

**THE LONDON BOROUGH OF HARINGEY
(HIGH ROAD WEST PHASE A)
COMPULSORY PURCHASE ORDER 2023**

DOCUMENT CD 9.5

WITNESS 3: TOM HORNE, DP9

OVERVIEW PROOF OF EVIDENCE

1. INTRODUCTION

Qualifications and experience

- 1.1 I am Tom Horne. I hold a Master's degree of Science (with Honours) in Planning Practice and Research from the Town Planning School at Cardiff University. I am a chartered member of the Royal Town Planning Institute.
- 1.2 I have over 16 years of experience working in the field of Planning and have specialised in development schemes in London. I am a Senior Director at DP9, a leading specialist independent planning consultancy. Prior to joining DP9 in 2010 I worked for Scott Wilson, a large multidisciplinary consultancy involved in many large infrastructure projects in London such as Crossrail and the Thames Tideway Tunnel.
- 1.3 I have advised a wide variety of private and public-sector clients on projects in London and throughout the UK. Since joining DP9 I have been responsible for a range of projects within greater London, including a range of mixed-use retail, commercial and residential developments. My current and recent clients include British Land, Nuveen, the Department of Health and Social Care, Lendlease, Sky, Landsec, Canary Wharf Group and Marylebone Cricket Club.

Involvement with the Scheme

- 1.4 I was instructed by Lendlease (High Road West) Limited ("**Lendlease**") in 2019 to act as planning consultant for the comprehensive residential-led mixed use regeneration of the High Road West area in Tottenham, London ("**the Regeneration Scheme**").
- 1.5 I led the pre-submission process through a significant number of pre-application meetings with a large number of stakeholders. This included advising on planning matters and design evolution up to a settled development proposition. I was then involved very closely in the preparation and submission of the planning application for the Regeneration Scheme. I continued to work closely with Lendlease through determination to secure the grant of consent. I have subsequently been involved in work to implement the consent and begin to bring forward the first plot including the delivery of the first social homes.
- 1.6 This involvement has given me a detailed understanding of the Regeneration Scheme, and its planning context.

Scope of evidence

- 1.7 The London Borough of Haringey (the "**Council**") made The London Borough of Haringey (High Road West Phase A) Compulsory Purchase Order 2023 (the "**Order**") [CD 1.1] on 26 January 2023.
- 1.8 The Council's purpose in making the Order and seeking its confirmation by the Secretary of State is to enable the Council to acquire compulsorily the land and the new rights over land included in the Order (the "**Order Land**") in order to facilitate the delivery of the first phase ("**Phase A**") of the Regeneration Scheme.
- 1.9 The scheme to be carried out on the Order Land (the "**Scheme**") will deliver Phase A of the Regeneration Scheme and is to be undertaken in the southern part of the High Road West area. It comprises delivery of plots A to G within planning permission HGY/2021/3175 (the "**Planning Permission**") [CD 4.28]. Plots H to N of the Planning Permission form the second phase of the Regeneration Scheme to be undertaken in the northern part of the High Road West area ("**Phase B**").
- 1.10 The development of the entire High Road West site pursuant to the Planning Permission is hereafter referred to as the "**Development**" and Phase A as consented by the Planning Permission is hereafter referred to as the "**Consented Scheme**".
- 1.11 My evidence deals with planning matters and specifically the planning justification for the Order.
- 1.12 In preparing my evidence I have considered the planning matters set out in the "*Guidance on Compulsory Purchase Process and Crichton Down Rules*" July 2019 issued by the Department for Levelling Up, Housing and Communities (the "**2019 Guidance**") [CD 5.1]. Further to paragraphs 12 to 14 of the 2019 Guidance and notably, paragraphs 104 and 106 in Section 1, in my evidence I give particular consideration to whether the purpose for which the land is being acquired fits with the adopted Local Plan for the area.
- 1.13 For the reasons I state below, I believe that there is a compelling need in the public interest for the redevelopment of the Order Land and that the Scheme accords with the Development Plan when read as a whole and is strongly supported by national planning policies.
- 1.14 My evidence is set out as follows: -

1. Introduction
2. The Need for Regeneration
3. Overview of the Regeneration History
4. Planning Application and Permission
5. Accordance with the Planning Policy Framework
6. Judicial Review
7. Objectors Representations on the CPO
8. Conclusion

- 1.15 I confirm that my evidence to this inquiry has been prepared and is given in accordance with the guidance of my professional institution¹ and I confirm that the opinions expressed are my true and professional opinions.

Terminology

- 1.16 In my proof of evidence reference to the core documents are by the abbreviation, for example [**CD 1**]. Specific abbreviations are noted in the text on first use, and these abbreviations are also set out in the Glossary [**CD 5.10**].
- 1.17 Other proofs are referred to by the name of the author and document reference.

¹ <https://www.rtpi.org.uk/media/13547/rtpi-code-of-professional-conduct-2023.pdf>

2. NEED FOR REGENERATION

- 2.1 The Regeneration Scheme is located in North Tottenham, in the north-eastern part of the London Borough of Haringey ("**Haringey**").
- 2.2 In Chapter 5 below, I summarise the development of the adopted planning framework and the Council's support for the Regeneration Scheme. I also consider the key land use justifications for the delivery of the Regeneration Scheme.
- 2.3 Before doing so, I consider briefly the socio-economic background in North Tottenham (this is dealt with in further detail in the proof of evidence of Peter O' Brien [**CD 9.1**]).
- 2.4 For many years, North Tottenham has been ranked as one of the most deprived areas of the country. As per the 2019 Index of Multiple Deprivation, the North Tottenham areas of Haringey 037A and 037D Lower-layer Super Output Areas are, respectively, within the top 10% and top 20% most deprived neighbourhoods in England. Key statistics include the following: -
 - i. The Tottenham constituency has the third highest level of overcrowded homes in the UK, with 20.5% of households overcrowded.
 - ii. North Tottenham has very high unemployment rates, stated to be nearly double the Haringey and London average as of the 2021 census. There are also high rates of claimants for Universal Credit, Job Seekers Allowance, and other job-related benefits.
 - iii. The average life expectancy of a man living in North Tottenham is around four years lower than the Haringey average, and over seven years lower than the average in some wards in the west of Haringey.
 - iv. A child in North Tottenham is approximately 60% more likely to be living in poverty than the Haringey average.
 - v. North Tottenham has a rate of anti-social behaviour and crime that is almost double the borough average, and Haringey is one of the top ten boroughs for serious youth violence in England.
- 2.5 The position as stated above is demonstrably worse than the position in 2013, when the Council first embarked on its plans for the regeneration of the High Road West area. For instance, in April 2013, Haringey had 9,800 households waiting for social housing on the housing register. As of September 2023, this figure had increased to

over 13,000. Overcrowding is also a significantly worsening issue. Between 2013 and 2022, the number of households waiting for social housing in Haringey who were living in overcrowded or insanitary accommodation increased from 5,893 to 7,592.

2.6 The Regeneration Scheme provides an opportunity to address many of these issues.

2.7 The Order Land is in urgent need of renewal and regeneration. The Regeneration Scheme meets that need and provides the opportunity to deliver transformative housing estate renewal.

2.8 In land use planning terms, the Order Land can be summarised as follows:

- i. The existing housing stock contained within the Love Lane Estate is of poor quality and performs badly against modern environmental and building standards.
- ii. The mix of the existing housing does not reflect the needs of residents as evidenced by significant overcrowding and under occupancy.
- iii. The Order Land is used inefficiently due to the abundance of low-density housing, poor building orientations and layout.
- iv. The Order Land provides poor access to open spaces, given that the existing public realm is more a function of left-over land between buildings, rather than being properly planned for.
- v. The existing public realm is of a poor quality, using low-quality materials, ill-considered layout, unappealing form and serving little function for the community.
- vi. The permeability of the Order Land both east to west and north to south is poor. This prevents the safe and uninterrupted movement of people through and around the area and significantly contributes to actual and perceived levels of crime and anti-social behaviour.
- vii. The Order Land provides poor accessibility between the Tottenham Hotspur Football Club ("**THFC**") Stadium and White Hart Lane Station (the "**Station**").
- viii. There is an excessive primacy given to the road network and motor vehicles.

2.9 Within this context, there is a compelling need to regenerate the Order Land.

- 2.10 As set out further in Chapter 3 below, the desire and need for regeneration has been identified for over a decade within a number of the Council's strategic and planning policies.

3. OVERVIEW OF THE REGENERATION HISTORY

3.1 A detailed overview of the evolution of the Regeneration Scheme is set out within the proof of evidence of Peter O' Brien [**CD 9.1**].

3.2 For the purpose of my proof, I set out below a brief summary of the regeneration history of the High Road West area as it relates to the development of the adopted planning framework that underpins the Regeneration Scheme and the Scheme.

- i. In 2011, a Tottenham-wide consultation took place ("Have your say on Tottenham's Future"). This highlighted the community's desire to see the creation of socio-economic opportunities such as jobs and training provision, the provision of high-quality homes, safe and healthy public spaces and new business opportunities for people living and working in the area.
- ii. In February 2012, the Council's Cabinet agreed that a masterplan should be prepared to guide future change in the High Road West area and support the creation of new homes, jobs and public space for the benefit of the community.
- iii. Development of the masterplan was informed by the early public consultation. Subsequent events reached out to residents in local wards, Haringey residents, workshops and TED-style talks to engage younger audiences. These events took place regularly throughout 2012 and in to 2013 and 2014. Three masterplan options for the High Road West area were eventually considered in detail. All three options showed partial or complete demolition of the Love Lane Estate and varying levels of intervention to provide different levels of new housing, facilities, businesses and jobs, responding to the community's priorities. The redevelopment of No's 731-759 High Road (the "**High Road properties**") was included in all three options in order to facilitate the delivery of a new public space linking the improved Station to the new THFC Stadium, which was considered integral to ensuring the delivery of more opportunities to local people and the creation of better accessibility and a safer environment for residents, businesses and stadium visitors.
- iv. In December 2014, the Council's Cabinet approved the High Road West Masterplan Framework (the "**HRWMF**") [**CD 3.6**]. The HRWMF reflects residents' desire both within the Love Lane Estate and in the wider community for comprehensive redevelopment, as demonstrated in the consultation feedback. The HRWMF set out the vision for High Road West which is to create a vibrant,

attractive and sustainable neighbourhood. It establishes the parameters and key principles for change in the High Road West area based on existing policy and best practice that would guide future development proposals.

- v. In March 2014, the Council adopted the Tottenham Strategic Regeneration Framework ("**SRF**"). The SRF identifies the need to deliver 10,000 new homes and 5,000 new jobs in Tottenham within 20 years. North Tottenham and the High Road West area are identified as providing the opportunity to contribute significantly to these growth targets.
- vi. The first draft of the Tottenham Area Action Plan (the "**TAAP**") was consulted upon in 2014 with the final version adopted in 2017 [**CD 3.5**]. It sets out the planning framework for the wider Tottenham area, including High Road West. It sets out the Council's vision to regenerate Tottenham and deliver 10,000 new homes together with 5,000 new jobs. High Road West (which includes the whole of the Regeneration Scheme) is identified as a Site Allocation in the TAAP (Site Allocation Reference NT5). The TAAP sets out the requirements of the Site Allocation including development guidelines. Development is required to create a new residential-led mixed use development with increased housing choice and supply, with a minimum 1,400 new homes of a mix of tenure, type and unit size (including the re-provision of existing social rented council homes, the offer of alternative accommodation for secure tenants, and assistance in remaining within the area for resident leaseholders from the Love Lane Estate). The contents of the TAAP in relation to the Order is explored in more detail at Chapter 5 of my proof.

4. PLANNING APPLICATION AND PERMISSION

- 4.1 Paragraph 104 of the 2019 Guidance requires that any programme of land assembly needs to be set within a clear strategic framework and that this is particularly important when acquiring land under section 226(1)(a) of the Town and Country Planning Act 1990. It requires that the planning framework providing the justification for a compulsory purchase order ("**CPO**") be as detailed as possible to demonstrate that there are no planning or other impediments to its implementation.
- 4.2 For the purposes of paragraph 104 of the guidance, the planning framework consists of the London Plan (specifically policies in relation to the Upper Lee Valley Opportunity Area), the Strategic Policies Development Plan Document, the Tottenham Area Action Plan and the associated High Road West Masterplan Framework. These documents are considered in detail in Chapter 5.
- 4.3 In summary, Planning Permission for the Consented Scheme has been granted and has been implemented. Whilst it is currently the subject of a judicial review challenge (see Chapter 6 below), it remains in effect unless and until it is quashed by the Court. For the reasons that I will explain in Chapter 6 of my proof, the grounds of challenge do not go to the principle of granting planning permission and even if the challenge were to result in the need for reconsideration of the planning application by the local planning authority, although any such application would need to be determined on its merits, I see no reason in principle why a further permission would not be granted for the same or similar development of the Order Land.
- 4.4 Within the following section I briefly summarise the preparation, submission and determination of the planning application for the Planning Permission. I then go onto consider the Planning Permission in the context of the relevant planning conditions and planning obligations.

