

February 2017

**The London Borough of Haringey
(Wards Corner Regeneration Project)
Compulsory Purchase Order 2016**

**Town and County Planning Act 1990 and
Acquisition of Land Act 1981**

PLANNING INSPECTORATE REFERENCE NPCU/CPO/Y5420/77066

ACQUIRING AUTHORITY'S STATEMENT OF CASE

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1 INTRODUCTION

- 1.1 This Statement of Case ("the Statement") has been prepared by the London Borough of Haringey ("the Council") in its capacity as the acquiring authority pursuant to Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007.
- 1.2 On 22 September 2016, the Council made the London Borough of Haringey (Wards Corner Regeneration Project) Compulsory Purchase Order 2016 ("the Order") pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) ("the Act") and in accordance with the procedures in the Acquisition of Land Act 1981 (as amended) ("ALA 1981").
- 1.3 Authorisation to make the Order was given by the Council's Cabinet on 10 November 2015 in accordance with the Council's constitution.
- 1.4 The Council, as acquiring authority, is required to provide its Statement of Case to the authorising authority (the Secretary of State for Communities and Local Government ("the Secretary of State")) and each of the remaining objectors not later than six weeks from the notice given by the Secretary of State on 22 December 2016 that a public local inquiry will be held into the Order. This Statement incorporates the text of the Statement of Reasons dated 14 September 2016, with any necessary modifications or updates.
- 1.5 On 6 October 2016, the Order and supporting documents (including the Council's Statement of Reasons) were submitted to the Secretary of State for confirmation pursuant to the ALA1981.
- 1.6 If confirmed by the Secretary of State, the Order will enable the Council to acquire compulsorily the land (comprising 0.9 hectares) and interests ("the Order Land") as specified in the schedule to the Order ("the Schedule of Interests"). This acquisition would facilitate the comprehensive regeneration of Wards Corner, for which planning permission has been granted.
- 1.7 The Council made the Order to enable development of the Order Land by the demolition of existing buildings and the erection of mixed use development comprising class C3 residential, class A1/A2/A3/A4 uses, with access, parking and associated landscaping and public realm improvements ("the Order Scheme"). The Order Scheme will provide a catalyst for further regeneration in Tottenham.

- 1.8 On 12 July 2012, the Council granted planning permission ("the Planning Permission") and conservation area consent ("CAC") for (amongst other things) 3,693 square metres of new retail space (use classes A1/A2/A3/A4 including space for a re-provided retail market), together with 196 residential flats, pursuant to a planning application (reference HGY/2012/0915) ("the Planning Application") submitted on behalf of Grainger Seven Sisters Ltd (being a wholly owned subsidiary of Grainger Plc) ("Grainger").
- 1.9 The Planning Permission was the subject of a legal challenge, which was disposed of and rejected by the Court of Appeal in August 2013. The Planning Permission can be implemented at any time on or before 11 July 2017. As to this, all pre-commencement conditions imposed on the Planning Permission have been discharged.
- 1.10 One hundred and sixty three objections including six representations signed by one thousand nine hundred and seven signatories in total to the Order have been received by the Secretary of State.
- 1.11 The Order Land is more fully described in Section 3 of this Statement. The interests and rights comprising the Order Land are identified in the Schedule of Interests, which lists, where known: (i) the owners, lessees, occupiers and tenants of the Order Land; and (ii) other parties with a qualifying interest (per section 12(2)(a) and 12(2)(A) of the ALA 1981, including those properties which may have compensatable and/or injunctable rights to light which, if not released, would have the potential to frustrate the development, redevelopment or improvement of the Order Land. The Schedule of Interests refers to the plan accompanying the Order ("the Order Plan").
- 1.12 On 6 June 2016, notices to all parties with relevant interests in the Order Land were served by Persona Associates ("Persona") pursuant to section 16 of the 1976 Act. Follow up letters and site visits were carried out by Persona, which enabled the Schedule of Interests and Order Plan to be finalised.
- 1.13 It is intended that, unless acquired by agreement and save as set out below, all interests and rights in the Order Land would be acquired by the Council following confirmation of the Order.
- 1.14 Since 2004, the Council and Grainger have undertaken significant local engagement regarding its proposals for the Order Land and has been assembling the land required to deliver the Order Scheme. Whilst this programme of

engagement and site assembly was interrupted during those periods in which the proposals for the Order Land were subject to legal challenge, its efforts to acquire the interests in the Order Land by private treaty resumed in 2014 and have continued to date.

- 1.15 Approximately 49% of the Order Land is now within the ownership of Grainger or the Council.
- 1.16 Since September 2015, Grainger has also approached (and continues to approach) the owners and occupiers of all of those properties falling outside of the Order Land who potentially have compensatable and/or injunctable rights to light in respect of the Order Land in order to ascertain whether they would be willing to release their rights (if any). As part of this exercise, notices have been issued pursuant to section 16 of the Local Government (Miscellaneous Provisions) Act 1976 ("1976 Act") and non-statutory requests for information have been sent, in each case by the appointed land referencers, Persona, to those who may have a potential right to light. To date, compensation has been agreed in relation to 3 properties in respect of potential light infringement. The Council and Grainger will continue their efforts to secure potentially outstanding interests by agreement with the owners, occupiers and those with rights over the Order Land.
- 1.17 The Order Land also includes operational and non-operational land owned by London Underground Limited ("LUL"), including the Seven Sisters Underground station and tunnels forming part of the Victoria line. Both LUL and Transport for London ("TfL") have formally confirmed that they support the Order Scheme in principle. However, their operational assets in the Order Land will need to be protected from the effects of the Order. Given the complexity of the various interests held by LUL in the Order Land, and the need for protection zones around those operational assets, it is not practicable for the Order to be amended so as to exclude those interests.
- 1.18 As such, it has been agreed with LUL that the Order will include LUL's interests but that a comprehensive agreement will be entered into which will facilitate the carrying out of the Order Scheme and include a suite of appropriate asset protection measures in favour of LUL. It is intended that the agreement will be entered into as soon as reasonably practicable and, in any event, prior to the start of the Inquiry. In the interim, LUL has lodged an objection and representation to the Order (under section 16 of the ALA 1981) to protect its interests. These are intended by LUL to be interim holding measures. LUL have confirmed that their

objection and representation would be withdrawn following completion of the requisite agreement. In accordance with the above agreement, the Council is satisfied that the Order Scheme can be delivered (and the related regeneration objectives can be achieved) without interfering with the operational requirements of LUL.

- 1.19 In addition, the Council has recently reached agreement with the only secure tenant with an interest in the Order Land (being the tenant of 12 Suffield Road) to facilitate an agreed move for the household to an alternative Council-owned property in the borough.
- 1.20 Although Grainger has ownership or contractual control over the interests in a substantial part of the Order Land, agreement with owners of a number of properties within the Order Land (and those with interests in the Order Land) has not been possible to date. The implementation of the Order Scheme requires the acquisition of all property interests currently owned by third parties, which the Council now seeks to secure pursuant to the Order.
- 1.21 While all outstanding interests are included within the Order, Grainger (in association with the Council) remains willing, committed and able to acquire all outstanding interests in the Order Land by agreement during the Order process and will continue to seek to do so. However, it is clear that compulsory purchase powers will need to be used to ensure that the Order Scheme can be delivered within a reasonable timeframe and in order to achieve the regeneration benefits.
- 1.22 The Council, after giving careful consideration to all relevant issues, is satisfied that there is a strong prospect of the Order Scheme being delivered and a compelling case in the public interest to make the Order and that the purposes for which the Order has been made justifies interfering with the private rights of those with an interest in the Order Land (per paragraph 12 of the 'Guidance on compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion' (October 2015) ("the Guidance").
- 1.23 In particular, the Council is satisfied that compulsory acquisition of the Order Land would facilitate the carrying out of development, redevelopment or improvement on or in relation to the Order Land.
- 1.24 The Council is satisfied that, having regard to the Guidance, Grainger has made reasonable attempts to acquire outstanding interests in the Order Land by agreement including offering to assist business occupiers to relocate by identifying

and securing alternative premises. Full details of Grainger's negotiations with third parties are set out at Section 10. Grainger (in association with the Council) will continue to seek to acquire the remaining interests in parallel with the statutory Order process. In accordance with paragraph 2 of the Guidance, the Council is requesting that the Order is only made as a last resort.

1.25 This Statement also addresses the requirements of paragraph 76 of Tier 2: Enabling Powers of the Guidance and demonstrates that:

- (a) the purpose for which the Order Land is being acquired accords with the statutory development plan and national planning policy and guidance (as to which see further below);
- (b) the Order Scheme would contribute to the improvement of the economic, social and environmental well-being of the area;
- (c) there are no other means of delivering the Order Scheme (in accordance with the Council's planning policy objectives) other than by acquiring the Order Land; and
- (d) there is a compelling case in the public interest to make the Order, which justifies the interference with private rights.

1.26 Further, this Statement sets out the particulars of the Council's case for the making of the Order and provides the Council's response to the objections received.

1.27 A chronology of key events has been appended to this Statement at Appendix A.

2 **BACKGROUND**

2.1 The Order Land (and adjoining land), as shown on the Order Plan, is located above Seven Sisters Underground Station and forms part of the West Green Road/Seven Sisters district centre (as identified in the London Plan (March 2015) ("the London Plan")), which has long been identified by the Council as a key/gateway site for improvement and regeneration. As early as 2004, the Council published a development brief for Wards Corner/Seven Sisters Underground ("the Development Brief"), which stated its vision for the Order Land as delivering a *'landmark development that acts as a high quality gateway to Seven Sisters, providing mixed uses with improved facilities'*.

2.2 In current planning policy, the Haringey Local Plan: Strategic Policies (adopted by the Council in March 2013) ("the Strategic Policies") identifies Seven Sisters as a

priority area for new development and regeneration and specifically envisages *'Wards Corner regeneration delivering houses, shops and public realm improvements through redevelopment and/or renewal'*. Further, the Council's 'pre-submission' version (January 2016) of its Tottenham Area Action Plan ("AAP") proposes the allocation of the Order Land for comprehensive mixed-use development comprising commercial, retail and residential uses (consistent with the Order Scheme). The AAP has now been through an examination in public ("EiP") and as part of this process was subject to a Main Modifications Public Consultation from 18 November 2016 -13 January 2017. The policy context that supports the Order Scheme is addressed in greater detail in Section 7.

- 2.3 Consistent with delivery of this programme, on 3 August 2007 the Council (in its capacity as freehold owner of Council-owned land and housing authority) entered into a conditional development agreement ("the 2007 Agreement") with Grainger to promote and implement comprehensive redevelopment of the Order Land. Subsequent to this, Grainger pursued its proposals, which culminated in the grant of the Planning Permission. A Supplemental Agreement ("the Supplemental Agreement") to the 2007 Agreement was entered into by the Council (in its capacity as freehold owner of Council-owned land and Housing Authority) and Grainger on 23 January 2015 (unless otherwise stated, references below to 'the Development Agreement' refer to the 2007 Agreement as supplemented by the Supplemental Agreement).
- 2.4 The Planning Permission was granted following completion of a legal agreement ("the S106 Agreement"), which was entered into between (amongst others) the Council and Grainger pursuant to section 106 of the Act. The S106 Agreement provides for (amongst other things): the provision of a new market following the closure and temporary re-location of the existing Seven Sisters Market ("the Market") (as located on the Order Land) during construction (paragraphs 8, 9 and 24 of Schedule 4 to the S106 Agreement) (including the offer of financial assistance to named traders) (per paragraph 3 of Schedule 4 and paragraph 5.1 of Schedule 5 to the S106 Agreement); funding environmental improvements in the immediate shopping area (per paragraphs 4 and 15 of Schedule 4 to the S106 Agreement); promoting the letting of the proposed new retail units to independent retailers (per paragraph 11 of Schedule 4 to the S106 Agreement); and recruiting local employment both during construction and following occupation of the development pursuant to the Planning Permission (per paragraph 14 of Schedule 4 to the S106 Agreement).

- 2.5 The Order Land is often referred to locally as 'Wards Corner', which originates from the 3 storey early Edwardian former Wards Furnishing Stores building ("the Wards Corner Building"), which occupies the southern part of the Order Land at the High Road/Seven Sisters Road junction. The freehold of the Wards Corner Building is owned by LUL. The store itself closed in 1972 and the Wards Corner Building has been vacant above ground floor level for many years. The Market is housed in the ground floor of the Wards Corner Building. The Market is currently licensed to traders from a diverse range of ethnicities.¹ This ground floor of the Wards Corner Building was designated by the Council as an Asset of Community Value ("ACV")² in May 2014 pursuant to the Localism Act 2011 ("the Localism Act"), following an application made by the Wards Corner Community Coalition ("the Coalition").
- 2.6 As noted above, the development granted pursuant to the Planning Permission (and subject to the S106 Agreement) provides for the provision of a new Market to maintain its retail and community value. A Steering Group for the Market has been established by Grainger. It is made up of a representative group of traders, Grainger, the market operator and a Council representative and has met twice to date to discuss the future plans for the Market, including discussions regarding the location of the temporary market, further detail of which is contained in Appendix B of this Statement. The intention is that the Steering Group will remain fully engaged until completion of the Order Scheme.

3 **CONTEXT OF THE ORDER LAND**

Wider area – Tottenham

- 3.1 The Order Land is in Tottenham, which is located in north-east London, forming the western part of the Upper Lee Valley Opportunity Area (as designated in the London Plan) and the eastern part of the London Borough of Haringey, sitting directly east of Wood Green and Turnpike Lane.
- 3.2 Tottenham lies on the A10/A1010 and is served by the Victoria London Underground Line, serving both Seven Sisters and Tottenham Hale, and the London Overground Line, which was previously part of the West Anglia Line until May 2015. Overground connections are provided to Stansted airport, as well as links to Cambridge and London Liverpool Street. The area is well served by the bus

¹ According to a business survey conducted by AECOM (as URS) in May 2012. See Wards Corner CPO EQIA for further information.

² An Asset of Community Value is land or buildings nominated by a local voluntary or community group which the Council decides meets the requirements to be listed as an asset of community value. The statutory rules about assets of community value can be found in sections 87 – 103 of the Localism Act 2011 and The Asset of Community Value (England) Regulations 2012.

network and has good connections to the regional and national road network. Tottenham is only 12 minutes from the centre of London on the tube or train.

3.3 Tottenham comprises seven Wards (Tottenham Green, Seven Sisters, St. Ann's, Northumberland Park, White Hart Lane, Tottenham Hale and Bruce Grove). The long central spine of Tottenham High Road contains a mix of shops, sports, leisure and community facilities together with public buildings and some residential development. Tottenham High Road has a mixture of fine Georgian, Victorian and Edwardian buildings, some of which are listed by Historic England as having special architectural and historical interest of national importance. However, the High Road has been in decline over a number of years and a number of these heritage assets have suffered from underinvestment in the past. Investment by Heritage Lottery funding has specifically targeted the refurbishment and enhancement of the shop fronts and facades along Tottenham High Road, but there remain a number of buildings on Historic England's 'Heritage at Risk Register'.

3.4 The A10/A1010 Corridor is a central part of the Upper Lee Valley area and is defined in the Upper Lee Valley Opportunity Area Planning Framework ("OAPF"), which includes the following description:

"The A10/A1010 Corridor stretches approximately 400 metres on either side of the A1010 from the M25 to Stamford Hill. It is an historic route into London, comprising six separate but adjoining conservation areas, that has become a diverse and varied mixed- use high street linking a series of north London communities. It is a vital part of the Upper Lee Valley and offers key infrastructure provision to the existing communities such as town centres, transport, education and health facilities. It contains many distinctive communities and town centres including Stamford Hill, Stoke Newington, Seven Sisters, Tottenham Green, Bruce Grove, High Road West (White Hart Lane), Northumberland Park, Angel Edmonton, Edmonton Green and Ponders End."

3.5 Two of Haringey's five district centres (being Bruce Grove/Tottenham High Road and West Green Road/Seven Sisters) are located in Tottenham, which compete with a number of town centres in neighbouring boroughs including Brent Cross, Walthamstow and Edmonton Green in Enfield. Tottenham is also home to smaller local centres and shopping parades to meet day-to-day needs for shopping, services and facilities.

- 3.6 Tottenham suffers from extensive deprivation with high levels of unemployment and relatively low economic activity levels amongst its residents. As to this, the draft AAP records:

'the entire Tottenham AAP area falls within the top 20% most deprived areas in England, and more than half within the top 10%. It is one of the poorest performing areas in the country for income, education, skills and health.' (AAP (Pre-submission version, Para 2.9))

- 3.7 The Order Land is located within Tottenham Green Ward. To the south of the Order Land is Seven Sisters Road, part of the A503 which is on the TfL Route Network that runs south west towards Manor House and Camden, and across the road is Apex House. Planning permission was granted on 29th June 2016 to Grainger for redevelopment of this office building and the wider site to provide 163 residential units, of which 59 are affordable units and 879 sqm of market (sui generis) or A2, A3, B1 flexible commercial floorspace at ground floor level (reference HGY/2015/2915). On 28th September 2016 Grainger acquired a long leasehold interest in Apex House from the Council.

