

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

DOCUMENT CD 9.9

WITNESS 5: JAMES FRANKLIN, CBRE

OVERVIEW PROOF OF EVIDENCE

1 Qualifications and Experience

1.1. QUALIFICATIONS AND EXPERIENCE

- 1.2. My name is James Alexander Franklin. I hold a BSC (Hons) degree in Valuation and Estate Management from The University of West of England (Bristol). I am a member of the Royal Institution of Chartered Surveyors (MRICS) and a member of the Compulsory Purchase Association. I am a Director in the Compulsory Purchase Team at CBRE Limited based in London.
- 1.4. I have over 18 years' experience of providing advice on compulsory purchase and compensation matters following one year in development and a further year in agency. Prior to specialising in compulsory purchase, I worked in a number of different areas in surveying and have experience in development, property management and agency (retail and office). I now advise acquiring authorities and claimants on both compulsory purchase procedure and the settlement of compensation claims.
- 1.5. I have worked on numerous compulsory purchase schemes. The early part of my career in compulsory purchase was focussed on infrastructure and transport and I worked on the DLR (TfL) railway extensions, Olympic Park and Network Rail Development Consent Order schemes.
- 1.6. More recently I have advised on High Speed Two with regards to Euston and Old Oak Common. I advised the High Speed 2 petition response team, attended public consultations, negotiated numerous claims (including major acquisitions in Euston and Old Oak Common), worked to remove petitions/objections and prepared for tribunal referrals.
- 1.7. I currently lead the acquisition team on the Cambourne to Cambridge Guided Busway project which involves engagement and negotiations with affected parties, advising on land assembly strategy and will involve the submission of a Transport and Works Act Order shortly.
- 1.8. More specifically related to town centre regeneration projects, I am/have been involved on the following schemes:
- Croydon Partnership (Hammerson and Westfield) compulsory purchase order – this was a CPO led scheme that included the redevelopment of a shopping centre and Croydon town centre. The CPO was confirmed in 2015.
 - Touchwood Shopping Centre - I was the leading advisor for a shopping centre extension in Solihull, where I was responsible for the acquisition strategy which

involved negotiations with all affected parties, appearing at inquiry (including giving evidence and submitting a proof of evidence), negotiating the removal of objections and providing general CPO advice. The CPO was confirmed in October 2016.

- Boscombe Christchurch and Poole Council, Boscombe – An ongoing project where I am the lead advisor on the acquisition of a Royal Arcade in Boscombe. I am responsible for the acquisition strategy which involves negotiations with all affected parties.
- I have advised affected parties included in the recent Intu Watford shopping centre redevelopment and extension on compulsory purchase and compensation.

Involvement to date

- 1.9. My evidence is given in respect of the London Borough of Haringey (High Road West Phase A) Compulsory Purchase Order 2023 (the "**Order**") [**CD 1.1**].
- 1.10. I was instructed by Lendlease (High Road West) Limited ("**Lendlease**") in January 2018 to advise on land acquisition and compulsory purchase matters.
- 1.11. My initial instructions involved working with Lendlease and the London Borough of Haringey (the "**Council**") to seek the acquisition of the land interests required to deliver the comprehensive residential-led mixed use regeneration of the High Road West area in Tottenham, London ("**Regeneration Scheme**").
- 1.12. Following the Council's decision in 2021 to focus on the delivery of first phase of the Regeneration Scheme ("**Phase A**"), the focus of my work was directed to the acquisition of land and the new rights over land included in the Order ("**Order Land**"), rather than the whole masterplan area. I have since been working with the Council and Lendlease to acquire the land interests required to deliver the scheme to be carried out on the Order Land to deliver Phase A of the Regeneration Scheme ("**Scheme**").
- 1.13. On 20 December 2017, the Council and Lendlease entered into the Compulsory Purchase Order Indemnity Agreement ("**CPOIA**") [**CD 5.4**].
- 1.14. The CPOIA allocates responsibility between the Council and Lendlease as to seeking vacant possession of the land required to deliver the Regeneration Scheme. Lendlease is required to seek vacant possession of all those interests outside the Love Lane Estate.
- 1.15. In light of this, my instructions have focused on seeking the acquisition of those properties required to deliver the Scheme that fall outside of the Love Lane Estate. These properties are predominantly located on the High Road.

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- 1.16. My instructions have involved working with the Council, Lendlease and the wider consultant team to:
- 1.16.1. advise on the expected cost of purchasing the land required for the Scheme and regularly updating this to reflect changes in the market and additional information obtained through discussions with owners and occupiers;
 - 1.16.2. seek the acquisition of land interests by agreement with the owners and occupiers of properties on the High Road identified as being required for the Scheme;
 - 1.16.3. advise on technical issues relating to the compulsory purchase process and the extent of land needed to be included within the Order for the purposes of the Scheme;
 - 1.16.4. advise on the use of compulsory purchase powers in this instance and assisting in the formulation of the case for the justification of their use; and
 - 1.16.5. consider objections to the Order made by the owners of the High Road properties and responding to these on behalf of the Council and Lendlease.
- 1.17. My proof of evidence focuses on negotiations carried out with the owners of those interests required to deliver the Scheme located on the High Road and falling outside the Love Lane Estate (the "**High Road Properties**"). My proof also speaks to the efforts made to acquire the new rights required to deliver the Scheme.
- 1.18. My proof should be read in conjunction with the proof of evidence of Peter O'Brien [CD 9.1] which addresses the Council's efforts to acquire the necessary land interests within the Love Lane Estate.
- 1.19. The purpose of this proof of evidence is to detail, with respect to the High Road Properties only, how the Council has sought to satisfy the negotiation requirements set down in the Compulsory purchase and the Crichel Down Rules (16 July 2019) (the "**2019 Guidance**") [CD 5.1].

Terminology

- 1.20. In my proof of evidence references 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]. Other proofs are referred to by the name of the author and document reference.

2 Scope of Evidence

2.0 SCOPE OF EVIDENCE

2.1 My proof of evidence is set out as follows:-

Section 1 – Qualifications and experience

Section 2 – Content of my proof of evidence

Section 3 – Description of the Order Land and ownership/occupation position

Section 4 – Outline of the acquisition process and remaining interests to be acquired and status of negotiations with the relevant parties

Section 5 – Summary of objections and responses

Section 6 – Summary and conclusions

Section 7 – Declaration

3 Description of Order Land

3. DESCRIPTION OF THE ORDER LAND

3.1 The Council's purpose for making the Order is to enable the Council to acquire the Order Land in order to facilitate the delivery of the Scheme, being Phase A of the Regeneration Scheme.

3.2 The boundary of the Order Land is shown edged red on the map to the Order which delineates the Order Land ("**Order Map**") [CD 1.2]. The land coloured pink identifies the land over which the Council seeks to compulsorily acquire all third party interests.

3.3 The Order Land comprises approximately 4.2 hectares of mixed-use land within the High Road West area of which the Council owns the freehold interest in over 80%. It is predominantly occupied by the Love Lane Estate, which comprises 297 residential units across ten residential blocks.

3.4 The Order Land is bounded to the west by Love Lane, White Hart Lane Station and the railway line. To the east, the Order Land includes a row of terraced buildings, in mixed commercial and residential use, that front the High Road (Nos 731 to 759 High Road (odd numbers only)) and face the recently constructed Tottenham Hotspurs Football Club ("**THFC**") stadium. The Order Land also comprises an area to the west of the railway line which contains 100 Whitehall Street and the former Whitehall & Tenterden Community Centre ("**Plot A**").

3.5 The table below summarises the High Road Properties:

	CPO Plot Number	Address	Freeholder	Occupier	Occupier type
1	44	731 High Road	London Borough of Haringey	Abrepo Junction	Retail - Afro Caribbean supermarket
2	44	731a High Road (first floor residential flat)	London Borough of Haringey	Unknown tenant	Residential
3	45	733 High Road	Canvax Limited	WHL Jerk Centre	Retail - fast food restaurant
4	45	733a High Road (first floor residential flat)	Canvax Limited	Unknown tenant	Residential
5	46	735 High Road	Canvax Limited	Koyum	Retail - Restaurant

	CPO Plot Number	Address	Freeholder	Occupier	Occupier type
6	46	735a High Road (first floor residential flat)	Canvax Limited	Unknown tenant	Residential
7	47	737 High Road	Canvax Limited	WHL Jerk Centre	Retail - fast food restaurant
8	47	737a High Road (first floor residential flat)	Canvax Limited	Unknown tenant	Residential
9	50	739 High Road	Ahmet Huseyin Dellal	Murugan Cash & Carry (previously KRS Food & Wine)	Retail - convenience store
10	50	739a High Road (first floor residential flat)	Ahmet Huseyin Dellal	Unknown tenant	Residential
11	51	741 High Road	Canvax Limited	Brown Eagle	Retail - Restaurant
12	51	741a High Road (first floor residential flat)	Canvax Limited	Unknown tenant	Residential
13	71	743 High Road	London Borough of Haringey	The Nail Group (closed)	Retail
14	69-70	743a High Road	London Borough of Haringey	Tyres and Auto Repair Centre	Industrial - Garage
15	69-70	743a High Road (first floor residential flat)	London Borough of Haringey	Unknown tenant	Residential
16	73	745 High Road	Kate Tryfonos	K&M Stores	Retail - hardware store
17	73	745a High Road (first floor residential flat)	Kate Tryfonos	Unknown tenant	Residential
18	74	747 High Road	Alecos Tryfonos	P&P Fancy Dress	Retail
19	74	747a High Road (first floor residential flat)	Alecos Tryfonos	Unknown tenant	Residential
20	76	749 High Road	Tryfonas Tryfonos	Tottenham Snack Bar	Retail - fast food restaurant
21	76	749a High Road (first floor residential flat)	Tryfonas Tryfonos	Unknown tenant	Residential
22	78	751 High Road	Canvax Limited	Chips Town	Retail - fast food restaurant