The Planning Application

- 4.5 The Planning Permission was the culmination of many months of consultation prior to submission. The consultation process can be summarised as follows:

- i. Pre-application consultations were undertaken with various officers from the Council from 2017 through to 2021. The consultations covered the following topics :
 - (i) Planning policy and land-use;
 - (ii) Design and townscape;
 - (iii) Transport;
 - (iv) Environmental considerations (including energy / sustainability, daylight sunlight etc); and
 - (v) Section 106 discussions and CIL.
- ii. Four sessions were undertaken with the Quality Review Panel ("**QRP**") - the Council's independent panel appointed to critically review the design of any given scheme. The sessions took place between June 2018 and September 2021.
- iii. An EIA scoping exercise was undertaken in October 2021;
- iv. As noted in the previous chapter, community consultation regarding the redevelopment of the High Road West area commenced in 2013. Between 2018 and 2021 Lendlease undertook consultation events regarding the planning application for the Regeneration Scheme. The consultation took the form of a series of pop-up events, consultation events, walk and talk days, community fun days, exhibitions, drop-in events, online consultations and a Development Management Forum. These consultations targeted as many different groups as possible including local residents, residents of the Love Lane Estate, businesses, THFC, local residents' associations, schools, Dukes Academy and Haringey Cycle Campaign.
- v. Other statutory and non-statutory organisations were consulted during the pre-application stage including the Greater London Authority, Transport for London, the Environment Agency, Thames Water and Network Rail.
- vi. The Estate Ballot for residents of the Love Lane Estate also took place during the pre-application phase.

- 4.6 The planning application sought outline consent for the Regeneration Scheme, save for Plot A for which the application sought detailed consent. The planning application was submitted to the Council, as local planning authority, in October 2021. After a period of consultation and statutory review, the planning application was intended to be determined by the Council's Planning Committee on 17th of March 2022. However, determination of the planning application was deferred by members due to a significant quantity of late information submitted on behalf of THFC. The planning application was eventually determined by the Council's Planning Committee on 21st July 2022 where it received a resolution to grant.
- 4.7 The Planning Permission was granted on 31 August 2022 [**CD 4.28**], following completion of a section 106 agreement on the same day (the "**Section 106 Agreement**") [**CD 4.29**].

Planning Permission

- 4.8 The Planning Permission relates to the entire Regeneration Scheme, including the Scheme.
- 4.9 The description of development (as amended by a non-material amendment planning reference HGY/2022/3856), reads: -

Hybrid Planning application seeking permission for;

- 1) Outline component comprising demolition of existing buildings and creation of new mixed-use development including residential (Use Class C3), commercial, business & service (Use Class E), business (Use Class B2 and B8), leisure (Use Class E), community uses (Use Class F1/F2), and Sui Generis uses together with creation of new public square, park & associated access, parking, and public realm works with matters of layout, scale, appearance, landscaping, and access within the site reserved for subsequent approval; and
 - 2) Detailed component comprising Plot A including demolition of existing buildings and creation of new residential floorspace (Use Class C3) together with landscaping, parking, and other associated works.
- 4.10 For all future development coming forward within the outline area (i.e. all plots other than Plot A) Reserved Matters Applications ("**RMAs**") will need to be submitted. Each RMA will need to be in accordance with the Planning Permission and the associated

conditions and Section 106 Agreement. To that end, each RMA will need to demonstrate consistency with the three key control documents approved pursuant to the Planning Permission, those being the Parameter Plans, the Design Code and the Development Specification (the "**Control Documents**").

- i. Parameter Plans - The Parameter Plans detail the fundamental physical extents of the Development. Although the Planning Permission does not seek approval in detail for the exact layout or scale of buildings, the Parameter Plans provide details of the minimum and maximum envelopes for each Development Plot, the points of site access, range of land uses across the respective level, for each Development Plot, and open space allocations.
 - ii. Development Specification - The Development Specification defines and describes the Development. This document sets out the controls for the Development's total site-wide maximum GEA floorspace, as well as the minimum and maximum floorspace areas (in GEA sqm) by land use and for each Development Zone.
 - iii. Design Code - The Design Code is a set of design rules that control and guide the two- and three-dimensional design of the buildings and spaces within the Development to ensure a high-quality design. By defining the key characteristics and identity of the development, the design code ensures that the Development is delivered cohesively. However, it is not intended to be prescriptive, but provides the overarching design vision and principles that should be followed. The Design Code builds on the controls established by the Parameter Plans and Development Specification to add greater detail to the layers of control and help shape the proposals.
- 4.11 Deviations or breaches within a RMA from the Control Documents would result in an invalid RMA which could not be approved by the Council.
- 4.12 An illustrative masterplan for the Development, including the Consented Scheme, was submitted alongside the planning application for the Planning Permission showing an illustrative development layout and overall development strategy. This illustrative masterplan demonstrates how the Development could be delivered in compliance with the Control Documents.

Consented Scheme

Plot A

- 4.13 The Planning Permission grants detailed consent for Plot A.
- 4.14 The Planning Permission was amended via a second non-material amendment on 10 February 2023 (reference HGY/2022/3937). The amendments related solely to Plot A and provided for, among other things, an increase in the number of units within Plot A to 61 from 60.
- 4.15 Plot A consists of two residential blocks containing 61 residential dwellings. The dwellings will include a mix of 1 bed, 2 bed, 3 bed and 4 bed units. Four of the units will be designed as wheelchair users' dwellings with the remaining 57 being wheelchair adaptable.
- 4.16 As noted within the proof of Selina Mason [CD 9.3], the residential dwellings within Plot A will be provided as social rented units which will facilitate the first stage of re-housing of existing residents within the Love Lane Estate. The social rented homes will be allocated in line with the Council's High Road West Local Lettings Policy.

Plots B to G

- 4.17 The remainder of the Consented Scheme is approved in outline and is subject to the Control Documents referred to above.
- 4.18 The outline element of the Consented Scheme consists of Development Zones 2, 3, 4, 5 and 6 (containing Plots B, C, D, E, F and G) as defined through the Development Specification and the Parameter Plans associated with the Planning Permission.
- 4.19 The outline element of the Consented Scheme can deliver: -
 - i. between 121,000 sqm and 149,000 sqm GEA of residential floorspace, which equates to between approximately 1,289 and 1,604 new homes;
 - ii. (in combination with Plot A) 40% affordable housing (by habitable room). which will (alongside Plot A) include the provision of 500 social rented Council homes including replacement homes for existing residents on the Love Lane Estate;
 - iii. a new Library and Learning Centre which can include enterprise and business space, adult learning facilities, a children's library and flexible spaces for community and cultural activities, and which will be the subject of an architectural

design competition. A minimum of 500 sqm and a maximum of 3,500 sqm GEA of Class F space is available for this use;

- iv. a minimum of 2,150 sqm and a maximum of 8,000 sqm GEA of non-residential Class E(a-e) floorspace to deliver:
 - i. new retail, restaurant and commercial / professional / financial services provision of a range of sizes and types;
 - ii. new leisure uses including indoor sports; and
 - iii. a replacement Health Centre if required (the current plans are to relocate the existing Health Centre located on the High Road within the Scheme, but an alternative new location exists to the west of the High Road).
- v. Up to: -
 - (a) 1,000 sqm GEA of Class E(f) floorspace for a new creche or nursery;
 - (b) 2,150 sqm GEA of Class E(g) floorspace for office, research & development and manufacturing;
 - (c) 3,000 sqm GEA of sui generis floorspace for the provision of a public house; and
 - (d) 3,000 sqm GEA of sui generis floorspace for the provision of a cinema.
- vi. a new public square of a minimum of 3,500 sqm (Moselle Square). The new Square will provide a range of benefits for the community, including leisure and social spaces and capacity for events, markets, and other activities, as well as providing a more spacious and appropriate access to and from the Station and the THFC Stadium;
- vii. a District Energy Network to serve the Scheme and which has the capacity to serve other buildings including potentially those within Phase B;
- viii. all new homes within the Scheme as 'visitable' dwellings in line with Part M Volume 1 M4(1) of the Building Regulations;

- ix. new communal residents' amenity space;
 - x. a pedestrian link between Whitehall Street and Headcorn Road; and
 - xi. landscaping, amenity space and parking provision, including the provision of a green play street at Brereton Road and Orchard Place.
- 4.20 With regard to the existing Health Centre on site, the Section 106 Agreement provides a mechanism for its re-provision. Lendlease is required to submit details of the Health Centre and its specification (including leasing arrangements) alongside the RMA seeking its re-provision. Lendlease must have provided this new facility before the existing Health Centre is demolished. The only exception to this is if an alternative location is found by the Health Centre and its relocation is facilitated ahead of the redevelopment of the plot it sits in.
- 4.21 In respect of the Consented Scheme, the Illustrative Masterplan, shows a mixed-use development comprising residential, leisure, commercial, office, business and local community uses with a new 0.35ha public square and a new purpose-built library and learning centre (1,659 sqm GEA) on the High Road. The Illustrative Masterplan includes 1,486 dwellings (500 of which are social rented Council homes and a further 74 affordable intermediate shared ownership homes) spread across seven plots within buildings ranging between 5 and 29 storeys interwoven with purpose-built cycle lanes, landscaped public realm and accessible play spaces. Alongside the creation of new homes, the Illustrative Masterplan contains 1,838 sqm of indoor sports, recreation or fitness floorspace, 69 sqm of office floorspace and 4,022 sqm GEA sqm of Class E(a-c) floorspace to facilitate the provision of active frontages and diverse retail and commercial offering to complement and act as an extension to the existing High Road district town centre uses including restaurants, food and beverage outlets and retail and commercial spaces.

Phase B

- 4.22 The Planning Permission grants consent for the whole of the Regeneration Scheme.
- 4.23 Phase B of the Regeneration Scheme consists of Plots H to N (Development Zones 6 to 13).
- 4.24 The Phase B component of the Planning Permission grants consent for a range of uses. This includes between 50,000sqm – 124,500sqm GEA of residential floorspace which equates to approximately 540 - 1,360 residential dwellings. It also includes

provision for new commercial, retail, learning and community facilities and open space (including a new public park).

- 4.25 The Consented Scheme is capable of being delivered independently of Phase B.

Status of the Planning Permission

- 4.26 The Planning Permission was lawfully implemented in March 2023 by virtue of works undertaken within Plot A. The works followed the discharge of the relevant pre-commencement conditions, including: 3 (Phasing Plan), 4 (Construction Logistics Plan), 5 (Demolition/ Construction Environmental Management Plans), 6 (Control of Dust), 7 (Non-Road Mobile Machinery), 8 (Rail Protection), 10 (Ground Contamination), 11 (Arboricultural Method Statement), 24 (Highway Pre-condition Survey) and 88 (Business Community Liaison Group).

Section 106 Requirements

- 4.27 The granting of the Planning Permission was subject to the completion of the Section 106 Agreement.

- 4.28 The main obligations contained within the Section 106 Agreement in respect of the Consented Scheme are summarised below. In my view, the obligations secure significant social, economic and environmental benefits;

- i. 40% affordable housing (by habitable room) across the whole of the Regeneration Scheme, including a minimum of 500 social rented units and 28 shared ownership units on the Order Land;
- ii. An early-stage viability review, two mid stage viability reviews and a late-stage viability review;
- iii. £260,000 towards the feasibility and design of cycle infrastructure from Bruce Grove Town Centre to Assunnah Islamic Centre;
- iv. Car free development;
- v. Provision of between 1 and 5 car club parking spaces on the Order Land;
- vi. £60,000 towards the review of nearby existing controlled parking zones;
- vii. Commercial and residential travel plans and a £20,000 contribution towards travel plan monitoring;

- viii. £475,000 to Transport for London ("**TfL**") to fund additional TfL bus services;
- ix. Highway works at Whitehall Street, Tottenham High Road, William Street, Love Lane Moselle Place and Moselle Street and a green street scheme at Orchard Place and Brereton Road;
- x. Employment and skills plans and commitments in respect of local labour and apprenticeships;
- xi. Contribution payable for any loss of employment floorspace in a plot;
- xii. Carbon offsetting contribution where plots are not fully net zero;
- xiii. Energy plan and district energy network feasibility and connection obligations;
- xiv. Solar PV monitoring;
- xv. Considerate Constructor Scheme;
- xvi. 10% of office/light industrial floorspace to be provided as affordable workspace;
- xvii. Meanwhile uses strategy;
- xviii. Business relocation strategy and requirement to offer of at least 40% of the proposed commercial floorspace to existing businesses;
- xix. Public art to the value of at least £50,000;
- xx. Grant of a licence to THFC for access to the public realm on event days;
- xxi. £50,000 towards improving Bruce Castle Park and cycle and pedestrian routes to Bruce Castle Park;
- xxii. Delivery of and improvements to public realm, including Moselle Square which is to be delivered prior to occupation of 90% of the open market dwellings or 780 open market dwellings within the Consented Scheme (whichever is sooner);
- xxiii. Design and delivery of the library and learning centre prior to occupation of 95% of the open market dwellings within the plot in which the library and learning centre is to be located;

- xxiv. Delivery of a replacement health centre prior to demolition of the existing health centre (unless a replacement health centre has already been provided within the direct vicinity of the Order Land); and
- xxv. Development to be capable of facilitating connection to ultrafast broadband.

