

**Subject:** Eton Manor Landscaping – ref. 13/00444/FUL

**Meeting date:** 25 February 2014

**Report to:** Planning Decisions Committee

**Report of:** Anne Ogundiya

## **FOR DECISION**

### **1. EXECUTIVE SUMMARY**

- 1.1.** This is a full planning application for the creation of an informal landscaped recreation/events space as well as the creation of a new pedestrian entrance to Eton Manor from the north eastern corner of the site accessed via Temple Mills Lane.
- 1.2.** The key issues in determining this application and considered in this report are:-
  - Acceptability of the proposal in planning policy terms including the impact on adjoining sites and contribution to open space and the regeneration and convergence agenda
  - Quality of the proposal including design and appearance
  - Representations received
  - Proposed off-site provision of allotments at Leyton Jubilee Park, Marsh Lane (LJP) replacing allotments previously approved at the application site
  - Heads of Terms of a s.106 agreement to secure the long term off site provision of allotments at LJP (section 10.56).
- 1.3.** The proposals will provide opportunity for both informal and formal sport, recreation and leisure and will accommodate and provide a setting for the Eton Manor sport centre and external sporting facilities. The proposals will facilitate the long term regeneration of this area. The proposals will result in there being no allotment provision at Eton Manor.
- 1.4.** The proposals have been subject to extensive consultation with the major issue arising from the consultation process relating to the proposed off-site provision of allotments at LJP as replacement for the allotments which are not now to be provided at the application site. Two letters of objection have been received from the Manor Gardens Society (MGS). However, PPDT are satisfied that the objectors will be adequately provided for by the continuing allotment use at LJP. One letter of support has been received from LB Hackney.
- 1.5.** LB Waltham Forest is entering into a s.106 legal agreement ensuring their continued use at LJP and there is also the option of the use of the approved Post Games Transformation provision on the Park at Pudding Mill (PDZ 8).

## 2. RECOMMENDATIONS

### 2.1. The Committee is requested to:

**APPROVE** planning permission for the reasons given in the report subject to conditions and informatives set out in the report and subject to the satisfactory completion of a s.106 legal agreement based upon the heads of terms set out in this report;

**DELEGATE** authority to the Director of Planning Policy and Decisions to issue the planning permission upon completion of the s.106 legal agreement, including authority to make any necessary and consequential amendments to the planning conditions and the s106 legal agreement heads of terms.

## 3. FINANCIAL IMPLICATIONS

- a. The London Borough of Waltham Forest as applicant will fund the proposals for the landscaping proposals in the application site.

## 4. LEGAL IMPLICATIONS

- 4.1. Following extensive discussions a draft s106 legal agreement has been prepared in discussion with the applicant with Heads of Terms and main provisions set out below from paragraph 10.56:

### SITE & SURROUNDINGS

- 4.2. The site comprises 1.7 hectares of land located within the Eton Manor sport complex, i.e. east of the outdoor hockey and tennis courts and south of the five-a-side platform. The Eton Manor site is bound by Temple Mills Lane to the east, Ruckholt Road to the north and the A12 to the south. The site lies within Planning Delivery Zone 7 (PDZ7) in the north east of the Queen Elizabeth Olympic Park (QEOP).
- 4.3. The application site falls within the London Borough of Waltham Forest (LBWF). LB Waltham Forest is the applicant. Lee Valley Regional Park Authority is the landowner.

## 5. DESCRIPTION OF DEVELOPMENT

- 5.1. This is a full planning application for the creation of an informal soft landscaped recreation/events space, as well as the creation of a 13m wide 'gateway' pedestrian entrance to Eton Manor from the north eastern corner of the site accessed via Temple Mills Lane. The new entrance is located along the Temple Mills Lane boundary at its junction with Ruckholt Road.
- 5.2. The entrance will include a surfaced area off the public highway with a vertical 'gateway' feature wall sign introducing visitors to Eton Manor. A 4m wide pedestrian path between the 5-a-side football platform and Temple Mills Lane is proposed linking with existing paths within the site enabling direct routes to the sports centre and velo plaza.
- 5.3. The proposal is for the soft landscaped area to be kept as '...flexible open public space available for community use...' This would enable the space to be used for various purposes during large events at the Eton Manor Sports Centre, such as complementing the Hockey Championships as ancillary space.
- 5.4. Following discussions with Officers, as well as further detail being provided to include landfall gradients, the design and layout of the proposed landscaping has been amended. This is considered necessary to improve design and finish

quality and ensure consistency with the rest of the QEOP. The following changes have been made:

- Removal of the proposed illuminated bollards to new entrance and north-south footpath (i.e. adjacent to Temple Mills Lane);
- Reconfiguration of entrance including removal of 1.2m high wall from the northern entrance, and replacement with meadow planting;
- Removal of proposed wall at the northern entrance and installation of galvanised powder coated finish knee-rail around site perimeter to match existing provision within Eton Manor
- Replacement of proposed ornamental planting along site frontage with wildflower planting to match War Memorial planting
- Provision/extension of pedestrian entrances/footpaths into the landscape area from the west adjacent to the hockey pitch finished in parkwide gold top resin bonded aggregate
- Reconfiguration of entrance to Improve entrance treatment from the existing car-park to the north
- Adjustment of plant provenance and mix to reflect hedge planting to hornbeam hedges, species rich meadows and for general planting to reflect treatments elsewhere within the QEOP.
- Introduction of timber picnic benches (using Cumaru timber used elsewhere in the Park)

- 5.5. The submitted proposals will amend the Post Games Transformation (PGT) approval for this area which includes the provision of allotments. No allotments are proposed in the current scheme.

## 6. RELEVANT PLANNING HISTORY

- 6.1. The planning history of the site is extensive. The relevant planning permissions are as follows:

2007 - The Olympic Park site preparation application (Ref: 07/90011/FUMODA) covered demolition, remediation, earthworks, utilities and construction works for both for the Games and Post-Games Transformation (PGT) phase.

