OLYMPIC DELIVERY AUTHORITY
Planning Decisions Team

OLYMPIC DELIVERY AUTHORITY

ODA PLANNING COMMITTEE

SUBJECT: **MINUTES OF 94th COMMITTEE MEETING**
Held on 27 March 2012 at 18.00

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

Present:

David Taylor	Chairman

Local Authority Members:

Cllr Terry Wheeler,	LB Waltham Forest
Cllr Conor McAuley,	LB Newham
Cllr Judith Gardiner	LB Tower Hamlets
Cllr Geoffrey Taylor	LB Hackney

Independent Members:

Mike Appleton
William Hodgson
Janice Morphet
Dru Vesty

Officers in attendance:

Vivienne Ramsey	ODA, Director of Planning Decisions
Anthony Hollingsworth	ODA, Chief Planner Development Control, Planning Decisions Team (Item 1-7 only)
Emma Bennett	ODA Legal Adviser, Planning Decisions Team (Pinsent Masons)
Saba Master	ODA Board Secretary

1. APOLOGIES
(AGENDA ITEM 1)

1.1 There were apologies from Lorraine Baldry and Celia Carrington.

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

2.1 There were Updates for Item 6.

2.2 The Chairman reported that Item 5 would be deferred to a later date. The order of business was unchanged.

2.3 There were requests to speak from Kevin Lloyd (JMP) and Peter Davies (Cofely) for Item 5 and Neil Smith (LOCOG), for questions only, for Item 6.

3. DECLARATIONS OF INTEREST
(AGENDA ITEM 3)

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 Item 5 and 6.

'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 judgment 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?'

The Members of the Planning Committee confirmed that the declarations of personal interests recorded on the paper for Item 3 were correct and that none were considered prejudicial.

4. MINUTES AND MATTERS ARISING
(AGENDA ITEM 4)

4.1 The Committee:

AGREED the Minutes of the 93rd Planning Committee Meeting.

5. BA Live Site – 12/90042/FUMODA

This item was deferred to a later date.

6. Kings Yard Design Alterations – 11/90816/FULODA

Alterations to the design and external appearance of the 'New' and 'Existing' buildings of the Kings Yard Energy Centre (as approved under reserved matters approval 08/90076/REMODA of the Outline Planning Permission 07/90010/OUMODA (11/90313/VARODA)) comprising: Alterations to the 'New' building's roof top, north, east, south and west elevations, alterations to the 'Existing' (Retained) building's roof top, north, east, south and west elevations, alterations to plant and equipment to 'Existing' (Retained) building's north and alterations to the western perimeter wall.

6.1 The applicant gave a presentation and gave an overview of the amendments showing diagrams of the roof plan and the general arrangements of the south, west, east and north elevations (including existing and proposed views).

6.2 A PDT officer gave a presentation and explained that the proposal considers alterations to the design and external appearance of the main CCHP building and the refurbished existing buildings on the Kings Yard Energy Centre as approved under reserved matters approval 08/90076/REMODA of the Outline Planning Permission 07/90010/OUMODA (as amended under 11/90313/VARODA). In summary, proposed are alterations to the new building's roof top, north, east, south and west elevations and alterations to plant and equipment to the retained building's north and alterations to the western perimeter wall.

6.3 The PDT Officer explained the key considerations of the proposed scheme included the:

6.3.1 Principle of development – The 2007 Olympic planning permission established the principle of the energy centre development on the site providing energy during the Games phase and for future Legacy Development. Reserved maters submission 08/90076/REMODA sought approval for minor increases in the height and scale of the New Building against approved 2007 parameters for the King's Yard Centre. This application seeks a minor increase in height compared to that previously approved. When considered in the context of the new building's overall footprint and scale, the cumulative impact of the increase in height is not considered to result in a significant material change to its appearance.

