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# Proof of Evidence of Sean Bashforth (in respect of planning matters for Canvax et al: Objection 8)

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

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OCTOBER 2023

Q200691

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# 1 Introduction

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## Qualifications and Experience

- 1.1 My name is Sean David Bashforth. I hold a First Class Bachelor of Arts Degree in Geography and a Master of Arts Degree in Town and Regional Planning. I am a Member of the Royal Town Planning Institute (RTPI).
- 1.2 I am a Senior Director at Planning Consultants Quod, one of the largest independent planning consultancies in the UK, with offices in London and Leeds. I have advised clients for over 25 years on housing, regeneration and infrastructure projects. I have acted as an expert witness on many occasions in planning and compulsory purchase inquiries and in the Upper Lands Tribunal.
- 1.3 Objection 8 brings together various entities owned by Tottenham Hotspur Football Club ("THFC"). Quod has been advising THFC for a number of years on development around the Club's stadium and beyond. On behalf of THFC I appeared as the Planning Expert Witness at public inquiries for mixed housing led developments north of White Hart Lane in 2019 and 2022.
- 1.4 I have read all of the background information and made enquiries such as I consider necessary to fulfil my duties as an expert witness. My evidence comprises my true professional opinion and is provided in accordance with the RTPI Code of Professional Conduct and the RTPI Practice Advice for Planners as Expert Witnesses (September 2018).

## Scope of Evidence

- 1.5 My evidence is concerned with planning related matters in respect of '**The Scheme**' underpinning the 'London Borough of Haringey (High Road West Phase A) Compulsory Purchase Order 2023 ('**The Order**') [CD1.1]. Taking into account the July 2019 '*Guidance on Compulsory Purchase Process and Crichel Down Rules*' ('**The Guidance**') [CD5.1], I consider whether there is a compelling case in the public interest which, in my experience, places a high burden of proof on the Acquiring Authority or 'AA'. The Order has been made pursuant to Section 226 (1)(a) of the 1990 Planning Act and, in accordance with paragraph 106 of The Guidance, my evidence considers the first three factors which the Secretary of State is expected to consider:
  - 1.5.1 Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area.
  - 1.5.2 The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area; and
  - 1.5.3 Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.

- 1.6 The evidence of Mr Colin Cottage considers the final (fourth) matter set out in paragraph 106 relating to the potential financial viability of the scheme for which the land is being acquired. In considering the three matters above, I also draw upon the evidence of Sophie Camburn (Arup) on masterplanning, Simon Ancliffe (Movement Strategies) on public safety and Richard Serra (THFC) on Club matters.

## 2 Planning Background

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### Planning Policy

2.1 The following parts of the statutory Development Plan are relevant to the consideration of this Order:

- London Plan (March 2021)[CD3.3];
- LBH Strategic Policies with alterations (July 2017) (“**SP**”)[CD3.4];
- LBH Development Management DPD (July 2017) (“**DMD**”)[CD3.7]; and
- The Tottenham Area Action Plan (July 2017) (“**TAAP**”)[CD3.5].

2.2 The following are relevant material planning considerations:

- National Planning Policy Framework (“**NPPF**”) (2023)[CD3.1] and Planning Practice Guidance (“**PPG**”).
- Upper Lea Valley Opportunity Area Planning Framework (2013) (“**OAPF**”)[CD.3.9]
- High Road West Masterplan Framework (Arup, September 2014) (“**HRWMF**”)[CD3.6].

2.3 The Order Land sits entirely within the Upper Lea Valley Opportunity Area in the London Plan and within the NT5 allocation in the TAAP. Of direct relevance to the Order and the Scheme are the following:

- AAP1 (Regeneration & Masterplanning) - which states that the Council expects all development proposals to come forward comprehensively and requires masterplans to achieved this. In this instance that is the September 2014 High Road West Masterplan Framework or HRWMF prepared by Arup (see below). Page 87 of the HRWMF (Vision) is consistent with the AAP and states ‘The vision for High Road West is to create a vibrant, attractive and sustainable neighbourhood and a sports and leisure destination for North London’.
- NT5 Site Allocation (paragraph 5.125 of the TAAP) which requires ‘*Masterplanned, comprehensive development creating a new residential neighbourhood and a new leisure destination for London*’
- NT5 Site Requirements - Bullet 1 – which states that ‘*the site will be brought forward in a comprehensive manner to best optimise the regeneration opportunity*’

2.4 The introduction to the TAAP provides context to regeneration objectives in the Local Plan and explains that Tottenham is one of the most deprived areas in the country against multiple indicators, including labour market disadvantage and housing overcrowding (paragraph 2.9).

## The Planning Permission

- 2.5 The Scheme for which compulsory acquisition is being sought is described in paragraph 1.5 of the Acquiring Authority's Statement of Case as Plots A to G of Planning Permission HGY/2021/3175 (the '**Planning Permission**' [CD4.28])<sup>1</sup>. Also described as '**Phase A**', it does not include Plots H-N of the Planning Permission which are described as '**Phase B**'. The approved Plot Plan [CD4.3.2]<sup>2</sup> shows that, in effect, the Scheme comprises only approximately half of the Regeneration Scheme for which Planning Permission has been approved by LBH. It excludes land to the north of the White Hart Lane, much of which is in the ownership of THFC and has the benefit of separate overlapping planning permissions (see below).
- 2.6 In determining the planning application the London Borough of Haringey ('**LBH**') in its role as Local Planning Authority did not consider Phase A and B independently, determining the application only as a comprehensive phased proposal. In its 22 July 2022 Officers Report or 'OR' [CD4.9], Haringey Officers noted that CPO powers were potentially required (OR4.10 and 4.11), but did not consider Phase A (as Proposed by the Order) in isolation. As the table in the Addendum Officers report [CD4.25] notes:
- "The EIA has explored a variety of ways in which the development might be delivered given the planning history and landownership. However, the planning balance relates to the proposals when taken as a whole as the application is for the full application area and all the development that sits within it is considered to be the correct approach".*
- 2.7 The Planning Permission grants full or detailed permission for 60 homes and related development in 'Plot A' at Whitehall Street. The remaining development is approved in outline for up to 2,869 homes, at least 7,225 sq.m of commercial, office, retail and community uses, a new public park (min 5,300 sq.m), a new public square (min 3,500 sq.m) and other landscaped public realm and pedestrian and cycle routes.
- 2.8 During the determination of the application THFC submitted extensive representations objecting to a wide range of concerns including crowd safety, the degree of flexibility, heritage impacts and open space deficiencies. A number of these concerns were also expressed by others. Notwithstanding that most of these issues were not in my opinion satisfactorily addressed, my evidence has been prepared on the basis of the Planning Permission being in place. However, the existence of the Planning Permission does not remove the need to thoroughly consider the factors in Paragraph 106 of the Circular in respect of compulsory acquisition and, as I come on to explain in my evidence, there are fundamental issues with the Scheme both as consented and in terms of it only delivering part of what has been approved in the Planning Permission.
- 2.9 The outline elements of the Planning Permission are subject to parameters for layout, height and other aspects [see CD4.3.1 to CD4.3.12]. **Appendix 1**<sup>3</sup> has been extracted from the

