

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

Meeting date: 25th March 2014

Report to: Planning Decisions Committee

Report of: Anne Ogundiya, Senior Planning Development Manager

FOR DECISION

1. 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 application was considered by the Planning Decisions Committee at its meeting on the 25th February 2014 where it was resolved to grant planning permission subject to a number of planning conditions and the completion of a section 106 legal agreement.
- 1.3. This application is reported back to Committee as the original report only referenced two letters of objection and not the three that had actually been received by Officers. Whilst PPDT are confident that the issues raised by the objection, which was not specifically referred to, have been duly considered either in the Planning Committee Report or discussed during the Committee, it is considered appropriate as a point of procedure to report the matter back to Committee. It is acknowledged that the omission prevented the objector from making direct representations to the Committee.
- 1.4. Both the applicant (LB Waltham Forest) and the landowner (Lea Valley Regional Park Authority) have been made aware of the situation.
- 1.5. The original Officer's Report is appended (Appendix 1) for Members to reconsider with this additional update report that deals with the representation received. Further comment has been received from the Manor Gardening Society (MGS) on the s106 Heads of Terms and this is also set out below. The updated report also includes and updates the conditions and Heads of Terms in light of the comments made at Committee. The Heads of Terms are also appended (Appendix 2).

2. ADDITIONAL REPRESENTATION

2.1 An objection has been received on the grounds set out below (the full representation is appended (Appendix 3) to this report for Members consideration).

2.2 The main points raised by the additional objection are summarised below with the Officer's response. Where relevant Members are referred to the Planning Committee report.

- **Objection: Planning Submission Incorrect**

1. The application is described inaccurately and the applicants should submit a new application (the application should not be for a full planning application, it should be a change of use replacing allotments).
2. Use of land as meadow does not require planning consent - the proposal does not involve building.
3. The references made to the approved allotments within this application should have been raised as objections at the appropriate time and cannot be treated as planning considerations in determining this application
4. Non compliance with the 2007 Olympic permission and 2009 post Games Transformation permission in respect of allotment provision at Eton Manor.

- **Officer Response:**

1. The application is described accurately and operates as a straightforward new application replacing proposed allotments with new landscaping proposals.
2. The proposal requires planning permission: the proposals include footpaths, entrance signage as well as landscaping and as set out in paragraph 5.5 amends the post Games approval for allotments.
3. Paragraphs 9.39 and 9.40 of the Planning Committee report refer - both the applicant Waltham Forest, and the landowner Lee Valley Regional Park Authority (LVRPA), have made it clear that allotments have never been their preference at Eton Manor.
4. LB Waltham Forest has obtained planning permission for the permanent retention of allotments at Leyton Jubilee Park (see paragraphs 9.42 and 9.43 of the Planning Committee report). If Members are minded to grant planning permission the s.106 would record that the allotments at Leyton Jubilee Park were being provided as replacements to those that were originally planned to be built on at Eton Manor.

- **Objection:**

1. Legitimate Expectation to Return to Eton Manor
2. Predetermination by the LLDC arising from the cessation of the construction of the Eton Manor allotments

- **Officer Response:**

1. Past promises regarding the relocation of MGS members are not material planning considerations (which can only relate to the use and development of the land).
2. Officers do not agree that the outcome of the application has been predetermined. The application has been considered appropriately in a balanced manner.

- **Objection: Planning Statement**
 1. The majority of the applicant's arguments set out in the Planning Statement are not material planning considerations.
 2. Allotments deliver substantial biodiversity benefits
 3. Community value of allotments
 4. Inaccurate statement made by Waltham Forest that '...Allotments will significantly detract from the pedestrian experience at Temple Mills Lane...'
 5. Inaccurate that allotments would deprive the wider community / public access to open space applies equally to the proposals

- **Officer Response:**
 1. Officers have considered those aspects of the applicant's submission that relate to material planning considerations.
 2. It is acknowledged that allotments deliver biodiversity benefits (paragraphs 9.22 – 9.27 are relevant).
 3. The community benefits of allotments is not disputed, indeed LVRPA referred to them as 'community gardens'.
 4. The Waltham Forest assertion that allotments would detract from the pedestrian experience, is not a view shared by the Local Planning Authority that granted planning permission for allotments in 2007 and 2009/10. The Planning Committee report does acknowledge however, (paragraph 9.18) that the current proposals will improve connectivity and wayfinding to the Park from Waltham Forest.
 5. Public Access to Open Space: Paragraphs 5.2 and 9.10-9.15 cover the issue of public access to open space and the community benefits derived from the proposals.

- **Objection: Demand for allotments and their benefits**
 1. The applicant acknowledges publicly that there is a demand for allotments and Manor Gardening Society has made it known that they have their own waiting list
 2. LBWF's Strategic Infrastructure Plan (Nov 2009) notes a failure to meet the target provision of 0.2ha per 1000 population and a particular deficiency in the south of the borough.
 3. Less provision than before the Games

- **Officer Response:**
 1. Officers do not dispute that there is a demand for allotments.
 2. The pre-Games allotment provision is set out in paragraph 9.32.
 3. The post-Games provision on QEOP arising from the proposals, should planning permission be granted is 0.9ha located in Pudding Mill (paragraph 9.37)

- **The objector** has also queried the reporting of the Mayor of Hackney's letter as a letter of support in the committee report

- **Officer Response:** The letter from the Office of the Mayor of Jules Pipe, Mayor of Hackney, was sent to PPDT by Office of the Mayor of Hackney as a letter of support and was reported accordingly.

