LIST OF RECOMMENDATIONS UNDER DELEGATED POWERS

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

1. APPLICATION DETAILS

Reference No: HGY/2016/1976 **Ward:** Northumberland Park

Date received: 21/06/2016

Drawing number of plans: POP-4494-PLN-0119-00

Address: Tottenham Hotspur Football Club, 748 High Road, N17 0AL

Proposal: Non-material amendment following a grant of planning permission HGY/2015/3000 to introduce modifications to the wording of conditions A12, D19 and E15

Applicant: Mr Richard Serra, Meldene Limited

Ownership: Private

Officer contact: James Hughes

1. SUMMARY OF RECOMMENDATION

1.1 GRANT NON-MATERIAL AMENDMENT

2. RELEVANT PLANNING HISTORY

2.1 HGY/2015/3000 - Proposed demolition and comprehensive phased redevelopment for stadium (Class D2) with hotel (Class C1), Tottenham Experience (sui generis), sports centre (Class D2); community (Class D1) and / or offices (Class B1); housing (Class C3); and health centre (Class D1); together with associated facilities including the construction of new and altered roads, footways; public and private open spaces; landscaping and related works. Details of "appearance" and "landscape" are reserved in relation to the residential buildings and associated community and / or office building. Details of "appearance" and "scale" are reserved in relation to the sports centre building. Details of "appearance" are reserved in relation to the health centre building. Proposal includes the demolition of 3 locally listed buildings and includes works to a Grade II Listed building for which a separate Listed Building application has been submitted (Ref: HGY/2015/3001). The proposal is EIA development. *Application Granted 15th April 2016.*

3. PROPOSED NON-MATERIAL AMENDMENT

3.1 The applicant seeks confirmation that an amendment to the wording of Condition A12 attached to planning decision HGY/2015/3000 is non-material in nature.

3.2 Condition A12 (Interim Landscape and Meanwhile Uses) attached to HGY/2015/3000:

"Prior to the commencement of construction of the stadium super structure an Interim Landscape and Meanwhile Use scheme shall be submitted to and approved by the Council. The development shall be carried out in accordance with the approved Interim Landscape and Meanwhile Use scheme and reviewed prior to the commencement of development of each Plot."

"Reason: In order to provide a suitable setting for the proposed development in the interests of visual amenity consistent with Policy 7.21 of the London Plan 2015, Policy SP11 of the Haringey Local Plan 2013 and Saved Policy UD3 of the Haringey Unitary Development Plan 2006."

3.3 The applicant seeks the following revised wording to Condition A12:

Prior to the hosting of the first Stadium Event an Interim Landscape and Meanwhile Use scheme shall be submitted to and approved by the Council. The development shall be carried out in accordance with the approved Interim Landscape and Meanwhile Use scheme and reviewed prior to the commencement of development of each Plot."

3.4 The amended wording will alter the timeline for the submission of Interim Landscape and Meanwhile Use (ILAMU) scheme from prior to the commencement of the stadium super structure to prior to the hosting of the first stadium event. The applicant's justification for the requested amendment is that the development of Plot 1 (stadium) on the site will preclude the establishment of any meanwhile uses within the wider redline area of HGY/2015/3000 for the duration of the construction of the stadium due to the nature of the build. The applicant notes as per the application covering letter dated 21st June 2016 that "by virtue of the entirety of the application site being a construction site up until the scheduled first Stadium Event in August 2018, there will be no interim landscaping or meanwhile uses until that time, which is still 16 months away. The proposed amended working brings the condition into line with others such as B8, B9, B10, B11, B12, B13, B15, B27, B28 and B29."

4. ANALYSIS/ASSESSMENT OF THE APPLICATION

4.1 There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

4.2 The alternation to the timeline for submission of the ILAMU scheme is not considered to engage policy, a key indication the amendment is non-material. Officers generally consider the applicant's submission justifying the alteration (that the remaining Plots on the site will not be available for activation on a meanwhile basis until the stadium construction is complete due to the nature of the building works occurring) to be reasonable.

4.3 The provision of meanwhile uses and landscaping in line with the ILAMU scheme to be submitted upon the hosting of the first Stadium Event will ensure the policy objective of activating land awaiting development is met. This will provide a suitable setting for the proposed development in the interests of visual amenity in conformity with adopted policy stated in the condition reason. The amendment will also harmonise the milestone for Condition A12's discharge inline with other 'B' Conditions pursuant to HGY/2015/3000. The effect of the change in submission timeline will be negligible given the overall scale and progression of the consented development.

