

OLYMPIC DELIVERY AUTHORITY

ODA PLANNING COMMITTEE

14 July 2009

SUBJECT: MINUTES OF 47th COMMITTEE MEETING

Held on 23 June 2009 at 18.00

Old Town Hall, Stratford, 29 Broadway, London E15 4BQ

Present:

Lorraine Baldry	Chairman
David Taylor	Deputy Chairman

Local Authority Members:

Cllr Rofique Ahmed	LB Tower Hamlets
Cllr Geoffrey Taylor	LB Hackney
Cllr Terry Wheeler	LB Waltham Forest
Cllr Conor McAuley	LB Newham

Independent Members:

William Hodgson (Item 5 only)
Janice Morphet
Dru Vesty
Celia Carrington

Officers in attendance:

Vivienne Ramsey	ODA, Head of Development Control
Anthony Hollingsworth	ODA Chief Planner Development Control, Planning Decisions Team
John Gardener	ODA Planning Decisions Team
David Horkan	ODA Planning Decisions Team
Anne Ogundiya	ODA Planning Decisions Team
Allan Ledden	ODA, Legal adviser, Planning Decisions Team (Pinsent Masons)
Victoria Jackson	ODA Planning Decisions Team (Pinsent Masons)

**1. APOLOGIES
(AGENDA ITEM 1)**

1.1. Apologies were received from Mike Appleton who was not able to attend the meeting.

2. UPDATES, ORDER OF BUSINESS, AND REQUESTS TO SPEAK (AGENDA ITEM 2)

2.1. There were Updates for:

Item 5 – IBC/MPC & Car Park

Update 1:

- Heads of terms of s106 agreement between the ODA and the LDA to provide a Legacy IBC Strategy
- Corporate Commitments of the LDA
- Additional condition confirming continued involvement of Allies and Morrison as Architects
- Revised plans received showing minor changes to the elevations which are being progressed by the architects in response to comments from consultees

Update 2:

- Comments of the Lee Valley Regional Park Authority on amended plans
- Comments on the wording of condition MSCP.4

Item 6 – Plot N13

- Revised plans received proposing minor changes to the scheme
- Comments received from Environmental Review Panel
- London Borough of Newham Environmental Health confirmed no objection to levels of ground borne noise

Item 7 – Plot N14

- Revised plans received proposing internal alterations
- Condition 1 amended following receipt of revised plans

2.2. The order of business was unchanged.

2.3. Representatives of the applicants had requested to speak in favour of Items 5 to 7. Councillors Nicholson and Stops (LB Hackney) had requested to speak in relation to Item 5.

3. DECLARATIONS OF INTEREST (AGENDA ITEM 3)

3.1. The Secretary read the following statement:

‘Members of this Planning Committee need to declare personal interests relevant to the agenda at the beginning of each meeting of the Planning Committee.

‘Members will see that the paper for Item 3 which has been circulated lists interests which they have declared which appear to be personal interests relating to Items 5 to 7.

'Would Members please confirm that the declarations of personal interests listed in the paper for Item 3 are correct; and state if there are any other interests you wish to declare?

'Personal interests are prejudicial if a reasonable member of the public with knowledge of the relevant facts would conclude that the nature of your personal interest is such that your judgement of the public interest is likely to be affected. If, by virtue of your personal interest you have been involved in decisions about these proposals, you may have a prejudicial interest. In that circumstance you would need to leave the meeting during the consideration of that item. In light of the agenda before you this evening, please state whether or not any of the interests declared are prejudicial interests?'

Members confirmed that the personal interests recorded were correct. None of the personal interests were considered prejudicial.

William Hodgson declared a personal interest as he knows Councillors Nicholson and Stops from the London Borough of Hackney who are making representations in response to Item 5.

4. MINUTES AND MATTERS ARISING (AGENDA ITEM 4)

- 4.1. Subject to the following amendment to Paragraph 5.4 that the 'Duty to Inform' be changed to the 'Duty to Involve' the Committee

AGREED the Minutes of the 46th Planning Committee Meeting

PLANNING APPLICATIONS

5. APPLICATION NO: 09/90059/REMODA – IBC/MPC & Car Park (AGENDA ITEM 5)

Submission of Reserved Matters for the International Broadcast Centre (IBC) and Main Press Centre (MPC) and Multi-Storey Car Park (MSCP) to provide details of the layout, scale, appearance, materials and access during Games mode, together with supporting information and details of telecommunications provision pursuant to conditions OD.0.18 (Reserved Matters submissions), OD.5.1 (Multi Storey Car Park) and OD.0.24 (Telecommunications) of outline planning permission reference 07/90010/OUMODA. *Land Within The North Western Part of Olympic Park Planning Delivery Zone 5: East Of the River Lee Navigation, South Of Eastway And West Of The Former Alignment Of Waterden Road.*