	CPO Plot Number	Address	Freeholder	Occupier	Occupier type
23	78	751a High Road (first floor residential flat)	Canvax Limited	Unknown tenant	Residential
24	80	753 High Road	London Borough of Haringey	Pharmacare	Retail - Pharmacy
25	80	753a High Road (first floor residential flat)	London Borough of Haringey	Unknown tenant	Residential
26	82	755 High Road	Alecos Tryfonos & Tryfonas Tryfonos	Chick King	Retail - fast food restaurant
27	82	755a High Road (first floor residential flat)	Kate Tryfonos	Kate Tryfonos	Residential
28	83	757 High Road	Maria Tryfonos & Kyriacos Tryfonos	Nail Group	Retail
29	83	757a High Road (first floor residential flat)	Maria Tryfonos & Kyriacos Tryfonos	Unknown tenant	Residential
30	84	759 High Road	Kingwell Investments Limited	Tottenham Health Centre	Medical Premises - Doctors surgery

3.6 The High Road Properties are understood to be Victorian and the majority consist of ground floor retail units with residential above. 759 High Road is a doctors surgery and does not have a residential element. To the rear of 743 High Road is a car repair premises.

3.7 The High Road Properties have a mixture of occupiers and uses, including restaurants, fast food take away, a pharmacy, convenience stores, general retail as well as a doctors surgery. The properties are held under several third-party freehold interests. The commercial properties (excluding the Council) can be grouped into four ownerships: Canvax Limited (part of the THFC group) [OBJ 8], the Tryfonos Objectors (being Alecos, Tryfonas, Kate, Maria and Kyriacos Tryfonos and Tryfonos Bros Limited) [OBJ 3], Kingwell Investments Limited [OBJ 4] and Ahmet Dellal [OBJ 2].

4. NEGOTIATIONS TO ACQUIRE BY AGREEMENT – HIGH ROAD PROPERTIES

4.1 Paragraph 2 of the 2019 Guidance [CD 5.1] requires an acquiring authority to demonstrate that they have taken all reasonable steps to acquire all the land and rights included in a compulsory purchase order by agreement and pay compensation as if it had been compulsorily acquired.

4.2 Paragraph 17 of the 2019 Guidance states the following:

“What are the benefits of undertaking negotiations in parallel with preparing and making a compulsory purchase order?”

Undertaking negotiations in parallel with preparing and making a compulsory purchase order can help to build a good working relationship with those whose interests are affected by showing that the authority is willing to be open and to treat their concerns with respect. This includes statutory undertakers and similar bodies as well as private individuals and businesses. Such negotiations can then help to save time at the formal objection stage by minimising the fear that can arise from misunderstandings.

Talking to landowners will also assist the acquiring authority to understand more about the land it seeks to acquire and any physical or legal impediments to development that may exist. It may also help in identifying what measures can be taken to mitigate the effects of the scheme on landowners and neighbours, thereby reducing the cost of a scheme. Acquiring Authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued or at least genuinely attempted, save for lands where land ownership is unknown or in question.”

4.3 As set out in further detail below, the Council and Lendlease have engaged extensively with the owners and occupiers of the High Road Properties to better understand their current situation, relocation requirements and business needs with the hope to acquire the necessary interests by mutual agreement.

4.4 I outline below the efforts that have been made to acquire the High Road Properties and comment on the status of negotiations with regards to the remaining objectors. As noted within paragraph 34 of the 2019 Guidance, acquiring authorities are encouraged to continue to negotiate with both remaining and other objectors after submitting a compulsory purchase order for confirmation, with a view to securing the withdrawal of objections and coming to an agreement where possible.

Engagements & Negotiations

Overview

- 4.3 As set out within the evidence of Peter O'Brien [CD 9.1], the Council has had a long term ambition to bring forward the comprehensive redevelopment of the High Road West area.
- 4.4 Since 2018, and following Lendlease's appointment as the Council's development partner, the Council and Lendlease have been pro-active in seeking to acquire the High Road Properties.
- 4.5 Prior to the Council's decision in 2021 to progress with Phase A of the Regeneration Scheme, CBRE was instructed to engage with the owners of all land required to deliver the Regeneration Scheme (excluding the Love Lane Estate).
- 4.6 Since January 2018, Lendlease and CBRE's focus has been on seeking to acquire the interests in the High Road Properties by agreement.
- 4.7 The Council and Lendlease are willing to acquire the High Road Properties by agreement and have done so where practicable.
- 4.8 In order to monitor the progress of negotiations with the owners and occupiers of all the land required to deliver the Scheme a "Land Assembly Working Group" ("**LAWG**") was established. The LAWG is a group comprising of the Council, Lendlease, Avison Young¹ and CBRE and meets regularly, generally on a fortnightly basis.
- 4.9 Since 2018, the Council has acquired:
- 4.9.1 743 High Road – Freehold acquired on 26 November 2019. This property is split into three, consisting of a retail unit (occupied by The Nail Group), a car mechanics (industrial unit occupied by The Tyre and Auto Repair) and a two-bed flat (with an Assured Shorthold Tenancy ("**AST**")). The property also has a billboard installed on the side of the building.
- 4.9.2 753 High Road –Freehold for premises and long leaseholds for upper flats acquired on 31 March 2023. The property is made up of a retail unit at ground (occupied by Pharmocare) and one 2 bed flat and one 1 bed flat (both with AST tenants).

¹ Property advisor to the Council

4.10 The Council also acquired the freehold of 731 High Road on 21 June 2013 in support of the emerging proposals for the High Road West area. This property includes a retail unit (occupied by Abrepo Junction) and a 3 bed flat with an AST tenant.

Our Approach to Engagement and Negotiations

4.11 CBRE's engagement with the owners and occupiers of the High Road Properties has been ongoing since January 2018. Prior to January 2018, the Council had engaged with the owners and occupiers of the High Road Properties keeping them informed as to the progress of the Regeneration Scheme as detailed in Peter O'Brien's Proof [CD 9.1].

4.12 Since January 2018, we have contacted the owners and occupiers of the High Road Properties regularly with the objective to provide updates as to the progress of the Regeneration Scheme and confirming the Council and Lendlease's willingness to enter into discussions for the acquisition of the High Road Properties.

4.13 The correspondence within the table predominantly falls into three categories:

4.13.1 Letters from Lendlease and CBRE directly seeking to open or progress negotiations.

4.13.2 Letters and flyers inviting recipients to High Road West engagement events. Lendlease and CBRE were in attendance at these events to discuss acquisition where appropriate.

4.13.3 Letters from the Council confirming its commitments, business support measures and in some cases inviting owners and occupiers to business support events.

4.14 In addition to written correspondence and telephone conversations, the Council and Lendlease have offered one to one meetings and have held six workshops and drop in sessions for businesses to attend which allowed questions to be raised regarding the Scheme, compensation and relocation. The workshop and drop in events provided an opportunity for any party with an interest in the High Road Properties to ask questions about the Scheme and progress negotiations for the acquisition of their interests by agreement.

4.15 We have held meetings with all of the freehold and long leasehold owners of the High Road Properties, save for Mr Ahmet Dellal, albeit I have engaged with his representative.

4.16 The approach adopted in respect of the owners and occupiers of the High Road Properties can be summarised as follows:

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- 4.16.1 The Council and Lendlease contacted all of the owners and occupiers of the High Road Properties.
- 4.16.2 With those parties responded to our offer to engage, we held an initial meeting which provided the parties with information on the status of the Scheme, current timetable and potential impact of the Scheme on their property. It was also an opportunity for those impacted to discuss their concerns and enter negotiations with Lendlease for the acquisition of their interest.
- 4.16.3 We have made financial offers (where appropriate) to acquire the required interests in the High Road Properties. In some cases, offers have been made without an inspection having been undertaken.
- 4.16.4 In making offers and progressing negotiations with parties, the Council and Lendlease have been prepared to consider various contractual mechanisms, including outright acquisition or an agreement to acquire at a future date. The approach adopted has been influenced by the particular facts of each case and the needs of the particular owner or occupier.
- 4.16.5 We have sought to maintain a continuous dialogue where practicable with those parties that have engaged. With those that have not, the Council and Lendlease have continued to provide updates on the status of the Scheme via letter, email, business support leaflet [CD 5.8] and regular updates on the Council's website.
- 4.16.6 We provided information relating to the Scheme's progress through a range of means, including one-to-one meetings, drop-in sessions, letters, e-mails and telephone conversations. Relevant correspondence and records of communications have been retained and stored so that there is a comprehensive, and to the extent that it is reasonably possible, up-to-date record of all communications with all parties.
- 4.17 The negotiation process has primarily been conducted by an allocated Lendlease team member and myself, although the Council has often been included in meetings with commercial owners and occupiers. All freehold and long leasehold owners are now represented by professional advisors and negotiations are progressing with those that have instructions to engage from their clients.
- 4.18 In accordance with paragraph 19 of the 2019 Guidance, the Council and Lendlease have undertaken to meet the reasonable costs incurred by the owners and occupiers in seeking any independent advice in relation to the Order, including those reasonable costs incurred in progressing negotiations.