- 3.8 To the east of the Order Land is Tottenham High Road, part of the A10/A1010 Corridor (as above) and part of the TfL Route Network, which runs from Edmonton in the north to Stamford Hill in the south. On the same side of the road as the Order Land there is an extended width pavement from which there is stair access to a subway, which leads down into the Seven Sisters Underground station.

- 3.9 To the north of the Order Land is West Green Road, which is an important primary retail frontage within the Seven Sisters/West Green Road district centre.

- 3.10 To the west of the Order Land is Suffield Road. Suffield Road (west) consists of a row of Victorian terraced residential properties. A number of these properties are subdivided into flats whereas others remain as single dwellings. Beyond Suffield Road to the west is the entrance to the Seven Sisters Overground station. Seven Sisters station lies between Finsbury Park and Tottenham Hale on the Victoria Line and between Stamford Hill and Bruce Grove on the Lea Valley Line operated by London Overground from Liverpool Street.

Order Land

- 3.11 The Order Land is prominently located on the western side of Tottenham High Road and comprises 227-259 High Road, 709-723 Seven Sisters Road, 1a-11 West Green Road and 8-30 Suffield Road.

- 3.12 The central and southern part of the Order Land sits above the Seven Sisters Victoria Line Underground station and tunnels. The Wards Corner Building is located at its south-eastern corner, the ground floor of which accommodates the Market (comprising 60 separate retail units on 38 licences).
- 3.13 The frontage to 227-259 (save for 251-253) High Road, with two and three storey properties, provides retail and commercial floorspace on the ground with residential flats on some first and second floors. Located at 1a-11 West Green Road and 709-720 Seven Sisters Road are retail and commercial ground floor uses (and on some upper floors) with residential upper floor accommodation in two and three storey properties. As above, the West Green Road/Seven Sisters shopping area is classified as a district centre by the London Plan (as to which see Section 7).
- 3.14 Numbers 8-30 Suffield Road are different in character, Suffield Road being a relatively quiet residential one-way street with two storey terraced properties. It provides rear access at its southern end to some properties on Seven Sisters Road and High Road, together with small car parking areas at both the northern and southern ends.
- 3.15 The High Road frontage and numbers 1A/B and 1 West Green Road are located within the Seven Sisters/Page Green Conservation Area ("the Conservation Area"), being one of six Conservation Areas that combine to form the Tottenham High Road Historic Corridor stretching approximately 3.7km between Enfield in the north and Stamford Hill to the south. The Wards Corner Building at 227 High Road (including 725 Seven Sisters Road), together with numbers 1A and 1B West Green Road, are locally listed buildings.
- 3.16 The Order Land benefits from excellent public transport accessibility (PTAL 6a) with easy access to the London Underground, London Overground and many bus routes. The Seven Sisters National Rail station is identified as a proposed stop on the Crossrail 2 line, which would further increase the level of public transport accessibility.
- 3.17 The interests are correspondingly numbered on the Order Plan. In addition to those interests noted below, LUL has an interest in parcels 1 – 11, 13-14, 21 and 28. TfL and the Council in their respective capacities as local highway authority also have interests in the Order Land.
- 3.18 Parcel 1 comprises part of a demolished site and part width of highway known as Seven Sisters Road.

- 3.19 Parcel 2 is the retail premises at the ground floor of 717 and 719 (odds) Seven Sisters Road, which is subject to a third party lease, and the residential premises above comprising three flats together with part width of highway known as Seven Sisters Road.
- 3.20 Parcel 3 is the retail premises at 715 Seven Sisters Road, which is subject to a third party lease, and those residential premises above at 715A Seven Sisters Road together with part width of highway known as Seven Sisters Road.
- 3.21 Parcel 4 is the retail premises at 713 Seven Sisters Road and the residential premises above together with part width of highway known as Seven Sisters Road. Parcel 4 is within the ownership of the Council (as landowner).
- 3.22 Parcel 5 is the retail premises at 711 and 711A Seven Sisters Road, which is subject to leasehold interests, and those residential premises above together with part width of highway known as Seven Sisters Road.
- 3.23 Parcel 6 is the retail premises at 709 Seven Sisters Road and first and second floor flats, at 709A and 709B Seven Sisters Road, which are all subject to third party leases and half width of highway known as Suffield Road and part width of highway known as Seven Sisters Road.
- 3.24 Parcel 7 is the parking area/compound land formerly known as 2 and 2A Suffield Road and half width of highway known as Suffield Road.
- 3.25 Parcel 8 is the buildings and yard formerly known as 4 and 6 Suffield Road and half width of highway known as Suffield Road.
- 3.26 Parcels 9 – 15 comprise residential properties at 8, 10, 12, 14, 16, 18 and 18A and 20 Suffield Road, respectively, together with their respective parking bays and respective half widths of highway known as Suffield Road. Parcels 11 (being 12 Suffield Road) 14 (being 18 and 18A Suffield Road) and 15 (being 20 Suffield Road) are within the ownership of the Council (as landowner).
- 3.27 Parcels 16 and 17 are residential properties at 22 and 24 Suffield Road, respectively, together with their respective parking bays and respective half widths of highway known as Suffield Road. They are unoccupied.
- 3.28 Parcels 18 - 20 comprise residential properties at 26, 28 and 30 Suffield Road, respectively, together with their respective parking bays and respective half widths of highway known as Suffield Road.

- 3.29 Parcel 21 is the access road and parking bays east of Suffield Road and part of Suffield Road, which is currently used as a car wash.
- 3.30 Parcel 22 is the retail premises subject to leasehold interests relating to Tropical Foods and Fair Deal Cash and Carry at 9 and 11 West Green Road, together with residential premises and half width of highway known as Suffield Road and half width of highway known as West Green Road.
- 3.31 Parcel 23 is the retail premises at 3 – 7 (odds) West Green Road leased (in respect of the ground and basement floors) to Sainsbury's Supermarkets Limited and residential premises above, together with half width of highway known as West Green Road.
- 3.32 Parcel 24 is the retail premises relating to Cosmos News and residential premises at 1 West Green Road together with half width of highway known as West Green Road.
- 3.33 Parcel 25 is the retail premises at 1A and 1B West Green Road and half width of highway known as West Green Road.
- 3.34 Parcel 26 is the retail premises at 255 – 259 (odds) High Road known as Jinny's and residential premises known as 255A, 255B, 257A and 257B High Road together with half width of highway known as West Green Road and part width of highway known as High Road. The premises are subject to leasehold interests. In respect of the ground floor and basement, the lessee, Strandstar Limited is in liquidation.
- 3.35 Parcel 27 is the derelict site formerly known as 251 and 253 High Road, together with part width of highway known as High Road. It is understood that this parcel of land is unoccupied.
- 3.36 Parcel 28 is the retail premises known as 227 – 249 (odds) High Road, which comprises all of the retail units that make up the Market, subject to third party leases, and part width of highway known as High Road and part width of highway known as Seven Sisters Road.
- 3.37 In summary, the Order Land comprises 28 parcels of land under section 12(2)(a) of the ALA 1981. The residential premises known as 713 Seven Sisters Road (comprising part of parcel 4), 22 and 24 Suffield Road (parcels 16 and 17), 30 Suffield Road (parcel 20) and the residential premises at 255 – 259 High Road (comprising part of parcel 26) are unoccupied as at January 2017. As to non-

residential interests in the Order Land, the land described at parcel 1 and parcel 27 and the retail interests in respect of parcel 4 are also unoccupied, other than occupation by TfL in its capacity as highway authority. There are various mortgagees, rights of way, rights of utilities and other interests including rights to light over the Order Land (belonging to other qualifying persons under section 12(2A) of the ALA 1981) listed in Table 2 of the Schedule of Interests.

4 **ENABLING POWERS**

4.1 Section 226(1)(a) of the Act states:

'A local authority to whom this section applies shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area...

(a) if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land.'

4.2 The Council is the acquiring authority for the purposes of this Order.

4.3 Accordingly, section 226(1)(a) of the Act provides the Council with power to acquire the Order Land compulsorily, if the Council thinks that such acquisition will facilitate the carrying out of the Order Scheme. Section 226(1A) of the Act adds that the Council must not exercise this power unless it thinks that the Order Scheme is likely to contribute to the achievement of any one or more of the following objectives:

- (a) the promotion or improvement of the economic well-being of its area;
- (b) the promotion or improvement of the social well-being of its area;
- (c) the promotion or improvement of the environmental well-being of its area.

4.4 The Council intends to acquire the Order Land so that it can be comprehensively regenerated and is utilising its powers under section 226(1a) because it does not believe that it will be possible to acquire all of the necessary interests by agreement, although efforts are continuing and will continue in parallel with this process.

4.5 The principal economic, social and environmental benefits of the Order Scheme that will contribute to the Council's well-being objectives are set out below in Section 8 and demonstrate that the Order Scheme meets the criteria set out in section 226(1A) of the Act, together with the requirements of the second bullet point of paragraph 76 of Tier 2 Enabling Powers of the Guidance.

5 **PURPOSE OF THE ORDER**

5.1 The Order is required to complete the assembly of the necessary land to enable delivery of a comprehensive redevelopment of the Order Land to provide a substantial improvement to the district centre's retail and residential offer, together with significant enhancements to the district centre's environment. In addition, the Order Scheme would act as a catalyst for the much-needed regeneration of this part of Tottenham. The Council's justification for the Order is set out in full at Section 8 of this Statement.

5.2 The Council is satisfied that: (i) all of the Order Land is required to deliver the Order Scheme; and (ii) the social, economic and environmental benefits of the Order Scheme are not capable of being realised otherwise than as part of a comprehensive redevelopment of the whole of the Order Land. As there is no certainty that all of the interests can be acquired by negotiation, the Order is needed to enable full, unified ownership so the Order Scheme can proceed.

5.3 As at January 2017 Grainger has acquired parcels 1, 3, 6, 8, 10, 14, 16 - 19, 20, 21, 24, 26 (in part) and 27 (other than LUL's interests in such parcels). Regarding the land at parcel 6, Grainger has secured the freehold and needs to acquire two residential long-leases. Regarding the land at parcel 14, the Council owns the freehold and Grainger owns the two residential long-leasehold interests. Parcels 4, 11 and 15 are owned by the Council. Although the Order Land comprises parcels already within the ownership of the Council or Grainger, given: (i) LUL's interests are subsumed within the parcels; and (ii) the existence of other potential qualifying interests (per section 12(2)(a) and 12(2A) of the ALA 1981) in respect of such parcels, it is proposed that these are included within the Order, in any event. Grainger is seeking to acquire the remainder of the interests by agreement. Contracts have been exchanged in respect of parcels 2 and 5.

5.4 The principal remaining interests to be acquired pursuant to the Order are summarised in Section 10 and listed in the Schedule of Interests. In accordance with paragraph 2 of the Guidance, Grainger will continue negotiations to acquire all remaining interests by private treaty.

6 **THE PLANNING PERMISSION**

6.1 The Planning Permission (HGY/2012/0915) authorises:

'Demolition of existing buildings and erection of a mixed use development comprising class C3 residential, class A1/A2/A3/A4 uses, with access, parking and associated landscaping and public realm improvements'

- 6.2 The development permitted by the Planning Permission is a mixed retail and residential scheme. Pursuant to the Planning Permission, new retail floorspace (3,693sqm) extends along the three main road frontages with servicing access via a new gated secure entrance from Suffield Road. This ground floor retail space would provide individual retail units of varying sizes with pedestrian access direct from the street together with space (865sqm) for a relocated Market with improved facilities and a number of entrances from both Seven Sisters Road and the High Road to ensure maximum permeability.
- 6.3 The central section of the double height street level retail space would be set back to allow the creation of a landscaped public square on the High Road (linking with and extending the existing area of public highway) to transform the area around the entrance/exit from Seven Sisters Underground station. This central section would also provide space at first floor level for a café/bar/restaurant use behind a fully glazed frontage overlooking the public square.
- 6.4 The 196 new homes proposed by the Planning Permission range from studios to 3 bed units and all would be for market sale or private rent. The net residential density (taking into account the consented commercial floorspace) is approximately 825 habitable rooms per hectare maximising the potential of this highly accessible, sustainable and prominent site to deliver new homes.
- 6.5 In addition to the service yard for the retail space, the Planning Permission proposes 44 residential car parking spaces provided in the basement (accessed from Suffield Road) together with 196 cycle spaces. Commercial and residential refuse bins would be sited to enable emptying from the internal service road.

7 **PLANNING POLICY**

(1) Development Plan

- 7.1 The statutory development plan comprises the:
- (a) London Plan as amended with alterations;
 - (b) Haringey Local Plan: Strategic Policies;
 - (c) Haringey Unitary Development Plan (detailed saved policies) (adopted in July 2006 and as modified following adoption of the Strategic Policies in March 2013) ("UDP")
- 7.2 The following policies of the development plan are relevant to the making of the Order:

London Plan

- 7.3 The London Plan sets out a number of London-wide and more area specific policies that are material to the Order Scheme.
- 7.4 With a key focus on promoting growth, sustainable development (London Plan Policy 1.1) and a good, sustainable quality of life for everyone in London, the London Plan endorses the nationally-recognised London-Stansted-Cambridge-Peterborough Growth Corridor through Policy 2.3, Growth areas and co-ordination corridors. Tottenham lies towards the southern end of this Growth Corridor and this policy requires stakeholders to identify and develop linkages across, and the capacity of, such nationally recognised areas.
- 7.5 Policy 2.6 Outer London: Vision and Strategy, emphasises the need to improve the quality of life in outer London and to promote improvements that are sensitive to the needs of existing neighbourhoods.
- 7.6 Policy 2.7 Outer London: Economy, seeks to ensure that opportunities for economic growth are maximised and capacity is identified and brought forward in and around town centres with good public transport accessibility to support viable local economic activities, including leisure and retail, and higher density housing. This policy also advocates the use of compulsory purchase to assemble sites to promote growth of retail and leisure facilities in and around town centres.
- 7.7 Policy 2.8 Outer London: Transport recognises the benefits of integrating land use and transport planning to ensure use of vacant and under-used land is optimised.
- 7.8 Policy 2.13, Opportunity Areas and Intensification Areas, identifies the Upper Lee Valley (which includes Tottenham and the Order Land) as an Opportunity Area in London. The Mayor supports proactive policies for growth, regeneration and improved environmental quality in such areas and encourages partnerships in preparing and implementing opportunity area planning frameworks to realise these areas' growth potential. Opportunity Areas are described as *'the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility'*. Development proposals in Opportunity Areas should seek to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth and, where appropriate, contain a mix of uses.

- 7.9 Policy 2.14, Areas for Regeneration, identifies Tottenham (including the Order Land) as within a regeneration area because the area is in the 20% most deprived areas in London (based on Lower Layer Super Output Areas ('LSOA')). In such areas, the London Plan calls for action to promote sustained renewal by co-ordinated and integrated neighbourhood-based action and investment based on partnership working with the Mayor, strategic and local partners. The boroughs should set out spatial policies which bring together regeneration, development and transport proposals together with improvements in learning and skills, health, safety, access, employment, environment and housing.
- 7.10 Policy 2.15, Town Centres (including the West Green Road/ Seven Sisters district centre in which the Order Land is located), requires that developments should sustain and enhance the vitality and viability of the centre and relate the existing and planned roles of individual centres to the network as a whole to achieve its broader objectives. Boroughs should also consider the scope for consolidating and strengthening them by encouraging a wider range of services; promoting diversification, particularly through high density, residential led, mixed use redevelopment; improving environmental quality; facilitating site assembly, including through the compulsory purchase process. Boroughs should also actively plan and manage the consolidation and redevelopment of medium sized centres to secure sustainable, viable retail offer; a range of non-retail functions to address identified local needs; and significantly higher density housing in a high quality environment.
- 7.11 Policy 3.1, Ensuring Equal Life Chances for All, requires that developments should protect and enhance facilities and services that meet the needs of particular groups and communities and should not involve the loss of these facilities without adequate justification or provision for replacement.
- 7.12 Policy 3.3, Increasing Housing Supply, recognises the pressing need for more homes and requires boroughs to achieve and exceed their annual housing growth targets (in the case of Haringey, this equates to 1,502 new dwellings per annum for the period 2015 - 2025). In particular, the London Plan urges boroughs to realise the potential capacity on brownfield sites in opportunity areas, regeneration areas and growth corridors.
- 7.13 Policy 3.4, Optimising Housing Potential, calls on boroughs to identify the range of needs within their areas and to ensure that developments optimise housing output for different locations within the relevant density range.

