

**Application No: 10/90257/FULODA**

**Proposal:** Full planning application for construction of a temporary car park on East Marsh including minor, temporary highway works to Ruckholt Road.

**Applicant:** Olympic Delivery Authority.

**Agent:** Arup.

**Address:** East Marsh, Planning Delivery Zones 7 and 15 to the north of Ruckholt Road.

**THE PROPOSAL**

The application seeks approval for construction of a temporary car park on East Marsh fronting Ruckholt Road. The temporary car park is proposed as the existing facility is lost to the L01 Bridge Development and associated construction site. The lack of a car parking facility would render the playing fields unusable. The proposed temporary car park is designed to allow for the playing fields to be used for an additional season (2010-2011) and to provide improved pedestrian access to the playing fields during construction works required for the Games.

The car park is approximately 2300sqm in area and originally proposed 84 car parking spaces. The design has since been amended and the number of spaces has been reduced to 77. The revised design also includes a dedicated pedestrian link from Ruckholt Road through to the playing fields and an altered layout which significantly improves manoeuvrability for vehicles.

The surfacing proposed is natural coloured, concrete block paving over sub base layers to ensure filtration drainage is facilitated. The sub base will comprise a granular fill, fibersand and geotextile filters.

The fibersand/geotextile sub base is designed to facilitate drainage of the car park. The paving is designed to allow rain to filter through to the porous sub base with expected performance of 1,500mm per hour which is in excess of the typical rainfall intensity in this location of 50mm per hour. It is expected that the vehicles using the car park (on weekends only) would not generate significant levels of pollution and the geo textile fibres can intercept the low levels expected.

The edge treatment will be formed from timber railway sleepers stacked 2 high, marking the boundary of the car park and preventing vehicles from entering the playing field. The sleepers will be set in a concrete foundation and fastened together using bolts. Line marking will be a white paint finish.

Two gates (entry and exit) will be located fronting the Ruckholt Road. The entrance gate is 6.5m in width and 2.1m in height whilst the exit gate is 5m in width and 2,1m in height. The gates will be steel with an overhead bar to prevent large vehicles from entering the site.

The gates will only be opened on Saturdays and Sundays, during daylight hours to ensure the car park is only used in association with the playing fields and for no other purpose. This will be managed by an agreement between the ODA and LBH.

In terms of access, the approved Ruckholt Road works propose an entrance for the Northern Transport Mall which will be temporarily modified to cater for the temporary car park.

Temporary water fill barriers will be utilised to demarcate the access and access will only be provided for vehicles travelling north east along Ruckholt Road.

## **POLICIES & GUIDANCE**

### **The London Olympic and Paralympic Games Act 2006**

Section 5 (5) of the London Olympic Games and Paralympic Games Act 2006 sets out the matters to which the Olympic Delivery Authority in discharging its planning functions shall have regard, in particular:-

- (a) To the desirability of making proper preparation for the London Olympics,
- (b) To the desirability of maximising the benefits to be derived after the London Olympics from things done in preparation for them,
- (c) To the terms of any planning permission already granted in connection with preparation for the London Olympics,
- (d) To any guidance issued by the Secretary of State (which may, in particular, refer to other documents), and
- (e) To the development plan for any area in respect of which an order is made under section 149 of the Local Government, Planning and Land Act 1980 (c. 65) by virtue of subsection (1) above, construed in accordance with section 38 of the Planning and Compulsory Purchase Act 2004 (c. 5).

### **National Planning Policy**

National planning guidance is set out in the Government's Planning Policy Guidance Notes (PPGs) and more recently Planning Policy Statements (PPSs). These documents represent material considerations for all planning applications. The following guidance is relevant to the proposal:

#### Planning Policy Statement PPS1 – Delivering Sustainable Development

This national guidance sets out the overarching planning policies on the delivery of sustainable development through the planning system.

#### PPG 2 – Green Belts

This national guidance sets out the presumption against inappropriate development within the Green Belt (and the same applies to Metropolitan Open Land), and that such development should only be permitted where there are other material considerations that can be regarded as very special circumstances which warrant the grant of planning permission.

#### PPG 13 – Transport

Promotes the integration of planning and transport at a national, regional, strategic and local level to encourage more sustainable transport choices, for both people and freight to promote accessibility to jobs, shopping and leisure facilities and services by public transport, walking and cycling, and to reduce the need to travel, especially by car.

#### PPG 16 - Archaeology and Planning

Sets out the Secretary of State's policy on archaeology remains on land and how they should be preserved or recorded both in an urban setting and in the countryside.

## **The London Plan (Consolidated with alterations since 2004) (February 2008):**

The following policies are relevant:

### Policy 3C.16 (Road scheme proposals)

All road schemes in London should:

- Contribute to London's economic regeneration and development
- Not increase the net traffic capacity of the corridor unless essential to regeneration
- Provide a net benefit to London's environment
- Improve safety for all users
- Improve conditions for pedestrians, cyclist, disabled people, public transport, and business
- Integrate with local and strategic land use planning policies.

### Policy 3C.18 (Allocation of street space)

In balancing the use of streetspace, UDPs should include policies that reflect the Mayor's Transport Strategy and the London road hierarchy. In particular boroughs should:

- Presume in favour of movement of people and goods to support commerce, business and bus movements on the Transport for London Road Network (TLRN) and most other 'A' roads
- Presume in favour of local access and amenity on other London roads particularly for residents, buses pedestrians and cyclist and where necessary business
- Review the re-allocation of road space and land to bus priority, bus or tram (light transit) schemes, cyclist and pedestrians to support sustainable transport.