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<sup>1</sup> At the time of writing my evidence, Planning Permission HGY/2021/3175 for the Order Land is the subject judicial review by THFC.

<sup>2</sup> 0311-SEW-ZZ-ZZ-DR-T-001002 Parameter Plan 02 – Proposed Development Plots Plan P2

<sup>3</sup> Source: Environmental Statement Addendum Volume 2: Figures (May 2022)

daylight sunlight assessment and shows the illustrative massing of the scheme compared to the maximum building envelope which was assessed.

- 2.10 I have reproduced the illustrative masterplan listed in the Planning Permission (**Appendix 2**) and this shows the layout of the overall scheme which includes Peacock Park and the majority of employment uses north of White Hart Lane (Phase B).
- 2.11 Condition 86 of the Planning Permission [CD4.28] sets out the minimum and maximum floor areas and illustrates the significant degree of variability being sought particularly when considered alongside S106 obligations triggers for its delivery. Table 2.1 below sets out the ranges and any relevant S106 triggers.
- 2.12 Condition 3 of 2022 Planning Permission requires the submission of a phasing plan prior to the commencement of development. That condition was discharged on 27 October 2022 (LPA ref. HGY/2022/2446) [CD4.38]. Whilst the decision notice confirms that the details related to Phase 1 (Plot A) only, the approved plan also shows Love Lane being delivered in 2023-24 and Plots D & F being delivered between 2023 and 2028. Moselle Square (Plots B, C & E) is shown as being delivered between 2029 and 2032. However, the AA's Statement of Case now states that the phasing has recently been updated (paragraph 7.42) and shows phasing extending to 2034 but a shorter period for the delivery of Moselle Square (2028 to 2030). This plan has not been approved as part of the planning process and is inconsistent with what was assessed in the Environmental Statement at the time the planning application was determined (which is listed as an approved document pursuant to Condition 2 of the 2022 Planning Permission). As matters stand at the moment, there is no guarantee that any revised or improved phasing will be delivered.
- 2.13 THFC repeatedly raised concerns about the heritage impacts during the application process for the Planning Permission. These concerns included those relating the heritage impact of the development and the manner in which it had been assessed by both the Council and the applicant Lendlease. THFC's judicial review remains undetermined at the time of writing my evidence. In the event the judicial review is successful the heritage impacts of the Planning Permission Scheme will need to be reassessed before the Council could lawfully redetermine the application. Any reassessment would also need to take into account any changes in circumstances since the planning permission was granted. Based on recent experience this is likely to include viability and consideration of any planning permissions which have been determined since the Planning Permission was granted including THFCs overlapping permissions which I now come on to describe.

Table 2.1 Summary of Permitted Non-residential uses in the Planning Permission

Land Use	Minimum (GEA sqm)	Maximum GEA Sq.m)	Associated S106 Trigger
<b>Non Residential Uses</b>	-		
Class B2 Industrial*	-	7,000 sq.m	
Class B8 Industrial*	-	1,000 sq.m	
Class E(a), (b) & (c) retail and similar uses	4,000 sq.m	7,800 sq.m	
Class E (d) Indoor sports, recreation and fitness	500 sq.m	4,000 sq.m	
Class E (e) medical or healthcare	-	1,000 sq.m	Construct replacement healthcare prior to demolition of existing unless alternatives can mitigate the impacts (Schedule 15)
Class E (f) Creche, day nursery or centre	-	2,000 sq.m	
Class E (g) offices etc*	1,525 sq.m	7,200 sq.m	
Class F1 (d) public libraries or reading rooms or Class F1 (e) public halls or exhibition halls	500 sq.m	3,500 sq.m	Not occupy more than 95% of open market housing within which the Library and Learning Centre is located (Schedule 14)
Class F2 (b) local community halls	500 sq.m	2,500 sq.m	
Sui Generis Energy Centre	200 sq.m	1,800 sq.m	
Sui Generis Public House	0 sq.m	3,000 sq.m	
Sui Generis Sub Station	0 sq.m	500 sq.m	
Sui Generis Cinema	0 sq.m	3,000 sq.m	
<b>Open Space</b>			
Moselle Square#	3,500 sq.m		Not occupy more than 90% of open market homes/780 units in Phase A until provided (Schedule 13)
Peacock Park#	5,200sq.m		Not occupy more than 50% of Open Market Units in Phase B until provided (schedule 13)

\* The footnote to the table in condition 86 confirms that the minimum for these uses combined would be 4,686 sq.m.

# Minimums defined in description of development and approved Development Specification [CD4.4]

## THFCs Overlapping Permissions

- 2.14 In July 2023, LBH resolved to approve full planning permission for THFCs revised Goods Yard/Depot proposals north of White Hart Lane for 844 homes, 2,082 sq.m of commercial floorspace, 15,650 sq.m of open space/public realm and associated works (LPA ref. HGY/2022/0563). These proposals were a refinement of earlier proposals granted at appeal in October 2022 for 867 homes, 2,040 sq.m of commercial and associated development (PINS ref. APP/Y5420/W/21/3289690/LPA ref. HGY/2021/1771) and were updated to, amongst other things, take into account revised guidance on fire safety including the incorporation of second stair cores. An overview of this scheme is provided in **Appendix 3** and shows how, as well as including new homes and replacement commercial uses, it provides a significant proportion of Peacock Park, which was planned as the main public open space for the NT5 allocation.
- 2.28 The Club has also secured a resolution to grant planning permission and listed building consent for “The Printworks” site located at 819-829 High Road and also within the NT5 allocation. The scheme will deliver 72 new homes, a cinema, supporting commercial uses and new public open space (refs. HGY/2021/2283 & HGY/2021/2284). In August 2023 revised proposals were submitted for a purpose built student development for Middlesex University.
- 2.15 As set out in the evidence of Mr Richard Serra, THFC intends to bring forward the Printworks and Goods Yard/Depot developments. These planning approvals post-date the grant of the Planning Permission and would mean that Phase B could not be brought forward in accordance with what was permitted in that August 2022 consent.

## Other Development Proposals

- 2.16 The Plan in Mr Serra’s evidence shows recent THFC development projects in North Tottenham. Notably, this includes the new THFC stadium and surrounding Northumberland Park Development Project (NDP). Hybrid planning application reference HGY/2015/3000 was approved on 15 April 2016 for the demolition of the existing football stadium and erection of a new stadium, residential units and a range of commercial and community floorspace. The approved scheme is split into a series of plots with the ‘Hybrid Consent’ giving full planning permission for Plot 1 (The Stadium), Plot 2 (The Tottenham Experience) and Plot 3 (Hotel) and outline planning permission for Plot 4 (The Extreme Sports Building), Plot 5 (The Residential Buildings and Flexible B1/D1 Space) and Plot 6 (The Community Health Building). Plot 1 and 2 have been built out and the Club has secured reserved matters which will enable it to deliver the 634 homes and development. In August 2023 on behalf of THFC Quod submitted a S73 application to revise the height and design of the hotel building (plot 3) which, subject to planning approval, the Club plans to deliver by 2028.
- 2.17 The Club have also successfully restored the Grade II\* listed Percy House (796 High Road) to house the Tottenham Hotspur Foundation providing an exemplar example of heritage regeneration in this part of Tottenham, alongside the restoration of the Grade II listed Warmington House (744 High Road).
- 2.18 At 500 White Hart Lane, the Club delivered a residential-led scheme of 145 new homes (including 29 affordable homes) alongside supporting employment floorspace. Prior to this, they also delivered Berland Court (ref. HGY/2008/2220) which included 34 new affordable homes.

2.19 Immediately north-west of the stadium at Nos. 790-814 High Road, the Club adopted a comprehensive approach to the repair and restoration of the historic 'Northumberland Terrace'. The first phase of this regeneration – the Paxton development<sup>4</sup> – has been constructed and is now operational, providing the immediate interface between the stadium and the Northumberland Terrace, and comprises a new multi-functional building for ticket sales, retail and administrative uses alongside a high-quality public realm. Phase 2 restored the external envelope of Nos. 790-794 High Road, removing poor quality rear extensions to better reveal the heritage significance of the buildings. Phase 3 was approved by the Council in April 2021<sup>5</sup> and will be a new 'Cultural Quarter' alongside the restoration of the listed properties at Nos. 798-814 High Road and land to their rear (east). The final phase (Phase 4) is still being developed but will comprise the renovation of Nos. 790 (Grade II\*), 792 (Grade II) and 794 (Grade II) High Road. Planning permission and LBC have been secured in respect of 792-794 to enable occupation by the Sarabande Foundation, a learning arts and cultural organisation and creative business accelerator (refs. HGY/2022/1658 & HGY/2022/1659).

## Regeneration Imperatives

2.20 The policy imperative for regeneration in the TAAP is understandable given the socio-economic indicators and clear evidence of long term challenges for the local area. The evidence of Mr Serra explains much of the history. I note that the HRWMF [CD3.6] and TAAP [CD3.5] were preceded by the December 2012 report '*It Took Another Riot*' [CD5.13] initiated by the Mayor of London following the 2011 riots (earlier ones took place in 1985) which was prepared by a Panel of experts led by Sir Stuart Lipton. This report concluded that there were 10 critical wide ranging recommendations, which extended far beyond delivering more housing and in relation to the built environment they included (2) Re-imaging the built environment, (3) New housing featuring a mixture of public and private tenures, (5) Focus on reducing unemployment with youth training, enterprise support and the construction of uplifting new workplaces available at subsidized rents and (9) Tottenham needs more fun. In relation to the last of these the Panel advised that:

*"Tottenham lacks recreational pursuits, especially for the young. The council should encourage private operators to open facilities such as cinemas, music venues or a theatre, and work with charities, schools and those running civic buildings to encourage free activities on existing premises."*

2.21 In 2012 LBH and the Mayor of London published 'A Plan for Tottenham'. Page 7 of the document explained how the vision for Tottenham would be realised and stated that by 2025 there will be:

- Up to 10,000 new high quality homes
- Over 5,000 new jobs created or accessed with almost a million square feet of employment and commercial space added
- A new leisure destination in Northumberland Park, serviced by a new White Hart Lane station and improved public realm that enhances the local high street and becomes a genuine year round destination
- A new civic hub and excellent open space at Tottenham Green
- A new gateway to Seven Sisters

- A revamped station at Tottenham Hale, suitable for an international transport and growth hub

2.22 It went on to explain that 'Tottenham will be an outstanding place to live, work, visit and stay'. In relation to the High Road page 13 stated as follows:

*"The High Road – high quality mix of retail and leisure uses will be encouraged along with intensification of sites where they enhance the historic High Road setting. A High Road Improvement Plan to revitalise the whole of the High Road and create identifiable and distinctive retailing and leisure centres at Bruce Grove, Seven Sisters and North Tottenham will support this."*

2.23 Page 20 set out a timeline for delivery including the anticipated delivery of the Stadium on 2016 (it was delivered in 2019) and a '7 day a week leisure destination providing hundreds of new jobs' between 2017 and 2025.

