

OLYMPIC DELIVERY AUTHORITY

ODA PLANNING COMMITTEE

**SUBJECT: FINAL MINUTES OF 93rd COMMITTEE MEETING
Held on 13 March 2012 at 18.00**

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

Present:

Lorraine Baldry	Chairman (Items 1-4 and 7-9 only)
David Taylor	Deputy Chairman (Items 1 – 7 only)

Local Authority Members:

Cllr Terry Wheeler,	LB Waltham Forest
Cllr Conor McAuley,	LB Newham
Cllr Judith Gardiner	LB Tower Hamlets (Items 7-9 only)
Cllr Geoffrey Taylor	LB Hackney

Independent Members:

Mike Appleton
Celia Carrington
William Hodgson
Dru Vesty

Officers in attendance:

Vivienne Ramsey	ODA, Director of Planning Decisions
Anthony Hollingsworth	ODA, Chief Planner Development Control, Planning Decisions Team
Emma Bennett	ODA Legal Adviser, Planning Decisions Team (Pinsent Masons)
Jamie Lockerbie	Taking Minutes (Pinsent Masons)

1. APOLOGIES
(AGENDA ITEM 1)

1.1 Apologies were received from Janice Morphet.

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

2.1 There were Updates for Items 6, 7 and 8.

2.2 The order of business was unchanged.

2.3 There were requests to speak from representatives of each of the Applicants for Items 7 and 8.

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 and 8.

'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?'

'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?'

Lorraine Baldry declared a prejudicial interest in relation to Items 5 and 6 as she is Chairman of the LCR, a company that will be a party to the agreements discussed in relation to those items and agreed to leave the meeting for the consideration of those items.

The remaining 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 The Committee:

AGREED the Minutes of the 92st Planning Committee Meeting.

The Chairman left the meeting for Items 5 and 6.

5. STRATFORD CITY S106 SPLIT AGREEMENT

Splitting of the Zones 2-7 Stratford City Section 106 Agreement dated 18 June 2009 into two separate Section 106 Agreements: (1) an agreement binding Zone 2, Zone 7 and Plots N17, N20, N21, N22 and N23 in Zone 3 and Zone 4 and (2) an agreement binding all other remaining Plots in Zones 3, 4, 5 and 6.

5.1 The ODA Legal Adviser gave a presentation on the Item and reported as follows:

On 17 February 2005 outline planning permission was granted by London Borough of Newham for the comprehensive mixed use development of the site now known as Stratford City (reference: P/03/0607). The permission was accompanied by a Section 106 Agreement.

On 9 May 2006 a section 73 application (06/90017/VARODA) was submitted to vary certain conditions attached to P/03/0607 and on 28 February 2007 a further Section 73 application (07/90023/VARODA) was submitted to vary certain conditions to be attached to 06/90017/VARODA.

On 13 November 2007 a new Section 106 Agreement was entered into (replacing the 2005 Agreement); and the Section 73 planning permissions were granted for 06/90017/VARODA and 07/90023/VARODA

On 29 May 2008 planning permission 07/90023/VARODA was implemented.

On 18 June 2009, the 13 November 2007 Section 106 Agreement was split and replaced by two Section 106 Agreements, one relating to Zone 1, and the other to Zones 2-7.

Zones 2-7 of Stratford City are in the ownership of two principal developers being: (i) London & Continental Railways Limited ("**LCR**") and (ii) Stratford Village Property Holdings 1 Limited, Stratford Village Property Holdings 2 Limited and Stratford Village Development (GP) Limited (together known as "**SV**"). LCR is the freehold owner of Zone 2, Zone 7 and those Plots known as N17, N20, N21, N22 and N23 located in Zone 3 and Zone 4. SV is the freehold owner of all other remaining Plots in Zones 3, 4, 5 and 6. The Athletes Village is located within the area of land owned by SV.

The principle of splitting the 18 June 2009 Section 106 Agreement for Zones 2-7 ("**Z2-7 Agreement**") is recognised in the Z2-7 Agreement itself. The Z2-7 Agreement contains a provision that states that the Z2-7 Agreement may be split equitably between the area of land comprised within Zones 2-7, having regard to the physical and temporal division of Zones 2-7 (for the purposes of its development before and after the Games)

The key driver for this recognition was the fact that the area of land owned by SV (used during the Olympic Games as the Athletes Village) would subsequently be sold after the Games. Accordingly, PDT has been in negotiations with LCR and SV and has agreed to split the Z2-7 Agreement for Zones 2-7 to reflect the land ownership between LCR and SV.

The result of this split will mean:

- a stand alone Section 106 Agreement for Zone 2, Zone 7 and those Plots known as N17, N20, N21, N22 and N23 in Zone 3 and Zone 4, with the developer being LCR; and
- a stand alone Section 106 Agreement for all other remaining Plots in Zones 3, 4, 5 and 6, with the developer being SV.

The Section 106 package secured within the Z2-7 Agreement remains unchanged under the terms of the proposed split and the land will remain bound as before. The only difference between the (proposed) split Section 106 Agreements and the Z2-7 Agreement is that obligations which only relate to or are only provided on the land owned by SV will only be in the SV split Section 106 Agreement; and obligations which only relate to or are only provided on the land owned by LCR will only be in the LCR split Section 106 Agreement.

Obligations that transverse the whole of Zones 2-7 will be within both split Section 106 Agreements or appropriately apportioned between the two split Section 106 Agreements

- Section 6 of the Committee Report identifies the areas of note for the split as follows:
- **Transport:** Overarching Stratford City Development Travel Plan applies to both split agreements, under which there will be an SV Travel Plan and an LCR Travel Plan (including obligations to consult each other and to ensure their respective plans are consistent with each other, where reasonably practicable);
- **Social Facilities:** Most of the social, community and health facilities are within the SV land ownership, although LCR is responsible for providing daycare facilities;
- **Education:** Within Zone 6, so rests with SV;
- **Employment:** Both SV and LCR obliged to contribute to construction training and recruitment and to end-user employment, whilst LCR is also obliged to contribute to bespoke business support and supply chain activities

5.2 Officers conclude by recommending the split of Z2-7 Agreement for the reasons given.

5.3 There being no questions the Committee took a vote and unanimously:

(i) **APPROVED** the proposed split of the Z2-7 Agreement.

(ii) **GRANTED DELEGATED AUTHORITY** to the Director of Planning Decisions to agree to the split of the Z2-7 Agreement into two Agreements being:

- a stand alone Section 106 Agreement for Zone 2, Zone 7 and those Plots known as N17, N20, N21, N22 and N23 in Zone 3 and Zone 4, with the developer being LCR; and
- a stand alone Section 106 Agreement for all other remaining Plots in Zones 3, 4, 5 and 6, with the developer being SV

on terms acceptable to the Director of Planning Decisions

6. **UPDATE REPORT ON THE S106 AGREEMENT IN RESPECT OF APPLICATION 10/90651/VARODA**

Application under Section 73 of the Town and Country Planning Act 1990 (as amended) relating to the Stratford City Development comprising the comprehensive mixed use development of the rail lands site for B1 offices, residential, retail development in the full range of A1, A2 and A3 uses, commercial leisure uses, hotels and conference facilities, open space, landscaping, water features, parking, transport interchanges, associated infrastructure and a town centre link. Application to vary conditions A1, A4, D2, U1, U3, E2 and T2 of the Stratford City Outline Planning Permission 07/90023/VARODA to allow additional housing in Zones 3 and 5, changes to the open Space strategy and increased flexibility to make changes to Zonal Masterplans.

6.1 The ODA Legal Adviser introduced the item stating that it was an update to Members regarding the Section 106 Heads of Terms in respect of the Section 73 application (10/90651/VARODA) to vary certain conditions attached to the implemented Stratford City outline planning permission (07/90023/VARODA)

6.2 The Section 73 application received resolution to grant (subject to the completion of a section 106 agreement) on 12 April 2011 and will change the floorspace of the Stratford City development as follows:

Complimentary Retail floorspace in Zone 3 increases from 3000 m² to 5668 m²;

- Residential floorspace in Zone 3 increases from 49,932 m² to 106,018 m²;
- Residential floorspace in Zone 5 increases from 227,311 m² to 272,311 m²;
- Hotel floorspace in Zone 3 decreases from 86,206 m² to 25,528 m²;
- Leisure floorspace in Zone 3 – increases from 0 to 1,924 m².

With regard to affordable housing the original 12 April 2011 position was as follows:

- The Section 73 application included an affordable housing offer which was agreed as part of the Committee's resolution to grant permission. This offer was that an additional 375 intermediate units would be

provided. 111 of these would be shared ownership. The remaining 264 units would be intermediate for rent.

- As reported to Members on 12 April 2011, the Applicants have an option to buy back the 264 units, which would result in them being lost to the affordable housing sector altogether. As part of the offer, therefore, the Applicants agreed not to exercise their right to require a sale of any of these units for a period of 6 years from first occupation

London Borough of Newham in its representations at the time of the 12 April 2011 Committee did not consider the original affordable housing offer to be acceptable, principally on the grounds that:

- the starting point for any additional residential units should be the London Plan requirement of 50% affordable housing and the Core Strategy requirement of between 35% and 50%. Any reduction on these figures would require justification and a full viability statement; and
- the Applicant's proposal stated that the 264 intermediate for rent units would be offered at 80% of Market Rent rather than the maximum of 70% required by the 18 June 2009 Section 106 Agreement.

The updated position for affordable housing is now as follows:

- Since 12 April 2011, LBN and the Applicants have been in discussions and have agreed an affordable housing contribution will be made by the Applicants to the LBN for off-site affordable housing in the sum of £1,750,000 (Indexed).
- of the 375 intermediate units:
 - 111 will be shared ownership units (no change);
 - with regard to the remaining 264 units the current proposal put to the London Borough of Newham is for these units to be kept at Discount Market Rent for a period of 25 years (so the Applicants would not be able to exercise their right to require the sale of these units and Triathlon Homes, the affordable housing provider, would commit to the retention of the units as Discount Market Rent for 25 years). This proposal remains under discussion.

6.3 The ODA Legal Officer then gave an update in respect of the remaining heads of terms as compared with the 12 April 2011 position. The obligations reported on were the Education Contribution, the Community Development Trust Contribution, the Transport Contribution, the energy requirements for the development and the design obligations. The details are contained in the Officer's report to Committee. There was no change in respect of the Employment and Training contribution, the Stratford City Panel Funding, Open Space and Car Parking obligations.

6.4 A Member commented that he thought it was misleading to refer to Discounted Market Rent housing (which is priced at 80% of market rent) as affordable. He stated that this is an issue the Committee needs to better understand and consider how to deal with in the future.

6.5 The Director of Planning Decisions replied that this was an issue that PDT were also grappling with and ultimately it arises because the Government

deems that certain housing products should be classed as affordable. It was proposed that PDT organise a briefing in due course but for now the recommendation is for this proposal to be approved.

6.6 There being no questions the Committee took a vote and unanimously:

(i) APPROVED the revised Section 106 Heads of Terms set out in the Report;

(ii) GRANTED DELEGATED AUTHORITY to the Director of Planning Decisions to finalise the proposals regarding the 264 units and to finalise the negotiation of the Section 106 Heads of Terms and complete the Section 106 Agreement on terms acceptable to the Director of Planning Decisions following the satisfactory conclusion of negotiations between the London Borough of Newham, the Applicants and Triathlon.

Judith Gardiner joined the meeting.

The Chairman returned to the meeting.

7. 11/90765/AODODA - OLYMPIC HOSPITALITY CENTRE

Application for Approval of Details (partial discharge) pursuant to Games phase Condition 1 (Security arrangements) and Games phase condition 2 (Temporary buildings) attached to planning permission 11/90407/FULODA comprising: Construction of temporary two storey Olympic Hospitality Centre comprising six (6) individual units of accommodation including Front of House and Back of House accommodation, timber terrace decking, staff toilets and changing facilities, associate plant and equipment, fencing and service yard.

7.1 LDS, the architects for the proposal gave a presentation to the Committee.

7.2 They introduced the scheme saying that it is in a very prominent location overlooking the Olympic Park with the Westfield Shopping Centre to its rear and the Athlete's Village to the north. The part of site overlooking the Olympic Park follows the curve of the railway.

7.3 A landscaping masterplan was shown. Visitors will arrive at the Welcome Centre where there will be ramps for disabled access and a pedestrian foot ramp leading up to views over the central plaza. There will be three principal pavilions and main club house building with service yard access from First Avenue. A plan was shown displaying the main uses for each of the pavilions with a summary as to the sustainability of the development.

7.4 The presentation then went on to provide information on the construction of the actual pavilions themselves. They are known as Delta Emperor pavilions with PVC panel cladding, white fabric tensile roofs and laminated timber beams. Balconies are located at the front with the roof structure overhanging these and the terraces.

7.5 The presentation then moved on to talk about landscaping. The architects had aimed to take forward the concept idea and the look and feel of the Olympic branding. The design is intended to emulate the feel of a Great British street party. The landscaping is made up of a mix of soft and hard materials and aims to take on the look and feel of the surrounding venues. The Southern Plaza is intended to draw people through the site. Vertical poles and streamers above provide the sense of a street party and gathering.

- 7.6 The site faces the Olympic Park on one side and the John Lewis Store at Westfield on the other. There is a need to protect the views from John Lewis and so some tree planting will be undertaken to achieve this. This planting will also help to provide a green entrance. A tree planting strategy would be adopted. Hedges will be planted to protect low level views and beds will be installed for the planting of flowers. Examples of the types of flowers and plants intended to be seeded were shown.
- 7.7 The PDT Officer gave a presentation and explained that the Sponsor Hospitality area was approved under the 2007 OLF planning permission within PDZ 9B. The general considerations are set out in section 7 of the Officer's report. There were no objections from statutory and non-statutory consultees although Design Council CABE did make some comments on the application, requesting further consideration of landscape proposals for the development.
- 7.8 The current OHC proposals are consistent with the 2007 OLF approved Sponsor Hospitality Area. The total area proposed for the OHC site is less than that of the total permitted area under the OLF permission.
- 7.9 In terms of the scale of the proposals and their visual impact it is considered that within the context of robustly scaled Stratford City buildings and the Waterpolo venue to the west, and having regard to their temporary nature of the structures, that the proposed OHC development would have an acceptable visual impact which would respect the established townscape to the north-east and venues to the west.
- 7.10 In terms of design, detailed appearance and landscaping the siting, arrangement and scale of the temporary OHC structures is considered to ensure that the proposed development 'protects important views, landscapes and vistas' as set out in the UDLF for the Olympic Park. Views towards Stratford City from the Olympic Park are not considered to be meaningfully or detrimentally influenced by the proposed structures.
- 7.11 The proposal is compliant with relevant policy and guidance and there are no adverse contaminated land issues and no flooding risk.
- 7.12 An update report has been submitted and no changes are recommended. Members were asked to approve the proposals subject to the conditions set out in the Officer's report.
- 7.13 A Member raised a query in relation to planting on the meadow bank as his view was that planting should take place in the season before flowering was required. Would plug plants be used?
The representative for the applicant replied that they were working with Westfield in relation to the seeded embankments.
- 7.14 The Member reiterated that he thought it took a year and half from seeding until there would be flowering.
The representative replied that they had support from Westfield and that the weather thus far this year has been supportive. They are confident good progress is being made and that there will be a good show put on for the Games.

- 7.15 The Member said based on this he would be surprised to see if the planting works as expected.
- 7.16 There being no further questions the Committee took a vote and unanimously:

APPROVED the submitted details for application ref. 11/90737/AODODA subject to the conditions and informatives set out in the Officers' Report to Partially Discharge:

i) Games phase condition 1 (Security arrangements) of permission 11/90407/FULODA;

ii) Games phase condition 2 (Temporary buildings) of permission 11/90407/FULODA

for the reasons given in the report for a temporary OHC in connection with the 2012 Olympic and Paralympic Games in PDZ 9.

8. 11/90817/AODODA - LOCOG PANASONIC

Application for Approval of Details (partial discharge) pursuant to Conditions OG.1 (Security arrangements) and OG.3 (Temporary buildings) attached to permission 11/90313/VARODA subject to Informatives 3, 11 and 12 attached to permission 11/90450/AODODA comprising: Erection of a temporary 2012 Olympic and Paralympic Showcase pavilion comprising; a two storey structure with maximum height of (8m above ground level) and gross external area of 400m² accommodating a 3D theatre, back of house area, staff kitchen and WCs and external queuing area. Olympic Park Concourse Areas, London Within Planning Delivery Zone 5.

- 8.1 The applicant gave a presentation to the Committee:
- 8.2 Regarding the design the Applicant is aiming to create a 'simple and smart' cube-shaped design based on a sustainable policy and a traditional, Japanese designed, vertical wooden lattice. This is a cutting edge design and at night the lighting will give the impression that the cube is floating.
- 8.3 The Applicant stated that it has created a structure that is similar in shape to the handball arena and is coloured white to match some of the other key Olympic structures such as the basketball arena. This white colouring is then added to by the Panasonic corporate blue colouring. The colouring of the structure will change depending on the angle it is being looked at.
- 8.4 In terms of sustainability, again the Applicant has gone for a 'simple and smart' approach. The structure will maximise use of second life materials and will produce no landfill waste. In terms of energy efficiency the structure will minimise its cooling load and use 45% less energy than the design previously presented. The white louvers will reduce solar heat gain.
- 8.5 The Applicant concluded by stating that their desire is to create a structure that "celebrates the moment" of the Olympic Games.

- 8.6 The PDT Officer gave a presentation introducing the site location as the most southerly overlay element in the Zone 5 'Spectator Support Village' which is sited along the PDZ 5 concourse area. Details of the application proposal can be seen in section 4 of the Officer's report.
- 8.7 The maximum height proposed for the pavilion is 3 metres less than the maximum height parameter approved under application 11/90450/AODODA. The applicant's proposals are smaller than the maximum that could have been sought.
- 8.8 An update report has been prepared that deals with the visual aspects of the proposal with the applicant having submitted four additional visuals of the pavilion in response to Officer requests that further long views of the structure be provided.
- 8.9 Full details of the Officer's consideration and assessment of the proposal are set out in section 7 of the Officer's report. Officers consider that the Panasonic showcase does not meet the design aspirations set generally for all sponsor showcases and that the proposed pavilion cannot be considered to be of the highest architectural quality. It would also be prominent in views from the concourse. The applicant disagrees with this assessment but Officers' opinion is that their view is the correct one. However, on balance, Officers' consider that the visual impact of the proposals will be limited when seen within the context of other 'neutral' front and back of house structures nearby.
- 8.10 Officers have requested design amendments in line with comments received from Design Council CABE relating to elevation, external design and landscaping and queuing areas. The applicant has not amended the scheme. Further details of lighting, queuing arrangements and landscaping are recommended to be sought by informative.
- 8.11 Overall Officers are satisfied that the proposals do not cause unacceptable harm and are not of sufficiently poor quality to justify refusal.
- 8.12 An update has been issued to address various points including visuals, sustainability, foundations and noise.
- 8.13 Officers' recommendation is to approve the application subject to the conditions and informatives set out in the Officer's report.
- 8.14 A Member said she thought it disappointing that the design was not amended. She queried whether the test ought to be one of is the design of sufficiently high quality to be approved rather than is it of sufficiently poor quality to be refused. The Member's preference was for the test to be the former. The Director of Planning Decisions said that the entrance area of the pavilion was amended by the design team and more information was provided in respect of sustainability. PDT had asked if the Applicant could raise the plinth height and amend the colour of the main building but was told this was not possible. PDT wanted to see more of the traditional Japanese design elements in the proposals which resulted in a difference of opinion with the Applicant. The Director of Planning decisions noted that the inside of the pavilion was good but the outside might be thought to be too standard in approach. On balance the design does the job competently but does not have the 'wow factor' PDT were hoping for.

- 8.16 A Member queried the new sustainability figures the Applicant had provided and noted that they seemed somewhat arbitrary. How can the Committee know that the sustainability figures are accurate?
The Director of Planning Decisions replied that PDT's environmental consultants were reviewing these recently submitted figures and confirmed that there is a recommended condition which requires the applicant to submit, and have approved, a Sustainability Management Plan.
- 8.17 The Member continued to say that these were meant to be the greenest Games ever and therefore we must have good sustainable design which in his view was not present in this proposal. The Member queried why this structure was not naturally ventilated as other schemes have been. The Member was concerned as to potential negative press coverage that could result from structures of this nature being air conditioned.
- 8.18 There being no further questions the Committee took a vote and by a vote of 6 in favour and with 2 abstentions:

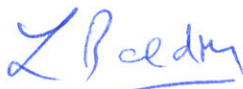
APPROVED the submitted details for application ref. 11/90777/AODODA subject to the conditions and informatives as set out in the Officers' report to Partially Discharge Conditions OG.1 (Security arrangements) and OG.3 (Temporary buildings) of 11/90313/VARODA (OLF Planning Permission) for the reasons given in the report for a temporary Panasonic Pavilion in connection with the 2012 Olympic and Paralympic Games in PDZ 5.

9. ANY OTHER BUSINESS

- 9.1 The Director of Planning Decisions drew Members' attention to two applications that are due to be heard at the next Committee meeting being approval of details for the sponsor pavilions for BP and EDF. Members had been briefed on both schemes previously and were generally happy with the proposals. As both are due to start on site prior to the next meeting, the Director of Planning Decisions asked whether Members would be prepared to allow her to consider these applications under delegated powers?
- 9.2 The ODA Chief Planner provided Members with a brief reminder of both schemes and confirmed that these were largely as previously presented at the Committee briefing.
- 9.3 The Chairman expressed the view that as Members had seen these proposals before and as they were largely unchanged, they would be happy to delegate as requested by the Director of Planning Decisions.
- 9.4 The Committee took a vote and unanimously:
- (ii) **GRANTED DELEGATED AUTHORITY** to the Director of Planning Decisions to approve applications for the BP and EDF sponsor pavilions..

There being no other business the meeting ended at 19.00

Signed:



Chair

Date:

