



Compulsory Purchase Order Decision

Inquiry opened on 7 November 2023

Site visits made on 6, 15 & 21 November 2023

by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2024

Order Ref: APP/PCU/CPOP/Y5420/3316757

The London Borough of Haringey (High Road West phase A) Compulsory Purchase Order 2023

- The Compulsory Purchase Order was made under Sections 226(1)(a) and 226(3)(a) of the Town and Country Planning Act 1990, Section 13(1) of the Local Government (Miscellaneous Provisions) Act 1976, and the Acquisition of Land Act 1981, by the Council of the London Borough of Haringey on 26 January 2023.
- The purposes of the Order are to facilitate the carrying out of development, redevelopment or improvement on or in relation to the land comprising the demolition of existing buildings and the erection of new buildings and structures to provide a comprehensive mixed-use development including residential, commercial, business and service and leisure uses, community facilities, a new public square, park and associated accesses, landscaping, parking, public realm works and other complementary uses and associated works; and executing works to facilitate the development and/ or use of the land.
- The main grounds of the remaining objections cover a range of matters, but, in simple terms, it is said that the Acquiring Authority has failed to demonstrate the compelling case in the public interest necessary to justify confirmation.
- At the close of the inquiry there were six remaining objections from qualifying persons.
- The inquiry sat for ten days: 7-10, 14-17, 21 & 22 November 2023.

1 Decision

1. The London Borough of Haringey (High Road West phase A) Compulsory Purchase Order 2023 is confirmed subject to the following modifications:
 - i) The addition of Adrian Sherbanov 85 Whitehall Street London N17 8BP to column 5 (Tenants or reputed tenants) of table 1 on page 34 of the Order.
 - ii) The substitution of Adrian Sherbanov for Erdal Pinar in column 6 (Occupiers) of table 1 on page 35 of the Order.
 - iii) The removal of Gulseren Pinar 85 Whitehall Street London N17 8BP from column 6 (Occupiers) of table 1 on page 35 of the Order.
 - iv) The removal of the reference to the Tottenham Hotspur Foundation with an interest of a potential right of light in respect of 796 High Road from the Rights of Light table on page 725 of the Order.

2 Procedural matters and statutory formalities

- 2.1 A pre-inquiry meeting was held on 11 July 2023 to consider the ongoing management of the case and arrangements for the inquiry. There was no discussion of the merits of any parties' cases at the meeting. A note of the meeting (core document 5.11 (CD 5.11)) was posted on the website for the inquiry, which can be accessed via the following link [High Road West, Haringey - Gateley \(gateleyhamer-pi.com\)](https://www.gateleyhamer-pi.com). The website includes all core documents.
- 2.2 Through its legal representatives, the Acquiring Authority (AA) has certified that it has complied with the statutory formalities in respect of the compulsory purchase order (CPO) and the arrangements for the inquiry¹.
- 2.3 Adrian Sherbanov (objection 9) is a tenant of a dwelling on Whitehall Street in parcel 35 of the Order lands, and disputed the validity of the CPO as his interest in the property is not recorded in table 1 of the schedule to the Order. The AA explained that efforts had been made to identify those parties with an interest in the property and the lessees/ reputed lessees of the flat have been included in the table.
- 2.4 The AA acknowledges that, as a tenant and occupier of the flat at 85 Whitehall Street at the time the CPO was made, Mr Sherbanov is a qualifying person for the purpose of the Acquisition of Land Act 1981, and, as such, he should have been included in table 1 of the schedule². However, Mr Sherbanov became aware of the Order by means of a public notice³ and took the opportunity to participate in the inquiry. Consequently, I do not consider that his omission from table 1 has caused any prejudice, and this error could be addressed by a modification to the Order. A note submitted on behalf of the AA explains that the omission of Mr Sherbanov from table 1 would not affect the ability of the Authority to exercise the powers of compulsory acquisition, should the Order be confirmed (CD 11.40). Confirmation of the Order would authorise acquisition of the flat as part of parcel 35, and proceeding by either a notice to treat or a general vesting declaration would involve giving notice.
- 2.5 Parcels 124 and 125, to the rear of 7 White Hart Lane, are considered by the AA to potentially be Crown land following the dissolution of Elveshire Ltd⁴. Consultation prior to disposal has not led to any responses, and the AA has issued a draft valuation report to the Crown Estate. The AA considers that the Crown Estate is likely to be willing to sell these properties to the Council if required, although the Order simply seeks the acquisition of new rights over this land. On the information before me, I do not consider that the status of parcels 124 and 125 is an obstacle to the acquisition of the specified rights of crane oversailing (parcel 124) and scaffolding (parcels 124 & 125).
- 2.6 At the pre-inquiry meeting, it was agreed that evidence on crowd flow would be presented by the AA and Tottenham Hotspur Football Club Group (THFC – objection 8)⁵. Discussions on this matter continued between the parties, and agreement was reached on a schedule of assurances concerning the technical aspects of crowd movement between White Hart Lane Station and Tottenham

¹ CD 5.26 includes a procedural compliance certificate and associated documentation.

² CD 11.40, paragraphs 3 & 4.

³ Mr Sherbanov in cross-examination.

⁴ A note on this matter, submitted by the AA, is at CD 11.41.

⁵ CD 5.11, paragraphs 12 & 13.

Hotspur Stadium⁶. In consequence, THFC did not pursue this part of its objection on crowd flow at the inquiry and the statements of evidence of the AA and THFC on this matter were withdrawn⁷.

- 2.7 It was also intended that evidence on heritage matters would be presented by the AA, and a statement of evidence was prepared by Mr Dunn (CDs 9.15 & 9.16). Prior to the inquiry it was agreed that this matter need not be the subject of questioning at the inquiry: Mr Dunn did not appear, and his statement has been considered as a written representation.
- 2.8 Documents submitted after the inquiry opened are detailed in the list appended to this decision. On 19 December 2023, after the inquiry had closed, the Government issued a revised version of the National Planning Policy Framework (NPPF) (with paragraph 14b updated on 20 December – CD 12.1). The AA and the remaining objectors were given the opportunity to comment on any implications of the revised NPPF for their cases, and those comments received have been taken into account in my consideration of the CPO⁸.
- 2.9 A glossary of terms used in evidence is at CD 5.10.

3 The Order lands and surroundings

- 3.1 The Order lands (CD 1.3) are in North Tottenham on the west side of High Road (the A1010), a main route running north from the centre of London. They are for the most part contained between High Road, White Hart Lane to the north, a railway line to the west, and Orchard Place and Brereton Road to the south, and are largely co-extensive with the southern part of the High Road West regeneration area identified in Policy NT5 of the Tottenham Area Action Plan (AAP, CD 3.5).
- 3.2 The regeneration area extends to the north of White Hart Lane, between the railway and High Road. Much of this area comprises established industrial and commercial premises, with shops included in the frontages of both White Hart Lane and High Road, and a large free-standing store on the depot site opposite Brantwood Road. There is a large parcel of cleared land alongside the railway, which together with adjacent commercial properties forms the Goods Yard site. At the northern end of the allocated regeneration area, redevelopment has taken place at Cannon Road in the form of Brook House Primary School and four residential blocks.
- 3.3 The east side of High Road is dominated by the recently completed Tottenham Hotspur Stadium, with some older properties in commercial and retail use to the north. Beyond the railway and White Hart Lane Station, to the west of the Order lands, the area is predominantly residential, with some commercial and retail premises along White Hart Lane. There is also housing to the south of Orchard Place, whilst on the south side of Brereton Road are St Francis de Sales Primary School and Church.
- 3.4 Much of the Order lands comprises housing on the Love Lane Estate, made up of three tower blocks and several lower height blocks⁹. In addition to flats, the five-storey block at the junction of Brereton Road with High Road includes

⁶ These assurances are set out in a letter from Lendlease, the AA's development partner, dated 21 November 2023 (CD 11.38).

⁷ CDs 9.13, 9.14, 9.25, 9.26, 10.10, 10.11, 10.15 & 10.16.

⁸ CDs 12.2-12.6

⁹ The extent of Love Lane Estate is shown on the plan at CD 11.12.

a library on the ground floor. To the north of the library are two older terraces on High Road. These buildings have a variety of commercial and retail uses on the ground floor, with living accommodation above. No 759 is in use as a medical centre. On the west side of the railway are flats at Whitehall Lodge on Whitehall Street. The adjacent land at parcel 13 has already been cleared, as have parcels 60 & 61 on the west side of Love Lane. On their northern, western and southern perimeters, the Order lands include lengths of highway.

4 The proposal for the Order lands

- 4.1 Planning permission was granted in August 2022 for a mixed-use development on the greater part of the allocated High Road West regeneration area (CD 4.28)¹⁰. The Order lands are virtually co-extensive with that part of the site with planning permission to the south of White Hart Lane, and represent phase A of the regeneration scheme: the other phase, phase B, is the area to the north of White Hart Lane¹¹. The site is sub-divided into a series of development plots, of which A-G are covered by the Order lands. It is intended that the whole of the Order lands would be redeveloped.
- 4.2 The scheme was put forward as a hybrid application. Full planning permission was granted for residential development on plot A, which lies to the west of the railway. Here it is proposed that 61 dwellings would be built in buildings of 5-6 storeys height¹². Outline planning permission was granted for housing, commercial, business, community and leisure uses, a public square and park on the remainder of the site, which includes plots B-G within the Order lands. Specific mention is made on the decision notice of the community uses including a library and learning centre.
- 4.3 To ensure that the development conforms with the aspirations and principles of the AAP and the High Road West Masterplan Framework (HRWMF), amongst other reasons, condition No 40 requires reserved matters applications to conform with the parameter plans (CDs 4.3.1-4.3.12), the development specification (CD 4.4), and the design code (CD 4.5), referred to as the control documents. Within the Order lands, the parameter plans show a public square on the key pedestrian route between White Hart Lane Station and the stadium (CDs 4.3.7 & 4.3.6), a mix of uses including commercial, light industrial, office, retail, leisure and residential at ground floor level within development plots B-G, a similar range of uses (without light industry) at first floor, and predominantly residential use on the higher floors (CDs 4.3.8-10). Maximum building heights are intended to range from 36.275m above Ordnance Datum (AOD) on plot E on High Road to 117.425m AOD on plot D by the railway¹³.
- 4.4 The planning permission is tied to a planning agreement (CD 4.29). Obligations in the agreement cover¹⁴: the provision of 35% affordable housing across the regeneration scheme¹⁵, a series of viability reviews, a business relocation strategy and a requirement to offer at least 40% of the commercial

¹⁰ The location plan, which shows the extent of the land in respect of which planning permission was granted, is at CD 4.3.1. The area which has been redeveloped at Cannon Road and some frontage properties on High Road are excluded from the site, and there are certain other detailed differences with the extent of the allocated site. The description of development was amended by a non-material amendment, CD 9.5, paragraph 4.9.

¹¹ CD 9.1, paragraph 2.3.

¹² The original planning permission granted consent for 60 dwellings. The number was increased to 61 by a non-material amendment approved in February 2023, see CD 9.5, paragraph 4.14.

¹³ CD 4.3.4 – parameter plan 04 – building heights.

¹⁴ The provisions of the planning obligations are summarised at paragraph 4.28 of CD 9.5.

¹⁵ 35% measured by the number of units, and 40% measured by the number of habitable rooms.

floorspace to existing businesses, the granting of a licence to THFC for access to the public realm on event days, and delivery of the public realm, the library and learning centre, and a replacement health centre.

- 4.5 An illustrative masterplan (CD 11.37) was submitted alongside the planning application with the intention of demonstrating how the development could be delivered in accordance with the control documents. Based on the illustrative masterplan, it is expected that 1,488 dwellings could be provided within the development plots on the Order lands (CD 11.18).
- 4.6 Condition No 3 requires approval of a phasing plan, and this condition has been discharged¹⁶. Phases 1A-7 cover the Order lands, with demolition expected to start on phase 1A, which covers plot A to the west of the railway, in the last quarter of 2023, and on phase 7 (plot F, to the east of the station) in the third quarter of 2028. CD 11.11 shows the phases in relation to the development plots, and CD 11.31 provides details of the phasing programme including the anticipated start date for demolition and construction and the completion date for each phase.
- 4.7 The Council selected Lendlease Europe Holdings Ltd to work with it on the regeneration scheme as a whole, including not only the Order lands but also the area north of White Hart Lane. Lendlease Europe is a wholly owned subsidiary of Lendlease Corporation Ltd. A third entity, Lendlease (High Road West) Ltd (Lendlease), is a subsidiary of Lendlease Europe, and was incorporated in 2017 to deliver the regeneration scheme¹⁷. In 2017, a development agreement was entered into between the Council, Lendlease and Lendlease Corporation Ltd to facilitate the delivery of the scheme¹⁸, and the agreement identifies Lendlease as the development partner (of the Council).

5 Objections and representations

- 5.1 A total of 11 objections were submitted to the CPO, together with two representations from statutory undertakers under section 16(1) of the Acquisition of Land Act 1981¹⁹.
- 5.2 Objection 7 was submitted by the Tottenham Hotspur Foundation in respect of 796 High Road, which was included in the rights of light in the Order²⁰. In a subsequent exchange of correspondence with the AA's representatives, the Foundation agreed that it did not have a right of light and was not a qualifying person for the purpose of the Acquisition of Land Act²¹. I had no reason to disagree with the position taken, and, accordingly, in an email of 8 September 2023, I ruled that the objection from the Tottenham Hotspur Foundation is a non-statutory objection to the Order.
- 5.3 By the close of the inquiry, four of the ten relevant objections had been withdrawn. These were:
- Objection 1, Done Brothers, parcels 121-123.

¹⁶ CD 9.5, paragraph 4.26.

¹⁷ CD 9.1, paragraph 4.32; CD 9.3, paragraphs 3.14-3.16.

¹⁸ The development agreement was subject to a deed of variation in 2023: the conformed copy of the agreement at CD 5.16 shows the document as varied.

¹⁹ The objections are included in section 6 of the core documents library.

²⁰ CD 1.1, page 725.

²¹ Exchange of emails between Mr Franklin and Ms Cullen of the Tottenham Hotspur Foundation, July & August 2023; letter of 16 August 2023 from Pinsent Masons to The Planning Inspectorate, and email of 4 September 2023 from Ms Cullen to the Programme Officer.

- Objection 5, Network Rail Infrastructure Ltd, parcels 28, 54, 55, 57-59 & 62.
- Objection 6, Rail for London Ltd, parcels 55, 57-59, 62.
- Objection 10, Susan Nguyen, The Nail Group, parcel 83.

Both Network Rail Infrastructure Ltd and Rail for London Ltd also withdrew their section 16(1) representations.

5.4 There are, therefore, six remaining objections to the CPO from qualifying persons, and the non-statutory objection from the Tottenham Hotspur Foundation.

6 Reasons

6.1 The DLUHC guidance on compulsory purchase process²² refers to certain factors which may be considered in deciding whether to confirm a CPO, and I have used these as the structure for the majority of the remainder of this decision. I have considered other matters raised by objectors, but the compulsory purchase process is not an opportunity to revisit the planning merits of a scheme which has received planning permission.

The planning framework

- 6.2 There has been a long-standing commitment to regeneration in Tottenham. Following riots which had broken out the previous year, the Council as Local Planning Authority (LPA) launched A Plan for Tottenham in 2012 (CD 5.14). The plan identified three opportunity areas, one of which, Northumberland Park, included the Order lands and the THFC stadium. Redevelopment of the stadium was referred to as creating a leisure destination for North London, and it was intended that this would be complemented in the area to the west of High Road, which would see comprehensive change. Mention is made of new housing, a school and other community uses at Brook House (to the north of the Order lands) and new public space linking the stadium with White Hart Lane station²³.
- 6.3 Following on from A Plan for Tottenham, the HRWMF (CD 3.6) was agreed by the LPA in 2014. Consultation had taken place on three options, all of which included the redevelopment of the two terraces at 731-759 High Road and varying proportions of the Love Lane Estate. Option 3, which involved the redevelopment of the entire estate, was favoured by estate residents and those in the wider community²⁴. The Framework covers a similar area to that for which planning permission has been granted (above, para 4.1).
- 6.4 The HRWMF envisaged comprehensive redevelopment across the greater part of the High Road West area, providing new homes, workspaces, and community and leisure facilities. To the south of White Hart Lane, the diagrammatic plan shows a new route between the station and stadium, a public square (referred to as Moselle Square), a learning centre and leisure facilities, and the proposals for the Order lands covered by the hybrid planning permission are consistent with the HRWMF.

²² CD 5.1, Guidance on Compulsory purchase process and The Crichel Down Rules, July 2019.

²³ CD 5.14, pages 5, 16 & 19.

²⁴ CD 9.1, paragraphs 4.12-4.16.

- 6.5 The Development Plan includes the London Plan 2021 (CD3.3), and four components of Haringey's Local Plan: the Strategic Policies 2013-2026 (CD 3.4), the Development Management Development Plan Document (DPD CD 3.7), the Site Allocations DPD (CD 3.8), and the Tottenham Area Action Plan (AAP CD 3.5). No relevant policies in the Site Allocations DPD were drawn to my attention.
- 6.6 The regeneration area lies within the Upper Lee Valley Opportunity Area, identified under Policy SD1 of the London Plan. Within opportunity areas, the Mayor will, amongst other measures, support regeneration and ensure that the delivery of affordable housing is maximised with the creation of mixed and inclusive communities. A planning obligation requires the provision of a minimum of 35% affordable dwellings within the Order lands, to include 500 social rented units and 28 shared ownership units, and this minimum level is to be increased if reviews indicate an improvement in viability²⁵.
- 6.7 The Strategic Policies identifies growth areas in Policy SP1: these are areas where development is to be promoted, and where the most significant amount of houses, jobs and infrastructure are intended to be delivered. That at North Tottenham includes High Road West. Within phase A there would be a substantial increase in the level of housing: the illustrative masterplan indicates a total of 1,488 dwellings compared with the existing number of 312. Even taking the lower end of the range, 1,350 dwellings would be provided through the redevelopment²⁶. The development specification demonstrates that there is the potential for significant amounts of floorspace to be provided for other uses within the Order lands, although the cumulative maximum floorspace figures for each land-use group in a development zone would exceed the cap for that zone and could not, therefore, be provided²⁷.
- 6.8 Policy DM55 of the Development Management DPD refers to development on allocated sites. Where, as here, a scheme forms part of an allocated site (in this case NT5 in the AAP), a masterplan is required which should demonstrate that the proposal would not prejudice development of other parts of the site. The HRWMF is virtually co-extensive with the allocated site at High Road West, and an illustrative masterplan (CD 11.37) accompanied the hybrid planning application. Both show that development of the Order lands would be consistent with regeneration intentions for the High Road West area as a whole, and it would not prejudice the future development of that part to the north of White Hart Lane. White Hart Lane forms a natural internal boundary within the regeneration area. No change is proposed to the alignment of the road, which is not crossed by development plots, phases, or development zones. Table 7.1 of the DPD lists example sites with requirements for comprehensive development, and I note that it includes High Road West as an estate renewal site, separately from North of White Hart Lane which is in the category of large/ complex sites. Within the overall regeneration area, the only estate renewal scheme concerns the Love Lane Estate, and promotion of the redevelopment of the Order lands is consistent with that approach.
- 6.9 Land assembly to achieve comprehensive and co-ordinated development is supported by Policy DM56, with the use of compulsory purchase powers where

²⁵ CD 4.29, pages 17, 25, 34 & 35.

²⁶ CD 11.18 gives proposed housing numbers for the Order lands in respect of the illustrative masterplan and the minimum and maximum floorspace parameters

²⁷ CD 4.4, table 5.

consistent with the Local Plan. It is argued by THFC that, as the Order lands are only concerned with that part of allocation NT5 to the south of White Hart Lane, they do not offer the comprehensive approach which is sought in the Local Plan and the HRWMF. That is not a view which I share. A comprehensive approach to the development of the regeneration area is set out in the AAP, and earlier in the HRWMF. That redevelopment is to take place in phases across a series of development plots. Bringing one part of the allocation forward through the acquisition and assembly of the Order lands does not alter the comprehensive nature of the scheme; it merely reflects the usual practice of a phased approach to a large redevelopment project. Indeed, redevelopment at the northern part of the area, at Cannon Road, has already taken place, separately from, but consistent with, proposals for the rest of allocation NT5.

- 6.10 Policy AAP1 reflects the approach of the Development Management DPD in setting out an expectation for development proposals to come forward comprehensively, with a masterplan to accompany proposals which form part of a site allocation. Policy AAP2 reflects Policy DM56 in respect of land assembly and the use of compulsory purchase powers. I have reached the view that pursuing redevelopment on the Order lands is consistent with this approach.
- 6.11 Of most relevance to the proposal on the Order lands is site allocation NT5 in the AAP. It is intended that the allocation would involve a residential-led mixed-use development, including a public square, retail provision, leisure, sports and cultural uses, and community facilities. It is clear that the planning permission would provide a mixed-use development, in which housing would be the main component, and the distribution of uses shown on the parameter plans for the development plots within the Order lands reflects those intended in High Road West.
- 6.12 There was much discussion at the inquiry about the nature and extent of leisure provision within phase A. Parameter plans 08 & 09 enable leisure uses to come forward in development plots B-G at ground and first floor levels, and parameter plan 10 provides for leisure use at second floor level and above in plot E²⁸. In the AAP, the site requirements for site NT5 refer to the provision of a range of leisure uses, and the development guidelines state that larger leisure buildings should be located within close proximity to the public square linking the station to the stadium. Development should also accord with the principles in the most up-to-date Council-approved masterplan. Within the Order lands, the HRWMF proposes that leisure facilities be provided close to the Tottenham Hotspur stadium on the west side of High Road and at Moselle Square²⁹. I note that the LPA's report on the planning application commented that the proposal did not wholly accord with the key principles set out in the HRWMF, with reference made to leisure space not being explicitly provided opposite the stadium³⁰. There is scope in the parameter plans, though, for leisure facilities to come forward in development plots C and E, which do face the stadium.
- 6.13 THFC argued that the scale of the leisure component of the development would not create a new leisure development for London. Tables 4 and 5 of the development specification respectively give minimum and maximum floorspace

²⁸ CDs 4.3.8-4.3.10

²⁹ See CD 3.6 sections 3.1, 3.2, 3.3, 3.7 & 3.10.

³⁰ CD 4.9, paragraph 29.1.

figures for the development by land use and development zone: the development specification is one of the control documents with which compliance is required by condition 40 of the planning permission. Zones 1-6 are within the Order lands, within which a minimum of 2,150m² of commercial, retail, leisure and medical floorspace is to be provided. There is potential for a greater amount of leisure floorspace to come forward, in accordance with the range derived from tables 4 and 5, whilst having regard to the maximum floorspace cap for each zone. In considering whether the purpose for which the land would be acquired fits in with the Local Plan, it does not seem to me to be appropriate to take account only of the minimum level of a range on the basis that only this level of floorspace is guaranteed to be included within the development. The test in paragraph 106 of the Compulsory Purchase Guidance is not constructed in that way, but enables consideration of the scope for leisure development against the provisions of the Local Plan.

6.14 The AAP envisages development of site NT5 building on the redevelopment of THFC stadium, the creation of a new leisure destination for London, and the provision of a range of leisure uses that support 7 days a week activity and visitation³¹. The HRWMF identifies leisure provision within the Order lands and refers to a sports and leisure offer, building on the international sports identity established by THFC³². Leisure development is an important component of the scheme, but it is unsurprising that housing would be the dominant land-use within the Order lands, given that this is a residential-led scheme. The HRWMF mentions that larger leisure buildings should be located opposite the stadium and the AAP that they should be within close proximity to the new public square, but the references to building on the redevelopment of THFC indicate that a complementary proposal is sought³³. I note that the AAP refers to the creation of a new vibrant leisure development for London. There is nothing in that reference which unequivocally implies a development of some significance in terms of size with an extensive catchment area. I agree with the AA that the words *for London* in the commentary to allocation NT5 are simply a consequence of location.

6.15 The programme of land assembly for the land south of White Hart Lane is set within a clear strategic framework provided by the London Plan and the Strategic Policies of the Local Plan, as required by paragraph 104 of the Compulsory Purchase Guidance. I am also satisfied that the purpose for which the Order lands would be acquired fits in with the AAP which forms part of the adopted Local Plan, and with the HRWMF which is referred to in the AAP.

The wellbeing of the area

Economic wellbeing

6.16 Whilst the AA pointed to the potential of Tottenham, as a well-connected area with a diverse population and geographical and historical strengths, and thriving local businesses, the inquiry also heard that North Tottenham, which includes the Order lands³⁴, suffers from high levels of deprivation, evidence which is not disputed by objectors to the CPO. On a range of indicators, North

³¹ CD 3.5, paragraphs 5.125, 5.126 and page 104.

³² CD 3.6, pages 88 & 89.

³³ CD 3.6.

³⁴ North Tottenham was identified by the AA as encompassing nine lower super output areas which include the Order lands and their immediate surroundings. These lower super output areas are shown on the map at figure 1 of CD 9.1.

Tottenham performs less well than Haringey as a whole or London. The 2021 census recorded the proportion of economically active residents as 61.9%, compared to 67.2% for Haringey and 66.2% for London. At 16.5%, the proportion of residents who have never worked or are long-term unemployed is approximately 5% higher than the Haringey figure, and 28.3% have no academic or professional qualifications, compared with proportions of 18.5% and 16.2% in Haringey and London³⁵.

- 6.17 Relatively high levels of deprivation were a key reason for the preparation of proposals for regeneration of the area. Although the proposal for High Road West phase A is a residential-led scheme, the non-residential elements, including commercial, light industry, office, retail, food & beverage, and leisure floorspace are estimated, on the basis of the illustrative masterplan, to lead to 89 full-time equivalent jobs³⁶. In addition to the permanent jobs, it is estimated that 422 direct and 418 full-time equivalent jobs would be supported by the demolition and construction work. This period of activity is also expected to generate £43,300,000 direct and £49,800,000 indirect gross value added to the local economy. The development of additional homes would provide an ongoing additional customer base for businesses, and involve £8,100,000 first occupation expenditure over the ten years following the occupation of the first homes.
- 6.18 The proposal would involve the demolition of the terraces of commercial properties on High Road, most of which are in active use, and measures have been put forward for the relocation of existing businesses into the new development. Schedule 11 of the planning agreement associated with the planning permission for the redevelopment (CD4.29) requires that at least 40% of the total commercial floorspace is to be offered to existing business occupiers, and a business charter includes commitments to relocate businesses and to enable them to remain as viable as possible during the regeneration period³⁷.
- 6.19 Members of the Tryfonos family (Objector 3) own several premises in the northern terrace, including a shop and a hot food take-away which they operate³⁸, and they have expressed reservations about the nature of the measures available concerning relocation. I note that the business charter is described as a draft document, but in that form it is appended to the CPO Indemnity Agreement (CD5.4). The charter is referred to in the agreement in respect of negotiations and acquisitions, and accordingly provisions within it on those matters carry significant weight. However, whilst the AA and its Development Partner have stated their intention to maximise relocation options for existing businesses³⁹, other provisions of the business charter, such as regular communication and one-to-one business advice, which are not referred to in the indemnity agreement cannot be relied upon to the same extent.
- 6.20 Businesses operated by the Tryfonos Family are within plot E and there is concern about the prospect and expense of a double move if vacant possession is required before replacement accommodation is available. Concern is expressed that if the hot food takeaway, Chick King, were to close for a period

³⁵ CD 9.1, paragraph 3.15.

³⁶ The number of additional jobs is given in paragraph 9.5(iv) of CD9.1, and parameter plans 8-10 (CDs 4.3.8-10) show the range of land uses.

³⁷ CD 5.7, commitments 4 and 2.

³⁸ Details of the Tryfonos family properties are given in the table on pages 1 & 2 of CD11.44.

³⁹ CD 9.1, paragraph 9.8.

of time, this would lead to the loss of jobs and call into question the viability of the business⁴⁰. The first plot which is expected to provide commercial floorspace is plot C1 in quarter 1 (Q1) of 2028, and Chick King has been offered the opportunity to relocate to a unit here, fronting onto Moselle Square⁴¹. The anticipated start date for demolition within plot E is not, though, until Q2 2028, after the anticipated completion date for plot C1, and potentially allowing an opportunity for a single move. The other business, K&M Stores, has been offered a unit in plot B, the completion date for which is Q1 2029, and which would not permit a single move from the High Road premises.

- 6.21 Subsequently, in response to representations from the Tryfonos Family, the AA and Lendlease have indicated their willingness to discuss relocation of both businesses into units within plot C2 opposite the stadium⁴². Since that option would involve a 15 months gap between leaving the existing premises and relocation into units in the redevelopment, the AA and Lendlease have made clear that they would not only support the development of temporary options to cover this period, but would also consider compensation for lost or reduced profit.
- 6.22 A similar situation applies to businesses in the terrace to the south of Whitehall Street (plot C2). Properties here are expected to be required for demolition in Q1 of 2027, ahead of the availability of replacement accommodation, and businesses wishing to relocate from there could not do so in a single move. In accordance with the business charter, the AA and its Development Partner (above, para 6.19) would be expected to maximise relocation options.
- 6.23 Mention is made by the Tryfonos Family of replacement units being offered on a lease with a minimum five years term and not being fully fitted-out. I appreciate that a leasehold arrangement is likely to be seen as less desirable than the existing freehold tenure, but that is not an uncommon arrangement for business premises. Moreover new development would offer modern units with the opportunity to fit them out to up-to-date standards.
- 6.24 I turn now to consider the relationship of the redevelopment scheme on the Order lands to the Tottenham Hotspur Stadium. The stadium, which lies on the opposite side of High Road to the Order lands is used not just for football matches, but also for a range of other events including music concerts and American football games. The stadium is a major events destination in London, and in consequence it results in a significant contribution to the local economy.
- 6.25 Tottenham Hotspur (objection 8) is concerned about the access arrangements to the stadium from White Hart Lane railway station. At present, persons making their way to and from the stadium do so along the existing streets. It is intended to provide a more direct route across the Order lands and through the new public square⁴³. As a consequence of the Order, the Club would need to reach an agreement on access arrangements with Lendlease. The Club considers that it would potentially find itself in a disadvantageous

⁴⁰ CD 9.17, paragraphs 30 & 31.

⁴¹ See schedule in CD11.31. CD 9.10, appendix 3 and plans on pages 106 & 110. The relationship of development plots to existing properties is shown on the plan at CD 11.9.

⁴² CD 10.7, pages 16 & 17.

⁴³ See parameter plan 6 which shows access and circulation arrangements, and identifies the key pedestrian route between the station and High Road.

negotiating position with Lendlease, and has suggested that this situation would jeopardise its ability to contribute as much as it does to the local economy⁴⁴.

6.26 THFC has three specific concerns on this matter: the length of time required for access in relation to National Football League (NFL) games, the prospect of additional events at the stadium, and the need for an easement to ensure that the access provision would run with the land. Access arrangements for events at the Tottenham Hotspur Stadium are the subject of condition 64 of the planning permission and schedule 13 of the planning agreement. Condition 64 requires an interim crowd flow management plan to be approved prior to the commencement of any phase south of White Hart Lane (excluding plot A) and approval of a final plan prior to the commencement of the last reserved matters application of any phase south of White Hart Lane⁴⁵. In the planning agreement, an obligation requires Lendlease to make a route available to the stadium on event days: an access licence is to be negotiated on the licence specified terms, and reference is also made to the possibility of access terms beyond those specified⁴⁶.

6.27 I note that, in October last year, Lendlease wrote to THFC setting out its position in respect of the licence specified terms with a view to agreeing an access licence. The Club maintains that Lendlease has not indicated any willingness to address its concerns about the length of time required for access in respect of NFL events and additional events. However the letter from Lendlease indicates a willingness to engage in negotiations, and paragraph 7.2 in schedule 13 imposes an *all reasonable endeavours* obligation on Lendlease to enter into an access licence.

6.28 Concerns about the arrangements for access to the stadium were raised in the challenge to the planning permission made by THFC. The Judge found that the combined effect of the planning agreement and condition 64 created a framework which would ensure access to the stadium would be satisfactorily achieved without unreasonable impact on the Club⁴⁷. He commented that it was hard to see how approval could be given under condition 64 (to a crowd flow management plan) if licence terms or some form of access and crowd safety regime had not been agreed with the Club. As condition 64 is a pre-commencement condition there would be an incentive for Lendlease to negotiate reasonably. I have no reason to take a different view on the likely approach to negotiating the terms of an access licence, and I do not consider that confirmation of the CPO would place THFC in an unfavourable position in seeking to extend the access time for NFL games and to secure access for additional events.

6.29 Insofar as the third point is concerned, the Club understands that Lendlease is amenable to the grant of an easement, but it is concerned that the Council has not engaged on the issue. Bearing in mind that the Council is pursuing the CPO in partnership with Lendlease, and is seeking regeneration on the Order lands which would complement the redevelopment of the stadium (above, para 6.14), I see no reason why an easement should not be secured. There is no specific evidence that the Club would curtail the use of the stadium, and,

⁴⁴ CD11.45, para 72.