### 3D.10 – Metropolitan Open Land

Maintain the protection of MOL from inappropriate development. Policies should include a presumption against inappropriate development of MOL and give the same level of protection as the green belt. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of MOL.

### 3D.11 – Open space provision

Encourage functional and physical linkages within the network of open spaces and to the wider public realm, improve accessibility for all throughout the network and create new links based on local and strategic need.

### 4A.14 – Sustainable Drainage

Surface water run-off should be managed as close to its source as possible. Use of sustainable urban drainage systems should be promoted for development unless there are practical reasons for not doing so.

### 4B.1 – Design principles for a compact city

Seeks to ensure that developments:

- Maximise the potential of sites
- Create or enhance the public realm
- Provide or enhance the mix of uses
- Are accessible, useable and permeable for all users
- Are sustainable, durable and adaptable
- Are safe for occupants and passers-by
- Respect the local context, character and communities
- Are practical and legible
- Are attractive to look at and, where appropriate, inspire, excite and delight
- Respect the natural environment
- Respect London's built heritage.

### 5C.2 – 2012 Olympic and Paralympic Games

The Mayor will and partners should; work to develop and implement viable legacy uses for the permanent facilities in the Park;

- increase participation in sport and physical activity by all sections of London's population and ensure community access to legacy facilities;
- ensure housing development is consistent with the London Plan and maximises the benefits from its association with the Games;
- promote and secure sustainable development and procurement policies for the Games delivery bodies and other organisations;
- maximise the employment, skills and volunteering benefits for Londoners arising from the Games and Games-related business;
- ensure all Londoners have access to the opportunities arising from the Games and legacy;
- ensure the land acquired for the development is used after the Games for the strategic needs of the Lower Lea Valley and wider Thames Gateway;
- maximise opportunity to promote London's status as a leading world city;
- ensure transport projects contribute to the delivery of the Mayor's transport strategy and the needs of wider London;
- ensure the Games preparation, staging and legacy contribute to the delivery of the Mayor's environmental strategies and objectives.

### **London Borough of Hackney Unitary Development Plan**

The London Borough of Hackney Unitary Development Plan 1995 (as saved) is the statutory development plan part of the application site.

#### EQ1 Development Requirements

Development should respect its setting including, respect the visual integrity of the area; materials, form and detailing appropriate to the design and the locality, retain/enhance/create urban spaces, views landmarks and other features and take opportunities to reveal such features to public view; does not detract from important or potentially important views, provides safe and convenient access and circulation particularly those with disabilities and people with children.

#### EQ21 Metropolitan Open Land

The Council will seek to ensure that the areas shown as MOL on the proposals map remain in predominantly open use. Any built development should be associated with the open space, nature conservation and/or recreational use of MOL.

#### EQ30 Areas of Special Landscape Character

The Council will expect proposals within, adjacent to or affecting the areas of special landscape character shown on the proposals map to respect and enhance the unique character of these areas.

#### OS9 Recreational Footpaths, Towpaths, Cycleways and Bridleways

Existing routes should be protected and opportunities taken to form a wider network.

#### TR19 Transport

The Council will seek to ensure that all developments are satisfactory in terms of:

- a) Access, layout and circulation;
- b) Visibility splays for drivers and pedestrian;
- c) Sight lines;

- d) Off street operational parking and servicing including dedicated spaces for motor cycles and cycle parking.
- e) Parking for people with disabilities.
- f) Visual screening of parking and service areas.
- g) Safe circulation of traffic and pedestrians;
- h) Level access at pedestrian crossing points;
- i) Controlled hours of access;
- j) The impact on the townscape and those policies set out in the environment al quality chapter.

### **London Borough of Hackney Core Strategy:**

The London Borough of Hackney's Core Strategy has reached the formal 'submission' stage. The Strategy is yet to go through the examination and adoption stages. Notwithstanding this the Core Strategy does form a material consideration in the assessment of this application. The following policies are relevant to the proposal:

#### Policy 24 Design:

All development should seek to enrich and enhance Hackney's built environment and create a sense of place and local distinctiveness that is attractive and accessible. This will be achieved through:

- ensuring good and optimum arrangement of the site in terms of form, mass and scale, including usable amenity space where appropriate and consideration of biodiversity
- adopting a rigorous design and impact approach to assessing the heights and bulk of buildings in relation to existing surroundings and views
- identifying with the architectural, historic quality and character of the surrounding environment.
- enhancing of the area between the public and private domains including boundary treatment and access for all
- enhancing of the Public Realm and ensuring good connection into existing routes, movement patterns and streetscape
- reducing in crime and the perception of crime by promoting social inclusion,
- reducing barriers to movement and applying the principles of 'Secure By Design'

#### Policy 26 Open Space Network:

All open and green spaces should be well-managed and enhanced to improve quality, capacity and public accessibility, to support a diverse and multi-functional network of open spaces. Where appropriate, new open spaces will be created which are publicly accessible and linked to other open spaces to enhance the borough's green infrastructure. Particular attention should be given to improved provision in the identified areas of deficiency.

### **Consultation responses:**

Statutory consultations were sent to relevant parties on the 16<sup>th</sup> of June 2010. Two site notices were displayed on site and a press advert was placed in Hackney Today. The application was advertised as a departure from the development plan given part of the land

is designated as Metropolitan Open Land (MOL). Minor amendments to the car park layout were submitted on the 12<sup>th</sup> of July and the information was sent to relevant parties for comment. The amendments were not considered to be material changes.

Environment Agency: Confirm that they are satisfied with the proposed drainage system. The block paving surface which allows infiltration drainage will simulate Greenfield infiltration and reduce focused drainage that could mobilise contamination potentially present in the sub surface.