"Not Before" Dates

- 4.19 Paragraph 19 of the 2019 Guidance states that acquiring authorities should consider providing a "not before" date confirming that acquisition will not take place before a certain time.
- 4.20 In accordance with paragraph 19 of the 2019 Guidance, we have offered "not before" dates to owners and occupiers of the High Road Properties.
- 4.21 The Council and Lendlease have kept businesses up to date on the timing and phasing of the Scheme and progression of the Order.
- 4.22 Now that there is further clarity on timing and with a view to providing the occupiers of the High Road Properties with additional comfort and security, the Council and Lendlease confirmed in May 2023 that they intend to obtain vacant possession no earlier than:
- 731 - 741 High Road – Q1 2025
 - 743 – 759 High Road – Q2 2026
- 4.23 In addition, and with a view to providing further certainty to occupiers, the Council and Lendlease have, where appropriate, offered to extend the statutory notice period (which is currently 3 months) to 6 months in the event vacant possession is required to be obtained via the Order.

Business Relocation

- 4.24 15 businesses currently occupy the High Road Properties². The businesses cover a range of services including restaurants and takeaways, retail, convenience stores, services and a doctors surgery.
- 4.25 The strategy for engaging with businesses has been developed in accordance with the principles contained within the High Road West Business Charter (the "**Business Charter**") [CD 5.7]. The Business Charter was agreed by the Council in 2014 in response to the early consultation on the Regeneration Scheme that took place in 2013 and 2014. As set out in further detail in the evidence of Peter O'Brien [CD 9.1], the Business Charter sets out the Council's policy commitment to supporting businesses through the regeneration process and providing a fair and equitable valuation and compensation process.

² - Although the table at paragraph 4.41 refers to 16 businesses, the Nail Group no longer occupies 743 High Road

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- 4.26 The principles of the Business Charter were incorporated into the CPOIA, pursuant to which Lendlease is required to adopt the commitments contained within the Business Charter in their ongoing negotiations with business owners and occupiers.
- 4.27 The principles contained in the Business Charter have also been encapsulated within the section 106 agreement dated 31 August 2022 (the "**Section 106 Agreement**") [CD 4.29] entered into alongside planning permission (reference HGY/2021/3175) (the "**Planning Permission**") [CD 4.28] which grants consent for the Scheme.
- 4.28 The Section 106 Agreement requires Lendlease to offer space within the Scheme exclusively to existing businesses subject to prescribed terms. These include a minimum lease term of 5 years and the choice of discounted rent for the first five years, a rent free period, a capital contribution or any combination of these amounting to an equivalent value.

Business Support Leaflet

- 4.29 A business relocation leaflet and questionnaire was distributed to the occupiers of the businesses located in the High Road Properties in May 2023 [CD 5.8]. We also provided copies to a number of the landlords for information. The leaflet was circulated to:
- get a better understanding of the businesses keen to relocate, either within the Scheme or elsewhere;
 - to summarise the support available to businesses and provide an update on timescales associated with Phase A; and
 - provide business owners and occupiers with information outlining the relocation options available and how they can be supported with relocation.
- 4.30 A questionnaire was included with the business leaflet to give occupants the opportunity to provide important information on their current occupancy, business and business relocation preferences. We sent the questionnaire to follow up on requests for information in earlier correspondence with a number of the businesses. In particular, we thought it appropriate to deploy a different approach as we had not yet succeeded in eliciting a response from a number of occupiers, notwithstanding our previous attempts to do so through correspondence and earlier attempted engagement.
- 4.31 A number of tenants and occupants have responded via the questionnaire and there has been interest in options to relocate back into the Scheme.

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- 4.32 The “not before” dates referred to in paragraph 4.25 above are intended to give the owners and occupiers of those properties a significant level of reassurance and certainty to enable them to make arrangements for the future planning of their businesses.
- 4.33 By reason of the Planning Permission granting outline consent for the majority of the Scheme the detailed design of Plots B to G has yet to be worked up. The current phasing of the Scheme, alongside the "not before" dates provides an opportunity for discussions regarding relocation options to be progressed in parallel to the detailed design of the Scheme. This ongoing dialogue and the responses from the questionnaire will influence the detailed design of the Scheme and enable those businesses who wish to relocate within the Scheme to do so.
- 4.34 Furthermore, the phasing of the Scheme, alongside the "not before" dates, provides scope for businesses to relocate directly into the Scheme.
- 4.35 In addition to the above, Lendlease has instructed Strettons (a local property agent) to compile a list of available commercial properties in the vicinity of the Scheme to give existing businesses an understanding of what their options would be if they wished to relocate outside of the Scheme. This information is available to those affected by the Scheme who may wish to relocate. This information will continue to be collected and made available throughout the land assembly period and is attached to this evidence at Appendix [CD 9.10.1]. It is also available on the Council's website (<https://www.haringey.gov.uk/regeneration/tottenham/high-road-west/high-road-west-businesses>). The list is based on the following broad requirements:

- Retail premises only
- Leasehold/freehold properties
- Up to 6,000 sq ft
- All retail uses
- 3 mile radius of the subject property

New Rights

- 4.36 The land coloured blue on the Order Map identifies the land over which new rights over land are proposed to be created and acquired compulsorily. The Order makes provision for the following new rights to be acquired:
- 4.36.1 parts of roads including Headcorn Road, Tenterden Road and Whitehall Street and an area of land to the north of Whitehall Street where, by reason of the

current status of the roads, rights of access are sought with or without vehicles for all purposes;

- 4.36.2 land to the north and south of 100 Whitehall Street, part of Love Lane, part of White Hart Lane, land and properties on the north and south sides of White Hart Lane, part of William Street and properties to the east of William Street, and part of Brereton Road, where the right to swing the jib of a crane loaded or unloaded is sought to facilitate the delivery of the Scheme;
- 4.36.3 land and properties to the south, east and west of 9 to 39 White Hart Lane where rights are sought to access the land and erect and retain scaffolding and temporary hoarding for the purpose of constructing the Scheme on the adjoining land;
- 4.36.4 land to the east of the railway line and land surrounding 100 Whitehall Street and the former Whitehall and Tenterden Community Centre where rights are sought to access the land and erect and retain scaffolding and temporary hoarding and demolish and re-build any structures for the purpose of constructing the Scheme on the adjoining land; and
- 4.36.5 land surrounding 100 Whitehall Street and the former Whitehall and Tenterden Community Centre which has now been demolished and part of Whitehall Street (west of the railway line) where rights are sought to access the land to carry out landscaping and road works.
- 4.37 Where appropriate, the Council and Lendlease have sought to engage with landowners with an interest in the land over which new rights are required. This has included various written correspondence as well as invitations to the various workshop and drop in events held by the Council and Lendlease.

Remaining Properties to be Acquired

- 4.38 The table below summarises the High Road Properties which have yet to be acquired by the Council:

CPO Plot Number	Address	Freeholder	Commercial Occupier	Residential Tenant
44	731 High Road	London Borough of Haringey	Abrepo Junction	Yes
45	733 High Road	Canvax Limited	WHL Jerk Centre	Yes
46	735 High Road	Canvax Limited	Koyum	Yes

47	737 High Road	Canvax Limited	WHL Jerk Centre	Yes
50	739 High Road	Ahmet Huseyin Dellal	Murugan Cash & Carry (Previously KRS Food & Wine)	Yes
51	741 High Road	Canvax Limited	Brown Eagle	Yes
71	743 High Road	London Borough of Haringey	The Nail Group (closed)	Yes
69-70	743a High Road	London Borough of Haringey	Tyres and Auto Repair Centre	Yes
73	745 High Road	Kate Tryfonos	K&M Stores	Yes
74	747 High Road	Alecos Tryfonos	P&P Fancy Dress	Yes
76	749 High Road	Tryfonas Tryfonos	Tottenham Snack Bar	Yes
78	751 High Road	Canvax Limited	Chips Town	Yes
80	753 High Road	London Borough of Haringey	Pharmacare	Yes
82	755 High Road	Alecos Tryfonos & Tryfonas Tryfonos	Chick King	Yes
83	757 High Road	Maria Tryfonos & Kyriacos Tryfonos	Nail Group	Yes
84	759 High Road	Kingwell Investments Limited	Tottenham Health Centre	No

4.39 All of the freehold owners noted within the table above (other than the Council) have objected to the Order. Further detail on negotiations with these objectors is at section 5 below.