⁴⁵ CD 4.28.

⁴⁶ CD 4.29, schedule 13, part 7.

⁴⁷ CD 5.17, paragraph 50.

unless that occurred, I anticipate that expenditure from those attending events would be likely to be maintained. It follows that I do not consider that matters relating to an access licence and easement would be likely to depress economic wellbeing.

6.30 The existing library at the junction of High Road and Brereton Road is to be demolished and replaced with a library and learning centre. In its case to the inquiry, the AA refers to a larger facility which could provide adult learning opportunities and creative enterprise and business support spaces⁴⁸. Given North Tottenham's relatively poor record on qualifications, the facility described would be an important benefit, and would potentially open up routes to better employment and business opportunities, thereby providing a boost to the economic base of the area. Condition 86 of the planning permission⁴⁹ specifies a minimum floorspace for the library of 500m², which is no greater than the size of the existing facility⁵⁰. Nevertheless, there is an aspiration to provide more space in the proposed library and learning centre.

6.31 The redevelopment of the Order lands can be expected to provide a boost to economic activity in this part of North Tottenham through the jobs generated by non-residential uses in the scheme. Development in the food & beverage and leisure sectors in particular would complement the major investment by THFC on the east side of High Road. There would also be a significant financial boost to the local economy, and the new library and learning centre would contribute to better employment and business opportunities. The Tryfonos Family has drawn attention to aspects of the scheme which may deter some existing businesses from moving into the scheme. Nevertheless, there is a clear commitment through the indemnity agreement, business charter, and offer of support over a transitional period, to encourage the relocation of firms on High Road into the new development. The lack of clarity at the present time about access arrangements to the Tottenham Hotspur stadium may result in some limitations on the potential benefits of the scheme. Overall, though, I consider that the redevelopment of the land to the west of High Road would contribute to a marked improvement in the economic wellbeing of the area.

Social wellbeing

6.32 There is a clear need for additional housing in Haringey: the AA explained that the situation was particularly serious with regard to affordable housing. In 2013, there had been 9,800 households on the housing register, seeking social housing. By September 2023, the figure had increased to over 13,000⁵¹. Of this number, 2,586 households were living in temporary accommodation and over 2,800 were homeless. The AA's evidence on housing need was not disputed by other parties. The inquiry also heard that the mix of housing should reflect the large proportion of families with children in North Tottenham (51%), and that both market and social housing should be provided to secure mixed and balanced communities.

6.33 At present there are 312 homes in the Order lands. The AA has calculated that redevelopment would bring forward between 1,350 and 1,665 new

⁴⁸ CD 9.1, paragraphs 9.19-9.21. Table 5 of the Development Specification (CD4.4) indicates that the library and learning centre would be provided within one of development zones 2-6, all of which lie within the Order lands, see figure 1 in CD4.4.

⁴⁹ Table 3 of the Development Specification, included in CD4.28.

⁵⁰ Table 1a of the Development Specification, CD4.4.

⁵¹ CD 9.1, paragraph 3.8.

dwellings, with a figure of 1,488 based on the illustrative masterplan⁵². Even taking the minimum figure, the proposal would result in a substantial increase in the number of dwellings, at least 35% of which are required by a planning obligation to be provided as affordable housing⁵³.

6.34 The AA has criticised the condition of the existing stock on the Love Lane estate, with a claim in the evidence of its design witness that they failed to meet current standards⁵⁴. Reference was made to a general knowledge of these properties, rather than the provision of details about their alleged shortcomings. Ms Powell (Objector 11) is resident on the estate, and did not share the AA's criticism, pointing rather to what she saw as shortcomings in maintenance by the Council⁵⁵. Whilst I do not place any great weight on the AA's assertion about the quality of the existing housing, it is certain that the new units would be built to modern standards, and I would expect them to provide more up-to-date accommodation in respect of matters such as energy efficiency and accessibility for all sectors of the community. Indeed all new homes would be visitable dwellings in line with Regulation M4(1) of The Building Regulations⁵⁶.

6.35 It is inevitable that redevelopment would cause disruption to the existing community, but in the resident ballot on the Love Lane Estate, a majority of participating residents (55.7%) supported the redevelopment⁵⁷. The AA has committed to offering the opportunity for secure and eligible non-secure Council tenants on the Love Lane Estate, resident leaseholders on the Estate, and owner-occupiers outside the Estate to move into accommodation in the redevelopment⁵⁸. However the phasing programme (CD11.31) indicates that it is unlikely that many existing residents would be able to move directly. Plot A is partly vacant, with 61 units due for completion by Q3 2025, with demolition on plots B, C1 and D scheduled to commence at the same time. Even if dwellings on the whole of plot A were ready ahead of demolition, it would only provide accommodation for 61 households, and the intention is that these should be for social rent, although the AA has indicated that consideration could be given to resident leaseholders⁵⁹. In any event, the anticipated latest start date of demolition on the Order lands is Q3 of 2028, by which date only 226 new dwellings are expected to have been completed⁶⁰.

6.36 The financial implications for resident leaseholders wishing to stay in the area were raised as a concern by Ms Powell. The AA had provided indicative values from £368,100 to £558,000⁶¹, and acknowledged that the new dwellings would be worth more than existing properties⁶².

6.37 The AA has put forward several options for resident leaseholders. To enable them to acquire a home in the scheme, an enhanced rent and interest-free equity loan is available, under which the Council would contribute up to 75% of

⁵² See CD 11.18.

⁵³ CD 4.29, schedule 2, interpretation of affordable housing minimum.

⁵⁴ CD 9.7, paragraph 4.3.3.

⁵⁵ CD 9.29, section 3.

⁵⁶ CD 9.7, paragraph 8.5.8.

⁵⁷ CD 9.1, paragraph 4.44.

⁵⁸ CD 9.1, paragraphs 6.4-6.7, 6.12.1, & 6.17-6.19.

⁵⁹ CD 9.1, paragraph 15.101.

⁶⁰ The numbers of dwellings within each plot are taken from the Applicant's viability appraisal, CD9.12, appendix 9.1.

⁶¹ Email dated 15 November 2023 from the AA to Ms Powell, in CD 11.20.

⁶² Mr O'Brien in response to questions from Ms Powell.

the cost of the new home, with repayment of the loan not required until the dwelling is transferred to a new owner⁶³. Alternatively, there is the opportunity to purchase a home elsewhere in the Borough with a rent and interest-free equity loan, or a leasehold exchange for a Council-owned property of equivalent value. The Tryfonos Family had expressed concern that owner-occupiers outside the Love Lane Estate could not access these rehousing options. In response, the AA has extended the equity loan options to owner-occupiers outside the Estate⁶⁴.

- 6.38 Private tenants would not be eligible for rehousing within the scheme, but the AA is committed to engaging with them and providing support for a move to new accommodation.
- 6.39 Overall, the AA has put forward an extensive package of measures to assist existing residents in a move from their present accommodation. I appreciate that the higher cost of dwellings in the new development may make these measures unattractive for some residents, and, having regard to the phasing programme, it seems likely that many residents wishing to remain in the area would need to move twice. These adverse effects are an inevitable consequence of the redevelopment of an established residential area.
- 6.40 I have already referred to the inclusion of a library and learning centre within the redevelopment (above, para 6.30). In contributing towards improved employment and business prospects, this facility would also assist in addressing the deprivation which is a feature of this part of Haringey (above, para 6.16). It would also be expected to provide a place for members of the community to come together, to combat digital exclusion, and to enrich leisure and learning activities. Whilst there is no certainty that the larger facility referred to by the AA would be built, a modern replacement for the existing library can be expected to offer an enhanced service.
- 6.41 There is also provision for social infrastructure in the form of a replacement surgery and the route through Moselle Square between the station and High Road. Parcel 84 of the CPO is Tottenham Health Centre, at No 759 High Road. A planning obligation requires the developer (Lendlease (High Road West) Ltd) to provide a replacement healthcare facility prior to demolition of the existing health centre, unless a suitable facility has been delivered (or delivery is underway) as part of the Printworks or stadium schemes⁶⁵. I note that the AA has said that it is the intention of Lendlease to provide a new health centre within the development, irrespective of the terms of the obligation⁶⁶. Nevertheless, it is the planning obligation which provides the commitment on which greatest reliance can be placed, and a modern health centre within the scheme is a potential rather than a certain benefit.
- 6.42 The development would provide a direct route between White Hart Lane Station and High Road and the Tottenham Hotspur Stadium. The more efficient movement of people between these points would be of benefit not only to those attending events at the stadium, but also to local residents. Originally, THFC raised an objection to the CPO on the ground of crowd safety in respect of proposals for the route: although an objection remains in respect

⁶³ The leaseholder offer is summarised in paragraphs 6.12-6.14 of CD 9.1.

⁶⁴ CD9.1, paragraphs 6.17-6.20.

⁶⁵ Schedule 15 of CD4.29.

⁶⁶ CD9.3, paragraph 9.9.

of the access agreement, the technical matters in respect of the route have been resolved (above, para 2.6).

- 6.43 Moselle Square would provide a location for outdoor events: in its evidence the AA refers to concerts, plays, ice-skating and markets as examples of the activities which could occur there in addition to everyday socialising⁶⁷. There is no such place in the area at present which has the ability to act as a focus for community events, and I consider that this function would represent an important benefit of the redevelopment scheme.
- 6.44 Given the commitments which are in place, I consider that the extent of benefits relating to the library and learning centre are over-stated. Similarly there is no certainty that the health centre would be replaced by a modern facility within the Order lands. There would inevitably be disruption to the existing community as a result of the redevelopment proposal, and it is by no means certain that existing residents would be able to be accommodated in new accommodation within the redevelopment scheme, even if those who are eligible wished to pursue that option. I recognise that there are disbenefits to the existing community, but these are clearly outweighed by the provision of a substantial number of market and affordable homes. The opportunities for community events to take place in a new public square, and the provision of a direct route between the station and High Road are also important benefits to flow from the scheme. Overall I conclude that the redevelopment scheme would contribute positively to the social wellbeing of the area.

Environmental wellbeing

- 6.45 The Order lands comprise frontage development along High Road, and the Love Lane housing estate to the west. The tower and four storey blocks are irregularly positioned across the estate with associated areas of open space. I agree with the AA that they do not present an active streetscape, and that the arrangement of open space which is generally surrounded by fencing creates an unwelcoming aspect. I also acknowledge that the estate presents a dated appearance, although the standard of maintenance, a matter raised by Ms Powell⁶⁸, appears to be a contributory factor in this regard. It was suggested by the AA's design witness that, as a consequence of the layout of the deck access blocks, permeability was poor between Whitehall Street and Brereton Road. Whilst the layout is irregular, I do not find permeability to be a shortcoming: when visiting the Order lands I was able to use several different footpaths between Whitehall Street and Brereton Road, and both north-south and west-east links are good elsewhere.
- 6.46 Insofar as the properties on High Road are concerned, the front elevations of those in the original terraces have been considerably altered at ground floor level, detracting from the integrity of the original Victorian buildings and presenting a disjointed appearance in the street scene. At the rear, a series of disparate extensions and other structures, with varied treatment, detract from the local environment. The northern terrace, Nos 743-759 High Road, is locally listed. Having regard to the extent of alterations, I share the view of the AA's heritage consultant that the value of the buildings is very low⁶⁹. I also note that they were removed by the Council from the North Tottenham

⁶⁷ CD9.1, paragraph 9.23.