Further representations (set out below) have been received from the MGS seeking clarification of the Heads of Terms:

MGS: In the document issued at the planning hearing the last page is headed 'Eton Manor S106 – draft Heads of Terms' – at what point does this document cease to be a draft?

- **Officer Response:** The document is a set of headline terms that are intended to be put into a deed to be made between Lee Valley River Park Authority, LB Waltham Forest and LLDC. Those terms will be finalised when the deed is executed by all the parties
- **MGS:** How is it intended that the process of coming to an agreement will be scheduled?
- **Officer Response:** Negotiations are intended to be held over the next few weeks
- **MGS:** Will LLDC play a role in mediating the negotiations between MGS and LBWF?
- **Officer Response:** LLDC will be leading the negotiations
- **MGS:** In the light of past experience, please could you set out terms that clarify the legitimacy of this proposed agreement as lawfully binding.
- **Officer Response:** legal powers making this sort of arrangement enforceable are contained in sections 106 of the Town and Country Planning Act 1990 and section 201 of the Localism Act 2011
- **MGS:** The availability to occupy the Pudding Mill site now becomes a significant issue for MGS – We understand that the site might be 'ready to go' – can you update us on the state of play with this site both in respect of availability and intended management?
- **Officer Response:** The Pudding Mill Lane site will become available by the end of 2014 as required by the 2009 planning condition. The site will be managed by LLDC.
- **MGS:** From our understanding of the document there seems to be no future commitment to MGS at Marsh Lane, aside from the (LDA) commitment to relocate all of the original Tenants evicted from Bully Fen – please confirm. If this is the case, and considering the current make-up of the Tenants at Marsh Lane (all MGS, only some of whom were evicted from Bully Fen)
- **Officer Response:** The allocation of plots is not a matter for the Planning Authority. Although it is understood that allocations will be carried out by LLDC Real Estate in conjunction with Waltham Forest and the Manor Gardening Society
- **MGS:** Regarding those Marsh Lane tenants who have become MGS members since we moved to Marsh Lane – what would their status be under this agreement? It appears that the s106 excludes these tenants from continuing to have a plot at Marsh Lane.
- **Officer Response:**
- MGS currently have a waiting list of 63 – We would need clarification on how the agreement might or might not seek to accommodate this list.
- **Officer Response:** The s.106 Heads of Terms does not cover the MGS waiting list. The s.106 is proposed only to mitigate the loss of plots at Eton Manor not to safeguard existing MGS provision at Leyton Jubilee Park.

3. CONCLUSION

- 3.1 Officers have considered the further representations reported above. The conclusions are the same as set out in the previous report to Committee as set out in Appendix 1.

4. RECOMMENDATIONS

- 4.1. 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.10 legal agreement, including authority to make any necessary and consequential amendments to the planning conditions and the s106 legal agreement heads of terms.

5. CONDITIONS

- 5.1. 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

9604-LPR-LSF-L-DDE-2331 Rev P02 and the Design and Access

Statement Revised Final 11th February 2014 including Sample and Benchmark Acceptance Document (TP69 Picnic Benches) dated 19th 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:

Unless minor variations are agreed in writing by the Local Planning Authority 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 in writing 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 Entrance Sign 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. The details submitted shall include measures to address impacts from events carried out and approved under the Events Management Plan as well as measures to reinstate the Site in accordance with this planning permission following the holding of events.

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

9. Removal of Permitted Development Rights:

No development permitted by Part 4 Class B of Schedule 2 of the Town and Country Planning (General Permitted Development Order (1995) shall be carried out on the land to which this permission relates unless an express planning permission for such development has been obtained in writing by the Local Planning Authority.

Reason: To control the use of the Land.

10. Events Management Plan:

Before the commencement of any of the uses hereby permitted, an Event Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Strategic and Local Transport Authorities and Event Management Coordination Manager for the Queen Elizabeth Olympic Park. This shall include details of the proposed arrangements for coordinating the use of the site, the provision of set down and pick up of spectators including facilities for bus, coach and taxis and measures to manage spectator travel, (including any financial support proposed to public transport authorities to cover the cost of public transport provision as a result of spectator travel) and the coordination and control of car parking when events are taking place.

The Event Management Plan shall also specify the number, frequency and duration of Events. The Event Management Plan shall be subject to an annual review on a date to be agreed with the Local Planning Authority (as set out within the first submitted Event Management Plan). The annual Event Management Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of any activity for that year.

Reason: To protect the amenities of local residents and users and to ensure that use of the site is publicly accessible.

11. APPENDICES

Appendix 1

Eton Manor Landscaping Report to PDC 25 February 2014

Eton Manor Landscaping - Submitted Red Line Plan

Eton Manor Landscaping - Layout Plan

Eton Manor Landscaping - Ruckholt Road Entrance Sketch

Eton Manor Landscaping - Landscape Sections

Eton Manor Landscaping - Manor Garden Society Consultation Response

Appendix 2

Eton Manor S106 Draft Heads of Terms March 2014

Appendix 3

Objection Letter November 2013