- 7.14 Policy 3.8, Housing Choice, calls on boroughs to identify the range of needs within their areas and to ensure that developments offer a range of housing choices in terms of size, type and tenure within an area.
- 7.15 Policy 3.9, Mixed and Balanced Communities, emphasises the importance both of promoting mixed and balanced communities by tenure and household income and of ensuring attractive design, adequate infrastructure and an enhanced environment. It states that a more balanced mix of tenures should be sought in all parts of London, particularly in some neighbourhoods where social renting predominates and there are concentrations of deprivation.
- 7.16 Policy 3.14, Existing Housing, requires that loss of housing should be resisted unless the housing is replaced at existing or high densities.
- 7.17 Policy 4.7, Retail and Town Centre Development, advocates a strong partnership approach to assessing need and identifying and bringing forward capacity for retail, commercial, cultural and leisure development in town centres.
- 7.18 Policy 4.8, Supporting a Successful and Diverse Retail Sector and Related Facilities and Services, includes supporting convenience retail particularly in district centres (which includes the West Green Road/Seven Sisters Road district centre within which the Order Land is located, as to which see further below) and the range of London's markets, complementing other measures to improve their management, enhance their offer and contribute to the vitality of town centres.
- 7.19 Policy 4.9, Small Shops, in considering proposals for large retail developments, boroughs should, consider imposing conditions or seeking contributions through planning obligations where appropriate, feasible and viable, to provide or support affordable shop units suitable for small or independent retailers.
- 7.20 Policy 6.1, Strategic Approach, encourages the closer integration of transport and development by encouraging patterns and nodes of development that reduce the need to travel, promoting walking by ensuring an improved public realm and seeking to ensure that all parts of the public transport network can be used safely and easily.
- 7.21 Policy 6.10, Walking, aims to bring about a significant increase in walking in London by emphasising the quality of the pedestrian and street environment, including through simplified streetscape, de-cluttering and access to all.

- 7.22 Policy 7.1, Lifetime Neighbourhoods, promotes development that (amongst other things) contributes to people's sense of place, safety and security. Development should be designed to interface with surrounding land and improve people's access to social and community infrastructure, local shops, employment and training opportunities and public transport. The design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.
- 7.23 Policy 7.3, Designing out Crime, requires that a safe, secure and appropriately accessible environment should be created with developments which reduce the opportunities for criminal behaviour. Policy 7.4, Local character, states that developments should have regard to the form, functions and structure of an area and should build on the positive elements that can contribute to establishing an enhanced character for the future.
- 7.24 Policy 7.5, Public Realm, seeks the highest quality design and public realm that is secure, accessible and enables easy movement. Development should make the public realm comprehensible at a human scale, using gateways, focal points and landmarks to help people find their way. Landscape treatment should be of the highest quality and contribute to the easy movement of people through the space, with opportunities for the integration of high quality public art.
- 7.25 Policy 7.8, Heritage Assets and Archaeology, advises that development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.
- 7.26 Policy 8.2, Planning Obligations, states that the consideration of planning obligations in relation to development proposals should take account of economic viability.

Haringey Local Plan: Strategic Policies

- 7.27 The Strategic Policies designate the West Green Road, High Road and Seven Sisters Road frontages of the Order Land as part of the West Green Road/Seven Sisters district centre. The Strategic Policies regard the district centre as an important shopping destination for the local community.
- 7.28 The Strategic Policies include the Seven Sisters Underground station at the eastern end of the Seven Sisters Road Corridor (extending westwards into the adjoining boroughs of Hackney and Islington, as defined by the Strategic Policies) as a priority area for change with a strategic role to play in the future growth of the

borough. In setting out the Council's aspirations for this Corridor, the Strategic Policies (page 57) envisage the:

'Opportunity for ensuring that the Seven Sisters area and the tube and train station provides landmarks/gateways to aid legibility through redevelopment and/or renewal;

.....'Wards Corner regeneration delivering houses, shops and public realm improvements through redevelopment and/or renewal'

- 7.29 Policy SP0, Presumption in Favour of Sustainable Development, accords with the presumption in favour of sustainable development (per the National Planning Policy Framework (2012) ('NPPF')) and confirms that the Council will work proactively to secure development that improves the economic, social and environmental conditions in Haringey.
- 7.30 Policy SP1, Managing Growth, identifies Tottenham High Road and the Seven Sisters Corridor as areas of change where development will be promoted.
- 7.31 Policy SP2, Housing, states that the Council will aim to provide homes to meet Haringey's housing need through a range of requirements for new development, including meeting the density levels set out in the London Plan and meeting affordable housing targets subject to viability.
- 7.32 Policy SP7, Transport, seeks to locate major trip generating developments in locations with good access to public transport and so better integrate transport and land use planning and promote road safety and pedestrian movement particularly in town centres and close to local services.
- 7.33 Policy SP8, Employment, looks to support local employment and regeneration aims and Policy SP9, Improving Skills and Training to Support Access to Jobs and Community Cohesion and Inclusion, seeks to address unemployment by increasing the employment offered in the borough.
- 7.34 Policy SP10, Town Centres, promotes the distribution of retail growth to meet the required needs in the Metropolitan and five district centres. The Council will promote and encourage development of retail, office, community, leisure, entertainment facilities, recreation uses, arts and cultural activities within its town centres according to the borough's town centre hierarchy. The district and town centres (including West Green Road/Seven Sisters) will continue to be supported and strengthened as important shopping and service centres to meet people's day-

to-day needs. The Council will take a proactive partnership approach to reinvigorating these town centres, widening their role and offer, developing their identities, improving the public realm and accessibility to them.

- 7.35 Policy SP11, Design, requires that all new development should enhance and enrich Haringey's built environment and create places and buildings that are high quality, attractive, sustainable, safe and easy to use.
- 7.36 Policy SP12, Conservation, looks to ensure the conservation of the historic significance of Haringey's heritage assets, their setting, and the wider historic environment.
- 7.37 In January 2016 the Council published the pre-submission version of Alterations to the Strategic Policies, which has now been submitted for EiP. The EiP hearing sessions took place between 23 August and 8 September 2016. As part of this process Alterations to the Strategic Policies was subject to a Main Modifications Public Consultation from 18 November 2016 to 13 January 2017.

Haringey Unitary Development Plan

- 7.38 A number of policies from the UDP have been saved and sit alongside the Haringey Local Plan Strategic Policies. Relevant policies from this document include ENV7: Air, Water and Light Pollution which requires developments to control potential pollution by locating it in areas that minimise the levels of air, water and light pollution created and minimising any impacts where appropriate.
- 7.39 EMP5: Promoting Employment Uses supports employment generating activities outside of Defined Employment Areas where trips generated by the proposal are sustainably catered for. Policy TCR5: A3 Restaurants and Cafes sets out a number of criteria which must be taken into account when assessing proposals for restaurants and cafes, including management of the use and the impact on the town centre. Policy M9: Car Free Residential Developments sets out requirements for proposals which do not provide car parking, including good public transport accessibility. Policy CSV7: Demolition in Conservation Areas seeks to protect buildings within Conservation Areas unless in exceptional cases where substantial community benefit would result from the total or substantial demolition of the buildings.
- 7.40 There is reference to Wards Corner as a key site in the West Green Road/ Seven Sisters town centre, within the supporting text for Town Centres and Retailing chapter (paragraph 6.27). In particular, Wards Corner (together with Apex House)

is identified as part of a site specific proposal (site no. 21) for comprehensive mixed use development, with specific reference to the Development Brief.

(2) Other Material Considerations

National Planning Policy Framework

- 7.41 The NPPF was published by the Government in March 2012 and introduces a presumption in favour of sustainable development (NPPF, para. 14). It adds that the policies in paragraphs 18 – 219 taken as a whole constitute the Government's view of what sustainable development in England means in practice for the planning system.
- 7.42 At paragraph 7, the NPPF sets out three roles for the planning system in contributing to sustainable development:
- 'an economic role - contributing to building a strong, responsive and competitive economy... ;*
- 'a social role - supporting strong, vibrant and healthy communities...'; and*
- 'an environmental role - contributing to protecting and enhancing our natural, built and historic environment...'* (NPPF, para. 7).
- 7.43 The above roles are mutually dependent (NPPF, para. 8).
- 7.44 Paragraph 9 of the NPPF provides that *'pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life,'* including replacing poor design with better design, improving the conditions in which people live, work, travel and take leisure and widening the choice of high quality homes.
- 7.45 The NPPF states that *'proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.'*³
- 7.46 To help achieve economic growth, it advises local planning authorities to *"plan proactively to meet the development needs of business and support an economy fit for the 21st. century"*.⁴
- 7.47 Paragraph 17 sets out 12 core land-use planning principles, which should underpin decision-making, including that planning should:

³ NPPF para. 12

⁴ NPPF para. 20

- (a) be genuinely plan-led empowering local people to shape their surroundings;
- (b) be creative in finding ways to enhance the places where people live;
- (c) proactively support sustainable development to deliver homes;
- (d) always seek to secure high quality design;
- (e) encourage the effective re-use of brownfield land;
- (f) promote mixed-use development; and
- (g) conserve heritage assets commensurate with their significance.

Building a strong, competitive economy

- 7.48 Section 1 of the NPPF focuses on the need to create a sustainable economy by creating economic growth through jobs and prosperity. Significant weight is placed on the need to support economic growth through the planning system and priority areas should be identified for economic regeneration, with strategic sites identified for local and inward investment to meet the economic vision for the area.

Ensuring the vitality of town centres

- 7.49 Section 2 of the NPPF requires that planning policies promote competitive town centres, with a diverse retail offer and retain and enhance existing markets to ensure that markets remain attractive and competitive. Policies should also recognise the role that residential development can play in ensuring the vitality of town centres and where a town centre is in decline, a local authority should plan positively for the future to encourage economic activity. Sites should be allocated to meet the scale and type of development needed in town centres.

Promoting sustainable transport

- 7.50 Section 4 of the NPPF outlines that a pattern of development which facilitates the use of sustainable modes of transport should be encouraged. Developments which generate significant amounts of movement should be located where the need to travel will be minimised and use of sustainable transport maximised. Developments should be located and designed to give priority to pedestrian and cycle movements, have access to high quality public transport facilities and to create safe and secure layouts which minimise conflicts between different street users and avoid street clutter. For larger scale residential uses, policies should promote a

mix of uses to provide a balance of land uses which minimises journey lengths for employment, shopping, leisure and other activities.

Delivering a wide choice of quality homes

- 7.51 Section 6 sets out the manner in which local planning authorities should boost significantly the supply of housing to meet the objectively assessed need for housing. Local authorities should plan for a mix of housing based upon current and future demographic trends, market trends and the needs of different groups in the community.

Requiring good design

- 7.52 Section 7 advises that the Government attaches great importance to good design which is a key aspect of sustainable development and should contribute to making places better for people. It states the importance of planning positively for the achievement of high quality and inclusive design for all development, including for individual buildings and public spaces. Developments should establish a strong sense of place using streetscapes and buildings and should optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. They should also respond to local character and history, create safe and accessible environments and be visually attractive as the result of good architecture and appropriate landscaping.

Promoting healthy communities

- 7.53 Section 8 states that planning policies and decisions should aim to achieve places which promote: (i) opportunities for members of the community to meet through (amongst other things) mixed-use developments and active street frontages; (ii) safe and accessible environments where crime and disorder do not undermine the quality of life; and (iii) safe and accessible developments. Planning policies and decisions should plan positively for the provision and use of shared space, such as local shops, and guard against the unnecessary loss of valued facilities and services. They should also ensure that established shops are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.

Conserving and enhancing the historic environment

- 7.54 Section 12 states that, in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the

significance of heritage assets and the opportunities to draw on the contribution made by the historic environment to the character of a place. The local planning authority should identify and assess the particular significance of any heritage asset that might be affected by a proposal. The more important the asset, the greater the weight that should be attributed.

Haringey Local Plan: Tottenham AAP

- 7.55 In January 2016 the Council published its Regulation 19 'pre-submission version' of the emerging AAP together with other draft development plan documents. The consultation period ended on 4th March 2016 and the draft AAP was submitted on 23rd May 2016 to the Secretary of State for EiP. The submission materials include the Council's response to the representations received and a schedule of proposed minor modifications. The EiP hearing sessions took place between 23 August and 8 September 2016. As part of this process, as with the Alterations to the Strategic Policies, the AAP was subject to a Main Modifications Public Consultation from 18 November 2016 to 13 January 2017. No modifications are proposed to the Wards Corner site allocation SS5. However, some modifications are proposed to the planning policy for the Seven Sisters and West Green Road District Centre (SS1) details of which are set out below.
- 7.56 The AAP 'pre-submission' draft sets out policies to guide development and regeneration across Tottenham and key planning requirements for identified development sites.
- 7.57 It sets out the Vision for Tottenham, which is that:
- 'Tottenham will be the next great area of London. It will build on its geographical, natural and cultural strengths and capitalise on the dynamics of neighbourhood improvement, the significant infrastructure investments being delivered in the area and the availability of large development sites. The combination of transformative actions and continuous incremental improvement will unlock Tottenham's potential as an increasingly attractive place to live, work, study and visit, a neighbourhood fully benefitting from London's growth and its position in a world city.'* (Tottenham AAP, Para 3.1)
- 7.58 A Local Strategic Policy sets out the planning policy for the Seven Sisters and West Green Road District Centre (SS1) which includes promoting positive regeneration in the area, retaining the viability of the shopping area, active town centre uses on all ground floor street frontages, a high quality urban realm around

Seven Sisters Underground station and retention of the Market. As part of the Main Modification Public Consultation an additional element to this policy is proposed, which would require proposals to conserve and enhance heritage assets and their setting, consistent with other policies in the AAP. No responses were received during the Main Modifications Public Consultation to this modification.

7.59 Wards Corner is identified as Site SS5 and allocated for mixed use development providing town centre uses at ground floor level, including a replacement Market with residential uses above subject to the following site requirements:

- *Comprehensive masterplanned development is required to ensure that this site delivers a high quality and coordinated development appropriate for the location, which is a key gateway into Tottenham, and maximises the regeneration benefits for the area.*
- *A site-wide masterplan will be required to be provided alongside any planning application to demonstrate how the proposed development complements the remainder of the site.*
- *Proposals should ensure re-provision of the existing market will be on site and arrangements should be made for the temporary housing of the market whilst the proposal is being built out.*
- *The new market will be required to provide a range of small and affordable retail units suitable for independent traders.*
- *Retail and other town centre uses will be required at ground floor level frontages onto the West Green Road, High Road and Seven Sisters Road frontages to ensure this site contributes towards strengthening and reinvigorating the town centre.*
- *The future implications arising from Crossrail 2 into this site will need to be considered as part of any application.'*

7.60 The following development guidelines are also promulgated by policy SS5 of the draft AAP:

- *'Adjacent to this site is the Apex House site allocation, which is projected to come forward during the same time period as Wards Corner. The building at Wards Corner should be designed with an understanding of how it will relate to the*

strategic vision for Tottenham and particularly, the type and scale of development which is outlined in the site allocation for Apex House.

- *Development must ensure a high quality public realm is secured on all frontages and that it is designed appropriately to demarcate an important arrival point into Tottenham. The scale of change for the public realm must ensure a positive transformational outcome for the area, in line with public realm and highways improvements at Tottenham Hale Gyratory and in anticipation of further transformational public realm projects throughout Tottenham, including at West Green Road.*
- *This site is identified as being in an area with potential for being part of a decentralised energy network. This may be as a decentralised energy hub, as a customer, or requiring part of the site to provide an easement for the network.*
- *Studies should be undertaken to understand what potential contamination there is on this site prior to any development taking place. Mitigation of and improvement to local air quality and noise pollution should be made on this site.*
- *Car free development is suitable for this site.*
- *This site is on the route of Cycle Superhighway 1, and cycle parking should be provided as part of any scheme.*
- *This site is within the Seven Sisters/ Page Green Conservation Area and any development should enhance its setting and appearance.'*⁵

7.61 As part of the consultation on the AAP (both Regulation 18 & 19 publications), the Council has given proper consideration to all comments received. These comments have now been published alongside the Council's response. Those that relate to the Wards Corner site allocation (SS5) are at Appendix J of the Statement of Reasons.

Wards Corner/ Seven Sisters Underground Development Brief

7.62 In January 2004, the Council approved the Development Brief which includes the Order Land together with properties to the west on the north side of Seven Sisters Road and Apex House to the south. The Development Brief supports the creation of 'a landmark development that acts as a high quality gateway to Seven Sisters,

⁵ Tottenham Area Action Plan Pre-submission Draft Jan. 2016 page 67

*providing mixed uses with improved facilities and safer underground station access.*⁶

- 7.63 The Development Brief then goes on to set out a series of Development Principles to guide future redevelopments, which have been responded to in the development proposed pursuant to the Planning Permission.

Tottenham Strategic Regeneration Framework

- 7.64 The Tottenham Strategic Regeneration Framework 2014 ("TSRF"), while not planning policy, was approved by the Council in March 2014 and is a material consideration. It sets out 7 strategies for success that will guide the Tottenham Regeneration Programme, many of which will be assisted by the Order Scheme such as: (i) improved access to jobs; (ii) building new, high quality homes; (iii) creating better public spaces to meet, shop and have fun; and (iv) attracting the right investment and quality development.

- 7.65 The TSRF also includes a vision for Seven Sisters as being a gateway to Tottenham, characterised by 'high quality, well-connected public spaces becoming known as a place to do business and socialise throughout the day and evening'. It also emphasises the need for 'great places' as one of the seven key changes, creating a strong network of town centres by building on existing strengths and delivering improvements in areas which require it to support Tottenham in achieving its potential.

Upper Lee Valley Opportunity Area Planning Framework

- 7.66 The OAPF was adopted by the Mayor in July 2013 as Supplementary Planning Guidance to the London Plan and sets out an overarching framework for the Upper Lee Valley and contains a section focused on the A10/A1010 Corridor for which it proposes significant growth. The OAPF aims to ensure the opportunities and regeneration benefits extend to the whole of the Upper Lee Valley by connecting the existing A10/A1010 communities to the growth areas, industrial land and regional park. It was produced by the Greater London Authority working with TfL and the London Boroughs of Enfield, Haringey, Waltham Forest and Hackney.

