



APPEAL SUMMARY PROOF OF EVIDENCE

Site: The Goods Yard and The Depot
36 and 44-52 White Hart Lane
and 867-879 High Road
(and Land to the Rear)
Tottenham
London
N17 8EY

For: Haringey Council

Project Ref: LF/hbg/22034_SPoE

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Prepared by:

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1.0 **SUMMARY AND CONCLUSIONS**

1.1 This Summary Proof of Evidence has been prepared on behalf of the London Borough of Haringey (the Local Planning Authority). It relates to an Appeal made pursuant to Section 78 of the Town and Country Planning Act 1990, in respect of land at The Goods Yard and The Depot 36 and 44-52 White Hart Lane (and Land to the Rear) and 867-879 High Road (and Land to the Rear), London, N17 8EY.

5.11.1 The Appeal was lodged following the refusal of planning permission by Councillors at the Planning Committee held on the 6 November 2021. The application was refused for the following reasons:

"TALL BUILDINGS

The proposed tall buildings (Goods Yard Blocks A and B and Depot Block A), by virtue of their height, breadth, proximity to each other and to the existing Rivers Apartments tall building, and by virtue of their 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. As such the proposed development would be contrary to the Paragraphs 130 and 134 of the NPPF (July 2021), London Plan Policies GG2, D3 and HC1, Local Plan Strategic Policies SP1, SP11 and SP12, North Tottenham AAP Policies AAP5, AAP6 and Site Allocation NT5, Local Plan Policies DM6 and DM9 and guidance in the adopted High Road West Masterplan Framework (September 2014).

HERITAGE

The proposed tall buildings (Goods Yard Blocks A and B and Depot Block A), by virtue of their, height, breadth and architectural expression, would cause less than substantial harm to the significance and setting of designated and undesignated heritage assets in the surrounding area that is not outweighed by the likely public benefits that would be delivered. As such, there would be a clear reason to refuse the proposals pursuant to Paragraph 11(d)(i) of the NPPF (July 2021) and the proposed development would be contrary to the Paragraph 202 of the NPPF (July 2021), London Plan Policy, Local Plan Strategic Policies SP11 and SP12, North Tottenham AAP Policies AAP5, AAP6 and Site Allocation NT5, Local Plan Policies DM6 and DM9 and guidance in the adopted High Road West Masterplan Framework (September 2014).

OPEN SPACE

The proposed development includes an insufficient provision of publicly accessible open space for the estimated resident population and as such fails to optimise site capacity through the design-led approach. This under provision is contrary to Paragraphs 7, 93 and 98 of the NPPF (July 2021), London Plan Policies GG" and D3, Local Plan Strategic Policy SP13, North Tottenham AAP Policies AAP5, AAP6 and Site Allocation NT5, Local Plan Policies DM12 and DM20 and guidance in the adopted High Road West Masterplan Framework (September 2014)."

5.12 It is acknowledged that Committee Report recommended that the application be approved. However, following discussion and debate at the Committee, Councillors disagreed with Officers and refused the application as stated above.

5.13 My evidence concentrates on the following issues:

- The fallback position

- Planning matters pertaining to tall buildings and design
- Planning matters pertaining to townscape and visual impact
- Planning matters pertaining to heritage impact
- Planning matters pertaining to open space provision
- The planning balance

5.14 My main findings can be summarised as follows:

The Fallback Position

5.15 The site benefits from two extant planning permissions for the development of up to 646 dwellings and up to 1,720sqm of commercial floorspace. Both applications were hybrid submissions with works to listed buildings being in detail. Reserved matters consent is required for all other elements.

5.16 To date the Appellant has not engaged with the Local Planning Authority on those applications, there have been no reserved matters submissions and no applications made to discharge any pre-commencement conditions.

5.17 The permissions lapse in June and September 2023.

5.18 These extant permissions are material considerations within the determination of this appeal.

5.19 Whilst I do not dispute that there only needs to be a possibility of an alternative consent being implemented to create a fallback, this still needs to be a realistic possibility. In my opinion, the actions of the Appellant clearly demonstrate that the extant permissions are not what they want to deliver. They have not sought to progress those extant consents regardless of them being approved almost 2 years ago. Accordingly, I am of the opinion that these permission carry limited weight in the consideration of this appeal.

- 5.20 Regardless of my opinion on this matter, my evidence sets out the arguments with and without the fallback position.

Design and Architecture

- 5.21 My evidence should be read in association with the Proof of Evidence of Mr Wilshire on this topic.

- 5.22 It is evident that the Appellant is using the slight deviation within the massing of the tall building proposed as part of the extant planning permissions as justification for completely ignoring the principles set out within the High Road West Masterplan.

- 5.23 The proposed tall buildings are some 50-52% taller and 32% wider than the extant permission. Such a shift in scale and massing is significant and any decision taken cannot rely on the extant permissions.

- 5.24 The buildings fail to act as wayfinders or markers and fail to collectively contribute to the delivery and strategic objectives of the area. Accordingly the scheme conflicts with Policy DM6 and completely disregards Policy NT5.

