

# Addendum

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**Planning Sub Committee 21<sup>st</sup> July 2022****ADDENDUM REPORT****UPDATE FOR CONSIDERATION AT PLANNING SUB-COMMITTEE Item No. 8**

<b>Reference No:</b> HGY/2021/3175	<b>Ward:</b> Northumberland Park
<p><b>Address:</b> High Road West N17</p> <p><b>Proposal:</b> Hybrid Planning application seeking permission for:</p> <p>1) Outline component comprising demolition of existing buildings and creation of new mixed-use development including residential (Use Class C3), commercial, business &amp; service (Use Class E), business (Use Class B2 and B8), leisure (Use Class E), community uses (Use Class F1/F2), and Sui Generis uses together with creation of new public square, park &amp; associated access, parking, and public realm works with matters of layout, scale, appearance, landscaping, and access within the site reserved for subsequent approval; and</p> <p>2) Detailed component comprising Plot A including demolition of existing buildings and creation of new residential floorspace (Use Class C3) together with landscaping, parking, and other associated works</p> <p>Outline:</p> <ul style="list-style-type: none"> <li>• Demolition of most buildings (with retention of some listed &amp; locally listed heritage assets);</li> <li>• New buildings at a range of heights including tall buildings;</li> <li>• Up to 2,869 new homes in addition to Plot A (including affordable housing);</li> <li>• At least 7,225sqm of commercial, office, retail, &amp; community uses (incl. new library &amp; learning centre);</li> <li>• New public park (min 5,300sqm) &amp; new public square (min 3,500sqm); &amp;</li> <li>• Other landscaped public realm and pedestrian &amp; cycle routes</li> </ul> <p>Detailed:</p> <p>Plot A - Demolition of 100 Whitehall Street &amp; Whitehall &amp; Tenterden Community Centre and erection of new buildings of 5-6 storeys containing 60 new affordable homes &amp; open space.</p>	

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*(Officer note this was received today at 13:19 as such officers have not yet had the opportunity to consider or comments on its contents.*

## **1 Consultee responses-**

**The Metropolitan Police Service Security Advisor** - objects pending information being formally provided to key stakeholders for comment regarding plans relating to crowd flow management on event days. Initial concerns regarding safety and security were raised around the proposed crowd flow plans during the construction phases. LendLease have provided further information to the MPS Security Advisor. This information needs to be shared with those key stakeholders who will have the responsibility of managing the crowd flow on events days for their comment. The space between Love Lane and Tottenham High Road is considered a 'grey space' in terms of security on event days and it is imperative those stakeholders responsible for security have an opportunity to formally view the plans and provide comment to ensure safety and security can be maintained in this space.

**CCG-** Are satisfied that the proposal ensures adequate floorspace is provided but request a contribution to capital costs. (Officer comment- The floorspace re-provided must be fitted out to ensure continuity but additional floorspace would be provided to shell and core only)

**Haringey Cycling Campaign** – Subject to applicant providing the following they withdraw their objection:

1. The designated cycle routes be reviewed and augmented, to give access to Brantwood Road, via the new crossroads junction and to give an alternative more direct N/S route through the site.
2. The crossroad junction to Brantwood Road be designed to include LTN1/20 compliant cycle provision and Section 106 funding be agreed for this work as required by Haringey Council.
3. The design of designated cycle routes be reviewed to avoid sharp changes in direction and maximum legibility for users.
4. A cycle crossing or shared pedestrian/ cycle crossing facility be provided at White Hart Lane, to the satisfaction of Haringey Council.
5. Signage of local cycle routes be provided.

6. Further details be provided for means of access to 1<sup>st</sup> floor cycle parking to augment the proposed lift, for example a ramp or straight flight stair with user activated wheel channel lift.

(Officer comment- this is secured under condition 89 and amendments to HoT 19.) **Dr Jim Dickie Crowd Flow commentary on THFC objection 20<sup>th</sup> July 2022** - Dr J F Dickie has provided a response to the latest THFC objection received on 20th July 2022. The review outlines why he believes the proposals (construction phase and finality) do not expose spectators/employees/members of the public to a greater level of risk than what is currently in place. The review also acknowledges that measures to ensure acceptable levels of risk during each phase of the construction will be assessed by the Safety Advisory Group which would allow for safety matters to be duly addressed and any changes incorporated as necessary prior to the start of works.

## **2 Amendments to the report**

**Paragraph 6.56** is amended as follows to further consideration of how best to address the QRP comments and should read:

In respect of Block F, as set out above, concerns were raised by the QRP in respect of the massing of this Block overall, with a further expectation of a maximum 10 storey shoulder feature to respond to the Grange listed building. Careful consideration has been given to the scale of this block and how it relates to both the listed building and White Hart Lane, whilst also responding to Block D to the south. ~~It is considered appropriate to restrict the parameter height of this Block alone to be no more than 15 storey's in height with shoulders of no more than 10 storey's to protect the relationship with the listed building at this time.~~

A condition has been attached to ensure that at reserved matters stage the design of this building achieves an exceptional level of design quality by requiring a further Heritage Townscape and Visual Impact Assessment (HTVIA) to allow a robust review of the heritage and townscape impacts of any development in consultation with the Quality Review Panel.

Conditions 39 has also been amended accordingly

Para 6.9 and QRP response Table 12 The Design Code has been amended to require a 10 storey shoulder block between the tall building in Plot F and the White Hart Lane frontage and a condition has been attached controlling the ~~overall height of this building and its consequent~~ impact on the conservation area of this building and securing exceptional design quality.

### **Additional Clarification Regarding Funding position**

Following extensive discussions with the GLA and a rigorous process of due diligence undertaken by the GLA to justify their support for the Scheme, the Council secured a commitment from the GLA to provide a total funding package of £91,512,000 comprising of £70,312,000 of Affordable Housing Grant and £21,200,000 of Mayor's Land Funding.

Both funding streams faced high levels of competition from other boroughs and it is a reflection of the priority that the GLA places on providing support for the High Road West scheme, that such a substantial level of grant funding was provided.

Both sets of funding include Milestones and Outputs including successful ballot and Start on Site Conditions. The condition for the Start on Site date for the Affordable Housing Grant is due to be met in September 2022. There have been clear instructions from the GLA that this must be adhered to or, should a variation to this contractual position be allowed, that it will not be extended much beyond this. This is to enable them to manage their overall budgets and ensure that they can meet the required targets with the Department for Levelling Up, who ultimately provide the funding.

Should the start on site date not be met, the funding conditions would therefore not be complied with. Following the completion of the current programme of Affordable Housing Grant (2016-2023), there are no suitable alternative sources of funding that would meet the requirements of delivering the High Road West scheme. This reflects the terms of the replacement AHG funding for the 2021-2026 programme that states "Funding will not be available for units that replace homes that have been, or will be, demolished"[1].

As such, a decision regarding the Planning Application is required now in order to meet this deadline.

### **Agent of Change Principle**

Para 187 of the NPPF sets out that . Planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such ...sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The Site Allocation NT7 - "Tottenham Hotspur Stadium" sets out that The Council will, where appropriate, continue to work with the Football Club to ensure appropriate nearby developments capitalise on the opportunities presented by the existing and proposed stadium, which enhance the investment in the stadium and surrounding areas and respect the operational needs of the Football Club.

The Council's approach to assessing the impact on Crowdfow satisfies the agent of change principle by ensuring that the existing queuing area will be available during and after the construction of the development. There are also significant mitigations in the Conditions and Planning Obligations to ensure there are no adverse effects on the existing stadium operations.

The site falls outside the NT7 site allocation but in any case the proposed route to and from the stadium through the application site would respect and enhance the operational needs of the Football Club.

### **Members Consideration in Determined the Application**

#### **Decision-making framework**

The framework within which Members are advised to consider this application is that set out in the National Planning Policy Framework ("NPPF"), as now interpreted by several High Court and Court of Appeal decisions. This document sets out a number of somewhat complicated

stages and officers provide the following guidance as to the appropriate decision-making process.”

The Council cannot currently demonstrate a 5 year supply of housing land and, accordingly, the so-called presumption in favour of sustainable development is engaged. Members are thus required to consider the matter through the following stages:

1. It is first necessary to consider whether the “less than substantial” level of harm to heritage assets is sufficient to provide a “clear reason”.in order to do this, members must consider whether the harm to heritage assets is outweighed 1<sup>st</sup>, by any benefit to heritage assets which may occur and thereafter whether the wider public benefits of the scheme are sufficient to outweigh the harm to heritage assets.
2. If Members do conclude that there is a clear reason for refusal based on heritage, then members must go on to perform an overall balancing act balancing exercise is to be performed on the normal basis that members simply need to consider whether the overall benefit of the scheme outweighs the overall harm.
3. If, by contrast, Members decide that there is not a “clear reason” for refusal based on the harm to heritage (as set out in paragraph 1 above), Members must then move to apply the so-called tilted balance set out in the NPPF. By contrast to the normal balancing exercise set out in paragraph 2 above, the tilted balance requires that members grant permission unless the overall harm caused by the scheme significantly and demonstrably outweighs the benefits of the scheme.

In respect of these tests, Officers have recommended as follows:

1. Whilst there is some less than substantial harm to heritage assets, officers consider that the wider public benefits of the scheme are sufficient to outweigh that harm. As such, there is no “clear reason” for refusal based on the harm to heritage assets.
2. Accordingly, the application must be decided under the so-called tilted balance considered in paragraph 3 above. Officers consider that the overall harm caused by the scheme cannot be said to significantly and demonstrably outweigh the benefits of the scheme and, accordingly, recommend approval of the scheme.

### **3 Corrections and clarifications on the main report**

The following items in **green** will show amendments/corrections/changes and **red** deletions. Existing text in the report and points of clarification are in black.

**For clarification** – the benefits referred to in the summary of key reasons for recommendation, **paragraph 4.2 and 10.42** in relation to new library and learning centre mean a new library and learning centre of between 500 and 3500 sqm (GEA) and supporting and creating new jobs mean an estimated 1,214 FTE jobs directly during construction along with a further 1,202 associated supply chain jobs and an estimated 240+ FTE Net additional jobs once operational and 93+ FTE associated supply chain jobs and creation of new affordable workspace means a proportion of the proposed 1,525 – 7,200 sqm (GEA) of Use Class E(g) floorspace.

**Paragraph 3.3** should read:

Outline planning permission is sought, for the demolition of existing buildings and the creation of a mixed-use development comprising up to 2,869 residential dwellings (Use Class C3) and at least 7,225 sqm commercial, business & service (Use Class E), [business \(Use Class B2 and B8\)](#), leisure (Use Class E), community uses (Use Class F1/F2), and Sui Generis uses together with creation of a new public square of at least 3,500 square metres, creation of a new public park of at least 5,300 sqm & associated access, parking, and public realm works. Matters of appearance, landscaping, layout and scale are reserved for subsequent approval (reserved matters) and detailed approval is sought for matters of access.

**Table 2:** Proposed illustrative phasing plan should read:

Phase 3: Plot B, C, E and Moselle Square - [2029 – 2032](#) not ~~2024 – 2032~~

Phase 4: Plot M2, L1, L2, H1, H2, H3 - [2022- 2024](#) not ~~2022-2025~~

Phase 6: Plot K2, M3, L2 and Peacock Park – [2026 – 2028](#) not ~~2025 – 2028~~

Phase 7: Plot K1, J2 and rest of Peacock Park – [2026 – 2029](#) not ~~2025 – 2029~~

Phase 8: Plot I1, I2 and I3 – [2027 – 2029](#) not ~~2025 – 2029~~

**Paragraph 3.14** should read:

...The

outline part of the application site includes the site areas for the existing Goods Yard and Depot Site extant consents (references HGY/2018/0187 and HGY/2019/2929), [807 High Road \(HGY/2021/0441\) and Printworks \(HGY/2021/2283\)](#).

**Paragraph 4.19** should read:

The proposed loss of the existing out-of-centre large retail store and smaller retail units is consistent with the development plan's 'town centres first' approach to retail provision and



the Site Allocation, therefore is acceptable in principle. The proposed scheme includes between ~~6,225~~ 6,025 and 22,000 sqm (GEA) of flexible commercial (E Class) uses, between 4,000 and 7,800 sqm (GEA) is proposed in the E (a-c) Use Classes, discussed below. The exact quantum and distribution of this floorspace is not known at this stage but is likely to predominantly comprise of smaller retail units and larger food and beverage units, suitable for independent local businesses. The existing floorspace, by use class, minimum floorspace parameters and net change in floorspace provision, by use class, is set out in table ~~4~~ 5 below. This is in line with the AAP aspiration of providing up to 11,740 sqm of Town Centre Uses within the masterplan area, notwithstanding the proposed net loss of between 1,200 sqm and 9,195 (GEA) retail floorspace. It is envisaged that the proposed residential development would provide further support for the existing and proposed commercial units in the locality, contributing positively to the vitality and viability of the Local Centre.

**Paragraph 4.44** should read:

The extant Goods Yard consented scheme has a density of 253 homes/hectare (based on the maximum number of dwellings (316) being delivered on the 1.25 hectare site)

~~(270 homes/hectare)~~ and the extant Depot consented scheme has a density of 275 homes/hectare (based on the maximum number of dwellings (330) being delivered on the 1.2 hectare site). The refused Goods Yard and Depot

Scheme proposed a density of ~~1,116 habitable rooms/ha~~ ~~(353~~ 347 homes/hectare (based on the maximum number of dwellings (867) being delivered on the 2.5 hectare site). Officers are satisfied that the proposed residential density of up to 341.7 homes/hectare (based on the maximum number of dwellings (2,929) being delivered on the 8.57 hectare

site) can be satisfactorily accommodated on the site and is necessary to facilitate the delivery of the proposed public benefits, including but not limited to, affordable housing, new pedestrian and cycle links, new commercial and community floorspace, public open space and new public realm.

Table 6 rows 3 and 4 should read:

Table 7 should read:

Tenure	Units	Hab Rooms	% Hab Rooms
Social Rent	500	1730	<del>59.8%</del> <u>23.61%</u>
Shared Ownership	416	1164	<del>40.2%</del> <u>15.87%</u>
Total	916/ <u>2,612</u>	2894/ <u>7333</u>	39.84%

**Paragraph 5.20** should read:

In accordance with London Plan Policy H5 and H8, it is recommended that s106 planning obligations secure an Early-Stage Viability Review, mid stage and late-stage review. It is also recommended that these secure a Development Break Review – requiring a review if an approved scheme were implemented, but then stalled for 30 months or more. These reviews would enable the provision of affordable housing to increase ~~up to 40% (by habitable room)~~ subject to future market conditions and delivery timescales. It is also recommended that a planning condition is attached requiring viability addendum reports to be submitted with the reserved matters submissions.



**Paragraph 6.36** should read:

Tottenham Hotspur Football Club have objected to the proposed development on the grounds of inadequacies in the submitted Crowd Flow Study. Notably, that a focus on space provision is not appropriate given the potential safety impacts of managing crowds through a construction site, including, but not limited to the implication for emergency vehicle access and crowds being trapped between large hoardings with limited emergency escape routes. The Study has been reviewed by the Council's independent crowd flow expert who considers that the current and proposed queuing provision is sufficient to enable safe management and movement of spectators at events between the stadium and White Hart Lane Station during premier league football fixtures. Excessive queues can be experienced for concerts, boxing matches, occasional football matches with late finishes in the current queuing arrangements however this can be safely resolved through the Event Management Plan with measures such as effective communication to spectators.

**Paragraph 6.38** should read:

The submitted parameters and illustrative masterplan can accommodate the spatial requirements required to enable the successful management of crowd flows on event days. The proposed indicative layout would improve the existing queue management, circulation and wayfinding on event days by having a design purpose built to accommodate crowd flow, improving legibility to the stadium, increasing areas available for queuing and reducing pinch points in the approach to the stadium. The detailed layout of the site and an interim crowd flow management strategy (i.e. queue areas and geometry, contraflow lane and access to residences) during construction will be secured at reserved matters stage along with an event management plan. This will include further crowd flow studies and be subject to Safety Advisory Group (SAG) review and engagement with relevant stakeholders. These will be secured by planning condition.

Paragraph 10.19, 10.36 and 10.44 - for clarification references to specialist conservation advisor, heritage specialist and Conservation Expert. These titles have been used synonymously with Conservation Officer.

**Paragraph 10.23** should read:

Officers consider that the height and scale of the proposed towers would stand out in the background of heritage assets as prominent, contemporary structures in juxtaposition to the architectural and urban qualities of the Listed Buildings and also of the locally listed buildings at Nos. 823 to 829. As such, they consider that the proposed towers would cause a medium

level of less than substantial harm to the setting of ~~no.819 – 821 High Road and a low level of less than substantial harm to the setting of no. 797 – 799 High Road and~~ no.823 - 829 High Road.

No. 34 White Hart Lane (Listed Grade II). The nearest proposed plots to the building are the I plots. The ES concludes that the proposal would have a minor beneficial impact as a result of the demolition of nos 24-30 White Hart Lane and public realm improvements within its setting. The Conservation Officer notes that the demolition of No. 24 – 30 White Hart Lane and the introduction of new buildings of an increased height would result in medium to high level of less than substantial harm to the setting of the listed building. In addition, the tall buildings as part of the extant permissions at Goods Yard would also result in harm. The cumulative harm to the Grange would be considered as high.

**Paragraph 10.24** should read:

No.7 White Hart Lane (Listed Grade II). The ES sets out that the setting of this building is formed by poor quality C19/C20 development. The proposed plot G is to the south west and the I plots opposite. The ES concludes that proposal will have a Minor adverse impact on this building. Owing to the scale of the plot G maximum parameters, together with impact of the taller buildings near White Hart Lane Station and their ~~its~~ juxtaposition with the heritage asset, the proposal would result in a high level of less than substantial harm to the setting of the listed building.

**Paragraph 10.25** should read:

Nos. 867-869 High Road (Listed Grade II). Due scale of the proposed new buildings within the setting of the heritage asset, the proposal would result in a medium level of less than substantial harm to the setting of the asset. The scale of some of the proposed new buildings is reflective of the buildings that have the benefit of planning permission pursuant to Goods Yard and Depot consents.

Paragraph 10.26 should read:

North Tottenham Conservation Area. ~~The site includes Nos. 867-869 High Road High Road, which forms part of Sub Area A of the Conservation Area and marks the entrance to the Conservation Area from the north. It also includes the adjoining surface level car park and mature London Plane trees (as well as other mature London Plane trees in the High Road footway which fall outside of the Conservation Area). The proposal includes the demolition of buildings identified in the Conservation Area Appraisal as making a positive contribution to the character of the Conservation Area.~~ There are several listed and locally listed buildings included within the Conservation Area. Whilst certain parts of the Site are considered to detract from the setting of these assets and the conservation area itself, the proposal would involve the demolition of some buildings identified as ‘positive contributors’. This along with proposing buildings of a greater scale, the proposal would result in a high level of less than substantial harm to the Conservation Area.

**Paragraph 10.29** should read:

Station Master’s House (Locally Listed). The proposed scheme includes new buildings in close proximity to Station Master’s House. The ES concludes that the significance of the

building and its appreciation would not be materially affected by the proposed tall buildings and identifies a Negligible effect. Officers disagree, and consider that, whilst the proposed improvements to the public realm could result in heritage benefits, the scale of the proposed new buildings in its immediate setting would result in a low level of less than substantial harm to the setting of the locally listed building.