Achieving Vacant Possession

4.40 The Council and Lendlease's preference is to agree vacant possession by way of private treaty negotiations.

4.41 To date, it has not been possible to come to an agreement with all affected parties and as such alternative means of achieving vacant possession may be required.

4.42 If vacant possession cannot be achieved by way of agreement, it is envisaged that the Council would be required to use compulsory purchase and/or Landlord and Tenant powers in respect of the High Road Properties.

4.43 Where properties are owned by the Council, they have the ability to serve notice on tenants using the existing lease, where the lease comes to an end in advance of the required vacant possession date.

4.44 Peter O'Brien's evidence [CD 9.1] provides further detail on the assistance available to residential occupiers of the High Road Properties.

Landowners/Occupiers Rights to Compensation

4.45 The Statutory Compensation Code ("**the Code**") provides the framework by which compensation for those who have had interests compulsorily acquired is assessed. The Code provides a set of legal principles which ensures a consistent and fair approach is taken to the assessment of losses.

4.46 Compensation will be assessed disregarding any uplift or reduction in value attributable solely to the Scheme and disregarding any impact on value due to the acquisition being compulsorily acquired. Compensation will involve various elements, and broadly those elements of compensation can be broken down as per the following:

4.46.1 the market value of the interest in the land taken assessed at the valuation date;

4.46.2 'Disturbance' payments for losses caused by reason of losing possession of the land and other losses not directly based on the value of land;

4.46.3 Statutory loss payments for the distress and inconvenience of being required to sell and/or relocate from your property at a time not of your choosing;

4.46.4 'Severance/injurious affection' payments for the loss of value caused to retained land by reason of it being severed from the land taken, or caused as a result of the use to which the land is put.

4.47 Compensation payable for the compulsory acquisition of an interest in land is based on the 'equivalence principle' (i.e. that the owner should be paid neither less nor more than their loss). The value of land taken is the amount which it might be expected to realise if sold on the open market by a willing seller (Land Compensation Act 1961, section 5, rule 2), disregarding any effect on value of the scheme of the acquiring authority (known as the 'no scheme' principle),

4.48 Certificates of Appropriate Alternative Development may be used to indicate the planning permissions that could have been obtained on the assumption that the Scheme had been cancelled, which will affect any development value of the land.

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- 4.49 As set out in para 73 of the 2019 Guidance and above, the offers made by the Council and Lendlease to date have been consistent with the owners' compulsory purchase compensation entitlement.

Compensation for Short Tenancies

- 4.50 Those that have no greater interest in land than as tenant for a year (or from year to year), will be entitled to claim reasonable disturbance costs (Section 20 Compulsory Purchase Act 1965).
- 4.51 For example, a private tenant on an assured shorthold tenancy in a residential flat would be entitled to claim any reasonable expenses related to the requirement to move. These expenses may include costs associated with:

4.51.1 Removal costs

4.51.2 Redirection of mail

4.51.3 Disconnection and reconnection of appliances and services

4.51.4 Incidental costs of acquiring new property

4.51.5 Any other costs considered reasonable

Alternative Dispute Resolution

- 4.52 It is recommended within the 2019 Guidance that acquiring authorities consider offering those with concerns about a compulsory purchase order full access to alternative dispute resolution techniques. In accordance with this recommendation, in circumstances where compensation cannot be agreed between the parties, Lendlease will, where appropriate, offer the use of alternative dispute resolution as a means of achieving settlement before reference to the Upper Tribunal.
- 4.53 If alternative dispute resolution is not suitable or agreeable to the parties, then either party may refer the matter of compensation to the Upper Tribunal (Lands Chamber) for final resolution.

Negotiations by Objector

Mr Ahmet Dellal [OBJ 2] – Plots 49, 49a, 50

Summary

- 4.54 Mr Dellal owns the freehold of 739 High Road. Mr Dellal does not occupy the property. The property is leased and the tenant trades as Murugan Cash & Carry (previously KRS Food & Wine).
- 4.55 Mr Dellal therefore owns the property as an investment property. As such, Mr Dellal will be entitled to compensation for the loss of that investment. He will be able to reinvest in a similar premises to compensate for the loss of income.
- 4.56 Despite attempts to engage with Mr Dellal, Mr Dellal has been unwilling to discuss the acquisition of his freehold interest in the property.
- 4.57 Mr Dellal's tenant has been engaged with on the basis set out in section 4 of this proof. Contact letters have been sent and I have tried to speak to his tenant on my visits to the Order Land. The tenant has not objected to the Order.

Negotiations

- 4.58 The Council and Lendlease have engaged with Mr Dellal since 2018.
- 4.59 As a landowner within the Order Land, Mr Dellal has received over 11 letters from the Council and Lendlease between 2018 and May 2022, within which Mr Dellal was updated on the progress of the Scheme and the Order and invited to discuss the acquisition of his property. The correspondence is summarised in the communications schedule in Appendix [CD 9.10.2]. Copies of key emails and letters have also been included.
- 4.60 Mr Dellal did not respond to any letters or correspondence sent to him prior to the making of the Order.
- 4.61 Following the making of the Order, Mr Dellal submitted two objections. One objection was submitted by Mr Dellal, the second was submitted by Keith Murray Consultants on behalf of Mr Dellal.
- 4.62 Following receipt of the objections, I wrote to Keith Murray on 14 April 2023 requesting a meeting to discuss the acquisition of Mr Dellal's interest in the Order Land.
- 4.63 During April and May 2023, I engaged with Mr Murray via email and telephone. Mr Murray confirmed that he had been in touch with his client to request instructions. On 9 June 2023,

I sent a letter to Mr Dellal providing an update on the business communications we were having with his tenant.

- 4.64 On 20 June 2023, a formal offer was sent to Mr Dellal to acquire his interest in 739 High Road. The offer was declined by Mr Dellal via email on 21 June 2023. Mr Dellal's email suggested that Mr Murray would contact me to arrange a meeting. A copy of this letter is included at Appendix [CD 9.10.2].
- 4.65 I sent a follow up email to Mr Dellal and Mr Murray on 14 July 2023, asking when a good opportunity would be to meet. Mr Murray responded explaining that having discussed my email with his client, Mr Dellal did not '*see any reason or purpose behind viewing the property now when a similar property along the parade had been acquired by Haringey Council*'. Mr Murray confirmed that he was unable to take matters further at the present time and probably even until the outcome of the Order is known.
- 4.66 I sent a short follow up email to Mr Murray on 14 July 2023 confirming that if Mr Dellal changed his mind, I would be very keen to progress discussions on the acquisition of his interest in 739 High Road.
- 4.67 To date no agreement has been entered into. I consider that the Council and Lendlease have acted in accordance with the 2019 Guidance in undertaking genuine attempts to acquire the property by agreement in advance of the Order.

The Tryfonos Objectors [OBJ 3] – Plots 41, 72, 73, 74, 75, 76, 81, 82, 83

- 4.68 The Tryfonos Objectors include Maria, Kyriacos, Tryfonas, Alecos and Kate Tryfonos. The ownership of the properties and current occupiers are set out in the table below:

Address	Freeholder/Long leaseholder	Occupier	Comment
745 High Road	Kate Tryfonos	K&M Stores	K & M is owned and operated by Kate Tryfonos and is a household DIY shop.
745a High Road	Kate Tryfonos	First floor residential flat – Unknown tenant	The residential upper floor flat is let to a third party. A copy of the lease has not been provided but it is understood that the flat is occupied pursuant to an AST.
747 High Road	Alecos Tryfonos	P&P Fancy Dress	This investment property is let and no lease has been provided.
747a High Road	Alecos Tryfonos	First floor residential flat – Unknown tenant	The residential upper floor flat is let to a third party. A copy of the lease has not been provided but it is understood that the flat is occupied pursuant to an AST.
749 High Road	Tryfonas Tryfonos	Tottenham Snack Bar	This investment property is let and no lease has been provided.

749a High Road	Tryfonas Tryfonos	First floor residential flat - Unknown tenant	The residential upper floor flat is let to a third party. A copy of the lease has not been provided but it is understood that the flat is occupied pursuant to an AST.
755 High Road	Alecos Tryfonos & Tryfonas Tryfonos	Chick King	Chick King is owned and operated by Alecos and Tryfonas Tryfonos and is a fast food take away shop.
755a High Road	Kate Tryfonos	Kate Tryfonos	This is a residential property occupied by Kate Tryfonos.
757 High Road	Maria Tryfonos & Kyriacos Tryfonos	Nail Group	This property is let and the lease provides for 10 year term from 30 October 2020.
757a High Road	Maria Tryfonos & Kyriacos Tryfonos	Maria Tryfonos & Kyriacos Tryfonos	This residential flat is occupied by Maria and Kyriacos Tryfonos.
8, Kathleen Ferrier Court	Nilgun and Tryfonas	Residential flat - Unknown tenant	This residential investment property is let to a third party. A copy of the lease has not been provided but it is understood that the flat is occupied pursuant to an AST.