- 7.2 Following this consent, a number of slot applications were submitted associated with the Eton Manor site and post Games Transformation.

- 7.3 This included 09/90410/FUMODA (which sought details of allotments to be provided in PDZ7). The following submissions provided varying amount of details on the allotments:

11/90701/AODODA

11/90703/AODODA

13/0095/AOD discharged the outstanding detail

- 7.4 These planning permissions all sought the provision of Post Games Transformation works including allotment provision no later than 31 December 2014.

## **7. POLICIES & GUIDANCE**

### **7.1. National Planning Policy Framework**

**7.2.** The following NPPF policies are relevant to this planning application:

- 7 - Requiring good design.
- 8 - Promoting healthy communities.
- 11 - Conserving and enhancing the natural environment

### **7.3. London Plan (July 2011):**

**7.4.** The following London Plan policies are relevant to this planning application:

- 1. 2.4 - The 2012 Games and their Legacy Strategic
- 2. 3.16 - Protection and enhancement of social infrastructure
- 3. 7.5 - Public realm Strategic
- 4. 7.17 - Metropolitan Open Land
- 5. 7.18 – Protecting Local Open Space and Addressing Local Deficiency
- 6. 7.19 – Biodiversity and Access to Nature
- 7. 7.22 - Land for food

### **7.5. Further Alterations to the London Plan (January 2014)**

Policy 2.2 London and the Wider Metropolitan Area  
Policy 2.4 The 2012 Games and their Legacy  
Policy 2.9 Inner London  
Policy 7.18 Protecting Public Open Space and Addressing Deficiency  
Policy 7.22 Land for Food

### **7.6. Mayor of London - Olympic Legacy Supplementary Planning Guidance (OLSPG)**

- a) Development Principle E1 - Open Space and Leisure
- b) Development Principle E2 - Biodiversity and Access to Nature

### **8.7 Local Planning Policy: London Borough of Waltham Forest Core Strategy (adopted March 2012),**

The following policies are relevant to this planning application:

- a) Policy CS5: Enhancing Green Infrastructure and Biodiversity
- b) Policy CS13: Promoting Health and Well-being
- c) Policy CS15: Well Designed Buildings and Places

### **8.9 Waltham Forest Local Plan Development Management Policies 2013**

- d) Policy DM12 – Open Space, Sports and Recreation

### **8.10 LLDC Draft Local Plan Consultation Document (December 2013)**

As the draft Policies have not yet been the subject of an Examination in Public they have limited weight as material considerations in the determination of planning applications. The weight that can be attributed to draft policies is dependent on the stage of the Local Plan preparation.

## **8. CONSULTATION**

The application was advertised by publication of press notices in the Waltham Forest Guardian newspaper and by the posting of site notices.

The following bodies were also consulted: LVRPA ~ LB Newham ~ Environment Agency ~ Natural England ~ QDD ~ Triathlon ~ Taylor Wimpey ~ HSE ~ First Capital North ~ Manor Garden Allotment Society

#### **9.1 SUMMARY (responses received from the following bodies)**

- Environment Agency – No Objections
- LB Hackney – Support Proposals
- Manor Garden Society (MGS) Object to the proposal on the following abbreviated grounds - for full response including LB Waltham Forest response see Appendix 1:
  - Provision and size of plots at LJP inadequate – there is a water logging issue in part of the LJP site.
  - MGS – do not consider public access to open space an issue in this area - Hackney Marshes and QEOP gardens are both better located and better appointed to meet this need.
  - Provision at Pudding Mill and Eton Manor fall short of the expected 2.1 hectare Olympic planning permission obligation
  - Proposals dilute and diminish the society’s concerns and requirements
  - MGS queries the figure set out in the Planning Statement that 41 people desire to return to the QEOP.
  - The food grown at Eton Manor will be consumed locally - not encouraging and providing for local food production is unsustainable contrary to NPPF.

### **9. ASSESSMENT OF PLANNING ISSUES**

- 9.1.** Planning permission has been granted for the creation of 1.1ha of allotments at Eton Manor. Work has commenced on implementing the allotments at the application site, but has now been suspended until this planning application has been determined. The proposed development (new pedestrian access and meadow area) does not include provision for allotments.
- 9.2.** There are four key planning issues: principle of the proposal, quality of the proposal including design and appearance; representations received in response to the application; and the proposed off-site re-provision of the existing allotment land-use.
- 9.3.** Principle of Development
- 9.4.** The application site is designated in the LB Waltham Forest Core Strategy as Metropolitan Open Land (MOL). Both the London Plan (MOL policy 7.17) and LBWF Core Strategy policy CS5 state that facilities such as outdoor sport and recreation and open space land uses which preserve openness are acceptable within MOL. Policy CS5 of the core strategy also seeks to protect and enhance the network of green spaces and encourages active lifestyles through the provision and use of play and recreational spaces. The policy goes on to state that protecting and enhancing open spaces is critical in delivering sustainable development.
- 9.5.** The applicant’s proposed use of the land clearly falls into the category of an open air recreational facility and does not have an adverse impact on the openness of the Metropolitan Open Land (MOL). The use of the application site as flexible publicly accessible open space is an acceptable land use in MOL. It is recognised that the new entrance is located in an area of MOL. However its design is not considered to unacceptably impact on the openness of the area.

Officers are satisfied that the proposals are not in conflict with the MOL designation and related planning policies.