- 5.1. John Nicholson, Project Sponsor, gave a presentation on behalf of the applicant explaining why the Games Time Application was so important and giving details on the programme, the form and function, the principles of post-Planning Consultation and how the ODA proposals facilitates flexibility of legacy use.
- 5.2. Bob Allies, Allies and Morrison, gave a presentation on behalf of the applicant illustrating images of the IBC/MPC and MSCP.

- 5.3. Jerome Frost, ODA Head of Design, gave a presentation on behalf of the applicant explaining the design rationale behind the IBC/MPC and MSCP.
- 5.4. Councillor Guy Nicholson made representations to the Committee saying that although the parties had come a long way in respect of Item 5 the revised recommendation, when compared with the original recommendation has watered down the obligations on employment legacy and no longer includes financial penalty for loss of employment space.
- 5.5. Councillor Vincent Stops made representations to the Committee highlighting the need for a mechanism to deal with the transition to legacy use and for the impetus to be on securing walking, cycling and bus routes to Hackney Wick Station. He made a number of points in relation to permeability through the site and the need for the 8 metre slots from the Hackney Wick side to be of a high standard, materials to be conditioned, massing to be broken up at the bottom and top of the building, strip of land by the river to be free from buildings, the new Waterden Road should not look like a dual carriageway, the buildings should meet high standards of sustainability despite some being temporary and the car park should have 200 operational spaces as supported by TfL.
- 5.6. A Planning Officer gave a presentation to the Committee who considered the report and took into account the two Updates which had been circulated. The proposals were for the approval of reserved matters for the IBC/MPC and MSCP pursuant to conditions OD.0.18, OD.5.1 and OD.0.24 of outline planning permission reference 07/90010/OUMODA.
- 5.7. Heads of Terms of a s106 agreement between the ODA and the LDA to provide a Legacy IBC Strategy had been submitted as well as a letter of Corporate Commitment from the LDA, which together gave the necessary assurance that a Legacy IBC will be delivered. An additional condition confirming the continued involvement of Allies and Morrison had been proposed by PDT. Additional plans had been submitted showing further minor changes to the elevations which had been progressed by the scheme architects in response to comments from consultees. The Lee Valley Regional Park Authority had submitted comments on the amended plans and on the wording of condition MSCP.4. The LDA had submitted a letter providing assurance of its commitment to providing a Legacy IBC.
- 5.8. Members welcomed the report but expressed concern about Councillor Nicholson's point that the obligations in the s106 had been watered down by removing financial penalties for loss of employment space. Officers confirmed that the obligation was not being watered down and the section 106 requires the IBC Legacy Transformation Strategy to be delivered or for an alternative to come forward and all Reasonable Endeavours will be used to ensure it will be delivered. At first, standard methodology was applied which would require on site provision, alternative provision or a financial contribution. On progressing the discussion on the heads of terms for the s106 agreement, it became apparent that the standard methodology would not work. The revised heads of terms seek to achieve a commitment to the IBC Strategy and within that, commitments which include the provision of a Legacy on site or provision for alternatives. This gives flexibility and deals with the reality of the current economic situation whilst ensuring the delivery of a Legacy employment development.

