

Tottenham Hotspur Stadium (Plot 3, Section 73)

Local Planning Authority: Haringey

Local Planning Authority reference: HGY/2023/2137

Strategic planning application stage 2 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Minor material amendments (Section 73) to the height, design, maximum floorspace, and associated works to Plot 3 (hotel/residential) of hybrid planning permission HGY/2015/3000 through variation of conditions A4 (consented drawings and documents), A6 (conformity with environmental statement), A7 (maximum quantity/density), and D1 (Plot 3 specific drawings); including an increase in height from 23 to 29 storeys and an increase in hotel floorspace from 15,537 sq.m. to 16,696 sq.m (180 rooms).

The applicant

The applicant is **Tottenham Hotspur Property Company Ltd** and the architect is **F3**.

Key dates

GLA stage 1 report: 2 October 2023

LPA Planning Committee decision: 11 December 2023

Strategic issues summary

Land use principles: The uses have been established by the original extant consent and no changes are proposed, which remain supported.

Affordable housing: The changes to the scheme are relatively minor, and the viability assessment has concluded that the scheme for the larger site will remain in significant deficit. There will be no increase in residential floorspace for the hybrid permission and no affordable housing is provided. The extant application was permitted in 2016 and a viability review was triggered in 2019. Given this and the relatively minor impact of the changes sought under this Section 73 application, it is accepted that no further viability reviews are secured.

Historic environment: Compared to harm identified to the significance of heritage assets through the original hybrid permission, no additional harm would be caused. Less than substantial harm to designated heritage assets would be outweighed by the public benefits arising.

Urban design: The Local Plan identifies the location as suitable for tall buildings. The increased slenderness of the building compared to that permitted is supported, and the limited increase in height does not raise strategic concerns. The layout of public realm would be improved compared to the permitted scheme.

Transport: Cycle parking provision has been secured in accordance with London Plan standards. Car parking provision has been reduced and will be managed as part of a site wide car parking management plan. Other transport mitigation measures secured include an updated Delivery and Servicing Plan, hotel/ residential Travel Plan, car club membership, highway and active travel improvement plan.

Climate change and environment: The energy strategy, whole life carbon, circular economy, green infrastructure, water, and air quality approaches are supported.

The Council's decision

In this instance Haringey Council has resolved to grant permission subject to planning conditions and conclusion of a Section 106 legal agreement.

Recommendation

That Haringey Council be advised that the Mayor is content for the Council to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal, or direct that he is to be the local planning authority.

Context

1. On 22 August 2023, the Mayor of London received documents from Haringey Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. The application was submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), following the grant of planning permission for the Northumberland Park Development Project in 2016 (GLA ref: D&P/2292g/02; LPA ref: HGY/2015/3000), an application of Potential Strategic Importance referable under the following categories of the Schedule to the Order 2008:

- 1A “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.”
- 1B “Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings - (c) outside Central London and with a total floorspace of more than 15,000 square metres.”
- 1C “Development which comprises or includes the erection of a building of (c) more than 30 metres high and is outside the City of London.”

2. On 2 October 2023, the Mayor considered planning report [GLA/2023/0586/S1](#)¹ and subsequently advised Haringey Council that the application did not yet fully comply with the London Plan, as summarised below:

- **Land use principles:** No changes to the land uses in the extant consent are proposed, and the uses remain supported.
- **Affordable housing:** The hybrid permission secured no affordable housing due to the significant funding challenge associated with provision of the new stadium, which required other elements of the development to contribute towards its construction. Although no additional housing is proposed, the changes to the hotel element would materially alter the economic circumstances of the scheme, and the application could therefore be considered under the viability tested route.
- **Historic environment:** Compared to harm identified to the significance of heritage assets through the original hybrid permission, GLA officers consider that no additional harm would be caused.
- **Urban design:** The Local Plan identifies the location as suitable for tall buildings. The increased slenderness of the building compared to that permitted is supported, and the limited increase in height does not raise strategic concerns. The layout of public realm would be improved compared to the permitted scheme.
- **Transport:** An Active Travel Zone assessment and Road Safety Audit should be undertaken, and a bus contribution secured.
- **Climate change and environment:** Further information is required on energy, whole lifecycle carbon, circular economy, green infrastructure, and water.

