Note: These minutes are not a transcript of the recording of the Committee but minutes as taken by the Planning Committee Secretary.

Minutes subject to resolution to approve by Planning Committee

OLYMPIC DELIVERY AUTHORITY
Planning Decisions Team

OLYMPIC DELIVERY AUTHORITY

ODA PLANNING COMMITTEE

SUBJECT: MINUTES OF 96th COMMITTEE MEETING
Held on 24 June 2012 at 14.30

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

Present:

Lorraine Baldry	Chairman
David Taylor	Deputy Chairman

Local Authority Members:

Cllr Terry Wheeler,	LB Waltham Forest
Cllr Conor McAuley,	LB Newham
Cllr Judith Gardiner	LB Tower Hamlets
Cllr Geoffrey Taylor	LB Hackney

Independent Members:

Mike Appleton
Celia Carrington
William Hodgson
Janice Morphet
Dru Vesty

Officers in attendance:

Vivienne Ramsey	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)
Jamie Lockerbie	Taking Minutes (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 The chair of the Planning Committee opened proceedings and introduced herself as the Chair and David Taylor as Deputy Chair. The Chair explained that Members of the Planning Committee were seated together (facing her) and Officers and their advisers were seated opposite Members on the right of the Chair. The Chair explained that the meeting was being sound recorded.

2.2 There were two updates for Item 5. The first Update Report was published on Friday 15 June 2012 along with the main Report (which the Chair explained consisted of 4 volumes). The second Update Report was available prior to the start of the Meeting on Tuesday 26 June 2012.

2.3 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.

2.4 There were requests to speak from:

2.4.1 Cllr Rabina Khan - LB Tower Hamlets;

2.4.2 Cllr Vincent Stops - LB Hackney;

2.4.3 Justin Murphy - representing residents of Icona Point Warton Rd, Stratford;

2.4.4 Tom Bogdanowicz and Arnold Ridout - London Cycling Campaign; and

2.4.5 Andy Altman, Paul Brickell & Kathryn Firth – Applicant, London Legacy Development Corporation.

3. INTERESTS (AGENDA ITEM 3)

3.1 The Secretary 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.

'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 judgement 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?

3.2 Geoff Taylor declared an additional personal interest to that noted on Item 3, as he knew Cllr Vincent Stops (who had requested to speak against Item 5);

3.3 Conor McAuley declared an additional personal interest to that noted on Item 3 as he knew Paul Brickell (who had requested to speak in support of Item 5);

3.4 Judith Gardiner declared an additional personal interest to that noted on Item 3 as she knew Cllr Rabina Khan (who had requested to speak against Item 5);

3.5 William Hodgson declared a personal interest as he knew Cllr Vincent Stops (who had requested to speak against Item 5);

3.6 All other Members confirmed the declarations of personal interests as recorded on Item 3 were correct.

3.7 The Members confirmed that none of the personal interests declared were considered prejudicial.

4. MINUTES AND MATTERS ARISING (AGENDA ITEM 4)

4.1 Celia Carrington requested that the minutes of the 95th Planning Committee Meeting held on 8 May 2012 be amended to reflect her attendance.

4.2 The Committee:

AGREED the minutes of the 95th Planning Committee Meeting (as amended following the above request from Celia Carrington).

5. 11/90621/OUTODA – LEGACY COMMUNITIES SCHEME OUTLINE PLANNING PERMISSION (THE "SCHEME") (AGENDA ITEM 5)

Submission of details for a comprehensive, phased, mixed use development within the future Queen Elizabeth Olympic Park, as set out in the Revised Development Specification & Framework (LCS-GLB-APP-DSF-002). The development comprises up to 641,817 sqm of residential (C3) uses, including up to 4,000 sqm of Sheltered Accommodation (C3); up to 14,500sqm of hotel (C1) accommodation; up to 30,369 sqm (B1a) and up to 15,770 sqm (B1b/B1c) business and employment uses; up to 25,987 sqm (A1-A5) shopping, food and drink and financial and professional services; up to 3,606 sqm (D2) leisure space and up to 31,451 sqm (D1) community, health, cultural, assembly and education facilities, including two primary schools and one secondary school; new streets and other means of access and circulation, construction of open and covered car parking; landscaping including laying out of*

open space with provision for natural habitats and play space; new and replacement bridge crossings, re-profiling of site levels, demolition and breaking out of roads and hardstanding, utilities diversions and connections; and other supporting infrastructure works and facilities.

