

OLYMPIC DELIVERY AUTHORITY

ODA PLANNING COMMITTEE

23 October 2007

SUBJECT: MINUTES OF 12th COMMITTEE MEETING
Held on 28 August 2007 at 18.00

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

Present: Lorraine Baldry Chairman

Local Authority Members:

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

Independent Members:

Michael Appleton
Celia Carrington
William Hodgson
Janice Morphet
Dru Vesty

Officers in attendance:

Vivienne Ramsey	ODA, Head of Development Control
Anthony Hollingsworth	ODA, Chief Planner, Development Control
Richard Ford	ODA, Legal adviser, Planning Decisions Team, (Pinsent Masons)
Betty Morgan	ODA, Committee Secretary

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

Apologies were received from David Taylor and Councillor Geoff Taylor, who were unable to attend the meeting.

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

2.1.

Item 4

The draft minutes of the 11th meeting of the Planning Committee on 14 August 2007 were circulated.

Item 5

In respect of Item 5 the Chairman drew attention to updates to the report as circulated:

Update

- Clarification to paragraph 2.4.2 of Committee Report
- Note of further consultation responses received from TfL, DLR, and Environment Agency
- Amended and additional conditions and informatives

2.2. The order of business was unchanged.

2.3. There had been no requests to speak.

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 lists interests which they have declared which appear to be personal interests relating to Item 5.

'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?'

- 3.2. Members confirmed that the personal interests read out were correct. Cllr Wheeler declared that he is a member of the Five Boroughs Partnership Board and the North London Waste Planning Committee. Cllr McAuley declared that he is a member of the Five Boroughs Partnership Board. These were not prejudicial interests. Members confirmed that there were no additional interests to be declared.

4. MINUTES AND MATTERS ARISING (AGENDA ITEM 4)

- 4.1. A Member requested clarification be made to the minutes of 14 August 2007 to clarify that the start up and close down recommendations of the report, that a half hour period for both start up and close down be imposed, were approved.

- 4.2. The Committee

AGREED the Minutes of the 11th Planning Committee Meeting subject to this amendment.

- 4.3. There were no matters arising.

PLANNING APPLICATIONS

5. PLANNING APPLICATION 07/90144/FULODA GROUND REMODELLING AND ASSOCIATED REGRADING WORKS (STRATFORD CITY DEVELOPMENT ZONES 3-6)

- 5.1. The Committee considered the report and took into account the Updates which had been circulated. A planning officer gave a presentation to the Committee describing the application and explaining the Updates and the officers' recommendations. None of the consultation responses objected to permission being granted but suggestions had been made for the imposition of conditions and informatives. TfL had initially requested several conditions but now only require one condition in relation to wheel washing. LB Newham have also sought a number of conditions, which have been recommended.
- 5.2. Outline Planning Permission had been granted on 17 February 2005 by London Borough of Newham for the Stratford City development. The site now fell within the ODA Planning Authority area. Following the S73 application to vary the original permission, which the ODA Planning Committee had approved in November 2006, a new S106 Agreement was being negotiated: it would include all those matters previously covered in the original S106 Agreement save as varied and added to by the ODA's resolution to grant approval to the S73 application.
- 5.3. The application before the Committee sought a separate full planning permission to undertake earthworks comprising bulk excavations and regrading works to Zones 3 and 4 of the Stratford City site as described in the Committee report and the Updates. Most of the proposed work formed preliminary works for the original 2005 planning permission and the S73

application (which has a resolution to grant). The applicants were concerned that the works could constitute "commencement of development" for the purposes of the existing planning permission (and section 73 application when granted) thereby triggering the requirement to comply with all pre-commencement planning conditions. However, there were a significant number of these conditions to be discharged prior to commencing the proposed works under the existing planning permission (and section 73 application when granted) and the Applicant wished to undertake the works during the better weather of the remaining summer months; there was insufficient time to discharge all of the pre-commencement planning conditions attached to the existing permission within that timescale, so the Applicant had made the application before the Committee. The Committee noted officers' consideration that a formal Environmental Impact Assessment was not required to accompany the application but that the environmental impacts of the development had nonetheless been satisfactorily assessed.

5.4. The Committee noted the recommendation that any permission be time limited and that the proposed condition would prohibit the carrying out of the development after 30 November 2007 unless otherwise agreed in writing by the local planning authority. This would ensure that the cumulative impact of these and any other works commencing on adjoining sites around that time could be assessed if the work was not completed to time and had to be undertaken later.

5.5. The Committee considered the following:

5.5.1. One Member sought assurance that the temporary stockpiles and earthworks were not going to cause any stability or contamination difficulties to the adjacent Network rail land surrounding the High Meads Loop. There was some concern expressed that the scale drawings of the plans indicated closer proximity than was considered sensible. PDT officers proposed that the plans should be amended to show an acceptable distance and the applicant's agent who was present at the meeting verbally agreed. (The plan was subsequently amended as stated.)