¹ <https://planapps.london.gov.uk/planningapps/HGY-2023-2137>

3. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

4. On 11 December 2023, Haringey Council decided that it was minded to grant permission for the application subject to planning conditions and conclusion of a section 106 agreement, and on 13 March 2024 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008, the Mayor may allow the draft decision to proceed unchanged; direct Haringey Council under Article 6 to refuse the application; or issue a direction to Haringey Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 27 March 2024 to notify the Council of his decision and to issue any direction.

5. The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case.

6. The decision on this case, and the reasons, will be made available at: [GLA/2023/0661/S2](https://planapps.london.gov.uk/planningapps/HGY-2023-2137)².

Consultation

7. Haringey Council publicised the application in two rounds of consultation, each sending 1,837 notifications to local addresses, and issuing site and press notices. The relevant statutory bodies were also consulted. Copies of all responses to public consultation, and any other representations made on the case, have been made available to the GLA.

8. Follow the neighbourhood consultation process Haringey Council received a total of 5 responses (4 in objection, including a 7 signature petition from residents of Worcester Avenue, and 1 in support). The reasons for objection are collectively summarised below:

- Stress on emergency services, refuse services, roads and hospitals.
- Increased noise and anti-social behaviour.
- Lack of benefit to local community.
- Overbearing, overshadowing, and overlooking.
- Loss of light (Commonwealth Road).
- Increased traffic.
- Increased disruption for events.
- Worcester Avenue: There should be no construction or transport movements, no THFC staff or associates street parking, barriers not to be lowered except for emergency vehicles.

Responses from statutory bodies and other organisations

9. National Gas: No objection.

² <https://planapps.london.gov.uk/planningapps/HGY-2023-2137>

10. Health & Safety Executive: No objection, subject to applicant demonstrating compliance at later regulatory stages.
11. Historic England: Reiterated objection to the 2015 approval and consider the additional height, scale and massing will be further detrimental to the North Tottenham and Bruce Grove Conservation Areas.
12. Historic England Archaeological Service: Recommend that a Stage 1 Written Scheme of Investigation is secured by planning condition.
13. Metropolitan Police (Designing Out Crime Officer): No objection, subject to a planning condition requiring a 'Secured by Design' accreditation to be achieved for each building before the building is occupied and an informative.
14. Sport England: No objection.
15. Thames Water: No objection subject to conditions.

Response to public consultation - conclusion

16. Having considered the local responses to public consultation, Haringey Council has sought to secure various planning obligations, conditions and informatives in response to the issues raised. GLA officers have had regard to the above statutory and non-statutory responses to the public consultation process, where these raise material planning issues of strategic importance. No representations were received by the Mayor.

Update

17. Since consultation stage GLA officers have engaged in joint discussions with the applicant, the Council and TfL officers with a view to addressing the above matters. Furthermore, as part of the Council's draft decision on the case, various planning conditions and obligations have been secured. An update against the issues raised at consultation stage is set out below, having regard to responses to the public consultation.

18. Amendments to the application were also submitted, comprising adjustments to building massing; revised hotel layout of 18 rather than 20 rooms per floor; provision of additional floor and mezzanine amenity floor (within the same height); and amendments to balconies, entrances, and amenity spaces.

Relevant policies and guidance

19. Since consultation stage the National Planning Policy Framework 2023 is now a material consideration.

Land use principles

20. As stated at consultation stage, the uses have been established by the original extant consent and no changes are proposed to the permitted uses, which remain supported. There are no significant changes to the policy context in this respect. London Plan Policy E10 supports serviced accommodation, such as hotels, as part of

London's visitor infrastructure, particularly in Opportunity Areas and where well-connected by public transport. The site is immediately adjacent to Tottenham Hotspurs Stadium, a major visitor attraction. London Plan Policy H1 supports residential development, and Haringey has a ten year housing completion target of 15,920 to which the proposals would contribute.

Affordable housing

21. At consultation stage, it was noted that the hotel building includes 49 homes, as already permitted. Across the hybrid scheme, the maximum number of homes and floorspace (53,298 sq.m. and 634 homes), as well as the controls on housing mix, would remain as already permitted. Furthermore, it was noted that the independent viability assessment for the original hybrid permission conducted by the Council's advisers identified a significant funding challenge associated with the Stadium, which required other elements of the development to contribute towards the cost of the Stadium. Consequently, no affordable housing was secured in 2016, which was confirmed by viability review upon completion of the Stadium.