- 7.67 One of the eight objectives for the OAPF is for:

⁶ *Wards Corner/Seven Sisters Underground Development Brief, Haringey Council January 2004*

'Optimised development and redevelopment opportunities along the A10/A1010 Corridor, in particular the Tottenham High Road Corridor and Northumberland Park.'

7.68 Other objectives focus on more general aims for the area, including delivering new well designed homes, new jobs, significant investment and improvements to transport infrastructure and full integration between existing communities and the benefits delivered by new developments.

7.69 To achieve this objective, the OAPF looks in detail at the main centres along the A10/A1010 Corridor and identifies individual visions for these centres. For Seven Sisters and Tottenham Green it proposes that Seven Sisters will be a gateway into Tottenham and the High Road and that the comprehensive redevelopment of Wards Corner will help bring new homes to the area, and create major new retail space and public spaces. It also envisages that public realm improvements will link Seven Sisters to Tottenham Green, the largest public space on the High Road, and these improvements have now been delivered.

8 **JUSTIFICATION FOR COMPULSORY PURCHASE**

8.1 Paragraph 2 of the Guidance states:

'Acquiring authorities should use compulsory purchase powers where it is expedient to do so. However, a compulsory purchase order should only be made where there is a compelling case in the public interest... When making and confirming an order, acquiring authorities and authorising authorities should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected.'

8.2 Paragraph 12 of the Guidance states:

'It is the acquiring authority that must decide how best to justify its proposal to compulsorily acquire land under a particular act. The acquiring authority will need to be ready to defend the proposal at any inquiry or through written representations and, if necessary, in the courts.'

8.3 Having regard to Stage 2: justifying a compulsory purchase order and paragraph 76 of Tier 2: Enabling Powers of the Guidance, the Council notes that, where a compulsory purchase order is promoted pursuant to section 226(1)(a) of the Act, the Secretary of State will take into account the following issues:

- (a) Whether the purpose for which the Order Land is being acquired fits with the adopted Local Plan for the area (see section 8(i) below);
- (b) The extent to which the Order Scheme would contribute to the achievement of the promotion and/or improvement of the economic and/or social and/or environmental well-being of the Council's area (see section 8 (ii) – (iv) below); and
- (c) Whether the purposes for which the Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe (see section 8 (v) below).

8.4 These are each considered below in relation to the Order and the Order Scheme. Later sections of this Statement consider the prospects of delivery of the Order Scheme and the issues of human rights and equalities.

(i) **Whether the purpose for which the Order Land is being acquired fits with the adopted Local Plan for the area**

8.5 The compulsory purchase of the Order Land is required to deliver a comprehensive redevelopment scheme and is the only approach available to the Council to optimise the benefits offered from a key strategic site within a priority regeneration area. For the reasons set out below (and as explored in section 7), the acquisition of the Order Land to facilitate delivery of the Order Scheme would fully accord with the development plan and other guidance including the NPPF, draft policies, and supplementary planning guidance.

8.6 In addition, the AAP includes (at paragraph 5.33 onwards) the Order Land as an allocated site for mixed use development comprising town centre uses at ground level, including a replacement of the Market and residential uses above.

Principle of Development

8.7 Pursuant to Policy 2.13 of the London Plan, the Upper Lee Valley (which includes Tottenham) is identified as one of London's Opportunity Areas where proposals for regeneration (particularly those, such as the Order Scheme, which propose new housing and commercial development)) are encouraged to realise the areas' growth potential.

8.8 The transformation and regeneration of Tottenham (and more specifically, the Order Land) is also promoted at a local level. In particular: (i) Policy SP1 of the Strategic Policies identifies the Order Land as falling within an area where new

development will be promoted, having a strategic role to play in the growth of the borough; (ii) the TSRF confirms that Seven Sisters is a key part of the regeneration vision, with the redevelopment of Wards Corner an objective of the TSRF Delivery Plan; (iii) the OAPF recognises redevelopment opportunities as an objective for Tottenham High Road; and (iv) the publication draft of the AAP recognises the role of Wards Corner as contributing towards Tottenham's transformation. In accordance with the development plan and national policy imperatives for regeneration, the Order Scheme would bring major new investment into the area, which has the potential to act as a catalyst for further transformational investment in Seven Sisters and Tottenham.

8.9 Haringey is the 30th most deprived local authority area in England, and the sixth most deprived in London⁷. At LSOA level, Haringey 024B (the LSOA in which the majority of the Order Land falls, see figure 1) is within the 10% most deprived in England and Haringey 025D (the LSOA in which some of the Order Land falls, see figure 1) is within the 20% most deprived in England⁸. The renewal of the Order Land would deliver compelling regeneration benefits for the area (per London Plan Policy 2.14), by securing a mixed-use scheme; including retail/ town centre uses as appropriate for this important site at the gateway to Tottenham; provision of many new homes for the area; and creation of a new public square at a key transport interchange. The Order Scheme, together with the re-provision and improvement of the Market, would better serve the local community.

⁷ According to the Index of Multiple Deprivation 2015 Headline report for Haringey. Produced by Business Intelligence, Haringey Council.

⁸ According to the Index of Multiple Deprivation (IMD) Decile in the English indices of deprivation 2015, published on 30th September 2015 by the Department for Communities and Local Government.

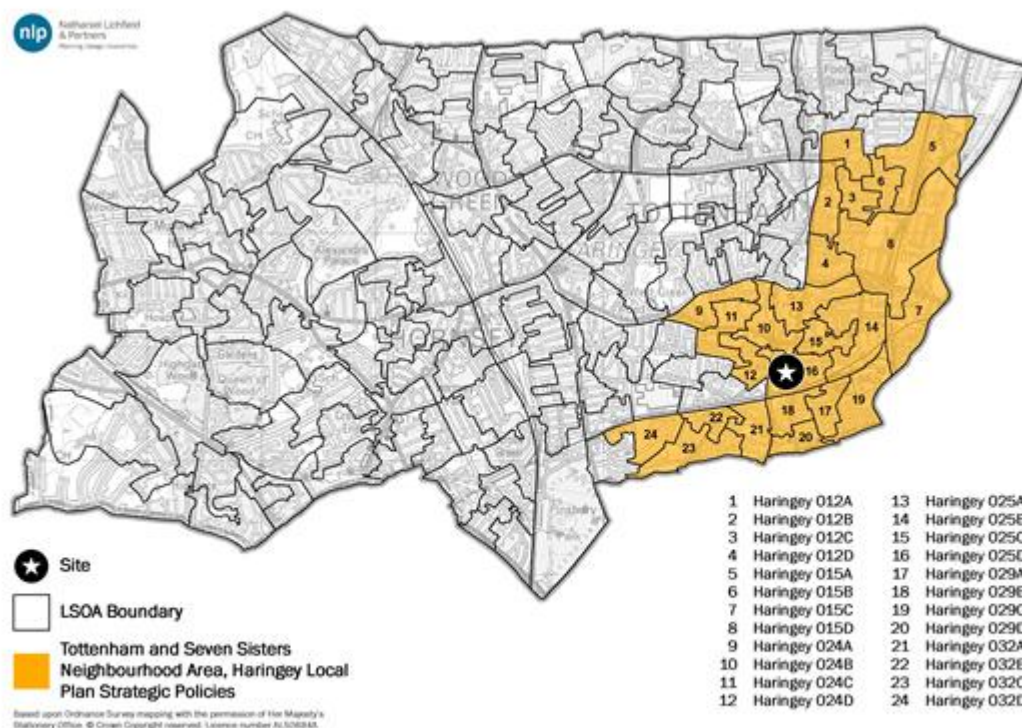


Figure 1: Haringey Lower Super Output Areas and the Order Land location
Source: Nathaniel Lichfield and Partners, August 2016.

- 8.10 The proposed mix of uses within the Order Scheme would also enhance the night-time economy of the district centre. The Order Scheme is, therefore, fully in accordance with London Plan Policy 2.6, which seeks to improve quality of life in outer London in a manner which is sympathetic to the existing community and Policies SP1 and SP10 of the Strategic Policies.
- 8.11 As set out in Section 7 of this Statement, the planning framework identifies the Order Land as a gateway or landmark site, which can deliver improvements to the existing housing, retail and public realm offer. The delivery of new, mixed tenure housing, optimisation of a site with excellent transport capacity and the diversification of retail in a district centre, amongst other benefits, would secure sustainable development in a highly accessible location in accordance with London Plan Policy 1.1, Policy SP1 of the Strategic Policies and the NPPF (paragraphs 7, 9 and 14).
- 8.12 Accordingly, the purpose for which the Order Land is being acquired accords with the adopted and emerging planning policy for the area (as was recognised by the grant of the Planning Permission). The intention to bring forward a significant

development at the Order Land has been articulated by the Council for over ten years, since the publication of the Development Brief. That the development envisaged by the brief has not come forward yet, despite planning policy support and a willing developer, reinforces the need for the use of compulsory purchase powers.

8.13 Furthermore, the regenerative purposes to which the Order Land would be put accords with Paragraph 65 of the Guidance.

8.14 The Council refers to the following key aspects of the Order Scheme:

Housing

8.15 The Order Scheme proposes new private housing for Haringey. As to this, the development consented pursuant to the Planning Permission includes 196 homes. Additional homes would 'boost significantly the supply of housing' (per paragraph 47 of the NPPF) and contribute towards the Council meeting both its target to deliver 1,502 new dwellings per annum for the period 2015 – 2025 (per Policy 3.3 of the London Plan) and the Haringey-wide need for housing set out at Policy SP2 of the Strategic Policies.

8.16 The Order Scheme would result in a net increase of housing at the Order Land. In this regard, the Order Land currently includes 42 residential units⁹. The development pursuant to the Planning Permission proposes a net increase of 154 residential units. The 196 new homes will contain 564 habitable rooms, resulting in a density of 787 habitable rooms per hectare. This would ensure optimum use of a highly accessible and sustainable location with a PTAL rating of 6a (per Policy 2.7 and Policy 3.8 of the London Plan and Policy SP2 of the Strategic Policies). Further, the net increase in the provision of housing at the Order Land is supported by London Plan Policy 3.14.

8.17 It is proposed that the Order Scheme would provide a mix of residential units. Indeed, the residential component of the development pursuant to the Planning Permission comprises a mix of studio (2.5%), one bed (24.5%), two bed (55%) and three bed (18%) units, which would make a positive contribution towards the housing needs of the Borough. Given the district centre location of the Order Land and the commercial nature of the main frontages, four bedroom units were not considered suitable in this location.

⁹ Calculated to include all flats and houses as individual residential units and on the assumption that any Houses in Multiple Occupation (licensed or otherwise) as part of the Order Land also comprise a single residential unit

- 8.18 In light of the above, the Order Scheme would secure a mixed and balanced community at the Order Land in accordance with Policy 3.9 of the London Plan and paragraph 50 of the NPPF. In respect of the development consented pursuant to the Planning Permission, 10% of all units would be wheelchair adaptable.

Play Space/ Amenity Space

- 8.19 The Order Scheme would facilitate the delivery of well-designed play and amenity space. The development permitted by the Planning Permission demonstrates that proposals can be designed that exceed the children's play space requirements of the Policy 3.6 of the London Plan and the London Plan's Supplementary Planning Guidance 'Providing for Children and Young People's Play and Informal Recreation'. In the consented scheme, amenity space is proposed in the central courtyard at first floor level, overlooked by the residential units (in accordance with Policy 7.3 of the Local Plan). The provision of amenity space accords with national and local planning policy.

Retail

- 8.20 A major component of the Order Scheme is the improvement and increased provision of retail floorspace in the district centre. As to this, the scheme consented pursuant to the Planning Permission would provide 3,693m² of new retail floorspace (comprising a net increase of 511m² on the existing provision), a small ground floor restaurant of 33m² and first floor restaurant of 320m² within the West Green Road/Seven Sisters district centre, which is identified for retail development pursuant to Policy 4.8 of the London Plan, Policy SP10 of the Strategic Policies and Policy SS5 of the draft AAP. The principle of retail development of the Order Land is also established by the grant of the Planning Permission.
- 8.21 The retail component of the Order Scheme also accords with the requirement, pursuant to the NPPF, for local planning authorities to positively and proactively encourage economic growth (per paragraphs 19 and 21). In addition, siting retail uses within a district centre fully accords with the town-centre first approach advocated by Policies 2.15, 4.7 and 4.8 of the London Plan and Policy SP10 of the Strategic Policies and paragraph 24 of the NPPF.
- 8.22 In particular, the development consented pursuant to the Planning Permission proposes larger units for multiple retailers on the High Road frontage and smaller units for independent traders along the West Green Road and Seven Sisters Road frontages. As a result, redevelopment of the Order Land would generate an

improved range and quality of retail outlets and, per paragraph 24 of the NPPF and the Development Brief, would promote the vitality and viability of the district centre. In accordance with Policy 4.9 of the London Plan, the S106 Agreement requires that Grainger is required to promote a marketing and letting strategy for the smaller retail units: (i) consistent with the promotion of West Green Road as a district centre with a focus on independent trading; and (ii) providing rents consistent with the rents paid for units of a similar size and nature in the vicinity of the Order Land (per paragraph 11.1 of Schedule 4 to the S106 Agreement).

8.23 So as to retain local traders and safeguard a range of retail units, the S106 Agreement also prevents: (i) the first of the retail units being let to a person or organisation not currently trading within the Borough and (ii) any of the retail units being amalgamated, otherwise than with the Council's prior approval (per paragraph 11.2 and 11.3 of Schedule 4 to the S106 Agreement).

8.24 In addition, the development consented pursuant to the Planning Permission secures the relocation and improvement of the Market on Seven Sisters Road, with its entrance in a prominent position close to the corner of Tottenham High Road (subject to conditions to ensure that it is provided for the benefit of the current traders (per paragraphs 3.2 and 3.3 of Schedule 4 to the S106 Agreement) and will be viable in the long term (per the requirement for the prospective market operator to meet the financial test as defined in clause 1 of the S106 Agreement)). Measures to prevent the loss of retail facilities are encouraged by Policy 4.7 of the London Plan. In addition, retaining specialist shopping facilities is supported by Policy 4.8 of the London Plan. Pursuant to the S106 Agreement, a package of measures has been secured by the Council to help to ensure the successful future of the Market (as to which see further below).

Design and Public Realm

8.25 The Order Scheme also presents an opportunity to provide a high quality design with bulk and massing in keeping with the location and sympathetic to local surroundings in accordance with Policy 7.4 of the London Plan, Policy SP11 of the Strategic Policies and paragraph 58 of the NPPF.

8.26 The Order Scheme would incorporate public realm that is accessible for all and would improve legibility throughout the Order Land in accordance with Policy 7.1 and Policy 7.5 of the London Plan. In particular, the development consented pursuant to the Planning Permission has incorporated 'Secure by Design' principles required by Policy 7.3 of the London Plan. As to this, the public square and podium

landscaped spaces would be overlooked, thereby benefitting from passive surveillance.

Conservation

8.27 Part of the Order Land is located within the Page Green/Seven Sisters Conservation Area. Accordingly, the CAC was granted for the demolition of all existing buildings on the Order Land. Pursuant to the Enterprise and Regulatory Reform Act 2013, the need for conservation area consent for demolition within a Conservation Area has been abolished.

8.28 As to the impact of the demolition of the existing buildings on the Order Land on the significance of the Conservation Area, in its determination of the application for the CAC, the Council considered that, whilst this would entail the loss of some architectural interest, it would not substantially harm the character and significance of the Conservation Area (per paragraph 133 of the NPPF). In particular, the Conservation Area is not characterised by a uniformity of style, quality or appearance and demolition would not undermine the essential contribution that Tottenham High Road and the associated street pattern and layout of the consented scheme makes to the character of the Conservation Area.

8.29 The Council is satisfied that any harm arising is less than substantial (per paragraph 134 of the NPPF) and, even attaching great weight to such harm and applying section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, this is outweighed by the physical and economic regeneration of the Order Land at a density that secures its optimum viable use. Accordingly, the Order Scheme is in compliance with Policy SP12 of the Strategic Policies and section 12 of the NPPF.

Traffic and Parking

8.30 The Order Land is in a highly sustainable location with a PTAL rating of 6a and is well-located in relation to public transport with Seven Sisters Underground station located to the front of the Order Land, Seven Sisters Overground station located within a five minute walk and various bus routes on the High Road, which will all result in reduced need for car-use. In accordance with Policy 6.10 of the London Plan and the NPPF, the location of the Order Land facilitates access on foot, via safe and convenient direct routes to town centres and transport nodes.

8.31 In accordance with the policy imperative to reduce reliance on the private car in urban areas (per Policy 6.1 of the London Plan, Policy SP7 of the Strategic Policies

and the NPPF), Grainger is required (pursuant to paragraphs 16.1 – 16.5 of Schedule 4 to the S106 Agreement) to operate the residential component of the consented scheme in accordance with a travel plan approved by the Council and designed to secure a modal shift away from the private car.

8.32 The development consented pursuant to the Planning Permission also provides service covered storage for 234 cycle racks for the residential units and 11 cycle racks for the commercial units in line with London Plan standards, together with public cycle racks in the public square on the High Road near the entrances to the Seven Sisters Underground station. In accordance with Policy 6.9 of the London Plan, the consented development provides secure, integrated and accessible parking facilities.