- 4.69 Properties 747, 747a, 749, 749a and 757 High Road (retail unit only) are owned as investment properties. The Tryfonos Objectors will be entitled to compensation for the loss of that investment. They will be able to reinvest the compensation into similar properties to compensate for the loss of income.
- 4.70 The residential flats at 755a and 757a are occupied by Kate, Maria and Kyriacos Tryfonos. The Council has confirmed that the equity loan options contained within the Love Lane Leaseholder Offer, to facilitate a move either into the Scheme or elsewhere within the borough, are available to Kate, Maria and Kyriacos Tryfonos (see further in the evidence of Peter O'Brien [CD 9.1]).
- 4.71 The tenants of the retail premises not run and owned by the Tryfonos Objectors are Tottenham Snack Bar, P & P Fancy Dress and the Nail Group.
- 4.72 Tottenham Snack Bar, P & P Fancy Dress have been engaged with on the basis set out in section 4 of this proof. The Nail Group objected to the Order and further detail is provided below on the engagement with The Nail Group.

Negotiations

- 4.73 We have had a considerable amount of correspondence with the Tryfonos Objectors regarding their family's interests within the Order Land dating back to 2015. A detailed log of the key engagement and negotiations to date is included in Appendix [CD 9.10.3] to this proof alongside copies of the underlying correspondence.
- 4.74 Alecos Tryfonos has predominantly represented the Tryfonos Objectors in any engagement with either the Council, Lendlease or myself.

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- 4.75 Prior to Lendlease's appointment as the Council's development partner, the Council engaged with the Tryfonos Objectors with a view to acquiring their interests within the Order Land (see Appendix [CD 9.10.3]). An initial conversation was held in January 2015. Following this an initial letter was sent on 21 January 2015 by Sarah Lovell of the Council to Peter Sherlock (Tryfonos Objectors' representative at the time) within which the Council confirmed that it would cover the Tryfonos Objectors' reasonable costs incurred in any negotiations for the acquisition of the properties.
- 4.76 Following an initial meeting in March 2015 the Council sent an offer to Alecos Tryfonos and Mr Sherlock in April 2015 to acquire the Tryfonos Objectors properties. The offer was rejected by the Tryfonos Objectors. The Council confirmed in a subsequent letter sent in August 2015 that it remained willing to acquire the properties and to consider the relocation of the Tryfonos Objectors' businesses within the Regeneration Scheme. To assist with any relocation discussions, the Council requested further details regarding the existing businesses.
- 4.77 Following the completion of the Development Agreement and CPOIA in December 2017, Lendlease and CBRE have taken on responsibility for progressing engagement and negotiations with the Tryfonos Objectors
- 4.78 From 2018 to date we have sent a series of letters and emails with the Tryfonos Objectors and their representatives comprising engagement requests, Scheme updates, invitations to engagement events and offers to negotiation for the purchase of their interest. These are set out in Appendix [CD 9.10.3].
- 4.79 In addition to the written correspondence, Lendlease representatives (Steve Fraser attended all the meetings and Guy Thomas on 28 June 2022 only) and I have met formally with Alecos Tryfonos on four occasions (6 June 2018, 2 August 2018, 28 June 2022 and 23 November 2022). I have also met with Alecos Tryfonos (alongside representatives of Lendlease) in his shop (Chick King) on several occasions.
- 4.80 Alecos Tryfonos has attended a number of the drop-in sessions organised by both the Council and Lendlease, most recently on 9 February 2023.
- 4.81 The Council and Lendlease both wrote to the Tryfonos Objectors in January 2018 confirming their willingness to acquire their properties via agreement (in addition to providing an update on the Regeneration Scheme and Scheme). The letters resulted in a fresh period of engagement with the Tryfonos Objectors during 2018, during which a number of further letters were sent and meetings held.

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- 4.82 During our meeting on 6 June 2018, we discussed matters including updates on the delivery timetable and programme for the Scheme and opportunities for relocation of the existing businesses inside and outside of the Scheme.
- 4.83 During the meeting held on 2 August 2018, we made an offer to purchase which was declined. An offer to cover fees for an independent valuation was subsequently offered but was turned down. Alecos Tryfonos made it clear that the offer was a long way off his expectations.
- 4.84 Alecos Tryfonos confirmed that he was keen to see how the Regeneration Scheme progressed and as such it was agreed between the parties that communications regarding the Regeneration Scheme would be maintained.
- 4.85 Following the August 2018 meeting the Tryfonos Objectors were kept up to date with the progress of the Scheme. This included the provision of updates on the residents' ballot in September 2021, submission of the planning application and the Council's decision to proceed with a compulsory purchase order of Phase A, (alongside the Council's desire to acquire all interests by agreement).
- 4.86 With a view to reviving engagement, Michelle Letton (Project Lead, High Road West) from Lendlease wrote to the Tryfonos Objectors on 16 May 2022 seeking a meeting to discuss the relocation of the Chick King business into the Scheme and acquisition of the Tryfonos Objectors' other properties (see Appendix [CD 9.10.3]). Ms Letton followed up on 26 May 2022 requesting a meeting on 28 June 2022. Following the further email, Alecos Tryfonos called Ms Letton. A summary of that call at [CD 9.10.3] shows that Mr Tryfonos made it clear that he was still opposed to the Scheme. The question of a meeting was raised and Mr Tryfonos explained that he would need to discuss this further with his family.
- 4.87 A meeting was subsequently arranged for 28 June 2022.
- 4.88 During the meeting on 28 June 2022, Lendlease provided an overview of the Scheme and identified locations within the Scheme that the Chick King business could relocate into. Guy Thomas (Head of Place Assets, Lendlease) attended the meeting in order to discuss relocation opportunities in further detail and to provide examples of other Lendlease projects where relocation of existing businesses had been successfully undertaken, including Elephant Park. In addition, outline discussions on the potential commercial arrangements that could be offered to the Tryfonos Objectors were discussed. At this meeting it was made clear by Alecos Tryfonos that the Tryfonos Objectors' other business, K & M Stores, should also be included in any further relocation offer.

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- 4.89 The meeting was also used as an opportunity to discuss the Tryfonos Objectors' other properties, specifically the residential properties currently occupied by members of the family.
- 4.90 Following the meeting I sent a number of emails in August and September 2022 seeking a date for a follow up meeting and a date to visit and measure up the properties. I received a call from Alecos Tryfonos in October 2022 at which Mr Tryfonos sought confirmation that speaking to me should not be seen as an agreement to sell the properties. I confirmed again that the Council would cover the Tryfonos Objectors' reasonable fees incurred in negotiating with the Council. Mr Tryfonos requested that a "ball park" offer be made in response to which we discussed arranging a site visit which would enable me to measure the properties which would enable a more informed offer to be made.
- 4.91 A site visit was subsequently arranged for 23 November 2022.
- 4.92 During the 23 November 2022 meeting, I met Alecos Tryfonos, Tryfonas Tryfonos and Kate Tryfonos at 755 High Road (Chick King) where I was able to inspect and measure both the retail premises and the above residential flat. During this meeting, there were brief discussions relating to the relocation of Chick King into the Scheme and the valuation of the Tryfonos Objectors' premises.
- 4.93 In December 2022, the Tryfonos Objectors were joined as an interested party to the judicial review challenge to the Planning Permission brought on behalf of THFC.

CBRE Offers Made:

- 4.94 Following the property inspection of 23 November 2022, a written offer to acquire the interests held by the Tryfonos Objectors within the Order Land was made on 13 January 2023. A copy of the offer is included in Appendix [CD 9.10.3]. The offer was split into two options as set out below:
- 4.94.1 Option 1 – Acquisition of the properties with Vacant Possession – this included a sum for the acquisition of all the properties with vacant possession being provided on completion. The financial offer did not place a specific figure on the compensation payable in respect of the two businesses. The offer stated that compensation for the business would be paid in addition subject to confirmation as to whether the businesses would be relocated or, if relocation was not possible, closed.
- 4.94.2 Option 2 - Acquisition of premises now but continue to operate the businesses on a rent free basis until vacant possession is required – this included a sum for

the acquisition of the properties payable on completion. Following completion K & M Stores, Chick King, 755a and 757a High Road would be leased back to the family at peppercorn rent, allowing occupation until the properties were required for the Scheme.