⁶⁸ CD9.29 section 3, and in cross-examination of Mr Lawrence.

⁶⁹ Sections 3-5 of CD11.36. Locally listed buildings are identified on the plan at appendix 1.

Conservation Area since they were not considered to be of sufficient special interest to justify designation in accordance with the NPPF. A substation adjacent to the existing library is also locally listed. This is a small Victorian building with plain elevations: the AA's heritage consultant assesses its value as very low, and I have no reason to disagree. The impact of redevelopment was assessed by the Council as local planning authority when considering the planning application. The decision to grant planning permission was challenged, in part on the ground that the LPA had failed to lawfully assess the totality of the heritage impacts of the development. The challenge was dismissed, and, insofar as heritage matters are concerned, the judge commented that *Heritage impacts were lawfully identified and were judged to be outweighed by the substantial public benefits which the scheme would deliver*⁷⁰.

- 6.47 The proposed redevelopment, as envisaged in the parameter plans and the illustrative masterplan⁷¹, would create a coherent urban structure, with a strong built form addressing clear routes for movement. Sitting between the new station building and the Tottenham Hotspur Stadium, the proposed built form would complement both these recent developments. The tallest buildings are proposed on the western side of the area, close to the railway, with lower heights within the High Road frontage. The public square proposed between the station and the stadium would provide a focal point for the development, emphasised by its position on a key route through the scheme and its enclosure by new blocks with active frontages. Community, leisure, retail and food & beverage uses, included as ground floor uses in these buildings on plots C, D, E and F⁷², would all generate activity in this area.
- 6.48 Ms Powell argues that the proposal would not be a beautiful development as sought by paragraph 96 of the NPPF⁷³. Most of the development has only received outline planning permission, and appearance, scale and layout would be considered by the Council as local planning authority as and when reserved matters applications are submitted.
- 6.49 The new dwellings would be built to modern standards, and are intended to provide well-insulated and energy efficient homes. They would also be built to connect to the Council's District Energy Network, which would ensure that they are provided with low carbon energy⁷⁴. These measures would align with Policy SP4 of the Local Plan and paragraph 159(b) & 160 (c) of the NPPF, which encourage moves to reduce carbon emissions.
- 6.50 The scheme proposed provides an opportunity to significantly upgrade the built environment of the area. It would also incorporate measures which would be consistent with moves towards a low-carbon future. Accordingly, I find that the redevelopment scheme would make an important contribution to the environmental wellbeing of the area.

Achievement by other means

⁷⁰ CD5.17, paragraph 26.

⁷¹ CDs 4.3.2-4.3.10 and CD11.37.

⁷² CD 4.3.8 – parameter plan 08.

⁷³ CD 12.6, paragraph 20.

⁷⁴ CD9.1, paragraph 9.29.

6.51 Alternatives to the redevelopment scheme put forward by the AA are advocated by three of the objectors: THFC (Objector 8), the Tryfonos Family (Objector 3), and Ms Powell (Objector 11).

Tottenham Hotspur Football Club

6.52 THFC has prepared an alternative masterplan for the Order lands. This proposal similarly envisages the comprehensive redevelopment of the area, and explains that it broadly follows the plot and block structure associated with the planning permission⁷⁵. There are detailed differences in access arrangements and the maximum height of several buildings would be reduced. However the principal difference concerns the leisure component of the scheme. Whereas the parameter plans provide for leisure uses in several plots, the focus in the AA's scheme is on plot E, positioned between Moselle Square and High Road, which is described as playing a crucial role, housing a unique mix of community leisure and commercial uses⁷⁶. Notwithstanding this description, THFC was critical of the leisure offer put forward, arguing that it was insufficiently ambitious. The alternative masterplan proposes a distinctive multi-use leisure/ cultural venue of about 16,000m² on plot C⁷⁷. It is intended that such a building would offer cultural, leisure, arts and education activities, accommodating between 1,500 and 5,500 people, and THFC has agreed heads of terms with a theatre and entertainments group with the intention of forming a joint venture partnership and operation of the multi-purpose venue⁷⁸. Associated changes to plots D, E and F (around Moselle Square) are intended to deliver an improved relationship with the public realm through the inclusion of diverse active facade uses.

6.53 THFC contends that the alternative which it promotes is more closely aligned with the both the HRWMF and the AAP than the permitted scheme, referring to the provision of a premier leisure destination and bringing improved town centre and leisure uses to the North Tottenham area. The reference to a premier leisure and sports destination in the AAP is within the key objectives for the North Tottenham Neighbourhood, an area which is considerably more extensive than the Order lands or allocated site NT5, and which includes the Tottenham Hotspur Stadium⁷⁹. I have already found that the proposal fits in with the AAP and the HRWMF, taking into account their policy references to leisure development (above, paras 6.12-6.15), and there is sufficient scope in the permitted scheme for the mix of uses around Moselle Square and the west side of High Road to provide a focus of activity and associated benefits to the local economy and social wellbeing.

6.54 The number of homes proposed in the THFC scheme is 1,274, below the figure of 1,350 which is the bottom end of the range for the permitted scheme on the Order lands. On the other hand it is proposed that all residents need only be involved in a single move, since rehousing is proposed on the Goods Yard site to the north of White Hart Lane, which is in THFC's ownership, and which has planning permission for housing.

6.55 Taking all aspects of the alternative masterplan together, I do not consider that it offers a more appropriate way forward for the redevelopment of the

⁷⁵ CD 7.3, section 4.

⁷⁶ CD 9.7, paragraph 8.10.5.

⁷⁷ CD 7.3, section 4.2.

⁷⁸ CD 9.27, paragraph 7.3.

⁷⁹ See the plan on page 86 of CD 3.5.

Order lands, nor that it offers greater benefits, nor is it more closely aligned with the planning framework for the area. Significantly, as THFC own only a small amount of property to the south of White Hart Lane, land assembly would be unlikely to avoid the use of compulsory purchase powers, a circumstance acknowledged by the Club's masterplan witness. Moreover, although certain consultation has taken place⁸⁰, I heard that there had been no discussions with the Council as LPA. The alternative would not fit fully within the parameters of the approved scheme⁸¹, and consequently a further permission would be required. That would inevitably delay redevelopment of the area.

The Tryfonos Family

- 6.56 The Tryfonos Family own several properties in the northern terrace on High Road, including two from which they run businesses and three which provide accommodation for family members⁸². I heard and have read that the hot food takeaway, in particular, is widely valued⁸³, and the AA acknowledges the importance of both the takeaway and the household goods store to the local community. The group of properties, providing employment, a place to live, and income from those that are let, has been a focal point of the family's life for many years, and I appreciate that they wish to retain ownership, and avoid dispersal from High Road.
- 6.57 Because of the position of the family's properties within the northern terrace, their exclusion from the CPO would necessarily involve the removal of the whole terrace, Nos 743-759 High Road. The terrace occupies a large part of the area of plot E⁸⁴, which sits on the northern side of the proposed route between the station and the stadium. The southern end of the terrace is set back from the southern limit of plot E, and the AA acknowledged that retention of these High Road properties would not impinge on the important route for pedestrians.
- 6.58 Retention of Nos 743-759 High Road, however, would mean that the rear of the terrace would form the eastern side of the public square. The untidy and disparate appearance of the rear elevation would be thrust into a more prominent position, which I do not consider could be adequately mitigated by screening in the space available. Part of the adjacent northern side of the square would, in any event, be open to Moselle Place, with existing low-rise residential buildings on the other side of the road. This weaker aspect of townscape would be exacerbated by retention of the terrace, and the loss of the intended block for plot E would diminish the sense of enclosure which should be a feature of the square.
- 6.59 Significantly, the continued presence of the terrace would weaken the connection between High Road and Moselle Square. Although the buildings on plot C would provide active frontages, the link would be strengthened by an attractive and active frontage in plot E, encouraging the development of an expanded local centre in line with the intentions for allocation NT5 in the AAP.

⁸⁰ The consultation arrangements are set out in CD 7.5.

⁸¹ For example, the minimum separation distances across Moselle Square are reduced and no residential use is included in plot C.

⁸² At the date of my visit, the flats at Nos 755a and 757 were occupied, and that at No 747a was being refurbished for occupation by a family member.

⁸³ See CD 9.17, paragraphs 35-41 and CD 9.18.

⁸⁴ The relationship between development plots and objectors' properties is shown on the plan at CD 11.9.

For the reasons given above, I find that removal of the terrace at Nos 743-759 High Road from the CPO would significantly weaken the effectiveness of the redevelopment scheme in townscape terms.

Mary Powell

- 6.60 Ms Powell has suggested that five of the four storey blocks, all situated to the south of Whitehall Street, be excluded from the Order. She argues that these flats form a discrete section of the estate and appear to be in a better condition than the other blocks.
- 6.61 Whilst Whitehall Street does separate these five blocks from that part of Love Lane Estate to the north, they also suffer from the deficiencies in layout and appearance to which I have previously referred (above para 6.45). This part of the Order lands includes plot B and the greater part of plot C: it is intended that 515 new dwellings would be provided on plots B and C1, a substantial increase on the existing number of 66⁸⁵. Retention of the existing blocks would stand in the way of providing a much-needed boost to housing numbers, and would also fail to make the most effective use of land in meeting the need for homes, in line with paragraph 123 of the NPPF.
- 6.62 Plot C is a key part of the redevelopment scheme, forming the southern side of Moselle Square and providing an important frontage to High Road. Retention of the five blocks would compromise the function of the square, with a loss of ground level activity and a severe weakening of the built form and the sense of enclosure which would be instrumental in establishing its role as a focal point in the public realm. Whilst a revised form of building on plot C2 may offer the opportunity for commercial uses at ground floor level on High Road, the interjecting flats to the west would prevent a strong visual and functional connection along the route through Moselle Square.
- 6.63 I consider that retention of the five blocks south of Whitehall Street would degrade the effectiveness of the redevelopment scheme.

Financial viability

Consideration of viability

- 6.64 In the development agreement, *viable* is defined by reference to the required return, and *viability* is to be construed accordingly⁸⁶. However the term *required return* has been redacted in the development agreement, and was not disclosed at the inquiry for reason of commercial confidentiality. THFC has submitted that there is no evidence that the scheme would be likely to be viable within the terms of the development agreement, and that accordingly it is not open to the decision-maker to conclude that there is a reasonable prospect that the scheme would proceed.
- 6.65 The relevant test in paragraph 106 of the Guidance on compulsory purchase is set out in different terms. Consideration is to be given to the potential financial viability of the scheme for which the land is being acquired, and a general indication of funding intentions, and of any commitment from third parties, will usually suffice to provide reassurance that the scheme will proceed.

⁸⁵ CD 11.18, existing and consented homes, plot by plot table.

