London boroughs, at 54% over the three-year average period 2012-2015.

## Issues raised at consultation stage

29 Notwithstanding the above, the Mayor should also have regard to the strategic planning issues raised at consultation stage. Since the Mayor’s initial representations were made the applicant has engaged positively with the Council and GLA officers, with clarifications and commitments having been provided, as set out below.

### Housing and affordable housing

30 At consultation stage, the proposal was to provide up to 505 residential units, as follows:

	<b>Market sale</b>	<b>Private rented (PRS)</b>	<b>Affordable rent</b>	<b>Shared ownership</b>	<b>Total</b>
Studio	10	0	0	0	10 (2%)
One-bed	142	50	0	0	192 (38%)
Two-bed	164	51	17	0	232 (46%)
Three-bed	47	7	17	0	71 (14%)
<b>Total</b>	<b>363 (72%)</b>	<b>108 (21%)</b>	<b>34</b>	<b>0</b>	<b>505</b>
Detailed	141	108	0	0	249
Outline	222	0	34	0	256
			<b>9% by habitable room</b>		

31 The proposal was subsequently revised as follows:

	<b>Market sale</b>	<b>Private rented (PRS)</b>	<b>Affordable rent</b>	<b>Shared ownership</b>	<b>Total</b>
Studio	10	0	0	0	10 (2%)
One-bed	87	50	0	55	192 (38%)
Two-bed	103	51	17	61	232 (46%)
Three-bed	47	7	17	0	71 (14%)
<b>Total</b>	<b>247</b>	<b>108</b>	<b>34</b>	<b>116</b>	<b>505</b>
Detailed	141	108	0	0	249
Outline	106	0	34	116	256
			<b>30% by habitable room</b>		

32 At consultation stage, the application proposed up to 34 affordable units in the form of affordable rented units, equating to 9% on a habitable room basis, to be provided in phase 3. At consultation stage, the Mayor considered that the level of affordable housing should be substantially increased, a more varied mix of tenures and unit sizes considered, and a portion of affordable homes delivered in phase 1.

33 Subsequently, further discussions have taken place between the applicant, the Council and GLA officers over financial viability issues and the GLA has agreed to provide additional funding to a selected Registered Housing Provider of up to £7.75M (in addition to the £11.95M recoverable grant for site enabling costs and £2.72M for the proposed bridges from the Housing Zones budget) to provide additional affordable housing in the form of 116 shared ownership homes, as set out above. The challenges of this difficult site require significant funding; however the delivery of the site is an essential part of the Housing Zone. Discussions also took place over the inclusion of some affordable housing in phase 1, and while officers are satisfied that this is not viable, it is proposed that all of the additional affordable housing would be provided in phase 2, rather than in phase 3. The increased affordable housing offer now comprises 150 affordable units in the form of 34 affordable rent and 116 shared ownership units, amounting to 30% by unit and 30% by habitable room. This represents a 23%:77% split between affordable rent and shared ownership by unit, which is close to the emerging 40%:60% split for the Tottenham AAP area.

34 As the amount of proposed affordable housing is below Haringey’s adopted policy target of 50% and the emerging policy target of 40% by habitable room, the applicant has provided a revised financial viability appraisal, which has been reviewed by the Council’s independent advisors, who have confirmed that the scheme cannot currently support in excess of 30% affordable housing. Council officers therefore considered that the proposed amount and type of affordable housing represents the maximum reasonable amount, in accordance with London Plan Policy 3.12. The additional GLA housing grant funding will be subject to a review mechanism to achieve up to 35% affordable housing should the viability of the development improve.

35 The section 106 heads of terms contained in the Council’s Committee Report specify the following rent levels for the affordable rent units, which ensure that rents are genuinely affordable for local people:

<b>Affordable rent</b>	
One bedroom	Up to 80% market rent or Local Housing Allowance (LHA)
Two bedroom	Up to 65% market rent or LHA
Three bedroom	Up to 55% market rent or LHA

36 Although not specified in the draft heads of terms, income limit requirements should also be applied to the shared ownership units in order to ensure that they are genuinely affordable.