- 4.95 The offer confirmed that the period between completion of the sale and vacant possession being required under Option 2 could be used to further explore the relocation of the Chick King and K & M businesses into the Scheme.
- 4.96 That offer was declined verbally by Alecos Tryfonos during a phone call on 17 January 2023. I explained to Mr Tryfonos that consideration would be given to the reasons for the offer being declined in the hope an agreement could be reached.
- 4.97 The Tryfonos Objectors submitted their objection to the Order on 6 March 2023.
- 4.98 Prior to the making of the Order, the Tryfonos Objectors had resisted taking professional advice. Following, the making of the Order, Raj Gupta of Town Legal LLP was instructed to provide the Tryfonos Objectors with legal advice and Keith Murray of Keith Murray Consultants Limited was instructed in respect of valuation and compulsory purchase matters.
- 4.99 A further written offer seeking to address some of the comments received from Mr Tryfonos was made on 31 May 2023 (copy of letter at Appendix [CD 9.10.3]). The offer included a revised financial offer for the acquisition of the properties and a more detailed proposal for relocating into the Scheme, which included a relocation pack plus responses to queries on access, service charge, rent and fit out (a copy of letter included in Appendix [CD 9.10.3]).
- 4.100 A formal response to the revised offer by Mr Gupta of Town Legal on behalf of the Tryfonos Objectors was received on 6 July 2023. The response confirmed that the revised offer was not acceptable.
- 4.101 Following further email correspondence between myself and Mr Gupta a written response to Mr Gupta's letter of 6 July was sent on 11 August 2023. The letter sought to provide further clarity on the points raised within the letter received on 6 July 2023 in respect of the proposed relocation units. It also requested a further meeting with the Tryfonos Objectors with a view to discussing their questions regarding relocation, in lieu of further letters from their solicitors. A copy of this response is included in Appendix [CD 9.10.3].
- 4.102 Mr Gupta responded to the letter on 22 September 2023. The letter confirmed that the proposed relocation units remained unacceptable to the Tryfonos Objectors due to, primarily, the lack of certainty around the Scheme being delivered and future servicing

arrangements. Notwithstanding this, the letter concluded by stating that the Tryfonos Objectors would consider relocating within a unit located on the High Road.

- 4.103 I responded to this letter on 6 October 2023 clarifying certain points raised by Mr Gupta on the proposed relocation. This letter also noted that the Council has considered the Tryfonos Objectors' concern that residential owner-occupiers outside of the Love Lane Estate are not able to access the re-housing options available to resident leaseholders (as provided for within the Love Lane Leaseholder Offer). I confirmed that the Council had resolved to extend the equity loan option to residential owner-occupiers of the Tryfonos Objector's properties. I confirmed that this meant that two equity loan options contained within the Leaseholder Offer were now available to Kate, Maria and Kyriacos Tryfonos, who currently occupy the residential flats at 755a and 757a High Road. The equity loan will facilitate the acquisition of new residential units either within the Scheme or elsewhere within the borough. Further detail is provided within Peter O'Brien's proof [CD 9.1].
- 4.104 To date no agreement has been entered into. I consider that the Council and Lendlease have made reasonable offers that reflect the Compensation Code. In addition relocation options have been provided and support has been offered. I believe this accords with the 2019 Guidance in undertaking genuine attempts to acquire the property by agreement in advance of the Order.

Kingwell Investments Limited [OBJ 4] – Plot 84

- 4.105 Kingwell Investments Limited is the freehold owner of 759 High Road. Kingwell Investments Limited is owned entirely by Kalawathy Jeyarajah and Kumaru Rasiah Jeyarajah.
- 4.106 759 High Road is let to Dr and Mrs R Jeyarajah under the name of Tottenham Health Centre. It is operates as a GP surgery. I have not been provided with a copy of the lease.
- 4.107 The GP surgery occupies the whole building with consultation rooms and reception on the ground floor and additional consultation rooms and office space for the doctors on the first floor. The second floor provides a quiet space for the doctors to rest.
- 4.108 Negotiations with Kingwell Investments Limited regarding its interest within the Order Land are ongoing. A detailed summary of engagement is contained with the engagement log in Appendix [CD 9.10.4]. Copies of key correspondence are also included in this Appendix.
- 4.109 Five meetings (28 September 2018, 20 August 2020, 28 September 2022, 23 January 2023 (Site Visit) and 27 March 2023) have taken place with the agents for the owners of Kingwell Investments Limited, being David Sherman (Chartered Surveyor) and Arnold Anandan (accountant). In addition, Keith Murray Consultants was instructed to advise with regards to

the compulsory acquisition in April 2023. No meetings have taken place with Mr Murray as it is understood he has not yet received instructions.

- 4.110 During the most recent meeting with the objectors on 27 March 2023, detailed discussions took place with regards to relocation options and timings for the delivery of the Scheme. Mr Sherman was provided with images showing potential relocation options within the Scheme. The meeting ended positively, with Mr Sherman confirming that he would relay the details of the options to his client. It was suggested that a "Q & A" meeting would be set up towards the end of April with his clients.
- 4.111 However, and notwithstanding my attempts to engage following the meeting, I have received no further response from Mr Sherman or his clients regarding the potential acquisition of the property or relocation of the surgery within the Scheme.
- 4.112 With a view to seeking to reach an agreement, an offer letter was sent to the Dr and Mrs R Jeyarajah, Mr Sherman and Mr Anandan on 21 July 2023 (copy at [CD 9.10.3]). The letter contained a financial offer for the freehold interest in the property and associated compensation.
- 4.113 In relation to the leasehold interest, it has been made clear throughout the various discussions that I have had with Mr. Sherman and Mr. Anandan that their client's preference is to relocate the surgery within the Scheme. As such, the letter reiterated that I would be keen to have further meetings and discussions regarding the relocation of the surgery into the Scheme.
- 4.114 In addition to the financial offer, the letter reconfirmed the 'not to be acquired' before date of Q2 2026.
- 4.115 I have followed up on this letter on 9 August 2023 and 27 September 2023. A response was received from Dr and Mrs R Jeyarajah on 28 September 2023 confirming that their agents had responded to me. However, no such response had or has been received.
- 4.116 In the context of relocating the surgery within the Scheme, I note that the Section 106 Agreement restricts the demolition of the existing GP surgery unless and until a new surgery has been constructed within the Scheme and a lease has been entered into with an occupier for the new surgery. The restriction does not apply if, prior to demolition, a new surgery has been provided in the vicinity of the Scheme pursuant to one of two extant permissions. In light of this obligation, I consider that there is a strong possibility that the existing surgery will be able to relocate either within the Scheme or the immediate vicinity of the Scheme.

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- 4.117 To date no agreement has been entered into. I consider that the Council and Lendlease have acted in accordance with the 2019 Guidance in undertaking genuine attempts to acquire the property by agreement in advance of the Order.

Tottenham Hotspurs Foundation [OBJ 7] – Right of Light

- 4.118 On the basis that Tottenham Hotspurs Foundation's property will not be acquired, the majority of the engagement with Tottenham Hotspurs Foundation has taken place after receipt of the objection. This is detailed in the following section.

Canvax Limited, Goodsyard Tottenham Limited, Meldene Limited, Tottenham Hotspur Stadium Limited, Paxton17 Limited, Stardare Limited and High Road West (Tottenham) Limited [OBJ 8] – Plots 45, 46, 47, 48, 48a, 51, 67, 77, 78

- 4.119 THFC owns the freehold interest in 733, 735, 737, 741 and 751 High Road, and the leasehold interest in Flat 3 Ermine House, Moselle Street (the registered proprietor of such properties is Canvax Limited).
- 4.120 THFC is not in occupation of any of the properties. They are owned as investment properties.
- 4.121 There has been extensive engagement with THFC over several years on a broad range of topics. I have set out below the parties which have been directly engaging with THFC:
- 4.121.1 From 2013 until the appointment of Lendlease as development partner in 2017, the Council engaged with THFC on proposals for the Regeneration Scheme including acquisition of their land parcels. This is set out in section 16 of Peter O'Brien's evidence [CD 9.1],
- 4.121.2 Lendlease, supported by Studio Egret West since 2018 and DP9 since 2019, engaged with multiple stakeholders, including THFC, from 2017 to 2021 in relation to the preparation and submission, of the planning application for the Planning Permission. This is set out in section 7 of Tom Horne's evidence [CD 9.5] and section 6 of Lucas Lawrence's evidence [CD 9.7].
- 4.121.3 Since 2018, Lendlease has been in dialogue with THFC and has held approximately 60 meetings with the Club. The topics discussed have included the acquisition of THFC's landholdings required to deliver the Regeneration Scheme, including those within the Order Land, as set out in Selina Mason's evidence [CD 9.3].