6.3.2 Appearance and Building Design

New Building – Main application -11/90816/FULODA – The current as-built appearance of the new building from the north and south is considered by PDT to be unacceptable. The most significant changes to the New Building against that assessed in 2008 are amendments to the roof top and height, width and extent of coverage of the corten mesh along the north and south elevations and roof plan. The applicant has proposed a set of remedial works to address PDT's concerns and a set of further minor changes are also sought for approval.

New Building – South Elevation – The current as-built appearance of the new building, together with the proposed remedial works, will visually and compositionally differ from that of the approved 2008 scheme, most markedly when viewed from the north and south. Rather than being composed of two

horizontal bands, the elevations will be composed of three distinct bands with the rooftop plant now more overtly expressed than originally approved and forming a new top layer to the new building. The applicant is seeking approval for the extension of the corten and EPDM screen by 1.2m above the as-built parapet height which PDT consider to be a successful solution as this balances the key requirements of screening the roof top plant to an acceptable degree, whilst maintaining the proportions of that elevation. The height is similar to that originally approved in 2008.

New Building – North Elevation – The treatment of the north elevation proposes extending the corten and EPDM screen by 1.7m above the as-built parapet height. PDT would prefer an extension of 2-2.4m in order to conceal a greater section of the gantry and cooling towers., but it is acknowledged that there are a number of operational and physical constraints which can practically restrict the applicant and design team's ability to locate any floor supported structure between each cooling tower which could therefore support a greater extension in height to the northern mesh. Although the current north elevation is a relatively prominent departure from the approved 2008 scheme, it is considered that when assessed on its own merits the change in composition and the addition of a top horizontal band of black painted cooling towers would not be visually unacceptable.

The PDT officer reported that the visual exposure of a degree of plant has been assessed to represent an honest expression of the functionality of the new building. The principle of expressed functional elements, such as water tanks, has been previously accepted and approved on the Kings Yard. The overarching principle of a robust industrial building which acts as a landmark on the skyline, is considered to have been preserved by the amended scheme. The materials and finishes are drawn from the same selection of key materials as previously approved..

The PDT officer explained that the applicant has provided further supporting information in response to the alternative structural solution suggested. PDT consider the alternative solution proposed is not practically buildable even though it is structurally feasible. The submitted proposal for the uniform extension of the mesh for the full width of the North Elevation is a preferable solution to one which would only partially increase the mesh height for a portion of the full elevation width.

6.3.3 **Programme for the implementation of remedial works** – The PDT officer reported that the applicant has confirmed that they are willing to enter into a unilateral undertaking to commit to the mesh extension remedial works to be completed post-Games and the main report recommendation has been amended to reflect this.

6.4 The PDT officer reported that the proposed development is considered not to raise adverse impacts in terms of sustainability, flooding and drainage, accessibility, and neighbour amenity. No objections have been raised by statutory and non-statutory consultees.

6.5 The Update Report provided further information in respect of the proposed unilateral undertaking and a response to the Alternative North Elevation Mesh Extension. In addition updated recommendations included amended conditions regarding the colour of the rooftop plant, water tank guardrails

and stairs; the implementation of remedial works to the rooftop of the new building; and way finding and signage.

6.6 In conclusion, the PDT Officer reported that the proposals would be in compliance with the 2007 approved Olympic Park Urban Design and Landscape Framework Design Guidance and that the form, scale, modulation, materiality and design of the scheme submitted for approval is considered to be in accordance with relevant London Plan and LB Tower Hamlets LDF policies and section 5(5)(a) of the Olympic Act.

6.7 A member asked why the proposal had differed substantially from that had previously been approved at reserved matters stage. The applicant explained that changes had been made throughout the design process which the applicant deemed appropriate and that PDT was kept informed of the situation.

6.8 A member expressed dismay that the works were not undertaken in accordance with the approved scheme.. The applicant explained that the changes were resultant from a change in the specification of plant within the building and that the reduction in the wrapping of the corten over the roof of the building was not considered to be architecturally appropriate as a result of those changes. The member queried whether this was a judgment which should wholly rest with the applicant to decide.

6.9 A member requested a public apology be made by the applicant to the Committee in light of the unapproved changes made. The applicant stated that the misunderstanding was unfortunate as they believed that they were consulting with the correct people.