Townscape and Visual Impact

- 5.25 My evidence should be read in association with the Proof of Evidence of Mr Reynolds on this topic.

- 5.26 Mr Reynolds has identified deficiencies within the Appellant's townscape assessment. He advises as to how the fine grain of the area, and the way in which land uses have been mixed over time to create an interesting and varied townscape, have been downplayed, with the resultant magnitude of change being incorrectly assessed.

- 5.27 Mr Reynold's advises that the scheme has the 'effect of homogenising character across the whole site, and creating somewhere that feels very different to the surrounding townscape in terms of scale and materiality.'
- 5.28 It is concluded that the proposed development overpowers the existing built form and as such fails to positively engage with the street scene, as required by Policy DM6 and fails to respond to and help define the surrounding character, as required by Policy AAP6.

Heritage

- 5.29 Ms Chakraborty has undertaken a Heritage Impact Assessment as part of her Proof of Evidence. She has used the principles established in the Historic England Guidance GPA3. The assessment is exceptionally detailed and balanced. I have not sought to repeat the findings in my evidence.
- 5.30 I do agree that the impact on designated heritage assets falls within the '*less than substantial*' harm category and that the harm that results from this proposal is at the upper level.
- 5.31 This is emphasised when the harm that has already arisen to the North Tottenham Conservation Area is considered. Following the completion of the new Stadium, the Conservation Area has been revised and reduced in its size due to the harm arising from that development.
- 5.32 The further erosion of the quality and character of this area can only be considered to be significant.
- 5.33 The Appellant has justified the impact of this proposal on the basis of there being existing modern development within the area and the extant permissions. Their submissions fail to acknowledge the significant differences in scale and massing proposed as part of this scheme.

- 5.34 As a result of the scheme triggering paragraph 202 of the NPPF, regard must be given to the public benefits that may arise as a result of the development. This is considered within the context of the planning balance.

Provision of Open Space

- 5.35 Mr Reynolds addresses matters of open space quality and provision within his Proof of Evidence. He has not been able to replicate the quantum of open space stated within the appeal proposals, but it is anticipated that this can be resolved via a Statement of Common Ground on this topic area.
- 5.36 Based on the population estimates provided by the Appellant, the scheme requires the provision of 2.957ha of Public Open Space.
- 5.37 The scheme provides 0.887ha of Public Open Space and 0.68ha of Managed Open Space. Whilst the nature of Managed Open Space is open to interpretation, it is somewhat irrelevant for these considerations. Even including the Managed Open Space, the Appellant is still only proposing 1.565ha of Public Open Space, a mere 52.6% of the total required by Policy DM20.
- 5.38 I disagree with the approach taken by Officers and as set out within the Committee Report. The Masterplan is just that. It does not consider housing mix or the final quantum of development, it is a high-level assessment. It bases its open space requirements on the Open Space SPD standards, the same standards required by DM20. To simply apply a percentage calculation based on the site size doesn't account for the actual quantum of development proposed and the associated population generated, as such it is a flawed assessment of need.

5.39 This is an identified area of open space deficiency. Accordingly, the existing population suffers from a deficit in open space to meet their needs. This proposal presents a prime, and possibly the only, opportunity to ensure the adequate provision of Public Open Space for the proposed development. This will ensure that the deficit is not continued or replicated, and that a precedent is not set for future development proposals.

5.40 The scheme fails to accord with the principles set out in DM20, with a shortfall in Public Open Space Provision in the region of 48% less than the policy requirement.

The Planning Balance

5.41 This is without a doubt a scheme that seeks to maximise development and in turn profit in respect of the development of this site. We see a significant increase in the scale and form of development with an increase of 221 residential units, a mere increase 158sqm of commercial space and a 1% increase in Public Open Space.

5.42 My evidence sets out in detail the tests associated with the determination of this appeal. I have considered whether the tilted balance is either applied or disapplied.

5.43 It is my opinion that, having regard to NPPF Footnote 7, heritage matters provide a clear reason for refusal and, accordingly, the presumption in favour of sustainable development is disapplied.

5.44 The application should therefore be assessed in the normal manner.

5.45 When considering the proposal against the Development Plan, the scheme fails at all levels. The scheme is not design-led and fails to appropriately interact with or enhance its setting. It results in irrevocable harm to adjacent

- heritage assets and fails to provide adequate Public Open Space to meet the needs of the arising population, to the detriment of their health and wellbeing.
- 5.46 The provision of housing and affordable housing, in a manner that meets with policy requirements, along with the provision of non-domestic floor space, is of benefit to the scheme it only represents a medium benefit.
- 5.47 Whilst the significant shortfall in the provision of Public Open Space and the impact on non-designated and designated heritage assessed are significant dis-benefits.
- 5.48 It is my opinion that the consistent failure in compliance with the Development Plan and the resultant harm that arising from this proposal is sufficient to dismiss this appeal.