5.1 A PDT Officer delivered a presentation describing the scope and nature of the Scheme, explaining that the provision of the Scheme was part of the requirement of the 2007 Olympic Facilities and their legacy section 106 legal agreement. The 2007 legal agreement required the production of a Legacy Masterplan Framework. This has now resulted in the submission of an outline planning application for the Scheme.

5.2 The Officer summarised the proposed maximum floor space for each Use Class within each Planning Delivery Zone (**"PDZ"**) which constitutes the Scheme.

5.3 The Officer explained that the Scheme would be delivered in three phases:

5.3.1 Phase 1 would take place between 2013 – 2014;

5.3.2 Phase 2 would take place between 2015 – 2021; and

5.3.3 Phase 3 would take place between 2022 – 2031.

5.4 The Officer summarised the consultation process undertaken by the London Legacy Development Corporation (the **"Applicant"**), which had constituted the pre-application consultation as set out in the Statement of Participation. Post-submission, PDT carried out two rounds of consultation. Round 1 produced 44 responses and Round 2 produced 28 responses.

5.5 The Officer explained that consultation responses received by PDT since the publication of the Planning Committee Report were contained in the Update Reports.

5.6 The Officer summarised how the Application had been assessed, which included a review of the Environmental Statement ("ES"), the policy context and policy compliance, results of the consultation exercises and other material considerations which had been identified.

5.7 The Officer turned to consider the ES. During the Application process, PDT had requested further information on the environmental information provided. This had been provided by the Applicant, including consideration of the amendments made to the scheme as a result of Officer comments on the Application. The ES was intended to provide a systematic review of the likely significant effects of the Scheme on the environment. The Officer highlighted key issues that had been identified by the ES (and referred Members to the main Report (volume 2) for the full chapter on the ES):

5.7.1 There is the potential for land contamination to occur during the construction process. This can be mitigated through the use of the Code of Construction Practice (**"COCP"**) and planning conditions designed to regulate remediation.

5.7.2 The site of the Scheme is in an Air Quality Management Area. The Scheme could add to this by construction activities and the increase in traffic generated by the Scheme. Mitigation measures could include control of construction dust through the COCP and the promotion of environmentally friendly transport. It was recognised that real change can only be achieved through wider air quality improvements.

5.7.3 No significant adverse visual effects were identified, and any that arose would be effectively mitigated by careful attention to detailed design at the reserved matters phase.

5.7.4 Potential effects on biodiversity were identified during the construction process, whilst loss of habitat and fragmentation were likely to occur due to implementation of the Scheme. These effects would be mitigated through the use of the COCP during the construction phase, the creation of BAP habitats and careful attention to design through the design codes.

5.7.5 The socio-economic impacts of the Scheme (including effects on population, housing, employment and social infrastructure) would be mitigated by the provision of facilities as part of the Scheme to meet the demands brought about by the Scheme. It was noted that due to the long term nature of the Scheme, further mitigation may be required in the form of funding of off-site services and the S106 legal agreement would provide for this.

5.7.6 The potential effects of the Scheme on wind patterns on the site were assessed, with the use of dense planting and solid panelling identified as appropriate mitigation techniques.

5.7.7 The potential effects of the Scheme on daylight, sunlight and overshadowing were addressed, given the possibility of the Scheme to include developments which affect the provision of light to existing buildings and those which will form the Scheme over time. Mitigation would occur during the detailed design phase wherein design codes would be used and modifications to building massing implemented.

5.7.8 The cumulative effects of the Scheme were also assessed, including ongoing construction during the three phases, off-site developments and potential interim uses. Mitigation measures to offset the potential effects from interim use would be identified using the Interim Uses Environmental Impact Assessment Screening Protocol and the Events Management Coordination Framework.

5.8 The Officer turned to summarise the policy context of the Scheme, and its compliance with applicable policy:

5.8.1 The Officer referred to the legal requirement in sections 5(5)(b) and (c) of the London Olympic Games and Paralympic Games Act 2006 ("**Olympic Act**") obliging the ODA to have regard to maximisation of the benefits derived after the Olympics and things done in preparation for them, and any planning permission already granted in connection with the Olympics. The relevant policies were summarised as being: the National Planning Policy Framework ("**NPPF**"), regional policies (the London Plan, Lower Lea Valley Opportunity Planning Framework and Draft Olympic Legacy Supplementary Planning Guidance), the Adopted Core Strategies and relevant Supplementary Planning Documents of the London Boroughs of Hackney, Newham and Tower Hamlets (all as summarised and assessed in the main Report), and the strategic policies of the London Borough of Waltham Forest.