⁸⁶ CD 5.16, pages 37 & 32.

6.66 The development agreement relates to the whole of the High Road West regeneration scheme, whereas the Order lands only comprise phase A. The viability appraisal for the scheme on the Order lands is a relevant consideration, as is the source of funding for the scheme.

Viability appraisal for the CPO scheme

6.67 During the inquiry, the viability witnesses for the AA and THFC reached agreement on all but two of the inputs into a viability appraisal for the CPO scheme⁸⁷. There is disagreement on sales value growth and build cost inflation. A revised appraisal by the AA's witness produces an internal rate of return (IRR) of 10.43%. Using the figures on sales value growth and/ or build cost inflation advocated by THFC would produce a lower rate of return.

6.68 Insofar as sales value growth is concerned, the AA has proceeded on the basis of annualised private residential value growth of 5.25% from the outset of the ten years development period, whereas it is THFC's position that there will be no material growth during 2024, with growth of 5.25% from January 2025. In support of this position, THFC refers to market commentaries indicating limited growth during 2024, but that is not the same as no growth during the first year, with the application of 5.25% over a shorter period. I note that a report by BNP Paribas Real Estate, commissioned by the AA, also refers to a lower growth rate at the outset of the development, but nevertheless accepts that an average growth rate of 5.25% over the lifetime of the scheme would be reasonable⁸⁸. On the information before me, I prefer the approach to sales value growth taken by the AA.

6.69 I turn now to consider the respective positions of the AA and THFC in respect of build cost inflation. The latter's viability witness drew attention to forecasts from the Building Cost Information Service which equate to 3.3% per year and to figures from other sources which are at a similar level⁸⁹. A figure of 3.25% is suggested as appropriate. The AA has relied on figures from one source, Lendlease's cost consultants, which give a figure of 3% for London⁹⁰. The figures are not far apart, but I prefer that from THFC, which sits more closely with a range of forecasts.

6.70 An increase in the rate of build cost inflation would reduce the internal rate of return. The effect has not been precisely calculated, but it was suggested by THFC that it would be in the order of 9.65%⁹¹. Other scenarios involving the adjustments put forward by THFC would all be likely to reduce the IRR below 10% (a range of 7.45-9.93% was suggested). In response to questions on rate of return, the AA's viability witness had commented that a 9% IRR would probably be below a reasonable range. However there is no definitive evidence that a rate of return of about 9.65% would be unacceptable: more significantly THFC acknowledged that the development would make a positive return. With these factors in mind, I do not share the view of THFC that the viability of the CPO scheme is fragile.

⁸⁷ CD 11.17 is a joint statement on appraisal inputs, with a revised appraisal by the AA's viability witness at appendix B.

⁸⁸ CD 9.2, appendix 1, paragraph 4.46.

⁸⁹ The BCIS figures are recorded in CD 10.13, paragraph 4.77, and figures from other sources are given in the table on page 6 of CD 11.24 (rows 3 & 4).

⁹⁰ CD 11.24, row 1 in the table on page 6.

⁹¹ CD 11.45, paragraph 59.

The development agreement

- 6.71 The development agreement refers to viability in terms of the regeneration scheme as a whole and for particular phases. Insofar as the overall scheme is concerned, the AA suggested a revised IRR of 12.47%⁹², which is a higher level than the IRR anticipated for the CPO scheme. In addition to the Order lands, this figure relates to development on land to the north of White Hart Lane, most of which is in the ownership of THFC. Whilst a return on that land would be for the benefit of THFC, that does not mean that development of the remainder of High Road West by Lendlease would not achieve viability, and there is no clear evidence to demonstrate that this would be the case.
- 6.72 Clauses 8.1 and 11.1 of the development agreement require Lendlease to satisfy the pre-planning and post-planning viability conditions in respect of subsequent phases which contain market homes. Phases 4, 6 and 7 are affected by these conditions⁹³. Work is not expected to start on any of these phases until Q1 of 2027 with demolition in plot C2 (phase 4), and at this point, three years beforehand, it is unsurprising that the financial information required is not available.
- 6.73 Detailed representations have been made by the AA and THFC about the implications of an appraisal finding that a phase would not satisfy a viability condition. In that scenario, a steering group, comprising three representatives each of the Council and Lendlease would consider the appraisal to decide whether the viability condition had been satisfied⁹⁴. If the steering group determines that the viability condition has not been satisfied, this circumstance becomes a mitigation matter. In that situation Lendlease would be required to prepare a mitigation plan setting out alternative proposals for addressing the mitigation matter and demonstrating that the plan would not adversely affect the prospect of the remaining development being viable⁹⁵. I note that a potential measure for inclusion in a mitigation plan is a reduction in the level of Lendlease's return. The parties are expected to use reasonable endeavours to overcome or minimise the consequences of a mitigation matter.
- 6.74 Should the steering group not reach agreement on viability, clauses 8.2.24 and 11.5 require referral to an expert. There is also a role for the expert in resolving disputes about the mitigation plan. THFC argues that that role does not extend to reworking the plan, but clause 33.3.2 provides that the determination of a dispute in respect of viability shall be a suitable matter to be determined by the expert as provided for in the agreement.
- 6.75 THFC submitted that the obligation to use reasonable endeavours to address a mitigation matter represented a crucial difference from using all reasonable endeavours, arguing that Lendlease would not be required to act against their commercial interests, and that, for example, there would be no requirement for them to agree to a reduction in the IRR. The judgement in *Brooke Homes (Bicester) Ltd v Portfolio Property Partners Ltd and Others* distinguishes

⁹² Mr Levine in cross-examination.

⁹³ CD 5.16: phase 1B also contains market housing, but the definition of subsequent phase excludes phase 1 except for certain other specified purposes.

⁹⁴ CD 5.16, clauses 31, 8.2.3 & 11.4.

⁹⁵ CD 5.16: clause 34 covers mitigation matters, and the definition of mitigation plan on page 21 lists a range of measures which such a plan may include.

between reasonable and all reasonable endeavours, referring to the prospect of some commercial interests in the latter situation⁹⁶. However the judgement suggests that using reasonable endeavours might mean that at least one reasonable path should be taken. That interpretation still requires both the Council and Lendlease to pursue a positive approach to a mitigation matter.

6.76 There is no disagreement between the AA and THFC that, should a viability issue not be resolved, there is the right for the agreement to be terminated in respect of the phase in question. The thrust of the agreement, though, is in securing implementation of the development, with provision for mitigation matters, the avoidance of harm to the remaining development, and the role of the expert all testament to this intention. The redaction of the IRR and the absence of appraisals for the relevant phases does not lead to a finding that the development agreement is likely to be terminated in respect of any phase.

Funding intentions

6.77 Funding of the scheme on the Order lands would be available from a number of sources, including grant aid, third party investment, sales from earlier phases, and Lendlease equity. The total estimated cost of the scheme on the Order lands is £755,734,210⁹⁷. Acquisition and land assembly costs would be met by the Council, which would then be reimbursed by Lendlease.

6.78 Approximately £190,000,000 has been secured through grant funding from the Greater London Authority and the purchase of social rented homes by the Council. Grant aid for the scheme totals £91,512,000 in two funding agreements, and the first tranches of both affordable housing grant (£51,936,000) and the grant from the Mayor's Land Fund (£10,000,000) were drawn down last year⁹⁸. The secured funding represents over 90% of the construction cost of the affordable housing on plots A, B and C1, which are the initial three phases⁹⁹.

6.79 It is anticipated that the balance of the development cost would be met by Lendlease equity, pre-sales, third party investment and revenue generated from earlier phases¹⁰⁰. As viability was being assessed on the basis of the IRR, the viability assessments undertaken on behalf of the AA do not take account of finance costs, and THFC drew attention to increases in interest rates in recent years. However a substantial proportion of funding, including of the initial phases, would not depend on borrowing from investment partners. Moreover, Lendlease Ltd, the parent company of Lendlease, has signed the development agreement as guarantor. Lendlease Ltd is an international development company with substantial assets, including cash assets of £0.48 billion. It has recent involvement in several major development schemes in London, with investment from other parties¹⁰¹, and THFC's viability witness acknowledged that the company was an established player in the field of delivering major urban projects, and that Lendlease would be expected to drive down the cost of finance over the lifetime of the scheme¹⁰². The financial

⁹⁶ CD 11.45A, paragraph 97.

⁹⁷ CD 11.22, paragraph 2, and appendix B of CD 11.17.

⁹⁸ CD 9.1, paragraphs 10.23-10.26.

⁹⁹ CD 10.3, paragraph 3.19.

¹⁰⁰ CD 11.22, paragraph 5.

¹⁰¹ CD 9.3, paragraphs 4.2 & 4.3.

¹⁰² Mr Cottage in cross-examination.

strength and track record of Lendlease Ltd provide confidence that funding would be available to proceed with the scheme.

Conclusions on viability

- 6.80 Due to redaction of the IRR in the development agreement, it is not possible to know whether the figure produced by the development appraisals would meet the required rate of return. However, there is no definitive evidence that an adjusted IIR of about 9.65% for the scheme on the Order lands would be unacceptable, and I note that Lendlease's witness explained that the secured funding for early phases of the scheme decreases risk and enables it to be justified with a lower projected return¹⁰³.
- 6.81 THFC referred to the decision by an Inspector not to confirm the Vicarage Field CPO because of concerns about viability¹⁰⁴. However, in that case the Inspector recorded that the only substantive evidence of viability was an assessment and a review from 2016, six years prior to the inquiry, both of which concluded that the scheme was unviable at that time. Those circumstances do not apply in this case.
- 6.82 Consideration of viability for the whole of the regeneration scheme does not align with the test in paragraph 106 of the Guidance on compulsory purchase since it covers a greater area than the Order lands. Insofar as the viability conditions for particular phases are concerned, I would not expect the first of these to be assessed yet when the phase concerned is scheduled to commence in Q1 of 2027. Assuming, however, that a viability condition is not satisfied, the development agreement provides for mitigation to remedy the situation: these pre-planning and post-planning viability conditions apply also to the overall development. I consider that the structure of the agreement encourages the resolution of any viability issues, and reduces the likelihood of the development not proceeding on any phase. The funding arrangements and guarantee provided by Lendlease Ltd reinforce my view that the scheme on the Order lands would be viable, and they are sufficient to provide reassurance that it is likely to proceed.

Possible impediments

- 6.83 Planning permission has been granted for the regeneration scheme, and has been implemented through infrastructure works within plot A. There is nothing before me to indicate that any other consents or licences which may be required for the development to proceed would not be forthcoming. Two statutory undertakers, Network Rail Infrastructure Ltd and Rail for London Ltd, had submitted objections and section 16 representations in respect of the acquisition of rights affecting railway land. Both statutory undertakers have concluded agreements in response to their concerns, and their objections have been withdrawn. I am satisfied from the evidence before me that funding is available to deliver the redevelopment proposal (above, paras 6.77-6.79).
- 6.84 I have referred above (paras 2.3-2.5) to the omission of Mr Sherbanov from table 1 of the schedule to the CPO and to the identification of parcels 124 and 125 as potential crown land. For the reasons given earlier, neither of these matters is an impediment to implementation. I conclude that there are no impediments to implementation of the scheme.