37 At 50%, the proportion of affordable family-sized homes is in line with London Plan Policies 3.8 'Housing Choice' and 3.11 'Affordable Housing Targets'. Policy 3.8 also provides specific support for PRS units in addressing housing needs and increasing housing delivery. The section 106 heads of terms identify that the PRS housing would be subject to a 15 year covenant, as required by the Housing SPG.

38 At consultation stage, it was noted that the density proposed is approximately 284 units or 772 habitable units per hectare, which is slightly above the London Plan density range. Considering the accessibility of the site, its location within an Opportunity Area, a Council Growth Area, and a Housing Zone, this density is appropriate.

39 The level of affordable housing, tenure, size mix, and density accords with London Plan policy.

#### Employment

40 At consultation stage, the GLA noted that the proposals would provide up to 119 full time employment (FTE) jobs, in place of up to 116 provided at the existing site. The loss of the existing poor quality employment space, and its replacement with employment uses that are compatible within the mixed use residential development was supported. The Council and applicant were requested to clarify the position on affordable workspace provision.

41 The commercial floorspace provided would be let at market rates; however the Council would secure commitments to local labour and training during construction and a financial contribution towards managing the local labour scheme. The draft section 106 agreement would also secure the marketing of Block K for Class B1 employment use to maximise the opportunity for replacement employment space at the site. Given that there is no planning policy requirement for the provision of affordable workspace in this instance, and the challenge of delivering affordable housing on this site, the replacement employment provision is supported in accordance with London Plan policy.

#### Green Belt and natural environment

42 The impact on the Green Belt and the natural environment are discussed in paragraphs 22-26 above. In summary, the proposals are considered to meet the requirements of London Plan policies on the natural environment. The issue of inappropriate development in the Green Belt would need to be addressed in order to comply with the London Plan.

#### Urban design and tall buildings

43 At consultation stage, the design of the proposals on this challenging site was generally considered to be of a high quality; however further information was requested on a number of minor issues.

44 Clarification was requested on the proposed car parking courts, which raised some concerns about the security of these areas due to a lack of overlooking and passive surveillance. The applicant has confirmed that the car parking courts are orientated and open towards the courtyard and canal, from where they will be visible from footways, shared surface public areas, and the frequently used Lee Navigation waterway and towpath. Homes adjacent to the parking

courts will also have windows onto these spaces where possible. This will provide sufficient natural passive surveillance.

45 The River Lee Navigation Bridge and the Pymmes Brook Bridge are included in the outline planning application, and are subject to parameter plans. At consultation stage, it was noted that a series of detailed design principles, including access, materials, ecological impact, lighting and public realm are contained within the Design and Access Statement; however these were not expressed as design codes and the applicant was requested to clarify how these would be secured. In response, the Council's Committee Report proposed to secure the bridge design principles by condition.

46 At consultation stage, it was noted that the design codes generally secure an appropriate level of residential quality in the outline application; however due to the constrained nature of the site, some blocks across the courtyard will be 12 metres apart. This could be addressed through an additional design code to secure a layout of units and windows that will ensure privacy.

### Heritage

47 The proposals could have an impact on heritage assets, and the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings section 66 of the act states that all planning decisions should "*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be.

48 The Tottenham High Road Historic Corridor (comprising North Tottenham, Scotland Green, Tottenham Green, Seven Sisters and South Tottenham Conservation Areas) is approximately 1km to the west of the site. The Bruce Castle and Clyde Circus Conservation Areas are approximately 1.5km from the site, as is the Leuca Road Conservation Area (within LB Waltham Forest). The Ferry Boat Inn, approximately 200 metres to the east of the site along Ferry Lane, is Grade II listed, and there are two other listed buildings within 1 kilometre.

49 The applicant has carried out an assessment of the impacts of the proposals on heritage assets in its Environmental Statement (ES). This information has been assessed by the Council and GLA officers. Whilst the new buildings would be visible at a distance from some viewpoints within the local conservation areas, the buildings would appear as a distant point in the background and would not adversely affect the townscape quality and character of the conservation areas. With regard to the Ferry Boat Inn, the new buildings would be clearly visible in the background to this listed building; however it is not considered that the taller buildings, which would be approximately 200 metres away and clearly separated from the local setting of the building, would adversely affect the setting or current appreciation of the historic significance of this heritage asset. The proposals would not impact on the setting of other nearby listed buildings due to their distance from the application site. The applicant's ES recommends a programme of archaeological works is undertaken to mitigate any impact of the proposals on archaeological heritage assets, given the site's location within the Lea Valley Archaeological Priority Area, and this could be secured by condition. The proposals do not thus have an adverse impact on the setting or historic interest of heritage assets.