- 9.6.** Whilst it is recognised that the LLDC Draft Local Plan Consultation Document is of limited weight it is noted that it does not seek to change the Eton Manor MOL designation and adds a Local Open Space designation. The proposals are in accordance with both designations.
- 9.7.** The proposals will add to the LLDC's post Games transformation works which provide for a new and ecologically rich park for London and provide a high quality setting for the retained venues and new Legacy Communities development, in accordance with relevant development plan policies which seek to create high quality sustainable development and enhance open space.
- 9.8.** The location of the proposals within the LVRPA Eton Manor sporting complex i.e. adjacent to the open air warm-up hockey pitches, tennis courts and five-a-side football pitches provides the flexibility of use when major sporting events are held. Sport England, the Tennis Foundation and LVRPA support this view. The use of this land for complementary back of house purposes is considered to be an acceptable in principle. The proposals ensure the Eton Manor landscape is not unduly fragmented by two different and possibly competing uses.
- 9.9.** The accompanying supporting statement comments that Waltham Forest considers that the proposals have '...the future potential to lift the status of Eton Manor to that of a truly exceptional destination...' The LB Waltham Forest core strategy recognises '...that the quality and quantity of available open space is directly associated with the lifestyles that residents' lead and the quality of their health as a consequence...'
- 9.10.** MGS have commented that in their view public access to open space is not an issue in this area. The Waltham Forest Core Strategy and evidence base document Open Space Strategy, indicate that Eton Manor is an area deficient in access to open space (see Appendix 2 drawing 9). Policy CS5 states that '...New spaces in areas deficient in access to open space is a priority...' as are improvements to the quality of open space provision. These proposals support this policy by providing publicly accessible open space; the new entrance provides visible and close connection to Waltham Forest, close to the new pedestrian and cycle route adjoining Ruckholt Road Bridge. Thereby improving access by sustainable transport modes.
- 9.11.** The use as a flexible publicly accessible open space is in Waltham Forest's view, likely to meet wider community need and is in accordance with its core strategy objectives of improving accessibility to open space as well as the resulting convergence benefits.
- 9.12.** The proposals which links to other open spaces in the locality is considered to enhance the LB Waltham Forest's green infrastructure.
- 9.13.** Regarding the loss of the approved allotments at the Eton Manor site, policy CS5 in the Core Strategy essentially seeks to protect existing provision and ensure that where development proposals would lead to a loss, alternative provision is made. In this case, the provision of 1.1hectares of allotments on a permanent basis at LJP mitigates the loss of the allotments approved at Eton Manor in accordance with this policy. Indeed, it could be argued that there is a net increase in allotment provision; the core strategy policy CS5 makes reference to there being 37 open spaces in the Borough utilised as allotments. This figure does not include the LJP allotments which were originally proposed as temporary, nor does it refer to those to be provided at Eton Manor.
- 9.14.** The proposed s.106 heads of terms set out in this report; include provisions to ensure the allotment plots at LJP are offered first to MGS members.

- 9.15.** The proposals accord with OLSPG Development Principle E1 which requires proposals covering the OLSPG area to protect and improve existing areas of open space, and help meet the health needs of the area's existing and future communities. The OLSPG goes on to state that different types of open space should be provided '...including parks, squares, allotments, private gardens and wilderness spaces...' Officers are of the view that subject to the satisfactory mitigation of the loss the approved allotments at the Eton Manor site, the proposed open space development is acceptable in principle.
- 9.16.** Quality of the Provision:
- 9.17.** The revised proposals have been guided by Officers and as such all elements of the scheme now reflect the approved and generally implemented post Games Transformation parkland and public realm designs used across the QEOP.
- 9.18.** In terms of accessibility and connectivity, the proposed new Eton Manor pedestrian entrance, and signage as well as providing a focal point to the site will orientate visitors and help connect this part of the Park to the surrounding area in a coherent manner. The applicant, Waltham Forest, has stated that '...Without this northern entrance, it will potentially limit the site's appeal to Waltham Forest residents and provide a feeling that they continue to be excluded from the Olympic legacy...' Waltham Forest has consistently commented on the need for improved integration and connectivity between the QEOP with the rest of its borough. The existing LLDC improvements to the cycle and pedestrian access and boundary treatments along Ruckholt Road and Temple Mills Lane, together with the proposal all help to fulfil Waltham Forest's accessibility and connectivity aspirations.
- 9.19.** Officers note the Waltham Forest viewpoint that the proposals represent a better case for Legacy for its residents in terms of the use appealing to a wider audience and for greater accessibility and connectivity.
- 9.20.** Regarding consistency of landscape design approach, Officers are satisfied that the amendments to the proposal now make for a better integrated scheme and one which matches the planting, surface treatment and use of furniture in the rest of the Queen Elizabeth Olympic Park. Appropriate planning conditions are recommended to ensure compliance with the details approved elsewhere within the QEOP.
- 9.21.** Officers particularly welcome the visual planting links proposed i.e. replicating the planting mix used at the Eton Manor War Memorial area along the newly proposed new northern entrance. The planting mix includes dry moist meadow to shadier moister meadow species rich planting and native species types that have been approved and planted across the QEOP. The planting type proposed in this area will allow for a long season of floral interest. The rich display meadows of North Park are also replicated. However recognising the proposed dual use of the open space i.e. for sitting out and as well as events space when required to support the adjacent sporting uses the landscaping proposed is designed to not only visually interesting but to be robust.
- 9.22.** In terms of biodiversity, the application is accompanied by an Ecology Report which confirms that the proposed planting will be native species that contribute towards the QEOP-wide Biodiversity Action Plan (BAP).
- 9.23.** The BAP aims and is on target to establish 52.3 hectares of habitat to replace the equivalent area of designated habitat lost through the Olympic and Paralympic Games development, this is an increase of 7.3ha over the required 2007 OLF planning condition requirement of a 45ha provision.
- 9.24.** The revised scheme for Eton Manor makes changes to the quantum of some of the biodiversity habitats previously proposed. It provides a reduction in

1.28ha of allotment biodiversity provision from the current target of 2.17ha. However this loss would be balanced with a proposed substitution of different habitats which would include an increase of 1.11ha of Species Rich Grassland, 0.08hHa of Trees and Scrub habitat and a further 0.07ha of Parks Squares and Amenity types. There is an increase of 0.02ha of hard surface path. The total biodiversity habitat achieved in Eton Manor is the same for both proposals.