¹⁰³ CD 10.3, paragraph 3.20.

¹⁰⁴ CD 9.23, paragraph 4,9; and CD 5.18, paragraphs 131-178.

Other matters

Adequacy of consultation and negotiation

- 6.85 Complaints about the adequacy of consultation and negotiation were made by several objectors.
- 6.86 Ms Powell (objection 11) referred to early consultation being based largely around informal events, and she was concerned about limited communication during 2020 and early 2021. She also considered that the presence of Council staff during the estate ballot in 2021 was inappropriate, serving to influence the process in the Council's favour. A series of consultation events have taken place since proposals began to emerge for the regeneration of the High Road West area. A public engagement exercise took place between November 2011 and January 2012, with further consultation on masterplan options the following year. The three options included varying levels of redevelopment: option 3 which proposed the redevelopment of the whole Love Lane Estate was favoured by residents both there and in the wider area¹⁰⁵. In 2014, there was consultation on the HRWMF, and around the same time (October 2013 - February 2014) a community engagement programme occurred on the then emerging Tottenham Strategic Regeneration Framework. The AAP was adopted in 2017 following four rounds of consultation. Consultation on the HRWMF specifically sought views on the replacement of the Love Lane Estate, and the AAP set out intentions for High Road West including a new residential-led mixed-use development.
- 6.87 Subsequently, during 2018, consultation took place on the regeneration scheme, with three further rounds in 2021. Consultation was also undertaken in early 2021 on the leaseholder offer and the local lettings policy, and the resident ballot on the Love Lane Estate, which produced a result in favour of the redevelopment scheme (above, para 6.35), took place in August and September 2021.
- 6.88 Mr Sherbanov raised concern about a lack of consultation with private tenants on Love Lane Estate. Consultation by way of letters and newsletters has been undertaken with all households on the estate¹⁰⁶. It is true that private tenants were not necessarily included in the resident ballot. The eligibility criteria are set out in the GLA's Capital Funding Guide, and would only enable private tenants to vote if they had been on the housing register for at least one year prior to the date of the landlord offer¹⁰⁷, in this case from July 2020.
- 6.89 I am in no doubt that extensive consultation has taken place with the local community, including both residents and businesses, in the years leading up to the making of the CPO.
- 6.90 Ms Powell was critical of the efforts at negotiation made by the AA, claiming that she was not contacted directly about the possibility of agreeing sale terms until after she had received notice of the CPO in February 2023. There is an extensive record of correspondence between the AA and Ms Powell, with the AA in a letter as early as 2016 drawing attention to the intention to acquire her

¹⁰⁵ CD 9.1, paragraphs 4.12, 4.16.

¹⁰⁶ CD 10.1, paragraph 5.3.

¹⁰⁷ CD 10.1, paragraphs 5.4 & 5.5.

property, seeking to initiate the process for valuation and suggesting a meeting to discuss rehousing options¹⁰⁸. Inevitably some of the correspondence from the AA was generic in nature, providing information that was relevant to a number of residents: that does not lessen its value in terms of seeking to establish effective communication with Ms Powell. Ms Powell is opposed to the demolition of the blocks to the south of Whitehall Street and to the loss of her home, and in several responses to the AA stated that she did not intend to co-operate with the process¹⁰⁹.

6.91 Understandably, Ms Powell was keen to obtain information about sales values and service charges in the redevelopment. At this stage, with the first new homes not scheduled for completion until Q3 2025, I appreciate that these details are unlikely to have been finalised. However, during the inquiry, the AA did provide indications of sales values and service charges¹¹⁰. This additional information is clearly of assistance for residents when considering rehousing options, and it would have been useful if it had been made available earlier. Nevertheless, I am satisfied from the extent of communication that the AA has made reasonable efforts to negotiate with Ms Powell.

6.92 Paragraph 17 of the CPO guidance is concerned with negotiations in parallel with preparing and making a CPO, and makes it clear that AAs are expected to provide evidence that meaningful attempts at negotiation have been pursued or at least genuinely attempted. The Tryfonos Family alleges that there was limited formal engagement prior to the CPO being made: three meetings are mentioned, together with a visit to take measurements of two of the Family's properties¹¹¹. The AA's record of correspondence and engagement includes more instances, including a series of bespoke letters and emails. It is clear that the correspondence seeks to pursue negotiations in respect of all of the Family's properties within the Order lands. It is the case, though, that references to relocation focus on the Chick King business, with specific mention of K&M Stores occurring more recently.

6.93 The Tryfonos Family have outstanding concerns about the suitability of the relocation options for their businesses. These are matters which I have considered above (paras 6.19-6.21, 6.23), and they do not indicate a lack of meaningful negotiation.

Objection 2, Ahmet Dellal

6.94 Mr Dellal owns 739 High Road which is let as a convenience store with flat above (parcel 50). Parcels 49 & 49a are part of an accessway at the rear of the building. The grounds of objection aver that the development would not contribute to the social wellbeing of the area, that consultation has been inadequate, that there are questions about viability and the source of funding, and that the scheme discriminates against businesses and their tenants contrary to the public sector equality duty. These are matters which I address elsewhere (paras 6.32-6.44, 6.64-6.82, 6.89, 7.5 & 7.6).

6.95 It is claimed that the property would be acquired approaching two years before it is needed, and that the AA has no clear idea as to what use the land would be put. The land falls between plots C2 and E, and would form part of

¹⁰⁸ CD 10.2, appendices 1-35.

¹⁰⁹ See, for example, emails from Ms Powell at appendices 2 & 10 of CD 10.2.

¹¹⁰ CD 11.20.

¹¹¹ CD 11.44, paragraphs 22 & 23.

the route between the station and High Road¹¹². In terms of timescale, it is included in phases 4 and 5. The anticipated start date for demolition in phase 4 is Q1 of 2027, whereas the AA and Lendlease have given a *not before date* for the terrace including No 739 of Q1 2025. Paragraph 13 of the CPO guidance makes it clear that it is not essential to show that land is required immediately to secure the purpose for which it is to be acquired, but there must be sufficiently compelling reasons for the powers to be sought at this time. The not before dates are intended to provide additional security, and do not necessarily indicate that Mr Dellal's property would be acquired two years before it is needed.

Objection 3, The Tryfonos Family

6.96 The Tryfonos Family's objection concerns the properties which they own on High Road. The contribution of their businesses to the community, the status of the Council's business relocation strategy, the nature of negotiations, and the need for the properties are all addressed elsewhere (paras 6.19, 6.56-6.59, 6.92).

6.97 I appreciate the importance to the family of the close proximity of their properties, both business and residential. Whilst such a close relationship may not be able to be replicated in the redevelopment, it was made clear at the inquiry that both the Chick King and K&M Stores businesses would be offered the opportunity to relocate there, and, following representations from the family, the AA has agreed to extend the equity loan option to the Tryfonos residential owner-occupiers¹¹³.

Objection 4, Kingwell Investments and Dr & Dr Jeyarajah

6.98 The objection concerns 759 High Road (parcel 84), and refers to a time-lag between acquisition and requirement for the development, uncertainty about future use, and viability and the source of funding. No 759 is within plot E, where demolition is expected to start in Q2 of 2028, two years after the not before date. As mentioned above (para 6.95), the not before dates are intended to provide additional security, and do not necessarily indicate that the property would be acquired two years before it is needed. The building is in that part of the Order lands for which outline planning permission has been granted. Whilst reserved matters have yet to be submitted parameter plans set out the intended uses for plot E as including community, leisure and retail¹¹⁴. I have addressed concerns about viability and funding above (paras 6.64-6.82).

Objection 7, Tottenham Hotspur Foundation

6.99 The Tottenham Hotspur Foundation raises three objections: the reduction or compromise of its rights in respect of No 796 High Road, failure of the scheme to generate employment, and that better alternatives exist.

6.100 No 796 is on the opposite side of High Road to the Order lands, and the THF was served with a notice about the CPO on the basis that a right to light existed in respect of the property. The Foundation has subsequently acknowledged that it has no right to light in respect of 796 High Road (above, para 5.2). The employment implications of the scheme are addressed above

¹¹² See the plan at CD 11.9.

¹¹³ CD 9.1, paragraphs 6.17-6.19.

¹¹⁴ CDs 4.3.8-4.3.10.

(para 6.17), and no alternative means to achieve the purposes of the CPO have been put forward by the Foundation.

Objection 8, THFC

6.101 THFC has four fundamental concerns: that the scheme is not a comprehensive redevelopment, that it would not create a new leisure destination for London, viability, and crowd movement, all of which are considered above (paras 6.9, 6.12-6.14, 6.25-6.29, 6.64-6.82).

6.102 THFC drew attention to a memorandum of understanding (MoU) with the Council concerning the regeneration of North Tottenham. Originally drawn up in 2012, the MoU was revised in 2013, and reiterated the parties' commitment to regeneration of the area¹¹⁵. I note that the Club continued to progress projects in the area surrounding the Order lands following signing of the MoU, and it had anticipated a role in taking forward the High Road West scheme as the Council's development partner¹¹⁶. The Council resolved to obtain a commercial partner using the Competitive Dialogue Procedure¹¹⁷. THFC acknowledged at the inquiry that that was an appropriate procedure to follow, and the outcome was the selection of Lendlease Europe Holdings Ltd as the Council's development partner. There is nothing before me concerning this process which casts doubt on whether the CPO should be confirmed.

Objection 9, Adrian Sherbanov

6.103 Although a resident on Love Lane Estate, Mr Sherbanov was not included in the schedule to the Order (above, para 2.3), and refers to a lack of consultation. However, he was made aware of the Order by a required public notice, and was able to participate in the process. I have already referred to the extent of consultation undertaken in connection with the redevelopment scheme. Following his objection to the Order, the AA has engaged directly with him, and has explained that it would provide assistance to enable him to find suitable private accommodation¹¹⁸. Given the consultation which has occurred, it is not necessary to address the argument that the AA is in breach of a duty under section 3 of the Local Government Act 1999 for a failure to consult with private tenants.

Objection 11, Mary Powell

6.104 I have already considered Ms Powell's concerns about consultation and negotiation, and her suggestion for an alternative redevelopment proposal (above, paras 6.60-6.63, 6.86, 6.87, 6.90, 6.91). She is concerned that Love Lane Estate has been the subject of managed decline. Whilst parts of the estate do appear somewhat rundown, the CPO has been made to address more fundamental problems of deprivation in North Tottenham. Ms Powell does not wish to take up the option of an equity loan which would involve incurring a debt. Repayment of the equity loan, though, would only be required when the home was sold or transferred to another owner. An alternative option in the resident offer is a leasehold swap, enabling a leaseholder to acquire a Council-owned property of equivalent value: there is no certainty that any such property would be within the North Tottenham area. The AA explained that a

¹¹⁵ CD 9.28, appendices A & C.

¹¹⁶ CD 9.27, paragraph 3.78.

¹¹⁷ The procedure followed by the Council is set out in CD9.1, paragraphs 4.28-4.32.