Planning Conditions

- 4.29 The Planning Permission is subject to 89 planning conditions.
- 4.30 The conditions are divided into site wide conditions, conditions for Plot A only and conditions for the outline element only.
- 4.31 The site wide conditions set a time limit by which the Planning Permission must be implemented. The works undertaken within Plot A have ensured that the Planning Permission has been lawfully implemented.
- 4.32 Other site wide conditions include carrying out the Planning Permission in accordance with the approved plans and documents. The remainder of the site wide conditions relate to the process of delivering detailed buildings.
- 4.33 The Plot A conditions relate to the specifics of that detailed component of the site, such as materials, cycle parking and waste management.
- 4.34 The conditions relating to the outline element of the Consented Scheme seek to secure or control different matters, many of which relate to future RMA's. For instance, each RMA needs to provide details of a) appearance, b) access (within the site), c) landscaping, d) layout, and e) scale. There are requirements for each RMA to include details of floorspace, tenures and building heights to ensure compliance with the Control Documents and the other material submitted in support of the Planning Permission such as the Environmental Statement. Specifically, Condition 40 requires compliance with the Control Documents.
- 4.35 As discussed in further detail below, there are also a number of conditions which seek to ensure that a satisfactory crowd flow environment will be achieved during the construction and operational phases of the Consented Scheme.
- 4.36 Based on my experience, I do not consider that there is anything unusual or irregular in any of the conditions attached to the Planning Permission or planning obligations contained within the Section 106 Agreement and do not consider that they create any impediment to the continued delivery of the Consented Scheme.

Crowd Flow

- 4.37 A number of the conditions and planning obligations relate to crowd flow – namely Condition 4, 44 and 64 and the obligations at schedule 13 of the Section 106 Agreement.
- 4.38 In summary, Condition 64 seeks to establish the granular detail of the spaces available for crowd flow movement in the interim (construction) periods and once the Consented Scheme is built out. Such spaces, as a minimum, are to match the situation on 31st August 2022 (the date of the Planning Permission). Condition 44 secures the detailed materials of the end state public realm / landscaping which includes Moselle Square whilst Condition 4 secures the temporary construction logistics in relation to crowd flow.
- 4.39 Schedule 13 of the Section 106 Agreement contains an obligation on Lendlease to use reasonable endeavours to enter into a licence with THFC to provide access across the Order Land for crowd flow on event days.
- 4.40 Further detail regarding crowd flow is set out in the evidence of Becky Hayward [**CD 9.13**] while detail on the requirement for Lendlease to enter into a licence agreement is provided in the evidence of Selina Mason [**CD 9.3**].

Phasing

- 4.41 The Consented Scheme will be delivered in a number of phases.
- 4.42 As set out within the proof of evidence of Selina Mason [**CD 9.3**], the phasing has been developed to reflect a realistic programme for delivery of the Consented Scheme as well as the strategy for rehousing existing residents of the Love Lane Estate.
- 4.43 As explained within the proof of evidence of Selina Mason [**CD 9.3**], the phasing has recently been updated to achieve early delivery of the affordable homes, thereby ensuring the benefits of the Scheme are brought forward quicker while also reducing the level of disruption to existing residents. A plan showing the phasing is contained at [**CD 5.9**]. The associated phasing condition attached to the Planning Permission (Condition 3) has also recently been re-discharged (planning reference HGY/2023/2085) to reflect the updated position.

- 4.44 The updated phasing strategy for the Consented Scheme, including an indicative programme with proposed start on site and completion dates is set out in the evidence of Selina Mason [**CD 9.3**].

5. ACCORDANCE WITH THE PLANNING POLICY FRAMEWORK

5.1 Paragraph 106 of the 2019 Guidance refers to the Secretary of State being expected to take into consideration "*whether the purpose for which the land is being acquired accords with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework.*"

5.2 Within the following section I set out the Planning Policy Framework and then explain how:

- i. the principle of the Scheme; and
- ii. the Consented Scheme

accord with the planning policy objectives of the strategic planning framework and how the purpose for which the Order Land is being acquired accords with the adopted planning framework.

5.3 A comprehensive appraisal of the Regeneration Scheme against all relevant planning policy is set out in the Officer's Report to the Council's Planning Committee of 21st July 2022 [CD 4.9] and the associated Addendum Report [CD 4.25].

Planning Policy Framework

National Planning Policy

5.4 National planning policy is set out in the form of the adopted National Planning Policy Framework ("NPPF") [CD 3.1], which was updated in July 2021. The NPPF is subject to updates by the Government and is supplemented by the National Planning Practice Guidance which is updated on a regular basis.

The Development Plan

5.5 The Development Plan comprises: -

- i. London Plan (2021) [CD 3.3];
- ii. Strategic Policies Development Plan Document (DPD) (2017) (formerly known as the Core Strategy) [CD 3.4];
- iii. Development Management DPD (2017) [CD 3.7];
- iv. Site Allocations DPD (2017) [CD 3.8]; and

- v. Tottenham Area Action Plan (TAAP) DPD (2017) [**CD 3.5**].

5.6 There are a number of supplementary guidance documents that are also of specific relevance including:

- i. The Upper Lea Valley Opportunity Area Planning Framework (OAPF) (2013);
- ii. GLA Affordable Housing and Viability SPG (2017);
- iii. Optimising Site Capacity: A Design Led approach (June 2023);
- iv. Small Site Design Codes (June 2023);
- v. Housing Design Standards (June 2023);
- vi. Characterisation and Growth Strategy (June 2023); and
- vii. The Mayor's Good Practice Guide to Estate Regeneration (2018).

5.7 The Scheme is strongly supported by planning policy and guidance at all levels. None of the objectors to the Order suggest otherwise. The next section will explore the policy support further.

The Scheme

5.8 The London Plan (2021) sets out the Mayor's spatial vision and overall strategic plan for London.

5.9 The vision, objectives and policies set out in the London Plan are underpinned by the principles of Good Growth which is described as "growth which is socially and economically inclusive and environmentally sustainable." As part of delivering Good Growth, the London Plan proposes more efficient use of land in the capital as part of improving the lives of existing and new Londoners. This means creating areas of higher density in appropriate locations, encouraging a mix of land uses and co-locating different uses to provide communities with a wider range of services and amenities.

5.10 As part of delivering Good Growth in appropriate locations, the London Plan also states that growth should be directed to the most accessible and well-connected places, making the most of the transport network across all modes. To this end, the London Plan states that all options for using the City's land more effectively should be explored, including the redevelopment of brownfield land and the intensification of existing places, including outer London. Through making the best use of land, the

City is envisaged to grow in a way which works for all and will allow high-quality homes to be built and workspaces to be developed.

- 5.11 High Road West (which includes the Order Land) is identified within the Upper Lea Valley Opportunity Area in the London Plan.
- 5.12 Policy SD1 of the London Plan states that the Mayor will support regeneration in Opportunity Areas and ensure that they deliver the maximum affordable housing and create inclusive and mixed communities.
- 5.13 To this end, Part B of Policy SD1 states that boroughs, through development plans and decisions should:
 - i. support development which creates employment opportunities and housing choice for Londoners;
 - ii. establish capacity for growth in Opportunity Areas;
 - iii. take into account the indicative capacity for homes and jobs in the London Plan; and
 - iv. include ambitious transport mode share targets.
- 5.14 Boroughs should also support wider regeneration and ensure that development proposals integrate into the surrounding area.
- 5.15 The Scheme is located in an Opportunity Area, is allocated for development, is significantly underutilised and is adjacent to an upgraded railway station. It also envisages a wide variety of potentially different uses alongside significant new homes and open space. Thus, the Scheme aligns closely to the London Plan.
- 5.16 Policy SP1 of the Strategic Policies DPD states that the Council will focus Haringey's growth in suitable locations, as part of meeting its minimum housing target of 19,802 new homes over the lifetime of the Plan (2011 – 2026); this includes High Road West amongst other strategic sites in North Tottenham, Wood Green and Tottenham Hale.
- 5.17 The Scheme envisages the delivery of a very significant number of new and replacement homes in accordance with this policy.
- 5.18 Policy DM55 of the Development Management DPD states that where development comes forward as part of an allocated site, the Council will require a masterplan to be prepared and accompanied by the proposal. In preparing a proposal, the Council

expects the applicant to have engaged with landowners and occupiers on other parts of the allocated site, and where appropriate neighbouring boroughs. Supporting paragraph 7.9.6 states that particular projects which require masterplans include Estate Renewal projects (this includes the Scheme), where community consultation and co-ordination will be required.

- 5.19 The Scheme is allocated for development within the TAAP. The HRWMF is a comprehensive masterplan for the whole site allocation which includes the Order Land. As noted within Chapter 2 and the proof of Peter O'Brien [CD 9.1], the HRWMF was the subject of significant consultation in its own right with the local community, landowners and other stakeholders.
- 5.20 The TAAP is dealt with in more detail in the following section but in short, it seeks to deliver 10,000 new homes and 5,000 new jobs through a series of significant developments in the area. The Regeneration Scheme reflects Site Allocation NT5 which seeks to deliver a minimum of 1,200 homes, complementary commercial, town centre and similar uses. Requirements also include a new public square and improvements to open space and community infrastructure.
- 5.21 The Scheme aligns closely with the relevant parts of the TAAP and delivers many of the relevant requirements of the Site Allocation including those set out in detail in Table 1 below.
- 5.22 The NPPF sets out the Government's economic, environmental, and social planning policies. This is enshrined in Paragraph 8 of the NPPF which states that "achieving sustainable developments means that the planning system has three over-arching objectives, which are interdependent and need to be pursued in mutually supportive ways...". These are economic, social, and environmental.
- 5.23 The Scheme aligns closely with this central policy framework. The NPPF seeks to deliver sufficient homes, build a strong economy, promote healthy and safe communities, conserve the natural and historic environment whilst recognising the challenges of and adapting to climate change. The Scheme will deliver these objectives.

Summary of the Scheme

- 5.24 As noted in Chapter 3, the comprehensive redevelopment of the Order Land, particularly the Love Lane Estate, has been a key focus for the Council since 2012. The adoption of the TAAP and Site Allocation NT5 as a site for comprehensive

residential-led mixed use development marked the conclusion of a comprehensive consultation process.

- 5.25 The Scheme aligns with policies within the Strategic Policies DPD directing development to North Tottenham and High Road West in particular. The Scheme is also part of a wider masterplan and planning consent according with the approach required for large scale development sites. As noted above and within the proofs of evidence of Peter O'Brien [CD 9.1] and Selina Mason [CD 9.3], there has been significant consultation with local stakeholders including residents of the Love Lane Estate alongside landowners in the creation of the Regeneration Scheme (of which the Scheme forms a part), as policy requires.
- 5.26 The TAAP builds on the requirements set out in the Strategic Policies DPD and again seeks comprehensive redevelopment to deliver the aspirations of Site Allocation NT5. The Scheme is part of a wider comprehensive redevelopment i.e., the Regeneration Scheme.
- 5.27 The Scheme is envisaged to deliver a large quantum of market and affordable housing, new leisure uses alongside the new shopping opportunities, new open spaces, and new and improved community infrastructure such as the library and learning centre. As such, the principle of the Scheme aligns with the aspirations and requirements of the TAAP.
- 5.28 The TAAP, at site allocation NT5, also requires the development to accord with the Council's most up to date adopted masterplan, that being the HRWMF. The HRWMF, sets out many very similar goals and aspirations but at a more granular level. At the core of the HRWMF however is the creation of a new neighbourhood with a diverse range of housing options alongside employment opportunities and improvements in the built environment. The Scheme has a strong level of accordance with the HRWMF vision.
- 5.29 Taking the above into account, the principle of the Scheme is strongly supported by the Development Plan the NPPF and can deliver significant economic, social and environmental improvements.

The Consented Scheme

- 5.30 This section is structured to assess in detail the Consented Schemes compliance with the planning policy framework. The core policy document is the TAAP, through which the HRWMF is incorporated. In the following paragraphs I assess the Consented

Scheme against these two key documents followed by the wider suite of Development Plan documents.

TAAP

- 5.31 The TAAP was adopted in 2017 and sets out the Council's vision to regenerate Tottenham including High Road West.
- 5.32 The TAAP sets out the following seven key objectives:
- i. World class education and training;
 - ii. A prosperous hub for business and local employment;
 - iii. High quality public realm;
 - iv. A different kind of housing market;
 - v. A fully connected place with even better transport links;
 - vi. A strong and healthy economy; and
 - vii. Enhancement of heritage assets.
- 5.33 In order to achieve the key objectives set out in the TAAP, Policy AAP1 outlines that the Council expects all development proposals to be brought forward comprehensively. To this end, development proposals which form part of a site allocation within the TAAP require a masterplan.
- 5.34 Policy AAP2 states that the Council will support site assembly to achieve comprehensive development.
- 5.35 Policy AAP3 deals with housing and in particular seeks an affordable housing mix at 60% intermediate to 40% affordable rent for the entire TAAP area. Although the delivery of at least 500 social rented Council homes technically means that the affordable housing to be provided by the Consented Scheme favours social housing and moves away from the tenure split set out in the TAAP, the tenure split to be delivered by the Consented Scheme is plainly justified as it facilitates rehousing of existing Love Lane Estate tenants as well as providing a material increase in the Council's housing stock. It also achieves the Site Allocation NT5 requirement of providing new homes for the existing secure Council tenants living on the Love Lane Estate, as well as new social rented homes for existing non-secure tenants on the

estate. The delivery of a significant number of market homes within the Consented Scheme will also serve to introduce a broader mix of residential uses to the existing context.