- 5.9. Members wanted clarification as to the meaning of "Corporate Commitments". Officers explained that Corporate Commitments would be in written form but did not have the same legal enforceability as a s106 agreement. However, within the existing s106 agreement the LDA commits to bringing forward a Legacy IBC and the recommended s106 agreement will add to the existing obligations in the 2007 agreement and provides that even if an application for legacy does not come forward the IBC will. Therefore the combination of the existing s106 agreement and the proposed additional s106 provides the comfort that Members seek.
- 5.10. Members wanted clarification on the meaning of "temporary" and "permanent" buildings. Officers explained that "temporary" means that the life of the materials used was approximately 25 years. The life of the IBC building is limited by condition.
- 5.11. Members wanted to know whether it was likely that the temporary part of the MSCP would stay. Officers explained that this was still a possibility, although the application does describe how the 'Games only' half of the MSCP could be removed. A condition of the 2007 permission requires the submission of a conversion strategy and as such, options for both conversion and removal can be explored for Legacy Transformation.
- 5.12. Members wanted confirmation that they were not being asked to deal with the Green Corridor between the Cut and the MPC. Officers confirmed that no proposals were currently being brought forward for this area which would be subject to landscaping proposals.
- 5.13. Members questioned why the MPC as submitted does not have any renewable energy generation (page 86, paragraph 7.7.4 of the Committee Report). Officers clarified that Condition OD.0.21 requires the achievement of a 20% energy generation from renewables: 17% of that is being achieved through the proposed Eton Manor wind turbine and CCHP at Kings Yard. The remaining 3% was proposed as being delivered via on building proposals, officers confirmed that no on building proposals have to date formed part of the reserved matters approvals for venues, but PDT has put 'back-stop' conditions on these permissions which require on-building solutions if no site wide alternative is proposed.. This will be monitored and members will be updated. Officers are confident that 20% will be achieved and there are in regular discussions with the Sustainability Team.
- 5.14. Members wanted clarification on how the overspill of light from the MPC to the residential buildings will be dealt with, especially given the 24 hour use during games and the proximity of the building to the canal and residential dwellings opposite. The applicant confirmed that the impact of the buildings during Games, though 24 hours, was for a limited period and set within the context of a well-lit Olympic Park. There is a 65-80 metre gap between the MPC and the residential buildings and glare from the water is unlikely. Although the building will be used 24/7, the use during non-daylight hours is vastly reduced and temporary measures will be looked at if a problem is found during testing. There will also be temporary screening from potted trees during the construction phase and these potted trees may remain following construction. Members wanted confirmation that appropriate measures would be put in place to deal with this issue and that officers could deal with this.

- 5.15. Some members expressed dissatisfaction with the IBC elevations and asked that further work be done by the applicant to improve the external appearance of the building before the application be approved. The issues of meshing versus cladding needed to be resolved. Some members felt that a building of this size required more interesting elevations in order to make it more acceptable and that they should use their influence to get a better result before making a final decision on the external appearance. This wouldn't stop a decision being made on the other reserved matters submitted for approval and would allow the project programme to continue. Officers confirmed that this would mean that condition IBC.2 would have to be changed to exclude permission for the currently proposed external appearance and require details of an alternative approach to the elevations.
- 5.16. Other members expressed the view that there had been radical improvements to the buildings and they were left with commercial buildings fit for purpose, which was the main objective. With public sector funding there would be a huge impetus to make the buildings a success and to ensure they could be let and what had been achieved was a reasonable compromise between making the buildings fit for purpose and delivering in Games mode. The buildings were acceptable and welcoming. Members noted that they did not want to delay the project.
- 5.17. Officers explained that they had tried to construct a series of scenarios through conditions to deal with Games, Legacy and Legacy Transformation. During Games, details of screening of the plant gantries along the eastern side of the elevation facing on to the Park would be conditioned; for Legacy Transformation, conditions also require details of a revised eastern elevation cladding and consent to be sought for any part of the IBC which is intended to be retained, modified or transformed.
- 5.18. Members asked for clarification on what would happen if no revised proposals came forward for the eastern elevation and condition IBC.4. Officers confirmed that details would be submitted of revised proposals before December 2012 and revised cladding would be carried out in accordance with the approved details. If details are not approved then fresh details would have to be submitted for approval. If nothing happens at all then the building would be pulled down in 2017.
- 5.19. The Applicant expressed the view that any changes to the external appearance of the building would result in delays to the project as the cladding needed to be ordered this month and looking at alternatives would cause delay. The Applicant had looked at numerous options, with the London Borough of Hackney and CABE, in order to achieve the best solution for a building of this size. Through the s106 agreement and conditions, the legacy transformation of the building was being controlled and they expressed concern that there were no alternatives that they had not considered already.
- 5.20. Members sought clarification about the future role of Allies and Morrison as architects. Officers confirmed that this had been conditioned and referred members to Update 1, page 3, Additional Condition – Site Wide 9.
- 5.21 There being no further questions the Chairman moved to a vote on the proposal that the external appearance of the IBC building should not be

approved in order that further improvements to the external appearance of the IBC could be looked at. The Planning Committee RESOLVED by a majority that

the Committee

- a) **REFUSED** this motion.