8.33 A limited number (44 including 3 spaces for people with disabilities) of car parking spaces to compensate for the loss of the existing 48 car parking spaces on the Order Land would be provided as part of the consented scheme. In accordance with Policy 6.13 of the London Plan, 20% of the spaces are to be fitted with electric vehicle charging points, with a further 20% having passive provision. The S106 Agreement (per paragraph 6 of Schedule 4 to the S106 Agreement) secures that the consented scheme would be car-free in that it prevents any occupier or residents from applying for a permit to park in a space within a controlled parking zone, save for the Suffield Road Units.

8.34 Moreover, the balance of uses proposed at the Order Land pursuant to the Order Scheme would encourage people to minimise journey lengths for employment, shopping and leisure activities (per paragraph 37 of the NPPF).

8.35 In light of the above, the Council is satisfied that the Order Scheme accords with the strategic objectives of the development plan and the NPPF (as well as other material planning considerations).

(ii) The extent to which the Order Scheme would contribute to the achievement of the promotion and/or improvement of the economic well-being of the Council's area

8.36 Tottenham suffers from some of the highest levels of economic deprivation in the UK and sits within the 20% most deprived areas in London, ranked by reference to income, barriers to housing and services, health deprivation and disability.¹⁰ The

¹⁰ According to the Index of Multiple Deprivation (IMD) Decile in the English indices of deprivation 2015, published on 30th September 2015 by the Department for Communities and Local Government.

area has experienced a long period of decline moving from being a prosperous working suburb to one of high unemployment. The most recent employment and economic activity data available is from the ONS Annual Population Survey, for the 12 months to June 2016. This data is available at local authority level, and measures economic activity among the resident population aged 16 to 64. The economic activity rate in Haringey averaged 77.1% between July 2015 and June 2016. This is below the average figures for London (78.0%) and Great Britain (77.9%).

- 8.37 ONS 2011 Census data for employment and economic activity¹¹ is available at LSOA and ward level, and measures economic activity among the resident population aged 16 to 74. In Haringey 025D (being an LSOA within the 20% most deprived in England (as above) and in which some of the Order Land falls), the level of economic activity is 62.6%, being considerably below average for the London-wide average. Economic activity in Tottenham Green Ward again falls short of the London-wide average, being 68.1%.
- 8.38 Unemployment is higher than the Haringey, London and England average across both LSOA 025D and 024B and in Tottenham Green ward, according to the ONS 2011 Census. In Haringey 024B (being an LSOA within the 10% most deprived in England (as above) and in which the majority of the Order Land falls), 9.1% of residents aged 16-74 are unemployed, more than double the national rate (4.4%) and considerably higher than the rate across Haringey (6.1%) and London (5.2%), in Haringey 025D it is 6.0% which is more in keeping with the Borough average. Long-term unemployment is also high, at 3.3% in Haringey 024B and 2.2% in Haringey 025D, compared with 1.3% across the borough and 1.0% across London. In December 2016, 3.1% of working age people in the Tottenham Green Ward received Job Seeker's Allowance, which is in excess of both the borough (2.4%) and national average (1.8%) according to the ONS Claimant count¹².
- 8.39 Within this context, there is a compelling need to regenerate this part of Tottenham. Indeed, the case for addressing this significant issue is very strong and the Council's regeneration programme – with which the Order Scheme would be entirely consistent – is focused on doing so. The Council's Economic Development and Growth Strategy (2014) promotes investment into high streets and town centres in Haringey to “drive employment and regeneration”. The Order Scheme

¹¹ 2011 Census, Office of National Statistics

¹² ONS 2011 Ward Labour Market Profile E36007309: Tottenham Green
<https://www.nomisweb.co.uk/reports/lmp/ward2011/1140857997/report.aspx#wab>

represents significant investment into the Seven Sisters/West Green Road district centre and presents an opportunity for Grainger and the Council to work with local agencies to improve job prospects for local people in accordance with the objectives of the Council's Economic Development and Growth Strategy and its planning policies.

8.40 The Order Scheme would act as a catalyst for the wider regeneration and investment in this part of the Borough. It would bring additional activity, vibrancy, a substantial number of jobs, homes and a transformed street environment to a key gateway to Tottenham and wider Haringey, consistent with adopted, national and emerging policy (as set out in section 7). A number of economic benefits can be directly attributed to the development consented pursuant to the Planning Permission including¹³:

- (a) 190 jobs directly involved in its construction on average per year of construction (with 575 person-years of temporary construction employment over the period of construction); and
- (b) 210 jobs (FTE) operational jobs supported by the employment space, which represents significant net additional employment of 190 jobs (FTE) .

8.41 A number of indirect economic benefits would also arise from the Order Scheme. As regards the development permitted pursuant to the Planning Permission, these are estimated to include¹⁴:

- (a) 290 jobs indirectly created or induced by its construction per year of construction (additional to those 190 jobs directly involved);
- (b) 45 (FTE) jobs in services and businesses at the local level and 80 (FTE) jobs at the regional level;
- (c) around £2 million increase in annual net resident expenditure within local shops or services; and
- (d) 15 new operational jobs created by this additional resident expenditure in the local area.

¹³ According to a report by Nathaniel Lichfield & Partners, Seven Sisters Regeneration Project Economic Benefits Assessment dated January 2017..

¹⁴ According to a report by Nathaniel Lichfield & Partners, Seven Sisters Regeneration Project Economic Benefits Assessment dated January 2017.

8.42 This delivery of new jobs is underpinned by a legal commitment from Grainger to secure local training and employment benefits (per the S106 Agreement). In particular, paragraph 14 to Schedule 4 to the S106 Agreement obliges Grainger to:

- (a) ensure that the recruitment, employment, training and career development of all contractors and occupiers of the consented scheme reflect the principles and objectives of the Haringey Guarantee Programme;
- (b) liaise with both the Council and local employment training agencies to identify job opportunities and skill needs within the consented scheme (and to procure that contractors enter into equivalent liaison arrangements);
- (c) use reasonable endeavours to procure that its contractors target the offer of employment to 20 individuals who live in Tottenham on an apprentice basis throughout the construction of the consented scheme, and to liaise with the College of Haringey to secure such offers;
- (d) work with the Council to employ measures that aim to secure that all new jobs within the consented scheme (both during construction and following occupation) are made available in the first instance to residents of the Council's borough, and to agree with the Council a mechanism for advertising such jobs;
- (e) work with the Council to support measures that promote Tottenham as an area for business;
- (f) advertise supply chain opportunities arising from the consented scheme to local businesses; and
- (g) submit an annual statement to the Council evidencing how these commitments have been satisfied until 12 months after first occupation of the development consented pursuant to the Planning Permission.

8.43 Overall, it is estimated that the development pursuant to the Planning Permission would deliver an investment of around £58 million in this part of the Borough¹⁵. Upon first occupation, it is anticipated that nearly £1.1 million¹⁶ would be spent on goods and services by those moving into the new homes and beyond first occupation that residents of the new housing at Wards Corner could create total

¹⁵ According to a report by Nathaniel Lichfield & Partners, Seven Sisters Regeneration Project Economic Benefits Assessment dated January 2017.

¹⁶ According to a report by Nathaniel Lichfield & Partners, Seven Sisters Regeneration Project Economic Benefits Assessment dated January 2017.

gross spending of £5.1m per annum. A high proportion of this spend would be captured locally and would provide an economic stimulus for other business in the area and increase the likelihood of future investment into the Seven Sisters area.

- 8.44 The proposed redevelopment and re-provision of the Market would deliver a new and improved market for the local area, with a number of commitments made by Grainger in the S106 Agreement (per paragraphs 3 and 24 of Schedule 4 to the S106 Agreement) to provide support to Market traders to relocate either within the re-provided market space or elsewhere if that is preferred. The re-provided Market (itself being a significant benefit) would be complemented by additional, new retail floor space at ground floor level, helping to diversify the range of retail available in the Seven Sisters/West Green Road district centre which has been identified as important to the continuing success and future development of this specific centre, while retaining the existing retail character in the area, particularly along West Green Road.¹⁷
- 8.45 In this context, it is also important to note that the S106 Agreement requires Grainger to:
- (a) promote a marketing and letting strategy for the proposed retail units which is consistent with the promotion of West Green Road as a district centre with a focus on independent trading (paragraph 11.1(a) of Schedule 4 to the S106 Agreement);
 - (b) provide rents which are consistent with those being paid for units of a similar size and nature in the vicinity of the Order Land (paragraph 11.1(b) of Schedule 4 to the S106 Agreement);
 - (c) pay £144,300 to the Council prior to the closure of the Market, which is to be paid to individual traders to facilitate their relocation to the temporary/new market area (per paragraphs 3.1 and 24.3 of Schedule 4 and paragraph 5.1 of Schedule 5 to the S106 Agreement);
 - (d) offer to existing Traders (as defined in the S106 Agreement) the right to take either a lease or a licence of a stall in the new market area (of an equivalent size to their existing stall) at:
 - (e) a rent/licence fee which equates to a discount of 30% less than open market valuation of their stall for the first 18 months; and

¹⁷ Tottenham Retail Study, August 2012 carried out by Jones Lang LaSalle

- (f) subsequently, at open market value (per paragraph 3.2 of Schedule 4 to the S106 Agreement);
- (g) consult with traders about the internal layout of the new market area (per paragraph 3.3 of Schedule 4 to the S106 Agreement);
- (h) not permanently close the existing Market unless and until a temporary market has been provided and is ready for occupation (per paragraph 24.1 of Schedule 4 to the S106 Agreement);
- (i) appoint a market facilitator to work with existing traders in order to (amongst other things) identify a location for the temporary market, promote the interest of Spanish-speaking traders and provide all appropriate business support and advice with the objective of maximising the number of existing traders who elect to return to the re-provided market space, and to assist traders in finding suitable alternative employment if they decide not to relocate (per paragraph 24.3 of Schedule 4 to the S106 Agreement); and
- (j) offer each existing Trader (as defined in the S106 Agreement) a stall in the temporary market and a 3 month rent free period in respect of it (per paragraph 24.4 of Schedule 4 to the S106 Agreement).

8.46 It is clear, therefore, that the S106 Agreement encourages the existing businesses and tenants to remain and thrive as part of the redeveloped Order Land, while helping to improve the district centre's competitive retail offer by increasing footfall and trading levels in the area. Additional to the obligations secured through the S106 Agreement, is a commitment from the Mayor of London to "enter into arrangements with the London Borough of Haringey to provide financial support to the small businesses of £284,500 to assist in resourcing the temporary relocation of Seven Sisters market following its temporary closure as planned to allow for the regeneration of Wards Corner should the development proceed as per the planning application seen and approved by the Mayor and the Council"¹⁸.

8.47 Retail and town centres studies¹⁹ have found that a diverse retail offer is needed in the Seven Sisters/West Green Road district centre. The location and scale of the Order Land offers an opportunity to deliver this retail offer consistent with the town centre policies of the development plan. Indeed, the Order Scheme is central to the

¹⁸ Mayoral Decision MD1051, Wards Corner Regeneration, 17th August 2012.

¹⁹ Tottenham Retail Study, August 2012 carried out by Jones Lang LaSalle and Retail and Town Centres Study (London Borough of Haringey), 2013 by NLP.

vitality of the district centre, which faces competition from retail providers at the nearby Bruce Grove/High Road district centre and the proposed new district centre at Tottenham Hale, the latter of which is home to a number of big retailers, and other competing town centres.

8.48 The Council is satisfied that the Order Scheme would contribute towards the improvement and promotion of the economic well-being of its area.

(iii) The extent to which the Order Scheme would contribute to the achievement of the promotion and/or improvement of the social well-being of the Council's area

8.49 In addition to the economic benefits of the Order Scheme, it is acknowledged that the opportunities presented by the Order Scheme would equally create social gains for local people and businesses and contribute towards the promotion and improvement of social well-being in the Council's area. The economic benefits listed above and the environmental benefits listed below will improve the social well-being of the Council's area, for example creating jobs and an attractive environment will also indirectly enhance the social well-being of people in the area.

8.50 The provision of housing pursuant to the Order Scheme would contribute towards the improvement of social well-being in the Council's area. As to this, there is a pressing need for new housing in Haringey, as in the rest of London, given high levels of population growth. In particular, Seven Sisters has low levels of home ownership, as well as a significant demand for new housing. Both Haringey 024B and Haringey 025D have notably low rates of home ownership. 24.0% of households in Haringey 024B and 28.4% in Haringey 025D are owner-occupied, compared with 39.8% across Haringey, 48.3% across London, and 63.3% nationally. As a result of historic housing need and land availability, large housing estates owned by the Council were built in Tottenham in the 1960s. Now, over 58% of the Council's total housing stock (rented and leasehold) is in Tottenham. As a result, high proportions of low income and vulnerable households live within this part of the Borough.

8.51 The Order Scheme would deliver a range of new homes, built in accordance with relevant housing standards. Indeed, the development consented pursuant to the Planning Permission would deliver 196 new homes with a range of 1-3 bed units. The homes would contribute to the delivery of much needed housing in Haringey and, more generally, London. The new housing for sale would help to diversify the

- housing stock available in the area and provide new opportunities for owner-occupiers. The S106 Agreement also requires Grainger to ensure that local residents are targeted via its marketing and letting strategy for residential units to ensure the benefits of the provision of new housing are harnessed within the borough (per paragraph 10.1 of Schedule 4 to the S106 Agreement).
- 8.52 In addition, the S106 Agreement (per paragraphs 19.1 of Schedule 4 to the S106 Agreement) secures, in respect of the development consented pursuant to the Planning Permission, no less than 10% of the new homes as wheelchair accessible units.
- 8.53 The above initiatives would secure the delivery of a significant and tangible improvement in the housing stock within this part of the Borough. These benefits are significant and compelling, particularly when complemented by the commercial uses, which together would deliver (and encourage further) investment in this part of Tottenham to the benefit of local people and businesses.
- 8.54 To ensure that the consented scheme does deliver positive social benefits to the local area, (pursuant to paragraphs 21.1 – 21.3 of Schedule 4 to the S106 Agreement) Grainger is required to submit to the Council for its approval a community engagement strategy in respect of the scheme to demonstrate how the following have been addressed:
- (a) regular diversity monitoring regarding the impact of the consented development on affected third parties;
 - (b) reporting on the engagement process and how representations from third party stakeholders will be taken into account; and
 - (c) any further mitigation measures that are identified as a result of ongoing monitoring and which are both necessary and directly related to the development permitted pursuant to the Planning Permission.
- 8.55 Grainger is required to implement the strategy as approved and provide annual reports on progress against implementation until 12 months after practical completion of the development permitted pursuant to the Planning Permission. This strategy will be approved by the Council in early 2017.
- 8.56 Further, central to the redevelopment of the Order Land is the retention and improvement of the Market. In addition to ensuring specialist shopping facilities are provided for local residents and providing an opportunity for members of the

community to meet, the re-provided Market would provide a venue for local and diverse businesses to trade.

- 8.57 A package of measures is secured pursuant to the S106 Agreement in order to enhance the environment for local people and local businesses, including existing traders working within the Market. In short, the S106 Agreement ensures financial assistance to traders to facilitate their relocation to the new market (or a temporary market should the new market not yet be ready for occupation) (per paragraphs 3.1 and 24.3 of Schedule 4 and paragraph 5.1 of Schedule 5 to the S106 Agreement), in respect of which they are offered a stall of a comparable size to their existing stall, which is subject to a discounted license fee or rent (as the case may be) (per paragraph 3.2 of Schedule 4 to the S106 Agreement).
- 8.58 In addition, the S106 Agreement (per paragraphs 3.3 and paragraph 24.3 of Schedule 4 to the S106 Agreement) also ensures that the re-provision of the Market is a collaborative effort with the traders, whose views will be considered when: (i) identifying a suitable location for the temporary market; and (ii) designing the layout of the market, so as to ensure their operational needs are satisfied.
- 8.59 The S106 Agreement (per paragraph 24.3 of Schedule 4 to the S106 Agreement) also places an obligation on Grainger to promote the interests of Spanish-speaking traders and to provide business support and advice to existing traders with the objective of seeking to retain all of the existing traders as part of the regeneration scheme. Accordingly, enhancing the Market (as part of the wholesale regeneration of the Order Land) is a tangible benefit, which would improve the social well-being of businesses, traders, customers, residents and visitors to the Council's area.
- 8.60 The Council is satisfied that the Order Scheme would contribute towards the promotion and improvement of the social well-being of its area.
- (iv) The extent to which the Order Scheme would contribute to the achievement of the promotion and/or improvement of the environmental well-being of the Council's area**
- 8.61 The Order Land is in a prominent location, where Seven Sisters Road meets the High Road, and at a significant transport interchange for the Victoria Line, the Overground and a number of bus routes. The Cycle Super Highway route has recently been extended adjacent to the Order Land, and Seven Sisters is also identified as a potential stop on the Crossrail 2 line. While this makes it an

important gateway site into Tottenham, it is also a very busy place, with strategic roads on two sides creating a potentially hostile environment.