**Paragraph 10.30** should read:

Church of St Francis de Sales High Road (Locally Listed). ~~The proposal would introduce tall buildings in close proximity to the non-designated heritage asset further reducing its prominence in the street scape, to the detriment of its setting.~~ Block C of the proposed masterplan would lie immediately north of the building. As per the design codes, the proposal would be required to respond to the scale of the building and be within three and six storeys. It is likely that the higher parameters would have an impact on the setting of the Church and would ~~The proposal would~~ result in a mid-level of less than substantial harm to the setting of the building.

**Paragraph 10.31** should read:

No. 793 – 795, No. 801 – 805 High Road, No. 809 – 811 High Road, No 813 – 817 High Road, No. 841 – 843 High Road, No. 847 – 853 High Road (Locally Listed). Proposed buildings in behind these assets. The upper parts of the proposed buildings would be visible in long views along the high road that would reduce the assets prominence and linearity resulting in a low level of less than substantial harm. In respect to no. 865 High Road block K2-3 would be immediately to the south of the building and would be of a comparable height reinforcing the street frontage which is considered to be a heritage benefit. Block K2-1 and K2-2 to the rear of the site would form a greater massing in the setting of the heritage assets resulting in a medium level of less than substantial harm. Owing to the benefit Block K2-3 provides, overall, the proposal is considered to result in a low level of less than substantial harm on the locally listed building.

**Paragraph 10.41** should read:

As such, taking full account of the Council's statutory duty under sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paras 196 and 202 of the NPPF this harm has been given less than substantial weighting and requires a balancing exercise against public benefit.

**Paragraph 29.6** should read:

In this case, the impact on designated heritage assets, subject to design detailing, has the potential to result in an upper level of 'less than substantial harm', with the value of the Conservation Area having already been eroded irrevocably as a result of the stadium development. However, it is considered that this harm has been clearly outweighed by the public benefits of the proposed development as set out in paragraph 10.42. It is therefore considered that paragraph 11d(i) ~~this impact could~~ provides a clear reason for refusal for the purposes of Paragraph 11d(ii).

**Paragraph 30** should read:

The conclusion that heritage matters (finding less than substantial harm) ~~could~~ does not provide a clear reason for refusal which disapplies the presumption in favour of sustainable development and the tilted balance (paragraph 11d(ii)). Accordingly, a normal planning balance exercise must be undertaken.

**Paragraph 30.1** should read:

As set out in paragraph ~~34~~29.1 above, the proposal departs from the HRWMF Development Plan in a number of respects, however, is considered to broadly comply with the HRWMF and in accordance with the adopted development plan when read as a whole. ~~regard needs to be given to benefits of the scheme overall.~~

**Paragraph 30.2** should read:

In the first instance, the scheme seeks to bring forward the entire regeneration area set out in Policy NT5 in a clear and comprehensive manner originally envisaged within the High Road West Masterplan. The scheme ~~will~~could deliver in excess of 1200 ~~4700~~ dwellings more than originally envisaged within Policy NT5 In approaching the proposals in this manner and at the densities and scale proposed, the scheme is eligible for in the region of £90m of grant funding that ensures it is both deliverable and that the Love Lane estate regeneration can occur within the foreseeable future. Any delays in obtaining a planning permission will likely result in the loss of this funding and render the scheme undeliverable.

Paragraph 31.2 should read:

The scheme does have its some negative aspects. However, it has clear and demonstrable benefits that weigh heavily in its favour, largely resulting from the comprehensive redevelopment approach advocated by this proposal and the negative aspects would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole. It is considered that this represents a prime opportunity, mostly as a result of the significant level of funding available, to demonstrably improve this environment for existing and future residents, such that it is the opinion of Officer's that the scheme should be considered favourably.

#### 4 - Representations

A summary of comments complied at various residents' consultation events has been received from Public Voice (the Independent Tenant & Leaseholder Advisor for the Love Lane Estate). The letter contains comments of support from 14 addresses within the site/ the local area and one comment of concern.

Further objections have been received from Peacock Estates Management Limited, Haringey Defend Council Housing, and Tottenham Hotspur Football Club.

Comment	Officer response
<b>Public Voice</b>	
The new community and new homes are welcome	Noted.

The process needs to be sped up	Not a material planning consideration.
The new homes need to be spacious	The new homes will meet or exceed the Nationally Described Minimum Space Standards.
The design is positive	Noted.
The current homes are beyond repair and need to be demolished and rebuilt	Noted.
A preference for the height to be limited to 4/5 stories should avoid hidden areas to deter antisocial behaviour.	Whilst the heights of the buildings proposed exceed that envisaged in the High Road West Master Plan Framework (2014) a precedent for taller buildings on the site has been established via existing consents on the Goodsyrd and Depot sites (HGY/2018/0187 and HGY/2019/2929). Officers are satisfied that the scale of the proposed buildings are acceptable, as set out in the report.
<b>Peacock Estate Management Limited</b>	
<p>Contradictions in floor space provision for B2, B8 and E(g)</p> <p>The ability of occupiers of the Industrial Estate to relocate within the proposed development.</p> <p>Inadequacy of the business relocation strategy.</p> <p>Loss of Jobs</p> <p>Adverse Equalities Impacts</p>	<p>The reserved matters submissions would need to comply with the contents of all 3 control documents (parameters plans, development specification and design code). The proposal commits to a minimum of 4,686 sqm (GEA) of B2, B8 and E(g) uses. The control documents allow for up to 22,000 sqm (GEA) of flexible commercial floorspace and up to 8,000 sqm (GEA) of B2/B8 floorspace. The floorspace ranges allow the proposal to respond to demand as the reserved matters come forward and the development progresses. In addition, the legal agreement secures a proportion of the proposed commercial floorspace as affordable space.</p> <p>It is likely that not all business that currently exist within the site will be able to relocate within the proposed development. To mitigate the impact, provision of a business relocation strategy has been made that includes support for business that need/ want to relocate off site to find suitable premises. The detailed business relocation</p>

	<p>strategy is to be secured by legal agreement. The proposal will likely have a minor adverse impact on existing business which is considered to be acceptable in light of the benefits delivered by the development.</p> <p>Whilst the proposal could result on the loss of 85 businesses and associated estimated 690 FTE jobs, with the operational phase estimated to deliver a minimum of 392 FTE jobs on site, when additionality adjustments are applied and retained businesses are taken into consideration it is estimated that the proposal will deliver a minimum net increase of 240 FTE jobs. Whilst there will be some negative impacts associated with lost jobs and business displacement, positive impacts will arise from the provision of additional jobs which could be taken up by individuals in priority groups. When mitigation is taken into account, including the business relocation strategy and the benefits associated with new high quality dwellings (including affordable housing), public realm enhancements, provision of temporary construction jobs, the proposal is considered to have an overall beneficial impact on priority groups.</p>
<b>THFC</b>	
Officer report fails to properly and fairly set out all the issues raised by THFC in its representations dated 4, 14 and 16 March and 30 June 2022.	<p>Officers consider the report and appendices provide a fair and proportionate summary of the previous objections.</p> <p>For transparency the full objection has been appended to this addendum in any case.</p>
Crowd Flow and Safety – notable during the construction phases and how the proposed arrangements are inadequate for safety reasons surrounding emergency vehicle access and the enclosure of crowds during an emergency and provision of rights for THFC staff and spectators to cross the site.	The submitted interim crowd flow arrangements and development phasing are indicative. Both of which are subject to planning conditions and/or legal agreement arrangements. The Council's Independent Crowd Flow expert has confirmed that the proposed queue provision arrangements are

	<p>acceptable subject to appropriate event management. The detailed arrangements both during construction and operation are subject to reserved matters and/or discharge of conditions approval whereby relevant interested parties will be consulted. Given the size of the site, Officers are satisfied that it will be possible to phase the development and arrange any necessary construction hoarding/ barrier and access arrangements in a way that would enable the safe and efficient management of crowds during event days. Officers consider that it is lawful for the Council to utilise appropriate planning conditions and legal agreement terms to mitigate impacts of development and subsequently enable a decision to be lawfully made on the application.</p> <p>The legal agreement will provide an appropriate mechanism(s) to secure the necessary access rights to enable crowds to move through and be appropriately and safely managed through the site.</p>
Dr Dickie's advice has been provided late in the process.	Dr Dickie has provided an independent assessment to the Council of the applicant's submissions the objectors have been able to review and comment on his response so have had adequate time.
Not appropriate to focus on quantum of queueing space...	Officers consider that Spaces where queueing occurs will always need to be effectively managed by those tasked with crowd management. If this is done effectively the space provided would provide sufficient space for queueing.
Construction phase boundary treatments and crowds trapped between hoardings with no means of emergency escape...	<p>As set out above the Council's independent advisor Dr Dickie has advised (appendix 2) that the information provided demonstrate the proposals do not expose spectators/employees/members of the public to a greater risk than existing arrangements.</p> <p>The officer report lists on p33 the Mayor's Office for Policing and Crime and the Metropolitan Police (Designing Out Crime)</p>



	<p>as consultees with no objections received at the point of its publication.</p> <p>The Metropolitan Police had already suggested conditions including related to counter terrorism activities and crowd control as set out on pp338-9 of the officer report which are then adapted for the officer's recommended conditions in the officer report. This addendum includes further enhancements to the conditions to explicitly include consultation with the Metropolitan Police Service Security Advisor and emergency services.</p> <p>As each phase comes forward in the RMAs a detailed interim crowd flow report would need to be submitted that would have to meet the requirements of interested parties prior to development. In any event, the applicant has shown illustratively how crowds could disperse during an incident and how emergency access and safe haven points could be delivered. The Metropolitan Police Service Security Advisor has since considered clarifications to address their concerns but object pending information being formally provided to key stakeholders for comment. Key stakeholders will have this opportunity when the interim crowd flow reports are submitted as part of Reserved Matters / conditions.</p>
Does not agree with approach that details could be secured by Reserved Matter and condition. The Council may only lawfully impose such a condition if...	That information has been provided. The clarification received dated 20/07/2022 (appendix 5) demonstrates how the differing crowd routes throughout the phasing of the development could provide safe havens/emergency access points. The applicant has identified how the interim and end scenarios would function effectively in terms of providing a suitable space for crowd flows on event days.
Officer report does not refer to the NPPF agent of change principle or principle in the TAAP Policy NT7	As noted in the additional para above the NPPF agent of change principle and TAAP Policy NT7 principle are satisfied.

	In any case the end scenario would have benefits to the operations and safety and a satisfactory solution would be achieved during construction (subject to details at Reserved Matters / conditions).
Non-sport events have been monitored by the applicant's crowd flow consultants Buro Happold but have not factored into the Crowd Flow Study	Concerts occurred only very recently and are a new event hosted by the club. There can always be more analysis and investigation which could carry on via consideration of the details at Reserved Matters / conditions stages and even for every new event or game if appropriate and proportionate. However, the conclusions the applicant's crowd flow consultants have put forward are robust and based on sound evidence. This has been considered by the Council's independent expert on these matters who agrees with the findings.
Dr Dickie provides no assessment of how a queue of up to 6000 people...	<p>Dr Dickie does not suggest such a thing should ever happen. If there were no management in place then it is predicted that this number could be reached. Clearly effective crowd control would identify a queue developing and would then inform those joining the queue of the likely wait times and alternatives.</p> <p>Further assessment of possible scenarios can be considered via the details at Reserved Matters / conditions stages.</p>
Need legal binding rights of access across the construction site. Draft S106 doesn't provide enough certainty on this	Rights of access would be given to the club for all areas required in the management of crowds these rights of access will be granted on reasonable terms.
<p>Relevance of grant funding</p> <p>The officer report states funding "ensures" delivery but doesn't explain how</p> <p>No explanation is provided to members why "any delays in obtaining planning</p>	The grant funding is part of the FVA and is a crucial component of the finances of the scheme. Further details on the funding position are provided above.

permission” will mean the funding is lost and the scheme is undeliverable	
<p>Heritage impacts</p> <p>Inconsistency and omissions</p> <p>Unclear public benefits and quantum to assess</p>	<p>The Officer report including this addendum provides an accurate assessment of the heritage impacts of the proposed development. The harm identified to them has been described in the report and balanced against the public benefits of the scheme when making a recommendation. Officers consider that the duties under Planning (Listed Buildings and Conservation Areas) Act 1990 have been discharged and therefore members can make a lawful decision on the application.</p> <p>d</p>
Reference to Conservation Officer means Ms Chakraborty or “Conservation Officer’s own views have not been made publicly available”?	References to Conservation Officer should read heritage advisor.
Paragraph 29.6 of the officer report concludes that the heritage harm caused by the High Road West Application constitutes “a clear reason for refusal”	The Officer Report alongside this addendum correctly applies paragraph 11(d) of the NPPF. For clarity, the less than substantial heritage harm identified does not provide a clear reason for refusal and subsequently the tilted balance is engaged. The benefits of the proposed development are substantial and outweigh the small number of adverse impacts arising. It is therefore recommended that planning permission is granted.
<p>Reliance on future reserved matters applications and consistency in decision making</p> <p>Consistency with how the council assesses Open Space between the proposal and the Goods Yard proposal, and the condition does not “ensure” compliance with policy DM20</p>	<p>As set out in paragraph 6.18 of the Committee Report, for the cumulative development there would be a requirement of 10.51ha for the entire development area.</p> <p>As landscaping is a reserved matter, the extant requirement for publicly accessible open space can be determined at reserved matters stages.</p> <p>Each phase of development will be subject to its own reserved matters application(s). Depending on the breakdown of the submissions will depend on whether the</p>

	<p>DM20 requirement for open space is triggered.</p> <p>For example, only plots G, H I, J1, J2, K1, L1, L2, M1 and M2 fall within an area of deficiency. As the application is in outline only, the housing mix is only illustrative and as such may be subject to change. The illustrative housing mix for these would generate 1,523 people which would generate a public open space requirement of 2.5ha.</p> <p>As set out in paragraph 6.19 of the Committee Report, the outline scheme demonstrates a delivery of between 3.5ha and 4.73ha of public open space. It is therefore evident that there is sufficient scope for reserved matters to deliver adequate open space provision based on DM20. The inclusion of the proposed condition ensures matters of public open space are dealt with in subsequent applications.</p>
Consistency with how the council assesses single aspect units between the proposal and the Goods Yard proposal	This development is in outline and subject to further reserved matters where further consideration will be given to ensure single aspect units are minimised.
Inconsistency between the condition limiting Block F1 to 20 storeys and paragraph 6.56 of the report limiting to 15 storeys and impact on viability and public benefits	This Addendum proposes an amendment to this condition to correct the inconsistency and achieve the objective that, at Reserved Matters stage, the heritage and townscape impacts will be assessed via a Heritage and Townscape Visual Impact Assessment (HTVIA) and reviewed in consultation with the Quality Review Panel to achieve an exceptional quality of design.
Approach to assessment and weighing of public benefits	See above.
Concerns of peer reviewers on Environmental Statement	Whilst the WSP Environmental Statement Review comments included comments about difficulties in interpreting the ES due to the volume of information, lack of focus on pertinent issues and the number of different development scenarios proposed. WSP did

<p>The ES assesses a scenario where the southern phase of the development come forward alone but this is not assessed in the officers report.</p>	<p>not find fault with the methodology used in the Environmental Statement and concluded that 'they have not identified any issues of non-compliance in the way the EIA has been undertaken'. And that 'If the developer's intent remains to develop the site as a whole, the October '21 ES remains the key document, and the Design Code should provide the detail and certainty through which strategic aims are delivered.' Officers are satisfied that the Environmental Statement has allowed for a proper and lawful assessment of the likely significant environmental effects of the development to be undertaken in accordance with the EIA Regulations.</p> <p>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 which is considered to be the correct approach.</p>
<p>Unclear whether the minimum size of 500 sqm Library and Learning Centre has been considered in the balancing exercise.</p>	<p>The balancing exercise has considered the worst case scenario of 500sqm.</p>
<p>Weighting of public benefits for potential loss of employment space and jobs</p>	<p>The proposal, in the worst-case scenario of providing the minimum amount of commercial floorspace permissible in a mix of commercial floorspace that generates the fewest jobs is expected to deliver a net increase of 240 FTE jobs in the operational phase and a further 93 FTE associated supply chain jobs. These numbers take into account jobs that will be displaced rather than lost. This is a benefit arising from the development and has been appropriately addressed in the report and this addendum.</p>
<p>Council's case for Goods Yard appeal has maintained that to assess an outline</p>	<p>The report is clear with respect to the illustrative nature of the illustrative scheme.</p>

application it is necessary to assess the 'worst case' scenario'	The report is based on an assessment of the maximum parameters and worst case scenario's, as appropriate. The wind section is based on the illustrative scheme as this is considered more representative of the likely impacts of the development than the maximum parameters.
Inconsistency in using illustrative scheme vs maximum parameters and density	
Concerns regarding density calculations	This addendum corrects/ clarifies the density and method of calculating density of the proposed development relative to that of the existing Goods Yard and Depot consents as well as the refused Depot and Goods Yard Scheme.
Inconsistent / incorrect approach to the balancing exercise	The Officer Report alongside this addendum correctly applies paragraph 11(d) of the NPPF. For clarity, the less than substantial heritage harm identified does not provide a clear reason for refusal and subsequently the titled balance is engaged. The benefits of the proposed development are substantial and outweigh the small number of adverse impacts arising. It is therefore recommended that planning permission is granted.
Departure from the Development Plan	<p>The proposal is not a departure from the development plan the NT5 site allocation requires-</p> <p><i>New retail provision to enlarge the existing local centre, or create a new local centre, opposite to and incorporating appropriate town centre uses within the new stadium, including the new Moselle public square. This should complement not compete with Bruce Grove District Centre.</i></p> <p>The proposal is considered to accord with the adopted development plan, when read as a whole. As such there is no requirement to refer the application to the Secretary of State.</p>
Council's evidence to Goods Yard appeal references the proposal "would be written up for approval" in proof of evidence in advance	The publicly-available recommendation in March was for approval, albeit that was changed to deferral at the Committee meeting. It is therefore not unreasonable for the Council's expert witness to expect the

of the expiry of the most recent consultation period	same recommendation to follow the previous recommendation. However, in any case the expert witness has not played any part in formulating the recommendation before the committee.
<b>Defend Council Housing</b>	
Lack of support from QRP  Lack of detail regarding location of homes and architecture	This is addressed in the Officer report. The application has been submitted, in part, in outline form with all matters reserved accept access and officers are satisfied that the control documents provide an appropriate framework to live a high quality mixed used development that would have positive regenerative impacts on the local area. Future reserved matters will be subject to further design and amenity analysis, scrutiny through reserved matters submissions.
Non-viability	The financial viability appraisal that accompanies the submission confirms that the development is viable, albeit, with a lower profit margin than industry standard target profits. This is a commercial risk that the applicant is willing to accept. Viability will be subject to further reviews as the development progresses.
Applicant not owning the all the land on the site.	This is not a material planning consideration.
Affordable housing	The levels of affordable housing will be secured in the legal agreement. The phasing of the development and location of new affordable housing will be secured by condition.
Service charges	This is not a material planning consideration.
Environmental damage – existing homes should be retrofitted and not demolished	As set out in the report, the proposal is for highly water and energy efficient new dwellings and the delivery of substantial environmental benefits.
Faulty Ballot	This is not a material planning consideration.