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- 4.121.4 CBRE, led by Lendlease, has been engaging with THFC since 2018 on the acquisition of its land parcels within the Regeneration Scheme. Since 2022, discussions have centred on the acquisition of its land parcels within the Scheme.
- 4.122 A detailed summary of engagement is contained with the engagement log in Appendix [CD 9.10.5]. Copies of offer letters and THFC responses are included in Appendix [CD 9.10.3]. A summary of this engagement is below.
- 4.123 A meeting held between Lendlease and THFC in September 2020 discussed the acquisition of all the land and property required to deliver the Regeneration Scheme. I understand that during this meeting an offer was made to THFC for the acquisition of all its land and property required to deliver the Regeneration Scheme. This was declined.
- 4.124 Lendlease continued its efforts with THFC and a further email seeking engagement regarding its land and property within the Scheme was sent in May 2022. THFC responded confirming that it would be premature to discuss any CPO prior to the grant of the planning permission for the Regeneration Scheme.
- 4.125 On 9 May 2022 Canvax Ltd purchased 3 Ermine House.
- 4.126 A further letter was sent to THFC in October 2022 seeking engagement, following the grant of the Planning Permission. No response to the letter was received.
- 4.127 Notwithstanding the above and the subsequent decision by THFC to seek permission to apply for judicial review of the Planning Permission, a written offer to purchase the interests owned by THFC within the Order Land was made on 19 January 2023.
- 4.128 THFC responded on 22 March 2023 confirming that, in light of THFC's continuing objection to the form of development permitted pursuant to the Planning Permission, it would be premature to discuss the written offer made in January. However, THFC confirmed that Colin Cottage of Ardent Management had been instructed as its compulsory purchase advisor.
- 4.129 I responded in April 2023 noting that the Council and Lendlease remained willing and ready to negotiate with THFC for the acquisition of its interests within the Order Land.
- 4.130 I contacted Mr Cottage on 30 May 2023 to ask if it was possible to progress negotiations in parallel to the ongoing challenge to the Planning Permission. Mr Cottage responded on 10 July 2023, confirming that his client felt there was little merit in progressing negotiations until the existing challenge to the Planning Permission was resolved. However, Mr Cottage did

request a breakdown of how the offer made on 19 January 2023 was calculated. I responded on 20 July 2023 providing this detail. Mr Cottage has since requested further information behind the breakdown of the offer and has requested an offer for 3 Ermine Street. I responded to Mr Cottage on 18 August 2023 providing an offer for 3 Ermine Street.

- 4.131 I have since suggested a joint visit to inspect and measure the THFC properties. Mr Cottage has confirmed he is seeking instructions from his client.
- 4.132 To date no agreement has been entered into. However, I consider that the Council and Lendlease have acted in accordance with the 2019 Guidance in undertaking genuine attempts to acquire the property by agreement in advance of the Order.

The Nail Group [OBJ 10] – Plot 83

- 4.133 The Nail Group occupies 757 High Road on a 10 year lease which commenced on 30 October 2020. The Nail Group is owned by Ms Susan Nguyen and runs a nail bar from the property. The landlord is Maria Tryfonos & Kyriacos Tryfonos.
- 4.134 The Nail Group previously occupied 743 High Road, which is owned by the Council. The lease has expired and it has been confirmed that no rent is being received and that The Nail Group no longer occupies the unit.
- 4.135 As a business owner and tenant within the Order Land, The Nail Group will have received a number of letters from the Council and Lendlease between 2018 and the making of the Order in January 2023 in which the Council and Lendlease provided updates on the Scheme and confirmed their willingness to acquire properties by agreement. The correspondence also outlined the opportunity for the business to relocate within the Scheme. The correspondence is summarised in the Nail Group engagement log at Appendix [CD 9.10.3] and copies of key correspondence has been provided.
- 4.136 Prior to the making of the Order, Ms Susan Nguyen, the owner of The Nail Group, had been liaising primarily with the Council. This was, in part, due to the historic landlord and tenant relationship between the Nail Group and the Council. Meetings took place with Ms Nguyen and the Council on 21 April 2021 and 10 March 2022 which predominantly discussed the timings of the Scheme and the Business Charter.
- 4.137 Following the making of the Order, Ms Nguyen contacted the Council seeking a further meeting. A meeting subsequently took place on 22 February between Ms Nguyen, myself, Lendlease and the Council during which the Scheme and its proposed timings were explained in detail.

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- 4.138 The Nail Group, via Ms Nguyen, submitted an objection to the Scheme setting out concerns which relate predominantly to the uncertainties surrounding the Scheme and the impact on the business.
- 4.139 A letter was sent to Ms Nguyen on 24 April 2023 which set out a response to the queries and concerns raised in the objection [CD 9.10.3]. The letter confirmed Lendlease's willingness to meet to discuss Ms Nguyen concerns further.
- 4.140 A further meeting took place on 11 May 2023 between Ms Nguyen, myself, Lendlease and the Council. We discussed further what assurances the Council and Lendlease could offer The Nail Group to provide it with certainty as to its business operations and future planning. A "not before date" was discussed as was the possibility of the Council and Lendlease providing a longer notice period prior to vacant possession of the property being required.
- 4.141 On 9 June 2023, I sent an email to Ms Nguyen attaching the Business Support Leaflet and a relocation pack containing a proposed location of a suitable unit within the Scheme which the Nail Group could relocate into.
- 4.142 A letter was sent to Ms Nguyen on 14 July 2023 via email [CD 9.10.6] addressing the concerns that were raised in our meeting on 11 May 2023 and offered a six month notice period for use of compulsory purchase powers under the Order and a 'not before' date of Q2 2026. I also repeated Lendlease's offer to cover The Nail Group's costs of instructing a surveyor.
- 4.143 Ms Nguyen responded to the further offer on 17 July 2023 requesting confirmation as to when they would need to decide on the location of a unit within Scheme. Ms Nguyen also confirmed that they were seeking legal advice and finalising the discussions with the Council regarding residual issues in respect of their previous tenancy at 743 High Road.
- 4.144 I responded to Ms Nguyen on 9 August 2023 [CD 9.10.6] confirming that the Council is willing to agree an assurance that provides for a:
- 4.144.1 Not to be acquired before date of Q1 2026;
 - 4.144.2 Longer Notice period of six months;
 - 4.144.3 Payment of reasonable surveyors' fees; and
 - 4.144.4 Payment of reasonable legal fees
- 4.145 I also proposed a further meeting.

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- 4.146 I followed up with a phone call on 16 August 2023 to Ms Nguyen during which she confirmed that she was speaking with compulsory purchase advisors. I followed up this conversation with an email on the same date.
- 4.147 On 5 September 2023 I received an email from Keith Murray of Keith Murray Consultants Limited confirming that he was engaging with The Nail Group. The email explained The Nail Group's desire to have sufficient assurance from the Council to enable it to withdraw its objection. Mr Murray went further to explain the concerns that The Nail Group had and where further clarity would be required.
- 4.148 I responded to this email on 11 September 2023 providing confirmation on what could be provided to the Nail Group in an assurance to allow the objection to be removed. Mr Murray responded on 13 September 2023 confirming that he was considering the email with his client.
- 4.149 A further meeting took place on 26 September 2023 between myself, Mr Murray, Ms Nguyen and her partner. We discussed their concerns and Ms Nguyen was keen to explore further the assurance and what will be included. Negotiations are ongoing.
- 4.150 To date no agreement has been entered into. I consider that the Council and Lendlease have acted in accordance with the 2019 Guidance in undertaking genuine attempts to acquire the property by agreement in advance of the Order.

5. OBJECTIONS TO THE CPO

5.1 I set out below my response to the objections where it falls within the scope on my evidence.

(OBJ 1) Done Brothers (Cash Betting) Limited (Plots 112, 121, 122, 123)

5.2 Done Brothers (Cash Betting) Limited, trading as Betfred ("**Betfred**") is the owner of the leasehold interest of 777 to 779 High Road. An objection to the Order in relation to rights sought over their land was submitted by Gerald Eve on behalf of Betfred on 2 March 2023.

5.3 Following a period of dialogue, Betfred's objection to the Order was withdrawn on 21 August 2023.

(OBJ 2) – Mr Ahmet Dellal – Plots 49, 49a, 50

5.4 Mr Dellal submitted two objections to the Order. One objection was submitted by himself, the second was submitted by Keith Murray Consultants on behalf of Mr Dellal.

5.5 A summary of the objection submitted is set out in section 15 of Peter O'Brien's evidence [CD 9.1]. I deal with the issues stated at 15.9.5 (Limited efforts to acquire) and in particular the comment at row 4 of the Statement of Common Ground [CD 8.4] where Mr Dellal states that he has not received correspondence.

5.6 As set out in section 4 above, extensive efforts have been made to engage with Mr Dellal.

5.7 In response to Mr Dellal's assertion that he has not received the correspondence sent to him, I can confirm that all letters of correspondence were either sent to Mr Dellal's address as detailed in the Order and/or to the High Road address. The following schedule sets out such letters and copies are included in Appendix [CD 9.10.2]:

Ref Appendix CD 9.10.3	Date	Summary	Sent to:
1	January 2018 (note letter is dated January 2017 erroneously)	Council letter introducing Lendlease	<ul style="list-style-type: none"> • 739 High Road • 910 Great Cambridge Road
2	29/01/2018	Lendlease initial letter	<ul style="list-style-type: none"> • 739 High Road • 910 Great Cambridge Road
3	27/06/2022	Lendlease second letter	<ul style="list-style-type: none"> • 739 High Road London

4	01/02/2022	Council update, phasing and confirmation of the Council and Lendlease's desire to reach agreement	<ul style="list-style-type: none"> 910 Great Cambridge Road
Copy attached with (5)	17/05/2022	Lendlease third letter	<ul style="list-style-type: none"> 910 Great Cambridge Road
5	22/08/2022	Lendlease forth letter	<ul style="list-style-type: none"> 910 Great Cambridge Road
6	20/06/2023	Offer Letter	<ul style="list-style-type: none"> 910 Great Cambridge Road

5.8 The table shows that the address used to send correspondence to Mr Dellal is the same address used to send the notices confirming the making of the Order.