- 8.62 Historically there has been underinvestment in the building stock along the High Road. In addition, the Order Land is presently located in a poor quality environment, with a lack of quality public spaces and poor sense of destination. The public realm in front of the Order Land has become tired and a number of vacant units front onto the main space around the Seven Sisters station, which makes the area feel unattractive and unsafe. As to this, the Seven Sisters area records a higher crime rate than the average for Haringey and London. Latest statistics for the area show a comparatively high crime rate in LSOA Haringey 024B in November 2016 of 20.65, and 15.36 in Tottenham Green ward, compared with 9.29 across Haringey. The crime rate in LSOA Haringey 025D was 16.60, still above the average for Tottenham Green and Haringey, whilst Tottenham Green was only one of two wards in Haringey that was defined as having an 'above average' crime rate rather than 'average' by the Metropolitan Police in November 2016²⁰. The Order Land, therefore, presents a real opportunity to secure an upgrade to the environment of the local area.
- 8.63 The Order Scheme would provide high quality and inclusive design, which (as above) also seeks to address the connections between people and places and would integrate well into the natural, built and historic environment (per paragraph 61 of the NPPF). Indeed, the Order Scheme would make effective use of the Order Land and secure improvements to the living and working environment of existing and proposed occupiers. In addition, the Order Scheme would upgrade both the Seven Sisters and High Road frontages, creating a high quality landmark feature.
- 8.64 The proposed mix of retail and residential uses for the Order Land together with improvements to the transport interchange and public realm would bring vibrancy to the area and give rise to additional footfall that would serve to encourage the economic and physical regeneration process to extend along Seven Sisters Road, West Green Road and the High Road. In addition, the development consented pursuant to the Planning Permission is sensitively designed having regard to the Conservation Area, whilst positively engaging with the bustling character of the High Road.
- 8.65 The Order Scheme would also provide an opportunity to comprehensively redevelop the public realm around the entirety of the Order Land, creating a

²⁰ See <http://maps.met.police.uk>

consistent streetscape design, together with attractive public space around Seven Sisters Underground station, being the entrance point for many people into Tottenham. This would create a new focal point for the community, with the benefits of a mixed use development overlooking public space, which would improve the perception, and potentially the reality, of the risk of crime in the area.

8.66 Consistent with this, the Order Scheme would also deliver improvements to shop/building frontages and other environmental improvements within the vicinity of the Order Land so as to enhance the overall appearance of West Green Road and its important role as a district centre within the retail hierarchy. In this respect, it is important to note that the S106 Agreement secures:

- (a) the undertaking of public realm works to the entrance of Seven Sisters Underground Station (per paragraph 15.1(b) of Schedule 4 to the S106 Agreement); and
- (b) a payment of £150,000 to the Council to be used towards any or all of:
 - (i) improvements to shop/building frontages in the vicinity;
 - (ii) street decoration and enhancements in the vicinity;
 - (iii) improvements to servicing arrangements in relation to retail properties situated on West Green Road;
 - (iv) improvements to local businesses/markets, open spaces and areas of existing and future car parking; and
 - (v) such other environmental improvements in the vicinity as may be agreed with the Council (per paragraph 4 of Schedule 4 to the S106 Agreement and as defined at clause 1 of the S106 Agreement).

8.67 These initiatives would secure a safe environment for future and existing residents and businesses, and are consistent with national and development plan policy.

8.68 In order to ensure that the environmental effects of the consented scheme are managed effectively, the S106 Agreement secures the implementation of a travel plan (per paragraphs 16.1 – 16.5 to Schedule 4 to the S106 Agreement), improvements to footways on West Green Road and Suffield Road and replacement bus stops on the High Road (per paragraph 15.1(a) and (c), respectively), all of which would enhance connectivity to and from the Order Land and promote the use of public transport or walking in preference to the private car. Siting this regenerative development on the Order Land would, therefore, make more effective use of the already available public transport infrastructure.

- 8.69 The development consented pursuant to the Planning Permission has itself been designed to minimise its impacts on the environment and employ a sustainable energy strategy. The Planning Permission has an energy strategy assessed to be in line with the London Plan.
- 8.70 Overall, the Council is satisfied that the Order Scheme would deliver significant and compelling public benefits, which would significantly enhance this part of the Borough, in line with the Council's regenerative objectives and planning policies.
- 8.71 The economic, social and environmental benefits of the Order Scheme are substantial. Accordingly, the requirement (per the Guidance) that a compulsory purchase order should only be made where 'there is a compelling case in the public interest' has been proven.
- (v) Whether the purposes for which the proposed Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe**
- 8.72 The purpose for which the Order Land is proposed to be acquired is entirely in accordance with the applicable planning policy framework at a local and national level. The Planning Permission and the Development Agreement envisage comprehensive redevelopment in accordance with that framework.
- 8.73 The Council has given careful consideration to the need to acquire the Order Land. All of the interests included within the Order are required to deliver or construct the Order Scheme. The Council is satisfied that the redevelopment of the Order Land will result in a significant improvement to the economic, social and environmental well-being of this area.
- 8.74 No suitable alternative for the purposes of delivering the Order Scheme has been identified. Moreover, and as has been outlined above, the social, economic and environmental benefits which would accrue as a result of the Order Scheme are specific to the location and context of the Order Land.
- 8.75 The only alternative proposal that has been advanced in respect of the Order Land relates to the Wards Corner Building and 231-243 High Road, further to a proposal submitted on behalf of the Coalition, which has for some time objected to the development consented pursuant to the Planning Permission principally on the basis of scale and its alleged impact on the Wards Corner Building. Its own proposal was granted planning permission by the Council on 25 April 2014

(reference. HGY/2014/0575) ("the Alternative Scheme"). The Alternative Scheme proposes the retention and refurbishment of the Wards Corner Building and the adjoining properties for continued retail use and specifically for the Market at ground floor. The planning permission for the Alternative Scheme must be implemented on or before 25 April 2017.

- 8.76 As such, the central focus of the Alternative Scheme is the retention of the Market. The objective of the Coalition is *"to hold on to their market, their local businesses, their meeting spaces, the buildings they cherished and improve the area by building on the vibrant and multi-cultural character of Seven Sisters."*²¹ However, the Council and Grainger also seek to retain the Market and achieve many of these objectives (per the Order Scheme and, in particular, the measures secured pursuant to the S106 Agreement). In addition, the Council is satisfied that the Order Scheme represents a far more credible and comprehensive solution to redeveloping and regenerating the Order Land and adjoining land.
- 8.77 Further, there is no evidence to suggest that there is any reasonable prospect of the Alternative Scheme being delivered, having regard to the necessity for funding and control of the land.
- 8.78 In any event, even if it were to be demonstrated that the Alternative Scheme could come forward, the refurbishment of the existing ground floor Market would not provide the comprehensive redevelopment of the Order Land (per the Order Scheme), which is required in order to secure the full regenerative benefits reasonably achievable. Without this scale of development, it would not be possible to achieve the compelling economic, social and environmental benefits associated with the regenerative mix of uses and environmental improvements, which are proposed pursuant to the Order Scheme and compliant with planning policy.
- 8.79 The Council has carefully considered whether redevelopment in accordance with planning policy objectives can be achieved without acquiring the ownership of the entire Order Land (i.e. whether the Order Scheme could come forward in parcels). However, in light of the comprehensive nature and scale of the Order Scheme and the public realm scheme, which would cross land in multiple ownerships and require the co-operation of various landowners and occupiers, it is not considered practicable or realistically achievable. In addition, this would cause greater impact on the local community and residents without the certainty of scheme delivery.

²¹ Source: Wards Corner Community Coalition website <https://wardscorner.wikispaces.com/> (accessed on 8th August 2016).

8.80 The Council is satisfied that the optimum (and compelling) course of action is the comprehensive redevelopment of the Order Land. Given that it has been proven that some interests cannot be acquired through agreement, it is therefore considered that compulsory acquisition of the entire Order Land is required in order to most effectively deliver the comprehensive development of the Order Land for residential and town centre uses.

8.81 In light of the above, the Council is satisfied that there exist no credible alternatives to the Order Scheme which could viably meet the established planning policy objectives for the Order Land.

9 **LOCAL ENGAGEMENT**

9.1 Over a period spanning approximately ten years there has been a great deal of engagement with local people as to the proposed redevelopment of the Order Land, undertaken by both the Council and Grainger. A summary of engagement undertaken by the Council and Grainger is provided at Appendix B of this Statement of Case.

9.2 The Council and Grainger are committed to continuing their efforts to ensure local people are fully informed as to the progress of the Order Scheme and the compulsory purchase process. As to this, during the compulsory purchase process, engagement has continued with affected property owners, lessees and other interested parties within the community by:

- (a) hosting 'drop-in' events;
- (b) issuing regular newsletters and e-newsletters to approximately 9,000 properties and businesses within the local area with updates on the progress of the redevelopment proposals; and
- (c) updating both the Grainger Seven Sisters Regeneration project website (www.sevensistersregeneration.co.uk) and the Council's Seven Sisters Regeneration webpage (www.haringey.gov.uk) with regular news/updates as available.

9.3 The Council and Grainger have jointly issued newsletters, the purpose of which is to keep the community informed of progress on the Seven Sisters Regeneration project. The newsletters were sent in June and December 2015 and July 2016 to approximately 9000 properties, including businesses and residential homes. A copy can be found on the Seven Sisters Regeneration website.

9.4 The Council has undertaken several public consultations on the redevelopment of the Order Land and the regeneration of the Seven Sisters area, including:

- All of the documents in the planning policy framework for the Order Land and the Seven Sisters area have been through at least one stage of public consultation, including the OAPF and the Development Brief;
- Council-led consultation for the Planning Application submitted by Grainger (which when granted constituted the Planning Permission). This consultation complied with the statutory 21 days period which is required for all planning applications. The scheme was presented to a Development Management Forum on 30 May 2012, which was attended by approximately 230 local people and businesses, and was also presented to the Haringey Design Panel on 31 May 2012. Responses received at both of these events were considered as part of the Wards Corner Officer's Report for Planning Committee on 25 June 2012;
- The emerging AAP, which includes the Seven Sisters area and specifically allocates the Order Land for redevelopment, has been subject to consultation. A period of public consultation was held on the Preferred Options Draft Tottenham AAP from 9 February 2015 to 27 March 2015. The responses received through the consultation have been considered and informed the pre-Submission draft of the AAP, which was published for consultation from 8 January to 4 March 2016. Again, the Council has responded to the comments received and submitted these to the Secretary of State in advance of the EiP;
- A consultation under section 105 of the Housing Act 1985 in compliance with its statutory duty to consult its secure tenants on matters of housing management such as changes to the management, maintenance, improvement or demolition of houses let by them, or changes in the provision of amenities. This consultation ran for four weeks in October and November 2015 and relevant Council officers met with the affected household, represented by the secure tenant of 12 Suffield Road. As outlined at section 1.19 above, a move has been agreed with the household;
- A 21 day consultation was undertaken between 5 April and 17 April 2016 on an application for non-material amendments to the Planning Permission for the installation of a new public art wind screen to Seven Sisters Road. This

was granted planning permission on 10 May 2016. The public art wind screen is part of a package of mitigation measures arising from the wind assessment for the proposed Apex House scheme;

- A 21 day consultation was undertaken between 3 May and 7 June 2016 on applications for non-material amendment to the Planning Permission in respect of nine of the conditions imposed on it. The applications for non-material amendments to the Planning Permission were granted in July 2016. In all cases the effect of the non-material amendments is to amend the trigger point by which compliance with the relevant condition is required. The conditions of the Planning Permission that have been varied are 6, 14, 16, 21, 24, 25, 26, 31, 32 which address (amongst other things) landscaping, noise, a demolition management plan and requirements in respect of LUL.

10 LAND ACQUISITION

10.1 Paragraph 2 of the Guidance states:

'The confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement...Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to:

- *plan a compulsory purchase timetable as a contingency measure; and*
- *initiate formal procedures*

This will also help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.'

10.2 As above, the Council considers that: (i) the Order Land needs to be in single ownership in order to enable the Order Scheme to be delivered; and (ii) it is unlikely that Grainger will be able to acquire all of the interests in the Order Land by private agreement within a reasonable timescale. This being so, it is satisfied that the use of its compulsory purchase powers is necessary and proportionate.

- 10.3 Per paragraph 5.3 above, Grainger has already part-acquired 15 parcels (comprising parcels 1, 3, 6, 8, 10, 14, 16, 17, 18, 19, 20, 21, 24, 26 (in part) and 27) in the Order Land by private treaty. Grainger has secured the freehold interest in parcel 6 (and needs to acquire two residential long-leases in respect of that parcel) and, in respect of parcel 14, the Council owns the freehold interest, with Grainger owning the two residential long-leasehold interests. The Council, as landowner, owns a further four parcels (comprising parcels 4, 11 and 15). Grainger is seeking to acquire the remaining interests by agreement, as to which see further below. Grainger has approached all those with an interest in the Order Land and has provided the following summary as to its progress regarding the remaining commercial and residential interests by reference to the parcels of land identified on the Order Plan.
- 10.4 The Council and Grainger have appointed Union Land and CBRE to act as agents in dealing with all matters affecting the acquisition of land required as referred to in the Order (Union Land was first instructed approximately 12 years ago). As above, the programme of engagement and site assembly was interrupted during those periods in which the proposals for the Order Land were subject to legal challenge. However, efforts commenced again, following CBRE's appointment in 2014. In each case, Union Land and CBRE are instructed to: (i) assess affected parties' relocation requirements; (ii) seek to negotiate the acquisition of all the outstanding property interests; and (iii) assist in relation to all reasonable relocation matters. In September 2015, Grainger's appointed rights to light consultant GIA contacted those parties whom it was identified could experience potential rights of light injuries as a consequence of the Order Scheme. Since this initial contact, GIA has been in active negotiations with both solicitors and surveyors appointed by the affected parties, with the intention of acquiring releases of rights to light. To date, three deeds of release have been completed with others soon to be completed.

High Road

- 10.5 Grainger has acquired the freehold interest of the retail premises and six flats above at 255 – 259 (odds) High Road (part of parcel 26 per the Order Plan) and is engaged in discussions with both the long leaseholder and business occupier of the retail premises. As to this, a formal offer has been made to both the business occupier and the long leaseholder of the retail premises.

Seven Sisters Road

- 10.6 Grainger has exchanged contracts to acquire the freehold interest of the bistro at 711 and 711A Seven Sisters Road (parcel 5 per the Order Plan) and the freehold interest of the store and three flats at 717 – 719 Seven Sisters Road (parcel 2 per the Order Plan).
- 10.7 Grainger is in active negotiations in respect of the leasehold interest at 709B Seven Sisters Road (part of parcel 6 per the Order Plan).
- 10.8 Grainger has engaged in discussions with the leaseholder of 709A Seven Sisters Road (being part of parcel 6 per the Order Plan), but has so far been unsuccessful in acquiring the interest. The freehold interest is owned by Northumberland and Durham Property Trust Limited ("NDPT"), being a wholly owned subsidiary of Grainger Plc as explained below.

Suffield Road

- 10.9 Grainger has engaged in repeated discussions with the freehold owners of the houses at 8 Suffield Road (parcel 9 per the Order Plan) and 16 Suffield Road (parcel 13 per the Order Plan), respectively. Repeated attempts have been made to engage with the freehold owner of 14 Suffield Road (parcel 12 per the Order Plan), but these have been unsuccessful. Offers have been made to acquire these freehold interests but an agreement has not yet been reached.

West Green Road

- 10.10 Grainger is in active negotiations and has made formal offers in respect of the:
- (a) freehold interest of retail premises at 1A & 1B West Green Road (parcel 25 per the Order Plan); the freehold is held by the owner of the business, Tottenham Wines, which is in occupation;
 - (b) freehold and leasehold interests at 3 – 7 (odds) West Green Road (part of parcel 23 per the Order Plan) comprising basement and ground floor occupied by Sainsbury's Supermarkets Limited with residential accommodation above; and
 - (c) freehold and leasehold interests at 9 – 11 West Green Road (parcel 22 per the Order Plan) comprising retail premises on the ground floor occupied by Tropical Foods and residential accommodation above.

The Market

- 10.11 As to the Market at 227-237 High Road (parcel 28 per the Order Plan), Grainger is in active discussions with LUL regarding the acquisition of this interest. The existing lease of the Market to Market Asset Management Seven Sisters Limited (MAMSSL) expired on 16 September 2015 and MAMSSL have been holding over on this lease since expiry, pending negotiation of a new lease. A new lease is expected to be completed by the end of February 2017.

Other LUL Interests

- 10.12 Discussions with LUL are ongoing regarding the acquisition of its interests in the Order Land (comprising parcels 7 and 28) and the protection of its operational assets, as outlined in section 1.

Business Occupiers

- 10.13 Grainger is committed to working with business owners to identify suitable premises for their possible relocation and will continue to support businesses so that they may plan a timely transfer of their business activities as required in line with the programme of development.
- 10.14 As the number of businesses needing to relocate is relatively few, the agents appointed by Grainger are instructed to work with the businesses individually and to offer support as may be required to identify and secure suitable premises for relocation. This effort continues as part of the wider engagement with business owners and will intensify as the timescales for achieving relocation become more certain.
- 10.15 Grainger also agrees to indemnify the reasonable costs of professional advisers who are employed by the business owners and whose scope of work includes advising in connection with business relocation.