- 9.25.** The proposals do not increase or prevent the overall target of 52.3ha being achieved, they do increase by a small percentage (2.89%) three categories of habitat i.e. Parks and Squares, Trees and Scrub and Species Rich Grassland. Officers are satisfied that such changes are within the tolerances for change allowed for in the BAP.
- 9.26.** It is also recognised that the BAP allotment habitat remains in Waltham Forest at LJP which is within a short distance of the Park. Officers are therefore satisfied that in terms of all types of BAP habitat there is no net loss, which accords with the Waltham Forest Core Strategy. The changes are considered to be acceptable. No objections have been received from Natural England. The EA is satisfied with the proposals commenting that ‘...due to the nature and location of the proposed works they consider that there will be no detrimental effects on biodiversity and habitats...’
- 9.27.** Officers are satisfied that the conversion from allotments to open space will also provide opportunities for biodiversity and is therefore acceptable. The proposals comply with London Plan policies 2.18 and 7.19. The provision is also compliant with LB Waltham Forest’s policy CS5 which seeks to enhance ecology.
- 9.28.** Representation Received:
- 9.29.** Objections have been received by the Manor Garden Society (MGS) stating that the proposals would prevent planning obligations made by the ODA and its successor authority (LLDC) in respect of the provision of allotments within the Olympic Park by the end of 2014 from being discharged. The concerns expressed by the MGS are material planning considerations and are considered below.
- 9.30.** Officers acknowledge the MGS comment that the proposals would not support or encourage local food production and are contrary to the NPPF. However, the approved alternative provision at LJP allotments is only some 1.5km from Eton Manor and is located within the Borough of Waltham Forest. The very nature of allotments is that they encourage food production and the locations within existing or close to communities ensures assists in the products being consumed locally in accordance with the sustainability objectives of the development plan policies. Provision for local food production will be made within the QEOP at Pudding Mill and further opportunities for localised food growing will be pursued through the masterplans and reserved matters submissions for the LCS development.
- 9.31.** By way of background the original Manor Gardens allotments site was located east of the River Lea and west of the Eastway Cycle Circuit. The 2007 Olympic permissions (OLF) necessitated removal of the allotments to facilitate remediation, earth re-profiling and construction of Olympic parkland and concourse. The London Development Agency (LDA) identified an alternative site for temporary allotment provision at LJP, 1.5km from the original location. This was granted permission by LB Waltham Forest in 2007 for a temporary period (expiring on 31st December 2014) to provide replacement provision until permanent replacement allotments were established under the terms of the 2007 OLF consent at Eton Manor (PDZ7).

- 9.32.** The Manor Garden Allotments Society objected to the loss of the allotments and these objections were carefully considered in the determination of the OLF proposals. The Olympic Delivery Authority (ODA) concluded that in the context of the overall proposals, and given the commitment to make both interim and permanent replacement provision, the relocation of the site was acceptable. The permanent replacement allotments were to be at least equivalent in terms of size and facilities as the original. The original allotments comprised between 1.7ha and 1.8ha.
- 9.33.** 2007 OLF Planning Permission:
- 9.34.** The 2007 OLF included a commitment to provide a replacement allotment provision. The original Manor Gardens site was approximately 1.7-1.8ha. The OLF approved the allotment provision within PDZ 7 (Eton Manor). The Planning Committee report stated that ‘...the new allotments will be at least equivalent in terms of site size and facilities...’ The detailed design and final size of provision in legacy was to be determined through subsequent reserved matters submissions. This was considered to form an acceptable solution in the context of the development as a whole. Condition LTD.10 states:
- ‘Before 31 December 2011, details of the allotments to be provided in Planning Delivery Zone 7, including remediation for allotment use, ancillary structures, fencing and the location of communal composting facilities shall be submitted to and approved by the Local Planning Authority. The allotments shall be provided and available for use no later than 31 December 2014.
- Reason: To meet the commitment to re-provide these facilities’
- 9.35.** While the condition did not include a figure for the provision to be provided. The figure of 2.1 hectares was included in the Environmental Statement accompanying the OLF application. The eventual 2.1ha provision came from both the ODA and the LDA looking ahead to allow for allotments to serve the post Games legacy housing.
- 9.36.** 2009 PGT Permission:
- 9.37.** Subsequent to the 2007 consent, design development occurred and in 2009 the PGT parkland and public realm proposals were granted planning permission which resulted in the required 2.1 hectares of allotment provision being split into two separate areas. The ODA concluded that it was not possible to accommodate the full 2.1 hectares on Eton Manor along with the other proposed Legacy facilities and uses. To that end provision was made for approx. 1.2 hectares of allotments at Eton Manor, and a smaller area of allotments (0.9 hectares) in Pudding Mill (PDZ8) in the South Park.
- 9.38.** The MGS has commented in their objection that the allotment offer on the QEOP is not exactly 2.1ha. The figures have been re-checked and as approved equate to 0.89ha at Pudding Mill and 1.28ha at Eton Manor. The total approved QEOP provision is therefore 2.17ha.
- 9.39.** Waltham Forest has confirmed that it has always been opposed to allotments at Eton Manor and has been consistent on this point in their representations to the planning applications for the Olympic and post Games development. It considers that allotment use does not enhance the use of Eton Manor for sports and public recreation and provide a public open space in Waltham Forest which is part of the QEOP.
- 9.40.** Included in support of the submission are representations from LVRPA, England Hockey, LB Hackney and the Tennis Foundation. Waltham Forest has pointed out that LVRPA as landowner has also expressed disquiet at the provision of allotments on their site. Pointing out that their understanding is that

LVRPA had planned to run the Eton Manor allotments as 'community gardens' with less flexibility to plot-holders as compared with regular allotments. LVRPA consider that the 'the location of the allotments in such close proximity to the Hockey and Tennis Centre '...would make the site severely constrained...' and it creates a '...potential conflict between users of the allotments and the site's sporting facilities...' This view is reiterated by the Tennis Foundation and England Hockey who comment that the proximity of the allotment hedges and vegetation to the field of play will make it difficult to maintain a hedge alongside a fence line, lead to vegetation on the pitch, slippery surface and the potential for balls to cause damage to the allotment users and their facilities.

**9.41.** Off-Site Re-Provision:

**9.42.** In recognition that the proposed open space would cause of a loss of currently approved allotments at Eton Manor, and so be contrary to the Olympic and post Games planning permissions and the commitments given by public bodies to provide replacement allotments for those lost to Games development, LB Waltham Forest has sought and obtained planning permission in January 2014 for the permanent retention of the LJP allotments.

**9.43.** In addition, PPDT made it clear to Waltham Forest that should they not wish to retain allotments at LJP for the MGS they need to demonstrate that no latent demand exists within its area for allotments enabling the temporary permission at LJP to fall away. Waltham Forest accepts that would be a difficult claim as the original provision of approx. 1.7-1.8ha was clearly not surplus to requirements in 2007 when the OLF planning obligation was imposed and secondly because demand will have most likely risen in the intervening period, and will continue to do so as the resident population of the LLDC area increases.

**9.44.** Section 8 of the Allotments Act 1925 clearly states that Local Authorities cannot sell, appropriate or dispose of allotments for any other purpose unless the Secretary of State is satisfied that adequate provision will be made for allotment holders displaced by the action or that such provision is unnecessary or not reasonably practicable.

**9.45.** Waltham Forest has met with the MGS allotment holders setting out the background to their proposals and the associated proposition of retaining the LJP allotments permanently. They have stated that they are determined to realise the maximum benefits from investment in its open spaces. It recognises that substantial investment was made to originally build the allotments at LJP and is keen to see the investment safeguarded for the future. They also recognise that the allotments have become an established feature not only in terms of growing conditions for plots but also in terms of their presence within the wider LJP.

**9.46.** Officers are of the view that from a planning obligation point of view the need for allotments within the general area is clear.

**9.47.** Quality of Off-Site Allotment Provision:

**9.48.** The LJP provision is well established having been in operation since 2007. The allotments at LJP are located on the corner of a larger parkland site. They are also close to other allotments in the local Waltham Forest area and to the QEOP. .

**9.49.** LB Waltham Forest argues that the Eton Manor provision bound by roads (Ruckholt and Temple Mills) and the Hockey and Tennis sports facilities would be an unpleasant environment for allotment users in terms of noise, air quality and general safety.

- 9.50.** The Manor Garden Society has commented that the LJP provision is inadequate owing to it being water logged in part and subdivided into plots smaller than those to be provided on the Park. LB Waltham Forest has stated that they were not previously made aware of issues regarding water logging which will now be addressed. This can also be addressed through the s.106.
- 9.51.** The Eton Manor allotments are approved as 50 individual plots ranging in size from 5 to 10 “rods” (a unit of length equal to approximately 5m). The South Park allotments are shown with 35 plots ranging in size from 6 to 10 rods. The Eton Manor allotments have been approved with ancillary community area, storage area and compost areas as well as five accessible parking spaces. As approved the Eton Manor allotments would be managed by the LVRPA whilst those in Pudding Mill by LLDC. It is accepted that the LJP allotments average 5 rods. However, this is no less than the minimum size that would have been provided at Eton Manor. Members should note that the Pudding Mill site with the slightly larger average plots will also be available to the MGS tenants should they wish to return to the QEOP.
- 9.52.** The quality of the allotments at LJP is considered to be high in respect of appearance and facilities. The facilities which include composting, parking and ancillary storage sheds are comparable with those being provided on the Park at Pudding Mill and would have been provided by LLDC at Eton Manor.
- 9.53.** Number of Plots Available
- 9.54.** Waltham Forest has provided a summary of the number of MGS plot holders at LJP. PPDT are satisfied with the quantum of the off-site provision which equates to 65 individual plots at LJP, and along with the Pudding Mill provision of some 35 plots is sufficient to serve the 80 MGS allotment holders who are either currently on the LJP site or have expressed a desire to take up their plot allocation on the QEOP when available.
- 9.55.** Legacy Communities Scheme (LCS): Also material is the implications for LCS development. Whilst the LCS approval does not provide any allotment space. It calculates that the LCS development would generate a demand for 1.7 hectares of allotment space. At the time of its determination it was considered that the existing but separate parkwide provision of 2.1 hectares of allotments (Eton Manor plus Pudding Mill) would partly contribute to meeting that requirement. A condition on the LCS planning permission requires consideration of further food production provision when detailed design of Development Parcels takes place. Members will recall that in granting the recent Chobham Manor reserved matters fruit trees and fruiting hedges were agreed as part of the provision. Officers are satisfied that further emerging LCS reserved matters will also result in opportunities for food production within each development. The use of allotments on LJP along, as proposed to be secured via the s.106 planning agreement, together with the Pudding Mill provision will ensure allotments are made available to help meet the needs of future LCS residents. It is recognised that this is unlikely to amount to the 1.7 hectares the LCS development is said to generate, but nevertheless Officers are satisfied that the combined on and off-Park provision is sufficient to mitigate the identified impact.
- 9.56.** Whilst sympathetic to the concerns of the MGS, Officers do not consider that the proposals dilute or diminish the society’s concerns and requirements as they suggest. The quality of the provision is high and Waltham Forest has agreed to accommodate more MGS plot holders/members (up to 50 on LJP) than they had initially agreed to. The initial Waltham Forest proposal was that they would accommodate 11 MGS plot holders and 35 should be accommodated at Pudding Mill by LLDC.

- 9.57.** One of the objections raised by the MGS relates to the figure set out in the Waltham Forest submission that states that the results of an LLDC questionnaire/survey are that only 41 members have expressed a desire to return to the Park. The increased offer by Waltham Forest is such that LLDC's corporate commitment arising from the Games to accommodate displaced plot holders can be achieved. Officers are satisfied that the planning obligation in respect of the provision of allotments equivalent to 2.1 hectares will be achieved, albeit split between on and off Park provision.
- 9.58.** LLDC Draft Local Plan Consultation Document: Also relevant but of limited weight is the emerging LLDC Local Plan. The Local Plan Sub Area 2 text at paragraph 13.2 and at 13.5 makes reference to Eton Manor in the form of the development currently permitted and includes reference to the provision of allotments in this context. The draft of the part of the plan does not include any specific policy or a site allocation for the provision of allotments at Eton Manor. The draft policies would simply require a use that is compatible with the existing MOL status of the land and the proposed Local Open Space protection.
- 9.59.** LB Waltham Forest have in their response to the Draft Local Plan Consultation (2<sup>nd</sup> December – 7<sup>th</sup> February) strongly objected to the reference to allotments at Eton Manor. These views, along with the outcome of the current planning application process, will influence the final form of words in relation to Eton Manor within the 'Publication' Draft of the Local Plan, consultation on which is planned for the summer of 2014.
- 9.60.** Eton Manor s.106 – draft Heads of Terms
- 9.61.** The applicant has advised that prior to the submission of the planning application they met with representatives of allotment holders from LJP, to discuss the proposals and set out the associated proposal to retain the allotments at LJP. The view of the representatives attending this meeting is not clear.
- 9.62.** LB Waltham Forest has made it clear that in terms of allotment provision their statutory obligation is to the residents of Waltham Forest. The assertion being that the Manor Gardens Society residing at LJP are not Waltham Forest residents and generally more likely to be Newham residents. It is understood that prior to the Games development and their being re-housed they were within Newham boundaries.
- 9.63.** Nevertheless LB Waltham Forest recognises that providing 1.1 hectares of allotments at LJP would assist in dealing with the LLDC planning obligation to provide allotments. LBWF accept that a s.106 legal agreement would need to be entered into to capture those terms.
- 9.64.** Both Waltham Forest and Officers agree that the MGS constitutes a total of 80 plot holders who will be guaranteed a plot either at Pudding Mill or LJP. The s.106 agreement will grant security of tenure (in the plots at LJP) for up to 50 named MGS plot-holders, in perpetuity until they depart the site, subject to the normal conditions of their allotment leases. LB Waltham Forest would then upon the plot becoming vacant expect it to be populated from members of LB Waltham Forest's waiting list.
- 9.65.** Officers are in discussions with LB Waltham Forest to include within the s.106 a mechanism whereby LLDC will, for a period to be agreed, have nomination rights for residents of LCS development plots to succeed the departing plot holder. This cascade would give LCS residents first refusal on plots as they become available should they be forfeited by MGS members and ensures a contribution to the LCS development in order to help meet that scheme's assessed needs.

- 9.66.** It is acknowledged that the allotments were not part of the LCS submissions; however the accompanying ES did consider them as contributing to the demand associated with the development. The original figure of 2.1ha allotment provision was generated from the need to serve the post Games legacy housing as well as replacement for the displaced allotment holders. This equated to some 1.7ha for the displaced allotment holders, and with a small which amounts to approximately 0.4 ha for the legacy housing (now the LCS).
- 9.67.** Waltham Forest has raised concerns regarding any cascade to LCS residents as they consider this would disadvantage their residents, who should be given the option of obtaining an allotment before those outside the Borough boundary. They have advised that they have a long waiting list.
- 9.68.** Discussions with Waltham Forest are ongoing on this point and an update of the discussions will be reported to Members at the Committee meeting.

## **11 HUMAN RIGHTS & EQUALITIES IMPLICATIONS**

- 11.1** Members should take account of the provisions of the Human Rights Act 1998 as they relate to the application and the conflicting interests of the Applicants and any third party opposing the application in reaching their decisions. The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report. In particular, Article 6 (1), of the European Convention on Human Rights in relation civil rights and a fair hearing; Article 8 of the ECHR in relation to the right to respect for private and family life and Article 1 Protocol 1 of the ECHR in relation to the protection of property have all been taken into account.
- 11.2** In addition the Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, pregnancy and maternity, race, religion, or beliefs and sex and sexual orientation. It places the Local Planning Authority under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and Members must be mindful of this duty inter alia when determining all planning applications. In particular Members must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
  2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and;
  3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.3** Officers are satisfied that the application material and Officers' assessment has taken into account these issues. The PPDT has carefully considered the balance to be struck between individual rights and the wider public interest in accordance with the Human Rights Act and the ECHR in the context of seeking to secure the regeneration, economic, environmental and social benefits that the landscape and new access will bring,. Officers are satisfied that an appropriate balance has been struck, that any interference is proportionate, will be mitigated as far as possible and are in the public interest. Officers are satisfied that the issues raised in the representations received have been suitably addressed in the report. Proposed mitigation measures governed by planning conditions and the associated s106 legal agreement to be entered into by the Applicant are considered to not only facilitate the delivery of the development but also to mitigate to an acceptable level the assessed impacts

arising from the proposals, ensuring that the proposals meet the regeneration and convergence objectives set out in national, strategic and local policies.

## **12. CONCLUSION**

- 12.1** The provision of good quality public space is a crucial component of successful communities and are an appropriate MOL use; the proposed new landscaping will form new habitat required by the approved Biodiversity Action Plan (BAP) and will contribute to securing one of the post-Games Transformation objectives of encouraging healthy living by promoting, inter alia, sport and recreation. The creation of a new entrance opens up pedestrian and cycling connections to the east of the QEOP to the benefit of residents of Waltham Forest and fulfilling a legacy commitment.
- 12.2** The proposals by reason of design, layout and appearance are acceptable and accord with relevant development plan policies. The application would make a contribution to meeting the regeneration and convergence objectives set out in London Plan policy and the host Borough Strategic Regeneration Framework. There is long-standing planning policy and guidance support for regeneration of the QEOP.
- 12.3** Officers are satisfied that Waltham Forest has reasonably demonstrated that the proposed publicly accessible open space and the associated permanent retention of the LJP allotments meet the regeneration and convergence objectives set out in national, strategic and local policies.
- 12.4** The matter of allotments is an emotive issue particularly given its long history. PPDT Officers consider that the off-site retention is acceptable in terms of allotment provision. It fulfils the commitment made within the 2007 OLF scheme to provide allotments (equivalent to 2.1 hectares) to mitigate loss of the pre-existing site and make provision for future residents. The LJP allotments are comparable in quality, layout, design and facilities. Management arrangements of the LJP offer will continue to sit with LB Waltham Forest. LB Waltham Forest has advised that they are committed to discussing management arrangements with the Society, which the s.106 can also secure.
- 12.5** The PPDT has carefully considered all the issues and consider the proposals to be reasonable and the offer of permanent retention of the established off-site provision an acceptable solution.
- 12.6** Officers' analysis concludes that the proposed new access, entrance and meadow landscape are of a scale, position, and location that is appropriate for all users and are of sufficiently high quality design and appearance and will contribute towards the habitat areas required by the BAP. PPDT are satisfied that the retention of allotments at LJP satisfactorily addresses relevant development plan policies. For these reasons the application is recommended for approval subject to the conditions and s.106 heads of terms set out in this report.

## **13 CONDITIONS**

- 13.1** The recommendation set out at 2.1 above is made subject to the following conditions:

**1. Complete Accordance:**

Unless minor variations are agreed by the Local Planning Authority in writing and to the extent that it does not deviate from this Permission, the development shall be carried out in accordance with drawing numbers;

1324/LL/101- Eton Manor Layout Plan Rev B;

1324/LL/102 Eton Manor Red Line Plan Rev B;

1324/LP/301 Eton Manor Planting Plan Rev A;

1324/LSE/401 Eton Manor Ruckholt Road Entrance Rev B; and

1324/LSE/402 Eton Manor Landscape Sections Rev A

and the Design and Access Statement Revised Final 11<sup>th</sup> February 2014 including Sample and Benchmark Acceptance Document (TP69 Picnic Benches) dated 19<sup>th</sup> February 2014; and description of development contained in the application and any other plans, drawings, documents, details, schemes or strategies which have been approved by the Local Planning Authority pursuant to these conditions. All works shall be retained in accordance with that approval thereafter.

The seating shall be constructed using Cumaru, Robinia or Basrolocus FSC certified sustainable timber in accordance with the Olympic Parklands and Public Realm Seating: Timber Selection and associated conditions on permission reference 10/90270/AODODA.

Reason: To ensure that all works are properly implemented

**2. Time Limit:**

The development hereby approved shall be provided and available for use no later than 31 December 2014.

Reason: To control the delivery of Legacy Transformation.

**3. Cycle Parking:**

Cycle parking of a type and in a location approved in writing by the Local Planning Authority shall be installed at the application site prior to the operation of the development and shall be retained in accordance with the approved details.

Reason: In the interests of providing sustainable transport.

**4. Commencement Notice:**

The Local Planning Authority shall be notified, at least one week in advance, that development under this permission is to commence.

Reason: To assist in checking that conditions have been met.

**5. Landscape and Planting Phasing Details:**

The phasing of the planting hereby approved shall be implemented within the next planting season and no later October 2014. All planting shall be maintained until those areas are transferred to a long term management body after the post-Games Transformation phase.

Reason: To ensure high standards of design and implementation of landscaping and the public realm.

**6. Landscaping Maintenance:**

Any tree or shrub planted as part of this permission that, within a period of five years after the completion of this development, is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season with a specimen of an appropriate size and the same species as originally present or planted in the next available planting season, unless minor variations are agreed by the Local Planning Authority.

Reason: To ensure that trees and landscaping are properly maintained.

**7. Submission of Details:**

Prior to the installation of the development hereby permitted, detailed drawings of the Temple Mill Lane and Ruckholt Road Concrete Feature Wall which shall include, location, design, colour, height, finish including any applied graphic, texture, stencil or art feature shall be submitted to and agreed in writing by the Local Planning Authority and thereafter the development shall be constructed and maintained in accordance with the approved details. The scheme shall be fully implemented and subsequently maintained, in accordance with the

Management and Maintenance details set out in condition 2 and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, to assess the external appearance of the feature walls and ensure they are of a satisfactory standard.

**8. Management and Maintenance:**

Prior to the installation of the development hereby permitted, overall arrangements for the long term Management and Maintenance shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the Management and Maintenance details agreed in writing by the Local Planning Authority. This shall include details of any restrictions on proposed opening hours of the land to which the public has access to the Site.

Reason: To ensure the management and maintenance measures are to a satisfactory standard.

**Proactive and Positive Statement**

In accordance with the National Planning Policy Framework and with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended), the following statement explains how the LLDC as Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with this planning application:

Following submission of the planning application, the local planning authority continued to work with the applicant in a positive and proactive manner. The planning application complies with planning policy as stated above and was determined in a timely manner.

**14. Background Papers used in the Preparation of this Report:**

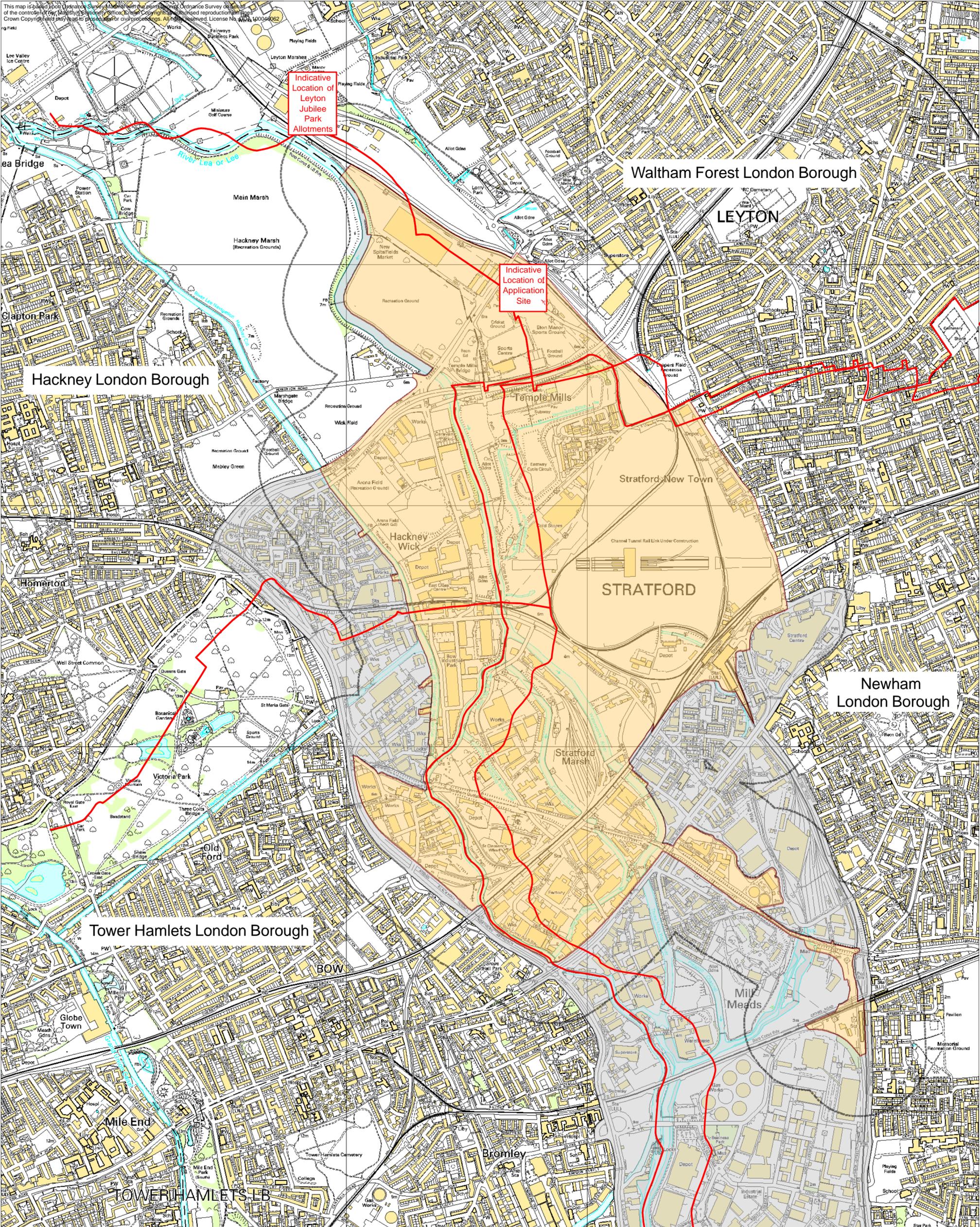
- 14.1** Application form and application documents
- 14.2** London Plan (July 2011)
- 14.3** Further Alteration London Plan (January 2014)
- 14.4** Mayor of London Olympic Legacy Supplementary Planning Guidance
- 14.5** The London Borough of Waltham Forest Core Strategy (March 2012)
- 14.6** The LLDC Inclusive Design Strategy (September 2012)The Host Borough Strategic Regeneration Framework (2009)



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Drawing Title <b>Queen Elizabeth Olympic Park                  Illustrative Transformation Masterplan</b>	Date <b>Sept 2012</b>	Scale <b>1:2500</b>	Sheet <b>A0</b>	Drawn <b>KJ</b>	Checked <b>AH</b>
Drawing No. <b>LC207-OPS-OIL-T-DSP-0003</b>	For information		Submittal <b>S2</b>	Title <b>POS</b>	Date <b>POS</b>

FILENAME: SPLNAME  
 PLOT DATE: SPLDATE  
 PLOT TIME: SPLTIME



**Legend**

- Olympic Boroughs
- ODA Boundary
- ODA Boundary 250m Buffer
- LTGDC Boundary

Data Sources:  
 O:\IT\Public\GIS and CAD Workstream\09 GIS Workplace\0901 Projects

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NOTES

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**Application: Eton Marsh Planning Delivery Zone 7 - Crown Estate Olympic Park**

**London Borough: Waltham Forest**

**Applicants: London Borough of Waltham Forest**

**Agent: NPS Group**

Client  
**Olympic Delivery Authority**

Organisation  
**ODA**

Project Title  
**PlanningAuthority.mxd**

Drawing Title  
**Olympic Delivery Authority (Planning Functions) Order 2006**

Drawn	KJ	Scale [A0]	1:5,000
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Approved	<INITIALS>	Status	INFORMATION
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