6.10 A member queried why the applicant assumed that they had sign off. The applicant admitted that there was no formal sign off but that they had consulted both PDT and the ODA design team..

6.11 A member pointed out that receiving feedback from a planning officer is not the same as receiving planning permission. The applicant explained that they thought they had gone through the Planning process in the correct way and were aware of changes to the original application. The applicant apologised if the process was not conducted in the appropriate way and pointed out that they had had consultations with the CABE Review panel.

6.12 A PDT officer explained that the applicant had received a clear statement from PDT that was actually constructed was not what was approved. This was discovered on a site visit and the PDT officer made it clear that this was not acceptable. Whilst consultation with CABE and others was welcomed it was made clear to the applicant that.the as-built scheme was not in accordance with the approved scheme.

6.13 A member queried whether the applicant has had a planning agent. The applicant replied that a planning consultant had been retained. Another member questioned whether the architect's code of practice had been breached in this case, given that it was known by the design team that construction was continuing contrary to the planning permission. The scheme architect confirmed that he considered that PDT and CABE had been consulted on the changes. The applicant apologised that approval for the

scheme changes had not been sought before construction, but repeated his view that the changes had been the subject of consultation with PDT and CABE.

6.14 A member asked for clarification of condition 3 in the Update Report which stated that the "works to extend the corten and EPDM screen shown on the drawings hereby approved and described in the Design and Access Statement dated December 2011". A PDT officer clarified that this refers to the retained building only.

6.15 There being no questions the Committee took a vote and unanimously:

i) **AGREED** the reasons for approval set out in this report and;

ii) In respect of submission 09/90166/AODODA, to **Discharge** condition 2 of 08/90076/REMODA subject to conditions and informatives set out in the report and as Updated;

iii) In respect of submission 11/901816/FULODA (Kings Yard Amendments - **DELEGATED AUTHORITY** to the Director of Planning Decisions to approve the application, upon receipt of a unilateral undertaking from the applicant, for alterations to the design and external appearance of the "new" and "existing" buildings of the Kings Yard Energy Centre (as approved under reserved matters approval 08/90076/REMODA of the Outline Planning Permission 11/90313/VARODA subject to the conditions set out in the Update Report.

7. LOCOG OBS Tower - 11/90771/REMODA

Application for the approval of reserved matters for construction of a temporary Games phase OBS Tower, being details of access, appearance and layout pursuant to Condition 6 of permission 11/90454/OUTODA.

7.1 A PDT officer gave a presentation and explained that the application for the approval of reserved matters for construction of a temporary Games phase OBS Tower, being details of access, appearance and layout pursuant to Condition 6 of permission 11/90454/OUTODA. The need for temporary structures to support the operation of the Games phase Olympic Park has been accepted as part of the Games masterplan for the Olympic Park and the overall scale and siting of the OBS Tower were approved under outline planning permission 11/90454/OUTODA in November 2011. The outline consent was granted for the siting and scale of a temporary OBS Tower with a footprint of no more than 1,050sqm and a maximum height of 22.5 metres.

7.2 The PDT Officer explained the key considerations of the proposed scheme included the:

7.2.1 **Principle of development** – The current proposed height is 24.5m. The maximum height of the proposed structure sought for approval under the

outline planning application 11/90454/OUTODA was 22.5 metres and was described as a 4 storey structure. The submitted drawings indicate that the current proposed height is 24.5m. It is noted that the maximum height currently proposed exceeds that approved under 11/90454/OUTODA by 2m. The extent of this deviation extends for the entire footprint of the structure. The PDT officer explained that the increase is considered to be relatively minor when considered within the context of the overall scale and height of the scheme which is already prominent and would already have a significant impact on the visual amenity of the Olympic Park and surrounding area. However, in terms of the deviation in height, the cumulative impact of the proposed changes is not considered to result in a significant material change to the appearance and impact of the OBS Tower.