Residential Occupiers

- 10.16 The Council and Grainger are working together to keep residential properties lawfully occupied for as long as possible before it is necessary to secure vacant possession ahead of delivery of the Order Scheme.
- 10.17 As noted above, the Council has reached agreement with the secure tenant of 12 Suffield Road (being a property owned by the Council, parcel 11 per the Order Plan) for a move for the household to an alternative Council-owned property in the borough.

Overall

- 10.18 Grainger will continue to seek to acquire the interests set out above by agreement with the assistance, as necessary, of the Council. However, the Council considers that it is unlikely that it will be possible to achieve the assembly of the entirety of the Order Land by agreement within a reasonable timescale without the use of its compulsory purchase powers and the Order Scheme cannot proceed unless those interests have been acquired.
- 10.19 The Council is satisfied that acquisition of the remaining interests in the Order Land would facilitate the regeneration of the Order Land and that there is a compelling case to do so given the significant improvements in the economic, social and environmental well-being of its area that would arise as a consequence.

11 SCHEME DELIVERY

- 11.1 For the reasons set out below at paragraphs 11.2 – 11.9, the Council is satisfied that the Order Scheme has a strong prospect of being delivered, assuming that the Order is confirmed so that all of the land required has been assembled and the Stopping Up Order is also confirmed.
- 11.2 As above, an unencumbered Planning Permission for the Order Scheme has been obtained, following the aforementioned legal challenge which was disposed of and rejected by the Court of Appeal in August 2013 (reference APP/Y5420/A/12/2169907). See paragraph 1.9 above regarding the current position in relation to implementation of the Planning Permission.
- 11.3 The Order Scheme would be carried out by Grainger, which has been fully committed to bringing about the regeneration of the Order Land since entering into the Development Agreement with the Council in 2007. Grainger Plc is a leading residential developer and the largest listed specialist residential landlord and property manager in the United Kingdom. It owns and manages a significant portfolio of residential property assets across the United Kingdom totalling approximately £2.7 billion (Grainger PLC annual report and accounts 2016). Grainger's profit before tax in 2015 was £50 million.
- 11.4 As to development, Grainger has significant experience assembling residential and mixed-use developments, particularly in London. Grainger's expertise and the scale of its assets and operations enable it to generate sustainable income streams.

- 11.5 Grainger's commitment to, and confidence in, the Order Scheme is demonstrated by its long involvement, and its substantial investment thus far (totalling in excess of £9.3 million, of which £1.5 million comprises a loan from the New Deal for Communities programme), in the acquisition of the relevant property interests and its preparation and submission of planning applications in respect of the Order Land. The loan, as referred to, was quite properly provided to Grainger to assist with cash flow associated with the Order Scheme and to provide funding for acquisitions. The Development Agreement requires that this loan (plus interest) is repaid upon Grainger achieving a specific profit on cost from the Order Scheme.
- 11.6 Grainger is satisfied that the Order Scheme will be viable, and the Council is satisfied that Grainger will have the necessary funds to complete the assembly of the Order Land and to carry out (and complete) the Order Scheme.
- 11.7 Further, the Development Agreement obliges Grainger to carry out the Order Scheme provided that certain conditions have been satisfied. In summary, these are as follows:
- (a) Secretary of State condition: requires Grainger to secure the consent of the Secretary of State for the purpose of section 32 – 34 of the Housing Act 1985 (and any other necessary consent of the Secretary of State). The Secretary of State condition has been satisfied;
 - (b) LUL condition: requires Grainger to enter into an agreement with LUL, pursuant to which LUL grants development rights and a 150 year lease (or longer) of LUL airspace to Grainger so as to enable the Order Scheme to be carried out. As noted above, Grainger is continuing negotiations with LUL regarding the acquisition of its interest and protection of its operational assets to allow the development consented pursuant to the Planning Permission to go ahead. There is therefore every prospect of this condition being satisfied;
 - (c) Design condition: requires Grainger to secure the Council's (as land owner) approval or deemed approval of the design and specification for the Order Scheme to support an application for detailed planning permission. Although this condition cannot formally (per the Development Agreement) be satisfied until the LUL condition has been discharged (as above), the Council notes that the plans and drawings in respect of the scheme consented pursuant to the Planning Permission have been approved as part of the Council's grant of the Planning Permission, in any event. This being so, the Council is satisfied

that the drawings and specification for the detailed design of the development authorised by the Planning Permission will meet with the Council's approval under the Development Agreement and, therefore, that this condition is capable of being satisfied;

- (d) Planning condition: requires Grainger to obtain a planning permission that is satisfactory to Grainger and is free from legal challenge. As above, the Planning Permission was granted on 12 July 2012. The legal challenge was disposed of in August 2013 leaving in place the Planning Permission;
- (e) Site assembly condition: requires satisfaction of the following: (i) Grainger to complete the acquisition and/or exchange unconditional agreements for the acquisition of such third party properties/interests and/or any consent, waiver or approval in respect of any interests as are necessary to enable the development permitted pursuant to the Planning Permission to be carried out; and (ii) the Order to be confirmed (and a general vesting declaration being made in respect of those properties/interests which Grainger has been unable to acquire by private agreement). The Council has set out above details of the extent of the freehold and leasehold interests that have been acquired to date and those remaining to be acquired;
- (f) Stopping up order condition: requires Grainger to obtain the appropriate orders for the closure of roads, footpaths and public highways as required to deliver the Order Scheme. On 26th January 2017, the Council made 'The London Borough of Haringey (Stopping up of Highways) (Land at Suffield Road, London N15) Order 2017' to stop-up part of Suffield Road pursuant its powers under section 247 of the Act, in respect of the development consented pursuant to the Planning Permission ("the Stopping-up Order"). The Stopping-up Order with accompanying plan is appended to this Statement at Appendix C;
- (g) Necessary consents condition: requires Grainger to obtain those consents necessary in order to implement the Planning Permission. The Council is satisfied that this condition is capable of being satisfied prior to the Order Scheme being implemented;
- (h) Funding condition: requires Grainger to have secured funding in respect of the Order Scheme and compliance with its obligations pursuant to the

Development Agreement. The Council is satisfied that Grainger will have available the necessary funding;

- (i) Viability condition: requires Grainger to be reasonably satisfied that the Order Scheme would yield a satisfactory net profit by reference to a viability appraisal. Grainger is satisfied as to the viability and deliverability of the Order Scheme.

11.8 In light of the above, the Council is satisfied that the conditions of the Development Agreement have been, or are capable of being, satisfied so as to enable the carrying out of the Order Scheme.

11.9 As above, the Market, the ground floor of which has been added to the Council's list of ACVs in March 2014 pursuant to Part 5 of Chapter 3 of the Localism Act and the Asset of Community Value (England) Regulations 2012 ("the Regulations"), is included within the Order. However, the effect of the ACV designation is only to impose a moratorium on disposals, and not a prohibition, and in any case, the moratorium does not apply to land which is compulsorily purchased.

Overall

11.10 Overall, having regard to the above, the Council is satisfied that there are no impediments to delivery of the Order Scheme.

12 **SPECIAL CONSIDERATIONS**

12.1 As has been stated, part of the Order Land is in the Conservation Area (designated on 13 July 1998) forming part of the Tottenham High Road Historic Corridor. As to the development consented pursuant to the Planning Permission, the Council fully assessed its likely impact on the Conservation Area as a whole (being a designated heritage asset within the meaning of the NPPF) and concluded that any harm arising is less than substantial and that in accordance with paragraph 134 of the NPPF the public benefits outweigh any harm, but that even if the development would cause substantial harm the tests in paragraph 133 would be met. In reaching its conclusions on this matter, the Council has attached appropriate weight to the identified harm and to the desirability of preserving or enhancing the Conservation Area pursuant to its statutory duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

13 **VIEWS EXPRESSED BY GOVERNMENT DEPARTMENTS**

- 13.1 The views of government departments have been neither sought nor received in relation to the proposed compulsory acquisition of the Order Land.

14 **ADDITIONAL INFORMATION**

- 14.1 It is considered that a number of properties surrounding the Order Land have or may have rights of light over it, and the occupiers of those properties have been regarded as potentially having qualifying interests, under section 12(2A) of the ALA and therefore are included within Table 2 of the Schedule of Interests at Appendix C to the Council's Statement of Reasons. In addition rights of light negotiations have progressed as far as possible with those affected by potential light infringement with agreement having been reached by Grainger with three parties.

15 **RELATED ORDERS**

- 15.1 Part of Suffield Road will be stopped up as noted in section 11 above and Appendix C[] to this Statement).

16 **HUMAN RIGHTS**

- 16.1 Paragraph 12 of the Guidance provides (amongst other things) that:

'A compulsory purchase order should only be made where there is a compelling case in the public interest.

An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.'

- 16.2 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights and Fundamental Freedoms ("the ECHR"). There are various Convention rights which may be at issue in the course of the making and leading up to the confirmation or non-confirmation of the Order; in particular, Articles 6 and 8 and Article 1 of the First Protocol are relevant.

- 16.3 Relevant parts of Article 6 provide that:

'In determining his civil rights and obligations....everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.'

- 16.4 There has been considerable public consultation on the proposals to regenerate the Order Land, and much opportunity has been given throughout the planning process for interested third parties to make representations.
- 16.5 In any case, the Council is satisfied that the statutory compulsory purchase process provides for the consideration of objections and, if duly made objections are made, for a public inquiry to be convened into the Order, all of which complies with the requirements of Article 6.
- 16.6 Relevant parts of Article 8 provide:
- '(1) Everyone has the right to respect for his private and family life, his home and his correspondence.*
- (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of... the economic well-being of the country...'*
- 16.7 Having regard to Article 8, the Council is satisfied that any interference caused by the Order would fall within the stated exceptions having regard to the substantial and compelling public benefit which would accrue from the Order Scheme.
- 16.8 Relevant parts of Article 1 of the First Protocol provide:
- 'Every natural or legal person is entitled to peaceful enjoyment of his possessions' and '[no] one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law...'*
- 16.9 The Council is satisfied that the Order will strike a fair balance between the private loss of property and the public interest in securing the implementation of the Order Scheme.
- 16.10 If the Order is confirmed, compensation may be claimed in accordance with the statutory code by persons whose interests in land have been acquired or whose possession of land has been disturbed.
- 16.11 It is not considered that the Order Scheme and the Order would infringe rights under the ECHR. Overall, the Council is satisfied that the use of its powers of compulsory acquisition pursuant to section 226(1)(a) of the Act is proportionate.

- 16.12 If the Secretary of State agrees with the Council that there is a compelling case in the public interest, he may confirm the Order. If there are no objections to the Order and/or all objections submitted are withdrawn, the Secretary of State may exercise his discretion and allow the Council to confirm the Order.

17 **EQUALITIES IMPACT ASSESSMENT**

- 17.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender re-assignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. Pursuant to section 149 of the Equality Act 2010, the Council is subject to the Public Sector Equality Duty, which requires the Council, in the exercise of its public functions, to have due regard to the need to:

- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act;
- (b) advance equality of opportunity between people who share a protected characteristic and those who do not; and
- (c) foster good relations between people who share a protected characteristic and those who do not.

- 17.2 A full Equalities Impact Assessment ("EQIA") was commissioned by the Council in 2012 as part of its consideration of the Planning Application that gave rise to the Planning Permission ("the Planning Permission EQIA"). The Planning Permission EQIA demonstrated overall that:

'the planning application proposal is unlikely to give rise to major negative equality impacts provided all the measures set out in the S106 agreement are honoured in full and in a timely manner, as well as other recommended mitigation measures set out in this report.'

- 17.3 The Council notes that the relevant legislative context is unchanged since the Planning Permission EQIA was produced. However, a separate EQIA has been commissioned by the Council to assess the impacts of making the Order ("the Wards Corner CPO EQIA"). The Wards Corner CPO EQIA was prepared by AECOM in September 2015 and considered how the exercise of the Council's compulsory purchase powers would impact upon affected people with protected characteristics, taking into account any agreed mitigation. A copy of the Wards Corner CPO EQIA is at Appendix E of the Council's Statement of Reasons.

17.4 The Wards Corner CPO EQIA concludes that:

'It is not considered that residual negative equality effects of the proposed development, as realised by the CPO, will amount to illegal discrimination. The positive benefits of the development for promoting the wellbeing of the area are considered to outweigh any residual negative equality effects.'

18 THE COUNCIL'S RESPONSE TO OBJECTIONS

18.1 The Order was originally subject to consultation for a 28 day period spanning 22 September to 21 October 2016 inclusive. During this period, a copy of the Order and the Order Plan was made available at all reasonable hours at the: (i) Civic Centre, High Road, Wood Green, London N22 8LE; and (ii) Marcus Garvey Library, Tottenham Green Leisure Centre, 1 Phillip Lane, London, N15 4JA. They were also available on the Council's website. In addition, the Council's website provided a link on every page to the translation service offered by the Council.

18.2 The consultation period was later extended by 5 working days to 28 October 2016, comprising 35 days in total.

18.3 During and following the consultation period the Council has offered to meet with persons affected by the Order that have requested translations, together with a translator, to discuss the Order, Order Plan and related documents. On request the Council has also translated the Order documents into Spanish and subsequently placed the translated documents in the: (i) Civic Centre, High Road, Wood Green, London N22 8LE; and (ii) Marcus Garvey Library, Tottenham Green Leisure Centre, 1 Phillip Lane, London, N15 4JA and has made them available on the Council's website, alongside the English language versions.

18.4 There are a number of statutory and non-statutory objectors and many of the objections are in a similar format and raise the same (or substantially the same) points. A number of common themes appear in the objections.

18.5 The Council's response to the themes raised by statutory objectors is set out below. A comprehensive table cross-referencing objectors and the Council's response is appended at Appendix D of this Statement.

(A) Compliance with the Development Plan

Conflict with the development plan and other material considerations

- 18.6 It is demonstrated in section 8 that the Order Scheme complies both with the development plan and all other material planning policy. All relevant planning policies were fully considered as part of the Council's determination of the Planning Application. There have not been any material changes in planning policy that would detract from the policy and planning justification for the Order since the grant of the Planning Permission. To the contrary, the Council is satisfied that the development consented pursuant to the Planning Permission and the Order Scheme also accord with emerging planning policy.

Harm to the conservation area and locally listed buildings

- 18.7 The Council fully assessed the likely impact of the development consented pursuant to the Planning Permission on the Conservation Area as a whole (being a designated heritage asset within the meaning of the NPPF) and concluded that any harm arising is less than substantial and that in accordance with paragraph 134 of the NPPF the public benefits outweigh any harm, but that even if the development would cause substantial harm the tests in paragraph 133 would be met. In reaching its conclusions on this matter, the Council has attached appropriate weight to the identified harm and to the desirability of preserving or enhancing the Conservation Area pursuant to its statutory duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This is set out in more detail in section 8.

Design relates poorly to the surrounding context; demolition of historic buildings and replacing them with a block of little historic merit

- 18.8 The development consented pursuant to the Planning Permission evolved over a long design process, which was informed by consultation with the GLA, English Heritage (as it then was), CABE, the Council, Haringey Design Panel and the design advisor to the Tottenham Taskforce. The Council had regard to all consultation responses when granting the Planning Permission and the CAC and remains satisfied that the development permitted pursuant to the Planning Permission represents an appropriate bulk, mass and design for the Order Land.

The Order Scheme does not secure any affordable housing.

- 18.9 The development plan seeks the maximum reasonable amount of affordable housing having regard to viability. However, it has been demonstrated by Grainger that the costs of bringing forward the Order Scheme are such that it is not possible to develop the Order Land and provide affordable housing.

- 18.10 Grainger submitted an affordable housing 'toolkit' appraisal in support of the Planning Application, which the Council submitted to the District Valuer, for independent assessment. The District Valuer concluded that the provision of affordable housing would make the scheme consented pursuant to the Planning Permission unviable. A further appraisal was undertaken (and reached the same overall conclusion as to viability) and reported to Members before the Council resolved to make the Order. In summary, the costs of bringing forward the Order Scheme are high. They include the provision of substantial public benefits through the re-provision of the Market with associated S106 Agreement obligations, the substantial investment in new town centre uses to improve the vitality and viability of the District Centre and a generous amount of the Order Land given over to an increased public realm. The development costs for the Order Scheme are also high due to (amongst other things) abnormal site circumstances arising from building above a London Underground station and related tunnels/infrastructure and also high site assembly costs due to complex land ownership of the Order Land.

(B) Contribution to social, economic and environmental improvements

Damage to the economy (replacing skilled small businesses with unskilled work)

- 18.11 The Council believes that the Order Scheme would promote and improve the economic well-being of the area (for the reasons set out in section 8) and does not accept that the Order would damage the economy by resulting in a loss of skilled businesses. The S106 Agreement is focused on achieving a range of size and type of retail units, with an emphasis on promoting local independent traders as well as re-providing the Market (as per Schedule 4, sections 3, 11 and 24 of the S106 Agreement). The significant economic benefits of the Order Scheme and development permitted pursuant to the Planning Permission are set out in detail in section 8.

The harm would not be outweighed by any benefits to the local area

- 18.12 The Order has been made in accordance with paragraph 12 and paragraph 76 of Tier 2: Enabling Powers of the Guidance. The justification for the Order is set out at section 8 above.