### 3 Does the Scheme fit in with the Adopted Local Plan?

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- 3.1 The Scheme underpinning the Order has not been considered against the development plan by decision makers. As explained in Section 2 of my evidence, The Planning Permission relates to land south (Phase A) and north (Phase B) of White Hart Lane and during the determination of the planning process Phase A was not considered in isolation. As I explain in this section of my report, it is clear that the purpose for which the land is being acquired does not fit in with the adopted Local Plan for the area, particularly in respect of the absence of a new leisure destination for London.
- 3.2 As explained in Section 2 of my evidence, the NT5 site allocation specifically refers to a 'Masterplanned, comprehensive development creating a new residential neighbourhood and a new leisure destination for London' [my emphasis].
- 3.3 It is clear that the inclusion of a meaningful leisure element is an important aspect of the TAAP [CD3.5] (and regeneration strategies which preceded it). The TAAPs Strategic Objectives for Tottenham (TAAP page 29 and 330) confirm my view that an absence of meaningful leisure provision means that (along with limited employment), the Scheme will fail to provide a prosperous hub for business and local employment (Objective 2), with the over-dominance of housing in the Scheme failing to deliver the required business growth and attract new investment. It will also not provide a strong and healthy community (Objective 6) which, amongst other things, seeks to improve leisure opportunities as part of a continued joint effort to further reduce crime and foster strong and new social networks.
- 3.4 The clear rational for a meaningful leisure component is also evident from the supporting text of the TAAP (with my emphasis underlined)
- ...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' (p1)
  - The priority is to ensure that, even on non-match days, the area is lively and attracts people to make the most of the stadium development, the High Road, and wider urban realm improvements that will take place as part of this development. Provision is therefore proposed for new community facilities and leisure orientated retail development to further cement the area's reputation as a premier leisure destination within North London. ' Paragraph 3.23
  - The growth in Tottenham Hale will be supported and will benefit from the provision of both new office space and increased retail development as a new District Centre. This will be guided by a District Centre Framework. In North Tottenham, there is a need to realise the investment being made by Tottenham Hotspur FC on their stadium site as a catalyst for wider change, ensuring this area becomes a hub of activity throughout the week and not just on match days. This can be achieved by establishing the location as a premier leisure destination for London whilst also retaining and enhancing a more local retail function to support the community. Paragraph 2.37

- 3.5 As set out in Section 2 of my evidence, Condition 86 of the Planning Permission [CD4.28] sets out the minimum and maximum permissible floorspaces and in relation to leisure type uses only commits to:
- Between 0 and 3,000 sq.m of Sui Generis cinema floorspace
  - Between 500 sq.m and 4,000 sq. indoor sports, recreational and fitness floorspace (Class Ed).
- 3.6 Neither of these uses, nor others listed under Class F relating to community uses could, in my opinion, be described qualitatively and quantitatively as a leisure destination consistent with the site allocation even when combined, particularly given that there is no requirement in the permission to deliver anything more than the minimum amounts listed ; i.e. no cinema and only a minimum of 500 sq.m of Class E(d).
- 3.7 To put this in perspective, the minimum and maximum residential floorspace permitted by condition 86 is 249,386 sq.m and 339,300 sq.m which on the basis of the minimum floor areas, the 500 sq.m of Class E(d) sports floorspace would represent just 0.2% of the total minimum permissible total floorspace.
- 3.8 Indeed, the July 2022 OR [CD4.9] provided a summary of the provision of leisure floorspace and confirms the wide range of provision and how what was approved actually results in net losses in leisure (and community) floorspace overall:

*"4.22 The proposal includes between 500 sqm and 4,000 sqm GEA of indoor sports floorspace (E(d)), 0 – 1,000 sqm GEA of healthcare floorspace (Einclude) and 0 – 2000 sqm GEA of nursery floorspace (E(f)). Between 1,000 and 6,000 sqm of class F floorspace, including between 500 and 3500 sqm of library/public hall/ exhibition (F1 (d) ainclude(e)) floorspace and 500 – 2,500 sqm of community hall (F2 (b)) floorspace is proposed. Between 0 and 3,000 sqm GEA of public house and 0 – 3,000 sqm GEA of cinema floorspace is proposed. The proposal could therefore deliver between a 2,250 sqm GEA net loss in community and leisure floorspace and a 15,250 square metre GEA net gain in community use floorspace (uses classes E(e and f), F1(d and e) and F2(b). Includeincludes the provision of a new Library and Learning Centre, indoor sports centre and community hall of at least 500 sqm (GEA) each and potential for cinema, public house, medical centre and nursery floorspace. The S106 will ensure that a replacement healthcare facility is delivered, prior to demolition of the existing centre, and will meet the needs of future population as request by the CCG. The community use at Whitehall Lodge is envisaged to relocated to the Irish Centre. There are consented permissions/resolutions to grant leisure and healthcare uses near to the application site including at 807 High Road, the Printworks Site and the Tottenham Hotspur Stadium consent. The proposed community and leisure uses are proposed at the lower floors of the proposed buildings and around the proposed new public realm, notably around Moselle Square, Peacock Park, White Hart Lane and High Road to facilitate the creation of active street level frontages. 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." [My emphasis]*

- 3.9 In determining the planning application there was no specific analysis by LBH in the OR [CD4.9] about how the Planning Permission Scheme complied with the NT 5 requirement for

a leisure destination for London with OR4.38 instead only acknowledging non-compliance with the key principles set out in the HRWMF and brushing these to one side due to the proposal delivering significant social and economic benefits and delivering on the vision set out in the AAP. This however, ignores the direct conflict with the main site allocation for NT5 (to deliver a leisure destination for London) and the important reasoning in the TAAP which requires it to complement provision at the THFC stadium.