5.22 The Chairman moved to a vote on the officers' recommendation in the report to Committee and the Planning Committee RESOLVED by a majority that

the Committee

- a) **APPROVED** the submission of reserved matters for the IBC/MPC and MSCP pursuant to conditions OD.0.18, OD.5.1 and OD.0.24 of outline planning permission reference 07/90010/OUMODA for the reasons set out in the report and subject to:
- b) The satisfactory completion of a legal agreement under inter alia s.106 of the Town and Country Planning Act to secure the following:

Unless otherwise agreed with the Local Planning Authority (in consultation with the LB Hackney), as part of the LMF application or at the latest by 31 December 2012, to submit a Legacy IBC Provision Strategy to the Local Planning Authority for approval to include the following key commitments:

- A commitment to submit an application by 31st July 2013 (or such other date as may be agreed by the Local Planning Authority in writing) for permanent building (s) providing employment uses in the IBC (existing building transformed or new buildings) ('Legacy IBC').
- The submitted application shall include as an objective completing and making available for use the Legacy IBC by 31st December 2019 or earlier, subject to viability and reasonable expenditure in the circumstances.
- A commitment to seek planning permission or approval of reserved matters for a Legacy IBC by 31 December 2017 at the latest and to notify the Local Planning Authority by 30th September 2019 whether or not the Legacy IBC provision and completion is reasonably practicable.
- A commitment to notify, by 30 September 2019, the Local Planning Authority if the intention at that stage is not to carry out and complete the Legacy IBC and to discuss alternatives if that is the intention.
- A commitment that if a Legacy IBC is not practically complete and available for occupation by 31 December 2019, to propose a reasonable alternative and timescales for provision in lieu of the Legacy IBC and, if approved, to use reasonable endeavours to

implement such alternative provision within the approved timescales.

- A commitment for the permanent IBC buildings to allow for east-west pedestrian/cycle access
 - A commitment that if the Legacy IBC comprises a wholly new building it should achieve a BREEAM excellent rating (or equivalent). A commitment to use reasonable endeavours to achieve BREEAM excellent (or equivalent) if it comprises a significant retention, modification or transformation of the Games IBC building.
- c) The letter from the LDA dated 23 June as a Corporate Commitment.
- d) The conditions and informatives set out in the main report and update reports.

**6. APPLICATION NO: 09/90076/REMODA
(AGENDA ITEM 6)**

Plot N13

Application for the approval of reserved matters for 185 residential units with associated car parking and landscaping pursuant to conditions B1 and B8 of outline planning permission 07/90023/VARODA, being details of layout, scale, appearance, access and landscaping together with:

1) Approval in writing pursuant to condition 09 to erect residential dwellings that will experience levels of ground borne noise from railway tracks in excess of the maximum level cited in condition 08 of the outline planning permission.

2) Approval in writing pursuant to condition 06 to erect residential dwellings that will experience noise levels exceeding Noise Exposure Category B as cited in condition 05 of the outline planning permission.

Plot N13, Zone 4

- 6.1. The Applicant gave a presentation detailing the status of the planning applications for the Olympic Village, the Site Wide Housing Strategy and the Construction Progress.
- 6.2. The Architects gave a presentation on behalf of the applicant illustrating the design of Plot N13 and the layout of each floor.
- 6.3. A Planning Officer then gave a presentation to the Committee who considered the report and took into account the Update which had been circulated. The proposals were for the approval of reserved matters for 185 residential units and associated car parking and landscaping pursuant to conditions B1 and B8 of outline planning permission (07/90023/VARODA) with approval in writing pursuant to conditions 09 and 06.
- 6.4. Revised plans had been submitted proposing minor changes to the scheme. Comments had been received from Environmental Review Panel and the London Borough of Newham Environmental Health confirmed that they had no objection to levels of ground borne noise.