4.4 The amended wording of Condition A12 is therefore judged to be non-material. The proposed amendment is not judged to give rise to effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011.

5. RECOMMENDATION

5.1 GRANT non-material amendment

Registered No. HGY/2016/1976

Applicant's drawing No.(s): POP-4494-PLN-0119-00

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Applicant: Mr Richard Serra, Meldene Limited

Ownership: Private

Officer contact: James Hughes

2. SUMMARY OF RECOMMENDATION

2.1 The Local Planning Authority is satisfied the proposed amendment is non-material in nature.

3. RELEVANT PLANNING HISTORY

3.1 HGY/2015/3000 - Proposed demolition and comprehensive phased redevelopment for stadium (Class D2) with hotel (Class C1), Tottenham Experience (sui generis), sports centre (Class D2); community (Class D1) and / or offices (Class B1); housing (Class C3); and health centre (Class D1); together with associated facilities including the construction of new and altered roads, footways; public and private open spaces; landscaping and related works. Details of "appearance" and "landscape" are reserved in relation to the residential buildings and associated community and / or office building. Details of "appearance" and "scale" are reserved in relation to the sports centre building. Details of "appearance" are reserved in relation to the health centre building. Proposal includes the demolition of 3 locally listed buildings and includes works to a Grade II Listed building for which a separate Listed Building application has been submitted (Ref: HGY/2015/3001). The proposal is EIA development. *Application Granted 15th April 2016.*

4. PROPOSED NON-MATERIAL AMENDMENT

4.1 The applicant seeks confirmation that an amendment to the wording of Condition D19 pursuant to planning decision HGY/2015/3000 is non-material in nature.

4.2 Condition D19 (Cooling Demand) pursuant to HGY/2015/3000 states:

Further information shall be provided on the cooling demand together with an overheating strategy (complying with CIBSE TH49) and the submission of detailed thermal modeling for Plot 3 shall be submitted and approved by the Council prior to the commencement of work on Plot 3.

Reason: In order to ensure an appropriate level of energy efficiency and sustainability is provided by the development consistent with Policy 5.7 of the London Plan 2015 and Policies SP0 and SP4 of the Haringey Local Plan 2013.

4.3 The applicant seeks the following revised wording to Condition D19:

"Further information shall be provided on the cooling demand together with an overheating strategy (complying with CIBSE TH49) and the submission of detailed thermal modelling for Plot 3 shall be submitted and approved by the Council prior to the commencement of ***any*** *work* ***above podium*** *on Plot 3."*

4.4 The applicant's justification for the requested amendment is that "the commencement of the Hotel superstructure will be no sooner than the scheduled first Stadium Event in August 2018 and in reality, could be many months afterwards.

5. CONSULTATION RESPONSE

5.1 Head of Carbon Management – Concern about the alterations provided. Recommend refusal. This is because it the orientation and finishing may have been determined once the applicants are close to being above podium. It may also limit issues such as using the public realm to create shading (trees and public art etc).

6. ANALYSIS/ASSESSMENT OF THE APPLICATION

6.1 There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

6.2 The applicant's justification for the change is somewhat unclear as the developer does not appear to be seeking alternation to any submission timeline that would accord with the first Stadium Event. However, the alternations to the wording of Condition D19 will have the effect of allowing the developer to submit the required information around cooling demand, a CIBSE TH49 compliant overheating strategy and detailed Thermal Modelling for the hotel development while the podium construction on the Plot 3 is proceeding. Is it is considered this alteration to the submission milestone will have a negligible effect on the details of the submission around cooling demand and the subsequent level of energy efficiency and sustainability proposed to be secured by the hotel development. There would not

appear to be any policy engagement arising from the alteration of the submission milestone, a key indication the amendment is non-material in nature. While the comments of the Head of Carbon Management are noted, the details noted in the consultation response will be determined at the reserve matters stage in any event.

6.3 The amended wording of Condition D19 to enable the submission required information around cooling demand, a CIBSE TH49 compliant overheating strategy and detailed Thermal Modelling for the hotel development prior to any above podium works as opposed to the commencement of the development of Plot 3 is judged to be non-material in nature. The proposed amendment is not judged to give rise to effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011.