22. The current proposals do not increase the maximum number of homes or floorspace within the wider scheme; however, the changes to the hotel element would materially alter the economic circumstances of the scheme. At consultation stage, GLA officers therefore considered that the application can be viability tested to assess if additional value generated by the scheme could contribute towards affordable housing.

23. The Council's expert advisers undertook this work, which has been shared with GLA officers. The changes to the scheme sought under this Section 73 application are relatively minor, and the viability assessment has concluded that the scheme will remain in significant deficit. Consequently, in this instance it is acceptable that no affordable housing is provided. The extant application was permitted in 2016 and the Section 106 agreement contained provisions relating to viability review mechanisms, including a late stage review that was triggered in 2019. Given this and the relatively minor impact of the changes sought under the Section 73 application, it is also acceptable that no further viability review mechanisms are secured in this case.

Historic environment

24. At consultation stage, it was noted that the height of the hotel would increase from 23 to 29 storeys; however, it would also become more slender when viewed from east and west and would remain below the permitted height of the residential plot. Compared to the harm identified as part of the original hybrid permission, GLA officers considered that no additional harm to the significance of heritage assets would be caused, although the harm means that the proposals would not be in accordance with London Policy HC1. The subsequent changes in the massing do not alter these comments. As stated in the Stage 2 report for the original scheme (GLA Ref: D&P/2292g/02), GLA officers consider that the harm arising from the wider scheme is 'less than substantial' and outweighed by the very significant public benefits.

Urban design

25. At consultation stage, the layout, height and massing, and residential quality were supported. Some design revisions were subsequently submitted in response to comments by the Council's Quality Review Panel, relating to the 'crown' of the building,

residential external amenity space, and external cladding detail. These amendments are supported. Issues raised at consultation stage concerning functional and environmental impacts of the tall building have been resolved, and visual impacts are acceptable. The proposals are supported in accordance with London Plan Policy D9.

26. The Fire Statement has been secured by condition (Condition D22). The building exceeds the 18 metre threshold in the proposed changes to Building Regulations, so would need to progress under the Government's proposed transitional arrangements, set out in its 24 October 2023 Written Ministerial Statement³.

27. In relation to inclusive access, Building Regulation M4(2) and M4(3) requirements have been secured by condition (Condition D23)

Transport

28. At Stage 1, it was requested that an Active Travel Zone (ATZ) assessment and Road Safety Audit be undertaken, and a bus contribution secured.

29. They confirmed cycle parking provision in accord with London Plan standards and London Cycle Design Standards (LCDS) including 5% for larger, cargo and adaptable bikes. This is secured by a condition on cycle storage (Condition D19).

30. Car parking provision was reduced from 76 spaces in the original consent to 64 (including seven wheelchair accessible spaces), they propose 20% with electric vehicle charging points, and 80% passive provision. Haringey Council agreed this was over provision, however, as the car park has already been built, they conveyed GLA alternative use of the spaces as a suggestion. As mitigation they said the parking bays will need to be managed as part of site wide car parking management plan to promote sustainable transport and plot specific Car Parking Design and Management Plan.

31. Other transport mitigation measures secured include an updated Delivery and Servicing Plan, hotel/ residential Travel Plan, car club membership, highway and active travel improvement plan, taking account of the GLA comments on active travel and women's safety at night. These works are secured via agreement with Haringey Council and will be subject to Road Safety Audit. A construction logistics and management plan has also been secured to help manage construction impacts.

Climate change and environment

Energy strategy

32. At consultation stage, further information was requested on the submitted energy statement, which was subsequently provided.

33. For the domestic element, the development is estimated to achieve an 80% reduction in carbon dioxide emissions, compared to 2021 Building Regulations. This falls short of the net zero-carbon target, although it meets the minimum 35% reduction on site. For the non-domestic element, an 8% reduction is expected, which falls short of the net zero-carbon target and does not meet the minimum 35% carbon reductions on site. The applicant states that a Waste Water Heat Recovery system has been

³ <https://questions-statements.parliament.uk/written-statements/detail/2023-10-24/hcws1090>

considered but there is no methodology for including this design feature within a Part L2 dynamic simulation; however, this would need Building Regulation approval and would improve the carbon savings by a further 10%. As such, this is considered reasonable at this point. A cash-in-lieu contribution to the Council's carbon offset fund of £196,365 has been secured to meet zero-carbon requirements.