5.5.2. One Member sought assurance that there were no contamination or waste issues which would cause any licensing difficulties. Officers advised that licensing was within the remit of the Environment Agency and any necessary licences would need to be obtained

5.5.3. One Member sought clarification concerning the need for hours of work restrictions of the type recommended. Officers advised that the hours of work restrictions were the generally accepted form, these were time limited works and that there had been no objection from the applicant. On this occasion, the Member raised no objection but wished to point out that hours of work conditions should only be imposed where and to the extent necessary in future recommendations for applications

5.5.4. Members sought clarification that the use of the existing roadbridge for construction activity would not cause any difficulties. Officers confirmed that no unacceptable impacts were predicted.

5.5.5. Officers corrected reference in paragraph 9 of the Committee Report which referred to Article 1, Protocol 1 of the ECHR being in relation to the right to respect for private and family life. This should have read Article 8 and Article 1 Protocol 1 of the ECHR should have been included in relation to the right to respect for private and family life. Officers confirmed that they had taken into account both Articles of the ECHR and that they were satisfied that even if the remaining residents (Travellers) of the Clays Lane Estate had not been relocated off-site prior to the works commencing, it was considered that their rights under such Articles would not be unacceptably affected.

5.6. There being no further questions the Chairman moved to a vote and the Planning Committee **RESOLVED** unanimously in accordance with the recommendations, that, subject to the plans being amended in accordance with the above and having taken into account the matters referred to above, they:

- a) **AGREED** the reasons for **APPROVAL**
- b) **GRANTED** approval for the application subject to the conditions as set out in the report, amended as set out below and subject also to the additional conditions set out below and with the amended and additional informatives set out below

Amended condition:

Condition 1 to read:

Unless otherwise agreed in writing by the Local Planning Authority, the carrying out of the works hereby permitted shall cease by 30 November 2007

Reason: By limiting the amount of time during which the permitted development may occur, the potential effects of the development on the surrounding area is minimised in accordance with Policy EQ45 of Newham's Unitary Development Plan.

Additional Conditions

As requested by the Environment Agency:

- (a) Prior to the commencement of works, further information must be provided as to whether any treatment of water arising from the earthworks is proposed.

Reason: To ensure that any contaminated land is appropriately remediated before being used elsewhere within the site, in accordance with Policy EQ49 of Newham's Unitary Development Plan.

- (b) Prior to the commencement of works, further information must be provided to show the methodology used to determine whether criteria levels have been exceeded and the final use of contaminated land.

Reason: To ensure that any contaminated land is appropriately remediated before being used elsewhere within the site, in accordance with Policy EQ49 of Newham's Unitary Development Plan.

- (c) If any soil contaminates (other than lime stabilised soil) are encountered during the works hereby approved, details as to how this contaminated soil will be dealt with must be submitted to and approved by the Local Planning Authority, in conjunction with the Environment Agency.

Reason: To ensure that any contaminated land is appropriately remediated before being used elsewhere within the site, in accordance with Policy EQ49 of Newham's Unitary Development Plan.

- (d) Any lime stabilised material encountered during excavations will need risk assessed in terms of whether it contains any hazardous properties and if so, its potential impact on controlled waterways.

Reason: in accordance with Policy EQ49 of Newham's Unitary Development Plan, as the stabilisation process can result in very high pH levels and therefore any lime stabilised material that makes it into the waterways system may have an adverse impact on the surrounding area.

Amended Informative:

Paragraph 10.4, Docklands Light Railway Limited (DLRL) informative to read:

The Applicant should continue to liaise with TfL /DLRL to ensure that the proposed earthworks do not adversely affect the delivery of the DLR extension to the Stratford International Station and the North London Line proposals. The applicant should liaise with Rob Niven – Development Project Manger, DLR, on phone number 0207 363 9735 and Tony Mustard – North London Line Infrastructure Team at tony.mustard@tfl.gov.uk

Additional Informatives

As requested by the Environment Agency:

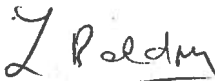
- (a) The Applicant is advised that depending on the method of any treatment of arisings, a waste management licence or exemption from waste management licensing may be required.
- (b) The Applicant is advised to contact Rayhela Ahmed-Monju on 01707-632-414 to discuss any conditions required by the Environment Agency.

**6. ANY OTHER BUSINESS
(AGENDA ITEM 6)**

6.1. There was no other business.

There being no other business the meeting closed at 6.45 pm

Signed:



Chairman

Date: 11/12/2007