## Inclusive design

50 As requested at consultation stage, the Council's Committee Report proposed to secure by condition that 90% of new housing meets Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and 10% of new housing meets Building Regulation requirement M4(3) 'wheelchair user dwellings'.

## Transport

51 As requested at consultation stage, the applicant has carried out an additional junction capacity assessment, which demonstrates that there would be limited impact from delivery and servicing vehicles associated with the site. Cycle and pedestrian access into the site has been appropriately addressed by the applicant and a financial contribution is proposed towards improving pedestrian and crossing facilities on Ferry Lane. With respect to the requested contribution towards capacity improvements on the local bus network, the applicant has carried out further analysis on local bus capacity and agreed with TfL that a contribution of £50,000 is necessary and reasonable to account for the additional capacity required.

52 The provision of the pedestrian bridges is crucial to unlocking the second phase of the development. This will need to be provided before Phase 2 of the scheme is implemented and suitable provisions within the section 106 will need to be secured to ensure they are delivered.

53 The applicant has appropriately addressed cycle parking provision and proposed conditions securing the car park management plan, car club membership, blue badge parking, electric vehicle charging points, and the provision of a monitored travel plan, delivery and servicing plan and construction logistics plan.

## Climate change

54 As requested at consultation stage, the applicant has clarified g-values in the dynamic modelling calculations. Design changes recommended in the overheating report, including enhanced mechanical ventilation, and internal and external blinds should be secured through the submission of an overheating mitigation plan.

55 The Hale Village heat network is within the vicinity of the development and could be extended to the development. The applicant has also confirmed that the existing heat network is supplied by gas and biomass boilers, with the potential for combined heat and power (CHP) to be incorporated at a future date. However, at this stage there is no agreement with the network operator and the applicant is proposing to pursue both a connection to the heat network, and a standalone option should connection not be possible. The applicant should prioritise connection to the heat network over a standalone solution.

56 As requested at consultation stage, the applicant has confirmed that all apartments and non-domestic building uses will be connected to the site heat network. The applicant has stated that due to the uncertainties of domestic hot water demand it is proposed to install a number of load tracking CHP units, which are able to respond to the varying load profile in order to maximise CO2 savings in real life.

57 Subject to the above requirements, the carbon dioxide savings of the proposed development exceed the target within Policy 5.2 of the London Plan.

## Response to consultation

58 Haringey Council publicised the application by sending notifications to approximately 2,750 neighbouring properties, four Residents Associations, as well as issuing site notices. It should be noted that the Council's consultation was undertaken before the affordable housing offer was increased. The Council received 168 objections, including the following groups:

- Commercial Boat Operators Association.
- Ferry Lane Estate Residents.
- Friends of Tottenham Marshes.
- Ferry Lane Action Group.
- Stonebridge Boaters.
- Tottenham Civic Society.
- The Regents Network.

59 The grounds for objection included:

- Excessive building height.
- Overshadowing/loss of daylight/loss of sunlight.
- Adverse impact on natural environment and wildlife.
- Adverse impact on schools, health and other community services.
- Insufficient affordable housing.
- Poor design/character.
- Increase in traffic and increased car parking pressures in surrounding streets.
- The proposals contravene planning policy.
- No need for so much housing in order for the Council to meet its housing target.
- Loss of privacy.
- Loss of the wharf as a transport facility, adverse impacts on boats moored on the wharf and inadequate consideration of use of river by boats.
- Loss of existing employment.
- Inadequate provision of employment uses, and fear that it may remain vacant.
- Tottenham Hale Station already at capacity and train services that use Tottenham Hale are already over-stretched.
- Adverse impacts during construction (noise, traffic, air quality & impacts on wildlife).
- Proposed phasing will spread out these adverse impacts over a longer period.
- Adverse noise when built.
- General dwelling mix is inappropriate, too many 2-bed homes, which is not what Tottenham needs.
- Insufficient assessment of views.
- Lack of community benefit.
- Impact on users of the towpath.
- Increase in littering.

