

**OLYMPIC DELIVERY AUTHORITY**

**ODA PLANNING COMMITTEE**

**SUBJECT: MINUTES OF 97<sup>th</sup> COMMITTEE MEETING  
Held on 24 July 2012 at 18.00**

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

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**Present:** Lorraine Baldy, Chairman  
David Taylor, Deputy Chairman (Items 5-9)

**Local Authority Members:**

Cllr Terry Wheeler LB Waltham Forest  
Cllr Conor McAuley LB Newham  
Cllr Judith Gardiner LB Tower Hamlets (Items 5-9)  
Cllr Geoffrey Taylor LB Hackney

**Independent Members:**

Mike Appleton (Item 1-7)  
Celia Carrington  
William Hodgson (Item 1-6)  
Janice Morphet  
Dru Vesty

**Officers in attendance:**

Vivienne Ramsay, ODA, Director of Planning Decisions  
Anthony Hollingsworth, ODA, Chief Planner Development Control, Planning Decisions Team  
Richard Griffiths, ODA Legal Adviser, Planning Decisions Team (Pinsent Masons)  
Saba Master, ODA Board Secretary

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

**1.1** There were no apologies.

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

**2.1** There were updates for Items 5 and 7.

**2.2** The Order of Business would be as set out on the Agenda and requests to speak would be dealt with on an Item by Item basis.

**2.3** There were requests to speak from:

2.3.1 Jeanette Emery-Wallis (Land Use Consultants) and Susanne Tutsch (Erect Architecture) for Item 5.

2.3.2 Mr Andriy Shulga (TMO) and Mr Ian White (Resident) for Item 6.

2.3.3 Steve Tomlinson (LLDC), Greg Holme (Allies and Morrison Architects) and Will Teasdale (LB Hackney) for Item 6.

2.3.4 Mike Derbyshire (Savills) for Item 7.

**3. DECLARATIONS OF INTEREST (AGENDA ITEM 3)**

The Director of Planning Decisions read the following statement:

"Members of this Planning Committee need to declare personal interests relevant to the agenda at the beginning of each meeting of the Planning Committee.

Members will see that the paper for Item 3 which has been circulated lists interests which they have declared which appear to be personal interests relating to Item 5, 6, 7, 8 and 9.

Would Members please confirm that the declarations of personal interests listed in the paper for Item 3 are correct; and state if there are any other interests you wish to declare?

*Lorraine Baldry declared a non-prejudicial interest in respect of Item 7 as the Chairman of London and Continental Railways (LCR), she is on the Board with a Director of Development Securities, the applicant for Item 7. .*

Personal interests are prejudicial if a reasonable member of the public with knowledge of the relevant facts would conclude that the nature of your personal interest is such that your judgment of the public interest is likely to be affected. If, by virtue of your personal interest you have been involved in decisions about these proposals, you may have a prejudicial interest. In that circumstance you would need to leave the meeting during the consideration of that item. In light of the agenda before you this evening, please state whether or not any of the interests declared are prejudicial interests?"

The Members of the Planning Committee confirmed that the declarations of personal interests recorded on the paper for Item 3 were correct and that none were considered prejudicial.

#### 4. MINUTES AND MATTERS ARISING (AGENDA ITEM 4)

- 4.1 A Member sought clarification regarding the process for the amendments in PDZ5 which Committee requested in their determination of the Legacy Communities Scheme planning application and the briefing of Committee on this.. A PDT Officer reported that a meeting had been arranged with the Applicant to discuss the design development work, within the parameters applied for. LB Hackney would also be briefed on the design development work. The Committee would be briefed at its meeting in September.