34. GLA officers requested additional clarifications on improvements to the domestic performance and thermal bridging be secured as an obligation within the section 106 agreement, which also secures connection to the DEN and 'Be Seen' requirements. Further consideration of cooling requirements is secured by condition (Condition D17).

35. Although not all matters raised at consultation stage have been fully resolved, the proposed development is acceptable in relation to London Plan policies SI2, SI3, and SI4.

Whole life-cycle carbon (WLC)

36. At consultation stage, the WLC report provided covered many of the requirements; however, the GLA template was requested. This was subsequently provided and queries raised have been resolved. A condition has been secured requiring post-construction monitoring (Condition D35). The proposals are supported in accordance with London Plan Policy SI2.

Circular economy

37. At consultation stage, no Circular Economy Statement was provided. This was subsequently provided, which is acceptable considering the proposal is a section 73 minor material amendment to the extant permission. A condition secures a post-completion monitoring (Condition D34). The proposals are supported in accordance with London Plan Policy SI7.

Green infrastructure

38. At consultation stage, the Urban Greening Factor (UGF) score was calculated as 0.14, which is considerably below the 0.3 target for a primarily commercial development set by London Plan Policy G5, and the applicant was requested to review the proposals to increase the UGF.

39. The applicant subsequently improved the UGF to 0.157. The proposals include new trees, flower rich perennial planting, rain gardens, and biodiverse intensive and extensive green roofs in the wider site; however, further greening is limited by the constrained size of this plot. This is accepted and the proposals are considered to acceptably respond to London Plan Policies G1, G4, G5, and G6.

Flood risk, sustainable drainage, and water consumption

40. At consultation stage, further information was requested in relation to the Flood Risk Assessment, sustainable drainage, the drainage strategy, and water efficiency. This information was subsequently provided. The applicant has stated that exceedance flood flow routes above the 100-year event plus 40% climate change will be presented and included on drainage strategy drawings in the next design stage, which is secured by condition (Condition A10). The proposed development complies with London Plan Policies SI12, SI13, and SI5.

Air quality

41. At consultation stage, the proposed development was supported in accordance with London Plan Policy SI1.

Section 106 agreement

42. The draft section 106 agreement includes the following provisions:

- Year-round public access to the podium and other publicly accessible areas.
- £17,760 contribution to off-site play provision.
- Art management strategy.
- Car capping – no residents or business parking permits available.
- Car club contributions.
- Residential and hotel travel plans.
- Highways agreement including ATZ assessment and highway safety audit and planned improvements to Park Lane.
- Service and delivery plan.
- Cycle strategy.
- Employment and skills plan.
- Business opportunities.
- Commitment to being part of the borough's Construction Partnership
- Future connection to District Energy Network (DEN).
- Provision of EV car parking spaces.
- £196,365 carbon offsetting contribution.
- Ultrafast broadband infrastructure.
- Commitment to considerate contractor's scheme.
- Monitoring.

Legal considerations

43. Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. The Mayor also has the power under Article 7 to direct that he will become the local planning authority for the purposes of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal, the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

44. The local planning authority must satisfy itself that this application is in accordance with the Court of Appeal decision in respect of Section 73 applications *Finney vs Welsh Ministers* [2019] EWCA Civ 1868 before issuing a final decision notice.

This case established that a Section 73 application cannot be used to amend the description of development.

Financial considerations

45. Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.

46. Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or, behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

47. Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Conclusion

48. The strategic issues raised at consultation stage with respect to land use, affordable housing, historic environment, urban design, and climate change and environment have been acceptably resolved, and having regard to the details of the application, the matters set out in the Committee Report and the Council's draft decision notice, and considering the material planning considerations of strategic importance raised in responses to the public consultation, the application complies with the London Plan, and there are no sound planning reasons for the Mayor to intervene in this case. It is therefore recommended that Haringey Council is advised to determine the case itself, subject to any action that the Secretary of State may take.

For further information, contact GLA Planning Unit (Development Management Team):

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