The Council has failed to demonstrate a compelling case in the public interest to justify the Order

- 18.13 The Council is satisfied that there is a compelling case in the public interest as the Order Scheme would contribute to achieving the promotion and improvement of the economic, social and environmental well-being of the area. This is dealt with fully in section 8 of this Statement.

Prejudice to LUL's statutory undertaking; need to consider the environmental and social impacts of building above a tube

- 18.14 The position in respect of LUL's operational land is set out in section 1 above. The implications of building above the station and tunnels forming part of the London Underground Victoria Line will be fully considered as part of the comprehensive agreements to be entered into between LUL, the Council and Grainger as also outlined in section 1. The Order Scheme and development consented pursuant to the Planning Permission can take place without prejudice to the important public functions undertaken by LUL and the travelling public. LUL and TfL have formally confirmed in principle support for the Order Scheme.

Serious and demonstrable harm to the social, economic and environmental fabric of the area

- 18.15 As set out at section 8 of this Statement, the compulsory acquisition of the Order Land would facilitate improvements which would contribute to the achievement of the promotion and improvement of the economic, social and environmental well-being of Haringey consistent with adopted and emerging planning policy.

The Order Scheme will destroy the diversity of the retail offering

- 18.16 A key driver for the redevelopment of the Order Land is to ensure the vitality and viability of the District Centre by attracting new retailers and investment in a wide range of shops, including national chains and independent retailers. The additional retail space proposed as part of the development consented pursuant to the Planning Permission includes a range and type of new units. The smaller units are intended for local independent retailers and there are provisions in Schedule 4 of the S106 Agreement, set out at section 8, to ensure such units are occupied as intended, while also securing the re-provision of the Market.
- 18.17 The development consented to the Planning Permission will therefore enhance the diversity of the retail offer on the Order Land.

No meaningful or certain protections offered to local businesses, traders and residents in the S106 Agreement

- 18.18 The S106 Agreement is a binding legal agreement between its signatories, i.e. Grainger and the Council. The S106 Agreement contains a number of safeguards for local businesses, traders and local residents. Such safeguards are more fully set out at section 8 above and in Schedule 4 of the S106 Agreement. These measures are designed to safeguard the continuity of local businesses and the Market, to retain current traders and to ensure the benefits of the new housing and jobs provision are felt within the Borough.

(C) Consideration of alternative schemes

There exists a viable and suitable alternative

- 18.19 Some objectors assert that the Alternative Scheme is a viable, deliverable and sustainable alternative and will secure the Council's objectives for regenerating the area. The Council has fully considered the merits of the Alternative Scheme as outlined in section 8 above) and is satisfied that the Order Scheme represents the only credible solution to redeveloping and regenerating the Order Land and the surrounding area.

- 18.20 To the extent that objectors raise additional points in respect of the Alternative Scheme, the Council responds as follows:

The Alternative Scheme will restore the Wards Corner Building and will more effectively protect and enhance the Conservation Area

(i) The Council is satisfied that any harm to the Conservation Area and locally listed buildings is outweighed by the public benefits of the Order Scheme. The reason for this is set out in more detail in section 8. Further, whilst it is acknowledged that the Alternative Scheme proposes the refurbishment of the Wards Corner Building, the development permitted by the Planning Permission is of a high quality design, in-keeping with the Conservation Area and consistent with national heritage policy. Further and in any event as said elsewhere, there is no evidence of the viability of the Alternative Scheme, so no evidence that any claimed benefits of that Scheme could be delivered.

The Alternative Scheme meets the needs of local people and business and protects local jobs

(ii) The Order Scheme, being a mixed-use scheme including retail and town centre uses and the provision of new homes, will bring new investment into the area which will benefit the local community. The economic benefits of the development

consented pursuant to the Planning Permission are set out at section 8 above. The legal commitment (per the S106 Agreement) from Grainger to secure local training and employment benefits and to support re-provision of the Market and its existing traders as part of the Planning Permission are also set out at section 8 above and Schedule 4 of the S106 Agreement. The extent of these benefits would not be secured by the Alternative Scheme.

There exists a sound business plan and funding for the Alternative Scheme, which proves the viability of using and improving the existing heritage asset

(iii) Evidence of the viability of the Alternative Scheme proposals have not been seen by the Council and, notwithstanding that, the Council considers the Order Scheme to be the best option to ensure the comprehensive regeneration of the Order Land in any event. The Annual Report of the Pueblito Paisa 2007-2008 (as submitted with the planning application for the Alternative Scheme) does not demonstrate that there are sufficient funds to deliver the Alternative Scheme. Issues of viability were not material to the Council's grant of planning permission for the Alternative Scheme, so the grant of permission does not imply an acknowledgement by the Council that the Alternative Scheme is viable.

The Alternative Scheme will result in less disruption for local businesses and householders and will retain the entire Market

(iv) There is a compelling case in the public interest that the Order will be highly sustainable and will contribute to achieving the promotion and improvement of the economic, social and environmental well-being of the area. This is dealt with fully in section 8 of this Statement. Any interference experienced by those with interests in or affecting the Order Land is justified by the public interest served by securing the significant social, economic and environmental benefits which the Order Scheme will deliver. Further, as set out in section 8 above, and insofar as it relates to the development consented pursuant to the Planning Permission, the S106 Agreement contains measures to secure the re-provision and future of the Market and to minimise disruption to the traders through a number of obligations on Grainger relating to the provision of a temporary market.

(v) Some objectors assert that the Order Scheme, unlike the Alternative Scheme, does not safeguard the Market in perpetuity. As above, the Order Scheme and the development permitted pursuant to the Planning Permission would promote

retention of a Market on the Order Land. The Alternative Scheme would not be more likely to bring about the safeguarding of the Market in perpetuity as is claimed.

The Alternative Scheme would deliver social and economic benefits and the Council has accepted the social and public contribution of the Wards Corner Building when listing it as an ACV

(vi) The Council, in registering the ground floor of the Wards Corner Building as an ACV, recognised that the current use of the building (i.e. the Market) furthers the social well-being or social interests of the local community (per section 88(1) of the Localism Act 2011). However, the protections offered in the S106 Agreement will promote the retention of the Market, which currently uses the ground floor of the Wards Corner Building, as part of a comprehensive solution to regenerating the Order Land.

(vii) The economic, social and environmental benefits of the Order Scheme and the development permitted pursuant to the Planning Permission that the Order seeks to facilitate are significant and are set out at section 8 above. No comparable benefits would accrue from the Alternative Scheme.

Generally, there has been a failure to consider alternatives

- 18.21 The Council is satisfied that the Order Scheme underlying the Order is the most appropriate mechanism to deliver its planning objectives in accordance with adopted and emerging policy. There is no alternative that can deliver the comprehensive regenerative benefits of the Order Scheme.

Insufficient justification to include land within the Order Land

- 18.22 Some objectors assert that the acquisition of certain pieces of land is not required to enable the Order Scheme to be delivered. This is not accepted by the Council. The Council remains satisfied that, without the ownership and control of the entirety of the Order Land, it is not possible to achieve the comprehensive development that is needed, with a sufficient mix and balance of uses in order to ensure the Order Scheme contributes appropriately towards the promotion and improvement of the economic, social and environmental well-being of the area in accordance with planning policy. This is supported by the evidence submitted to the Council by Grainger in respect of the development consented pursuant to the Planning Permission and the assessment of alternative schemes as part of the Conservation Area Options Appraisal submitted as part of the Planning Application.

(D) Deliverability of the Order Scheme

- 18.23 The Council's position with regard to delivery of the Order Scheme is set out at section 11 above. For the reasons set out in that section, the Council is satisfied that the Order Scheme has a strong prospect of being delivered, assuming the Order is confirmed. Planning permission has been granted, and an experienced developer, Grainger, is committed to delivering the Scheme pursuant to a Development Agreement. The extent of Grainger's commitment is shown by the sums it has already invested. The Development Agreement commits Grainger to carrying out the development provided the conditions it contains are satisfied. The submitted viability appraisal has not been disclosed because it contains commercially sensitive and therefore confidential information. However, the Council is satisfied that the conditions of the Development Agreement are, or are capable of being, satisfied.

(E) Engagement with relevant parties

Lack of proper public participation

- 18.24 The development for which Planning Permission has been granted was subject to significant consultation in excess of the statutory requirements, during both the pre-application and formal consultation process. The design evolved over time following consultation with the public and various public bodies, amongst them: the GLA, English Heritage (as it was then known), CABE and the Council's Planning Department. In tackling the reasons for refusal of a previous scheme, Grainger revisited key elements of design including reducing the bulk and mass of the High Road frontage, introducing planting and making changes to the corner of High Road and Seven Sisters Road so as to shift attention to the centre piece of the development being the public square and curved glass central section of the High Road frontage. These design changes were made in awareness of the need to preserve or enhance the Conservation Area.
- 18.25 The Council and Grainger have jointly and separately engaged with the public regarding the redevelopment of the Wards Corner site and the preparation of the Order on numerous occasions. A summary of the local engagement by the Council and Grainger that has taken place since 2004 is set out at section 9 above and Appendix B to this Statement.

Contrary to the Guidance, the Council has not sufficiently attempted to negotiate reasonably to acquire properties by private treaty in advance of making the Order

- 18.26 Full details of the local engagement by the Council and Grainger are set out at section 9 above and Appendix B. The approaches that have been made to acquire the various interests in the Order Land, both successful (i.e. interest acquired) or where negotiations are ongoing, are more fully detailed in section 10 above. The Council is satisfied that the extent of negotiations to date have been reasonable and that reasonable efforts will continue to be made to acquire the remaining interests by agreement as far as possible. The negotiations have been conducted by experienced land surveyors from CBRE and Union Land and are continuing. The Council and Grainger remain committed to acquiring interests in the Order Land by agreement. The use of compulsory purchase powers will remain a last resort, as required by the Guidance.

Failure by the Council and TfL to engage with enquiries from parties interested in using the Wards Corner Building

- 18.27 TfL, not the Council, is the owner of the Wards Corner Building, so it was not for the Council to negotiate for its disposal. As already set out in this Statement, the Council granted planning permission for the Alternative Scheme and designated the ground floor of the building as an ACV. However, it is the Council's case that comprehensive redevelopment in accordance with the Order Scheme is needed in order to secure the necessary regeneration of the Order Land and surrounding area as espoused in planning policy. Confirmation of the Order is needed in order that the Order Scheme can take place.

Insufficient compensation to enable relocation

- 18.28 Any owner of an interest in the land will receive compensation for the acquisition of its interest in the Order Land and/or business interruption and disturbance in accordance with the compensation code. The Council and Grainger remain committed to acquiring interests in the Order Land by agreement and the detail of the approaches that have been made to acquire the various interests in the Order Land are more fully detailed in section 10 above. The negotiations have been conducted by CBRE and Union Land, both of which are highly experienced in the field of compulsory purchase, and are continuing. The Council believes that a reasonable approach has been taken in this respect.

(F) Human Rights

Interference with Human Rights

- 18.29 The Council's response to objections to the Order on grounds that it interferes with the human rights of those with interests in the Order Land is set out at section 16 above. The Council has carefully considered the balance to be struck between individual rights, the wider public interest in the redevelopment of the Order Land and alternative proposals for redevelopment of the Order Land.
- 18.30 The interference is proportionate when weighed against the significant economic, social and environmental benefits which will be delivered by the Order Scheme. Compensation will be payable in accordance with the statutory code, including compensation for property on the basis of the market value of the interest acquired, together with disturbance, statutory loss payments and where appropriate home loss payments.
- 18.31 Some objectors assert that the Order impacts on the the Latin American community's right to culture. As above, two separate EQIAs have been prepared. The Wards Corner CPO EQIA considers the impacts of making the Order as outlined in section 17, having regard to protected characteristics and proposed mitigation and monitoring, where appropriate. The Wards Corner CPO EQIA concludes that, whilst there will be a residual risk of a negative equality effect on Latin-American people, the S106 Agreement includes a detailed set of obligations on behalf of both the Council and Grainger to avoid and minimise these negative equality effects. Further, the Wards Corner CPO EQIA identified substantial benefits from the Order Scheme in which people with protected characteristics can share, including an improved public realm, provision of family housing, improved transport infrastructure, additional employment creation and business opportunities.

(G) The Market

There is no absolute requirement to re-provide the Market; the Market traders will suffer when temporarily located so that they will not be able to return to the newly provided market, or, if they are, the rents will go up.

- 18.32 The Council is satisfied that the future of the Market is best secured as part of a comprehensive development of the Order Land, as proposed by the Order. The S106 Agreement for the development consented pursuant to the Planning

Permission includes a number of measures to support the traders during the relocation and improvement of the Market as set out at section 8 and Schedule 4 of the S106 Agreement. These obligations include financial assistance to the traders, a role for traders in deciding on the location of the temporary market and a period of discounted rents in the new Market. As outlined in section 2, a Steering Group for the Market has been established by Grainger to engage with the market traders regarding the future of the Market.

The Market has a unique place in the community

18.33 Some objectors have stated that the Market is an essential resource for the local community, and, in particular, allows the Latin American community to integrate. As set out in section 8 above and in Schedule 4 of the S106 Agreement, a package of measures is proposed in the S106 Agreement to help ensure the re-provision of the Market, with obligations on Grainger to support the traders during the relocation and improvement of the Market. These obligations include financial assistance to the traders, a role for traders in deciding on the location of the temporary market and a period of discounted rents in the new Market.

18.34 The equality impacts on the Market are considered in full in the Planning Permission EQIA and the Wards Corner CPO EQIA (per Section 17 above).

The Market is at risk of being priced-out

18.35 Rents for the Market are (in the main) dictated by the marketplace. However, as set out at paragraph 3.2(a) of Schedule 4 to the S106 Agreement, Grainger is required to provide a discount against the open market rent of the stalls for the first 18 months of occupation.

Grainger has refused to move any market stallholders in the Market except the original licence holders, which will result in decimation of the Market and render it unviable

18.36 Subject to certain conditions being satisfied, the S106 Agreement places an obligation on Grainger to procure that the market operator offers to the traders of the Market (as defined within the S106 Agreement) the right to take a lease or licence of a stall in the replacement Market. As outlined in section 2, a Steering Group for the Market has been established by Grainger to engage with the market traders on the future of the Market and this Steering Group includes both original licence holders and more recent licence holders. There is no reason to suppose

that the replacement Market will be unviable and that all existing stallholders will not have the opportunity to remain within the Market.

(H) Equalities Impact Assessment

Disproportionate effect on diverse ethnic minorities who will be displaced

- 18.37 The Council's response to this objection is set out at section 17 of this Statement. The Wards Corner CPO EQIA demonstrated that suitable mitigation measures are in place to minimise negative equality effects as a direct result of the Order. Further, the Wards Corner CPO EQIA identified substantial benefits from the Order Scheme in which people with protected characteristics can share, including an improved public realm, provision of family housing, improved transport infrastructure, additional employment creation and business opportunities.

The EQIA is deficient

- 18.38 This is not accepted by the Council. Both the Planning Permission EQIA and the Wards Corner CPO EQIA were produced by reputable and experienced consultants in EQIA practice and have thoroughly assessed the likely equality impacts arising from the comprehensive development of the Order Land. Their conclusions are noted above.

Objections from Private Residential Tenants

- 18.39 The Council is aware of the existence of a number of private residential tenants living in rented property within the Order Land. In particular those residing at 10 Suffield Road and 9-11 West Green Road have submitted objections relating to loss of private rented accommodation. The Council and Grainger are working together to keep residential properties lawfully occupied for as long as possible before it is necessary to secure vacant possession ahead of delivery of the Order Scheme. Grainger have also confirmed that they would be prepared to consider offering an extended period of advance notice of taking possession of all lawfully occupied residential premises.
- 18.40 In any event, the compelling benefits of the Order Scheme, including a substantial increase in residential provision on the Order Land, greatly outweigh any loss of existing housing.

19 **CONCLUSIONS**

19.1 The Council has set out in detail above its reasons for making the Order. In summary:

- (a) the Order Scheme accords with relevant planning policy and will promote and improve the economic, social and environmental well-being of the area;
- (b) there are no impediments to delivery of the Order Scheme; and
- (c) the purposes for which the Order Land is to be acquired could not reasonably be achieved by any other means.

19.2 Overall, there is a compelling case for the compulsory acquisition of the Order Land, and will respectfully invite the Secretary of State to confirm the Order.

20 **ADDITIONAL INFORMATION OF INTEREST TO PERSONS AFFECTED BY THE ORDER**

20.1 The point of contact at the Council for all enquiries relating to this Order is Barbara Wright, CPO Project Manager (Wards Corner) by telephone on 020 8489 3651 or by email at Barbara.wright@haringey.gov.uk.

21 **LIST OF DOCUMENTS FOR INQUIRY**

21.1 The Council intends to refer to the documents listed as Appendices A-D on the Contents page of this Statement of Case and also to the documents listed as Appendices A-L on the Contents page of the Council's Statement of Reasons dated 14 September 2016. Copies of all the aforementioned Appendices are also available on the Council's webpage www.haringey.gov.uk/wards-corner.

21.2 The Council reserves the right to refer to any further documents as deemed appropriate and will seek to notify the inquiry and any remaining objectors of any such documents as soon as possible in advance of the commencement of any inquiry.