**Action: Director of Planning Decisions**

- 4.2 The Committee:

**AGREED** the Minutes of the 96th Planning Committee Meeting.

#### 5. NORTH PARK HUB

*Full planning application for the construction of a North Park Hub within the Queen Elizabeth Olympic Park during post-Games Transformation phase comprising:*

- 1. Construction of a new single storey multi-functional Park Hub building (with a footprint of 549m<sup>2</sup>) containing a reception area, café, flexible space, kitchen, WCs, administrative spaces, storage and plant and construction of ancillary bin store structure;*
- 2. Layout of associated Neighbourhood Play Space and parkland including landform modelling, associated hard and soft landscaping, lighting, surface and foul water drainage, shared cycle and pedestrian route and provision of 20 cycle spaces;*
- 3. Temporary hardstanding for temporary vehicular access arrangements, including provision of 3 x temporary blue badge parking bays, and temporary interim landscaping.*
- 4. Preparatory works including diversion and laying of in-ground utilities including new CCHP connection.*

- 5.1 The Applicant gave a presentation. The Applicant explained that the North Park Hub would be located on temporary tarmac outside the Basketball arena. The Hub would have an ecology theme with the cycle of plant life being told within this space. The Hub sits within the context of the Olympic Park and the landform has been used to enhance this.

- 5.2 The Applicant showed illustrations of how the Hub space would be set up. This included a cycle route on the west side, the temporary varied access, the meadow planning, the community lawn and the plant "succession garden". In addition, diagrams of the play experience concept map and the permeable boundary on the west side into the wider Olympic Park and assets.

- 5.3 The Applicant provided further detail on the Hub explaining that it would have a southern meadow and landforms which swept up to the structure. The location would have a cafe, a garden cafe with facilities. The Hub would be constructed using cross laminated timber.
- 5.4 The Applicant provided views from the North West walking up from the river and views across the play park towards the Velodrome.
- 5.5 A PDT officer then gave a presentation. The PDT Officer explained that the 2010 PGT applications did not include details of park facilities for approval. Condition PGT.79 was imposed requiring submission of details for park facilities which would include as a minimum: a café, non-commercial/public internal space to serve Olympic Park visitors and local residents; toilets; drinking water fountains with the Immediate vicinity of the hub(s); and areas for informal play and passive recreation, and accessible children's play for different age groups including appropriate shaded areas. The North Park Hub scheme has been submitted as a full planning application which seeks to address the requirements of Condition PGT.79.
- 5.6 In order to comply with PGT.79 requirements, the works are proposed to take place during the post-Games Transformation of the Northern Parklands. The Applicant has stated that construction is due to commence in November 2012 and the Hub is anticipated to open in the summer of 2013. The programme for North Park Hub is critical and although works do not commence until November a number of procurement actions need to occur by 3rd August 2012.
- 5.7 Full planning application for the construction of a North Park Hub within the Queen Elizabeth Olympic Park during post-Games Transformation phase comprising:
- Construction of a new single storey multi-functional Park Hub building (with a footprint of 549m<sup>2</sup>) containing a reception area, café, flexible space, kitchen, WCs, administrative spaces, storage and plant and construction of ancillary bin store structure;
  - Layout of associated Neighbourhood Play Space and parkland including landform modelling, associated hard and soft landscaping, lighting, surface and foul water drainage, shared cycle and pedestrian route and provision of 20 cycle spaces;
  - Temporary hardstanding for temporary vehicular access arrangements, including provision of 3 x temporary blue badge parking bays, and temporary interim landscaping.
  - Preparatory works including diversion and laying of in-ground utilities including new CCHP connection.
- 5.8 **General Considerations:**
- 5.8.1 **Integration with approved and submitted schemes** – The application complies with PGT applications (2010 + 2012), New Northern Parklands application, Stratford City Public Realm applications and the LCS application.