- 3.10 In response to THFCs objection on this matter, the AA's Statement of Case [CD7.1] falls back on Moselle Square as the leisure destination itself. Page 85 of the AA's Statement of Case states as follows: *'Notwithstanding the above, the Council and Lendlease consider that the Planning Permission does contain provision for significant leisure floorspace, including 3,500 sqm of new public open space in the form of Moselle Square which will be capable of hosting events, markets and other leisure activities.'*
- 3.11 In my opinion, the consented parameters in the Planning Permission for Moselle Square alongside the limited guaranteed leisure floorspace would fall far short of delivering a new leisure destination for London as required by policy. The position can be contrasted with the HRWMF [CD3.6] (which is itself adopted policy given its status as the Council's most up to date masterplan pursuant to Policy AAP1). Section 3.7 of the HRWMF envisaged commercial leisure between the new station entrance and the High Road with the table listing a 2,500 sq.m GFA bowling alley (or alternative leisure use/commercial space) and a 4,420 sq.m cinema and cross references to figure 47 and makes it clear that leisure uses will be located around Moselle Square.
- 3.12 The HRWMF also proposes a much more balanced mix of uses, with 83% residential and 5% commercial leisure in dedicated buildings adjacent to Moselle Square. By comparison the Planning Permission would allow the Scheme overall to be 94.3% residential (235,000 sq.m out of 249,386 sq.m).
- 3.13 Other references in the HRWMF also confirm the importance of a meaningful quantum of built commercial floorspace sufficient to sustain the requirement for a leisure destination for London as follow:
- Page 78 – *'The OAPF sub-divides the Mayor's targets for homes (20,100 by 2031) and jobs (15,000 by 2031) across the area. High Road West is identified as providing 1,600 potential homes and 700 potential jobs. This is within an overall vision for High Road West as a sports and leisure hub, where the area becomes a thriving new destination for north London, with a sports, entertainment and leisure offer supported by enhanced retail, workspace and residential development. The OAPF also identifies the area around Tottenham Hotspur Football Club's new stadium as a potentially suitable location for future tall buildings.'* [My emphasis]
  - Page 78 cross refers to the OAPF which noted back in 2014 the potential up to 14,000 sq.m of new leisure based commercial floorspace.
- 3.14 It is also clear that a leisure offer comprising the square itself was not what was envisaged in the HRWMF:

- Page 94 relates to the Moselle Square and states that ‘ *The scale of the square is sustained by the activities around it. A new cinema, fitness centre and community leisure centre are located on the south side of the square. The new cinema sits on top of a multi-storey car park with the surrounding blocks minimising the impact of its large footprint.*’ [My Emphasis]
- Page 88 – states that people will want to visit Moselle Square and High Road West because of its sport and leisure offer, which will build on the international sports identity established by Tottenham Hotspur Football Club and the provision of new facilities such as a cinema, fitness centre, bars and restaurants, sustainable neighbourhood and a new sports and leisure destination for North London.
- Page 51 – relating to opportunities states that ‘*Building on the activity and uses proposed by Tottenham Hotspur Football Club’s new stadium there is an opportunity to develop a unique leisure related offer for North Tottenham*’.
- Page 74 – ‘*The overall development concept for the High Road West area is for a leisure and sports led offering, capable of accommodating new large space users and providing a new food and beverage offering linked to leisure, as well as residential uses*’.

3.15 Against this background it is clear that the absence of a new leisure destination in the form of new built development means that the proposals conflict with this important aspect of planning policy. The Scheme is too dominated by housing uses and insufficient attention has been given to complementary uses which are important for place-making and addressing regeneration imperative as set out in the TAAP and the HRWMF and ‘It Took Another Riot’ and ‘A Plan for Tottenham’ which preceded it.

3.16 As I come on to explain in the next section of my evidence, in respect of achieving and promoting well-being, the Scheme also does not comply with policies in respect of comprehensive development principles and crowd flow.

## 4 Achievement and promotion of well-being?

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- 4.1 In this section of my evidence I examine the extent to which the proposed purpose of the Scheme would contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area.

### Flexibility

- 4.2 The outline element of the Planning Permission provides a great deal of flexibility. In section 2 of my evidence I described the variability in the physical parameters and the huge degree of flexibility which the Planning Permission and S106 allows in respect of non-residential uses (many of which are in effect optional). This means that the harms and benefits of the Scheme are very difficult to assess, particularly in relation to the numerous heritage assets in the local area and how they will be affected by the Scheme. Page 11 of the heritage assessment which accompanied the planning application [CD4.32] shows the Planning Permission application boundary overlapping and adjoining various conservation areas and statutorily and locally listed buildings.
- 4.3 In my opinion, the degree of flexibility in the Planning Permission means reliance can only be placed on the minimum amounts approved. As explained in section 2 of my evidence a number of specific land uses (and associated benefits) could be omitted altogether and therefore cannot be given any weight in the determination of the Order.
- 4.4 The AA's Statement of Case references the May 2022 Lichfield's *'High Road West Hybrid Planning Application – Socio Economic Benefits Statement'* [CD4.42] to define the economic and other benefits of the Scheme. However, having compared this document with the AA's Statement of Case the benefits quoted are not described on a consistent basis and in a number of instances appear exaggerated. For instance, I note that:
- The construction employment benefits cited in paragraph 9.17 of the Statement of Case (422 FTE jobs and £43.4 million GVA) are based on a *'Proposed Illustrative Interim Scenario'*<sup>4</sup> and not the minimum scheme/worst case scenario for construction.
  - The '89 FTE net additional jobs in retail, leisure, hospitality, catering and other services' and related £12.6M of additional annual expenditure (Statement of Case 9.17.4) appear to relate to additional household expenditure from residents based on an illustrative scheme scenario for land south of White Hart Lane, as described in paragraph 5.3.2.1 of the Lichfield's Report. However, no reference is made to Table 5 of the Lichfield's Report suggests which there could be a minimum of 124 FTE jobs overall and paragraph 4.3.1.2 states that there could actually be a net loss of 30 FTE jobs (minimum scenario) and with 504 jobs in a most optimistic maximum scenario (which is cited in Statement of Case paragraph 9.18).
  - Table 2 of the Lichfield's report confirms that minimum proposed non-residential floorspace south of White Hart Lane (2,650 sq.m) is less than the 4,713 sq.m of existing

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<sup>4</sup> Paragraphs 3.1.1.1, 4.3.1.1.

floorspace and therefore potentially there would be a net loss of 2,063 sq.m. The table states that the illustrative scheme would provide 8,080 sq.m.