- 5.36 The Regeneration Scheme is identified as Site Allocation NT5 in the TAAP. The Site Allocation states: -

"Masterplanned, comprehensive development creating a new residential neighbourhood and a new leisure destination for London. The residential-led mixed-use development will include a new high quality public square and an expanded local shopping centre, as well as an uplift in the amount and quality of open space and improved community infrastructure."

- 5.37 Site Allocation NT5 goes on to set out a series of "site requirements". These are set out below and assessed against the Consented Scheme.

Row	Site Allocation NT5 Requirements	Consented Scheme Compliance
1	The site will be brought forward in a comprehensive manner to best optimise the regeneration opportunity.	The Consented Scheme is part of the wider Planning Permission for the comprehensive redevelopment of Site allocation NT5.
2	Development should accord with the principles set out in the most up-to-date Council-approved masterplan.	The most up to date Council approved masterplan is the HRWMF. There is a strong degree of compliance with the HRWMF including the redevelopment of the Love Lane Estate, and delivery of additional new housing, public realm and commercial and social infrastructure.
3	Creation of a new residential neighbourhood through increased housing choice and supply, with a minimum 1,400 new homes of a mix of tenure, type and unit size (including the re-provision of existing social rented council homes, the offer of alternative accommodation for	The Consented Scheme grants consent for between 127,500 sqm and 156,500 sqm GEA of residential floorspace, which equates to between approximately 1,350 and 1,604 new homes;. The Consented Scheme is therefore able to meet or exceed the minimum new homes requirement. The new homes will be provided in a variety of

Row	Site Allocation NT5 Requirements	Consented Scheme Compliance
	secure tenants, and assistance in remaining within the area for resident leaseholders from the Love Lane Estate).	sizes and types including the reprovion of the existing social housing along with new social housing and market housing.
4	Creation of a new public square, connecting an enhanced White Hart Lane Station, and Tottenham High Road, to complement the redeveloped football stadium.	The Consented Scheme will deliver a substantial new public Square in the heart of the Order Land (Moselle Square). This space will sit between White Hart Lane Station and the THFC Stadium creating an enhanced connection between the two by virtue of the site lines, scale and location.
5	New retail provision to enlarge the existing local centre, or create a new local centre, opposite to and incorporating appropriate town centre uses within the new stadium, including the new Moselle public square. This should complement not compete with Bruce Grove District Centre.	The Consented Scheme allows for a large range and mix of town centre type uses including retail, commercial, leisure and health. These are provided at a scale that complements Bruce Grove District Centre.
6	Enhance the area as a destination through the creation of new leisure, sports and cultural uses that provide seven day a week activity.	The Consented Scheme grants consent for new leisure, sports and cultural uses. The provision of new leisure, sports and cultural uses is dealt with in greater detail at Chapter 7. In summary, the quantum of leisure, sports and cultural uses is considered by the Council (as demonstrated by the Committee Report [CD 4.9]) to be sufficient.
7	Improve east-west pedestrian and cycling connectivity with places such as the Northumberland Park Estate and Lee Valley Regional Park.	East – west connectivity will be significantly improved through a series of planned for and considered routes such as the new route between the Station and the THFC Stadium.
8	The site lies within the North Tottenham Conservation Area and includes listed and locally listed	The Consented Scheme does not contain any listed buildings and therefore does not propose any works to listed buildings. The

Row	Site Allocation NT5 Requirements	Consented Scheme Compliance
	buildings. Development should follow the principles under the 'Management of Heritage Assets' section of this document.	majority of the Consented Scheme sits outside of the North Tottenham Conservation Area except for a small area of mainly public realm along White Hart Lane and Brereton Road. The heritage impacts of the Planning Permission was assessed by the Council and any impacts were considered to be outweighed by the significant public benefits associated with the Development (see further in the proof of evidence of Mike Dunn [CD 9.15]).
9	Where feasible, viable uses should be sought for existing heritage assets, which may require sensitive adaptations and sympathetic development to facilitate.	No such heritage assets are contained in the Consented Scheme.
10	Deliver new high-quality workspace.	The Consented Scheme grants consent for up to 2,150 sqm of office, research & development manufacturing floorspace.
11	Increase and enhance the quality and quantity of community facilities and social infrastructure, proportionate to the population growth in the area, including:	-
11(a)	A new Learning Centre including library and community centre;	The Consented Scheme grants consent for a new Library and Learning Centre of up to 3,500 sqm.
11(b)	Provision of a range of leisure uses that support 7 day a week activity and visitation; and	The Consented Scheme grants consent for new leisure, sports and cultural uses. The provision of new leisure, sports and cultural uses is dealt with in greater detail at Chapter 7. In summary, the minimum quantum of leisure, sports and cultural uses is considered by the Council (as demonstrated

Row	Site Allocation NT5 Requirements	Consented Scheme Compliance
		by the Committee Report [CD 4.9]) to be sufficient.
11(c)	Provision of a new and enhanced public open space, including a large new community park and high-quality public square along with a defined hierarchy of interconnected pedestrian routes	Moselle Square will be a new substantial public open square within the Consented Scheme. In addition, there will be a series of well-defined and considered new streets that will complement existing streets.

Table 1: Site Allocation NT5 Requirements Assessed Against the Consented Scheme

5.38 In addition to the above "site requirements", Site Allocation NT5 sets out a number of "development guidelines". I address those "development guidelines" most relevant to the Consented Scheme below:

- i. Produce a net increase in the quantum and quality of public and private amenity space -The Consented Scheme will deliver both of these aspirations through the provision of the new public square, high quality public realm and the private amenity space that will be associated with the new residential units;
- ii. Re-provision of employment floorspace as new employment floorspace in the form of new leisure, sports, cultural and flexible workspaces. The Consented Scheme allows for a wide range of non-residential floorspaces;
- iii. Proposals should be designed for connection to a district energy network). The Section 106 Agreement requires the Consented Scheme to be constructed to ensure future connection to a district energy network;
- iv. Create a legible network of east-west streets - The Consented Scheme will significantly improve east – west connectivity through a series of planned for and considered routes such as the new route between the Station and the THFC Stadium;
- v. Establish clear building frontages along the High Road and White Hart Lane - Where the Consented Scheme interacts with these two roads, development plots allow for clear frontages;
- vi. Incorporate a range of residential typologies - The Consented Scheme allows for a variety of unit types and sizes including courtyard blocks; and

- vii. Proposals should respond to the High Road Character and the new THFC Stadium - The Development Plots and associated Parameter Plans strike a balance between the lower scale of the High Road Character and the larger scale of the THFC Stadium. This is discussed further within the proof of Lucas Lawrence [CD 9.7].

HRWMF

- 5.39 The HRWMF is the approved masterplan referenced above at Row 2 of Table 1 and was adopted in 2014 (i.e. before the TAAP).
- 5.40 The HRWMF sets the vision, details the context, opportunities and constraints for the delivery of Site Allocation NT5. The HRWMF also establishes key principles to guide development proposals and illustrates what a development that responds to the vision, context and key principles could look like.
- 5.41 The HRWMF defers the provision of a detailed masterplan to the “*eventual outline planning application for the site*” (page 5) but notes that any proposals must adhere to the “Key principles” set out in the HRWMF. The introductory chapter also notes that “*The decisions made through the Area Action Plan may modify some of the assumptions made in this report*” and that “*the Masterplan Framework makes sensible assumptions*” (page 5) which reflects the sequence in which the HRWMF and TAAP were produced and the recognition that priorities may change over time.
- 5.42 The “Vision” for High Road West, as set out within the HRWMF is for:
 - i. “*A well-connected place creating neighbourhoods which are accessible by all forms of transport and have attractive walkable streets including new north – south and east – west links.*”
 - ii. “*A safe and welcoming neighbourhood with active street frontages and attractive open space.*”
 - iii. “*A significant increase in the provision of community facilities and the local community will have the best possible access to services, infrastructure and public transport to wider London.*”
 - iv. “*A balanced place to live and work. The Masterplan Framework provides a mix of homes of different tenures and types, maximising housing choice for residents.*”

There will be high quality new workspaces and new job opportunities for the local community.

- v. *A cohesive community which promotes social interaction with new public open spaces for the community to foster community cohesion and social inclusion."*

5.43 This vision is further expressed at "Chapter 3.0: The Masterplan Framework" which, based on themes, sets a substantial number of key principles under headings such as Character and Urban Form. I do not assess each of the key principles and instead each theme in relation to the Consented Scheme.

- i. Character & Urban Form – the HRWMF seeks to create a legible network of east-west and north-south connections complemented by appropriate building heights, clear frontages, a range of residential typologies and tall buildings along the railway line. The Consented Scheme delivers on these principles with:
 - (i) a variety of better connections;
 - (ii) the tallest buildings elements located along the railway line; and
 - (iii) a variety of typologies with clear frontages.
- ii. Heritage – the HRWMF seeks to preserve and enhance the character of the Conservation Area. As noted above, on balance the significant public benefits associated within the Consented Scheme were considered by Haringey in the Committee Report to outweigh the "less than substantial" harm identified to the nearby heritage assets.
- iii. Open Space – the HRWMF seeks to provide a new public square, a new community park and improved high quality public realm. The Consented Scheme will deliver significant new, high quality public realm through Moselle Square and the surrounding streets and spaces.
- iv. Transport & Movement – the HRWMF seeks the creation of new and improved links, access to public transport and to encourage sustainable transport means. The Consented Scheme delivers new and better links, contributes to better public transport provision and encourages sustainable transport modes through reduced parking and a primacy to walking and cycling.
- v. Land Use – the HRWMF seeks to provide commercial leisure uses between the Station and the High Road with active uses around Moselle Square and on the High Road and a new Library and Learning Centre between the two. The

Consented Scheme allows for a variety of uses in and around Moselle Square including leisure uses. There is also the allowance for the Library and Learning Centre to be located between Moselle Square and the High Road.

- vi. Homes – the HRWMF seeks a mix of housing sizes, types and tenures, re-provision of all social homes, appropriate densities with access to private open space. The Consented Scheme can deliver a mix of housing sizes, types and tenures including the re-provision of all social homes. All of the properties will have access to private open space of one type or another.
- vii. Parking – the parking requirements within the HRWMF are significantly out of step with more contemporary policy expectations, such as those in the London Plan. As such, the majority of these principles would not comply with policy and therefore have not been accommodated within the Consented Scheme.
- viii. Community Benefits & Social Infrastructure – the HRWMF seeks the delivery of the Library and Learning Centre, improve access to services and the promotion of health and wellbeing. The Library and Learning Centre is allowed for in the Consented Scheme whilst the public realm, access to private amenity space, provision of Moselle Square and the potential to deliver sports and leisure uses will contribute to improved health and wellbeing.
- ix. Employment – most of the employment provisions within the HRWMF relate to the area to the north of White Hart Lane and outside the scope of the Order Land (such as Peacock Industrial Estate). One relevant principle is to provide a range of retail and commercial units to encourage a greater mix of tenants. The Consented Scheme allows for a range of retail and commercial units.
- x. Massing – the HRWMF aims to site tall buildings in areas whose character will not be adversely affected, locating these on the railway line and maintaining views of the THFC stadium. The Consented Scheme requires the tallest buildings to be located along the railway line. The detail and modulation of these buildings will be further agreed through RMA's. The Development Zone limits will ensure important views of the THFC Stadium are maintained, and in many instances, increased.
- xi. Views and Vistas - the Consented Scheme will not impinge on any of the views or vistas highlighted by the HRWMF.
- xii. Low Carbon Development - the HRWMF seeks the incorporation of a number of energy and sustainability measures. This is an area where policy has moved on

significantly since the HRWMF was adopted. That said, passive design measures, connection into a new district energy network and renewable energy are all envisaged for the Consented Scheme.

TAAP/ HRWMF Summary

- 5.44 From the above assessment, it has been demonstrated that the TAAP and HRWMF provide very significant and clear support for the Consented Scheme. The Consented Scheme is in conformity with these core components of the Development Plan.
- 5.45 The following sections deal thematically with the remainder of the adopted planning framework in relation to the Consented Scheme.

Residential Use

- 5.46 Chapter 5 of the NPPF seeks to significantly boost the supply of housing. Paragraph 6.5 of the NPPF states that in order to significantly boost housing supply, it is important that a sufficient quantum and variety of land can come forward where needed to meet specific housing requirements.
- 5.47 The London Plan seeks to increase the number of homes across the capital, with a borough target of 15,920 new dwellings over the plan period (until 2028/29), equivalent to 1,592 dwellings per annum. Policy GG2 states that those involved in planning and development must enable the development of brownfield land, particularly in Opportunity Areas.
- 5.48 Policy H8 of the London Plan sets out the requirements for the loss of existing housing and estate redevelopment. Part A outlines that the loss of existing housing should be replaced with new residential development at an equivalent or higher density, with a minimum amount of floorspace equivalent to the existing provided.
- 5.49 Policy DM11 of the Development Management Plan and supporting paragraph 3.7 also outlines that the renewal of estates should re-provide housing on a habitable room basis to increase the capacity to rehouse families into suitable accommodation. This also acknowledges the need to 'cross-subsidise' renewal schemes, through the provision of market housing and shared ownership products which will simultaneously contribute towards creating mixed and balanced communities.
- 5.50 The Consented Scheme accords with the housing policies of the NPPF and London Plan. The Consented Scheme will deliver significant new housing on this large

brownfield site in the Opportunity Area as required by the London Plan. The delivery of new housing significantly exceeds the existing number within the Order Land at a higher density. This equates to more housing by unit, by floorspace and by habitable room. Market housing and intermediate housing will also be introduced to deliver a mixed and balanced community.

Affordable Housing

- 5.51 Policy H4 of the London Plan sets a strategic target of 50% for all new homes delivered in London to be genuinely affordable.
- 5.52 Policy H6 of the London Plan sets out the split of affordable tenures to be applied to residential development. This sets a split of 30% low-cost rented homes (either as London Affordable Rent or Social Rent), 30% Intermediate (London Living Rent or Shared Ownership) with the remaining 40% determined by the local authority.
- 5.53 Part E of Policy H8 of the London Plan states that the demolition of affordable housing (including estate regeneration proposals) will only be permitted where an equivalent amount of affordable housing floorspace is provided. Affordable housing that is replacing social rented accommodation should similarly be provided at social rent levels where a right to return is being facilitated.
- 5.54 In accordance with these policy requirements, the Consented Scheme delivers a significant quantum of affordable housing units, replacing all the existing Love Lane Estate homes and increasing the current supply of social housing on the Order Land. The Consented Scheme will also provide a minimum of 40% affordable housing (by habitable room) which could rise in the event of the receipt of further grant funding and the outcome of the various viability reviews required pursuant to the Section 106 Agreement.

Town Centres

- 5.55 Paragraph 86 of the NPPF states that policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 5.56 Policy SD6 of the London Plan states that the vitality and viability of London's varied town centres should be promoted and enhanced by encouraging the delivery of diverse hubs which meet the needs of Londoners. Town centres should also be identified as locations for mixed-use or housing-led intensification to optimise

residential growth potential which secures a high-quality environment and complements the local character and heritage assets.

- 5.57 Policy SP10 of the Strategic Policies DPD states that Town Centres, including the Local Shopping Centre at Tottenham High Road, will continue to be supported in providing core local shopping facilities and services.
- 5.58 The Consented Scheme provides for a significant quantum of town centre type uses including leisure and retail. The Consented Scheme also provides significant public realm improvements and social infrastructure such as Moselle Square and a new Library and Learning Centre. This will realise the aspiration to extend the town centre into the Scheme, specifically around Moselle Square. These town centre uses are accompanied by significant residential development which provides a greater diversity of uses.

Employment Uses

- 5.59 Part C of Policy GG5 of the London Plan states that those involved in planning and development should plan for sufficient employment and industrial floorspace in the right locations and support economic development and regeneration. Policy E1 states that improvements for the provision of office floorspace of different sizes should be supported by the provision of new, refurbished and mixed-use development.
- 5.60 Policy SP8 of the Strategic Policies DPD seeks to ensure a strong economy.
- 5.61 The Consented Scheme will provide office floorspace, and other complementary leisure and town centre uses which will contribute to job creation.

Community, Leisure and Cultural Uses

- 5.62 Policy HC5 of the London Plan states that proposals should identify and promote new, or enhance existing, locally distinct clusters of cultural venues and related uses, especially where they can provide an anchor for local regeneration and town centre renewal. In addition, Part A5 outlines that development in Opportunity Areas and large-scale mixed-use developments should include new cultural venues and/or facilities and spaces for outdoor cultural events.
- 5.63 Policy SP14 of the Strategic Policies DPD states that the Council will seek to improve health and well-being of existing and future residents through supporting the integration of community facilities and services in multi-purpose buildings. In addition,

Policy SP15 outlines that the Council will safeguard and foster the borough's cultural heritage and promote cultural industries and activities through supporting the provision of new workspaces together with social and cultural venues to support cultural and leisure activities.

- 5.64 Policy DM41 of the Development Management Plan DPD states that proposals for new leisure and cultural uses will be supported in Local Centres where they are consistent with the size, role and function of the centre and its catchment; sustain and enhance the town centre network; and contribute towards the borough's spatial strategy.
- 5.65 The Consented Scheme provides for a variety of new community, cultural and leisure uses including the Library and Learning Centre (which will accommodate enterprise and business space, adult learning facilities, a children's library and flexible spaces for community and cultural activities), indoor sports facilities and a cinema. These sit alongside the delivery of the new Moselle Square which will be the focus of the community, cultural and leisure uses. Leisure type uses are discussed in more detail in Chapter 7 below.

Design and Tall Buildings

- 5.66 Policy D3 of the London Plan states that all development must make the best use of land by following a design-led approach with high density development guided towards areas of good connectivity. Policy D4 also seeks high-quality and well-designed developments.
- 5.67 Policy D9 of the London Plan defines tall buildings, where tall buildings should be located and how the adverse impacts of tall buildings should be minimised. Policy DM6 identifies areas suitable for tall buildings whilst Policy SP11 of the Local Plan requires tall building proposals to be assessed against the criteria within the TAAP and the associated masterplan. The TAAP identifies High Road West as being suitable for tall buildings. The HRWMF locates tall buildings along the railway line away from the High Road with heights falling towards White Hart Lane and then rising again towards Brereton Road.
- 5.68 Policy SP11 of the Strategic Policies DPD requires development to enhance and enrich the borough's-built environment.
- 5.69 The Consented Scheme contains a number of buildings that fall within the policy definition of 'tall buildings'. As set out within the evidence of Lucas Lawrence [CD 9.7]

and in further detail within the Design and Access Statement [CD 4.6] submitted in support of the application for the Planning Permission, the Consented Scheme was subject to a rigorous design process.

- 5.70 The tall buildings contained within the Consented Scheme were thoroughly appraised in the Heritage Townscape and Visual Impact Assessment [CD 4.32] submitted in support of the Planning Permission.
- 5.71 Pursuant to Condition 40 of the Planning Permission, each RMA for landscaping, layout, scale and appearance must conform with the approved Design Code, Development Specification and Parameters Plans. The requirement to comply with the approved Control Documents provides design assurance and control as the outline component of the Consented Scheme comes forward through detailed design.
- 5.72 A commitment was also made for RMAs to revisit the QRP prior to submission to further ensure a high quality of design, particularly in relation to tall buildings.
- 5.73 In light of the above, the Consented Scheme is broadly in accordance with the Development Plan.

Transport

- 5.74 Paragraph 102 of the NPPF states that development should take opportunities to promote walking, cycling and public transport use as part of the earliest stages of development proposals.
- 5.75 The London Plan promotes car-free development and sustainable transport modes with a view to meeting the Mayor's strategic target of 80% of all trips made by foot, cycle or public transport. Development should make effective use of land, reflecting its connectivity and accessibility by existing and future transport routes.
- 5.76 Policy SP7 of the Strategic Policies DPD states that the Council will work with its partners to deliver key transport and highway changes as part of tackling climate change, improve local place-shaping and public realm together with environmental and transport quality and safety.
- 5.77 The Consented Scheme provides for a limited quantum of parking associated for those rehoused residents from the Love Lane Estate. The remainder of residential and other uses will be car free and thus encourage more sustainable modes of transport.

- 5.78 Moselle Square will connect the Station to the THFC Stadium with the Consented Scheme also providing a variety of cycling infrastructure improvements.

Public Realm and Open Space

- 5.79 London Plan Policy D4 includes standards for private outdoor space. London Plan Policy D8 promotes the need for well-designed public realm to create safe, accessible, inclusive, attractive and well-connected places. London Plan Policy S4 supports residential development or development likely to be used by children and young people to provide opportunities for play.
- 5.80 Policy DM20 of the Development Management DPD seeks to create new open spaces in areas of open space deficiency in line with the Haringey Open Space and Biodiversity Study (2013).
- 5.81 The Consented Scheme provides for a new public square of a minimum of 3,500sqm – Moselle Square. This new amenity space will be a focal point of activity in the Scheme. In addition to this new piece of open space infrastructure, there will significant environmental improvements throughout the Scheme, including new streets, footpaths planting, and doorstep play including shared gardens. There is also private amenity space provided for all residential units by way of balconies and courtyard gardens.

Energy

- 5.82 Paragraph 148 of the NPPF encourages proposals which support renewable and low carbon energy and associated infrastructure.
- 5.83 The London Plan sets out that major development should be designed to be net zero-carbon in accordance with the energy hierarchy set out in Policy SI2. Policy SI3 also seeks to encourage and coordinate energy infrastructure for major developments such as this.
- 5.84 Policy SP4 of the Strategic Policies DPD states that the Council will promote and require all new developments to adopt measures to reduce energy use and carbon emissions during design. In accordance with Part 2 of Policy SP4, developments are required to assess, identify and implement site-wide and area-wide decentralised energy facilities including the potential to link into the wider network, where viable.

- 5.85 The Consented Scheme will facilitate a connection into a district heating network. Furthermore, the Consented Scheme will achieve net zero for the residential uses in accordance with the Mayor's energy hierarchy.

Summary of the Scheme and the Consented Scheme Assessed Against the Planning Policy Framework

- 5.86 In summary, the Order Land forms part of the land identified in the Council's adopted Local Plan as a key regeneration area capable of accommodating significant growth. The investment in new housing and employment opportunities in north Tottenham has long been a priority for the Council, and the Scheme is specifically the subject of Site Allocation NT5 in the TAAP and has an adopted masterplan, the HRWMF, which sets the guidelines for delivering this allocation.
- 5.87 The Scheme will deliver on the key policy requirements and principles within the adopted Development Plan and the planning framework.
- 5.88 Furthermore, the Consented Scheme has also been demonstrated to be very closely aligned to the relevant provisions and key principles of Site Allocation NT5 and the HRWMF respectively. The assessment in this chapter has explored many facets of NT5 and the HRWMF and demonstrated that the Consented Scheme will deliver the aspirations from housing to public realm to transport. The Consented Scheme aligns equally well with the remainder of the Development Plan and policy framework.
- 5.89 The acquisition of the Order Land will facilitate the delivery of the Consented Scheme and by extension a significant number of national, strategic and local policy goals, including the delivery of: -
- a new residential neighbourhood which increases housing choice and supply with a mix of tenure, type and unit size including the re-provision of all existing social housing;
 - additional social housing;
 - additional intermediate affordable housing;
 - additional market housing;
 - a new public square that will create a safer, more generous, more coherent connection from the Station to the High Road and the THFC Stadium;

- new retail to create an enhanced town centre and extend and enhance the provision on the High Road;
- larger and enhanced library and additional community space as part of a new Library and Learning Centre; and
- connection into a new District Energy Network.

5.90 In light of the above, it is my opinion that the Scheme and the Consented Scheme will deliver very significant social, environmental and economic benefits. These flow from the very significant delivery of housing and affordable housing, the delivery of new social, cultural and leisure infrastructure, the allowance for employment floorspace, the dramatic improvement in the public realm and the environmental performance of the new buildings.

5.91 For the reasons given in this section, it is my opinion that the Secretary of State is able to confidently conclude that the purposes for which the Council proposes to acquire the Order Land and the rights included in the Order are set within a clear strategic framework and are in accordance with both the Development Plan and the relevant objectives of the NPPF when read as a whole.

6. JUDICIAL REVIEW

- 6.1 The Planning Permission was granted on 31st August 2022. The Planning Permission has subsequently been implemented.
- 6.2 On the 11th October 2022 Tottenham Hotspur Limited ("**THL**") submitted a claim for permission to bring judicial review proceedings to challenge the lawfulness of the Planning Permission. I understand that the existence of THL's claim does not affect the validity of the Planning Permission, which remains in effect and capable of further implementation unless and until the Court allows THL's claim and makes an order to quash the Planning Permission.
- 6.3 I have been informed that following the order of the Court of Appeal dated 6 June 2023, THL has permission to proceed with its claim in the High Court, having been refused permission to appeal on the papers and following a renewable hearing. THL has permission to proceed on two limited grounds of legal challenge –
- a) An alleged failure by the Council to lawfully assess the totality of the heritage impacts of the Regeneration Scheme.
 - b) An alleged unlawful reliance on the Section 106 Agreement and planning conditions to determine that crowd flow control matters for the THFC Stadium were able to be appropriately addressed; and an alleged unlawful consideration of the agent of change principle in the context of crowd flow.
- 6.4 I have been informed that THL's claim for judicial review on these two grounds will be heard at a substantive hearing on 10th October 2023. I understand that both the Council and Lendlease are to defend the claim at that hearing.
- 6.5 The two grounds of challenge raise narrow issues. Neither issue goes to the principle of granting planning permission for the Regeneration Scheme or the Scheme. Even if the claim was successful, there is no obvious reason why planning permission would not be granted for the same, or very similar development, in the event that it became necessary for the Council, as local planning authority, to redetermine the planning application on its planning merits in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 6.6 Nevertheless, I set out below a summary of THL's two grounds of legal challenge.

Heritage

- 6.7 THL alleges that the Council failed to assess the heritage impacts of elements of the Planning Permission proposed to be located in Phase B. At the date the planning application for the Planning Permission was determined, the Goods Yard and Depot sites benefited from extant consents granted to THFC. The planning application incorporated and reflected those extant consents.
- 6.8 The claim contends the basis for the Council's error was due to the Committee Report exclusively following the advice provided in the Heritage Impact Assessment prepared by the Council's heritage consultant.
- 6.9 It is the Council and Lendlease's position that Officers reached their own assessments of the harm to affected heritage assets and they did so having assessed the "worst case maximum parameters" which included the proposed development on the Goods Yard and Depot sites. Having assessed the "worst case maximum parameters" Officers concluded that the development proposed by the planning application would lead to "less than substantial harm" to the identified heritage assets and that such harm would be outweighed by the significant public benefits associated with the Development in accordance with para 202 of the NPPF.
- 6.10 The Council's assessment of the heritage impacts of the Development is endorsed within the proof of evidence of Mike Dunn [CD 9.15] who, having undertaken an independent assessment of the heritage impacts of the Development, concludes that the Development would lead to "less than substantial harm" to the identified heritage assets.

Crowd Control

- 6.11 THL alleges that the Council a) failed to secure the measures assessed by the Council as necessary to provide for safe crowd control to and from the THFC Stadium and b) reached an unlawful conclusion as to the satisfaction of the "agent of change" principle in the NPPF.
- 6.12 The issues relating to crowd flow were the subject of detailed review prior to the grant of the Planning Permission and were the subject of a detailed report undertaken by Buro Happold on behalf of Lendlease, a review of that report by an independent crowd

flow expert (Dr Dickie) appointed by the Council and various objections submitted by THFC.

- 6.13 The Buro Happold report and report undertaken by the independent crowd flow expert concluded that the crowd control measures to be provided both during and after construction of the Development will deliver at least equivalent provision for THFC Stadium crowds queuing for White Hart Lane Station and that post construction the situation for crowds will be improved.
- 6.14 As set out in 4.37 above, Conditions 4, 44 and 64 attached to the Planning Permission were imposed by the Council to ensure satisfactory crowd flow arrangements would be achieved both during and after construction of the Development . Further detail on the Development's ability to accommodate crowd flows safely during the construction phase is provided in the evidence of Becky Hayward [CD 9.13].
- 6.15 The conditions are supplemented by an obligation within the Section 106 Agreement pursuant to which Lendlease is to use reasonable endeavours to enter into a licence with THFC to provide the necessary access rights across the site.
- 6.16 As confirmed within the evidence of Selina Mason [CD 9.3], Lendlease is willing to enter into a licence with THFC on reasonable terms.

Outcome

- 6.17 As noted above, the grounds relate to two narrow issues. Neither issue goes to the principle of granting planning permission for the Regeneration Scheme or the Scheme.
- 6.18 In respect of the heritage impacts, the Council concluded that the Development would cause "less than substantial harm" to the identified heritage assets and a further independent assessment has concluded the same (see the proof of evidence of Mike Dunn [CD 9.15]). It seems to me highly unlikely that, if the planning application were required to be re-determined, a different heritage assessment would be reached. As such, the public benefits would remain of sufficient weight to counterbalance the "less than substantial harm" to the identified heritage assets.
- 6.19 In respect of crowd flow, even if the planning application was required to be reconsidered by the Council, it is clear from the assessments undertaken to date that sufficient arrangements (via conditions and section 106 obligations) for crowd flow safety can be secured. In the event the Court was to determine that the current

wording of the obligations within the Section 106 Agreement places an "unreasonable restriction" on THFC within the context of the "agent of change" principle, it would be possible for the obligations to be amended while retaining the ability for crowds to move safely through the Site.

- 6.20 There are various controls in the Planning Permission that secure an appropriate physical environment for crowd movement (both temporary and permanent) and also secure a mechanism for granting access over the Site. Given the significant planning framework that exists to, in part, deliver an improved arrival sequence for THFC, I consider that this issue does not go to the principle of the development authorised by the Planning Permission and is able to be addressed satisfactorily. The outline element of the Consented Scheme has been specifically designed to improve the event experience of THFC customers, the final built development (given the outline parameters) will be demonstrably more generous in terms of space and designed with THFC in mind rather than utilising secondary and inappropriate roads.
- 6.21 In light of the above, and in the context of the demonstrable support for the Regeneration Scheme within the adopted planning framework (see section 5 above), even if the judicial review claim was successful, I see no reason why planning permission for the Regeneration Scheme and the Scheme, or similar development, would not be granted in the event that it became necessary for the Council to redetermine the planning application.

7. OBJECTORS REPRESENTATIONS TO THE ORDER

7.1 This chapter responds to the planning related objections made in respect of the Order.

THFC Objection

7.2 Canvax Limited and others (hereafter referred to as "**THFC**") objected to the Order on a number of grounds [**Obj - 08**].

7.3 In support of THFC's Statement of Case, THFC has proposed an alternative masterplan for the Scheme (the "**Alternative Masterplan**").

Consultation

7.4 THFC make reference to not being "meaningfully" consulted on the planning application for the Planning Permission prior to it being submitted.

7.5 Being "meaningfully" consulted is a subjective point. I was part of a small team that engaged with THFC on 28th July 2021 with the specific agenda of explaining how the proposed development had evolved to take account of THFC's concerns in relation to their own landownership and developments north of White Hart Lane. This was a very significant design change and resulted in the remodelling of large parts of Phase B, entirely undertaken to respond to THFC's concerns. The design presented that day is effectively what is consented in the Planning Permission. THFC were invited to a variety of other consultation events and the Development Management Forum.

7.6 My view is that THFC had ample opportunity to feed into the planning application both at an individual level and through wider consultations.

Leisure Uses

7.7 Within its Statement of Case [**CD 7.2**], THFC asserts that the Scheme does not accord with the Development Plan due to its inconsistency with the TAAP. THFC states that the reason for the inconsistency is that the Planning Permission does not "*quantitatively or qualitatively provide for the required new leisure destination for London*" (paragraph 3.4).

7.8 The Alternative Masterplan seeks to respond to this perceived inconsistency via the inclusion of a 16,000 sqm flexible leisure and cultural venue which can be used for leisure uses.

Leisure References in the Policy Framework

- 7.9 The TAAP makes reference to the inclusion of leisure uses in the wider North Tottenham Neighbourhood Area which consists of three major regeneration schemes, of which the Regeneration Scheme is one. Specifically, the TAAP states in the foreword *“The reconstruction of Tottenham Hotspur’s football stadium and complementary development on High Road West and Northumberland Park will provide a new leisure destination for north London within the borough alongside much needed new jobs, retail space, services and homes for local residents”*. Notably this leisure provision relates to the three major development sites (not just the Regeneration Scheme) and is a destination for “north London”.
- 7.10 Objective 6 of the TAAP also seeks to provide leisure opportunities for Tottenham but is no more specific.
- 7.11 The TAAP sets out the Council’s vision and objectives for north Tottenham at paragraphs 5.84 to 5.87. These state that *“North Tottenham will be transformed into a mixed and sustainable community and new leisure destination for London...”* and *“With the Tottenham Hotspur FC development scheme serving as a catalyst for wider area change, there will be a substantially improved local centre with a balanced mix of high quality homes, jobs, community and leisure facilities”*. And further *“The North Tottenham Neighbourhood Area consists of three major regeneration and development schemes that will transform an area ... into a new leisure and residential destination for London”*. Again, these quotes are all referring to the delivery of the new leisure destination in the context of all three major development projects in north London, or indeed London, as some of the references state.
- 7.12 The key objectives for the neighbourhood include:
- “ ...
- *To create a premier leisure and sports destination for London, with the provision of complementary commercial, cultural and community uses across the neighbourhood area whilst celebrating the High Road’s rich heritage.*
 - *To create new work, leisure, and retail space to encourage new businesses and enterprise growth within the area, and allow for the relocation of some existing businesses into new purpose built retail and leisure units and workspaces;*
- ...” (paragraph 5.87)

- 7.13 Again, these objectives relate to the contributions of all three major regeneration projects.
- 7.14 One of the urban realm improvements proposed for the neighbourhood areas within the TAAP includes *“a mix of commercial uses, including new and affordable workspaces, leisure, and retail that revitalises and activates local streets”* (paragraph 5.97). Once again this relates to the three major regeneration areas. In the following series of bullet points, leisure is not mentioned specifically in relation to High Road West, whereas it is in relation to the Tottenham High Road through *“Creating an attractive leisure, shopping and community destination for local people and visitors”*.
- 7.15 Site Allocation NT5 introduces more detail but also makes slightly contradictory suggestions. The TAAP seeks a *“Masterplanned, comprehensive development creating a new residential neighbourhood and a new leisure destination for London. The residential-led mixed-use development will include a new high quality public square and an expanded local shopping centre, as well as an uplift in the amount and quality of open space and improved community infrastructure”*. The first sentence of the vision refers directly to residential and leisure whilst the second sentence refers only to residential-led mixed-use development.
- 7.16 There is no specific reference to leisure in the Indicative Development Capacity for Site Allocation NT5. Conversely, Site Allocation NT7 for Tottenham Hotspur Stadium explicitly identifies leisure in the Indicative Development Capacity (122,045 sqm of leisure floorspace).
- 7.17 The commentary for NT5 states *“This site will deliver a residential neighbourhood, which will provide high quality homes for existing secure Council tenants living on the Love Lane Estate and provide better housing choice for existing and future residents. The development will build on the redevelopment of Tottenham Hotspur Football Club stadium and create a new vibrant leisure destination for London”* (paragraph 5.126). Paragraph 5.127 goes on to state *“A new public space will create a new route from White Hart Lane Station to the High Road and Stadium, bring improved town centre and leisure uses to the North Tottenham area and provide space for new community and leisure uses, creating a year round focus for the area”* and *“New employment opportunities will be created from the expanded local centre, leisure destination and delivery of new high quality workspace”* (paragraph 5.128).
- 7.18 However, the "Site Requirements" (page 105) for Site Allocation NT5 only mention leisure briefly at (f) *“Enhance the area as a destination through the creation of new*

leisure, sports and cultural uses that provide seven day a week activity” and in the context of the *“Provision of a range of leisure uses that support 7 day a week activity and visitation”* (item k part (ii)).

- 7.19 With regard to the NT5 "Development Guidelines", point three states *“Re-provision of employment floorspace lost as a result of the redevelopment as new leisure, sports and cultural floorspace and as modern, flexible workspaces. This could be achieved by workspaces with potential to connect to High Road retail properties, and/or through the creation of workspace behind the High Road and the railway arches”*. Point 10 goes on to state *“Larger commercial and leisure buildings should be located within close proximity to the new public square linking the station to the stadium”*.
- 7.20 The HRWMF makes further references to leisure through the vision which seeks *“to create a vibrant, attractive and sustainable neighbourhood and a new sports and leisure destination for North London”*. The reference to *“sports and leisure”* is different to Site Allocation NT5 which makes only one reference to sport.
- 7.21 One of the key spatial objectives of the HRWMF is *“A New Leisure Destination: Investment in the new Tottenham Hotspur Football Club (THFC) stadium will cater for the needs of visitors, and maximise their spend in North Tottenham while minimising any adverse impacts on residents and businesses. This includes:*
- Encouraging a wide programme of events at the new THFC stadium to maximise the visitor attraction;*
 - Ensuring appropriate management of events and rapid clean-up arrangements afterwards; and*
 - Supporting a range of ‘offers’ by local businesses for visitors but with consistent quality, hygiene and customer service”*.
- 7.22 In relation to Character and Urban Form (3.3), one of the key principles states that the development should *“Reflect the scale and impact of the new Tottenham Hotspur Football Club stadium on the High Road by locating larger commercial and leisure buildings opposite it to create new sports and leisure destination for North London”*.
- 7.23 The key land use principles of the HRWMF also seek to deliver *“commercial leisure”* between the Station and the High Road. There is no clarity on what *‘commercial leisure’* might be. The land-use section of the HRWMF (3.7) sets out a table at paragraph 3.7.1 containing the HRWMF land use schedule. The schedule makes an

allowance for 2,500 sqm for a bowling alley “*Or alternative leisure use/commercial space*”. This is again a slightly different take on defining leisure and not one referenced in the TAAP.