EA are also satisfied with the proposed weekend only use and the use of geotextile filters, designed to intercept pollutants from vehicles to mitigate pollution risks.

Metropolitan Police: No objection.

Lee Valley Regional Park: No objection.

Transport for London: Adequate traffic management and construction logistical arrangements must be in place to ensure the smooth and safe flow of traffic and pedestrians on the local highway, cycle and pedestrian network would not be compromised. Construction works for the proposal should follow the Olympic Park Construction Management Plan.

In conclusion, the proposal as it stands is unlikely to result in an unacceptable impact to both the TfL Road Network and the Strategic Road Network.

Thames Water: No objection.

London Borough of Hackney (Transport): LBH Transport are in support of the application. The amended plans take on board initial comments raised in relation to the car park layout.

## **Assessment:**

### **Principle of Development**

The proposed temporary car park did not form part of the 2007 Olympic planning permissions as such full planning permission is required. A supporting statement has been submitted with the application in respect to likely environmental impact and flood risk.

The subject site for the temporary car park (red line boundary) is located within the London Borough of Hackney and is designated as Metropolitan Open Land, Part of Lea Valley Regional Park, Road Development and Area of Special Landscape Character under the Hackney UDP.

The 2007 Olympic and Legacy Transformation planning permission establishes that the subject site has been approved to be used as a transport mall during the Games with a requirement to reinstate the playing fields Post Games. The permission establishes that the principle of using this site as a temporary transport hub has been established. It is considered that the proposed temporary car park use is generally consistent with this approved Games use and would not affect the construction programme for the Games time transport mall.

The site is designated within the London Borough of Hackney Unitary Development Plan as Metropolitan Open Land (MOL). Policy 3D.10 of the London Plan affords MOL the same degree of protection as Green Belt. The guidance set out in PPG2 - Green Belts applies. This prohibits "inappropriate development". Construction of new buildings is defined as inappropriate unless it is for various defined uses which include "essential facilities for

outdoor sport and recreation". Development should not adversely affect the openness of the land. "Very special circumstances" are required to justify inappropriate development. Such circumstances "will not exist unless the harm by reason of inappropriateness is clearly outweighed by other considerations".

The proposed temporary car park does provide for "essential facilities for outdoor sport and recreation" particularly given the car park will allow the playing fields to be used for the 2010-2011 football season.

Section 5(5) of the 2006 Olympic Act requires that particular regard be had to the desirability of making proper preparation for the Olympics and to the terms of any planning permission already granted in connection with preparation for the Olympics. It is considered that the development of a temporary car park will limit the impact of the proposed Games time Transport Mall development by reducing the amount of time the playing fields are unusable.

The Environment Agency, London Borough of Hackney and TfL have not raised any objection to the application therefore it is considered that there would be no adverse material impact on the Environment or Road Networks.

Overall it is considered the construction of a temporary car park would allow the playing fields to be used for an additional season, greatly benefiting the local community whilst resulting in no greater environmental impact than that previously assessed in relation to the Transport Mall approved as part of the Olympic and Paralympic planning permissions.

Given the above, the principle of the development for the temporary car park is considered to accord with section 5(5) of the Games Act 2006 and relevant Development Plan policies.

### **Design and appearance**

The car park is of a simple temporary design with a paved finish, timber sleeper edging, white painted line marking and metal gates as detailed above. It is considered that the general design is wholly appropriate for a temporary car park. The buildings and works proposed are consistent with the design for the forthcoming Transport Mall and can easily be removed so as to reinstate the playing fields post Games.

The proposed infiltration drainage system has been assessed by the Environment Agency and PDT's Environmental Consultants who considered the design appropriate for the use and site (also discussed further below). It is confirmed that the proposed use and would not result in any unreasonable pollution to the sub base given the limited amount of time the car park will be in use.

In terms of location and scale, the temporary car park is on land, which at a later date will be used for a Games time Transport Mall. The Mall will implement the same paved surfacing but covering a much larger area. It is not considered that the scale of the temporary car park will have any detrimental impact on the playing fields given the approved Games time transport Mall development which is coming forward.

Condition LTD.9 of planning permission 07/90010/OUMODA requires by the 31<sup>st</sup> of December 2011 details of the layout and provision of pitches and the design of changing facilities to be provided at East Marsh to be submitted and approved by the Local Planning Authority. The works must be provided and available for use by the 1<sup>st</sup> of September 2013. Therefore there is an appropriate back stop to ensure the temporary works are removed and the playing fields are correctly reinstated. The temporary car park is required to be available from the 11<sup>th</sup> of September 2010 until the 15<sup>th</sup> of May 2011 and a condition will restrict use of the car park in accordance with these dates.

## **Access/layout**

Access to the temporary car park is via Ruckholt Road. As part of the Olympic highway improvement works to Ruckholt Road a new temporary four lane access to East Marsh is being constructed to provide access for the forthcoming Northern Transport Mall. In order to meet the temporary car park access requirements modification of the Ruckholt Road Games access is proposed. The entrance and exit will only be available for cars travelling north east on Ruckholt Road. Temporary water filled barriers will be used to modify the junction for the temporary car park without affecting the junction being constructed for the Games which is an acceptable solution.

Access for the car park is via separate entry and exit gates leading to a one way system internally. The amended layout plan meets required British Standards. Road markings appropriately delineate car parking spaces (including two accessible spaces). It is considered that the car park design will ensure safe and convenient movement for vehicles and pedestrians.

The London Borough of Hackney and TfL have reviewed the scheme and have not raised any objections on transport grounds.

The car park will only be available for use on Saturday and Sundays in association with the playing fields (and for no other purpose without prior written consent from the Local Planning authority) and an appropriate condition will be included on any permission.