- Table 3 of the Lichfield's report, in relation to number of homes/housing mix is based on the illustrative and maximum scenarios for the land south of White Hart Lane. It therefore does not provide a worst case scenario which has been provided for the whole Scheme which was granted planning permission. I note that paragraph 1.2.1.4 of the Lichfield's report states that such a worst case scenario was provided in earlier assessments and in accordance with best practice and it is therefore unclear why neither the Lichfield's report nor the Statement of Case have followed this 'best practice'/minimum worst case scenario.

- 4.5 I recognise that the Planning Permission is capable of delivering up to the maximum floorspaces and associated economic and other benefits. However, in my opinion to satisfy the second bullet point of paragraph 106 of The Guidance reliance can only be placed on the minimums because the guidance seeks to establish the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of economic, social and environmental well-being of the area. The minimums are all that can be guaranteed by the Planning Permission and they fall far short of the stated benefits which appear largely based on an illustrative scheme.
- 4.6 The Statement of Case describes the social well-being benefits of Moselle Square and the library and learning centre (paragraph 9.28.5 & 6). However, there is no obligation in the Planning Permission to deliver the Square until 90% of the Market Homes in Phase A are provided and the library and learning centre (which is intended to act as a community hub) isn't required to come forward until 95% of the market housing is delivered. Such benefits will therefore will be delayed and could be easily be avoided if it is decided not to complete Phase A.
- 4.7 As explained in relation to the leisure aspect of the scheme in Section 3 of my evidence, the over dominance of residential uses in the Scheme means that it is unable to achieve and promote the well-being of the area as envisaged in policy, preceding masterplans and regeneration strategies. The wider Planning Permission Scheme provides nearly 3,000 homes but less guaranteed employment, leisure, retail and other uses compared to the HRWMF masterplan which envisaged only circa 1,400 homes. As noted, there are actually potential reductions in community and leisure uses despite a significant increase in the residential population and clear policy imperatives to deliver more than just housing.

## A Partial Scheme

- 4.8 The Scheme only seeks to deliver the southern half the Planning Permission and provides no assurance about how this will be co-ordinated with the delivery of land north of White Hart Lane.
- 4.9 Whilst THFC intends to deliver regeneration on the sites it owns and has planning permission for on land north of White Hart Lane (the Goods Yard/Depot, Printworks & 807 High Road) there are other areas of land north of White Hart Lane that are in multiple ownerships and where there is no guarantee they would be delivered.

- 4.10 Annotated illustrative plans for the Planning Permission (**Appendix 4**) identify which plots would not be brought forward by the Scheme (in red) and other plots (in blue) where THFC's permissions (in blue) will deliver the regeneration envisaged by policy. The plots not being brought forward by the Scheme of THFC include the whole of plots I1, I2, J2, L2, I3, K2 and parts of K1 & I3 which could partly be delivered by THFC. Because of the way in which the Planning Permission was formulated and approved, it is not possible to understand the approved development content for these plots. The Design and Access Statement or DAS [CD4.6] describes the different character areas in the Planning Permission (page 58 onwards). The following Plots/Character Areas would not be delivered by the Scheme or THFC north of White Hart Lane:
- 4.10.1 The southern part of Peacock Park – which the DAS described as the 'heart of the community north of White Hart Lane, providing a series of open spaces varying in character and providing fundamental parts of the masterplan's play and green infrastructure network' The DAS also describes Plots K1 and K2 as the focus for industry and workspace and plots L2 and J2 residential.
  - 4.10.2 Peacock Yards – which are described as a transitional interface between the existing High Road and new neighbourhood with a cluster of light industrial units (Plot K2) and Percival Yard with a flexible use and light industrial uses (Plot K1)
  - 4.10.3 White Hart Lane – which shows development both north and south of White Hart Lane which will be transformed from a vehicle orientated route into a welcoming pedestrian and cycle friendly environment and a transitional space between the residential area to the north and the civic nature of Moselle Square.
- 4.11 As explained in Section 2 of my evidence, the Planning Permission was determined on the basis that the whole of the development would be delivered. However a 'Partial Scheme' confined to the south of White Hart Lane raises fundamental concerns which put the Scheme at odds with planning Policies requires the comprehensive development.
- 4.12 The first 'Site Requirement' of the NT5 allocation is 'to bring forward development in a comprehensive manner to best optimise the generation opportunity'. The policy allows part of allocations to come forward independently provided they follow the principles in the Council's most up to date masterplan (Policy AAP1) and do not prejudice the future development of other parts of the site or adjoining land (Policy DM55).
- 4.13 THFC have followed these principles when preparing their own applications for the Goods Yard/ Depot and Printworks Schemes which have been approved by either the Council or at appeal and have ensured that individual proposals follow the principles in the HRWMF and each proposal can deliver both a coherent development in its own right whilst also complementing the wider principles as set out the HRWMF.
- 4.14 The problem with the Scheme is that it is not capable of delivering a coherent scheme in its own right because key infrastructure (particularly public open space) which has been approved to the north of White Hart Lane falls outside of the Order limits and there is no mechanism to require its provision as part of the Scheme.

- 4.15 The main public park associated with the Planning Permission is Peacock Park which the description of development defines as a minimum of 5.2 hectares. However, the S106 agreement only requires it to be delivered when 50% of the Market Units in Phase B north of White Hart Lane is occupied.
- 4.16 NT5 sits within an area of public open space deficiency (see figure 4.1 of the DMD) and Peacock Park has an important role in providing the new (and existing) resident population with significant play and amenity functions for residents. That role could not be fulfilled by Moselle Square which is of a different character (it is described as a public square rather than a park in the description of development), is more civic in nature, is smaller (minimum 3,500 square metres compared to 5,200 square metres) and there is no guarantee that it would be delivered (it is only triggered by 90% of open market homes).
- 4.17 OR6.138 noted that the Planning Permission scheme did not provide sufficient public open space consistent with policy DM20 but that the wider scheme was capable of providing a significant amount of high quality public and private open space with reliance placed on Peacock Park, the civic Square (Moselle Square) and shared podium gardens and private balconies. However, without the delivery of Peacock Park in parallel with Phase A to the south of White Hart Lane the homes approved in Phase A would not have access to high quality public open space nearby as envisaged by the HRWMF. The homes in Phase A include all of the social rented homes in the Planning Permission, all of the 4 bedroom homes and most of the 3 bedroom homes; all of which have greater demands for play and amenity space<sup>5</sup>.
- 4.18 This concern was raised by the Council's independent Quality Review Panel during the determination of the Planning Permission and was summarised as follows on Page 76 of July 2022 OR [CD4.9] as follows:

<i>QRP Comment</i>	<i>Officer Response</i>
<i>The delivery of Peacock Park will be crucial to the success of the scheme as a whole. At the previous review, the panel asked the applicant to demonstrate how delivery of Peacock Park early in the process can be achieved, as this is pivotal to decision-making about the number of homes, and quality of life. However, the application confirms this will not be delivered until phase 6 out of 8, and then only if a compulsory purchase order (CPO) process is successful.</i>	<i>Noted. Officers note that it is normal for and inevitable that large projects such as this will be delivered in phases over a number of years, most likely including periods when the extent of completed public open space does not yet match the ambition for the final scheme, but the applicants Meanwhile Strategy will also contribute to a good quality of life for earlier residents.</i>  <i>Ultimately the comprehensive development proposed seeks to avoid piecemeal development and this is supported by AAP Policies AAP1 and AAP 2 which seek comprehensive development and support site assembly.</i>

<sup>5</sup> Table 9 of the OR (Indicative Proposed Tenure Distribution) shows all of the 500 social rented homes in plots A, B, G, C1 and F south of White Hart Lane. Table 3 of the Lichfield's Socio Economic Benefits Statement (May 2022) shows the illustrative scheme having all of the 4+ bedroom homes (55no.) and 69% of the 3 bedroom homes (258no) south of White Hart Lane (overall the illustrative scheme shows 57% of homes south of White Hart Lane)

- 4.19 My understanding is that the QRP made this comment in the context of the Planning Permission Scheme proposing a significantly higher density of development of close to 3,000 homes compared to the NT5 Site Allocation and HRWMF capacity of 1,200 and 1,400 homes.
- 4.20 As the quote shows, such concerns were dismissed by Planning Officers during the planning application process on the basis that it would be delivered eventually as part of the comprehensive scheme. However, as I noted in Section 2 of my evidence the Planning Permission was determined on the basis that the whole scheme would be delivered. This is not the case for the Scheme which can only guarantee the delivery of land south of White Hart Lane.
- 4.21 In my view significant weaknesses of the Scheme could be remedied by ensuring that there is a mechanism to require the delivery of key aspects Phase B including Peacock Park in parallel with Phase A.

### Phasing & Crowd Safety

- 4.22 THFC have consistently raised concerns about the phasing of the Scheme and particularly the long and extended timescales for the delivery of Moselle Square which represents one of the main gateways to THFC's stadium and the vital link between it and the closest train station (White Hart Lane). As explained in Section 2 of my evidence, recent updates to the phasing plan in the AA's Statement of Case show reduced timescales but these are inconsistent with what was relied upon during the planning process and there is no guarantee about the timing or duration of the disruption to the route.
- 4.23 Long delivery timescales delay regeneration and place-making benefits and as, explained in the clubs evidence on crowd flow, lead to uncertainty and safety concerns which could severely inhibit the operations of THFC and other businesses in the local area.
- 4.24 Mr Ancliffe explains the practical and technical concerns during the construction process and the permanent condition in Moselle Square. Planning policy in the London Plan Policy GG1 of the London Plan (Building strong and inclusive communities) [CD3.3] requires:
- "streets and public spaces are consistently planned for people to move around and spend time in comfort and safety, creating places where everyone is welcome, which foster a sense of belonging, which encourage community buy-in, and where communities can develop and thrive"*
- 4.25 Having regard to the concerns expressed, in my view the Scheme would conflict with this policy in respect of safety and delays and disruption associated with the phasing; doing the opposite to what is required in the policy.
- 4.26 I also consider that the safety and phasing issues mean that the proposals conflict with Policy D13 (Agent of Change) of the London Plan[CD3.3]. Whilst this policy is typically applied to uses like nightclubs and industrial operations, it also applies to the THFC Stadium and requires new development not to prejudice the operation of existing business or impose unreasonable restrictions as follows: *'B Development should be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.'*

4.27 Mr Ancliffe's evidence demonstrates that the AA has not demonstrated that crowd safety can be assured during either the construction or operation of the Scheme. In these circumstances, it remains unclear whether THFC can continue to operate the stadium and therefore deliver the economic and social benefits this brings as a major leisure destination and employer.

## 5 Could be achieved by other means?

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- 5.1 There is a clear need for regeneration of High Road West as articulated in the Development Plan including the TAAP (NT5) and the Council's adopted masterplan (HRWMF).
- 5.2 However, for the reasons explained in preceding sections of my evidence, the Scheme being put forward by the AA and their development partners is inconsistent with several aspects of planning policy. In my opinion, it would represent a lost opportunity to deliver the right type of regeneration and would not be adequately co-ordinated with regeneration being undertaken by others (particularly THFC).
- 5.3 Paragraph 106 of the Guidance requires consideration as to whether the purpose for which an AA is proposing to acquire the land could be achieved by any other means including considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. THFC have put forward an alternative Masterplan which i) provides a better mix of uses with a meaningful leisure component; and ii) proposes alternative phasing which requires co-ordination with THFC and others to deliver successful regeneration outcomes.

### The Alternative THFC masterplan

- 5.4 The June 2023 '*High Road West South: Alternative Masterplan Summary*' document explains how the parameters for the Planning Permission south of White Hart Lane could be revised to better meet planning policy and other requirements. Key adjustments include:
  - 5.4.1 The introduction of a flexible leisure/cultural venue (up to 16,000 sq.m) in plot C, with capacity for between 1,500 and 5,500 people.
  - 5.4.2 The inclusion of new education space in Plot E with the library in the Grange north of White Hart Lane, with 4,500 sq.m of commercial space proposed overall.
  - 5.4.3 The re-alignment of plots to accommodate the venue and provide a more permeable public realm with better connections through to the THFC stadium.
  - 5.4.4 Adjustments to the building heights to reflect the revised land-uses and provide improved daylight sunlight conditions (all of the buildings sit within the consented height envelope (see appendix 2).
  - 5.4.5 Changes to the number of homes with circa 1,274 shown, slightly less than the minimum of 1,350 cited within the AA's Statement of Case<sup>6</sup>.
- 5.5 The Alternative Masterplan also proposes a revised phasing which takes into account land to the north of White Hart Lane.