5.8.2 The Officer highlighted 2 areas where the implementation of the Scheme would lead to a departure from the adopted Hackney core strategy; loss of employment land and loss of open space. In terms of the Employment land loss, the Officer explained that the Scheme should be looked at collectively with the approved employment space within the legacy International Broadcasting Centre ("**IBC**") and Main Press Centre ("**MPC**"). Regarding the loss of open space, the Officer stated that the open space that the Scheme would generate would compensate for this loss.

5.8.3 The Officer stated that representations had been received from, Quod acting on behalf of the owners of the Stratford Centre in relation to the amount of floor space given over to retail in PDZ1. Objections had been raised to the

amount and location of the proposed retail space, as it was located outside of Stratford Town Centre on land which had not been designated for this purpose by either the Greater London Authority (**"GLA"**) or LB Newham. In response to this representation, Officers recommended a reduction in the maximum floor space for retail in PDZ1 to 9,900sqm and a restriction on the maximum unit size (all as set out in the Committee Report).

5.8.4 The Officer addressed the Scheme's contribution to convergence and regeneration, stating that the Scheme was London's single most important regeneration project in 25 years. It was concluded that the Scheme would contribute to the convergence objectives identified as: creating wealth and reducing poverty, supporting healthier lifestyles and developing successful neighbourhoods. The Vision and Convergence Statement had been commented on by the host Boroughs, and submitted in line with the London Plan, and Officers concluded that the Scheme meets the regeneration objectives of the relevant policies, including the London Plan and the Boroughs' Strategic Policies.

5.8.5 The Officer concluded that the regeneration of the Olympic Park was supported by planning policy and guidance, and that housing had been accepted as the major component of legacy land use since 2004. When taken together, the opportunities provided by the retained venues and those to be developed by the Scheme would deliver significant new employment, whilst the associated planning obligations and conditions would be effective in securing the objectives set out in national, strategic and local policies.

5.8.6 The Officer concluded that, taken in the round, the principle of the Scheme was acceptable.

5.9 The Officer turned to address the key considerations which had been identified and summarised in the main Report. Where further information had been required in relation to these issues, requests had been submitted to the Applicant under the EIA Regulations, and mitigation had been sought through the use of planning obligations and conditions. The Officer selected five of these considerations and provided a brief overview for each:

5.9.1 **Transport and Connectivity** – the Officer highlighted that a number of improvements to the local transport system were already underway, such as Crossrail, whilst more were set out in the Scheme. One of the key aims was the promotion of walking, cycling and the use of public transport. Of priority in the implementation of the Scheme was the circa £4 million (indexed) earmarked for improvements to Hackney Wick Station, £200,000 (indexed) for improvements to the south-west access route into Stratford Regional Station, £6.59m (indexed) for the enhancement of local bus services, £288,000 (indexed) for bus infrastructure and £3,533m (indexed) for off-site junction improvements and connectivity schemes. The Officer also noted the importance of Mayoral Community Infrastructure Levy contributions in securing the requisite funding for transport improvements.

5.9.2 **Housing** – the Officer stated that the expected housing yield of the Scheme would be in the region of 6,700 to 6,800 units. The target for affordable housing was 35% of housing stock across the Scheme (subject to viability testing), with a minimum level of 20% agreed with the Applicant. In PDZ 6, the minimum had been negotiated to 28% as the first housing developments would be located there. The Officer highlighted a further example in Fish Island, where the minimum level had been set at 25%, with a target of 48%. The Officer reported that the Applicant had committed to 42% of housing stock to be developed as family units (subject to viability testing) as part of the section 106 legal agreement (with 75% being brought forward in PDZ 6).

The Officer explained the purpose of the viability report, highlighting the income ranges that would apply to the affordable housing banding. The Officer concluded that effective housing policy should lead to good neighbourhoods.

5.9.3 **Social Infrastructure** – the Officer characterised social infrastructure as the glue that holds good communities together. The Officer reported that much discussion had taken place with the Applicant on the triggers for delivery of social infrastructure, such as provision of the first primary school by the time the first 1,000 residential units are occupied. The Officer highlighted the absolute requirement to provide a medical facility in PDZ 4, and highlighted that a report would be carried out for approval by the LPA that would analyse the required size of health facility in PDZ 4. The Officer also explained that a report would be carried out for approval by the LPA on the need and size of a health facility in PDZ 8. In both cases, where the maximum size is not identified or need not identified, the land would be safeguarded in the legal agreement to ensure that the facilities can be provided later on in the Development's construction, with a suitable end date near the end of construction when the land would be released for other uses. In addition, any cost savings from building the facilities would be reinvested in the social infrastructure fund. The Officer also stated the existence of the Park Hubs and retained facilities would be taken into account when sizing any new facilities.