## 5 – Conditions

### Amended Condition

### 39. Block F1

#### Replace-

Notwithstanding the details shown on plan ref 0311-SEW-ZZ-ZZ-DR-T-001004 Rev P2, the height of Block F1 shall be limited to 20 storeys, the proposed development shall be carried out in accordance with the following plans in all other respects: Plans refs 0311-SEW-ZZ-ZZ-DR-T-001004 Rev P2

Reason: For the avoidance of doubt and in the interest of visual amenity, neighbour amenity, limiting the impact of the development on heritage assets and to ensure that the development conforms with the aspirations and principles of the AAP and HRWMF

#### With

Reserved Matters for Block F1 shall include a further HTVIA to review the heritage and townscape impacts of any development effecting the Heritage Assets. Any reserved matter in this regard shall be fully reviewed in consultation with the Quality Review Panel and should achieve an exceptional quality of design.

Reason: For the avoidance of doubt and in the interest of visual amenity, limiting the impact of the development (in particular in relation to height and exceptional design quality) on heritage assets with specific regard to the provisions of paragraphs 199 and 202 of the NPPF and to ensure that the development conforms with the aspirations and principles of the AAP and HRWMF.

### 62. Crowd control (PRE COMMENCEMENT)

Prior to the commencement of any Phase south of White Hart Lane (excluding Plot A) an Interim Crowd Flow Management Report will be submitted to and approved by the Council. Such report (to include queue configurations, locations **and hoarding / barrier design**) will confirm that the interim access and space for visitors to the stadium across the development is no less than the situation as at the date of grant of this planning permission in terms of minimum queue widths, minimum areas for queuing and general queue safety such as tripping hazards and ensuring queue configurations and locations meet the necessary requirements for crowd safety.

Both the Interim Crowd Flow Management Reports and the Final Crowd Flow Management Report will be consulted upon with the Safety Advisory Group, the Metropolitan Police, the Council's Building Control officers and Tottenham Hotspur Football Club. All measures in the approved reports shall be implemented for the life of the Development.

**Condition 63-** Replace drawing reference 0311-SEW-ZZ-00 -DR -T- 000034 p 000036.

79. Delivery and servicing plan (PRE OCCUPATION) - Remove "(excluding Plot A)" and moved to 'Conditions applicable to both detailed and outline elements' section

71. Highway pre-condition survey (PRE COMMENCEMENT) - Remove "(excluding Plot A)" and moved to 'Conditions applicable to both detailed and outline elements' section.

#### **Additional conditions:**



**87. Development on Third Party Land (PRE-COMMENCEMENT ON THE RELEVANT PHASE)**

No development can commence on that part of the development site shown coloured yellow on drawing 0311-SEW-ZZ-00-DR-T-000035 until the owner of that land has confirmed in a deed under s106 Town and Country Planning Act 1990 that its land is bound by the section 106 Agreements dated [ ] in relation to development on that part of the site.

REASON: In the interest of proper planning and to ensure that necessary mitigation is secured.

**89 Business and Community Liaison Construction Group (PRECOMMENCEMENT)**

(a) For the duration of the demolition and construction works the developer and its contractors shall establish and maintain a Liaison Group having the purpose of:

- i. informing local residents and businesses of the design and development proposals;
- ii. informing local residents and businesses of progress of preconstruction and construction activities;
- iii. considering methods of working such as hours and site traffic;
- iv. providing local residents and businesses with an initial contact for information relating to the development and for comments or complaints regarding the development with the view of resolving any concerns that might arise;
- v. providing advanced notice of exceptional works or deliveries; and
- vi. providing telephone contacts for resident's advice and concerns.

The terms of reference for the Liaison Group, including frequency of meetings, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The development shall thereafter be carried out in accordance with the approved details.

REASON: In order to ensure satisfactory communication with residents, businesses and local stakeholders throughout the construction of the development.

**90. Cycling Infrastructure (RESERVED MATTERS)**

Each reserved matter(s) application for access, layout, landscaping scale and appearance shall include where applicable:

Full details of designated cycle routes including reviewing north / south connectivity and avoiding sharp changes in direction. Details shall also include signage of local cycle routes. Such details to be consulted upon with the Haringey Cycling Campaign (or any successor). .

Reason: To ensure local cycling routes and facilities best meet local need.

**6 Head of Terms**

**Additions to HoTs-**

**HoT 20**

Contribution to TFL for bus improvement measures **£1,187,500**

Hot 19- Add

In consultation with TfL, explore the feasibility and design of cycle infrastructure related to:

- the junction of the High Road and Brantwood Road
- cycle crossing options on White Hart Lane

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20 July 2022

By e-mail only: [Philip.Elliott@Haringey.gov.uk](mailto:Philip.Elliott@Haringey.gov.uk)Mr Philip Elliott  
London Borough of Haringey

Dear Mr Elliott

**High Road West Hybrid Planning Application (reference HGY/2021/3175) ("the High Road West Application").**

We write in response to the Officer's Report to the Planning Sub-Committee meeting on 21 July 2022 regarding the High Road West Application ("the OR") on behalf of our client, Tottenham Hotspur Football Club ("THFC").

The OR is largely based upon the earlier report to the Planning-Sub Committee meeting on 17 March 2021 - when members subsequently deferred consideration of the High Road West Application.

Unfortunately, the OR still fails to properly and fairly set out all the issues raised by THFC in its representations dated 4, 14 and 16 March and 30 June 2022 and fails to address the fundamental concerns raised in those representations.

For the reasons set out below THFC maintains that the Council is still not yet in a position to lawfully determine the High Road West Application. If the Council does determine the High Road West Application, a decision to grant planning permission would be legally flawed.

**1. CROWD FLOW AND SAFETY**

- 1.1. The OR refers to and relies upon the advice from Dr Dickie which we understand is contained in two notes both dated 13 July and 14 July. The note dated 13 July has only been made public very recently after publication of the 14 July note (and both after publication of the OR). Given the importance of this issue, and the weight the OR places on Dr Dickie's advice this is wholly unacceptable. Whilst THFC's consultants, Movement Strategies, are in the process of reviewing Dr Dickie's notes and will provide their comments in due course, the lateness with which these documents have been published deprives interested parties the opportunity to properly review and consider them in advance of the Council's determination of the High Road West Application.
- 1.2. The OR deals with Crowd Safety in only cursory terms in 6 paragraphs (6.33-6.39). Paragraph 6.36 records that THFC has objected on the basis that it considers the submitted Crowd Flow Study is inadequate.

- 1.3. However, no explanation is provided to members as to why THFC considers the Crowd Flow Study to be inadequate. Likewise, the OR still fails to properly and fairly explain to members the real significance of the issue, the safety risks involved and the potential significant implications to the operation of the Tottenham Hotspur Stadium.

- 1.4. The OR at paragraph 6.37 states that:

*“Officers, the applicant and the Council’s independent Crowd Flow Expert are satisfied that the existing queue provision within the site can be re-provided as a minimum both during construction and once the development is complete”*

- 1.5. THFC has explained in its previous representations that it is not appropriate to narrowly focus on a comparison between the quantum of space provided now, during construction of the development, and once the development is complete.
- 1.6. A wider assessment is required to determine whether crowd flows can be managed safely and efficiently across the High Road West site following the stopping up of the existing access routes along Love Lane.
- 1.7. The note from Dr Dickie makes clear that he was asked to respond to two very specific narrow questions relating purely to the quantum of space available.
- 1.8. The first question requested confirmation whether the minimum area allowed for in the parameter plans is equivalent to the existing area for crowds to queue to the station. The second question sought clarification about whether the parameter plans exceed the existing area and therefore provide a better position as compared to the existing position.
- 1.9. Dr Dickie’s conclusion makes clear that *“During the construction phases it is not appropriate to couch questions solely in terms of area”*. This reflects THFC’s key concern. It is also clear from the wording of Dr Dickie’s conclusion that he has not found that the information he has been provided with sufficiently addresses the position during the construction phase. It is therefore misleading for the OR to suggest at paragraph 6.36 that he considers the proposed queuing provision is sufficient.
- 1.10. The reality is that the crowds will need to traverse across a large construction site for potentially over 10 years – amounting to over 500 events. The issue is not purely regarding space. For example, at its meeting on 5 May 2022 the Stadium Safety Advisory Group raised specific concerns regarding the boundary treatments and in particular the risk of large crowds being trapped between large construction hoardings with no means of escape during an emergency.
- 1.11. Furthermore, THFC now understands that the Metropolitan Police Counter Terrorism Protective Security Operations have objected to the High Road West Application on this basis – highlighting that concerns they have raised previously have not been satisfactorily addressed.
- 1.12. In respect of boundary treatments, the submitted CEMP states that either “Rhino” barriers or traditional hoardings will be used depending on whether they are bounding queue areas or not. Rhino barriers - by virtue of their low height – are inappropriate for crowd management.
- 1.13. More fundamentally, whilst the CEMP sets out a suggested sequence of temporary routes through the construction site, no analysis has been undertaken of the safety of the boundary treatments and the need for suitable escape routes during emergencies.

The reality is that far greater space is likely to be required than is currently contemplated, which has not been considered in relation to the parameter plans or construction plots

- 1.14. The OR records that the detailed layout of the site and an interim crowd management strategy will be secured at the reserved matters stage and by condition (proposed as draft Condition 62).
- 1.15. Condition 62 requires the proposed interim crowd management report/strategy to *“confirm that the interim access and space for visitors to the stadium across the development is no less than the situation as at the date of grant of this planning permission in terms of minimum queue widths, minimum areas for queuing and general queue safety such as tripping hazards and ensuring queue configurations and locations meet the necessary requirements for crowd safety”* (emphasis added)
- 1.16. The Council may only lawfully impose such a condition if it has sufficient information to enable it to conclude it is capable of being discharged in due course. The submitted Crowd Flow Study and CEMP do not provide the Council with sufficient information to enable it to rationally and reasonably reach the conclusion that the proposals can meet the necessary requirements for crowd safety. Similarly, the issue of crowd flow is one that goes to the principle of development and cannot be left to reserved matters. The Council cannot lawfully decide the current application until it has sufficient evidence before it to reach a conclusion that there will not be any unacceptable crowd safety issues as a result of the proposed development.
- 1.17. Paragraph 187 of the NPPF sets out the ‘agent of change’ principle. The insufficiency of information prevents the Council from concluding that the development will not have a significant adverse effect on the operations of THFC. There is no mention let alone consideration of this policy in the OR nor to the commentary in the TAAP Policy NT7 which provides that the Council will work with THFC to ensure nearby developments respect the operational needs of the stadium.
- 1.18. By way of one example the Crowd Flow Study (originally submitted in February and then updated in May) does not factor in any analysis of non-sporting events such as concerts. THFC is aware that the applicant’s consultants Buro Happold have monitored the first concerts held at the stadium on 1 and 2 July – but this analysis has yet to be factored into the Crowd Flow Study.
- 1.19. Dr Dickie’s note defines such irregular events as “Category 2” events. He records that for such events there will be a queue of approximately 6000 people – with spectators having to wait for more than one hour to enter the station.
- 1.20. Dr Dickie concludes that with the exception of NFL events, excessive queues can be avoided – however this is reliant upon Event Management Plans being successful. Dr Dickie provides no assessment of how a queue of up to 6000 people through the High Road West construction site could be accommodated. He provides no commentary on how much space would be required for such queues to accommodate emergency egress requirements, the necessary boundary treatments to provide safe access or the geometry of such routes.
- 1.21. Furthermore, any effective solution will require THFC and spectators to be provided with legal binding rights of access across the construction site.
- 1.22. THFC has had two initial meetings with the applicant and its advisors and has been provided with copies of the proposed draft S106 obligations. These discussions are,

however, at a very early stage, and there are a number of points of principle that remain to be resolved. In particular THFC has explained to the applicant that it requires certainty that the proposed access will be provided.

1.23. The currently proposed wording that has been provided to THFC provides no certainty whatsoever to THFC that the necessary access will be assured.

1.24. By way of example –

- a. The proposed obligation to provide access is only triggered once the applicant obtains a legal interest in the whole of the proposed access area and an access licence has been entered into – however, no clarity has been provided to THFC on the timing of the applicant acquiring such an interest. In practice THFC understands that this will not occur until completion of the relevant phases – which will be long after the need for the new access route arises. In short, the obligation proposed by LendLease does not work.
- b. The obligation to enter into an access licence is only a “reasonable endeavours” obligation. This leaves open the high probability that neither THFC nor the Council will have sufficient legal control over the routes between White Hart Lane station and the High Road to ensure the safe and secure passage of spectators. This in turn would fetter the ability of all stakeholders, including THFC, the Council and the emergency services to perform their statutory responsibilities in respect of Zone Ex. This is not an issue to be deferred to reserved matters as the planning obligations upon which this scheme is reliant at cast now at outline stage.
- c. As currently drafted the obligation to provide a temporary access route during the construction process is entirely discretionary. The obligation is only that the applicant “may” at its own discretion provide such access. This provides no certainty whatsoever.
- d. The applicant is seeking an unspecified licence fee for providing such access – in circumstances where THFC relies on the public highway for which no such fee arises. THFC has made clear on several occasions to the applicant that it will not pay any such licence fee.
- e. The entire obligation falls away if the access licence has not been entered into by the time the applicant acquires a legal interest in the land over which access is sought.

1.25. This risks THFC being placed in the unacceptable and wholly unreasonable position of not knowing whether such access will be provided in circumstances where the applicant fully acknowledges such access is necessary to provide safe and efficient crowd movement as a result of the High Road West Application.

1.26. All the analysis undertaken by Buro Happold on behalf of the applicant and by Dr Dickie on behalf of the Council regarding crowd safety matters is entirely dependent upon access actually being provided across the High Road West site (both during construction and upon completion).

1.27. No analysis has been undertaken or a proposal put forward by the applicant of an alternative solution that does not rely on access across the site. Given officers advice to members in the OR, unless the necessary access is actually guaranteed (both during construction and following completion), no weight can be placed on the proposed solutions and the Council cannot reasonably conclude that the necessary requirements for crowd safety will be delivered.

- 1.28. The current suite of planning conditions and obligations fall a long way short of providing the necessary certainty. These obligations are a material consideration in the determination of the application.
- 1.29. It is clear that further assessment and discussions are required regarding crowd safety matters and access arrangements. THFC remains extremely concerned that the applicant has not:
- a. carried out the full technical analysis necessary to demonstrate to both THFC, the Metropolitan Police Counter Terrorism Security Advisor and the Council's own independent consultant that safe passage of spectators can be achieved; and
  - b. put forward credible planning obligations and access rights to ensure that in the event that safe arrangements can be achieved, legal certainty is provided in respect of the provision of access that can reasonably be relied upon by THFC and its stakeholders in respect of Zone Ex responsibilities.
- 1.30. In this context, THFC is extremely concerned that the Council is rushing to determine the application before these issues have been properly resolved and that for the reasons set out above, the Council is not in a position to lawfully defer further consideration of this issue to future reserved matters applications or the discharge of conditions or planning obligations.

## **2. RELEVANCE OF GRANT FUNDING**

- 2.1. The conclusions of the OR highlight the huge importance and weight that officers place on the provision of grant funding towards the delivery of the scheme, in their recommendation for approval of the High Road West Application.
- 2.2. Paragraph 30.2 records that *"...the scheme is eligible for in the region of £90m of grant funding that ensures it is both deliverable and that the Love Lane estate regeneration can occur within the foreseeable future. Any delays in obtaining planning permission will likely lead in the loss of this funding and render the scheme undeliverable"* (emphasis added).
- 2.3. Paragraph 30.3 states "It is considered that this funding provided a very significant benefit that weights [sic] in favour of the proposal"
- 2.4. In turn Paragraph 31.2, when undertaking the overall conclusion states *"It is considered that this represents a prime opportunity, mostly as a result of the significant level of funding available, to demonstrable improve this environment for existing residents, such that it is the opinion of Officer's [sic] that the scheme should be considered favourably"* (emphasis added)
- 2.5. However, nowhere in the OR (or the submitted High Road West Application documentation) is any explanation provided to members or to the public about how the grant funding "ensures" delivery of the scheme. Indeed, the latest FVA note submitted by DS2 on behalf of the applicant does not mention the grant funding and indicates that there is still a deficit – this is a long way from "ensuring" deliverability.
- 2.6. No explanation is provided to members why "any delays in obtaining planning permission" will mean the funding is lost and the scheme is undeliverable.

- 2.7. Given the very significant weight attributed to the grant funding this is an unacceptable omission. The OR expressly identifies that the High Road West Application departs from the development plan (para 30.1), departs from the High Road West Masterplan Framework (para 26.9), will cause heritage harm (para 29.6) and will have negative aspects (paragraph 31.2).
- 2.8. Notwithstanding the identified “negative aspects” officers have recommended that the application be approved. Paragraph 31.2 of the OR makes clear that the availability of the grant funding is the key consideration that officers have relied on to recommend approval. The implication being that in the absence of the grant funding their recommendation may have been different.
- 2.9. In these circumstances, members cannot place any weight on the availability of grant funding unless they are properly and fully advised how that grant funding actually “ensures” delivery. To do so would amount to an unlawful reliance on an immaterial consideration.
- 2.10. In turn, members need to understand the precise deadlines after which the grant funding will be lost and whether there is any flexibility for this grant funding to be extended to provide time for the application to be properly considered. No information is provided to substantiate the claim that “any delays” would cause a funding problem.
- 2.11. Given the scale and impact of the High Road West Application scheme, the assessment and determination of the application should not be artificially rushed based solely on a need to meet an unspecified and unevidenced grant funding deadline.
- 2.12. The absence of any information on this point unlawfully prevents THFC, consultees and other interested parties from properly considering the validity of these claims which are at the core of the OR’s justification for recommending approval.

### **3. HERITAGE MATTERS**

- 3.1. Officers’ assessment of the heritage impacts of the proposals is set out section in Section 10 of the OR.
- 3.2. In various places the OR refers to the comments of the Conservation Officer and elsewhere an appointed heritage specialist. In Appendix 3, under the Conservation Officer comments, members are referred to Appendix 12 which is the report of Ms Chakraborty – the independent heritage specialist. We therefore assume that references in the main OR to the Conservation Officer should be taken to refer to Ms Chakraborty. If this is not correct, then the Conservation Officer’s own views have not been made publicly available.
- 3.3. In any event, it is clear that Officers have placed great weight on the report prepared by Ms Chakraborty. As you will be aware Ms Chakraborty is also the Council’s expert witness in respect of heritage matters at the ongoing public inquiry into THFC’s appeal scheme for the Goods Yard and Depot sites.
- 3.4. During her evidence at the public inquiry, Ms Chakraborty made a number of statements regarding her assessment of the High Road West Application. Most importantly she explained that her assessment of the High Road West Application had assumed THFC’s existing planning permissions for the Goods Yard and Depot sites formed part of the current baseline for assessment purposes. She confirmed that her assessment did not therefore address the impact from those schemes.