60 The Environment Agency made no objection, subject to conditions relating to minimum floor level, compliance with flood risk assessment, continuous access to vehicular ramps and integrity of river walls.

61 Historic England did not consider that it was necessary for the application to be notified.

62 Lee Valley Regional Park Authority objected due to the excessive scale of the proposed block A, which it states will dominate views from across and through the Regional Park to the detriment of visitor amenity. It stated that the design does not reflect the 'sense of place' of the

site in the Regional Park or provide visual interest, and that the proposed ecological measures and bridges are insufficient to overcome the objection. The considerable regeneration benefits were recognised.

63 The London Borough of Waltham Forest made no objection, but raised some concerns about the potential impact on the open character of the Wetlands as an important wildlife and ecological area, and sought an appropriate financial contribution by way of mitigation towards the Wetlands. It is noted that the Council's independent ecological advice identified no harm from the proposed buildings and Haringey Council considered that there is no need to secure financial contributions to the Wetlands.

64 Natural England made no objection, subject to conditions.

65 London Wildlife Trust responded but made no objection.

66 The Royal Society for the Protection of Birds responded but made no objection.

67 London Assembly Member Joanne McCartney objected on grounds that the height of the 21 storey building is much too high and out of keeping with the local area; that it would overshadow and impact the privacy of Hale Village opposite and detract from the openness of the area; would be in breach of the Tottenham Area Action Plan (Pre-Submission Version January 2016), which states that tall buildings should be located at public transport nodes and then scaled down; that the design is not in keeping with surrounding developments and its waterside setting; that it would not make a positive contribution to the quality and character of the area; that the height of the proposed development would block locally significant views across the Lee Valley Regional Park; that there is very little affordable housing (34 out of 505 units); and the effect on wildlife such as bats and birds, especially being so close to the Lee Valley Park and Tottenham/Walthamstow marshes.

68 Councillor Reith objected on grounds that the proposal is contrary to the Tottenham Area Action Plan (Pre-Submission Version January 2016), which says that the highest density development should be located adjacent to public transport nodes, in Growth Areas and Areas of Change, and should transition to lower rise areas; that it is out of keeping with the existing character of the area, which is open river and marshes, surrounded by Green Belt land; that it would destroy the views from neighbouring residents and tower over their homes; that it disregards the local heritage; that the design is of a poor and uninspiring quality; that the tall illuminated buildings next to the river will impact wildlife; that the Council's target of 5,000 homes in the Tottenham Hale area will be met without this development; insufficient affordable housing (34 units); lack of community benefits; and pressure on existing infrastructure.

69 Councillor Rice objected on grounds that the development does not make a positive contribution to the character of the area; the design is poor and unimaginative; the towers are far too tall and are wrongly placed on the bank of a river; and no consideration is given to the proximity to the Green Belt or to reflect a much more rural setting.

#### Representations to the Mayor

70 The Mayor has received an objection from the Rt. Hon. David Lammy, MP for Tottenham, with grounds including the massing being out of context with the site's setting; overly dense and overbearing; adverse effects on wildlife; lack of benefits to the local community; and lack of affordable housing.

71 The GLA case officer has received an objection from Greater London Assembly Member Joanne McCartney with grounds as stated above and supporting Haringey Council's decision.

72 The Mayor has received an objection from Councillor Reith, with grounds as stated above. Councillor Reith has also asked the Mayor to allow Haringey Council's decision to stand.

73 The Tottenham and Wood Green Friends of the Earth Group, Tottenham Civic Society, the Ferry Lane Action Group, and 41 local residents have also raised objections, with grounds as listed above. A number of the objectors have requested that the Mayor allows Haringey Council's decision to stand. One representation in support has been received.

74 Planning issues raised by objectors have been considered in this report, the Mayor's Stage One report, and the Council's Committee Report and Addendum Report of 1 November 2016.

## **Legal considerations**

75 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application. The Mayor may also leave the decision to the local authority. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

## **Financial considerations**

76 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

## **Conclusion**

77 Having regard to the details of the application, the matters set out in the Committee Report and the Council's draft decision notice, the development has a significant impact on the implementation of the London Plan, and there are sound planning reasons for the Mayor to intervene in this particular case and issue a direction under Article 7 of the Order.

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