## **Environment and Sustainability**

### Remediation

The applicant has included a technical paper with the application detailing the scheme design in relation to remediation implications and ground conditions for the proposed temporary car park scheme. The paper concludes that the ground works are generally minor with 300mm of top soil being removed and no deep excavations being required.

The proposal utilises sub base materials that will be consistent with what is proposed in Legacy to reinstate the playing fields taking into account risks to human health and controlled waters. The proposed car park construction layers, in particular its hard surface will form an effective barrier preventing dermal and ingestion risk.

The paper suggests that remediation works are not required, except by the provision of surface layers and geo textile material as proposed. This is agreed for the temporary car park however work is ongoing at the time of writing this report in terms of potential remediation works required for the transport mall which is yet to come forward. It is not considered that approval of this temporary car park will prejudice the remediation measures that may be required within PDZ15 as part of the forthcoming transport mall application and enabling works.

Details of the fill material to be used has been submitted. It is proposed that a total of 345m<sup>3</sup> of fibre sand will be imported and 575m<sup>3</sup> of aggregate sub base will be imported. The fill comprises virgin materials sourced from UK quarries which comply with the quality of imported fill framework agreed by PDT.

No objections have been received from the Environment Agency.

### Flood Risk



The site is located outside of any designated areas of flood risk as defined by the Environment Agency. It is considered that there will not be any additional surface water runoff as a result of the infiltration drainage system detailed above.

The EA have confirmed that they are satisfied with the proposed drainage system and design of the sub base will mitigate pollution risks.

### Sustainable Design and Construction

Materials can be reused and the proposed temporary car park will provide an opportunity to test the method of construction for the Northern Transport Mall. Paving and sleepers can be reused for the transport mall and the sub base can be retained and used in Legacy to form the base for the new playing fields. The fibre sands offer an enhanced growing medium providing for excellent drainage used in modern playing surfaces.

In terms of carbon reduction a material efficient construction is proposed, reducing the amount of energy used during manufacture and construction.

There will be some waste soil however this will be reused on the Olympic Park wherever possible. The remaining paving, sub base and sleepers will be reused in construction of the Transport Mall with the sub base being retained for Legacy. The project will adhere to the ODA's approach to waste management which follows the hierarchy of eliminate, reduce, reuse, recycle, recover and dispose.

The project aims to minimise the use of potable water during construction wherever possible in accordance with best practice across the Park.

All works will be carried out in accordance with the Olympic Code of Construction Practice and all approved Topical Environmental Management Plans approved on 27<sup>th</sup> September 2007 pursuant to the OLF Permission (07/90010/OUMODA) and corresponding conditions will be placed on any approval.

It is considered that the construction methods used are acceptable and accord with Park Wide targets for sustainable design and construction.

### **CONCLUSION**

Given the above assessment it is considered appropriate to grant full, but temporary planning permission for the proposed car park subject to conditions.

### **RECOMMENDATION**

Grant planning permission subject to the following conditions.

#### **Conditions:**

##### **Time Limit**

1. The use/development hereby permitted shall only remain in operation until the 15<sup>th</sup> of May 2011 and shall cease thereafter with the land made available for use as a Spectator Transport Mall for the Olympic Games.

Reason: To ensure the car park is only available for an appropriate period of time and to ensure it is compatible with proposals for the London Olympic Games.

### **Hours of Operation**

2. The temporary car park shall only be used in association with recreational activities undertaken on the East Marsh playing fields. The car park shall only be open for public use on Saturdays and Sundays between the hours of 8am-8pm and at no other time without prior written approval from the Local Planning Authority.

Reason: To ensure the car park is only used at appropriate time's ancillary to the playing fields.

### **Approvals in writing**

3. Any application or submission for any approval pursuant to these conditions shall be made in writing to the Local Planning Authority.

Reason: To ensure that a proper record is kept.

### **Works in accordance with approvals**

4. Unless otherwise agreed by the Local Planning Authority and to the extent that it does not deviate from this Permission, the development shall be carried out in accordance with drawing numbers:

SBH-ATK-5-HWY-SK-T-5-D128-0302 REV P4  
SBH-ATK-5-HWY-SK-T-5-D128-0301 REV P3  
SBH-ATK-5-HWY-SK-T-5-D128-0303 REV P3

and the description of development contained in the application and any other approved plans, drawings, documents, details, schemes or strategies which have been approved by the Local Planning Authority pursuant to these conditions. All permanent works shall be retained in accordance with that approval thereafter, except and to the extent that these are expressly to be altered after the Games.

Reason: To ensure that all works are properly implemented and retained.

### **Code of Construction Practice**

5. All development shall be undertaken in accordance with the provisions of the Code of Construction Practice approved under permission ref. 07/90010/OUMODA with all Project, Contractor and Topical Environmental Management Plans, referred to in that Code of Construction Practice including those approved in accordance with Conditions OD.0.5 to OD.0.7 inclusive of permission ref 07/90010/OUMODA.

Reason: To ensure that all elements of an approved Code of Construction Practice are properly applied and to appropriately dovetail with condition OD.0.7 of permission ref. 07/90010/OUMODA.

### **Permitted Development**

6. Notwithstanding the provisions of Parts 4 and 5 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, no part of the Site shall be used for the stationing of sleeping accommodation for site workers, unless the approval of the Local Planning Authority has first been obtained.

Reason: To provide control over use of the Site during construction and to appropriately dovetail with condition SP.0.14 of permission ref. 07/90011/FUMODA and condition OD.0.45 of permission ref 07/90010/OUMODA.

7. Notwithstanding the provisions of Part 4 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, no land outside but adjoining the Site shall be used for the provision of temporary buildings, works, plant or construction machinery, unless the approval of the Local Planning Authority has first been obtained.

Reason: To provide control over the use of land adjoining the Site during construction and to appropriately dovetail with condition SP.0.15 of permission ref. 07/90011/FUMODA and condition OD.0.46 of permission ref 07/90010/OUMODA.

8. None of the rights contained in Part 4 Class B of Schedule 2 of the Town and Country Planning (GPDO) 1995 shall be exercised, unless the approval of the Local Planning Authority has first been obtained.

Reason: To provide control over potential temporary uses and to appropriately dovetail with condition SP.0.16 of permission ref. 07/90011/FUMODA and condition OD.0.47 of permission ref 07/90010/OUMODA.

#### **Hours of work**

9. The normal hours of construction work shall be 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 on Saturdays and not at all on Public and Bank Holidays and Sundays unless otherwise approved by the Local Authority under s61 of the Control of Pollution Act 1974.

Reason: To protect the amenities and environment of local residents and other sensitive receptors and to ensure compliance with policy EQ45 of the Unitary Development Plan.

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#### **Delivery arrangements**

10. All deliveries to the Site or removal of materials from the Site shall take place during the hours and in the manner specified in the Construction Transport Management Plan approved pursuant to condition SP.0.6 of permission ref. 07/90011/FUMODA.

Reason: To protect the amenities and environment of local residents and others and to appropriately dovetail with condition SP.0.26 of permission ref. 07/90011/FUMODA and condition OD.0.31 of permission ref 07/90010/OUMODA

#### **Statutory Undertakers Equipment**

11. No works shall be undertaken in the areas affected unless the relevant consultations with, notifications to or requirements of the statutory undertakers set out in Annex 4 to permission ref. 07/90011/FUMODA , have been observed and any necessary protective measures agreed with the relevant statutory undertakers.

Reason: To ensure that statutory undertakers' equipment is safeguarded and to appropriately dovetail with condition SP.0.29 of permission ref. 07/90011/FUMODA and condition OD.0.27 of permission ref 07/90010/OUMODA

#### **Quality of imported fill**

12. No soils or infill materials other than that approved as part of this application (including silt dredged from watercourses and crushed concrete or other aggregates), shall be imported onto the site for the development hereby approved.

Reason: To ensure that no contaminated material is brought onto the Olympic Site and to appropriately dovetail with condition SP.0.37 of Permission ref 07/90011/FUMODA and condition OD.0.39 of permission ref 07/90010/OUMODA.

**Protection of trees and habitats**

13. The trees to be retained and existing habitats shown on plan OLY-GLB-ILL-DWG-STW-SPC-IND-001, Rev 5 approved pursuant to permission ref 07/90011/FUMODA, or any replacement plan approved by the Local Planning Authority, shall be safeguarded until those areas are transferred to a long term management body, after the Games and Legacy Transformation Development. No retained tree shall be lopped or felled without the prior approval of the Local Planning Authority.

Reason: To ensure that trees and habitats are protected and to appropriately dovetail with condition SP.0.27 of ODA permission ref 07/90011/FUMODA.

**Unexpected contamination**

14. If at any time during the construction period, contamination is encountered which was not identified in the course of site investigation and is wholly or partly derived from a different source or is of a different type to that identified, the development shall not proceed (except to the extent that it would not further disturb that contamination) until a Remediation Change Note and/or a revised RMS, containing an assessment of that contamination and a scheme and timetable to contain, treat or remove it, has been submitted to and approved by the Local Planning Authority and any necessary remediation has been carried out.

**Temporary building height limits**

15. No temporary building, including any crane, aerial or antenna, shall be erected which exceeds the height of 50 metres AOD without the prior approval of the Local Planning Authority.

Reason: To protect the amenities of local residents and to ensure that Airport is safeguarded and to appropriately dovetail with condition SP.0.43 of permission ref. 07/90011/FUMODA

**Construction noise and vibration**

16. All development shall be undertaken in accordance with the provisions of the scheme for noise monitoring, assessment and mitigation for all construction plant and processes approved by the Local Planning Authority pursuant to condition SP.0.45 of permission ref. 07/90011/FUMODA and condition OD.0.49 of permission ref 07/90010/OUMODA

Reason: To protect the amenities of local residents and occupiers of other buildings, and to appropriately dovetail with condition SP.0.45 of permission ref. 07/90011/FUMODA and condition OD.0.49 of permission ref 07/90010/OUMODA.

17. Noise levels at any occupied residential property due to construction or demolition shall not exceed 75dB LAeq measured at 1m from the façade of the nearest occupied property, during the hours from 08.00 to 18.00 Monday-Friday, 75dB LAeq during the hours from 08.00 to 13.00 on Saturdays, except with the prior approval of the Local Authority, under s61 of the Control of Pollution Act, 1974.

Reason: To ensure that best practicable means are used to reduce noise generated by construction and to ensure compliance with policy EQ45 of the Unitary Development Plan.

18. Noise from construction work shall give rise to noise levels no higher than 65dB LAeq (1 hour) and 70dB LAeq (1 minute) at any educational premises measured at 1m from the façade of the building during school hours in term time, except with the prior approval of the Local Authority under s61 of the Control of Pollution Act 1974.

Reason: To ensure that best practicable means are used to reduce noise generated by construction and to appropriately dovetail with condition SP.0.47 of permission ref. 07/90011/FUMODA and condition OD.0.51 of permission ref 07/90010/OUMODA.

#### **Construction dust**

19. All development shall be undertaken in accordance with the schemes for dust monitoring, assessment and mitigation for all construction activities approved by the Local Planning Authority pursuant to condition SP.0.50 of permission ref. 07/90011/FUMODA and condition OD.0.54 of permission ref 07/90010/OUMODA.

Reason: To protect the amenities of local residents and occupiers of other buildings and to appropriately dovetail with condition SP.0.50 of permission ref. 07/90011/FUMODA and condition OD.0.54 of permission ref 07/90010/OUMODA.

#### **Removal of equipment on completion**

20. At the completion of the Development, all plant, temporary buildings or vehicles not required during the subsequent construction works pursuant to the development being undertaken shall be removed from the site.

Reason: To avoid unnecessary visual or other environmental impacts and to appropriately dovetail with condition SP.0.51 of permission ref. 07/90011/FUMODA and condition OD.0.57 of permission ref 07/90010/OUMODA and to ensure compliance with policy EQ45 of the Unitary Development Plan.

#### **Biodiversity Action Plan**

21. All development shall comply with any relevant provisions of the Biodiversity Action Plan approved by the Local Planning Authority pursuant to condition OD.0.11 of permission ref 07/90010/OUMODA.

Reason: To help achieve biodiversity objectives and protect habitats and species and to appropriately dovetail with condition OD.0.11 of permission ref 07/90010/OUMODA.

#### **Inclusive Access Strategy**

22. The development shall comply within the principles set out in the Inclusive Access Strategy, approved by the Local Planning Authority pursuant to condition OD.0.12 of permission ref. 07/90010/OUMODA.

Reason: To ensure that the inclusive access commitments are met and to appropriately dovetail with condition OD.0.12 of permission ref. 07/90010/OUMODA.

### **Reasons for approval and summary of relevant development plan policies**

In accordance with Article 22 of the Town and Country Planning (General Development procedure) Order 1995 the following is a summary of the reasons for the grant of planning permission, together with a summary of the policies in the development plan which are relevant to the decision to grant permission.

The development plan for the site comprises the London Plan (consolidated with alterations since 2004) and the saved policies of the adopted Unitary Development Plan of the London Borough of Hackney.

### **Principle of Development**

The subject site for the temporary car park is located within the London Borough of Hackney and is designated as Metropolitan Open Land, Part of Lea Valley Regional Park, Road Development and Area of Special Landscape Character under the Hackney UDP.

The 2007 Olympic and Legacy Transformation planning permission establishes that the subject site has been approved to be used as a transport mall during the Games with a requirement to reinstate the playing fields Post Games. The permission establishes that the principle of using this site as a temporary transport hub has been established. It is considered that the proposed temporary car park use is generally consistent with this approved Games use and would not affect the construction programme for the Games time transport mall.

The site is designated within the London Borough of Hackney Unitary Development Plan as Metropolitan Open Land (MOL). Policy 3D.10 of the London Plan affords MOL the same degree of protection as Green Belt. The guidance set out in PPG2 - Green Belts applies. This prohibits "inappropriate development". Construction of new buildings is defined as inappropriate unless it is for various defined uses which include "essential facilities for outdoor sport and recreation".

The proposed temporary car park does provide for "essential facilities for outdoor sport and recreation" particularly given the car park will allow the playing fields to be used for the 2010-2011 football season.

Section 5(5) of the 2006 Olympic Act requires that particular regard be had to the desirability of making proper preparation for the Olympics and to the terms of any planning permission already granted in connection with preparation for the Olympics. It is considered that the development of a temporary car park will limit the impact of the proposed Games time Transport Mall development by reducing the amount of time the playing fields are unusable.

The Environment Agency, London Borough of Hackney and TfL have not raised any objection to the application therefore it is considered that there would be no adverse material impact on the Environment or Road Networks.

Overall it is considered the construction of a temporary car park would allow the playing fields to be used for an additional season, greatly benefiting the local community whilst resulting in no greater environmental impact than that previously assessed in relation to the Transport Mall approved as part of the Olympic and Paralympic planning permissions.

Given the above, the principle of the development for the temporary car park is considered to accord with section 5(5) of the Games Act 2006 and relevant Development Plan policies.

As such the development is considered to be consistent with the following development plan policies:

### **The London Plan (Consolidated with alterations since 2004) (February 2008):**

The following policies are relevant:

#### **Policy 3C.16 (Road scheme proposals)**

All road schemes in London should:

- Contribute to London's economic regeneration and development
- Not increase the net traffic capacity of the corridor unless essential to regeneration
- Provide a net benefit to London's environment
- Improve safety for all users
- Improve conditions for pedestrians, cyclist, disabled people, public transport, and business
- Integrate with local and strategic land use planning policies.

#### Policy 3C.18 (Allocation of street space)

In balancing the use of streetspace, UDPs should include policies that reflect the Mayor's Transport Strategy and the London road hierarchy. In particular boroughs should:

- Presume in favour of movement of people and goods to support commerce, business and bus movements on the Transport for London Road Network (TLRN) and most other 'A' roads
- Presume in favour of local access and amenity on other London roads particularly for residents, buses pedestrians and cyclist and where necessary business
- Review the re-allocation of road space and land to bus priority, bus or tram (light transit) schemes, cyclist and pedestrians to support sustainable transport.

#### 3D.10 – Metropolitan Open Land

Maintain the protection of MOL from inappropriate development. Policies should include a presumption against inappropriate development of MOL and give the same level of protection as the green belt. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of MOL.

#### 3D.11 – Open space provision

Encourage functional and physical linkages within the network of open spaces and to the wider public realm, improve accessibility for all throughout the network and create new links based on local and strategic need.

#### 4A.14 – Sustainable Drainage

Surface water run-off should be managed as close to its source as possible. Use of sustainable urban drainage systems should be promoted for development unless there are practical reasons for not doing so.

#### 4B.1 – Design principles for a compact city

Seeks to ensure that developments:

- Maximise the potential of sites
- Create or enhance the public realm
- Provide or enhance the mix of uses
- Are accessible, useable and permeable for all users
- Are sustainable, durable and adaptable
- Are safe for occupants and passers-by
- Respect the local context, character and communities
- Are practical and legible
- Are attractive to look at and, where appropriate, inspire, excite and delight
- Respect the natural environment
- Respect London's built heritage.

#### 5C.2 – 2012 Olympic and Paralympic Games

The Mayor will and partners should; work to develop and implement viable legacy uses for the permanent facilities in the Park;

- increase participation in sport and physical activity by all sections of London's population and ensure community access to legacy facilities;
- ensure housing development is consistent with the London Plan and maximises the benefits from its association with the Games;
- promote and secure sustainable development and procurement policies for the Games delivery bodies and other organisations;
- maximise the employment, skills and volunteering benefits for Londoners arising from the Games and Games-related business;
- ensure all Londoners have access to the opportunities arising from the Games and legacy;
- ensure the land acquired for the development is used after the Games for the strategic needs of the Lower Lea Valley and wider Thames Gateway;
- maximise opportunity to promote London's status as a leading world city;
- ensure transport projects contribute to the delivery of the Mayor's transport strategy and the needs of wider London;
- ensure the Games preparation, staging and legacy contribute to the delivery of the Mayor's environmental strategies and objectives.

## **London Borough of Hackney Unitary Development Plan**

The London Borough of Hackney Unitary Development Plan 1995 (as saved) is the statutory development plan part of the application site.

### EQ1 Development Requirements

Development should respect its setting including, respect the visual integrity of the area; materials, form and detailing appropriate to the design and the locality, retain/enhance/create urban spaces, views landmarks and other features and take opportunities to reveal such features to public view; does not detract from important or potentially important views, provides safe and convenient access and circulation particularly those with disabilities and people with children.

### EQ21 Metropolitan Open Land

The Council will seek to ensure that the areas shown as MOL on the proposals map remain in predominantly open use. Any built development should be associated with the open space, nature conservation and/or recreational use of MOL.

### EQ30 Areas of Special Landscape Character

The Council will expect proposals within, adjacent to or affecting the areas of special landscape character shown on the proposals map to respect and enhance the unique character of these areas.

### OS9 Recreational Footpaths, Towpaths, Cycleways and Bridleways

Existing routes should be protected and opportunities taken to form a wider network.

### TR19 Transport

The Council will seek to ensure that all developments are satisfactory in terms of:

- a) Access, layout and circulation;
- b) Visibility splays for drivers and pedestrian;
- c) Sight lines;
- d) Off street operational parking and servicing including dedicated spaces for motor cycles and cycle parking.
- e) Parking for people with disabilities.
- f) Visual screening of parking and service areas.



- g) Safe circulation of traffic and pedestrians;
- h) Level access at pedestrian crossing points;
- i) Controlled hours of access;
- j) The impact on the townscape and those policies set out in the environment and quality chapter.

### **London Borough of Hackney Core Strategy:**

The London Borough of Hackney's Core Strategy has reached the formal 'submission' stage. The Strategy is yet to go through the examination and adoption stages. Notwithstanding this the Core Strategy does form a material consideration in the assessment of this application. The following policies are relevant to the proposal:

#### Policy 24 Design:

All development should seek to enrich and enhance Hackney's built environment and create a sense of place and local distinctiveness that is attractive and accessible. This will be achieved through:

- ensuring good and optimum arrangement of the site in terms of form, mass and scale, including usable amenity space where appropriate and consideration of biodiversity
- adopting a rigorous design and impact approach to assessing the heights and bulk of buildings in relation to existing surroundings and views
- identifying with the architectural, historic quality and character of the surrounding environment.
- enhancing of the area between the public and private domains including boundary treatment and access for all
- enhancing of the Public Realm and ensuring good connection into existing routes, movement patterns and streetscape
- reducing in crime and the perception of crime by promoting social inclusion,
- reducing barriers to movement and applying the principles of 'Secure By Design'

#### Policy 26 Open Space Network:

All open and green spaces should be well-managed and enhanced to improve quality, capacity and public accessibility, to support a diverse and multi-functional network of open spaces. Where appropriate, new open spaces will be created which are publicly accessible and linked to other open spaces to enhance the borough's green infrastructure. Particular attention should be given to improved provision in the identified areas of deficiency.

### **The London Olympic and Paralympic Games Act 2006**

Section 5 (5) of the London Olympic Games and Paralympic Games Act 2006 sets out the matters to which the Olympic Delivery Authority in discharging its planning functions shall have regard, in particular:-

- (a) To the desirability of making proper preparation for the London Olympics,
- (b) To the desirability of maximising the benefits to be derived after the London Olympics from things done in preparation for them,

- (c) To the terms of any planning permission already granted in connection with preparation for the London Olympics,
- (d) To any guidance issued by the Secretary of State (which may, in particular, refer to other documents), and
- (e) To the development plan for any area in respect of which an order is made under section 149 of the Local Government, Planning and Land Act 1980 (c. 65) by virtue of subsection (1) above, construed in accordance with section 38 of the Planning and Compulsory Purchase Act 2004 (c. 5).

### **Design and Appearance**

The car park is of a simple temporary design with a paved finish, timber sleeper edging and a metal gate as detailed above. It is considered that the design is wholly appropriate for a temporary car park.

In terms of the scale the proposed car park is on land, which at a later date will be used for a Games Time Transport Mall. It is not considered that the scale of the temporary car park will have a detrimental impact on the playing fields given the approved Games time transport Mall development.

Condition LTD.9 of planning permission 07/90010/OUMODA required requires by the 31<sup>st</sup> of December 2011 details of the layout and provision of pitches and the design of changing facilities to be provided at East Marsh to be submitted and approved by the Local Planning Authority. The works must be provided and available for use by the 1<sup>st</sup> of September 2013. Therefore there is an appropriate back stop to ensure the temporary works are removed and the playing fields are correctly reinstated.

As such it is considered that the development is in accordance with the following development plan policies:

### **The London Plan (Consolidated with alterations since 2004) (February 2008):**

The following policies are relevant:

#### **Policy 3C.16 (Road scheme proposals)**

All road schemes in London should:

- Contribute to London's economic regeneration and development
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- Review the re-allocation of road space and land to bus priority, bus or tram (light transit) schemes, cyclist and pedestrians to support sustainable transport.

### 3D.11 – Open space provision

Encourage functional and physical linkages within the network of open spaces and to the wider public realm, improve accessibility for all throughout the network and create new links based on local and strategic need.

### 4A.14 – Sustainable Drainage

Surface water run-off should be managed as close to its source as possible. Use of sustainable urban drainage systems should be promoted for development unless there are practical reasons for not doing so.

### 4B.1 – Design principles for a compact city

Seeks to ensure that developments:

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- Provide or enhance the mix of uses
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### 5C.2 – 2012 Olympic and Paralympic Games

The Mayor will and partners should; work to develop and implement viable legacy uses for the permanent facilities in the Park;

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- ensure housing development is consistent with the London Plan and maximises the benefits from its association with the Games;
- promote and secure sustainable development and procurement policies for the Games delivery bodies and other organisations;
- maximise the employment, skills and volunteering benefits for Londoners arising from the Games and Games-related business;
- ensure all Londoners have access to the opportunities arising from the Games and legacy;
- ensure the land acquired for the development is used after the Games for the strategic needs of the Lower Lea Valley and wider Thames Gateway;
- maximise opportunity to promote London's status as a leading world city;
- ensure transport projects contribute to the delivery of the Mayor's transport strategy and the needs of wider London;
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Development should respect its setting including, respect the visual integrity of the area; materials, form and detailing appropriate to the design and the locality, retain/enhance/create urban spaces, views landmarks and other features and take opportunities to reveal such features to public view; does not detract from important or potentially important views, provides safe and convenient access and circulation particularly those with disabilities and people with children.

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The Council will expect proposals within, adjacent to or affecting the areas of special landscape character shown on the proposals map to respect and enhance the unique character of these areas.

#### OS9 Recreational Footpaths, Towpaths, Cycleways and Bridleways

Existing routes should be protected and opportunities taken to form a wider network.

#### TR19 Transport

The Council will seek to ensure that all developments are satisfactory in terms of:

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**Access**

Access to the temporary car park is via Ruckholt Road. As part of the Olympic highway improvement works to Ruckholt Road a new temporary four lane access to East Marsh is being constructed to provide access for the Northern Transport Mall. In order to meet the temporary car park access requirements temporary modification of the Ruckholt Road Games access is proposed. Water filled barriers will be used to modify the junction for the temporary car park without affecting the junction being constructed for the Games.

Access for the car park is via separate entry and exit gates leading to a one way system within the car park. It is considered that the amended layout plan has been designed to meet required British standards.

The London Borough of Hackney and TfL have reviewed the scheme and have not raised any objections on transport grounds.

Given the above the temporary development is considered to be in accordance with the following development plan policies:

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### **Remediation, Flood Risk Assessment and Environment**



The applicant has included a technical paper with the application detailing remediation implications of the proposed temporary car park scheme. The paper concludes that the ground works are generally minor with 300mm of top soil being removed and no deep excavations being required.

The proposal utilises sub base materials that will be consistent with what is proposed in Legacy to reinstate the playing fields taking into account risks to human health and controlled waters. The proposed car park construction layers, in particular its hard surface will form an effective barrier preventing dermal and ingestion risk.

The paper suggests that specific further remediation works are not required, except by the provision of surface layers and geo textile material as proposed.

Details of the fill material to be used has been submitted. The fill comprises virgin material sourced from UK quarries which comply with the quality of imported fill framework agreed by PDT.

The site is located outside of any designated areas of flood risk as defined by the Environment Agency. It is considered that there will not be any additional surface water runoff as a result of the infiltration drainage system detailed above.

The EA have confirmed that they are satisfied with the proposed drainage system and design of the sub base will mitigate pollution risks.

Materials can be reused and the proposed temporary car park will provide an opportunity to test the method of construction for the Northern Transport Mall. Paving and sleepers can be reused for the transport mall and the sub base will be retained in Legacy to form the base for the new playing fields.

In terms of carbon reduction a material efficient construction is proposed, reducing the amount of energy used during manufacture and construction.

There will be some waste soil however this will be reused on the Olympic Park where possible. The remaining paving, sub base and sleepers will be reused in construction of the Transport Mall with the sub base being retained for Legacy. The project will adhere to the ODA's approach to waste management which follows the hierarchy of eliminate, reduce, reuse, recycle, recover and dispose.

The project aims to minimise the use of potable water during construction wherever possible in accordance with best practice across the Park.

All works will be carried out in accordance with the Olympic Code of Construction Practice and all approved Topical Environmental Management Plans approved on 27<sup>th</sup> September 2007 pursuant to the OLF Permission (07/90010/OUMODA) and corresponding conditions will be placed on any approval.

It is considered that the construction methods used are acceptable and accord with Park Wide targets for sustainable design and construction and as such are consistent with the following development plan policies:

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The following policies are relevant:

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