- 7.24 The Community Benefits & Social Infrastructure section (3.10) refers to creating “*community and leisure facilities for people of all ages*”.
- 7.25 Leisure is not clearly defined in the Town and Country Planning (Use Classes) (England) Regulations 1987 as amended. The TAAP and the HRWMF also do not define leisure in any clear or consistent way. The TAAP and the HRWMF do not stipulate any specific quantum of leisure floorspace which should be provided by the Regeneration Scheme. Conversely, the TAAP does specifically reference leisure uses for Site Allocation NT7 (Tottenham Hotspur Stadium) and sets an indicative floorspace.
- 7.26 On any objective reading of the TAAP, the emphasis on the delivery of new leisure floorspace sits within site allocation NT7 and the creation of the new THFC Stadium. Indeed, the Stadium has delivered more in the way of leisure than was originally envisaged with the Formula 1 affiliated go-karting experience and the Dare Skywalk. Without the new stadium, clearly site allocation NT5 could not and would not be able to create a new leisure destination for London. The leisure uses to be provided in site allocation NT5 are implicitly intended to be complementary to the new Stadium.

The Council's Consideration of Leisure Uses

- 7.27 The Committee Report for the Planning Permission [CD 4.9] at paragraph 4.22 concludes in relation to leisure that “*The overall quantum of community and leisure floorspace proposed is commensurate with the aspirations of enhancing the area as a destination through the creation of new leisure, sport and cultural uses and complementing existing centres in the local area and is considered to be acceptable*”.
- 7.28 The Committee Report goes on to conclude at paragraph 4.38 that “... *the proposal does not wholly accord with all the key principles set out in the HRWMF*”. This “departure” relates to “...*siting new commercial and leisure buildings opposite the stadium to create a sports and leisure destination for North London*”. It can therefore be said that the departure derives from the location / siting of the leisure floorspace, not the overall quantum which has no required figure. This point is made again in the Committee Report at paragraph 29.1. This departure is tempered by the fact that leisure uses could be delivered in either of the Development Zones closest to the

THFC Stadium (2 and 4) but also in other Development Zones in the Order Land not adjacent to the THFC Stadium (3, 5 and 6).

- 7.29 The departure in relation to the location of the leisure uses is one of a small number of departures from the key principles of the HRWMF that are noted in the Committee Report at paragraphs 4.38 and 29.1. It is unsurprising that there will be some degree of departure from the key principles since the significant passage of time from when these principles were drafted and adopted. Other examples include the reference to the now deleted London Plan density guidelines from the 2016 London Plan and the requirement for a multistorey car park. Nevertheless, the overall conclusion at paragraph 4.38 was *“the proposal will deliver significant social and economic benefits and deliver on the vision set out in the AAP and when taken as a whole, conform with the key principles set out in the HRWMF”*. Indeed, paragraph 29.2 states *“The Applicant has demonstrated that these departures are considered necessary to make efficient use of the site and secure the delivery of a range of public benefits including the provision of additional homes (including affordable, accessible and family housing)”*.
- 7.30 It is pertinent to note that the housing crisis has significantly worsened since 2014 when the HRWMF was adopted.
- 7.31 The priority for Site Allocation NT5 was always the delivery of new housing. The need for such housing has only become more acute over time.
- 7.32 It is also relevant to note that the leisure provision within the Consented Scheme has never been raised as a ground of challenge pursuant to the ongoing Judicial Review.
- 7.33 Lastly on this point, THFC secured consent (planning reference HGY/2021/2283) for a cinema complex partly within the southern quadrant of Phase B, close to White Hart Lane and on the High Road. This is a land use one would characterise as leisure for the purposes of the HRWMF. However, since the consent was granted, the application has not been implemented and there is currently a live application to replace the cinema use with a student accommodation led scheme. In short, THFC are proposing to remove consented leisure uses from within the HRWMF area whilst at the same time making the case against the Order that the Consented Scheme is deficient in this regard.
- 7.34 In summary, the Consented Scheme provides for an acceptable quantum of leisure floorspace as confirmed by the Council through the Committee Report and

subsequent Planning Permission. The provision for leisure floorspace is allowed for opposite the THFC Stadium though not exclusively so and hence the departure on the locational point noted in the Committee Report. However, on balance this small departure was found by the Council, as local planning authority, to be decisively outweighed by the other strategic policy imperatives and benefits of the Development.

THFC Alternative Masterplan

7.35 Within its objection to the Order, THFC state that:

"High Road West could be developed in an alternative way, that would be fully consistent with the Local Plan, deliver far greater economic, social and environmental benefits and be more acceptable in safety terms".

7.36 In support of this ground of objection, THFC propose the Alternative Masterplan.

7.37 It is understood that THFC has undertaken some initial public consultation in relation to the alternative masterplan, but the outcome is unclear at the time of writing.

Extent of the Order Land and the Alternative Masterplan

7.38 The Alternative Masterplan requires the same land as the Consented Scheme, including the properties along the High Road.

7.39 Neither the Alternative Masterplan nor the Consented Scheme can be delivered without the acquisition of the Order Land.

7.40 It follows that the Alternative Masterplan does not offer the opportunity to realise the stated strategic objectives of the Council whilst avoiding compulsory purchase of the Order Land, including the High Road properties. It is therefore not an alternative which should carry any significant weight in the case for confirmation of the Order, since it is also founded upon the need for compulsory purchase of the same properties.

7.41 In addition to the reliance on the exercise of compulsory purchase powers, there are further clear impediments to the delivery of the Alternative Masterplan. These can be summarised as follows:

- i. There is no planning permission or listed building consent in place for the Alternative Masterplan;
- ii. It would take many months and potentially years to secure such consents; and

- iii. THFC has a track record of not delivering developments consented within the Regeneration Scheme area. To date, six different consents have been granted for land within the Regeneration Scheme area and none of these have been implemented. Indeed, the consent for the Goods Yard (planning reference HGY/2018/0187) was allowed to expire in June 2023.

7.42 There are a number of impediments to delivery of the Alternative Masterplan including planning permission and likely some form of development agreement with the Council. It currently has none of these things.

7.43 We also note that within THFC's Statement of Case, THFC refer to the revised Moselle Square proposals in the Alternative Masterplan as being able to be delivered ahead of the 2028 European Championships. For the reasons set out at paragraph 7.41 it is highly unlikely the Alternative Masterplan could deliver Moselle Square quicker than the Scheme in time for this tournament.

Policy Compliance and the Alternative Masterplan

7.44 As explored in detail earlier in my proof, the Regeneration Scheme is identified as a Site Allocation NT5 in the TAAP and is supported by the HRWMF. These documents place great emphasis on providing significant additional housing, the creation of a new neighbourhood and the creation of sufficient community facilities. They seek to do this in a comprehensive manner.

7.45 The Alternative Masterplan has considered only land to the south of White Hart Lane and therefore cannot be said to be a comprehensive masterplan for the purposes of Site Allocation NT5 and the HRWMF.

7.46 The Alternative Masterplan mirrors the redline of the Planning Permission in this area. The Alternative Masterplan also seems very similar to the Consented Scheme, particularly in respect of the location of Development Plots. The following is a summary of the similarities / differences in the various Development Plots:

- i. Plot G appears to remain unchanged;
- ii. Plot F appears to remain unchanged;
- iii. Plot D appears similar, but the footprint has been drawn back from the eastern edge with a likely reduction in residential floorspace as a consequence;

- iv. Plot E occupies a slightly different footprint and removes the Library and Learning Centre function. The Library and Learning Centre has been relocated outside of the Order Land into the Grange which is owned by the Council and located to the north of White Hart Lane (in Phase B);
 - v. Plot C has been replaced by a flexible event venue with culture, leisure and retail uses replacing the residential led block authorised by the Planning Permission; and
 - vi. Plot B appears to remain unchanged.
- 7.47 In addition to the changes to Plots C, D and E mentioned above, there is also a change to the form of the public realm. The Alternative Masterplan appears to alter the character of the public realm. The Planning Permission envisages a large public square designed with residents in mind for the majority of the year but with a dual function to accommodate crowd flows on THFC event days. The Alternative Masterplan appears to have designed the space such that it is something more akin to a boulevard with access to and from the THFC Stadium as the priority. This seems to be confirmed by Alternative Masterplan Space Hierarchy plan which renames Moselle Square, the 'Town Square Street'. This is clearly not the intention of the HRWMF which envisages a generous space as a focus for new leisure and community buildings. The Alternative Masterplan appears to reduce the extent of the square by approximately 500-1000 sqm compared to the Consented Scheme. There are further limitations created in terms of views and vistas as set out in the proof of evidence of Lucas Lawrence [**CD 9.7**].
- 7.48 The Planning Permission has established that Moselle Square, as defined by its minimum parameters, provides ample space for the safe and efficient flow of spectators to and from the THFC Stadium. The Planning Permission has also already established that Moselle Square is of a design and form that best suits the new residential units it serves. There are no clear or obvious policy compliance improvements provided by the Alternative Masterplan in relation to the public realm. In fact, my view is that the Alternative Masterplan is less compliant in this regard compared to the Consented Scheme.
- 7.49 The Planning Permission has also already established that the level of leisure allowed for is appropriate given the balance of other uses (see the preceding section for more detail). With this in mind, it is unclear how any additional or different uses can

contribute further to this policy objective without detrimental impacts on other policy imperatives.

- 7.50 The adopted planning framework quite clearly prioritises the delivery of replacement and new homes. This theme is echoed through the TAAP and the HRWMF. By losing residential units the Alternative Masterplan diminishes this very significant benefit of the Scheme.
- 7.51 The Alternative Masterplan also moves the Library and Learning Centre away from the focal point of Moselle Square. This is to facilitate an undefined flexible event building, a retail building with learning spaces and residential above alongside a public realm that prioritises access to the THFC Stadium.
- 7.52 Moving the Library and Learning Centre from its proposed location on Moselle Square to the north of White Hart Lane undermines one of the key design aspirations of the HRWMF. The Alternative Masterplan suggests the Library and Learning Centre will be relocated in the Grange, a Grade II listed building located on the northern side of White Hart Lane (in Phase B). The HRWMF states in almost every section dealing with Moselle Square that Moselle Square should be the new home for the Library and Learning Centre. Moselle Square allows the Library and Learning Centre to be the community focal point of the Consented Scheme, providing high levels of visibility and helping anchor the square itself through its use. The Grange has many limiting factors including its detached location from the community it serves compared to Moselle Square alongside the fact it is not bespoke for its use. The current community uses in the Grange would also need to find alternative premises. This proposal would contradict the HRWMF and therefore fail to deliver on the adopted policy framework in the same way the Consented Scheme would.
- 7.53 In summary and considering all the points raised above in relation to the Alternative Masterplan, I consider that the Consented Scheme delivers the objectives identified within the adopted planning framework when read as a whole at least as effectively as the Alternative Masterplan: and indeed to a much greater extent than the Alternative Masterplan.

Tryfonos Objectors

- 7.54 The Tryfonos Objectors Statement of Case ("**TFSoc**") [CD 7.9] raises a number of points in relation to planning. These will be dealt with in the order they appear in the TFSoc.

- 7.55 At paragraphs 5 to 8 the case is made that there is too much flexibility in the Planning Permission. Paragraphs 9 to 16 build on this point and suggest that the lack of flexibility results in a lack of certainty over the public benefits the Order will deliver.
- 7.56 With regard to the general point over flexibility, the extract quoted in the TFSoc from the Planning Statement remains highly relevant and accurate. The full paragraph from the Planning Statement at paragraph 3.5 reads:
- “The form of the application reflects the nature of the scheme. The Development comprises a true mix of uses which will be built out over a prolonged period of time and will encounter market fluctuations, full economic cycles and demand pressures. The need for flexibility is therefore paramount to allow the Development to respond to changing needs and patterns as future phases come forward for development”.*
- 7.57 Despite the objectors suggesting otherwise, the level of flexibility in this Planning Permission is entirely normal. I have worked on projects and my practice has experience of projects with a greater degree of flexibility. My experience is that the larger the project, the longer the expected build out, the greater the need for flexibility. This is a very large project (by area and floorspace), the build out is expected to be approximately a decade and the need for flexibility is essential.
- 7.58 In terms of a lack of certainty in relation to the benefits of the Consented Scheme, there are minimum areas in the Development Specification, fixed Development Zones with land uses in the Parameter Plans and a S106 legal agreement that provides binding commitments and requirements. The Council supported this position as evidenced by the positive decision to grant the Planning Permission.
- 7.59 A key benefit relates to the replacement of the Love Lane Estate residential units with new social housing, additional social housing units and the provision of market housing. The delivery of new social housing is one of the most pressing issues facing the Council. The proof of evidence of Peter O'Brien [CD 9.1] demonstrates the acute nature of this problem. The benefits of the social housing are very substantial and there are binding commitments in the Section 106 Agreement to deliver this social housing. The phasing of the Consented Scheme has been recently amended to allow for a swifter delivery of social housing with the social housing units on Plot A having been implemented.
- 7.60 Plot E (Development Zone 4), being the location of the High Road properties, can deliver up to:

- i. 3,500 sqm of learning and non-residential institutions (the library and learning centre);
 - ii. 1,000 sqm of community space;
 - iii. 2,000 sqm of commercial, retail or leisure;
 - iv. 3,000 sqm of cinema space;
 - v. 3,000 sqm of public house space; and/or
 - vi. 400 sqm of parking and plant.
- 7.61 The minimum area for the zone is 1,000 sqm of commercial, retail or leisure space.
- 7.62 In the Planning Permission, the minimum area of public libraries and public halls is 500 sqm and community space is 500 sqm which can only be delivered in Development Zones 2, 3, 4 and 5.
- 7.63 Plot E is required to deliver all of the benefits of the uses set out above. As a minimum it must provide commercial, retail or leisure uses to enliven a crucially important part of the Scheme.
- 7.64 The TAAP and the HRWMF strongly advocate the Library and Learning Centre being located in the area of Plot E.
- 7.65 The Illustrative Masterplan submitted alongside the planning application for the Planning Permission shows the Library and Learning Centre in this location and the Planning Permission itself allows this to happen and this is Lendlease's intention as set out in the evidence of Selina Mason [**CD 9.3**].
- 7.66 The THFC Alternative Masterplan, though not proposing a Library and Learning Centre, nevertheless recognises the contribution Plot E makes to the area and the importance of redeveloping the area of land.
- 7.67 Plot E is also essential for the purposes of place making as explained in the proof of evidence of Lucas Lawrence [**CD 9.7**]. In particular, the plot plays a crucial role as the only interface between the High Road and the new Moselle Square and as such providing a gateway between those different spaces for the purposes of legibility and permeability.