¹¹⁸ CD 11.46, paragraphs 88 & 89.

home in plot A could be made available to Ms Powell (above, para 6.35): the homes here are intended to provide social housing, but there is considerable scope for this provision within the Order lands overall. Ms Powell has also made allegations about the conduct of the AA, including that it has been prepared to pay more to acquire property when it has been politically expedient to do so. That is not a matter within the scope of my consideration of the CPO, and it is open to Ms Powell to pursue any outstanding concern separately.

7 Overall conclusions

- 7.1 The Order lands would be acquired for the purpose of a residential-led mixed-use development. That is consistent with the 2022 planning permission and long-standing regeneration commitments enshrined in planning policy to tackle problems of deprivation in this part of North Tottenham. The proposal, including the leisure component, is consistent with the planning framework for the area.
- 7.2 As a consequence of the redevelopment scheme, there would be disruption to existing residents and businesses. I appreciate concerns expressed about the debt associated with the equity loan option for leaseholders, the lack of a freehold option for businesses, and the significant inconvenience which would be associated with a double move. The AA has, though, set out an extensive programme to assist residents and businesses. Moreover, there would be significant benefits due to the construction of much-needed new housing, additional jobs in an area with relatively high unemployment, and an enhanced built environment which would complement the recent redevelopment of the Tottenham Hotspur Stadium on the east side of High Road. Regeneration of the Order lands would make a substantial contribution to the economic, social and environmental wellbeing of the area.
- 7.3 Although the required IRR for the regeneration area as a whole is not in the public domain, the evidence before me does not indicate that the viability of the scheme on the Order lands would be fragile: indeed there is no dispute that the development would be profitable. Importantly, funding is available from several sources, and Lendlease Ltd, a company with substantial assets, is guarantor. The funding arrangements are sufficient to provide reassurance that the scheme is likely to proceed. Planning permission has been granted, and there is nothing before me to indicate that any other consents or licences which may be required for the development to proceed would not be forthcoming. There are no impediments which call into question the ability for the scheme to be delivered.
- 7.4 Several alternative proposals have been put forward by objectors, but none would offer a more appropriate way forward. The alternative masterplan advocated by THFC would also involve comprehensive redevelopment, but would provide fewer new homes and would be likely to delay regeneration, whilst the removal of parts of the Order lands in other suggestions would prevent the full range of benefits for the area from being achieved.
- 7.5 Mr Dellal suggests that tenants of properties on High Road have been discriminated against, but the AA has made clear that the assistance available to private tenants on the Love Lane Estate, including support from Housing Services and independent advice, is also available to private tenants outside the estate. The row of properties on High Road to the north of Moselle Place is not included within the Order lands, but, apart from the contemporary

apartment building at the junction with High Road, this row is within a conservation area. That is a material difference to the terraces to the south, and the inclusion of those properties within the CPO does not indicate discrimination against residents or those with a business interest.

- 7.6 The public sector equality duty set out in section 149 of the Equality Act 2010 requires, amongst other matters, that a public authority must have due regard to the need to eliminate discrimination, and to advance equality of opportunity between persons who share a protected characteristic and those who do not share it. The disturbance and uncertainty occasioned by the loss of their homes would be likely to have a greater impact on the elderly, children and the disabled. However the redevelopment proposal, involving the clearance of all properties within the Order lands and providing assistance to both residents and businesses to relocate, would not discriminate against those with a protected characteristic.
- 7.7 It is clear that the loss of their homes would represent an interference with the rights of existing residents under Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998. However, taking into account all material considerations, including the legitimate aim to regenerate this part of North Tottenham and improve the economic, social and environmental conditions, I am satisfied that that interference is necessary and proportionate.
- 7.8 For the reasons given above, and having regard to all matters raised, I conclude that there is a compelling case in the public interest for the confirmation of the CPO, subject to minor modifications relating to the inclusion of Mr Sherbanov as a tenant and occupier in table 1 of the schedule in place of his landlords (above, para 2.4), and the removal of the Tottenham Hotspur Foundation from the rights of light table in respect of 796 High Road (above, para 5.2).
- 7.9 The attention of the Acquiring Authority is drawn to Section 15 of the Acquisition of Land Act 1981, as amended, about publication and service of notices now that the Order has been confirmed. Please inform The Planning Inspectorate and the Secretary of State of the date on which notice of confirmation of the Order is first published in the press.

Richard Clegg

INSPECTOR

APPEARANCES

FOR THE ACQUIRING AUTHORITY:

Mr T Mould KC & Ms H Sargent	Counsel, instructed by Pinsent Masons LLP
They called	
Mr P P J O'Brien	Assistant Director for Regeneration & Economic Development, The London Borough of Haringey
Ms S Mason	Director of Masterplanning and Strategic Design, Lendlease Europe Holdings Ltd
Mr T Horne MSc (Hons) MRTPI	Senior Director, DP9
Mr L Lawrence BA(Hons) DipArch RIBA ARB	Senior Director, Studio Egret West
Mr P Levine MRICS	Partner, DS2 LLP
Mr J A Franklin	Director of Compulsory Purchase, CBRE Ltd
BSc(Hons) MRICS MCPA	

FOR THE TRYFONOS FAMILY & TRYFONOS BROTHERS LTD (objection 3):

Ms I Buono	Counsel, instructed by Mr R Gupta & Mr M Speed*, Town Legal LLP
She called	
Mr A Tryfonos	Owner of 747, and joint owner of 755 & 755a High Road

FOR KINGWELL INVESTMENTS LTD AND DR & DR JEYARAJAH (objection 4):

Mr S Bell	Counsel
Mr A Arnold	Partner, BBK Partnership

FOR TOTTENHAM HOTSPUR FOOTBALL GROUP (objection 8):

Mr C Katkowski KC & Mr F Humphreys	Counsel, instructed by Richard Max & Co LLP
They called	
Mr S D Bashforth BA MA MRTPI	Senior Director, Quod
Ms S Camburn MArch MSc RIBA ARB FRSA	Director, Arup
Mr C M D Cottage	Managing Director of Compensation, Ardent Management Ltd
BSc(Hons) MRICS	
Mr R A Serra BSc(Hons) DipSurv MRICS MRTPI	Property Director, Tottenham Hotspur Football Club

ADRIAN SHERBANOV (objection 9) Tenant and occupier of 85 Whitehall Street

MARY POWELL (objection 11) Lessee and occupier of 63 Whitehall Street

* Mr Speed also conducted some cross-examination.

INQUIRY DOCUMENTS

- CD 11.2 Mr Mould's & Ms Sargent's opening statement on behalf of the AA.
- CD 11.3 The AA's list of appearances.
- CD 11.4 Mr Katkowski's & Mr Humphreys's opening statement on behalf of THFC.
- CD 11.5 THFC's list of appearances.
- CD 11.6 List of appearances & Ms Buono's opening statement on behalf of the Tryfonos family and Tryfonos Brothers Ltd.
- CD 11.7 Ms Powell's opening statement.
- CD 11.8 Mr Sherbanov's opening statement.
- CD 11.9 Plan showing development plots and objector's plots in relation to existing development.
- CD 11.10 Mr Lawrence's presentation slides.
- CD 11.11 Phasing and development plot plan.
- CD 11.12 Plan showing the Order lands and the Love Lane Estate.
- CD 11.13 Letter dated 31 October 2023 from Richard Max & Co to Pinsent Masons and reply of 7 November 2023 concerning crowd flow.
- CD 11.14 Letter dated 10 November 2023 from Town Legal to Pinsent Masons requesting further information in relation to objection 3.
- CD 11.15 Email dated 12 November 2023 from Ms Powell to Pinsent Masons requesting further information in relation to objection 11.
- CD 11.16 Note on the development agreement. Submitted by Mr Mould.
- CD 11.17 Joint statement on scheme viability on behalf of the AA and THFC. Submitted by Mr Levine and Mr Cottage.
- CD 11.18 Tables of existing and consented housing in the Order lands. Submitted by the AA.
- CD 11.19 Letter dated 14 November 2023 from Pinsent Masons in response to CD 11.14.
- CD 11.20 Emails dated 14 & 15 November 2023 from the AA in response to CD 11.15.
- CD 11.21 Note on ground floorspace within the illustrative masterplan. Submitted by the AA.
- CD 11.22 Note on total development costs. Submitted by the AA.
- CD 11.23 Proposed site plan for plot A.
- CD 11.24 Extract from Tender Price Forecast Q3 2023 by Rider Levett Bucknall. Submitted by the AA.
- CD 11.25 Email dated 14 November 2023 from Richard Max & Co in respect of crowd flow.
- CD 11.26 Letter dated 27 August 2014 from the AA to Mr A Tryfonos. Submitted by the AA.
- CD 11.27 Ms Powell's statement to the inquiry.
- CD 11.28 Mr Sherbanov's statement to the inquiry.
- CD 11.29 Mr O'Brien's supplementary statement.
- CD 11.30 Letter dated 16 November 2023 from Addleshaw Goddard LLP withdrawing the objection and section 16 representation by Network Rail Infrastructure Ltd.

- CD 11.31 Note on the phasing programme. Submitted by the AA.
- CD 11.32 Note on capital resources. Submitted by the AA.
- CD 11.33 Deed of variation to the planning agreement relating to the permitted development. Submitted by the AA.
- CD 11.34 Plan showing the area covered by the 2022 planning permission for High Road West in relation to North Tottenham Conservation Area.
- CD 11.36 Addendum to the statement of evidence on heritage matters by Mr Dunn.
- CD 11.37 Illustrative Masterplan for High Road West.
- CD 11.38 Letter dated 21 November 2023 from Lendlease concerning crowd flow assurances.
- CD 11.39 Mr Mould's & Ms Sargent's note on Section 3 of the Local Government Act 1999, in response to Mr Sherbanov's objection.
- CD 11.40 Mr Mould's & Ms Sargent's note on the exercise of acquisition powers, in response to Mr Sherbanov's objection.
- CD 11.41 Note on land to the rear of 7 White Hart Lane. Submitted by the AA.
- CD 11.42 Mr Bell's submissions on behalf of Kingwell Investments Ltd and Dr & Dr Jeyarajah.
- CD 11.43 Ms Powell's closing submissions.
- CD 11.44 Ms Buono's closing submissions on behalf of the Tryfonos family and Tryfonos Brothers Ltd.
- CD 11.45 Mr Katkowski's & Mr Humphreys's closing submissions on behalf of THFC.
- CD 11.45a Judgement in Brooke Homes (Bicester) Ltd v Portfolio Property Partners Ltd and Others. Annex to CD 11.45.
- CD 11.46 Mr Mould's & Ms Sargent's closing submissions on behalf of the AA.

THE REVISED NPPF

- CD 12.1 The revised NPPF.
- CD 12.2 Letter dated 22 December 2023 from The Planning Inspectorate to the Acquiring Authority and remaining objectors concerning CD 12.1.
- CD 12.3 Letter dated 8 January 2024 on behalf of the Acquiring Authority in response to CD 12.1.
- CD 12.4 Email dated 3 January 2024 on behalf of the Tryfonos Family in response to CD 12.1.
- CD 12.5 Email dated 8 January 2024 on behalf of Tottenham Hotspur Football Club in response to CD 12.1.
- CD 12.6 Written representation from Ms Powell in response to CD 12.1.