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<sup>6</sup> Paragraph 9.28 refers to between 1,350 and 1,665 homes

## Consistency of Changes with Planning Policy

- 5.6 In my opinion, the adjustments shown significantly improve consistency with planning policy.
- 5.7 The inclusion of a new leisure destination to complement the THFC stadium is entirely consistent with the specific terms of the TAAP NT5 allocation to create a new leisure destination for London. In qualitative and quantitative terms it would ensure that on no-matchdays the area remains lively and attracts people (TAAP paragraph 3.23), acts as a catalyst for wider change (TAAP paragraph 2.37) and would deliver much needed new jobs (TAAP page 1). The evidence of Mr Serra explains the employment, training and other benefits arising from the leisure use, which will help to transform skills and employment prospects for the local community.
- 5.8 Without the changes, the Scheme is overly dominated by housing, which whilst meeting significant local housing needs, would not address broader place making, employment and skills imperatives as required in the TAAP.
- 5.9 Given the outline nature of the Planning Permission, it is not possible to be precise about how many less homes could be delivered in the Alternative Masterplan. The 1,274 homes shown would be 75 less than the minimum suggested by the AA (1,350) and as noted in the June 2023 Alternative masterplan (section 4.2) there could be a net loss of 206 homes, with the amount dependent on the final design.
- 5.10 In planning terms, I do not see any concern with the reduction in housing and, in my view, proposals for a revised scheme would be entirely consistent with planning policy and there would be a very good chance of permission being granted for the changes in the context of:
- 5.10.1 The inclusion of a leisure destination required by policy (TAAP NT5);
- 5.10.2 The provision housing provision within NT5 still far exceeding the 1,200 net residential units or 1,400 overall cited on page 102 of the TAAP, with 1,274 provided to the south of White Hart Lane, the 867/844 residential units in the Goods Yard/Depot Site which LBH have resolved to approve and other housing in the NT5 area. Furthermore, since the Planning Permission was granted, THFC have secured consent for between 198 and 221 more homes compared than was assumed in the Planning Permission for the area north of White Hart Lane which makes up any deficit<sup>7</sup>.
- 5.10.3 Improved permeability and connectivity through Moselle Square, which as demonstrated by the evidence of Simon Ancliffe demonstrates and overcomes concerns about crowd safety and therefore conflict with policies in the London Plan which I cite in section 4. More generally, it would improve quality of the public realm in Moselle Square and ensure that it complements both the THFC stadium and the suggested, leisure/cultural venue.

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<sup>7</sup> Compared to the 646 new homes assumed coming forward by THFC in their Goods Yard and Depot scheme, 867 homes were approved at appeal in October 2022 and 844 have recently been approved (see section 2 of my evidence).

## Co-ordinated delivery

- 5.11 The Alternative Masterplan proposes a revised phasing which envisages the delivery of development to the north of White Hart Lane in parallel with land to the south (Phase A). This includes the early single phase decant of the Love Lane housing estate into the Goods Yard plots (blocks J1, L1 and M2) and the single phase decanting and demolition of Love Lane estate to allow Moselle Square to be delivered in early stages of the development. This has several benefits over the Phasing shown in the Scheme including:
- 5.11.1 Reduced disruption to existing residents who are more likely to have to move once.
  - 5.11.2 The earlier and quicker delivery of the route between the THFC stadium and White Hart Lane Train station, which is a critical link on match and event days. This approach also has placemaking benefits from the earlier and quicker establishment of Moselle Square.
  - 5.11.3 A more balanced delivery of housing with the infrastructure to accompany it. A comprehensive phasing approach north and south of White Hart Lane enables housing and open spaces to be delivered in a better balance.
- 5.12 The approach is much better aligned to the phasing in the HRWMF which comprises the Council's most up to masterplan for NT5 and is therefore consistent with TAAP Policy AAP1.
- 5.13 These benefits could only be achieved through commitments to phasing and close co-ordination with neighbouring landowners particularly THFC. Such commitments could be secured through S106 obligations in any new or amended planning permission for the Scheme.

## 6 Summary and Conclusions


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- 6.1 I do not consider the Scheme as formulated provides a sufficiently strong case to meet the factors set out in paragraph 106 of The Guidance. I do not consider that there is a compelling case in the public interest.
- 6.2 The absence of guarantees for a meaningful leisure component which provides the required leisure destination for London is a fundamental omission and means that the proposals directly conflict with the site allocation (NT5) and undermine the clear rationale for including such an element in policy and regeneration strategies.
- 6.3 Only a 'Partial Scheme' is being promoted. The Scheme ignores the need for a comprehensive approach which is essential for the proper phasing of the Scheme, to ensure that land north of White Hart Lane (not being delivered by the Club) is brought forward in a co-ordinated manner and to ensure that the public open space etc is being provided when future residents south of White Hart Lane need it. This Partial Scheme also raises concerns about crowd safety which cannot be deferred to a later date.
- 6.4 THFCs Alternative Masterplan shows how many of these key shortcomings could be overcome. This would require commitments to a revised more comprehensive Scheme, with assurances about phasing and the delivery of meaningful non-residential uses particular a leisure destination for London consistent with policy. Such changes would require a new or revised planning permission. They would also require a revised approach to acquisition with collaboration with THFC and others being essential to ensure that High Road West is not confined to the south of White Hart Lane for a scheme overly dominated by housing which conflicts and restricts the operation of its neighbours including THFCs stadium.

# Declaration

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The evidence which I have prepared and provide in this proof of evidence is true and 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.

A handwritten signature in black ink, appearing to read 'S. Bashforth'.

**Sean David Bashforth**

**Senior Director**

9 October 2023