7.2.2 **Appearance and Building Design -** Officers consider that there would be no adverse impact in respect of the composition, scale or the use of shipping containers for this temporary structure. However, Officers consider that the design and appearance of the structure does not exhibit sufficient merit to warrant approval without conditions which would secure a satisfactory treatment to all elevations, with emphasis on the primary east elevation, which will be orientated towards the Common Domain and Olympic Stadium. Officers are unconvinced by the colour and detailing of the tower and these concerns have not been addressed by the applicant. It was acknowledged that, DC CABE has raised no objection on design grounds..

7.2.3 **Layout and access -** The OBS Tower would be serviced from the Games phase Loop Road located to the west. A 870m² OBS compound fronting onto the Loop Road was approved to the west of the OBS Tower under the Common Domain Overlay submission (November 2011),. The layout and access arrangements of the OBS Tower are considered to allow for ease of access to and from the Olympic Park Loop Road for vehicles for maintenance/servicing/drop off purposes .

7.2.4 **Sustainability -** Details of the sustainable construction measures have not been formally sought for approval as part of this submission. The applicant has provided limited details in respect of any targets on the extent of reuse or recycling of elements, but has verbally stated that they consider the proposed shipping container based construction of the OBS Tower to be inherently sustainable due to the nature of the building elements proposed.

The applicant considers that the ability to bring the shipping containers to site without any significant aesthetic modification and return them to their original use with no further modification is a positive sustainable point.

LOCOG has submitted a Sustainability Management Plan pursuant to the requirements set out in approval of details 10/90467/AODODA (partial) pursuant to condition OG.5 of the Olympic, Paralympic Games Permission (ref. 07/90010/OUMODA) and this application is currently under consideration. Further details are to be sought setting out targets or confirmation as to the re-use of the shipping containers post-Games.

7.2.5 **Residential amenity -** The closest residential properties are located approximately 60m to the north-west and 190m to the south-west of the site boundary. The western elevation of the OBS Tower is a predominately blank façade, but does include four openings located 10m and 18m above ground level. Taking into account the distance from the application site to the nearest

residential propertied it is considered that there would be no detrimental impact in respect of overlooking or loss of privacy.

7.2.6 The PDT officer reported that no objections have been raised by statutory and non-statutory consultees.

7.2.7 In conclusion, the PDT officer reported that having regard to the function, location and temporary nature of the structure, contingent on securing an uplift to the elevations as recommended by condition, it is considered that, on balance, the submitted scheme could be visually acceptable and would therefore accord with relevant London Plan and Borough LDF policies and section 5(5)(a) of the Olympic Act.

7.3 A member requested further information of the improvements sought. A PDT officer reported that the shipping containers would be either painted white, instead of blue, or with the LOCOG colour scheme so the containers could be incorporated into the Olympic Park.

7.4 A member requested photographs of the containers. A PDT officer reported that as the containers had not been erected there were no photographs as of yet and limited information.

7.5 The LOCOG town planning manager reported that as a condition had been imposed on the structure the project now had a higher profile within LOCOG. As a result of this, a strategy to enhance the appearance was being devised and funding could be released to undertake any agreed works. The LOCOG town planning manager, reported that the containers would remain clean and be immediately returned to the hire market after use.

7.6 A member suggested that if the containers were wrapped then there would be no need for maintenance and cleaning provision. The LOCOG town planning manager reported that it would be difficult to paint the containers in situ and that the preference was for them to be painted separately and then locked together.

7.7 A member asked how the containers would be seen in the wider context. A PDT officer explained that the suggestion for them to be painted white was due to the surrounding buildings being of white colour.

7.8 There being no questions the Committee took a vote and unanimously:

APPROVED the submission of reserved matters for a temporary Games phase OBS Tower, being details of access, appearance and layout pursuant to Condition 6 of outline planning permission 11/90454/OUTODA subject to the conditions and informatives as set out in the report.

8. Any Other Business

There being no other business the meeting ended at 18.50.

The next meeting will be held on the 24 April 2012.

Signed:  Chair

Date: