



Minutes of the Meeting of the London Legacy Development Corporation Planning Decisions Committee

Date: Tuesday 25 February 2014
Time: 6.00 pm
Venue: Rooms 1, 2 & 3, LLDC, Level 10, 1 Stratford Place,
Montfichet Road, London E20 1EJ

PRESENT:

Philip Lewis (Chair)
Nicholas Bitel
Piers Gough CBE RA
Councillor Lester Hudson
Councillor Conor McAuley
Councillor Rabina Khan
Joanne Moon
Councillor Geoff Taylor
Dru Vesty MBE
Councillor Terry Wheeler

IN ATTENDANCE:

Anthony Hollingsworth, Director of Planning Policy and Decisions, LLDC
Allison De Marco, Senior Planning Development Manager, LLDC
John Gardener, Senior Planning Development Manager
Alice Leach, Senior Planning Development Manager, LLDC
Anne Ogundiya, Senior Planning Decisions Manager, LLDC
Will Steadman, Senior Planning Development Manager, LLDC
Simon Kelly, Planning Solicitor, LLDC
Liz Fisher, Senior Planning Development Manager, LLDC
Joanna Brown, Committee Secretary, GLA

1 Updates, Order of Business and Requests to Speak (Item 1)

- 1.1 The Chair stated that there were Update Reports for: Agenda Item 6 (Extensions to Hackney Wick and Fish Island Conservation Areas); Agenda Item 7 (206-214 Stratford High Street, Stratford E15); Agenda Item 8 (Eton Manor Landscaping (13/00444/FUL));

Agenda Item 10 (iCity applications); and Agenda Item 12 (Neptune Wharf 106 12/00210/OUT).

- 1.2 The Chair stated that with the consent of the meeting he would take the Agenda Items in the following order:

Agenda Items 1, 2, 3, 4, 8, 6, 7, 10, 9, 12, 5, 13 and 14. Agenda Item 11 (Stratford City Outline Planning Permission (13/00607/VAR and 13/00608/VAR) had been withdrawn.

- 1.3 The Chair stated that he had received requests to speak in respect of the following items:

- Agenda Item 6 (Extensions to Hackney Wick and Fish Island Conservation Area Designations);
- Agenda Item 7 (206-214 Stratford High Street, Stratford E15);
- Agenda Item 8 (Eton Manor Landscaping (13/00444/FUL);
- Agenda Item 10 (Former International Broadcast Centre (iCity) applications 13/00534/FUM; 13/00535/AOD; 13/00536/COU; 13/00537/FUL); and
- Agenda Item 12 (Neptune Wharf s106, 12/00210/OUT).

- 1.4 In relation to Agenda Item 9 (Installation of new cladding to the Multi-Storey Car Park (13/00580/AOD), the Chair stated that representatives of the applicant were available to answer the Committee's questions.

2 Apologies for Absence (Item 2)

- 2.1 Apologies for absence were received from Lynda Addison and Lord Andrew Mawson OBE.

3 Declarations of Interest (Item 3)

- 3.1 The Committee received the report of the Director of Planning Policy and Decisions which set out, for the purposes of transparency, where a Member of the Committee was an elected Member of a Host Borough to which a planning application and/or other matter to be dealt with at the meeting related.

- 3.2 The Chair stated that the Legacy Corporation had declared an interest in Agenda Item 9 (Installation of new cladding to the Multi-Storey Car Park).

3.3 Councillor Geoff Taylor declared non-pecuniary interests in: Agenda Item 5 (Development of the Legacy Corporation's Community Infrastructure Levy (CIL): Consulting on the Draft Charging Schedule), to which the London Borough of Hackney had objected; Agenda Item 6 (Extensions of Hackney Wick and Fish Island Conservation Areas) because the London Borough of Hackney had an interest in the matter; and Agenda Item 7 (206-214 Stratford High Street, Stratford E15) as he is a trustee of a hall of residence in a neighbouring borough. As these interests were not considered to constitute disclosable pecuniary interests Councillor Taylor remained in the meeting for these items.

3.4 **Resolved:**

That the report be noted.

4 Minutes of previous meeting on 28 January 2014 (Item 4)

4.1 **Resolved:**

That the minutes of the meeting of the Committee held on 28 January 2014 be signed by the Chair as a correct record.

5 Eton Manor Landscaping (13/00444/FUL) (Item 8)

5.1 The Committee considered the report of the Senior Planning Manager.

5.2 The Chair stated that he had received the following requests to speak:

Speaker against:

Mark Harton, Manor Gardens Society.

Speakers for:

Leon Welford, London Borough of Waltham Forest;

Lucy Shomali, London Borough of Waltham Forest; and

Stephen Wilkinson, Lee Valley Regional Park Authority.

5.3 An Update Report was circulated to the Committee (attached as **Appendix 1** to the minutes) and published on the LLDC's website:

<http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&MId=5185&Ver=4>).

- 5.4 The Senior Planning Manager stated that the Update Report summarised the Heads of Terms for the section 106 agreement and set out a minor amendment to condition 7 of the proposed planning consent. The recommendation to the Committee was not changed from that set out in the main report to the Committee.
- 5.5 The Senior Planning Manager made a presentation to the Committee (attached as **Appendix 2** to the minutes) and published on the LLDC's website:
<http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&MId=5185&Ver=4>).
- 5.6 The Senior Planning Manager stated that the application was for the creation of an informal landscaped recreation 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. The Senior Planning Manager's presentation detailed the principles and quality of the proposal, the planning obligation in respect of allotment provision and the representations received. Planning officers considered that the proposals constituted appropriate development within Metropolitan Open Land and accorded with planning policy. The Planning officer recommended the Committee to approve the recommendation set out in the report to the Committee and the Update Report.
- 5.7 The Chair invited Mr Mark Harton, Manor Gardens Society (MGS), to speak against the application for up to five minutes.
- 5.8 Mr Harton stated that the MGS did not understand how the planning process could have criteria that required allotments to be kept in one area but not in another. He questioned when the commitment to retain allotments at Eton Manor had changed and asked how the MGS could engage in a process, whereby in 2007 the MGS had received promises that the allotment provision would be reinstated as opposed to off-site provision. Mr Harton stated that the planning authority had known in 2008 that the London Borough of Waltham Forest was resistant to having allotment provision on Eton Manor and there had been six years for the planning authority to resolve the issue. Mr Harton stated that the former London Development Agency (LDA) had promised the MGS that there would be 2.1 hectares allocated for allotments. The proposal before the Committee risked the Olympic legacy; the MGS was not limited to an administrative boundary and straddled all four Host Boroughs. Mr Harton added that as stakeholders, the members of the MGS had been given the impression that they would have a platform from which to be heard but it felt as though he was in the dock.

- 5.9 Mr Harton stated that the location and quantity of the land allocated for allotments was crucial. Ideally the location of allotments should meet a local need. Mr Harton stated that there were currently 80,000 to 100,000 people on waiting lists for allotments across the United Kingdom. The allotments were part of the historical and local tradition. Mr Harton stated that allotments gave families an opportunity to grow their own food, as everyone needed to take responsibility for food security, food production being not just a local issue but a global one too. Allotments gave users an opportunity to take responsibility for the land and to educate children in that responsibility too.
- 5.10 Mr Harton concluded by stating that a decent provision for allotments should be a planning priority, as allotments would contribute to the health and well-being of residents around Queen Elizabeth Olympic Park (QEOP). He cited examples of good practice with regard to allotment provision in the Netherlands, Germany and Russia.
- 5.11 The Chair invited Mr Leon Welford and Mr Stephen Wilkinson, to speak in support of the application for up to a combined total of five minutes.
- 5.12 Mr Welford stated that the London Borough of Waltham Forest was not against allotments, indeed it had recently approved an application to retain allotments in one of its parks. The borough considered that allotments were valuable assets, to be protected. However, the borough did not believe that allotments would be an appropriate use of land within Eton Manor, given that it was part of QEOP, which was a global centre for Olympic sports. Mr Welford explained that the borough considered that the open space within Eton Manor should be for many users and not the few that would use the allotments. Therefore, Waltham Forest was seeking high quality open space for residents and local people, which would contribute to the wider open space network and create natural habitats. Mr Welford explained that good access from the north to QEOP was vital in order to improve east-west connectivity.
- 5.13 Mr Wilkinson stated that the Lee Valley Regional Park Authority (LVRPA), as the land owner, supported the application and shared the Legacy Corporation's objective of creating a sustainable sporting legacy and a major visitor destination based on the Lee Valley Hockey and Tennis Centre in QEOP. The LVRPA's experience of the Lee Valley White Water Centre at Broxbourne, also a legacy venue, had demonstrated that legacy sporting venues required space and that the Eton Manor site had to be reconfigured to accommodate the sporting uses. Mr Wilkinson stated that Eton Manor was a constrained site, bounded by three major roads, with space allocated for an exclusion site for hydrogen fuel cells for the neighbouring bus depot, a site for mountain bike trials, a dedicated access road for the head house, plus the allotments.

- 5.14 Mr Wilkinson stated that the Lee Valley Hockey and Tennis Centre would be used for elite and club events and the provision of allotments on the Eton Manor site could frustrate those uses. He added that in the next few years, the Lee Valley Hockey and Tennis Centre would host the NNC Wheelchair Tennis Masters, the European Hockey Championships and the Hockey World Cup, all of which would be significant events requiring space for marquees and concessions. When the Centre was not being used for international events, it would be used for informal recreation, in accordance with its designation as Metropolitan Open Land and it would also contribute to recognised habitats. Mr Wilkinson concluded by stating that the site would not be ideal for allotments, which could potentially conflict with the legacy objective to host major sporting events.
- 5.15 Councillor Terry Wheeler stated that, as clearly set out in the report, Waltham Forest advocated and supported the use of allotments. He stated that the proposal met the requirement to provide land for allotments, albeit in a different location. He understood that the MGS would prefer the allotments to be located close to QEOP. However, there were other issues to consider, such as the issue of permeability for the existing population around+ QEOP, and in particular the ability of people to be able to access the north east sector of QEOP. Councillor Wheeler stated that open space provision was poor in central Leyton and this proposal addressed that issue.
- 5.16 Councillor Wheeler noted that Mr Harton had referred to the historical uses of Eton Manor and stated that there was another historic use of the Eton Manor site. Councillor Wheeler explained that Eton Manor had in the past been associated with a group of old Etonians, which had provided the land as a philanthropic gesture to provide sporting facilities for local young people. Part of this proposal was that local people would be able to access the sports faculties.
- 5.17 Councillor Wheeler stated that part of the proposals would improve access for people in Waltham Forest, providing a new bridge to connect QEOP with central Leyton, and would improve access for the people of Newham.
- 5.18 Finally Councillor Wheeler stated the role of the Planning Decisions Committee was to consider whether the proposed application was a good use of open space which, in his view, it was. If the MGS was unsatisfied with the amount of land allocated for the allotments, the Society should take up the issue with the relevant authorities, as it was not a matter for the Committee.

- 5.19 A Member noted that although there was a requirement for open space provision on the Eton Manor site, that would not be the case when major events were occurring and he asked if there would be a limit on the number of days on which events could be held. The Member stated that the primary use of the land as open space would be defeated if the site was regularly used for events. The Senior Planning Manager responded that as part of the Eton Manor planning permission the LVRPA was required to submit an events management plan, which would set out how many large events would take place and how often. The application had been submitted to the Legacy Corporation on the basis that the site would primarily be open space with occasional events but the Legacy Corporation would be able to ascertain exactly how many events there would be once it had received the management plan. The Senior Planning Manager informed the Committee that if it was concerned about the potential number of events, it would be possible to impose a condition on the planning permission limiting the number of events.
- 5.20 Mr Wilkinson stated that the LVRPA had an approved programme of events; there would be one major event per year for the next three years and each event would require the site for no more than three weeks. He explained that each event required a period for setting up and dismantling. He confirmed that the LVRPA would submit an events management plan to the Legacy Corporation, which would set out the parameters for the events. The Chair suggested that paragraph 8 on page 394 of the committee report might need amending to take on board the Committee's points.
- 5.21 A Member sought clarification about how much land had been promised for allotments in 2007. Mr Harton responded that the MGS had been promised 2.1 hectares within the Olympic Park.
- 5.22 The Director of Planning Policy and Decisions stated that there had been two processes that had been ongoing over recent years: (i) the planning process; and (ii) the engagement process with the MGS and other organisations. He added that in terms of the planning process, the 2.1 hectares was not a figure which had been included explicitly in the planning permission for the Olympic Park, which had subsequently been implemented. The requirement of the planning permission was to provide allotments at Eton Manor in accordance with the drawings for the Olympic Park. The Director of Planning Policy and Decisions explained that the reference to 2.1 hectares had been referred to in the post-Games transformation plans in 2009 when the allotment provision was taken out from being wholly in Eton Manor to two separate locations (Eton Manor and Pudding Mill Lane). He noted that the London Borough of Waltham Forest had objected consistently to the allotments being located at Eton Manor. The Director of Planning Policy and Decisions stated that Legacy Corporation officers understood the MGS's concerns, and he

acknowledged that the MGS had been subject to much engagement by various authorities over the years.

- 5.23 In response to a question about how far the current site of the allotments were from Eton Manor, Mr Harton stated that the distance to the allotments at Marsh Lane was 1.2km and the distance to the allotments at Jubilee Park was 1.5km. A Member noted that part of the requirements for the allotments was that the soil had to be of an appropriate quality and the Member asked if Mr Harton had any concerns in that respect. Mr Harton responded that the Marsh Lane allotments had been installed as a temporary site and that it was prone to water logging, with some allotment holders having concerns about the quality of the soil, and sheds had blown away. He did not feel that the Marsh Lane site met the requirements of a premier allotment site.
- 5.24 In response to a question about the London Borough of Waltham Forest's intentions in respect of the allotments at Jubilee Park, Mr Welford stated that since 2007 Waltham Forest had spent much money remediating the land and the borough was very aware of the need to provide allotments to an acceptable standard. Mr Welford stated that he had not been made aware of the issues raised at this meeting about the quality of the allotments but he acknowledged that there might be issues that Waltham Forest needed to address and the borough would work with the Legacy Corporation and MGS to resolve them.
- 5.25 The Chair noted that the draft Heads of Terms for the s106 agreement included a provision that the allotment plots were to be provided to a suitable quality and he assumed that a management plan would be implemented.
- 5.26 A Member asked what would happen if the MGS did not sign the s106 agreement. The Director of Policy Planning and Decisions responded that Waltham Forest was required to show that it had demonstrated reasonable endeavours to reach agreement. However, if it could not reach agreement the offer of the allotments would be made to residents of Marsh Lane. If Waltham Forest did not demonstrate that it had used reasonable endeavours to complete the agreement with MGS Members, Waltham Forest and the LVRPA would be required to provide allotments at Eton Manor, as set out in paragraph 10 of the draft Heads of Terms.
- 5.27 The Committee turned to the points raised during the meeting about managing the number of events. The Director of Planning Policy and Decisions stated that it would be possible to remove the permitted development rights (as the Legacy Corporation had done for developments on other parts of the QEOP) and together with a management plan, it would

be possible to achieve a balance between meeting the requirements for Metropolitan Open Land and hosting major events. The Committee indicated its support for that approach.

5.28 In relation to the point raised about the maintenance of the allotments and their surroundings, the Director of Planning Policy and Decisions stated that the Legacy Corporation would agree a minimum specification with Waltham Forest. He sought the Committee's view as to whether maintenance should include sheds. The Committee commented that the allotment sites were intended to be in premier locations and that the Jubilee Park was a prestigious park and so maintenance of sheds, the soil and the boundaries around the allotments should be included in the heads of terms.

5.29 **Resolved (unanimously):**

5.29.1 That planning permission be approved for the reasons set out in the main report to the Committee, subject to the conditions and informatives set out in the report and subject to the satisfactory completion of a s 106 legal agreement, based upon the draft heads of terms set out in the Update Report and in addition, amendments to the draft heads of terms: (i) to have more specific controls in respect of the overlay to support the events including a strengthened condition 8 on this point, together with the removal of the permitted development rights at Eton Manor; and (ii) requirements about the maintenance of the allotment plots to include the sites and surroundings, noting that Jubilee Park is a prestige park; and

5.29.2 That authority be delegated to the Director of Planning Policy and Decisions to issue the planning permission on completion of the s106 legal agreement, including authority to make any necessary and consequential amendments to the planning conditions and the s106 legal agreement heads of terms.

6 Extensions to Hackney Wick and Fish Island Conservation Areas (Item 6)

6.1 The Committee considered a report of the Director of Planning Policy and Decisions.

6.2 An Update Report was circulated to the Committee (attached as **Appendix 3** to the minutes) and published on the LLDC's website:

<http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&MId=5185&Ver=4>).

- 6.3 The Chair reminded the Committee that it was not being requested to make a decision on the report as the Committee was a consultee in respect of the proposals but it was being requested to provide comments to the Legacy Corporation's Board.
- 6.4 The Chair stated that he had received the following requests to speak against the proposal:
- Richard Coleman, Richard Coleman Citydesigner, on behalf of the owners of Hamlets Industrial Estate; and
 - Lance Forman, Formans.
- 6.5 The Senior Planning Development Manager made a presentation to the Committee (attached as **Appendix 4** to the minutes) and published on the LLDC's website: <http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&Mid=5185&Ver=4>).
- 6.6 The Senior Planning Development Manager stated that that the Legacy Corporation proposed to extend the existing Hackney Wick and Fish Island Conservation Area designations. He explained that an initial public consultation on the proposed extensions had been undertaken from mid-December 2013 for four weeks and a further four week consultation from the end of January 2014. The Update Report set out the responses to the consultations; there had been over 230 letters of support and 30 objections. The Senior Planning Development Manager concluded his presentation by stating that the principle of the existing conservation areas was rooted in planning policy. He requested the Committee to provide its comments on proposal to extend the conservation areas, which was based on a heritage-led approach to regeneration.
- 6.7 The Chair invited Mr Richard Coleman to speak for up to five minutes against the proposal.
- 6.8 Mr Coleman referred to the document on the proposed conservation areas, of which he was the author, which had been submitted in response to the consultation and stated that it included a great deal of analysis. The concern and interest of the Hamlets Industrial Estate related to the area known as Fish Island North, which was situated some 200m from the existing Fish Island Conservation Area. Mr Coleman stated in his professional opinion there was a weakness in both the character and appearance in the area of the proposed extension and therefore the proposed designation of it as a conservation area was flawed. He referred to the requirements of designating an area as a conservation area, as set out in paragraph 127 of the National Planning Policy Framework, and stated that in this case designating the area as a conservation area would seriously devalue the concept. Mr Coleman's view was that if a doubt existed as to whether an area should be designated as a conservation area then it should not. Mr Coleman stated that most buildings in the proposed area for extension were of no historic interest and those that were of interest

were scattered and no longer had a historic context. He suggested that history was not represented by the remaining buildings and that designating the area as a conservation area would not work because it would not lead to the preservation and enhancement of the present area. He noted that most of the yards, which were of historic interest, were no longer enclosed and so the process of designation would not work on that basis either.

- 6.9 The Chair invited Mr Forman to speak for up to five minutes against the proposal.
- 6.10 Mr Forman stated that he considered that the Legacy Corporation had a conflict of interest because the Corporation owned development land for residential use on the opposite side of the canal, which would benefit from the proposal. The Chair noted his concern.
- 6.11 Mr Forman stated that the designation of the proposed area would stifle development. He stated that he believed in heritage but he did not believe that the architecture was of special interest or that the historic use of the Fish Island area carried through to the current use by the arts community. Mr Forman stated that the fact was that historically the area was mainly residential and the largest industry had been a timber mill. The report to the Committee stated that the artists had arrived at Fish Island 35 years ago, whereas in reality it was 15 years ago.
- 6.12 Mr Forman stated that his property was one of the most prominent in the area and was one of the largest employers. However, the Formans building was not mentioned in the area appraisal. He questioned whether the Stour Space building was of townscape merit, as set out in the report to the Committee. Mr Forman noted that the building was post World War I and that it had an asbestos roof and did not have original doors nor windows.
- 6.13 Mr Forman stated that he did not understand why it was proposed to bring the derelict site which Formans owned into the conservation area. There was no historic street pattern, the site was empty and yet it was proposed to be designated as part of the Conservation Area. Mr Forman stated that the whole area was dominated by the Olympic Stadium, which was opposite his site. He could not see any heritage buildings from his property and therefore he saw no reason to include his site in the Conservation Area. He noted that the planning laws called for buildings within a historic area to be included in a conservation area but not buildings that were adjacent to it. Mr Forman stated that if the Formans site were to be included in the conservation area, it would devalue that conservation area. He requested that the Formans site be excluded from the conservation area because he could not understand what there could be to preserve on an empty piece of land.

- 6.14 Mr Forman stated that the area was not a backwater, as described in the report to the Committee, but designating the area as a conservation area would discourage development. He stated that local plans should be based on robust and credible evidence. Finally, Mr Forman stated that he supported the arts community and believed that it would be possible to have regeneration which did not stifle the artists. He considered that the proposal was senseless.
- 6.15 A Member noted that the north area seemed to encompass a number of listed and heritage buildings but, apart from the canal lock, there seemed to be very few heritage buildings in the south part of the proposed extension. The Senior Planning Development Manager stated that the boundaries of the proposed extensions were based on advice received from a heritage expert. The canal was the unifying piece of infrastructure which had informed the way in which the area had developed in the late nineteenth and early twentieth centuries.
- 6.16 Mr Coleman stated that a conservation area designation, based on the canal would be an interesting proposition. He cited the Regents Canal where the canal and towpath were preserved. Mr Coleman commented that a number of intermittent old buildings of little architectural merit did not constitute a conservation area but there could be a focus on the canal and the buildings that abutted it.
- 6.17 Noting that the Forman site currently contained no buildings, a Member sought legal clarification as to whether any future buildings on the site would need to take account of the adjoining existing conservation area and the factors relating to the impact on character and appearance of buildings in that conservation area. The Legal Adviser to the Committee responded that it would be a material consideration in any future planning application but in any event the site was already impacted by the existing conservation area.
- 6.18 A Member asked whether the proposed extension of the conservation areas was an attempt to preserve the areas for the future and to ensure that new development complemented the character of the area. The Planning Development Manager stated that whilst that was the desired outcome from the proposal, it was not a justification for varying the conservation area; the justification was to genuinely preserve and enhance buildings of historic interest.
- 6.19 The Chair stated that Lynda Addison had informed him that she agreed with the principle of extending the conservation areas but had asked whether they would be combined into one single conservation area or would remain as two separate areas. The Committee noted Lynda Addison's comments.

- 6.20 Piers Gough stated that he agreed with the points that Mr Coleman had made in that he considered that there were very few buildings of historic interest remaining to the south and he did not believe that the existing designation had omitted buildings. He was very dubious about extending the Fish Island conservation area particularly based on a belief that it would be protecting artists and the future use of the area. It seemed to him that it was an attempt to gain more control than that given through the planning process. Piers Gough stated that even in the north part there seemed to be very few buildings that the Legacy Corporation would want to preserve or enhance and he was mindful that a conservation area designation should not be on the basis of a few scattered buildings.
- 6.21 Councillor Taylor commented that the area to the north seemed to have a number of buildings of historic merit that created an ensemble and could help to regenerate the area in a way which provided relief to the modern buildings. However, he thought the Legacy Corporation's Board should think very hard about the area to the south, where there seemed to be very few buildings of historic merit.
- 6.22 The Chair stated that he would encourage Members of the Legacy Corporation's Board to undertake a site visit to the area before they made their decision.

6.23 **Resolved:**

That the Committee's comments be provided to the Legacy Corporation Board, which will consider the proposal to extend the conservation areas at its meeting on 25 March 2015.

7 206-214 Stratford High Street, Stratford E15 (Item 7)

- 7.1 The Committee considered a report of the Planning Development Manager.
- 7.2 An Update Report was circulated to the Committee (attached as **Appendix 5** to the minutes) and published on the LLDC's website:
<http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&MId=5185&Ver=4>).
- 7.3 The Chair stated that a number of people were in attendance in support of the application and that he had received a request to speak from Ben Wrighton, Development Planning Director at GL Hearn, who would speak on behalf of the applicant for up to five minutes.

- 7.4 A model of the scheme was available for Members to view. The applicant also tabled a briefing document for Members together with supporting letters from existing businesses located on Stratford High Street.
- 7.5 The Senior Planning Development Manager made a presentation to the Committee (attached as **Appendix 6** to the minutes) and published on the LLDC's website: <http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&MId=5185&Ver=4>).
- 7.6 The Senior Planning Development Manager stated that consideration of the application had been deferred by the Committee at its meeting on 26 November 2013. Since the publication of the main report to the Committee, the Heads of Terms of a Letting Strategy, to be included in a s106 agreement had been agreed with the applicant. The London Borough of Newham had submitted an objection to the application in a letter dated 24 February 2014, which was appended to the Update report. Newham's objection related in particular to the impact of the scheme on the provision of conventional housing and that the affordable housing contributions should be £5.25 million based on the previous planning permission and the development potential of the site for 150 conventional residential units.
- 7.7 The Senior Planning Development Manager summarised the key planning issues. He stated that since November 2013 the applicant had undertaken work to demonstrate that there was a demand for student housing in Stratford and the applicant had presented a far more sophisticated argument than had previously been put before the Committee. The need for student housing had been supported by Queen Mary University of London (QMU) and Loughborough University, both universities stating that the availability of university accommodation for first year students affected their attractiveness as universities.
- 7.8 The Senior Planning Development Manager stated that as part of the review the proposed off-site affordable housing contribution of £2 million had been increased to £2.1 million and the sum had been independently verified. The Quality Review Panel had commended the quality of the design of the scheme. The applicant had confirmed that a management company would oversee the day-to-day management of the building. The Senior Planning Development Manager recommended the Committee to approve the application.
- 7.9 The chair invited Mr Wrighton to speak in support of the application for up to five minutes.
- 7.10 Mr Wrighton stated that the applicant was delighted that the Legacy Corporation had now recommended the Committee to approve the application. Since November 2013, the applicant had undertaken further commercial discussions with the QMU and had improved its overall package of community benefits. Mr Wrighton noted that Newham was still

concerned although he believed the applicant had addressed Newham's concern that this was a speculative development. Following the meeting of the Committee in November and issues raised by officers, the applicant had undertaken much work to demonstrate the quantitative need for student accommodation and had placed greater emphasis on the need for accommodation for first year students. Mr Wrighton stated that the QMU remained the most likely occupant and by way of demonstrating need, Mr Wrighton stated that a recent survey of students by the QMU had found that 82% expected to be housed in university accommodation during their first year. QMU had confirmed that demand for accommodation outstripped supply and at the current time the university could provide accommodation for only 15% of its students. Mr Wrighton stated that the Greater London Authority (GLA) had expressed support for the issue of need and was now in the process of updating its policy on the need for student bed spaces.

- 7.11 Mr Wrighton stated that the accommodation would be let on a long-term contract and it would be affordable. The scheme would reduce the demand from students for private rented housing and so would help to achieve a more balanced community. Mr Wrighton stated that the site had been derelict for many years, and the scheme would help the economic, educational and regeneration aspirations for Stratford. Up to 55 jobs for local people would be created and the scheme would support the convergence objectives for Stratford.
- 7.12 In response to a question about how long the letting contract would be and whether it would be for the whole building, Mr Nick Davie, Head of Property, QMU, stated that the lease would be for 25 years and it was expected to be for the whole building.
- 7.13 A Member sought clarification about how the cascade mechanism for letting the property would work.
- 7.14 Councillor McAuley stated that, if this had been the first scheme for student accommodation in Stratford, Newham would have welcomed it but it was not. Newham's objective was for more people to live in Stratford and Councillor McAuley noted that formerly this had been a site for residential development and there was clear evidence that there was a market for housing in Stratford High Street. He requested to have sight of the independent assessment of the off-site affordable housing contribution. The Senior Planning Development Manager confirmed that the applicant's viability assessment had been reviewed and an additional, albeit limited, additional contribution, now totalling £2.1m, had been agreed as reasonably viable when taken alongside the other s106 heads of terms.

- 7.15 Dru Vesty noted that even if the scheme had been for conventional residential development, there would be no guarantee that the units would be occupied by local people whereas with this scheme the accommodation would be allocated to local students.
- 7.16 Piers Gough commented that the design was one of the finest he had seen for student accommodation and also included other good uses. He commended the applicant for taking on board the comments raised by the Committee. Piers Gough noted that students often brought vitality and dynamism to a town centre.
- 7.17 Councillor Hudson asked with which other colleges the applicant was in discussion in the event that the plan to let the accommodation for 25 years fell through. Mr Wrighton confirmed that the applicant was in discussion with other colleges and that he was absolutely convinced about the market for student accommodation. He stated that the scheme would provide bespoke student accommodation although it would be possible to convert it to residential, subject to planning permission.
- 7.18 Members noted that it was not the role of the planning process to protect developments from poor commercial decisions.
- 7.19 Nick Bitel commented that there was much to be commended in this scheme but sought officer views on what differentiated this application from others for student accommodation that the Committee had considered. The Senior Planning Development Manager stated that the application demonstrated clearly the need for student accommodation, which it had not done previously when the Committee had considered it and it was therefore not speculative.
- 7.20 A Member stated he understood the rationale set out in the letter from Newham for arriving at the sum of £5.25 million for off-site affordable housing and he asked what the rationale was for the offer of £2.1 million from the applicant. The Planning Development Manager responded that the £2.1 million constituted the offer from the applicant, which represented the amount the scheme could support.
- 7.21 The Chair stated that he agreed with the comments expressed by other Members in that he considered that the applicant had demonstrated the need and demand for student accommodation, and the applicant was supported by the potential lease of the accommodation over a 25 year period.
- 7.22 Resolved (six votes cast in favour, one against and two abstentions):**

7.22.1 That the application be approved for the reasons given in the report to the Committee and that planning permission be granted, subject to:

- a) Referral to the Mayor of London;**
- b) The satisfactory completion of a legal agreement under s.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out section 9.0 of the main report to the Committee and the Lettings Strategy set out in section 2 of the Update Report;**
- b) The conditions set out in section 11 of the report to the Committee.**

7.22.2. That it be agreed to delegate authority to the Director of Planning Policy and Decisions to:

- a) Finalise the recommended conditions as set out in the main report to the Committee including such refinements, amendments, additions and/or deletions (including to dovetail with and where appropriate, reinforce, the final planning obligations to be contained in the section 106 legal agreement) as the Director of Planning Policy and Decisions considers reasonably necessary;**
- b) Finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Director of Planning Policy and Decisions considers reasonably necessary;**
- c) Complete the section 106 legal agreement referred to above and issue the planning permission.**

- 8 Former International Broadcast Centre (iCity) applications (13/00534/FUM, 13/00536/COU, 13/00537/FUL, 13/00535/AOD) (Item 10)**
- 8.1 The Committee considered a report of the Senior Planning Development Manager.
- 8.2 An Update Report was circulated to the Committee (attached as **Appendix 7** to the minutes) and published on the LLDC's website:
<http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&MId=5185&Ver=4>).
- 8.3 The Chair stated that he had received a request to speak from Gavin Poole, CEO, Innovation City (London) Ltd, who would speak on behalf of the applicant for up to five minutes. In addition the following people were in attendance to answer the Committee's questions:
- Richard Palmer (Delancey);
 - David Bickle (Hawkins Brown);
 - Jeremy Castle (Deloitte);
 - Chris Rooney (Arup); and
 - Neil Mattinson (LDA Design).
- 8.4 The Senior Planning Development Manager made a presentation to the Committee (attached as **Appendix 8** to the minutes) and published on the LLDC's website:
<http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&MId=5185&Ver=4>).
- 8.5 The Senior Planning Development Manager stated that there were four applications, which together proposed uses as: a data centre; studios; B1 business use; education; conference use; flexible business/ retail space; and retail use (A1 and A3 to 5). The Senior Planning Development Manager explained the planning considerations. He explained that a number of consultees had responded that the amount of proposed car parking was higher than the level set out in the London Plan but officers considered that it was acceptable based on the economic case and the contribution to sustainable transport. Consultees had also raised the issue of the amount of retail space but it was considered that the level would support local employment and was being suitably controlled by the recommended conditions and s106 heads of terms. The Senior Planning Development Manager recommended the Committee to approve the applications.
- 8.6 The Chair invited Mr Poole to speak in support of the applications for up to five minutes.

- 8.7 Mr Poole stated that the brief for the applicant was to give the former International Broadcasting Centre (IBC) a creative lift to make it inspiring. He thanked the Director of Planning Policy and Decisions and the Senior Planning Development Manager for the time they had given to the applicant to help develop the scheme. Mr Poole stated that the scheme would help the convergence objectives for QEOP, as over 5,000 jobs would be created on site and a further 2,500 jobs would be created in the Host Boroughs. The applicant would work hard to secure the appropriate tenants. Mr Poole stated that the contribution of iCity would be over £268 million lift to the local GDP and over £0.5 billion to the national GDP. The economic legacy for the east London would be that over 25% of jobs would be for local people, that is, 1,300 jobs for local people as a minimum target. There would be 5% apprenticeships, which would provide opportunities for 260 people to study and gain qualifications. The applicant was committed to supporting the regeneration of Hackney Wick.
- 8.8 Mr Poole concluded his presentation by stating that the project was all about potential, not in terms of the building but in terms of allowing people to reach their full potential.
- 8.9 Dru Vesty commented that she considered the scheme to be a very exciting venture but sought assurances that the building would not end up having an untidy appearance. Mr David Bickle, Hawkins Brown, responded that as the architect for the project he had worked long and hard on a design code for the Gantry. He had taken an approach whereby sense was made of the new businesses for the twenty first century. His objective with the Gantry was to capture the diversity and scale of small businesses. Mr Bickle explained that 50% of units would be developed as kick starter units, which would be ready for immediate use for businesses which did not come forward with their own architect or design team, so that they could move into a shell and imprint their own impression on it. The design of the original building allowed sections to be taken apart and reconfigured but he understood the Member's concern to balance diversity whilst achieving a consistent visual appearance.
- 8.10 The Committee was informed that 50% of the units would be for small businesses, which equated to a floor area of 25,000 ft².
- 8.11 Piers Gough commented that he thought that the scheme provided a wonderful opportunity for different and unusual design ideas that could be slotted into the structure.
- 8.12 Nick Bitel sought clarification about the east-west route through QEOP. The Senior Planning Development Manager explained that because of the constraints of the building the original planned east-west route had been moved to the south of the building and would

provide a route towards Bridge H10 across the canal to Hackney Wick Station. It would be identified clearly as a route through QEOP. The Director of Planning Policy and Decisions stated that although the east-west route was a long-standing design principle and a section 106 obligation relating to the legacy, the applicant had made it very clear early on in the planning process that the delivery of the east-west route would compromise the delivery and re-use of the former IBC. Ultimately, officers had had to consider the balance between achieving the objectives for the IBC and the provision of an east-west route.

- 8.13 In response to a comment about cycling access across Bridge H10, the Director of Planning Policy and Decisions stated that there would be a lift that cyclists could use and a slot alongside the stairs that would allow bikes to be wheeled. The Mayor's Office was currently looking at the possibility of installing a ramp access but no proposals had been developed for the H10 Bridge.
- 8.14 In response to a question about access for the disabled to the south of the MPC building, the Senior Planning Development Manager stated that the applicant had looked into the possibility of providing a ramp but in practice the adjacent public pavement provided an effective and compliant ramp between the canal side of the building and the plaza side.
- 8.15 In response to a question about the provision of secure cycle parking, the Committee was informed that there would be 553 secure spaces inside the building and an additional 360 spaces outside.
- 8.16 Piers Gough commented that he considered the provision of cycle parking to be setting a low standard, given the number of people who liked to cycle to work and who would want secure parking, and that iCity was located in a sports park that was all about health and well-being. Mr Poole responded that iCity regarded cycling as very important. The cycling provision met the requirements of the standard set out in the London Plan plus 10% with the potential to increase to plus 40%. Mr Poole hoped to make iCity London's best large-scale development with regards to its cycling provision. Nick Bitel also expressed his disappointment at the cycling provision, noting that the car parking provision was the standard set out in the London Plan plus 94%.
- 8.17 The Director of Planning Policy and Decisions stated that there would be two mechanisms through the section 106 agreement whereby cycling provision could be secured: (i) the Cycling Parking Strategy; and (ii) the Travel Plan process, which would set out targets to be achieved. He noted that in order to encourage more people to cycle and to meet its targets iCity would have to provide facilities such as showers for cyclists but compliance with planning policy was the starting point. He suggested that if the Committee wished, the draft

heads of terms of the s106 agreement in relation to cycling could be strengthened and the number of spaces to be provided increased. The Committee indicated its agreement with that suggestion.

8.18 A Member asked whether a retail impact assessment had been undertaken. Mr Jeremy Castle, Deloitte, responded that the applicant had not been required to undertake a full retail impact assessment but had undertaken a more limited assessment, which had concluded that iCity would not be providing the same type of retail as local areas but would be complementary. Its retail provision would be ancillary to the operation of iCity and would be used by the people who worked and visited iCity. It was anticipated that the retail would be open seven days per week, as iCity would operate seven days per week. Mr Castle stated that there would be a management plan for iCity but the details were still to be determined.

8.19 Councillor Khan stated that she welcomed the creation of 5,000 jobs and asked about the consultation with the Host Boroughs particularly on local employment initiatives. Mr Poole responded that iCity had done much work with Hackney as the building was situated in Hackney but he had also worked with the other three Host Boroughs and the Legacy Corporation's regeneration team.

8.20 **Resolved:**

8.20.1 That in respect of applications ref: 13/00534/FUM, 13/00536/COU and 13/00537/FUL the Committee is minded to approve the applications for the reasons given in the report to the Committee and to grant planning permission subject to the conditions and informatives set out in the main report to the Committee and the Update Report and subject to:

- (a) Referral to the Mayor of London and any direction of the Mayor of London;**
- (b) The satisfactory completion of a legal agreement under s.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms, which are set out in the report to the Committee and subject to the strengthening of the heads of terms in relation to cycling; and**

8.20.2 That delegated authority be granted to the Director of Planning Policy and Decisions to amend any conditions as necessary following receipt of the Mayor of London's Stage 2 letter and any other consequential amendments to conditions;

- 8.20.3 That delegated authority be granted to the Director of Planning Policy and Decisions to make any refinements, amendments, additions and/or deletions to conditions and informatives as the Director of Planning Policy and Decisions considers reasonably necessary;**
- 8.20.4 That delegated authority be granted to the Director of Planning Policy and Decisions to negotiate and complete the s106 agreement in accordance with the terms outlined in the report and as may be amended by the Mayor's Stage 2 letter and issue the decision notice.**
- 8.20.5 That application 13/00535/AOD be approved, subject to the conditions set out in the report to the Committee.**

9 Installation of new cladding to the Multi Storey Car Park (13/00580/AOD) (Item 9)

- 9.1 The Committee considered a report of the Senior Planning Development Manager.
- 9.2 The Chair stated that Haptic Architects and Legacy Corporation officers were in attendance to answer Members' questions.
- 9.3 The Senior Planning Development Manager made a presentation to the Committee (attached as **Appendix 9** to the minutes) and published on the LLDC's website: <http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&MId=5185&Ver=4>).
- 9.4 The Senior Planning Development Manager stated that the application proposed external cladding of the south, west and part of the north elevations of the multi storey car park, perforated aluminium metal panels, large scale graphics and two additional pedestrian entrances on the south elevation. He explained the planning considerations and stated that the Quality Review Panel had given strong support to the design and appearance of the Multi Storey Car Park. The Senior Planning Development Manager recommended the Committee to approve the application.
- 9.5 In response to a question about why, if it was a good idea to have two different types of cladding on the north side, the same was not being proposed for the south side, the representative of Haptic Architects stated that it was proposed to have a flat expanse on the south side to give a clear street scene. It would also work well with the ramped area.

In response to a further question whether if cladding had not already existed on the south side, the architects would have installed cladding, the architect stated that they would have proposed taking the cladding on the east side around the corner.

9.6 Resolved (seven votes cast in favour and one against):

9.6.1 That the details be approved for the reasons given in the report to the Committee, subject to the conditions and informatives set out in the report.

10 Neptune Wharf s106 12/00210/OUT (Item 12)

10.1 The Committee considered a report of the Senior Planning Development Manager.

10.2 The Chair reminded the Committee that it had considered the Neptune Wharf application at its meeting on 26 November 2013, when the Committee had agreed to grant planning permission, subject to the s106 agreement being progressed and reported back to the Committee.

10.3 An Update Report was circulated to the Committee (attached as **Appendix 10** to the minutes) and published on the LLDC's website:
<http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&MId=5185&Ver=4>).

10.4 The Chair stated that Richard Stanway-Williams, Principal Development Manager, Peabody was in attendance to answer the Committee's questions.

10.5 The Senior Planning Development Manager made a presentation to the Committee (attached as **Appendix 11** to the minutes) and published on the LLDC's website:
<http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&MId=5185&Ver=4>).

10.6 The Senior Planning Development Manager stated that the report sought approval to secure agreement to the detailed Heads of Terms for the s106 agreement for the Neptune Wharf planning application. She introduced the PPDT Legal Adviser on the Neptune Wharf and Monier Road sites to the Committee, who would be able to answer questions about the s106 agreement. The Senior Planning Development Manager stated that Legacy Corporation officers had worked with officers from the London Borough of Tower Hamlets to maximise the opportunities for the school on the site. She summarised the Heads of Terms for the Committee including: the school site option; the financial contribution if a

school were not built; the affordable housing and viability review; and the employment, transport, open space and design quality provisions.

- 10.7 The Senior Planning Development Manager referred to the letter from the London Borough of Tower Hamlets dated 24 February 2014 and appended to the Update Report. She stated that although Tower Hamlets had re-iterated its concern about the low affordable housing provision, the Council had welcomed the five year school site option and supported the Heads of Terms.
- 10.8 The Senior Planning Development Manager concluded her presentation by stating that officers considered that the detailed Heads of Terms responded to the comments made when the Committee had considered the Neptune Wharf application on 26 November 2013 and she recommended the Committee to approve the recommendations set out in the report to the Committee.
- 10.9 In response to a question from the Chair, the Senior Planning Development Manager stated that the school would be a non-fee paying school for the local community. The Senior Planning Development Manager explained the schools site option and the financial contribution in the event that the school was not built.
- 10.10 Councillor Khan welcomed the work undertaken by officers to progress the 106 agreement. She asked how much the percentage of affordable housing would increase to if the second viability mechanism was used and she was informed that it would increase from 4% to 25%, at which point it would be capped.
- 10.11 Mr Richard Stanway-Williams, Peabody, stated that Peabody had agreed terms to buy the Neptune Wharf site and adjacent site but not the school site. Peabody viewed the development as an exciting opportunity to invest in an area with great potential to develop a distinct character and to create a vibrant community. If the Committee granted planning permission, Peabody would seek to conclude the purchase within the next month. Peabody planned to build out the site over the next four years to provide affordable housing and attractive facilities for entrepreneurs in order to create a balanced community. He stated that since the meeting of the Committee in November 2013 there had been many discussions with officers and he looked forward to working with officers both from the Legacy Corporation and the London Borough of Tower Hamlets.
- 10.12 Piers Gough asked if Peabody would consider buying the Monier Road site, (which he thought would be a better site for a school), and exchanging it for the school site. Mr

Stanway-Williams explained that this suggestion would require the approval of the Peabody Board, which would delay matters considerably.

10.13 Resolved (six votes cast in favour and two abstentions):

10.13.1 That the Officers' update and conclusions on the proposed extensions to Hackney Wick and Fish Island Conservation Areas be noted; and

10.13.2 That the Heads of Terms set out in the main report to the Committee and the Update Report be approved and that authority be delegated to the Director of Planning Policy and Decisions to finalise detailed drafting and complete the s106 agreement in accordance with the terms outlined in the report and as may be amended by the Mayor's Stage 2 letter and issue the planning permission.

11 Development of the Legacy Corporation's Community Infrastructure Levy (CIL): Consulting on the Draft Charging Schedule (Item 5)

11.1 The Committee considered the report of the Director of Planning Policy and Decisions.

11.2 The Senior Planning Development Manager stated that the report summarised the results of the consultation on the Preliminary Draft Charging Schedule (PDCS), which had taken place in the summer of 2013 and updated the Committee on the changes to the Community Infrastructure Levy (CIL) regime since the summer of 2013. The Senior Planning Development Manager sought the Committee's comments on the proposals to consult on a Draft Charging Schedule, draft section 106 Supplementary Planning Document (SPD).

11.3 The Chair stated that Lynda Addison had commented that the statement in respect of travel plans in relation to s106 agreements in Appendix 2 needed to be clearer. In relation to Appendix 3, Lynda Addison had commented that she was surprised at the limited nature of the draft 123 List but she assumed that the Legacy Corporation had taken into account fully the requirements for physical and social infrastructure. Lynda Addison's full comments are attached as **Appendix 12** to the minutes and published on the LLDC's website:

<http://www.london.gov.uk/LLDC/ieListDocuments.aspx?CId=273&MId=5185&Ver=4>).

11.4 The Senior Planning Development Manager responded that she understood the points made by Lynda Addison about the section on travel plans and that this would be amended.

In relation to the point about the 123 List, she stated that officers had given very careful consideration to it.

- 11.5 Dru Vesty commented that there had been a historic issue in east London of building high density developments with inadequate play space provision and she too was surprised at the limited nature of the 123 List, noting that only one play area had been included on the list. She asked how the community would be able to input into the list, as she noted that many of the projects were Transport for London ones and it might seem as though a statutory body had had the first opportunity of setting its priorities before the community had had a say. The Senior Planning Development Manager responded that the 123 List had been drawn from the Infrastructure Delivery Plan but there would be interaction between the use of s106 agreements and the CIL going forward. She expected that play space would be provided through s106 agreements. The Legal Advisor to the Committee added that if a play space was included in the 123 List it would not be possible to provide it through a s106 agreement, as the Government had designed the scheme to avoid double dipping.
- 11.6 The Director of Planning Policy and Decisions responded to Dru Vesty's point about community input, stating that many of the planning schemes in the Legacy Corporation' area had already been approved and as part of the planning permission, provision had already been made for those communities. It would be possible to review the 123 List but the needs of those communities should already have been secured. The Senior Planning Development Manager added that government regulations required some funding to be allocated by the community. The Director of Planning Policy and Decisions stated that a section could be added to the document on this matter.
- 11.7 Dru Vesty noted that 5% contingency was proposed for heritage issues and she asked if that would be sufficient, bearing in mind that unexpected issues could occur with historic buildings and she sought officers' assurance that there would be exceptional relief in the case of contamination of land. The Senior Planning Development Manager responded that where there was contamination that would be reflected in the land value. Dru Vesty noted that land values could be very low where there was contamination, which might render that land unviable to develop. The Committee was informed that the CIL charge would represent only 1.5% of the value of the scheme, so that if the scheme were not viable because of the CIL charge, it would not be a viable scheme anyway.
- 11.8 The Committee was informed that it would be possible to amend the 123 List, subject to consultation. The Legacy Corporation planned to have an annual review of the list.

11.9 **Resolved:**

That the Committee's comments be provided to the Legacy Corporation Board which will consider the Draft Charging Schedule and associated documents at its meeting on 25 March 2015.

12 Decisions Made Under Delegated Authority (Item 13)

12.1 The Committee considered the report of the Director of Planning Policy and Decisions. The report appended a list of all decisions taken by officers between 1 January and 31 January 2014.

12.2 **Resolved:**

That the report and attached Appendix 1 be noted.

13 Any Urgent Business (Item 14)

13.1 There was no urgent business requiring consideration.

14 Close of Meeting

14.1 The meeting ended at 9.25p.m.

Chair

Date

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