7. RECOMMENDATION

7.1 GRANT non-material amendment

Registered No. HGY/2016/1976

Applicant's drawing No.(s): N/A

REPORT FOR CONSIDERATION UNDER DELEGATED POWERS

8. APPLICATION DETAILS

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Applicant: Mr Richard Serra, Meldene Limited

Ownership: Private

Officer contact: James Hughes

9. SUMMARY OF RECOMMENDATION

9.1 The Local Planning Authority is satisfied the proposed amendment is non-material in nature.

10. RELEVANT PLANNING HISTORY

10.1 HGY/2015/3000 - Proposed demolition and comprehensive phased redevelopment for stadium (Class D2) with hotel (Class C1), Tottenham Experience (sui generis), sports centre (Class D2); community (Class D1) and / or offices (Class B1); housing (Class C3); and health centre (Class D1); together with associated facilities including the construction of new and altered roads, footways; public and private open spaces; landscaping and related works. Details of "appearance" and "landscape" are reserved in relation to the residential buildings and associated community and / or office building. Details of "appearance" and "scale" are reserved in relation to the sports centre building. Details of "appearance" are reserved in relation to the health centre building. Proposal includes the demolition of 3 locally listed buildings and includes works to a Grade II Listed building for which a separate Listed Building application has been submitted (Ref: HGY/2015/3001). The proposal is EIA development. *Application Granted 15th April 2016.*

11. PROPOSED NON-MATERIAL AMENDMENT

11.1 The applicant seeks confirmation that an amendment to the wording of Condition E15 pursuant to planning decision HGY/2015/3000 is non-material in nature.

11.2 Condition E15 (Cooling Demand) pursuant to HGY/2015/3000 states:

Further information shall be provided on the cooling demand together with an overheating strategy (complying with CIBSE TH49) and the submission of detailed thermal modeling for Plot 4 shall be submitted and approved by the Council prior to the commencement of work on Plot 4.

Reason: In order to ensure an appropriate level of energy efficiency and sustainability is provided by the development consistent with Policy 5.7 of the London Plan 2015 and Policies SP0 and SP4 of the Haringey Local Plan 2013.

11.3 The applicant seeks the following revised wording to Condition D19:

"Further information shall be provided on the cooling demand together with an overheating strategy (complying with CIBSE TH49) and the submission of detailed thermal modelling for Plot 4 shall be submitted and approved by the Council prior to the commencement of ***any*** *work* ***above podium*** *on Plot4."*

11.4 The applicant's justification for the requested amendment is that "the commencement of the Hotel superstructure will be no sooner than the scheduled first Stadium Event in August 2018 and in reality, could be many months afterwards."

12. CONSULTATION RESPONSE

12.1 Head of Carbon Management – Concern about the alterations provided. Recommend refusal. This is because it the orientation and finishing may have been determined once the applicants are close to being above podium. It may also limit issues such as using the public realm to create shading (trees and public art etc).

13. ANALYSIS/ASSESSMENT OF THE APPLICATION

13.1 There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

13.2 The applicant's justification for the change is somewhat unclear as the developer does not appear to be seeking alternation to any submission timeline that would accord with the first Stadium Event. However, the alternations to the wording of Condition E15 will have the effect of allowing the developer to submit the required information around cooling demand, a CIBSE TH49 compliant overheating strategy and detailed Thermal Modelling for the Extreme Sport Building while the podium construction on the Plot 4 is on going.

13.3 Is it is considered this alteration to the submission milestone will have a negligible effect on the details of the submission around cooling demand and the subsequent level of energy efficiency and sustainability proposed to be secured by the Extreme

Sports Building. There would not appear to be any policy engagement arising from the alteration of the submission milestone, a key indication the amendment is non-material in nature. While the comments of the Head of Carbon Management are noted, the details noted in the consultation response will be determined at the reserve matters stage in any event.

13.4 The amended wording of Condition E15 to enable the submission required information around cooling demand, a CIBSE TH49 compliant overheating strategy and detailed Thermal Modelling for the Extreme Sports Building prior to any above podium works as opposed to the commencement of the development of Plot 4 is judged to be non-material in nature. The proposed amendment is not judged to give rise to effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011.

14. RECOMMENDATION

14.1 GRANT non-material amendment

Registered No. HGY/2016/1976

Applicant's drawing No.(s): N/A