- 3.5. Given that the approved Goods Yard and Depot planning permissions have been incorporated into the parameter plans as part of the High Road West Application, this is a significant omission. In practice, it means Ms Chakraborty's assessment of the harm caused by the High Road West Application will have been materially understated.
- 3.6. At paragraph 10.36 of the OR, officers record an overall finding based on Ms Chakraborty's assessment that the scheme would result in "medium-high level of less than substantial harm to the setting of significance of designated and non-designated heritage assets". If a proper and full assessment including the impacts of those part of the High Road West Application that reflect the existing Goods Yard and Depot planning permission, were undertaken, it is inevitable that a greater degree of harm would be identified.
- 3.7. In addition, there are a number of discrepancies between Ms Chakraborty's report and the OR, and also within the OR itself.
  - The table at para 2.11 that Ms Chakraborty uses to determine levels of harm is incorrect. It confuses the importance of the heritage asset with the level of harm. The resulting attribution of harm according to this methodology provides an incorrect assessment that cannot be relied on. This approach also contradicts the NPPF and Historic England's guidance on setting.
  - Para 10.13 of the OR states a requirement that the impact of the proposal on the heritage assets be *very carefully considered*, that is to say that *any harm or benefit needs to be assessed individually* in order to assess and come to a conclusion on the overall heritage position.
  - The OR does not reflect the medium less than substantial harm to the locally listed building at 865 High Road that Ms Chakraborty identifies.
  - Ms Chakraborty finds the demolition of the locally listed Electricity substation on the High Road would cause a "negligible level of harm". As a matter of fact, this entails the total loss of the heritage asset.
  - For the locally listed building at 6a White Hart Lane, Ms Chakraborty finds a low level of harm plus additional harm. The OR does not reflect the additional harm.
  - For the grade II listed building at 7 White Hart Lane, Ms Chakraborty finds a high degree of less than substantial harm to the listed building due to the proposed block G. This is reflected in the OR. But Ms Chakraborty additionally finds further harm due to the taller blocks. That is not reflected in the OR. This is especially important, since this additional harm would tip the harm from less than substantial to substantial harm, for which different policy tests apply. The OR does not address this issue. Para 10.1 of the OR only advises on the test in para 202 for less than substantial harm. The implication is that substantial harm is not relevant, though Ms Chakraborty's assessment does not rule that out.
  - Given that Ms Chakraborty found a high level of less than substantial harm to the North Tottenham Conservation Area, and given that, as set out above Ms Chakraborty has confirmed that she treated the extant permissions as part of the baseline, this would tip the harm from less than substantial to substantial harm, for which different policy tests apply. The OR does not address this issue.
  - The harm to the North Tottenham Conservation Area is especially relevant given the OR recognises at para 10.14 that the North Tottenham Conservation

Area is in a fragile condition and it is currently designated a “Conservation Area at Risk” by Historic England.

- Ms Chakraborty found a mid-level of less than substantial harm to the Church of St Francis de Sales on the High Road. Approximately 100m to the south is a grade II listed building at 707 High Road. It follows that there would likely be a similar impact on this building. However, there is no assessment of this listed building.
- Ms Chakraborty’s assessment omits any assessment of a non-designated heritage asset at 8-18 and 24-30 White Hart Lane, as identified in relation to the Goods Yard scheme. It is wholly inconsistent for the Council to treat this as a heritage asset in relation to one application, but not another, at the same time.
- None of the harm that Ms Chakraborty found to the listed building at The Grange in relation to the changes on White Hart Lane at the Goods Yard scheme are reflected in the assessment of the same building in this application. That is a wholly inconsistent approach.

- 3.8. By way of further example paragraph 10.21 of the OR finds a “medium level of less than substantial harm” to the listed building at 797-799 High Road. At paragraph 10.23 however the OR records that “a low level of less than substantial harm to the setting of no. 797-799 High Road”.
- 3.9. This contradiction is not explained, and it is unclear which of these assessments has been weighed in the balance in the OR.
- 3.10. Similarly, the OR contains no mention that the locally listed buildings at 743-759 High Road will all be demolished. There is no assessment of the harm arising from such demolition and therefore this harm cannot have been weighed in the overall balance.
- 3.11. We have previously highlighted our concerns that given the degree of flexibility sought by the High Road West Application and the corresponding lack of certainty regarding the delivery of public benefits that it is argued offset that harm, it is impossible for the Council to lawfully exercise its duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3.12. As a starting point in exercising its legal duties, the Council must be clear on the degree of harm caused to heritage assets. As set out above, both the OR and Ms Chakraborty’s report contain a number of omissions and inconsistencies that mean it is impossible for members to properly understand and undertake this assessment.
- 3.13. There is a lack of clarity in the OR on the public benefits that can be weighed against the heritage harm. Paragraph 10.42 sets out a list of points which officers consider to constitute public benefits to be weighed in the balance.
- 3.14. However, these matters have not been properly quantified to enable members to undertake the balancing exercise. For example, reference is made to a new Library and Learning Centre. It is unclear whether officers have weighed the minimum size proposed in the Development Specification of 500 sqm or the maximum size of 3500 sqm. There is a significant difference in the public benefit to be provided by a 500sqm building compared to a 3500 sqm building. The Heads of Terms for the S106 Agreement under item 7 simply refer to a new “Library and Learning Centre in accordance with the parameters of the development specification”. Given the scope of the development specification this provides no assistance to members on the actual nature of the building that will be provided.

- 3.15. The list of public benefits also refers to a number of generic matters such as “supporting and creating new jobs” and “creation of new affordable workspace”. However, this list of benefits does not provide any proper context for members to assess the weight they should be given. To make this assessment it is necessary to understand that the High Road West Application could result in a loss of employment floorspace within the area and a material loss of jobs on-site – these alleged public benefits need to be considered in this context.
- 3.16. Finally in paragraph 29.6 officers conclude that the heritage harm caused by the High Road West Application constitutes “a clear reason for refusal”. To reach such a conclusion officers must have considered that the harm caused to heritage assets was not outweighed by the public benefits in accordance with the requirements of paragraph 202 of the NPPF. This is in direct conflict with the conclusion in the heritage section set out in paragraphs 10.43 and 10.45 of the OR.

#### **4. RELIANCE ON FUTURE RESERVED MATTERS APPLICATIONS AND CONSISTENCY IN DECISION MAKING**

- 4.1. In numerous places the OR seeks to advise members that issues identified can be addressed through the approval of future reserved matters applications and/or the discharge of conditions or planning obligations – for example in respect of crowd safety, townscape and heritage matters.
- 4.2. As a starting point, members need to be clearly advised that at the reserved matters stage they will have limited ability to refuse an application that complies with the parameter plans, the design codes and the development specification. For example, the Council will be unable to require the developer to provide an increased amount of employment or community space on a specific plot beyond that provided for in the development specification. Likewise, it will be unable to limit the scale of an proposed building that complies with the parameter plans.
- 4.3. This is also relevant to the consideration of detailed development management issues and policy compliance – for example in respect of the proposed open space provision.
- 4.4. The OR deals with the Open Space provision within the High Road Application at paragraphs 6.16 to 6.26. As set out in our earlier representations, it is a core principle of public law that decisions must be taken on a consistent basis – see for example *Fox Strategic Lane and Property Limited v Secretary of State for Communities and Local Government* [2013] 1 P.&C.R.6. Furthermore, when considering the High Road West Application, the Council’s refusal of THFC’s application for the Goods Yard and the Depot sites (HGY/2021/1771) is a material consideration to which the Council must have regard – see for example *R. (on the application of Rank) v East Cambridgeshire DC* [2003] J.P.L. 454. In order for the Council to lawfully determine the High Road West Application it must have regard to not simply the fact of the refusal of the THFC application but the reasons for it – see for example *R (oao Havard) v South Kesteven District Council* [2006] J.P.L. 1734.
- 4.5. Whilst the OR acknowledges that THFC’s current appeal scheme was refused by the Council due to the lack of provision of Open Space, it misleadingly seeks to distinguish the High Road West Application.
- 4.6. In the case of THFC’s appeal scheme, the Council refused permission and in turn advanced its case at the public inquiry, based on a strict application of policy DM20 and a failure to meet the requirements for open space set out in the Council’s Open Space and Biodiversity Study (2013).

- 4.7. The OR acknowledges that the High Road West Application provides only 33% of the required Open Space provision as against the DM20 requirements, based on a “worst case” scenario and 45% based on a “best case scenario”. In contrast, the Council considers that the THFC appeal scheme provides over 50% based on the same comparison – i.e. 5% more than the best case scenario in the High Road West Application.
- 4.8. It is also important to note that the OR appears to take into account areas such as roadways which were specifically excluded from the calculations in the THFC scheme. In essence it appears the Council have included any ground not covered by a building as being open space. Such an approach is not compliant with any lawful interpretation of the relevant open space policies. Unless the OR is updated to spell out precisely how this issue has been treated, it will at the very least, mislead members.
- 4.9. Whilst THFC does not agree with the Council’s approach – the Council must apply it on a consistent basis.
- 4.10. The OR seeks to distinguish the High Road West Application on the basis that as the application is outline and “additional public open space can be delivered as part of the detailed design of the parcels of future development” (para 6.22)
- 4.11. Paragraph 6.24 of the OR records that it is proposed to impose a condition to require reserved matters application to seek to comply with Policy DM20 or any successor policy “thus ensuring compliance with policy.....”(emphasis added).
- 4.12. Draft Condition 43 provides that: “For the avoidance of doubt, any future reserved matters submission shall be supported by an Open Space Assessment addressing the requirements of Policy DM20 of the Development Management DPD 2017 or any successor policy”
- 4.13. The stated reason for the condition is “To ensure an appropriate level of publicly accessible open space is provided within the area of identified deficit and in accordance with Policy DM 20 of the Development Management DPD 2017”.
- 4.14. The clear advice to members is that the imposition of the condition can ensure compliance with policy DM20 and by implication meet the requirements of the 2013 Open Space and Biodiversity Study.
- 4.15. However, paragraph 6.24 goes on to state that “the policy conflict is considered to be outweighed by the substantial benefits the scheme delivers”. Members are therefore provided with conflicting advice as to whether the scheme will comply with DM20 or not.
- 4.16. Furthermore, the condition does not ensure the delivery of any particular level of open space let alone more than the 45% recognised as the currently achievable maximum. All it requires is for an assessment to be produced, that does not guarantee any outcome it is entirely plausible that the outcome of the assessment is no further open space can be provided.
- 4.17. In any event members need to be clearly advised on the realistic likelihood of the scheme being able to achieve strict compliance with policy DM20. Paragraph 6.18 of the OR records that the Open Space Study would require the provision of 10.51 hectares of open space as part of the scheme. Given that the entire site is only 8.5 hectares it is impossible to achieve 10.51 ha of open space.

- 4.18. Likewise given the size of the proposed building plots, the scheme will be unable to provide materially more open space provision than that identified in the “best case” scenario in paragraph 6.19. As set out above this equates to only 45% of the required provision.
- 4.19. No assessment has been undertaken to suggest that it will be possible to deliver more than 45% of the requirement let alone match the level provided by the THFC scheme – which the Council considered warranted refusal of that application on open space grounds.
- 4.20. Even if materially more open space were to be provided, no assessment has been undertaken on the impacts of such proposals on the remainder of the scheme – either in terms of viability or in terms of the delivery of public benefits on which officers rely to offset the harms caused by the application. Any material increase in open space can only result in a reduction in the quantum of built development. This has not been factored into officers’ analysis.
- 4.21. On this basis the reliance on Condition 43 would be unlawful as there is no realistic basis on which a policy compliant quantum of open space (based on the Council’s interpretation in respect of THFC’s appeal scheme) can be delivered.
- 4.22. If, in the alternative, it is suggested that Condition 43 would not require a strict application of the standards in the Open Space Study (and therefore Policy DM20) then the Council is adopting an entirely inconsistent approach to the basis on which it refused THFC’s application and has subsequently advanced its case on appeal. As we have repeatedly stated to the Council, this inconsistent approach is a clear legal error.
- 4.23. A further example of the Council’s inconsistency relates to the approach taken to the number of single aspect units comprised within the High Road West Application, and in particular north facing single aspect units.
- 4.24. The OR reports that “Most of the proposed homes are envisaged to be dual aspect. The majority of single aspect dwellings would be east and west facing”. However this assessment is reliant on treating corner aspect units as dual aspect. In respect of THFC’s appeal proposals the Council has maintained that such corner units should be considered as single aspect. Again, the Council must adopt a consistent approach.
- 4.25. We note that officers appear to have reached the conclusion that the harm caused by the height of Block F is unacceptable. The application parameters proposed up to 27 storeys whereas paragraph 6.56 has identified that this should be reduced to 15 storeys. We note in passing that Condition 39 itself only proposes to limit the height of Block F1 to 20 storeys.
- 4.26. Whether Block F is reduced to 15 or 20 storeys it represents a materially different scheme to that has been assessed in the application documentation. In turn, no analysis has been undertaken of the impact that such a reduction would cause in the viability of the scheme and to the delivery of identified public benefits that are relied upon in the overall planning balance.

## **5. APPROACH TO ASSESSMENT AND WEIGHING OF PUBLIC BENEFITS**

- 5.1. As set out in our previous correspondence and in light of the failure by the applicant to provide greater commitment and certainty on the composition of the scheme, given

the extreme degree of flexibility sought in both the potential scale of development and the allocation of uses across the site, it is impossible for the Council to properly and lawfully assess the likely significant environmental effects of the development for the purpose of the EIA Regulations (R v Rochdale MBC Ex p. Milne (No 2) [2001] Env.L.R.22.

- 5.2. The Council commissioned several peer reviews of the submitted Environmental Statement and addenda. These reviews identified numerous concerns with the approach adopted. For example, WSP comment that “the information provided is very difficult to interpret given its volume and lack of focus on pertinent issues, aside from the general confusion about different development scenarios”. The concerns of the peer reviewers and issues identified as part of this process have not been properly explained to members.
- 5.3. Likewise, the OR does not set out clearly for members the approach officers have taken to the weighing of the purported public benefits of the scheme. For example, in respect of the provision of employment space, nowhere is it made clear that the scheme could result in a loss of employment floorspace and a loss of jobs on-site – yet the proposed employment benefits of the scheme are put forward as a benefit of the scheme.
- 5.4. In its case in respect of THFC’s current appeal, the Council’s has maintained that to assess an outline application it is necessary to assess the “worst case” scenario based on the maximum proposed parameters of development.
- 5.5. In a number of places, the OR sets out an inconsistent approach to this analysis – on occasions focusing on the illustrative scheme rather than the maximum parameters. Section 3.3 sets out a long explanation of the illustrative scheme but the following analysis is selective. For example, paragraph 3.8 only sets out the density and open space calculations based on the illustrative rather than the maximum parameter scheme. In the maximum parameter scheme a total of 14.67 sqm of open space would be provided per home rather than the figure of 16.2 sqm cited in paragraph.
- 5.6. The stated density figures at paragraph 4.42 have not been calculated to reflect the proportion of non-residential space – which could take the figures close to 400 homes per hectare. Furthermore, the figure provided for the THFC appeal scheme for comparison purposes is 353 homes per hectare but that is based on a net site area. The comparison in paragraph 4.44 is therefore highly misleading and must be clarified.
- 5.7. The Addendum to the Environmental Assessment sets out a specific assessment “scenario” where the southern phase (being that part of the scheme south of White Hart Lane) is brought forward on its own. However, there is no analysis or assessment in the OR of the overall planning balance of such a “scenario”. For example, in respect of density matters, the proposals south of White Hart Lane could exceed 400 homes per hectare. Nowhere in the OR do officers set out any assessment of the southern phase being delivered alone. This is important as an assessment of the scheme in open space, density, heritage and public benefits, will be very different if considered based on the southern phase alone.

## 6. **BALANCING EXERCISE**

- 6.1. The OR has failed to correctly apply the decision making policies of the NPPF. At 29.4 the OR correctly states that the tilted balance is engaged due to the lack of a 5 year housing land supply (albeit it incorrectly states that this is due to ‘a limited shortfall’).

At 29.6 the OR then states: “29.6 *In this case, the impact on designated heritage assets, subject to design detailing, has the potential to result in an upper level of ‘less than substantial harm’, with the value of the Conservation Area having already been eroded irrevocably as a result of the stadium development. It is therefore considered that this impact provides a clear reason for refusal for the purposes of Paragraph 11d(ii).*”

- 6.2. In order to have reached this conclusion officers must be of the view that the balancing exercise at paragraph 202 of the NPPF had not been passed. Accordingly, the tilted balance is disengaged because a clear reason for refusal exists. Where there is a clear reason for refusal arising from the application of policies contained within the NPPF, in this instance the heritage policies, then the correct approach is to refuse planning permission. Not carry out some separate, further balancing exercise, as the NPPF has already dictated that planning permission should be refused.

## **7. DEPARTURE FROM THE DEVELOPMENT PLAN**

- 7.1. The OR at paragraph 30.1 expressly acknowledges that the High Road West Application departs from the Development Plan in a number of respects.
- 7.2. Given this conclusion the High Road West Application constitutes “development outside town centres” for the purpose of the Town and Country Planning (Consultation) (England) Direction 2021 as it is development to be carried out in an “edge of centre” location (as defined), is not in accordance with one or more provisions of the development plan (as acknowledged in the OR), and includes the provision of a building or buildings of 5000 sqm or more.
- 7.3. On this basis the Council is required to refer the application to the Secretary of State in accordance with the requirements of paragraph 10 of the Direction. This requirement is not set out in the recommendation to members in the OR.

## **CONCLUSION**

THFC has set out its fundamental concerns regarding the design and composition of the High Road West Application repeatedly in previous correspondence.

It is concerned that the Council is not adopting a consistent approach to the determination of the High Road West Application compared to its approach to THFC’s recent application for the Goods Yard and Depot sites that is currently at appeal. All three of the Council’s stated reasons for refusal of THFC’s application, and the case it has advanced on the appeal, apply with equal if not more force to the High Road West Application.

As is clear from the OR, it appears that the Council’s determination of the High Road West Application is being driven primarily by considerations relating to the availability of grant funding rather than a proper application of its statutory duties under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas Act 1990).

THFC is concerned that officers have not given proper consideration to the numerous objections raised not just by THFC but by numerous local residents and businesses. This is illustrated in the evidence of Mr Reynolds in respect of THFC’s current inquiry who indicated that the High Road West Scheme would be written up for approval in his proof of evidence – notwithstanding that his proof of evidence was produced in advance of the expiry of the most recent consultation period for the High Road West Application. For consultation to be lawful it must be meaningful; R v NE Devon HA ex p Coughlan [2001] QB 213 as per

Lord Woolf MR at [108]. The courts are clear that the product of consultation must be “conscientiously taken into account when the ultimate decision is taken”. Given the Council were proposing to approve the High Road West Application before the consultation period had finished they have demonstrably failed in this regard.

For the reasons set out above THFC maintains that Council is not in a position to lawfully determine the High Road West Application and that its approach to defer consideration of matters of principle to the approval of reserved matters, conditions and planning obligations is unlawful.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Richard Max' followed by a stylized flourish.