- 5.8.2 Play Proposals** – A diagram of the design concept and play space area was shown which included the play facilities specification and the neighbourhood play space area.
- 5.8.3 Hub Building** - DC CABE suggested that the Hub Building’s geometry is relatively complex and that the building’s ‘series of interlocking volumes and sloping roofs produce numerous corners in section and plan, which will make it both challenging and expensive to building’. Officers requested that the Applicant submit details of a number of junctions which the Applicant has subsequently submitted for approval. Further details demonstrate potentially complex material interfaces have been detailed and if built in accordance with these drawings would safeguard the design quality of the scheme.
- 5.8.4 Maintenance and management** - Officers have sought reassurance from the Applicant that the degree of intensive maintenance and management suggested by the design team within the Draft Outline Play Maintenance Tasks matches the Applicant’s, specifically whether the Applicant considers that the maintenance specification is reasonable and that the Applicant intends to provide the required funding for the daily inspections and maintenance recommended. The Applicant has confirmed that they are comfortable with the Draft Outline Play Maintenance Tasks and that it forms part of the Applicant’s current cost planning. The Applicant has also noted that maintenance will predominantly be undertaken by the park-wide EFM contractor and that the Hub will be managed by an operator (currently being appointed) who will also have an oversight role over the play space. Officers recommend that the Draft Outline Play Maintenance Tasks be used as the basis for a condition requiring final management and maintenance details.
- 5.8.5 Ecology** – The Update Report states that Natural England are satisfied with the proposals and support conditions seeking final species mix details, as set out at Condition 12. The Environment Agency has not made comment on the Ecological aspects of the scheme.
- 5.8.6 Sustainability** – The submitted BREEAM Pre-Assessment indicates that the proposed development achieves an expected score of 72.02%, which equates to an Excellent Rating. The ODA PDT consultants have reviewed the submitted documents and have assessed that BREEAM Excellent should be achieved by the project. Condition 17 ensures a final pre and post construction assessment.
- 5.8.7** The proposal would not result in any adverse impacts in terms of flooding and drainage, accessibility, transport, remediation or noise subject to the various conditions set out at Section 10 of the report.
- 5.9 Update Report** - The PDT Officer reported that the Update Report recommended changes to the Condition wording for Conditions 8, 14, 15 and 46.
- 5.9.1** The Update Report included further information on the BAP habitat areas and BAP obligations across the whole Olympic Park taking into account the North Park Hub, South Park Hub and Olympic Stadium Transformation. In addition,
- 5.9.2** Natural England has no objection to the proposals as described on the basis that the overall Olympic Park BAP provision remains above target.
- 5.9.3** SVDP raised two technical issues regarding SVDP ownership of the land and that the suggested highways engineering of the access and junction to the south east of the application site is not regulatory compliant. The PDT Officer reported that

Condition 14 has been amended and Condition 11 are both considered to provide sufficient assurances that adequate details will be submitted to address SVDP comments.

- 5.10** The PDT Officer concluded that PDT are satisfied that the submitted application for the North Park Hub is acceptable and that planning permission be granted for the reasons given in the Main Report subject to the conditions and informatives set out in the Main Report, as amended in the Update Report.
- 5.11** A Member asked for clarification on the management and maintenance details and whether these should be required pre-commencement.. A PDT Officer reported that Condition 15 requires the Management plan to be submitted by the 31 December 2012 but that construction would commence in November 2012. The officer concluded that a pre-commencement condition was not appropriate in this instance, given the project programme. The Member further asked if the Management plan would determine the design of the structure. The Applicant agreed to provide illustrations and reported that a Hub Operator would be appointed. The Member stated that a structure of this type requested a specialist role and the Committee required assurances that the Applicant understood how different managing this Hub will be to a shopping centre, for example. The Applicant gave assurances that they understood the specialist role and specification required to manage the Hub on a daily basis.
- 5.12** There being no further questions the Committee took a vote and unanimously:
- i) **APPROVED** the submitted application for the North Park Hub and;
  - ii) **GRANTED** planning permission for the reasons given in the Main Report subject to the conditions and informatives set out in the Main Report, as amended in the Update Report.

**6. Gainsborough School Pedestrian Bridge – 12/0230/FULODA and 12/9023/LBCODA**

12/90230/FULODA

*Planning permission for the construction of a permanent replacement Gainsborough School pedestrian bridge (Bridge F13) across the River Lee Navigation between Gainsborough School and the Olympic Park including associated ramps and stairs, hard and soft landscaping and hard surfacing, lighting and details showing how public access to use the bridge could be achieved.*

12/90231/LBCODA

*Listed Building Consent for alterations to the eastern boundary wall of Gainsborough School including relocation of an existing entrance in the wall and fixing of a wire mesh up to 3m high along approximately 60m length of the wall; in connection with the planning application for a replacement pedestrian bridge across the River Lee Navigation.*

- 6.1** A PDT Officer delivered a presentation describing the scope and the nature of the Application, explaining that the Application was part of the requirement of the 2007 Olympic, Paralympics and Legacy Transformation which granted outline consent for

a bridge in the PDZ5 location. The report considers two applications: a full 'slot in' application for a permanent pedestrian bridge (F13) for post Games use across the River Lee Navigation between Gainsborough School in Hackney Wick and the Olympic Park in PDZ 5 and Listed Building Consent for alterations to the boundary wall of Gainsborough School including relocation of an existing entrance.

- 6.2 The PDT Officer reported that the planning application covers the bridge deck and associated ramp and stairs, hard and soft landscaping and lighting. The bridge will provide access for Gainsborough School to playing fields forming part of PDZ 5 in the first phase of the Legacy Communities Scheme (PDT ref 11/90621/OUTODA). The school which is being expanded from two form entry to three form entry is on a currently constrained site with no playing field. The bridge will provide a necessary link enabling the school to make use of the new playing field.
- 6.3 The PDT Officer explained that the bridge has been designed so that public access could be provided to the bridge and this was envisaged in a condition attached to the 2007 Olympic, Paralympics and Legacy Transformation permission (PDT ref 07/90010/OUMODA as varied by permission ref 11/90313/VARODA) (2007 Permission). Objections to the application have been received from 32 local residents on a number of grounds including the impact on or loss of the existing amenity area on the western side of the canal and concern over anti social behaviour resulting from public access. These concerns are acknowledged. Whilst Officers consider that public access to the Olympic Park via the proposed bridge should be allowed for, given the concerns of residents, availability of other new bridge connections to the Park and the fact that provision of post Games facilities including employment opportunities and reopening of the park and venues will take time, in the short term, it is not considered to be essential that public access is necessarily available on first opening of the bridge. A condition is suggested which requires the submission of a strategy for future consideration of this issue in consultation with residents.
- 6.4 The PDT Officer showed plans and images of the proposed steps at the end of the bridge, elevations of the truss structure and the view looking up the ramp from the school.
- 6.5 Key considerations include:**
- 6.5.1 Design and Appearance** – Officers acknowledge the objections to the design of the bridge raised by residents, but consider that the design has been thoroughly considered in response to the site context and suitably responds to the robust heritage of Hackney Wick. It would provide a safe, secure and inclusive access for pedestrians. As such it is considered that the scheme would accord with the criteria in policy 24 on design in the Hackney Core Strategy. In terms of the ramp, the applicant has considered alternative solutions, including a lift option, but the ramp provides the most effective inclusive access solution. The design team has sought to minimise the length of the ramp structure and to design it sensitively given its context adjoining the listed school wall and proximity to residential dwellings.
- 6.5.2 Listed Building Consent** – The LBC relates to alterations to the school boundary wall which forms part of the curtilage structure to the Grade II listed Gainsborough School. Approximately 15m of the wall is in the ODA planning area and the alterations comprise the re-siting of the school gate in the wall and replacement mesh fence above it. The assessment of the visual relationship between the proposed ramp and the wall is considered principally an issue for consideration by LB

Hackney as the Local Planning Authority covering most of the ramp and canal side area. However it is noted that the external material of the ramp would be London stock brick to match the wall and this is welcome and considered appropriate to context.

**6.5.3 Western amenity area** – The western ramp is constructed against the school boundary wall. The effect of the proposals on this area has been the subject of objections to the application although the majority of this area falls within the LB Hackney planning area. Although the proposals will result in a reduction in the area of this space it will remain available to residents and the application includes proposals for planting, paving and a handrail along the canal side making it safe for children to use.

**6.5.4 Public access** – The current proposals do show how physical access can be made to a publicly accessible area via the western access ramp into Wick Village and how school and public use could be separately catered for. This is important so that future public connectivity is at least not precluded. It is recognised that any public access is likely to be of mainly local importance, principally providing residents of Wick Village and adjoining areas a convenient route to access the proposed Parklands, retained venues and employment opportunities. The objections received are noted and have been considered. It is also noted that any public access is likely to require management and cooperation between Hackney Council, Gainsborough School and Wick Village TMO. In addition the point at which public access could be made is currently outside the planning area of the ODA (though the London Legacy Development Corporation is due to take on planning powers for the whole area from 1 October 2012). However, taking into account the concerns of residents regarding the possible implications of increased public access through Wick Village as a result of this proposal and recognising that public access will need to be suitably managed, it is proposed to attach a condition requiring the submission of a public access strategy to review this issue. Such a strategy could review the issue at specified future dates including when facilities in the Olympic Park are fully open to the public and include a clear requirement for public engagement including (but not exclusively) with residents of Wick Village.

**6.5.5 Ecology** – Small trees and shrubs have been removed along the school boundary wall but replacement planting and ecological enhancements are secured by condition.

**6.5.6 Flood risk** – There is minor loss of flood storage but this is considered to be outweighed by the benefit of enclosed brick clad ramp.

**6.5.7 Other issues** – Officers are satisfied that there is no significant impact on residential amenity.

**6.6** In conclusion, the PDT Officer reported that the application is a high quality designed Bridge with inclusive access, landscaping and public realm enhancements. Access for the expanding Gainsborough school to the new playing field in the Olympic Park is crucial. Suitably managed public access is not precluded and the management and any impacts can be reviewed. The Listed Building Consent is acceptable subject to the detailed conditions as set out in the Report. The assessment concludes that the proposed design of the bridge and access to it and the enhancement of school facilities that would result from the development, would accord with relevant development plan policies and that it will ensure that benefits to be derived after the London Olympics and Paralympics will be maximised in accordance with Section 5



(5) of the London Olympic Games and Paralympics Games Act 2006. On all other issues assessed it is concluded that permission should be granted.

## **6.7 Speakers against the Recommendations**

- 6.7.1 The Chair invited Mr Andriy Shugia, (TMO), and Mr Ian White (Resident), to present objections to the Application on behalf of the residents of Wick Village.
- 6.7.2 Mr Andriy Shugia explained that the majority of the 300 residents are against the application. He explained that the area is designated for residents who do not have a garden and for communal events. He believed that allowing public access would have an adverse effect on the community while compromising the security of the residents, of which 50% are disabled or elderly.
- 6.7.3 Mr Shugia expressed concern that the application did not follow the National Planning Policy Framework in that the design had no relevance to the local area. There are existing bridges which would provide access to the Olympic Park.. The consultation with the local community was seen as biased, incomprehensive and meetings held the applicant resulted in residents being informed with what was going to happen rather than any discussion. Gainsborough school representatives had not attended these meetings
- 6.7.4 Mr Shugia believed that the proposed bridge would deny residents of a small, successful close knit community access to amenity space and that the application is morally wrong. He stated that the application should be refused so that the proposed Bridge can be re-designed so that the Bridge goes directly into the school playground as is with the current bridge.
- 6.7.5 Mr Ian White explained that the residents had not been considered or consulted about the proposal but that the needs of public access only had been taken into account. He pointed out that the residents currently manage and maintain this area and this responsibility would increase with public access. In addition, he expressed concern at the number of mistruths regarding the consultation, the delay in the response to FOI requests and stated that the residents would continue to pursue this matter.

The Chair of the Planning Committee reminded the speakers that the Planning Committee is an independent Committee and no pre-decision had been made.

## **6.8 Speakers in Support of the Recommendations**

- 6.8.1 The Chair invited Steve Tomlinson, LLDC, Greg Holme, Allies and Morrison Architects and Will Teasdale, LB Hackney to speak in favour of the Recommendations.
- 6.8.2 The Applicant gave a presentation which included a slideshow. The Applicant stated that there was a legal obligation from the 2012 Games to replace the Bridge by the end of 2013. The Bridge would be for school and public access within a constrained site.
- 6.8.3 The Applicant reported that the Bridge was simple yet elegant and that the size of the access ramp would be minimised. The design would reinstall the BBQ area and

the seating area. The Applicant stated that the Bridge would not compromise school access and there would be public access through Wick Village. There had been three public consultations and the Applicant had applied for school access only.

- 6.8.4 The Applicant confirmed that the original Bridge did not have a ramp and that the Bridge would not be the main connection for public access through Hackney.
- 6.8.5 The Applicant showed slides of the option studies of the Western approach and a diagram of the Bridge plan which included simple construction from the school to the playing field. The ramp will be DDA compliant and include stairs to the south, as well as trees to soften the appearance of the bridge approach. Pictures were shown of the existing space on the canal side. The bridge would be the same colour as those proposed to be delivered as part of the Post Games Transformation but would comprise a different structure. There would be a depth load between the two trusses and the deck would be an open deck. There would be free draining with only the top of the eastern towpath being drained. There was also the possibility of a future stair connection to the Eastern tow path.
- 6.8.6 The Applicant from LB Hackney explained that the school playground was an informal play space and that there had been strong feedback from the residents. The Applicant addressed the two points of concern from residents and reported that the impact on the canal space had been addressed by reducing the size and the width of the structure to minimise the impact and that the BBQ space could be retained. In addition, there would be school access from day one with a gate being installed on the eastern side and the retention of the west gate. The Applicant believed that a sensible approach was being put forward and that although it was a tricky situation a balance was being sought.

*Cllr Conor McAuley left the meeting.*

## **6.9 Committee Members questions**

- 6.9.1 A Member expressed concern over how the application had been prepared and that it was difficult to see how concerns of residents were being addressed. In addition, the relative amounts of pedestrian traffic likely to use alternative nearby bridges had not appeared to have been fully explored..The Member requested further details of the mitigation of the loss of the space in qualitative and quantitative terms. It was confirmed that this work had not been undertaken, given that the bridge is a planning requirement under the 2007 Olympic planning permission.
- 6.9.2 A Member reported that there would be 30% decrease in the size of the area to 4.7m in width and that this would be less usable than the current space which is 6.7m wide. The Member asked the Applicant if the option of removing the wall had been explored and were the existing school grounds used for other purposes, such as staff car parking?
- 6.9.3 The Objectors pointed out that there was currently car parking provision for teaching staff within the school playground and that the original bridge was in the school.
- 6.9.4 The Applicant confirmed that the boundary wall was Listed and as such, the design sought to retain it.. However, the amount of space remaining was 4.7m wide and would be enhanced with new planting.

*Cllr Conor McAuley returned to the meeting.*

- 6.9.5 A Member asked if there had been public access to the Bridge through the school previously and if an Access Management Plan had been envisaged. A PDT Officer referred the Committee to Condition GB.4, and confirmed PDT's view that the bridge should be open for public access. The Applicant confirmed that there had been no previous public access across the Bridge. The Residents Management Committee would manage the estate on behalf of LB Hackney. If public access was granted then LB Hackney would work with the Residents Management Committee to manage the public access. The Applicant informed the Committee that both the Residents Management Committee and the school hold a key to each of the gates.
- 6.9.6 A Member asked if the Planning Committee had the authority to vary the 2007 condition which requires public access. A PDT Officer reported as this application is a new full slot-in application, new conditions could be proposed, including that related to public access.
- 6.9.7 A Member asked for clarification on the principle of the Bridge. A PDT Officer explained that a Bridge has been granted outline planning permission in 2007. The details of the separate use by the school and the public access is to be submitted as reserved matters for the Bridge.
- 6.9.8 A Member reported that he had visited Wick Village and that the existing amenity area was not in heavy use. The Member pointed out that the Committee should not be naïve and assume that the access gate would always be open and that it would be worse to install a gate that could sometimes be opened/closed and of which the Residents Management Committee could shut anyway. The Member asked for clarification on what loss of amenity space there would be and also asked for a deferment of the application.
- 6.9.9 A Member asked to view sketches of the extension to the Bridge into the school playground. The Applicant reported that discussions had taken place with the Hackney Learning Trust which had given a clear steer that the school did not have sufficient play area space and therefore the ramp should be in the proposed place.
- 6.9.10 The Member then pointed out that the landscaped area proposed is not as attractive as the space it is replacing. The Applicant agreed that the area could be improved and that it was their intention to work with residents to improve and provide a better amenity space. PDT Officers confirmed that the proposed conditions require the full details of the landscape scheme.
- 6.9.11 A Member expressed concern that there was too much emphasis on the school requirements at the expense of residents' wishes. He questioned why the residents were opposed to having the bridge and that this was an opportunity for both parties to improve what already exists.
- 6.9.12 A Member pointed out that the Planning Committee had consistently sought for enhancements to pedestrian and cycle access and permeability into the Olympic Park and pointed out that public access improves and makes the area safer. The Member questioned the amenity loss with the close proximity of the Olympic Park and stated that the decision needs to be based on what is best for the whole area.
- 6.9.13 A Member believed that the residents were fearful of security issues and a lack of cleanliness if there was public access to Wick Village. The Member asked for clarification of who was responsible for funding the management of the space and who owned the land. The Objector reported that the management was funded by LB

Hackney but that the residents have undertaken additional funding of the area, over the last 15 years. The land was owned by LB Hackney.

- 6.9.14 The Applicant reported that the LLDC was improving Wick Green and introducing a number of public realm agreements as part of the overall Masterplan.
- 6.10 The Director of Planning Decisions recommended that in the light of the comments and questions from Members, a deferment of a decision on the application to allow the applicant to consider and further assess whether the bridge could be provided without reducing the quantity and quality of amenity space available to residents, as well as options for the removal of the Listed boundary wall and an appraisal of the use of the school playing space.
- 6.11 There being no further questions the Committee took a vote and agreed (9 votes in favour, 1 vote against and 1 vote abstention) to:

**DEFER** the proposal in respect of planning application ref 12/90230/FUMODA for a permanent Gainsborough School bridge and application for Listed Building Consent ref 12/90231/LBCODA and request the applicant to consider the following:

Consider further options to assess whether the bridge could be provided without reducing the quantity and quality of amenity space available to residents including:

- A review of how all external space within the school is used.
- A review of the importance of the school boundary wall as a listed structure and the impact on the school listing if it were altered, removed or moved (in whole or in part) and – if acceptable – any options this would open up.
- How any adverse impact on the existing space could be mitigated by compensatory provision of an equivalent quality and quantity or enhanced quality of the residual space.
- Whether any other options exist for providing public access.

*William Hodgson left the meeting.*

## **7. 419 Wick Lane - 12/90164/FULODA**

*Change of use of upper floors (1 – 6) from Live-Work (Sui Generis) to 112 self-contained residential units (Class C3).*

- 7.1 The Applicant gave a presentation. The Applicant pointed out the close proximity of Wick Lane to the Olympic Park and pointed out the 419 Wick Lane had been unoccupied for a period of 3 years. The Applicant pointed out that the application does not propose the loss of employment use and although it is a difficult area in which to let properties the client has significant experience in undertaking this successfully.

- 7.2 The Applicant explained that affordable housing was unworkable on this development as the service charge is extremely high and that the development is unique. The s106 agreement has allocated £500k for affordable housing from a total package of £1.5m.

*Mike Appleton left the meeting.*

- 7.3 A PDT Officer gave a presentation and explained that the site comprises of a newly developed seven storey building plus lower ground/basement floor constructed pursuant to Permission PA/03/01617. Construction was completed in 2009, and the development remains unoccupied to date. The building is directly adjoined by a highway on all boundaries apart from the eastern boundary where a landscaped open space lies between the building and the River Lea. The area is made up of predominantly industrial uses with some heavier industrial uses located further to the north and south of the site. The site is located within a Local Industrial Location (as set out within the Tower Hamlets Draft Fish Island AAP), and is adjacent to the Fish Island Conservation Area. A subsequent permission for the retrospective sub-division of 8 of the larger live-work units was approved by the ODA PDT in 2008 (under reference 08/90318/FULODA) to create an additional 8 live-work units (112 in total). This too has been implemented. This application seeks to change the use of the approved live/work units at first – sixth floor levels to 112 one and two-bedroom residential properties (Use Class C3).

#### **7.4 General considerations**

- 7.4.1 **Change of Use** - Live-work can be defined as "the provision of segregated living and working accommodation in a single, self-contained unit" (Draft Supplementary Planning Guidance Note: Live/Work, LB Tower Hamlets 2001). It is distinct from "working from home" as "live-work" often involves the provision of purpose-designed workspace, and does not fall within a specific use class under the Town and Country Planning (Use Classes Order) 1987. The use of the property for residential use has been established through the permission for use of the units as live-work units. It is therefore considered that the proposed change of use from Live-Work to residential is acceptable in this location as a residential population would have been present on the site even if the Live-Work consent had been executed successfully. The Draft Fish Island AAP does allow for residential development within this area within a Local Industrial Location.

- 7.4.2 **Loss of Employment Generating Floor Space** - The application involves no physical changes to the layout of the building, has no design or amenity implications and does not specifically preclude future use for employment as occupants will be able to work from home without the need for planning permission. It is the view of Officers that in order to bring this vacant building into sustainable use the loss of this unimplemented commercial floor space within the live/work units is considered to be acceptable in this instance. The applicants have demonstrated through their Toolkit Viability Assessment that a commuted sum for the loss of employment generating floor space would not be possible as it would affect the commercial viability of the development. The Viability Assessment has been reviewed by the PDT's advisors (Lambert Smith Hampton) and is generally considered to be sound, though additional value has been agreed towards off-site affordable housing payment, following the review. However, it is acknowledged that over 1,000m<sup>2</sup> of B1 floor space will still be provided at ground floor level at this site, at a severely discounted rent of £3 per square foot in perpetuity.

**7.4.3 Affordable Housing** - As the development has already been constructed there are particular issues associated with the provision of affordable housing on-site. The applicant has confirmed that the Registered Social Landlords were approached, but the layout and specification of the units were not adoptable to them. Given that on-site direct provision is not possible in this case, Officers consider that funding for an off-site provision of affordable housing would, in this instance be appropriate and accord with relevant planning policies including policy DM15 of the emerging LB Tower Hamlets Managing Development DPD. The Applicant has offered to make a contribution under a Section 106 agreement, totalling £557,324.00. The Applicant will also be liable to pay £492,675.00 towards the Mayoral Community Infrastructure Levy (CIL). PDT's advisors have assessed the information provided and concluded that most of the assumptions made by the applicant were on the whole reasonable. However, LSH conclude that the Proposed Market Value used as a benchmark to test the residual viability of the scheme does not take into account a bulk buyer discount, in addition to the proposed developers profit. By applying LSH's of estimated Market Value it has been estimated that the proposed commuted Section 106 sum could increase by circa £300,000.

**7.4.4 Amenity** - The use of the premises for residential only is not considered to cause material harm to neighbouring amenity, nor to the business premises adjacent (at 415 Wick Lane). The use of the property for solely residential purposes is not considered to affect the amount of open space required at the 419 Wick Lane development, nor to require any changes to the refuse/recycling arrangements at the development.

**7.4.5 Parking** - The change in use from live/work to residential would not change the maximum parking provision required by the London Plan's parking standard for B1 and residential uses in outer London areas and 1-2 bed units. There is a finite provision for car parking within the structure of the development and it is not proposed to amend this. The proposal is therefore considered to be acceptable.

**7.4.6 S106 Legal Agreement Requirements** - The following Heads of Terms will need to be incorporated into a S.106 agreement:

- i) **Off-Site Affordable Housing Contribution** - The applicant will pay a contribution of £557,324.00 to the Council towards the provision of off-site affordable housing.
- ii) **Affordable workspace** - The applicant will offer the 1,118 sqm of employment generating floor space on the ground floor of the property at a subsidised rent of £3 per square foot in perpetuity with an initial 36 month rent free period or as otherwise agreed in writing with the Council.

**7.5 Consultation and Update Report** – The Update Report documented further consultation responses from LB Tower Hamlets.

**7.5.1** Although LB Tower Hamlets supported the principle of the change of use from live-work to residential they expressed concern over the Applicant not providing detailed floor plans to show how the development as built is laid out and how much employment floor space would be retained. PDT have explained that the Applicant has not provided detailed floor plans as there are no physical alterations to the

**9. Any Other Business**

*There being no other business the meeting ended at 20.30.*

*Date of next meeting: 11 September 2012*

Signature

Z B Aldm

Date 21/5/2013

Chair