5.9 I am satisfied that the Council has undertaken all reasonable actions to identify Mr Dellal's address and ensure relevant notices are served on Mr Dellal.

(OBJ 3) – The Tryfonos Objectors – Plots 41, 72, 73, 74, 75, 76, 81, 82, 83

5.10 The Tryfonos Objectors include several family members including Alecos, Kate, Kyriacos, Tryfonas and Maria Tryfonos and Tryfonos Bros. Limited. The Tryfonos Objectors submitted an objection via their solicitors, Town Legal LLP.

5.11 A summary of the objection submitted is set out in Peter O'Brien's evidence [CD 9.1] section 15. I deal with the issues stated in the objection as detailed in Peter O'Brien's evidence at:

5.11.1 Paragraph 15.24 – the Tryfonos Objectors claim that compulsory acquisition is not a last resort in this case. As set out within Section 4 of this proof, the Council, Lendlease and I have undertaken extensive engagement with the Tryfonos Objectors with a view to acquiring by agreement their interests in the Order Land. =

5.11.2 Paragraph 15.26 – the Tryfonos Objectors claim that there has been a lack of a suitable relocation offer for Chick King and K&M Household Stores. Relocation was discussed in detail in the meeting held on 16 May 2022. Since that meeting, proposals of suitable locations in the Scheme and details of potential leasing options have been provided to the Tryfonos Objectors. A retail leasing pack was provided on 31 May 2023 (Appendix [CD 9.10.3]) which was attached with the offer letter sent on the same date.

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- 5.12 In addition to the above, it is noted in paragraph 55 of the Tryfonos Objector's statement of case asserts that subsequent negotiations in relation to their properties after the making of the Order are not relevant to the Council's decision to compulsorily acquire them. I refer to section 4.4 of my proof where I have explained that the 2019 Guidance recommends that negotiations should run in parallel with a compulsory purchase order. This is precisely what the Council has done.

(OBJ 7) - Tottenham Hotspurs Foundation ("THF") – (Rights of Light)

- 5.13 THF is the leaseholder of Percy House, 796 High Road. THF was included within the Rights of Light table within the Order. At the time the Order was made it was not known whether THF enjoyed a right of light. As such, a conservative view was adopted and THF was included in the Right of Light table on the basis that it may have a right of light and that right may be impacted by the delivery of the Scheme.
- 5.14 THF objected to the CPO on three grounds. One of the grounds related to the possible impact of the Scheme on THF's right of light. The remaining grounds related to the level of employment expected to be generated by the Scheme and that THF considered that better alternatives for the redevelopment of the Order Land existed.
- 5.15 Letters were sent to THF on 11 March 2023 and 14 July 2023 which, among other things, sought confirmation as to the basis of THF's occupation of the property as well as a copy of the lease pursuant to which it occupies the property. The information was requested to enable the Council to understand whether THF did in fact benefit from a right of light.
- 5.16 Donna Maria Cullen responded to the letter on 20 July 2023 on behalf of THF confirming that THF does not benefit from a right of light.
- 5.17 Following further email correspondence on 2 August 2023, the Council wrote to the Planning Casework Unit on 16 August 2023 noting that it no longer considered THF to be a "qualifying person" for the purpose of the Order. THF confirmed that it is not a qualifying person for the purpose of the Acquisition of Land Act 1981 but that it otherwise maintains its objection to the CPO.

(OBJ 8) - Canvax Limited, Goodsyard Tottenham Limited, Meldene Limited, Tottenham Hotspur Stadium Limited, Paxton17 Limited, Stardare Limited and High Road West (Tottenham) Limited ("THFC") – Plots 45, 46, 47, 48, 48a, 51, 67, 77, 78

- 5.18 A summary of the objection submitted is set out in Peter O'Brien's evidence [CD 9.1] from paragraph 15.46 onwards.

5.19 I do not intend to comment on a specific element of the objection, other than to note that the Council and Lendlease have made extensive efforts to reach an agreement with THFC to acquire their interest by private treaty. This is detailed at paragraph 4.118 of this proof.

(OBJ 10) - The Nail Group – Plot 71 & 83

5.20 The Nail Group, via Ms Nguyen, submitted an objection to the Scheme setting out concerns which mainly relate to the uncertainties surrounding the Scheme and the impact on the business. A summary of the objection is set out at section 15 of Peter O'Brien's evidence [CD 9.1].

5.21 As set out above, I responded to Ms Nguyen on 9 August 2023 confirming that to address the concerns set out in The Nail Group's objection, the Council is willing to agree to an assurance that provides:

5.21.1 Not to be acquired before date (Q2 2026)

5.21.2 Longer Notice period (6 months)

5.21.3 Reasonable surveyors fee

5.21.4 Reasonable legal fees

5.22 To date no agreement has been entered into, but negotiations are progressing and it is hoped that an arrangement can be agreed between the parties shortly.

6. SUMMARY AND CONCLUSIONS

- 6.1 I was instructed by Lendlease in January 2018 to advise on land acquisition and compulsory purchase matters. I have worked with the Council and Lendlease to acquire the land interests required to deliver the Scheme by agreement and led on negotiations with owners and occupiers of the High Road Properties.
- 6.2 The High Road Properties contain a mixture of occupiers and uses. There are 15 businesses occupying the High Road Properties which include restaurants, fast food takeaways, a pharmacy, convenience stores, general retail and a doctors surgery. The properties are held under several third-party freehold interests owned by the Council, THFC, the Tryfonos Objectors, Kingwell Investments Limited and Ahmet Dellal.
- 6.3 The Council, Lendlease and myself have engaged extensively with the owners and occupiers of the High Road Properties to try and acquire the necessary interests by mutual agreement. This has involved:
- 6.3.1 sending direct letters seeking to all owners or occupiers to open or progress negotiations;
 - 6.3.2 holding and publicising business engagement events/workshops and drop-ins;
 - 6.3.3 sending direct letters and leaflets with information about business support;
 - 6.3.4 holding or offering one-to-one meetings with all businesses;
 - 6.3.5 making financial offers (where appropriate) to acquire the interests in the High Road Properties
 - 6.3.6 offering assurances in relation to "not before" dates and extended notice periods;
 - 6.3.7 providing owners and occupiers with updates on the status of the scheme.
- 6.4 In 2013, the Council acquired the freehold of one High Road property. Since 2018, the Council has acquired the freehold of two of the High Road Properties.
- 6.5 The Council and Lendlease have also been keen to support owners and occupiers with business relocation, building on the principles contained within the Business Charter. This has involved the circulation of a Business Support Leaflet [CD 5.8]; provision of "not before" dates; communications offering business support; and the commissioning of a Strettons report on available commercial properties [CD 9.10.1]. The above builds upon the

obligations within the Section 106 Agreement which require Lendlease to offer space within the Scheme exclusively to existing businesses subject to prescribed terms.

- 6.6 The Council and Lendlease have engaged in meaningful negotiations with the majority of the affected owners and occupiers. I have also made numerous attempts to contact those parties who have been unwilling to engage. In this evidence I have summarised the negotiation and engagement that the Council and Lendlease have had with Mr Ahmet Dellal, the Tryfonos Objectors, Kingwell Investments Limited, THF, THFC and The Nail Group. An engagement log and copies of key correspondence with these objectors (save for Tottenham Hotspurs Foundation whose property will not be acquired), are appended to this evidence [CD 9.10.2 – 9.10.6]. Indeed, alongside the formal CPO proceedings I am continuing to progress negotiations with all parties with a view to reaching an agreement prior to the confirmation of the Order.
- 6.7 Although no agreement has been reached with these objectors to date, I consider that this evidence shows that the Council and Lendlease have acted in accordance with the 2019 Guidance in making substantial attempts to acquire the relevant interests by agreement in advance of confirmation of the Order. Notwithstanding these efforts, there is no certainty that the property interests required for this Scheme will be assembled in the requisite timescale (or at all) without the use of compulsory purchase powers.

7. DECLARATION

- 7.1 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true.
- 7.2 The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.
- 7.3 I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.
- 7.4 I confirm that I understand and have complied with my duty to the Public Inquiry as an expert witness which overrides any duty to those instructing or paying me, that I have given my evidence impartially and objectively, and that I will continue to comply with that duty as required.
- 7.5 I confirm that I am not instructed under any conditional or other success-based fee arrangement.
- 7.6 I confirm that I have no conflicts of interest.
- 7.7 I confirm that I am aware of and have complied with the requirements of the rules, protocols and directions of the Public Inquiry.
- 7.8 I confirm that my report complies with the requirements of RICS – Royal Institution of Chartered Surveyors, as set down in the RICS practice statement ‘Surveyors acting as Expert Witnesses’.

Signed:

A handwritten signature in blue ink, appearing to be 'J. Franklin', with a horizontal line extending to the right from the end of the signature.

James Franklin (BSc(Hons) MRICS