- 7.68 Peter O'Brien's proof of evidence [CD 9.1] notes that 79% of respondents to the 2014 consultation on the HRWMF agreed with the principle that there should be a community hub (with library, learning, community and business space) and this should be built on the High Road and in the new public square, Moselle Square, so it is accessible for all.
- 7.69 In addition to the above, the policy context for requiring the High Road properties for the purposes of redevelopment is very clear. Site Allocation NT5 of the TAAP requires the provision of a new public square as part of the route from the Station to the Stadium. The TAAP requires new retail provision to enlarge the town centre and requires these uses to be drawn into Moselle Square. Without the High Road properties, a barrier would be created preventing the visual connection to the High Road, it would prevent the new uses in the square being connected to the town centre and would therefore not satisfy the requirements of Site Allocation NT5 of the TAAP.
- 7.70 The HRWMF is more explicit in its requirement to remove the High Road properties. Appendix B of the HRWMF sets out the optioneering explored in relation to the masterplan and the removal of these properties. The conclusion is clear that removing these properties is the best design solution and achieves the most benefits with the least disruption.
- 7.71 As a consequence of the selected option for the High Road, the HRWMF sets out in various places the need for the High Road properties. The Design Concept (section 3.2) states at point 5 that the new Library and Learning Centre should be opposite the Stadium. This building should reflect the scale of the Stadium (Character & Urban Form 3.3), the eastern end of the square should contain a new Library and Learning Centre in a signature building that creates a unique presence on the High Road (page94), locate a new community 'Ideas Store' (Library and Learning Centre) on the High Road and new Moselle Square (Land Use 3.7 and Community Benefits & Social Infrastructure 3.10).
- 7.72 Many of the illustrative renders in the HRWMF clearly show a new building in the area of the High Road properties (p94 and p103) whilst there are many diagrams which also make this point, most explicitly on p105 which shows these buildings being completely removed.
- 7.73 Given the benefits to the Scheme associated with the removal of the High Road properties in accordance with the planning framework, it follows that should those properties remain the same benefits could not be achieved. As such, the alternative

presented by the TFSoc of retaining the High Road properties does not offer the opportunity to achieve the strategic objectives of the Council.

- 7.74 The TFSoc at paragraph 25 suggests that Moselle Square should operate self-sufficiently in terms of its footfall supporting the commercial uses to thus not require the demolition of the High Road properties. The potential location of some commercial uses on the High Road properties is entirely rational to make the best use of an area likely to see the greatest footfall in the Scheme. Separately to this, commercial uses are a component of town centre uses. Moselle Square at its eastern end will need to provide such uses to extend the town centre from the High Road as required by the HRWMF. Those commercial uses are necessary to satisfy policy and are located in an area where they have the best chance of success.
- 7.75 Paragraph 28 of the TFSoc notes that Moselle Square is not part of Plot E and there is no clarity on the benefits of the east-west connectivity. Policy is very clear on the requirement for the east-west connection and the HRWMF envisages it in a very similar manner as the Consented Scheme. The route will create new, safe and bespoke connection between the Station and the High Road to improve the ongoing operations of THFC. The route is also the most direct and visible route from the Station to the High Road. It plays a very important and beneficial role in the street hierarchy within the Scheme.

Mary Powell Objection

- 7.76 Mary Powell has raised a smaller number of points in relation to the CPO. Her main point relates to the possibility of retaining the five residential blocks located between Brereton Road and Whitehall Street. The suggestion being that these can be retained and refurbished and occupy a discrete area to the south and be omitted from the wider redevelopment proposals.
- 7.77 One of the factors raised in the 2019 Guidance relates to *“whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse”* (paragraph 106, point 3 of the Guidelines).
- 7.78 The key point from the above quote is whether the estate renewal could be achieved whilst retaining these properties. These properties sit within Development Zone 2 which has a residential floorspace minimum of 50,000 sqm and a maximum of 65,000

sqm. Even if the minimum were defined, it would represent a very significant quantum of floorspace. There may be a case of offsetting the floor area of the existing 141 units from this minimum but the shortfall of residential floorspace created (in the order of 35,000 sqm) would make it very challenging indeed to deliver the same or a similar number of residential units. In doing so, this would prevent the Scheme from delivering many of the benefits required by the TAAP and the associated HRWMF, namely the comprehensive redevelopment of site allocation NT5, a new residential neighbourhood, replacement social homes, new social homes and new market housing. In my view this would create a policy conflict with the TAAP and the HRWMF.

- 7.79 In this case, it is my opinion that the Scheme could not deliver the same social, environmental and economic benefits if the properties highlighted by Mary Powell were to be retained. As such, the alternative presented by the Mary Powell of retaining the five residential blocks does not offer the opportunity to achieve the Council's strategic objectives without the need for the Order Land.

8. SUMMARY & CONCLUSION

- 8.1 In summary, the Regeneration Scheme is located in North Tottenham, in the north-eastern part of the London Borough of Haringey. The need for the regeneration centres on the significant socio-economic challenges facing this part of Tottenham. These challenges are characterised by a lack of social housing, a lack of large social housing units, overcrowding, unemployment, lower life expectancy, poverty and crime. The Regeneration Scheme provides an opportunity to address many of these issues.
- 8.2 The generation of the proposals for the renewal of the High Road West area began in 2011 when the Council began to gauge resident's views on opportunities for change. This led to developing one of the key documents in the planning framework, namely the HRWMF adopted in 2014. This was followed by the creation and adoption of the TAAP in 2017 which set a clear set of policies for the redevelopment of major sites in the wider Tottenham area. This included site allocations and specifically Site Allocation NT5 for the High Road West area.
- 8.3 Lendlease were appointed as the Council's development partner to deliver the Regeneration Scheme in 2017. I was appointed as part of the professional team in 2019 to lead the planning process and to secure a planning consent. Detailed consultation was undertaken on the Regeneration Scheme from as early as 2017 and included substantial meetings with the Council's planning officers. Alongside this there were numerous meetings with statutory consultees (such as Natural England), the Council's design review panel, local residents and organisations and businesses including THFC.
- 8.4 The culmination of this consultation was the submission of a hybrid planning application in October 2021. Following the formal public consultation period and several months of discussions the planning application was deferred at the March 2022 planning committee. The planning application subsequently received a resolution to grant at the July 2022 planning committee. The Planning Permission was granted on 31st August 2022 alongside the entry into the Section 106 Agreement.
- 8.5 The Planning Permission consists of a detailed component for 61 social units (Plot A) with the remainder of the development being consented in outline. Development on the Order Land is managed by the suite of Control Documents, conditions and the Section 106 legal agreement. The Consented Scheme, representing the part of the Planning Permission to be delivered on the Order Land can deliver:

- xii. between approximately 1,350 and 1,665 new homes;
 - xiii. 40% affordable housing (by habitable room) which will include the provision of 500 social rented Council homes including replacement homes for existing residents on the Love Lane Estate;
 - xiv. a new Library and Learning Centre;
 - xv. new town centre uses such as retail, leisure and commercial floorspace;
 - xvi. a variety of other uses including creche / nursery, public house, cinema;
 - xvii. a new public square of a minimum of 3,500 sqm (Moselle Square);
 - xviii. a District Energy Network; and
 - xix. landscaping, amenity space and parking provision, including the provision of a green play street at Brereton Road and Orchard Place.
- 8.6 Paragraph 104 of the 2019 Guidance requires that any programme of land assembly needs to be set within a clear strategic framework. Chapter 5 of my Proof provides a detailed appraisal of the performance of the Scheme and the Consented Scheme in relation to the strategic planning policy framework.
- 8.7 The core components of the strategic planning framework (the TAAP, Site Allocation NT5 and the HRWMF) seek to deliver a comprehensive, residential-led redevelopment of the High Road West area to create a new neighbourhood, replacement of the existing social homes, provision of new social homes, new market homes and a variety of types and sizes of homes. Alongside this, policy envisages extending the town centre into the site and specifically into a new public square. This square should be flanked by town centre, leisure and commercial uses along with a new Library and Learning Centre. The square would also perform the dual function of creating a safe, generous and attractive new route from the upgraded Station to the new THFC Stadium. The whole area should have a significantly improved public realm and creating a logical and legible street pattern. These core planning documents were developed in accordance with the remainder of the Development Plan and the NPPF.
- 8.8 . The Consented Scheme accords with the Development Plan and the planning policy framework when read as a whole. This is a position endorsed by the Council, as local planning authority, through the granting of the Planning Permission.

- 8.9 The Planning Permission has been implemented through works on Plot A.
- 8.10 On the 11th October 2022, THL submitted a claim for permission to bring judicial review) proceedings to challenge the lawfulness of the Planning Permission. I understand that the existence of THL's claim does not affect the validity of the Planning Permission, which remains in effect and capable of further implementation unless and until the Court allows THL's claim and makes an order to quash the Planning Permission.
- 8.11 The claim is limited to two narrow points, neither issue goes to the principle of granting planning permission for the Regeneration Scheme or the Scheme. The first point relates to the nature of the heritage assessment in the Committee Report and subsequent Addendum Report that the Council based their planning decision on, and the second point on the ability of the conditions and section 106 legal agreement to allow crowd flow to and from the THFC Stadium including matters related to the 'agent of change principle'. Even if the claim was successful, there is no obvious reason why planning permission would not be granted for the same, or very similar development, in the event that it became necessary for the Council, as local planning authority, to redetermine the planning application on its planning merits in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 8.12 THFC, the Tryfonos Family and Mary Powell raise planning-based objections to the Order.
- 8.13 THFC contend that the Planning Permission is deficient in relation to leisure uses and that their Alternative Masterplan, through the delivery of a significant events building, can deliver the benefits in a different way. My view is that, whilst there is a departure in relation to the strict location of leisure uses within the Planning Permission, on balance the Consented Scheme accords with the Development Plan and planning policy framework when read as a whole. Further, the Alternative Masterplan has increased the leisure floorspace opposite the Stadium but has significantly undermined the public realm, the delivery of housing and affordable housing and has moved the Library and Learning Centre away from where policy envisages it being located. As such, my view is that the Alternative Masterplan does not deliver the same package of benefits as envisaged by the Consented Scheme and is less compliant with the Development Plan and policy framework when read as a whole. In any event, the Alternative Masterplan would require for its delivery the same extent of land acquisition as the Scheme, particularly on the High Road. It therefore fails to offer any

real prospect of delivering the strategic objectives of the adopted planning framework without the need to confirm the Order.

- 8.14 The Tryfonos Objectors' objection relates to excessive flexibility in the Planning Permission and a lack of certainty over the planning benefits. In my view and in light of my experience, the level of flexibility within the Planning Permission is entirely appropriate and proportionate to proposals of this scale and to be delivered over a long timescale. With regard to the delivery of the benefits, the Council, as local planning authority, was satisfied comfortable that the combination of the Control Documents, the planning conditions and the Section 106 Agreement provide sufficient comfort that the benefits associated within the Planning Permission will be delivered. The Core Requirement of the Development Agreement between Lendlease and the Council give further comfort on this front.
- 8.15 Lastly, Mary Powell contends that the Scheme can be delivered without the need to develop the properties between Whitehall Street and Brereton Road. My view is that these properties are essential to the delivery of the quantum of new housing envisaged by the Development Plan and the planning policy framework. Removal of the properties would undermine the delivery of the benefits in a way that could not be mitigated elsewhere.
- 8.16 In conclusion, for the reasons I state above, I believe that there is a compelling need in the public interest for the redevelopment of the Order Land in order to achieve the strategic objectives of the adopted planning framework and that the Scheme and the Consented Scheme accord with the Development Plan when read as a whole.

Statement of Truth

I confirm that my evidence to this Inquiry has been prepared and is given in accordance with the guidance of my Professional Institution and I confirm that the opinions expressed are my true and professional opinions. I confirm that I understand and have complied with my duty as an expert witness and that I have given my evidence impartially and objectively.