**RICHARD MAX & CO**



**High Road West Hybrid Planning Application (reference HGY/2021/3175) (“the High Road West Application”)**

Mr Philip Elliot  
London Borough of Haringey

Philip

I write in response to the letter of July 20<sup>th</sup> received from Richard Max&Co. Solicitors written on behalf of their client THFC.

The plethora of detail provided in this letter reflects the difficulty in addressing matters of this nature. To adopt ‘safety’ as the focus is too general whereas ‘level of risk’ I would consider to be more definitive. The nature of a hazard allows the level of risk to be determined.

The question one would ask concerning the issue would be

Do the proposals (construction phase and finality) expose spectators/employees/members of the public to a greater level of risk than what is currently in place?

1. Crowd flow and Safety

- 1.1 The exchange of information between Movement Strategies and Buro Happold needs to be improved.
- 1.2 Is it the opinion that THFC has been advised by their consultants that the current Crowd Flow Study is inadequate?
- 1.3 The management plan for any event has to provide contingency measures should WHLS be closed. As demonstrated in the extensive advice given to ticketholders for the recent Guns and Roses concert there are a number of alternative transport choices.
- 1.4, 1.5, 1.6 The similarity of the two schemes for access are clear. The interpretation of the content here raises a question as to whether the current procedures are satisfactory.
- 1.7 The management procedures currently in place would equally apply. The quantum of space is simply one link in the egress chain. Whilst, in my opinion, current management procedures could be improved, the evidence to date does not indicate the procedures to allow unacceptable levels of risk to occur.
- 1.9 My understanding is that measures to ensure acceptable levels of risk during each phase of the construction will be assessed by the Safety Advisory Group. This is no different that the common practice of Local Authorities throughout the country when licensing events.
- 1.10 My understanding is that this matter has been recognised and addressed.
- 1.11 Understood that discussions between BH and the concerned party have resolved this matter.
- 1.13 It is understood that closer interpretation of drawings discounts the argument presented here. As an engineer I must take exception to the adoption of generalised wording such as *far greater space is likely to be required* which does not properly inform.

- 1.14,1.15 Avoids acceptance as to the credibility of the Safety Advisory Group in providing advice to members.
- 1.16 There is sufficient evidence if the limitations of current data are properly interpreted and conservative design measures are adopted.
- 1.17 A valid point the significance of which is diminished by hyperbole.
- 1.18 Strictly interpreted correct but a failure to recognise that the Stress Test provides an ‘umbrella’ that covers concerts. It is of note that concerts were examined in the Movement Strategies document *Design Parameters Station-Stadium Link*.
- 1.19 Misreporting that demonstrates a lack of understanding as to relevance. Failure to understand the design process.
- 1.20 Nonsensical in that the event management plan has to provide measures to prevent a queue of this size. As previously reported the measures adopted to prevent excessive queuing during recent train problems affecting WHLS were successful.
- 1.21,1.22 Uncertain as to what is implied here.
- 1.23,1.24 Unable to comment as to how this can be a legal requirement. Would only consider that definitive recognition as to what MUST be provided throughout the construction phases is defined and accepted by both parties. This should not be interpreted as vehicle to prolong discussion.
- 1.25 Access has to be provided. (It should be accepted that the stadium could operate to full capacity should for whatever reason WHLS be closed).
- 1.26 I have seen no analysis undertaken should WHLS be closed for any reason.
- 1.27 Unacceptable given that should the station be closed temporarily or permanently. Contingency measures necessarily form part of the event management plan. Station closure is effectively similar to lack of access.
- 1.28 Cannot comment as to the facts of the documents referred to.
- 1.29a The same claim could be made against technical analysis currently in place. Was sufficient data available to properly inform technical analysis relating to recent ‘irregular’ events given the doubling in capacity of the stadium. This lack of certainty is ever present in matters of this nature and the Safety Advisory Group carries the responsibility of appropriately addressing this.

Speaking generally differences of opinion will inevitably occur when commercial interests come into conflict. This, to my way of thinking, can pose a greater threat to spectator safety than the technical issues being examined here.

Dr J F Dickie  
July 21<sup>st</sup> 2022

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Our ref      PEA002/0001/4165-9409-0555/2/AH  
20 July 2022

Dear Sir

**Planning Application Reference - HGY/2021/3175: High Road West, London, N17 (the "Site")**

As you are aware we are instructed by Peacock Estate Management Limited who manage and administer the Peacock Estate and Nesta Works (together "**the Estate**") and represent the businesses who own and occupy units on the Estate. Further details relating to our client and our detailed objection to this application are set out in our letter dated 17<sup>th</sup> December 2021 ("**the Objection Letter**"). We also wrote to you on 1<sup>st</sup> July 2022 in response to the re-consultation on additional planning documents ("**the Second Objection Letter**").

We have reviewed the letter sent to you on behalf of the applicant by DP9 dated 7 July 2022 ("**the DP9 Letter**") which purports to respond to the Objection Letter and to an objection made by Tottenham Hotspur Football Club ("**THFC**"). We have also reviewed the officers' report to the planning committee ("**the Report**") and wish to make the following brief points. We should be grateful if you would provide copies of this letter to members of the planning committee.

**Provision of floorspace**

Both the DP9 Letter and the Report state that a minimum of 4,686 sqm of B2, B8 and E(g) space will be provided. However, Table 1 at paragraph 3.2 of the report provides the following parameters.

B2: 0 - 7,000 sqm

B8: 0 - 1,000 sqm

E(g): 1,525- 7,200 sqm

It is therefore clear that the applicant is only obliged to provide 1,525 sqm of E(g) floorspace and no B2 floorspace at all. This contravenes the commitment with the DP9 letter says the applicant gave to the Council's Overview and Scrutiny committee on 3 August 2021 and there appears to be no other condition or planning obligation which requires the developer to deliver a minimum of 4,686 sqm of B2, B8 and E(g)

Partners: Elizabeth Christie, Mary Cook, Duncan Field, Clare Fielding, Michael Gallimore,  
Raj Gupta, Meeta Kaur, Simon Ricketts, Patrick Robinson, Louise Samuel

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tn.

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20 July 2022

floorspace. Even if this commitment were to be honoured it still does not provide any comfort to occupiers of the Estate as the entirety of this allocation could, and all likelihood would, be designated to more residential compatible uses such as offices leaving no reasonable prospect for the businesses of the Estate to be relocated in the new development (we set this out in further detail in our Second Objection Letter and also note THFC's objection in relation to floorspace).

#### Commercial Relocation Strategy

The proposals will result in the removal of viable B2 uses without any commitments or guarantees secured for relocation (on-site or off-site). This represents a clear contravention of policy SP8 of the Council's Local Plan and is compounded by the Applicant's failure to support the existing independent small and micro businesses on the site (again in breach of policy SP8).

Instead the Applicant relies on a Commercial Relocation Strategy ("**CRS 2018**") from 2018 which is both out of date and inadequate (as discussed in further detail in our Objection Letter). The Report recognises that the CRS is out of date with the first head of term of the section 106 agreement requiring submission of a "Business Relocation and Affordable Workspace Strategy" to be submitted with each reserved matters application. It is unclear how this document interacts with the out of date CRS 2018 and it is concerning that at several points in the Report (paragraphs 4.26, 26.7 and 26.11) that reliance appears to have been placed on the 2018 document. Given the reliance on the CRS 2018 for the Equalities Impact Assessment (to reduce a major adverse equality impact to a minor one), to justify the loss of existing industrial premises in policy terms, and the complete removal of business at the Estate and elsewhere, Members should have had the opportunity to evaluate the relocation strategy that will actually be used rather than one prepared four years ago and this is not a matter that can be deferred to a later date.

#### Employment

The applicant seeks to justify the loss of 85 businesses and 690 FTE skilled jobs (based on the CRS 2018 and again therefore out of date) on the basis that they will be replaced by temporary construction jobs and indirect supply chain jobs. As paragraph 26.8 states the development has only potential to accommodate 392 jobs on-site once complete and many of these will be retail and leisure jobs.

Since the application was deferred, neither officers nor the applicant have made any effort to engage with our client despite the findings of the Council's Overview and Scrutiny Committee as set out in our Objection Letter. It is clear that the applicant wishes to cleanse the development area of industrial businesses (most of them BAME owned) to maximise profitability. Our client hopes that members will not enable it to do so.

Yours faithfully

**Town Legal LLP**

cc Fiona Rae, Committee Secretariat (by email)

# HERITAGE IMPACT ASSESSMENT (ADDENDUM)

HIGH ROAD WEST [REF: HGY/ HGY/2021/3175

*LONDON BOROUGH OF HARINGEY*

7/21/22

NAIRITA CHAKRABORTY BA (Hons) MSc IHBC RTPI  
FOUNDER, REVIVE AND TAILOR

**REVIVE&TAILOR**

Heritage | Regeneration | Placemaking



## 1. ADDENDUM [FOLLOWING COMMENTS RECEIVED FROM TOTTENHAM HOTSPURS]

- 1.1 This is an addendum to respond to a number of points raised the Tottenham Hotspur Football Club (THFC) in their letter dated 20<sup>th</sup> July 2022. The following paragraphs deal solely with the heritage issues and does not comment on any other matters raised by the Club. I will address these in the sequence they have followed.
- 1.2 In paragraph 3.2 of their letter, the Club have requested a clarification on my role and the Council Officer's role. In response, I would highlight the 'brief' provided to me by the Council before my appointment.
- 1.3 Firstly, the Council approached me to comment given my past experience within the Borough, as the Principal Conservation Officer between 2013 and 2018. During this time, we worked comprehensively towards seeking a strong policy framework, including the Tottenham Area Action Plan (AAP), setting out the manner in which regeneration of Tottenham could be delivered within the very sensitive context of Tottenham.
- 1.4 Following the submission of the Lendlease Masterplan, I was asked to undertake an independent assessment of the ES Chapter on Built Heritage Townscape Visual Impact Assessment already submitted as part of the application, and supplement it if necessary, so the Council could comfortably assess the application, having regard to their statutory duty.
- 1.5 The scope of my involvement is explained in paragraphs 1.5 and 1.6.
- 1.6 Paragraph 3.4 of their letter questions my decision to consider the extant permissions as a baseline and not including them in my assessment.
- 1.7 Both these applications have already been considered by the Council. In the case of Goods Yard, which was an outline application, the putative reasons for refusal no 4, stated that:
- 1.8 "In absence of a planning obligations agreement, the planning balance between harm to heritage assets and public benefits is not able to be determined and the less than substantial harm to heritage assets has been given appropriate weight..."
- 1.9 The Inspector, however, in his decision to allow the scheme, stated (para 50):

“I conclude that the less than substantial harm to the significance and setting of the Conservation Area and to listed and locally listed buildings within the area by reason of the bulk, scale and massing of the towers and other buildings within the appeal development would here be outweighed by the above public benefits of the development.”

- 1.10 Similarly, in respect of the Depot Scheme, the Council’s planning committee, on recommendation from Officers, granted permission for an outline application for the redevelopment of the Site as well as a detailed Listed Building Consent for Nos 867-869 High Road.
- 1.11 Bearing in mind the above decisions, I am not in a position to infer or comment further on any heritage harm, which have clearly been considered as part of the relevant permissions.
- 1.12 In paragraph 3.7 the Club have questioned the methodology applied for the assessment in this instance. As explained in Chapter 2 of the document, the methodology was applied in order to assess the levels of less than substantial harm in order to provide clarity.
- 1.13 Members should note that Heritage Impact Assessments undertaken for outline applications, often form part of

Environmental Impact Assessments (EIA) or simply referred to in the Environmental Statement (ES). They are also undertaken for Site Allocations as part of Local Plan process. For example, I have undertaken similar assessments on behalf of Northampton Council, looking at four key sites. Equally, I have undertaken Impact Assessments for Taylor Wimpey on one of their larger sites near Milton Keynes.

- 1.14 Neither the NPPF nor Historic England have an adopted methodology for EIAs, particularly when it comes to outline applications with parameters plans. However, over the years, various guidance and frameworks have provided a rough methodology, and my assessment was rooted in the same. This includes:

- The Landscape Institute and Institute of Environmental Management and Assessment, Guidance for Landscape and Visual Impact Assessment (GLVIA) Third Edition, 2013;
- National Planning Policy Framework, 2021;
- National Planning Practice Guidance;
- Historic England, Conservation Principles Policies and



Guidance, 2008;

- Historic England, Historic Environment Good Practice Advice in Planning, Note 3: The Setting of Heritage Assets, 2017 (2<sup>nd</sup> Ed);
- Historic England, Historic Environment Good Practice Advice in Planning, Note 4: Tall Buildings 2015;
- The Historic Environment and Site Allocations in Local Plans Historic England Advice Note 3 (2015); and
- ICOMOS Guidance on Heritage Impact Assessments of Cultural World Heritage Site.<sup>1</sup>

1.15 Given the scale and outline nature of the development this methodology is appropriate. Indeed, a similar approach was included in the Heritage Assessment chapter of the EIA for the extant Goods Yard extant scheme. There are other methods that may be equally appropriate. Paragraph 1 of the Guidance Note on Settings of Heritage Assets by Historic England (GPA

3) suggests:

“This good practice advice acknowledges the primacy of the NPPF and PPG, supporting the implementation of national policy, but does not constitute a statement of Government policy itself, nor does it seek to prescribe a single methodology or particular data sources. Alternative approaches may be equally acceptable, provided they are demonstrably compliant with legislation, national policies and objectives.”

1.16 Most importantly, the purpose of the Heritage Impact Assessments is to understand where there would be likely impacts to heritage assets and what site-specific policies and/or design codes could be applied to ensure that harm is avoided all together or minimised. The Historic Environment and Site Allocations in Local Plans Historic England Advice Note 3 (2015) supports this (para 3.3) “Design principles (and design codes) are a helpful way of making development more sustainable and acceptable. These can be set out in a site specific policy or appropriate equivalent and will guide future

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<sup>1</sup> Whilst it is acknowledged that there are no World Heritage Site, the ICOMOS guidance includes example tables in the appendices which are useful tools and have been used regularly as good practice guide.

masterplans and planning applications.”

1.17 Indeed, this was the observation made by the Inspector as part of their decision for the Goods Yard extant permission (para 47):

“Parts of the lower buildings on the appeal site could also appear above the rooflines of the frontage listed and other buildings in some views from outside the Conservation Area including in views across White Hart Lane from Love Lane and William Street. They would be much closer to the buildings in the Conservation Area, but their lower height would result in a less dramatic contrast than would the towers. What effect these may have would depend on their final design, but they are also likely to result in some less than substantial harm to heritage significance by reason of their different bulk, scale and massing when compared to the modestly proportioned historic buildings on the frontage.”

1.18 Additionally, all applications that impact on heritage assets, at Reserved Matter Stage would require a detailed Heritage Statement as per statutory and policy requirements. Here the detailed designs, architecture and true impact of the proposal, harmful or beneficial, would be assessed against the adopted local and National policies. For example, Policy 5 of the AAP,

deals specifically with the heritage assets and requires to a “well-managed” and “balanced” approach to the historic environment. It further states that “the Council will seek to strengthen the historic and local character of Tottenham by conserving and enhancing heritage assets, and their setting.”

**POLICY AAP5:  
CONSERVATION AND HERITAGE**

A The Council will seek to deliver growth and regeneration in Tottenham through well-managed and balanced change whilst ensuring historic environments continue to contribute to the needs of local communities. To achieve this aim the Council will seek to strengthen the historic and local character of Tottenham by conserving and enhancing heritage assets, their setting, and the wider historic environment. This includes reviewing Conservation Area Appraisals and Management Plans where appropriate. Proposals for new development will be required to:

- a Reflect, where available and relevant, character and heritage appraisals, statements and management plans for the area and/or heritage assets;
- b Identify and positively respond to the distinctive character and significance of heritage assets and their settings, whilst balancing the need to sensitively facilitate neighbourhood regeneration and renewal;
- c Maximise opportunities for integrating heritage assets within new development and enhance connectivity between them;
- d Put heritage assets to viable uses consistent with their conservation, including through the adaptive re-use of vacant historic buildings, reinstating street frontages and historic street patterns, wherever possible.

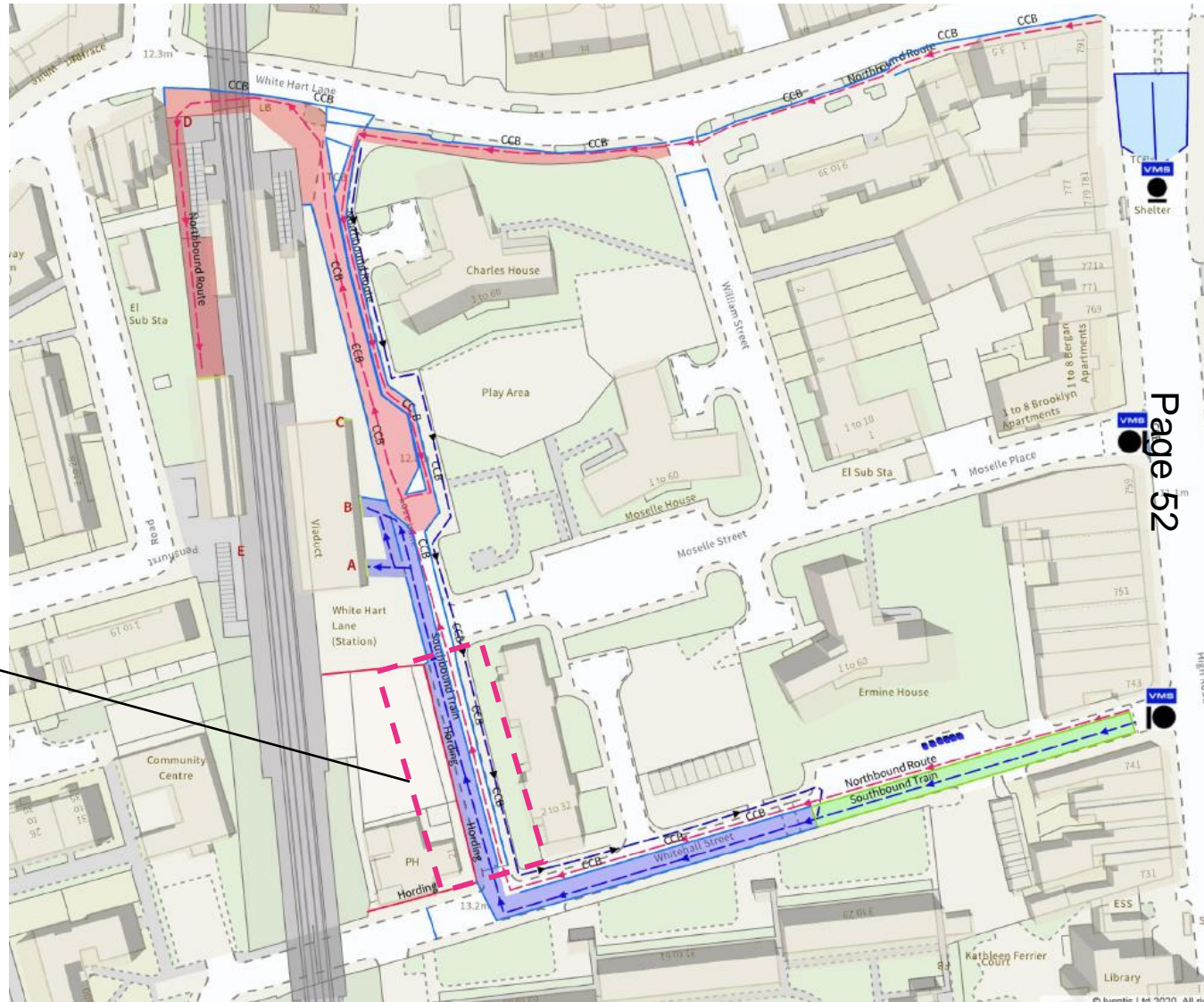
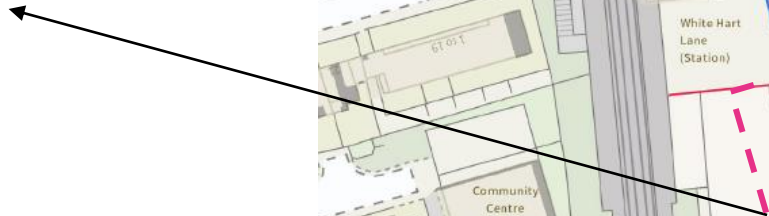
- 1.19 The AAP is part of the Council's Local Plan Framework which also includes strong overarching policies regarding Design and Heritage in SP 11 and 12 and DMDPD policies DM1, DM6 and DM9. In addition to these policies, the National Planning Policy Framework (NPPF) and the statutory duties placed under the Planning (Listed Buildings and Conservation Areas) Act, 1990 (as amended) places even greater emphasis on the historic environment. Any future development and detailed proposals must adhere to these statutory and policy framework.

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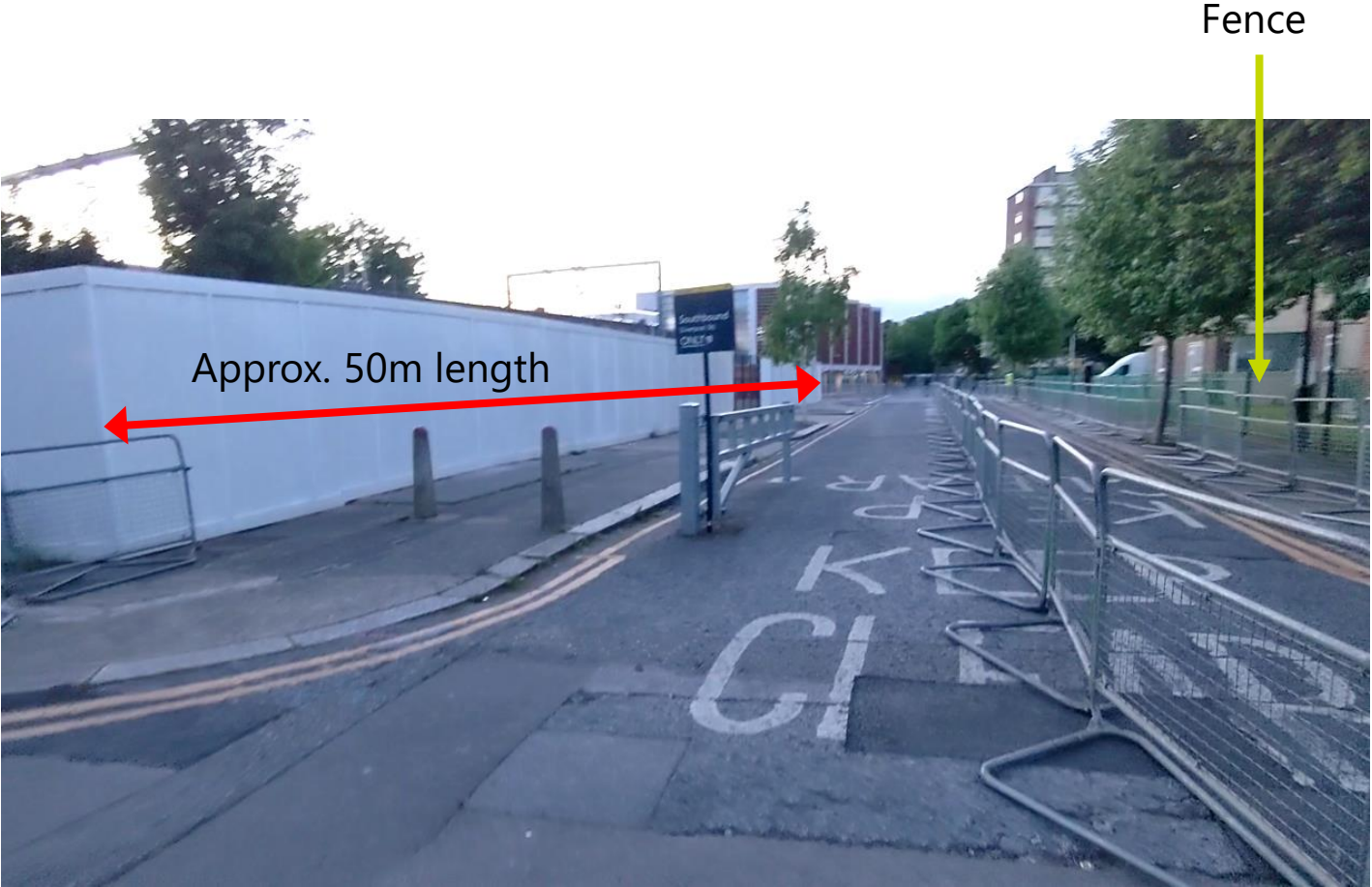
# EXISTING BARRIERS

# Existing

- Bounded by hoarding on West and fence on East for ~50m



# Hoarding on Love Lane





# Funnelling towards the Station





# Whitehall Street



# CLARIFICATION OF HOARDING

## Q3 2022 to Q2 2023

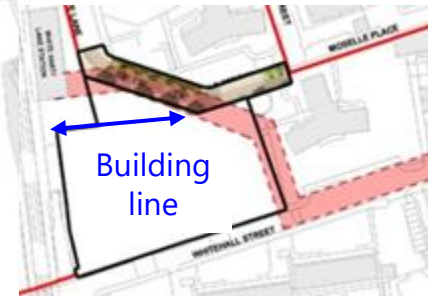


- As existing site
- Only hoarding is on West of Love Lane as per existing

## Q2 2023 to Q2 2025



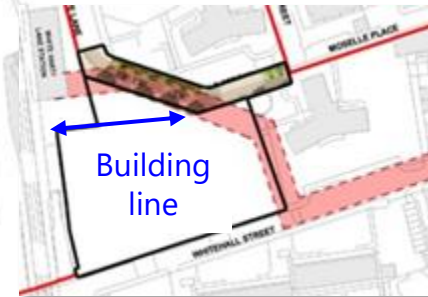
- Only section of hoarding will be 40m
- On the North side the hoarding can be the lower 1.1m height
- On the South the hoarding is likely to be further south closer to building line



## Q2 2025 to Q3 2028



- Only section of hoarding will be 40m
- On the North side the hoarding can be the lower 1.1m height
- On the South the hoarding is likely to be further south closer to building line





## Q3 2028 to Q1 2029



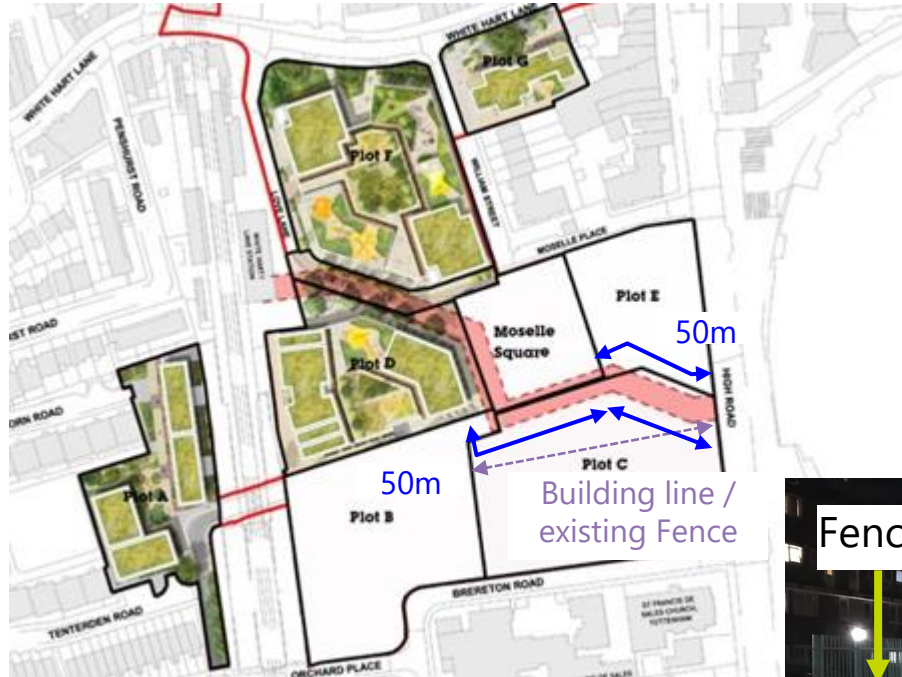
- No Hoarding along Crowd Flow route

# Q1 2029 to Q4 2029



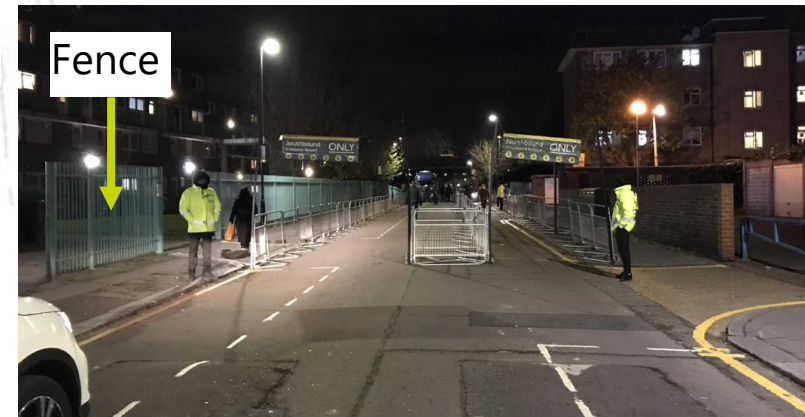
- No Hoarding along Crowd Flow route

## Q4 2029 to End-State



- Hoarding on both sides for max 50m
- Hoarding one side for additional ~50m – this will not be any further forward than the existing fence along Whitehall street
- Around Moselle Square will not require hoarding

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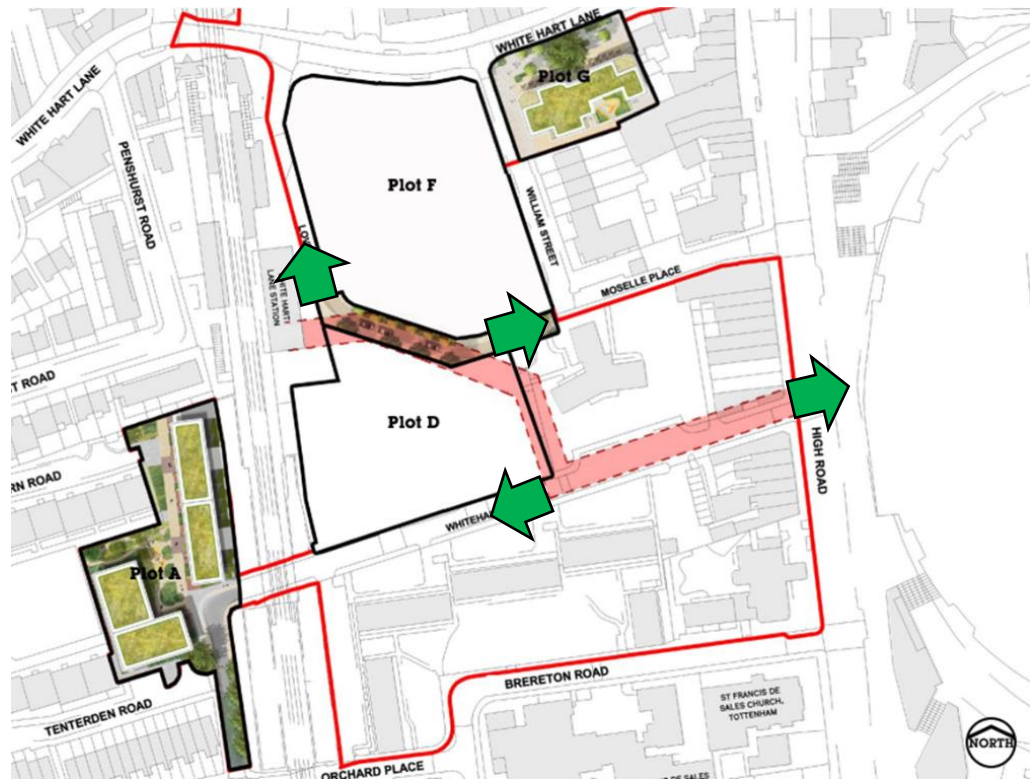


# DISPERSAL ROUTES

# Assumed existing Dispersal routes



# Potential dispersal routes during construction



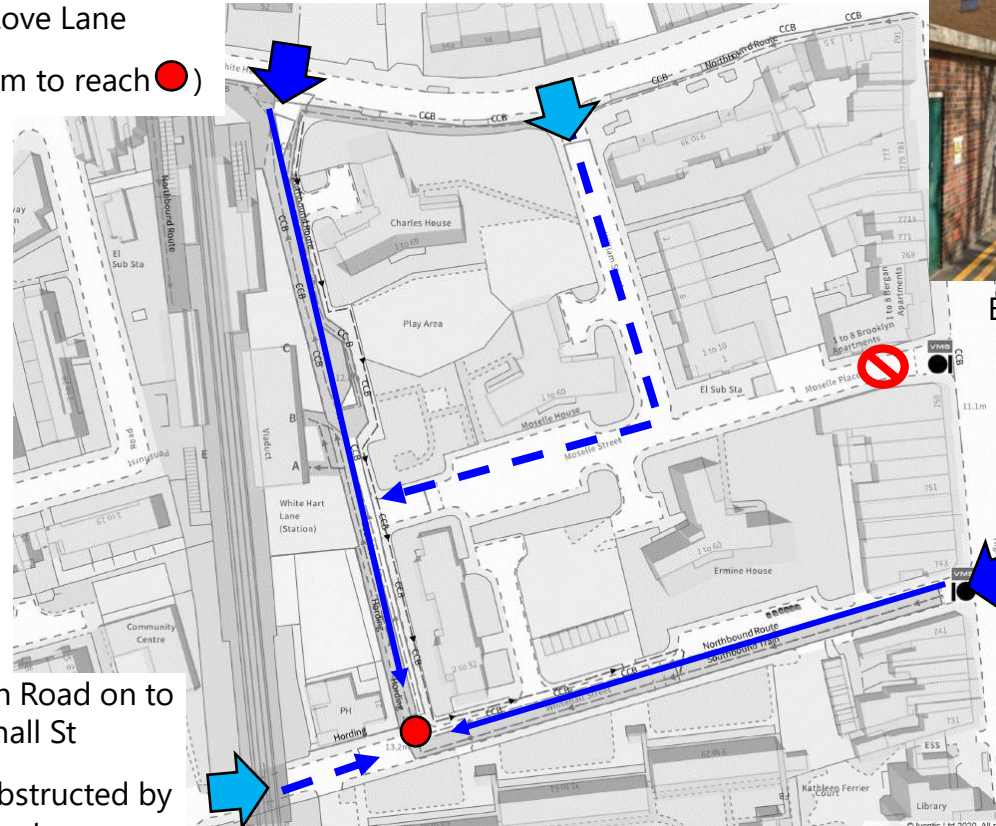
# AMBULANCE ROUTES

# Assumed existing Ambulance routes

From White Hart Lane on  
to Love Lane

(max 180m to reach ●)

From William St



Bollards on Moselle Place

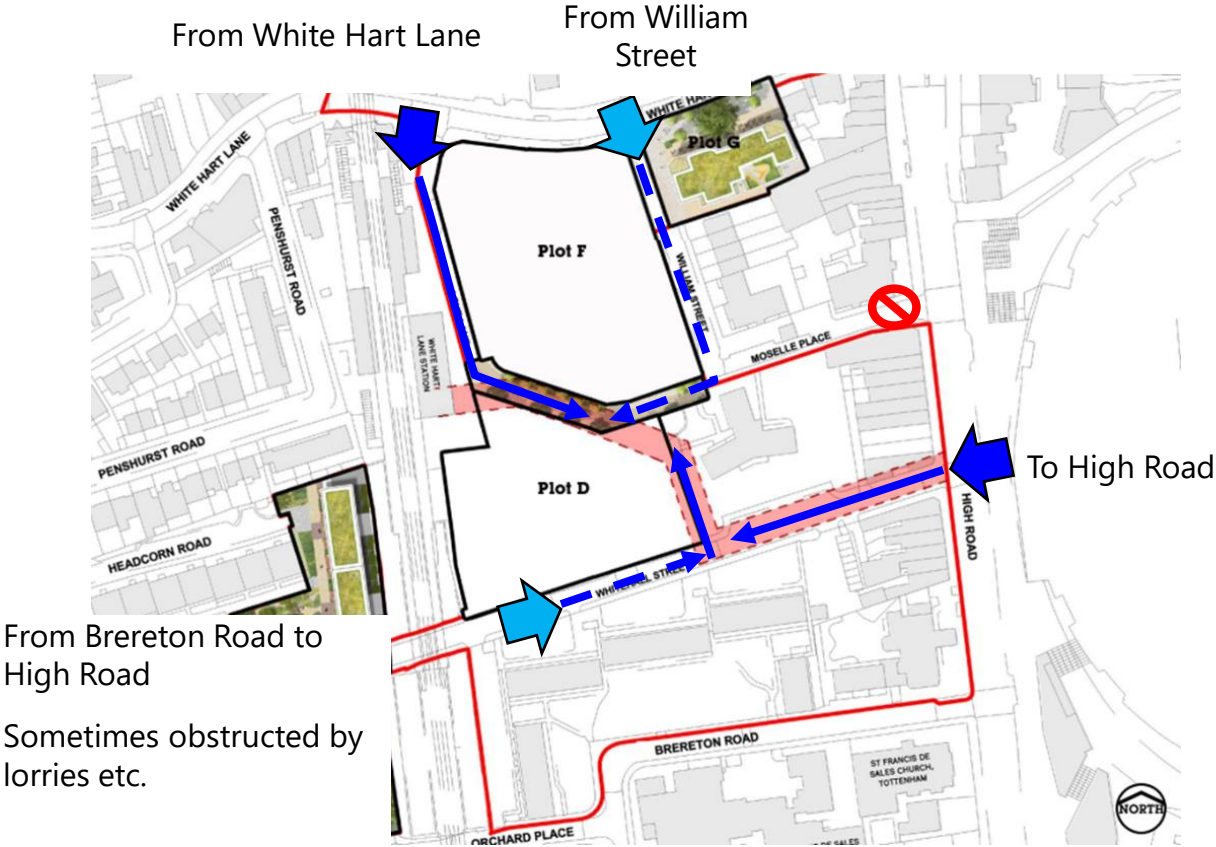
From High Road  
on to Whitehall St

(max 150m to reach ●)

From Brereton Road on to  
Whitehall St

Sometimes obstructed by  
lorries etc.

# Potential Ambulance access routes during construction



From Brereton Road to High Road

Sometimes obstructed by lorries etc.



**HGY/2021/3175 Hybrid Planning application, High Road West:**  
**Stage two Planning Objection from Haringey Defend Council Housing**

**Introduction**

This is the most important planning application to be submitted to Haringey Council in decades. It means the gentrification and social cleansing of North Tottenham. Poorly-designed market housing would exclude and overcrowd growing families. Higher house prices would be the broom to drive out local people and small businesses.

The documents submitted here provide evidence to show why Haringey Council's corporate commitment to this scheme has been a mistake, why the partnership between Haringey and Lendlease is disastrous for local people, and why the GLA's allocation of £91.5m of public funding for this scheme in its present form is mistaken. The Homes for Londoners Affordable Homes Programme (2021-26) does not allow affordable housing grant to be used to support demolition schemes.<sup>1</sup> This principle must be applied at Love lane too.

The issues will be addressed under the following 10 headings:

1. The council's independent Quality Review Panel does not support this application
2. Proposed permission for 317 homes without detail of location or architecture
3. An unviable proposal
4. Poor housing quality: 927 Single aspect homes
5. Service charging for maintenance and for clean-up costs related to Spurs events
6. Environmental damage
7. Undeliverable Decant Strategy
8. Faulty consultation
9. Gentrification, area impact and social cleansing
10. Recommendation

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<sup>1</sup> [https://www.london.gov.uk/sites/default/files/301120\\_homes\\_for\\_londoners\\_-\\_funding\\_guidance-acc1.pdf](https://www.london.gov.uk/sites/default/files/301120_homes_for_londoners_-_funding_guidance-acc1.pdf) (see para 36).

1. The council's independent Quality Review Panel does not support this application

The Committee Report includes on pp74-83 a ten-page examination of the Quality Review Panel (QRP) report dated 2nd March 2022. We have numbered and highlighted some of the most telling points here:

1. The Panel 'has concerns about the proposed density of the development – from 1400 homes in the adopted AAP to the current figure of 2,900 – and the impact that this is having on several aspects of the overall scheme. It is thus **unable wholeheartedly to support the application in its current form.**'
2. The exact position of taller elements on Plots B, D and F [South of White Hart Lane] will be a significant factor in their impact on the townscape. The parameter plans should carefully define shoulder height elements on key street frontages such as White Hart Lane, Whitehall Street and Brereton Road where these would play an important role in **creating a human scale and mitigating wind impact.**
3. Similarly, the three-storey link blocks to the south of Plot C are crucial to let sunlight into the courtyards—but as proposed **the parameter plans would allow these to be taller.**
4. The panel asks planning officers and the applicant to consider areas where greater certainty about the scale and massing of the development is **needed to safeguard quality of life.**
5. **The planning process should ensure affordable housing is not allocated to the blocks that receive low daylight and sunlight levels.**
6. The 'marker building' on Plot D opposite White Hart Lane station **will have a negative impact on the environmental quality of Moselle Walk, requiring wind mitigation.**
7. The panel highlights the **overpowering relationship** of the 27-storey tower on Plot B in relation to its internal courtyard. **The quality of the courtyard and daylighting of some of the homes at lower levels will be poor.**
8. The panel remains **concerned about the wind mitigation across the scheme**, particularly the area south of White Hart Lane.
10. 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 applicant confirms this will not be delivered until phase 6 out of 8, and then only if a



compulsory purchase order (CPO) process is successful.

11. The panel feels there is a possibility that the service access required, particularly on Parkside West, **will reduce the quantity of green space provided.**
12. The panel recognises that there is limited vehicle access to Parkside East— where **access will be needed to service the buildings with no rear access.**

It is an extraordinary decision of the Council to continue to recommend granting permission following such a damning review from independent experts in urban design. Only very minor alterations have been made in response to the QRP report. The officers claim that if the present application is granted, they will be able to deal adequately with every issue in further discussions with the applicant. If we know anything, we know that the Council supports this application. However, under the Local Government Association (LGA) guidance 'Probity in planning: Advice for councillors and officers making planning decisions' (2019), 'holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias' (p7 – our emphasis).

**The Council risks breaching the requirements of the LGA guidance, because no reasonable person would continue to recommend granting permission in these circumstances.**

## **2. Proposed permission for 317 homes without detail of location or architecture:**

The Application Details for the proposed development state that there would be 'Up to 2,869 new homes in addition to Plot A (including affordable housing)'. Because Plot A has 60 homes, this means a total of 2,929 homes, instead of the 2,612 homes in the illustrative masterplan which is referenced in the application documents. That is 317 more dwellings: more homes than there are on the existing Love Lane estate. Every problem with the illustrative masterplan is amplified because the permission actually being sought is for so many more homes. All arguments in favour of the indicative outline scheme are invalidated by the additional pressure of 317 more homes.

Officers should never have recommended grant of permission on this basis. Members of the Committee would be failing in their duty, were they to grant planning permission for so many additional homes with no details whatsoever of their location, building heights, practical design, infrastructure support, or architecture.

## **3. An Unviable Proposal**

**The proposed scheme is not deliverable according to the illustrative masterplan, because the applicant has no ownership (and no route to ownership) of key locations within the land it seeks to develop, which are all owned by Spurs. 790 of the proposed 2,612 homes within the illustrative masterplan are on land currently owned by Spurs, and 713 of them on land with extant Spurs planning permissions in place. None of the proposed Lendlease homes on these sites are at Social Rent. They are 100% ownership products (leasehold and shared ownership tenures) which are supposed to cross subsidise the redevelopment of the Love Lane estate.**

**The applicant's viability assessments completely fail to take proper account of the additional costs and uncertainties which arise because of the Spurs landownerships. But every assessment shows that the proposed development is not viable anyway. The application should be rejected on these grounds alone.**

The Financial Viability Assessment updated to May 2022 indicates an outturn IRR [internal rate of return] of 6.6%, way below the market profit expectation of 14%. 'This demonstrates the Proposed Development is currently not viable with the anticipated planning and affordable housing liabilities.' (para 1.11.1.6). However 'The results of the sensitivity testing demonstrate that through a combination of changes to the sales and build cost inputs in the viability of the Proposed Development, an improvement in the Residual Profit can be achieved' ( para 1.11.1.7). 'As a result, the developer is willing to proceed with the development subject to a planning consent being granted, taking a view on future growth' (1.10.2.2).

The July 2022 update (Briefing Note 120722.pdf - BNPP viability review note) gives revised figures, with an expected internal rate of return of 11.62% compared to a revised profit expectation of 13%; and 'the viability appraisal demonstrates that the Proposed Development currently generates a deficit'. This improved viability position has been achieved by adjusting or reducing home loss payments to residents from £8,306,575 down to £7,009,425, and increasing the Gross Development Value of the Council Social Rent homes from £110 per square foot up to £124. This means that the Council must pay more to buy the homes, based in charging much higher rents to new tenants in future.

Therefore, the applicant protects its profits with higher purchase costs for the Council, and higher rents and lower home loss compensation for tenants, in order to boost its profits; while using 'value engineering' (cheaper build cost inputs), which will be highly problematic, given the housing safety crisis and the inherent problems of high density schemes like this one.

The Officers tell us that they can control the applicant's behaviour, and reach agreements after the grant of planning permission, which we can all be happy about; and the Committee reports suggest that regular viability reviews would bring additional affordable housing. However, what has already been revealed in the BNPP viability review note shows that the opposite is the case. In the ongoing viability reassessments before the commencement of each phase and each sub phase of the scheme, it is much more likely that Haringey Council would work in partnership with the applicant to negotiate with the GLA for more Mayoral funding and

for the relaxation of affordability requirements.<sup>2</sup>

The applicant's promises will remain unreliable for many years to come, with the key 'public benefit' of 309 promised new council homes reserved until the end of the scheme, set for completion in 2032, but subject of course to delays and rescheduling. Haringey Council itself told Love Lane residents realistically and honestly that the scheme would take around 10-15 years to complete (Love Lane Landlord Offer, p 26), which means that the promised 309 council homes could be delayed until 2037. This timescale speaks volumes about the value which the applicant gives to its key promises. There is honestly no reliable guarantee whether these homes would be built at all, and if so with what tenure, rent regime, service charges, tenancy terms, etc.

For the avoidance of doubt, we believe that Lendlease would in reality make pots of money out of High Road West, should the scheme ever go ahead. However there is a real danger that the appearance of low profitability may lead to public benefits being eliminated from the scheme. The conclusion is that with no guarantee of deliverability, the applicant's pledges on public benefits are worthless.

Especially so, when Lendlease stated in the papers it submitted for the Haringey Development Vehicle in 2017, that central to the HDV's approach to housing delivery was to be 'to move away from categorisation of affordable and private tenures and instead to focus on providing homes to 'buy' and 'rent' for a range of income levels'.<sup>3</sup> The applicant's strategic objectives are therefore contrary to Haringey Council's Housing Strategy, which of course supports affordable housing tenures with publicly defined rent regimes and legally enforceable tenancy rights.

We cannot say that we have not been warned.

#### **4. Poor housing quality: 927 Single aspect homes**

This scheme has been designed without regard to the London Housing Design Guide (paras 5.2 and 5.5):

**A home with opening windows on at least two sides has many inherent benefits, including better daylight, a greater chance of direct sunlight for longer periods, cross ventilation, a choice of views, access to a quiet side of the building, and a greater flexibility in the use of rooms. The Mayor believes dual aspect should be the first option that designers explore for all new developments.**

**Daylight and sunlight animate indoor spaces and enhance the appearance and residents' enjoyment of an interior. Views out keep people in touch with their wider surroundings, the prevailing weather, and the**

<sup>2</sup> Detail of viability reassessments is contained in the Heads of Agreement agreed between Haringey-Lendlease and the GLA.

<sup>3</sup> Strategic Business Plan: Place Strategy, p 696 of Public Appendices – Items 9 & 10, Haringey Cabinet papers of 3 July 2017: <https://www.minutes.haringey.gov.uk/documents/b21292/Public%20Appendices%20to%20items%209%2010%2003rd-Jul-2017%2018.30%20Cabinet.pdf?T=9>

rhythm of the day and seasons. Good natural light reduces the energy needed to provide light for everyday activities, while controlled sun penetration can also help to meet part of the winter heating requirement.

**London Plan policy D6, Housing quality and standards, Section C, states: 'Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings'.**

However this application has 35.5% of proposed dwellings in the illustrative masterplan as single aspect (with windows facing in one direction only). See the 'HRW Outline Design & Access Statement Addendum Part 6.pdf – Amendments uploaded 20.05.2022', p 82.

The discussion of 'aspect' in this latest iteration of the Outline Design and Access Statement (as above, p 82) shows only too clearly that quality has been subordinated to cramming more properties onto the scheme. The highest proportion of single aspect comes where high rise buildings are being placed next to the conservation area. The single aspect dwellings are located on 17 plots out of 18 and across all tenures. The six supertall blocks of 34, 29, 27, 26, 21 and 18 storeys each have at least one single aspect flat on each floor, all the way up.

The proposed replacement new council housing at Whitehall Mews has 19 single aspect dwellings out of 60, including 16 one beds (in buildings A1, A2, and A3), and three disabled access two bed flats in building A1. The 'High Road West Plot A Overheating Input Report' states that none of the proposed homes have been assessed against the Category I (vulnerable persons) standard. The poor design of these homes does not comply with the professional standards laid out in the Code of Practice of the Royal Institute of British Architects, especially given the strong support in words for dual aspect in the design brief.

There are 927 single aspect homes in the illustrative masterplan, and there will therefore be well over 1,000 when the applicant brings forward proposals for the full 2,929 new homes. Residents will be condemned to condensation and mould, with trapped heat and water vapour because of the lack of through ventilation, with build-ups of pathogens instead of the safe and healthy homes which we need and deserve. No lessons have been learned from the pandemic. The Love Lane Residents Charter states at paragraph 5.2.2 that 'All the properties should be double aspect'. This has been completely ignored.

For more problems of poor housing quality related to all-in living spaces, lack of natural light, overlooking and lack of privacy, and separation distances between homes, see our earlier objection which can be found at Consultation comment 253.

## **5. Service charging for maintenance and for clean-up costs related to Spurs events**

This location will be affected by excessive crowds, noise from bars especially at times of pre- and post-match excitement, potential clashes between rival groups of fans, littering and public urination. We know that Spurs will not pay for clean-ups after the events at its stadium, the cost of which is borne by Council tax payers in Haringey, while for clean ups on council estates, all of the 8,000 council tenants in the borough who pay estate service charges, also pay to clean up the mess on estates caused by the Spurs events. So the 8,000 tenants pay twice: once through Council Tax, and once through service charges.

The effect of transferring the Council's housing land at Love Lane to Lendlease for a new walkway to be built under this application will be to weaken the council's control over service charging for its tenants at Love Lane / High Road West; and to swing the burden of cost onto service-charging residents living South of White Hart Lane.

The HRW Affordable Housing Statement – Amendment May 2022, para 1.8.8 says, 'Service charges for the affordable housing will be minimised as far as possible, with tenants only paying towards services and facilities they are able to use'. But the key following paragraph reads, 'Service charges will cover items such as maintenance and upkeep of the building fabric, communal areas, and an element of estate charge to maintain the public realm and outside amenity'. There is no effective limitation on the amount of these charges. Tenants should not have to pay for maintenance and upkeep of the building fabric, or for upkeep of the public realm and outside amenity. We say, that residents should not pay for these clean ups. It is the polluter who should pay, i.e. Spurs.

Sensible and humane planning would locate housing not directly outside the Stadium, but at a reasonable distance from it, allowing sport activities to take place without these gross intrusions into residents daily lives and domestic spaces.

## **6. Environmental damage**

Haringey Council has declared a Climate emergency, and the requirements of the emergency must be applied robustly to this application. The Royal Institute of British Architects and the Architects Journal have announced their support for a halt to demolition schemes and the use of retrofitting instead.<sup>4</sup> The existing homes should be improved and properly managed, and not demolished.

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<sup>4</sup> <https://www.architectsjournal.co.uk/news/retrofirst>

## **7. Undeliverable Decant Strategy**

The HRW Affordable Housing Statement - Amendments uploaded 20.05.2022 (para 1.8.4) lays out a Decant Strategy with a pledge that after Stage 1, 'the aim is that sufficient new build provision will enable residents to be rehomed directly into their new property before demolition of their previous home is required, meaning a single move for the majority of residents' (para 1.8.4.7). However, this cannot be delivered upon, because the applicant has cynically delayed construction of the majority of new council homes (309 out of 500) until the very end of the scheme, which according to the Council may take may take around 10-15 years to complete (Love Lane Landlord Offer, p 26). There were 232 households at Love Lane at the time of the ballot who were promised these new homes, but only 191 new council homes would be built in Phases 1 and 2.

Haringey Council promised residents during the ballot that when residents currently living in Phase 3 moved into the new council homes in Phase 2, 'At this point, all current residents on Love Lane will have moved into their new home' (Love Lane Landlord Offer, p 26). This promise will now be broken.

It is likely that at each of the three phases of redevelopment, there would considerable numbers of tenants without the single move. Instead they would be decanted for years, either on the estate, or elsewhere.

The only way that single move might occur for all residents entitled to it, is if the new build was delayed to long, that many of the temporary accommodation tenants were offered permanent rehousing elsewhere, before the new homes are built.

The Officer responses to this question, 'This is not a material planning consideration' and 'This will be controlled by the legal agreement', are totally unacceptable (Appendix 3 to Committee Report: Neighbour Representations, pp 2 and 6). No planning condition can speed up the pace of development. The applicant says that they will not build enough council homes soon enough, for the promises to tenants on single move in the Offer Document for the Ballot, and in the Lendlease's Affordable Housing Statement, to be delivered upon.

## **8. Faulty consultation**

The resident ballot conducted in August and September 2021 was faulty for several reasons:

**ONE:** Council officers collected votes door to door while canvassing, contrary to the published expectations of ballot conduct. The ballot administration company CES (Civica) subsequently wrote that 'The Council sought our guidance and advice in relation to the door-step collection of ballot papers by their officers or representatives. We advised, in writing, against this practise'.<sup>5</sup> Here are two examples of what happened:

### Tower block resident

Journalist: Can you just tell me what happened when the council came here to ask you about voting for demolition?

Tenant: They asked me about the voting, they asked me if I vote already, I tell them no because I didn't make my mind up. I didn't sure what I want to do, 'cos I didn't understand properly. Anyway they came, they came inside, they talked, they explained it to me, I decided to do it right there and then so, they helped me with the vote, you understand, because I didn't... I used the phone, they go online, they do the thing, and I go ahead and just vote.

Question: On the officer's phone, was it?

Tenant: Yes, it was on their phone.

### Low rise resident

Tenant: They came in here and they asked me whether I had voted and I said no, because I wasn't sure where they were going to take us to, so I didn't want to vote. I asked if they are going to move us to a house nearby, they said it's a maisonette, the rooms are going to be big, it's going to be far, far better than where we are staying here. So I said if that's the case then I will vote. So she said if I want to vote now, she's ready to take the paper, so I went in to vote, then my husband has already voted but I have not posted it. So I went in to add my vote to it and gave it to her and she took it away.

Question: Two votes?

Tenant: Yes, I gave her two votes that day.

In both of these cases, false promises were made about rehousing: especially to the low rise resident, as detailed above.

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<sup>5</sup> Sian Berry (GLA assembly member), Estate ballots: are they working well? (July 2022) p 6.

[https://www.london.gov.uk/sites/default/files/2022\\_07\\_12\\_ballot\\_research\\_sian\\_berry\\_final\\_1.pdf](https://www.london.gov.uk/sites/default/files/2022_07_12_ballot_research_sian_berry_final_1.pdf)

The Overview and Scrutiny Committee asked Cabinet to hold an independent review of the ballot. The response of Cllr Ruth Gordon (Cabinet Member for Council House-Building, Placemaking, and Development) at Cabinet on 18 January 2022 regarding the two sound recordings referred to above was 'the Cabinet Member had listened to the transcript three times and did not hear evidence of untoward activity' (Cabinet Minutes). This is clearly inadequate as a balanced assessment of what had taken place.

**TWO:** Both the Landlord Offer and the Chief Executive's letter (26 August 2021) made purported guarantees to voters, without stating honestly that these were dependent on delivery; which is especially problematic because the scheme is not viable. Promises regarding single move were broken in October 2021, just weeks after the ballot closed, when the present application was submitted by Lendlease with the full support of Haringey council. Therefore the landlord failed in its duty to give residents a fair and accurate description of the proposal during the ballot period.

**THREE:** An Open letter published by Damian Tissier, Independent Tenant and Leaseholder Advisor at Love Lane from 2014 to 2021, stated:

During the ballot, it appears that officers carried out extensive lobbying to encourage residents to participate in the ballot and also to promote a 'yes' vote. What the Council and Lendlease describe as community engagement was in effect a promotional campaign that employed aggressive marketing techniques – persistent telephone calls, unannounced home visits, etc. I've received complaints of residents been called on three occasions per day, including Sundays, and of being visited by two/three officers on more than one occasion.

The authors of "Another Storey", a report for the Centre For London on estate regeneration schemes in the capital assessed and then monetarised the negative impacts for residents, estimating at an average cost to households of £15,000. Based upon the Centre for London report, the overall cost to the local community of the High Road West Regeneration Scheme is around £4,455,000.<sup>6</sup>

The conclusion reached by Sian Berry is that 'residents at Love Lane did not universally experience a democratic, above-board, and rigorously overseen ballot'. (Report, p 9).

## 9. Gentrification and area impact

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<sup>6</sup> <https://haringeydefendcouncilhousingblog.wordpress.com/2021/09/19/open-letter-on-the-love-lane-ballot/>



Haringey Council's Joint Strategic Needs Assessment (2015) included a discussion on Social Inclusion which demonstrated that housing policy is a main driver of social exclusion:

- Haringey residents are being priced out of the local property market.
- Many residents are also being priced out of the private rental market.
- Unaffordable housing and welfare changes are driving increasing homelessness.

Only council rent is affordable to most local people in housing need. The illustrative masterplan would deliver 2,285 net additional homes; by tenure: Open market +1,620 (70.9%), Shared ownership +416 (18.2%), Council rent +249 (10.9%).

This is a tenure-segregated scheme where the applicants' masterplan includes NO Social Rent homes north of White Hart Lane. By contrast, the rival Spurs consented schemes do offer Social Rent homes in these locations.

The excess supply of unaffordable housing in the applicant's scheme would drive through changes far beyond the red line boundary, by increasing area house prices, raising market rents and retail costs, destroying small local businesses, and pricing out local people. What a future.

### **10. Recommendation**

This application should be refused.

The alternative is to retain the existing council housing at Love Lane and invest in it, give the temporary accommodation tenants the secure tenancies which they requested before the ballot, and build additional council housing on existing council owned land, and also by arrangement with Tottenham Hotspur, who should be encouraged to invest in the real needs of the community whose name they are pleased to use. The Council should engage with the GLA to use public housing investment funds for beneficial rather than for negative purposes. The present planning application should be rejected, and the whole High Road West scheme reconsidered. Estate Demolition Ballot procedures should be reviewed and reformed, and doorstep vote collection banned.

Paul Burnham  
Secretary  
Haringey Defend Council Housing  
19/07/2022

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## High Road West Masterplan – THFC match and event day Crowd Flow

### 1. Summary

- I. This document has been produced by Movement Strategies (MS), crowd movement advisors to Tottenham Hotspur FC (THFC).
- II. On event days at the Tottenham Hotspur Stadium, the Guide to Safety at Sports Grounds (SGSA, v6, 2018) indicates that the venue operator (i.e. THFC) has a responsibility for assurance of the safety of attendees within Zone Ex (the area in the public domain considered to encompass the main pedestrian and vehicle routes leading from the venue perimeter to public car parks, local train stations, bus stops and so on). The responsibility is to ensure that all stakeholders with a role in supporting the delivery of this outcome are to be engaged and that the measures put in place are implemented in a co-ordinated and consistent way. The stakeholders include emergency services, local authorities and, where appropriate, local landowners.
- III. The area covered by the High Road West Masterplan and LendLease application falls within the Zone Ex area. The application is being reviewed by Movement Strategies from the perspective of THFC's accountability for spectator safety as well as their own obligations to minimise the event-day impacts on the local community.
- IV. We have reviewed the latest Planning Sub-Committee Report associated with the High Road West Masterplan Application submitted by LendLease (HGY/2021/3175). We have also reviewed two documents produced by the Council's Independent Crowd Advisor - Dr Jim Dickie – dated July 13<sup>th</sup> and July 14<sup>th</sup> 2022. The document dated July 14<sup>th</sup> is referred to in the Planning Sub-Committee Report.

### 2. Crowd Flow Considerations Not Currently Addressed

1. As a starting point it is important to note that the submitted Crowd Flow Study and in turn Dr Dickie's review have not considered a number of matters that are fundamental to an assessment of whether the application will ensure safe and efficient crowd flow. We also understand that the Crowd Flow Study has not been updated since the first concerts held at the stadium on 1<sup>st</sup> and 2<sup>nd</sup> July, which Buro Happold indicated they would be present at to observe.
2. The area covered by the High Road West Masterplan and LendLease application falls within the Zone Ex area of Tottenham Stadium. THFC has accountability for crowd movement within this footprint and needs to be certain that the space available to manage event day crowds is capable of accommodating safe and efficient crowd flows in all scenarios. Ultimately, if there is deemed to be a failure in assuring the safety of spectators within Zone Ex it could lead to reductions in the licensed capacity of the venue.
3. One further consequence of this not being delivered through design will be a potential for increased and extended event day staffing requirements. The requirement to account for spectator safety in Zone Ex is detailed in the SGSA's Guide to Safety at Sports Grounds, which places the onus on THFC. Another potential implication is effectiveness with which THFC can deliver their obligations through their Local Area Management Plan to mitigate the impact of major events on the local community.
4. **Both the applicant and the OR undertake a narrowly focused comparison of the quantum of space to be provided. By limiting its focus to indicating the spatial equivalency of queue footprints, the LendLease**

**application and associated Crowd Flow Study omits to consider a number of important factors including any consideration of requirements for ingress, emergency conditions, and any flows in the vicinity of the area not related to the Station.** The advice from the Council's Independent Crowd Flow advisor is also limited to this by the nature of the two questions he is posed in his most recent report (Haringey Questions – July 14<sup>th</sup> 2022).

5. The areas where LendLease/Buro Happold have not provided evidence that the masterplan proposals can accommodate what is required to enable successful management of crowd are:
6. **Spatial Impact of Emergency Conditions.** The Crowd Flow Study is focused on normal egress operations and associated flows and queues. There is no consideration of the crowd flow and safety impacts should there be an emergency or incident that requires the queues to be dispersed or the station cleared (the southbound platform in particular). There is also the potential for a scenario where the Stadium itself is evacuated, in part or in whole. **The proposed design should demonstrate that it maintains adequate provision for dispersal in the different potential demand scenarios.** This is both in the end state and during construction.
7. **Degraded Conditions on the Rail Network.** The impact of engineering works on the rail network is not addressed. Planned blockades and restricted service running have affected a number of event days at the stadium, not to mention the unplanned disruptions that are also occurring more frequently. The impact of such scenarios and the spatial and operational consequences have not been considered at all.
8. **Accessibility.** The application does not make any remark on the movement of those with mobility impairments, including wheelchairs, and the extent to which the proposals support their safe and efficient movement on an event day. The Council has a statutory duty when determining the planning application under the Equality Act to advance the equality of opportunity, which will not be addressed if those with mobility impairments have not been properly considered.
9. **Spectator Flows on White Hart Lane.** During construction, there is a statement that Plot G does not have an impact on the existing crowd flow strategy. This is not true. The phasing diagrams indicate that this Plot includes part of the southern pavement of White Hart Lane and this is a critical location during both ingress and egress – with heavy usage by spectators travelling by other modes as well as train. The impacts of Plot G on the event day operations should be addressed.
10. **Spectator Flows on the High Road.** In the Construction Phasing, both plots C & E extend into the High Road, which in itself forms a key part of the Zone Ex for ingress and egress. There is no discussion on the impacts of the construction hoarding on event day crowd operations within the High Road.

11. **Flow Management in Emergency Conditions.** For each of the construction phases there is little information provided for managing flows in the event an incident or emergency. Assurance that the various phases of construction offer sufficient provision for emergency service access and safe crowd dispersal from these areas should be provided. A particular concern is raised in relation to the local risks associated with the holding of queues within a space bounded by hoarding on either side, the types of barrier in use and the provision of ample means of escape. **In order to mitigate safety and security risks that would otherwise be present, accommodation of this is likely to necessitate an additional footprint to that set out for northbound and southbound queuing in the CEMP.** This specific point was raised (and minuted) at the Special Safety Advisory Group meeting on the 6th May 2022, with a requested action from the chair for LendLease's security consultants to liaise with THFC's Security team. It is understood that there has been no subsequent engagement.

### 3. Review of Planning Sub-Committee Report

12. There are only six paragraphs in the Planning Sub-Committee Report associated with THFC match and event day Crowd Flow (6.33). The points raised in each of these paragraphs are taken in turn.
13. The first paragraph (6.33) indicates that the proposals provide a direct link between the Stadium and White Hart Lane Station, and that the proposals provide at least equivalent queuing provision for the Station on event days as the current arrangements. Whilst both of these points are agreed, for the reasons set out above and in our previous notes we do not consider that this is the correct approach to assess whether safe and efficient crowd flow can be accommodated.
14. Paragraph 6.34 shows modelling from the Buro Happold Crowd Flow Study and the accompanying text states that the proposed layout has greater queue capacity than the current layout. This modelling was undertaken prior to the provision of the current event-day plan – which has a greater capacity than that used in the model. However, in any event a narrow focus on the equivalence of the queue space provided is not the only element to consider when determining whether safe and efficient crowd flow can be accommodated.
15. There is reference to assessment of a Cup Game scenario in Paragraph 6.34, which is described as providing an indication of impacts from other less regular events such as boxing contests and concerts. This approach does not consider the distinctions between crowd behaviours, demographics and expectations between the different event types. These are all factors that need to be considered in the development and discharge of an Event Management Plan for each event – which THFC are responsible for in the form of the Local Area Management Plan. As matters currently stand, we do not consider that there has been sufficient analysis and dialogue with THFC about crowd movement associated with these events. Therefore, the Council cannot conclude that it will be possible for the impacts of different event types to be solely mitigated through an Event Management Plan. It should also be noted that THFC supplied more information to Buro Happold in June 2022 relating to demand conditions at non-Premier League fixtures, which has not been used as the basis for the analysis referred to here.
16. Paragraph 6.35 discusses the Construction Phasing, and states that the Crowd Flow Study demonstrates that the equivalent queuing provision can be maintained. This is not the case. The Crowd Flow Study only considers a sub-set of the construction Phases set out in the Construction Environment Management Plan (CEMP). Dr Dickie's document referred to an email exchange with Buro Happold on July 12<sup>th</sup> (which THFC were not party to and have not seen), where the construction analysis was re-visited. If these figures are to be relied upon then they do show that the space provided are within 4m<sup>2</sup> of being the equivalent footprint for the southbound queue. This is an area where the focus by LendLease/Buro Happold on area and space has led to factors around operation, management and safety to be omitted. Irrespective of the provision of space for queuing, there are important aspects related to crowd safety and flow during the construction phasing that have **not been addressed**.

17. Paragraph 6.36 discusses the THFC objection, and the review by Dr Dickie – *‘who considers that the current and proposed queuing provision is sufficient to enable safe management and movement of spectators at events between the stadium and White Hart Lane Station during premier league football fixtures.’* This statement does represent Dr Dickie’s position, but is clearly defined and limited to the size of the queuing provision. Event day crowd management and movement through the proposed masterplan footprint is not limited to the queues for the station, but Dr Dickie has only been directed to look at this aspect (see ‘Haringey questions (e-mail May 31 2022 v3)’. In our discussions with Buro Happold, they also indicated that the sole objective they were asked to prove was the equivalency of space for queue management at the station. Crowd Flow considerations not covered by the application or Dr Dickie’s review are highlighted in the second section of this note.
18. Paragraph 6.36 also references the queue conditions on other event-day types – *‘Excessive queues can be experienced for concerts, boxing matches, occasional football matches with late finishes in the current queuing arrangements however this can be safely resolved through the Event Management Plan with measures such as effective communication to spectators.’* This indicates that there is recognition of a series of event types where different crowd conditions will occur and there will be a need for different management. This is known by THFC and there is considerable effort on behalf of the club to plan for and manage crowd conditions in the Stadium vicinity. However, the Council does not have sufficient information to determine whether or not these issues can be addressed solely through an Event Management Plan before accepting a masterplan design.
19. Paragraph 6.38 states – *‘The submitted parameters and illustrative masterplan can accommodate the spatial requirements required to enable the successful management of crowd flows on event days.’* **It is not possible to make this statement on the basis of the evidence supplied as part of the submission, or the independent review undertaken on behalf of the Council. The scope of the assessments and conclusions are limited to the post-event queuing to access White Hart Lane Station, and therefore it is not proven that other aspects related to event day crowd flow, safety and management can be accommodated by the masterplan.**
20. **Fundamentally the objective of the Crowd Flow Study and any evaluation of the proposals must be to ensure that the application proposals are adequately designed so that they can safely accommodate event day crowd movement and associated operations.** In Section 2 above we set out a number of highly material issues which have not been considered by the applicant in the Crowd Flow Study. In Section 4, we consider other items raised by Dr Dickie.

## 4. Additional Comments on Dr Dickie’s Documents

21. There are two recent documents available on the Planning Portal authored by Dr Dickie. These are:
  - a. ‘Haringey Questions (May 31 2022) v3’ dated 14<sup>th</sup> July 2022
  - b. ‘Buro Happold – Crowd Flow study in support on Lendlease’s hybrid planning application concerning the High Road West development’ dated 13<sup>th</sup> July 2022

### Comments on ‘Haringey Questions’

22. Dr Dickie’s document is drafted to provide direct answers to the questions he has been asked. THFC has not been provided with the email in which the questions were posed and therefore the rationale for their selection. The two questions posed are only related to the queuing provision and equivalency with the existing footprint and therefore his brief is tightly framed. He has not been (and in our view should have been) asked any questions about the wider ability of the scheme to safely accommodate event-day crowd flow.

23. Nevertheless, he does indicate that there are types of events where the queuing provision will need to be supported by an Event Management Plan for the proposals to be acceptable.
24. Dr Dickie references that the Event Management Plan worked well when there were rail problems on the day of the event which took place on May 1<sup>st</sup> 2022. There is also a comment around travel information supplied prior to the recent Guns N' Roses concert that was comprehensive and beneficial. These Event Management Plans (more specifically, the Local Area Management Plan or 'LAMP') were developed by THFC, with input from stakeholders. **Therefore, Dr Dickie is saying that the proposals are only acceptable for Category 2 events if accompanied by a Plan that has to be developed and implemented by THFC.**
25. Therefore, for the proposals to be accepted, THFC and the decision maker need to be satisfied that LendLease can develop a workable plan for these scenarios. It is clear from dialogue to date, that whilst there have been an ongoing discussions, they have yet to reach a conclusion. It does not follow that because an Event Management Plan appeared to work well previously that it can be applied/work well for all scenarios, given the fundamental changes to the environment both in the end state and during construction. Dr Dickie himself also indicates that NFL games are different to other Category 2 events, presumably due to the changes in the ability to communicate with attendees.
26. Dr Dickie clearly states that the assessment of the construction phases should not solely be a question of area and equivalency, and indeed highlights that Buro Happold themselves demonstrate that there are opportunities for improvements. Dr Dickie also categorically excludes the construction phasing when responding to the second question proposed by the Council. **The need to consider more than just the equivalency of space have not been addressed by the applicant as part of an update to their Construction Environmental Management Plan. It is therefore not appropriate to proceed without further scrutiny and development of these plans.**

#### Comments on 'July 13' Note

27. This document is a 'walk through' of the May 2022 version of the Crowd Flow Study produced by Buro Happold in support of the LendLease application, with commentary on specific points made in line. The document is structured to match the Study report and does not in itself state any objectives or formulate a conclusion. It appears to have been drafted to highlight points that have been added by Buro Happold since the February draft which Dr Dickie, Movement Strategies and THFC commented on in April 2022.



28. Dr Dickie indicates that more comprehensive detail on the data obtained (p5) and information on the assumptions behind the Legion modelling (p4) are necessary in order to establish the merit of the conclusions drawn. This is concurred with, and such a concern has led to a dialogue with Buro Happold to provide further clarity. Additional information has subsequently been supplied by THFC but not factored into an updated analysis.
29. Importantly, Dr Dickie later re-visits this point (on p9). *'Without detailed knowledge of the computer model and given what has been observed I would not be confident in drawing a conclusion other than the illustrative Masterplan is demonstrably superior to the existing layout as regards the SB queue provision.'* **If, as we suggest, there is a need to consider more than just the equivalency of space, then Dr Dickie indicates that the information supplied does not allow him to draw any conclusions beyond this.**
30. Dr Dickie notes that the analysis of a Concert scenario is not included and provided his own assumptions around this scenario. THFC has subsequently supplied their own assumptions for a concert scenario and the Guns N Roses concerts in July 2022 were monitored and observed. The Buro Happold Study does not include any analysis of a concert scenario.
31. The need for an Event Management Plan to achieve reduction or re-direction of spectators in the queuing areas is a conclusion drawn by Dr Dickie when reviewing the analysis of the 'stress test' scenario. By re-iterating that it is fundamental to the successful delivery of crowd management, it follows that the Council needs to be satisfied that that an Event Management Plan can be delivered for all foreseeable scenarios in the context of the Masterplan and the various construction phases. We do not consider that the Council is able to reach that conclusion based on the information currently provided by the applicant.
32. On p10, Dr Dickie states that – *'In this writer's opinion Fig 6-7, illustrating the current crowd flow procedures, seriously weakens THFC's objection.'* It is believed that this relates to an objection made by THFC about avoidance of 'funnelling' within queue systems. Fig 6-7 shows an image of the flow past the temporary HVM at the High Road-White Hart Lane junction during egress where 'funnelling' occurs in the current configuration. It is considered preferable to avoid funnelling within any egress flow system to minimise safety risks and/or need for mitigation. **As such, when any new parts of the system are designed, this should be avoided wherever possible.** The current situation is a result of the requirement from the Council to include an HVM at this location. It is understood that THFC expressed to the Council at the time that this introduced a pinchpoint and that they would seek to avoid this, but no alternative position was agreed and therefore THFC's Local Area Management Plan adapted accordingly.

## 5. Conclusions

33. THFC has accountability for the safety of crowds as they move to/from the Stadium through Zone Ex on an event day. The masterplan falls within Zone Ex. The LendLease justification of the scheme from a crowd flow perspective focuses on demonstrating that the masterplan has the equivalent space for the event day queues associated with White Hart Lane station. The approach is overly simplistic for the reasons set out. The Planning Application Sub-Committee report (and questions asked by the Council of an Independent Crowd Expert) have followed this line of thinking. As identified in review, there are a series of omissions from the application and supporting evidence related to crowd movement, a number of which have implications for the spatial requirements.



34. Furthermore, the review by the Independent Crowd Expert indicates that there is a category of event where the acceptability of the proposals are subject to the design and successful implementation of an Event Management Plan. It has not yet been demonstrated that a successful Event Management Plan is capable of being delivered within the proposed scheme.
35. As set out above Dr Dickie also categorically excludes the construction phasing when responding to the second question proposed by the Council. Therefore, this key issue has not been considered.
36. **As such, we do not consider that the application fully demonstrates that safe and efficient crowd flow operations can be provided throughout the 10-year construction phase and also during the 'end state'. The implications for this may be a requirement for uplifts in event-day management, with associated costs and impacts on local amenity, or a reduction in the licensed capacity of the venue.**

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