- 6.5. Members welcomed the report although there was some concern expressed that the development was not tenure blind (ie the affordable housing was concentrated in one block) which was unacceptable and that this was predominantly north facing. The first floor plan shown by the Architects illustrates this point (affordable housing shown in green).
- 6.6. Officers explained that externally there was no difference between the market and affordable housing units and that it was therefore tenure blind in external appearance and design. The RSL prefers the affordable housing to be in one block to make management easier and does not want pepper-potting. The social housing was well distributed across the blocks in the whole development in order to avoid distinct area clusters of social housing. In terms of north facing units, only one per floor was single aspect and officers considered that on balance, the applicant had reduced the number of single aspect, north facing units in the scheme to an acceptable degree.
- 6.7. Members acknowledged that a discussion about pepper-potting affordable housing should have taken place when discussing the site wide housing strategy and that there was little that could be done at this point.
- 6.8. Members expressed some concern that the south facing units were single aspect but that as this was conditioned it could be left to Officers to deal with the final details.
- 6.9. The Applicant confirmed that the site wide target of 30% affordable housing would be achieved, if not exceeded.
- 6.10. Officers confirmed that the amenity space referred to at page 8, paragraph 3.7.1 of the Committee Report catered for both children and adults.
- 6.11. Across the whole development, affordable housing has different aspects and are not just north facing. The Applicant confirmed that it will provide an update report on the distribution of affordable housing throughout the scheme as currently approved. Members would welcome that update report.
- 6.12. There being no further questions the Chairman moved to a vote and the Planning Committee RESOLVED by a majority that:

the Committee

- a) **APPROVED** the application for reserved matters, for the reasons given in the report subject to the conditions in the report;
- b) **.AGREED** to the approval in writing pursuant to condition 09 of the outline planning permission that dwellings will experience levels of ground borne noise in excess of those levels set out in condition 08 of the outline planning permission.
- c) **AGREED** to the approval in writing pursuant to condition 06 of the outline planning permission that dwellings will experience noise levels exceeding Noise Exposure Category B as cited in condition 05 of the outline planning permission
- d) **GRANT** delegated authority to the Head of Development Control to make such amendments and additions to the proposed conditions she considers appropriate following assessment of any revised plans.

**7. APPLICATION NO: 09/90074/REMODA
(AGENDA ITEM 7)**

Plot N14

Application for the approval of reserved matters for 201 residential units with associated car parking and landscaping pursuant to conditions B1 and B8 of outline planning permission 07/90023/VARODA, being details of layout, scale, appearance, access and landscaping together with: approval in writing pursuant to condition 09 to erect residential dwellings that will experience levels of ground borne noise from railway tracks in excess of the maximum level cited in condition 08 of the outline planning permission.

Plot N14, Zone 4

- 7.1. The Architects gave a presentation on behalf of the applicant illustrating the design of Plot N14.
- 7.2. A Planning Officer then gave a presentation to the Committee who considered the report and took into account the Update which had been circulated. The proposals were for the approval of reserved matters for 201 residential units and associated car parking and landscaping pursuant to conditions B1 and B8 of outline planning permission (07/90023/VARODA) with approval in writing pursuant to condition 09.
- 7.3. Revised plans had been submitted proposing internal alterations to two units within Block D and Condition 1 has been amended following receipt of the revised plans.
- 7.4. Members sought clarification in relation to paragraph 7.10.6, page 43 of the Committee Report on the need for details of any mitigation measures required to be submitted to ODA PDT for approval when the assessment of internal temperature in summer is required to comply with the Building Regulations anyway. Officers confirmed that PDT would need to control any changes.
- 7.5. Members expressed some concern over the allocation of car parking spaces, in particular that some were in tandem spaces, and that the units were quite a distance from Stratford Regional Station and transport would be needed. Officers confirmed that it was TfL's intention that the road next to Plot N14 would be on a bus route but TfL had yet to confirm their bus routes and services.
- 7.6. The Applicant confirmed that enough car parking spaces were being provided and the RSL had received the allocation that had been requested. This provision had been set by the affordable housing provider and not by the Applicant. Officers confirmed that the general maximum level for car parking spaces had been set at the outline stage.
- 7.7. There being no further questions the Chairman moved to a vote and the Planning Committee RESOLVED by a majority that:

the Committee

- (a) **APPROVED** the submission of reserved matters for 201 residential units with associated car parking and landscaping pursuant to conditions B1 and B8 of outline planning permission 07/90023/VARODA, being details of layout, scale, appearance, access and landscaping, together with approval in writing pursuant to condition O9 to erect residential dwellings that will experience ground borne noise from railway tracks in excess of the maximum level cited in condition O8 of the outline planning permission for the reasons set out in the report; and
- (b) **DELEGATED** authority to the Head of Development Control to make any consequential or necessary changes to the recommended conditions and informatives in the main and update reports and issue the consent following assessment of any revised plans.

8. ANY OTHER BUSINESS (AGENDA ITEM 8)

There being no other business the meeting closed at 8.40pm