5.9.4 **Green Infrastructure** – the Officer pointed out that the provision of open space in and around the Park is a key priority as identified in the 2007 Olympic Permissions. The need for green infrastructure had been considered in the Applicant's submission and, despite the likely impact on habitats, the Scheme was designed to deliver 49.1ha of BAP habitat. Detailed conditions had been suggested in this regard, and although the Scheme would impinge upon current open space, the provisions contained in the Applicant's proposal served the purpose of creating open space and met the required targets in the 2007 Permissions.

5.9.5 **Employment land** – the Officer highlighted the provision of floor space for B class uses which would provide significant new employment opportunities, in addition to the targets which had been set out in relation to construction workers and apprentices to be engaged on the Scheme. The Officer acknowledged the departure from the Hackney Wick Area Action Plan (**"AAP"**) caused by the location of residential development on designated employment land. However, the AAP did recognise the possibility for mixed use in the area, and so despite this departure from the Hackney Plan, the Officer concluded that on balance this was acceptable.

5.10 The Officer concluded the presentation by summarising the reasons why the Scheme was being recommended to the Committee for approval. The Officer cited the assessment carried out on the Application itself, the Environmental Statement and the Transport Assessment. It was considered that the necessary mitigation measures had been captured in the recommended planning obligations and conditions and the Scheme was judged to be compliant with relevant policy with material considerations justifying the departure from the Development Plan. In addition, the Scheme had been reviewed by zone, land use and topic, and the size and type of land uses were deemed acceptable. The overall conclusion was that the Scheme has the potential to provide good quality neighbourhoods with the correct level of infrastructure and amenities.

5.11 The Officer stated that the recommendation before the Committee only differed from the report by virtue of the inclusion of the First and Second Update Reports.

5.12 The Officer stated that, if the recommendation were to be adopted by the Committee, the next stage would be to refer the Scheme to the Mayor of London and the Secretary of State. The Officer asked to be granted the delegated authority to finalise the exact wording of the planning conditions and S106 legal agreement, which will take into account anything said by the Secretary of State or the Mayor.

5.13 Questions from Committee Members

5.14 The Chair enquired whether Committee Members would like to ask any questions of Officers in order to clarify any aspect of the presentation.

5.15 A Member enquired whether the Mayor of London could direct approval of the Scheme.

5.15.1 An Officer responded that the Mayor did not have the power to call in the Application, only to direct refusal.

5.16 A Member asked whether comments from consultees had been taken into account. In relation to LB Hackney, the Member enquired whether the provision of only £1.9 million in the section 106 agreement for social infrastructure was sufficient for what the Member characterised as 'village hall' community activities, and what would happen if a shortfall in funding was to be identified later. The Member also enquired whether the concerns raised by LB Waltham Forest in relation to the adequacy of the design guidance had been taken into account, and recommended that the Applicant be obliged to adopt the Mayor of London's London Housing Design Guide on the Scheme. Lastly, the Member enquired as to whether the 400sqm maximum limit per unit on retail floor space was adequate, citing the fact that poorer families who lived in the area and needed to shop but did not have the transport to get to larger stores could potentially be prejudiced.

5.16.1 In response to the first question, an Officer replied that social infrastructure provision had been covered in the First and Second Update Reports. The legal agreement will secure a minimum provision of 1,052m² of multi-purpose community floorspace and 457m² of library floorspace which meets scheme needs. The Officer stated that this needed to be viewed in the context of other proposals, such as the North Park and South Park Hubs, the retained venues and the likely provision within the schools provided as part of the Scheme. The section 106 agreement had been structured to take this into account, and that it was necessary to avoid an over-provision of social infrastructure in the Scheme's fringe areas.

5.16.2 In response to the second question, the Officer stated that the development of the site-specific design codes, especially for PDZ6, was encouraging, and that there was no need for further guidance to inform the Scheme's design and that the Mayor's Design Guide had been taken into account when reviewing the design codes. An Officer added that some of the requirements of the Scheme were in fact more stringent than the Mayor of London's London Housing Design Guide. [Note that Members subsequently resolved to impose a new condition requiring all residential units to conform with the London Housing Design Guide].

5.16.3 In response to the third question, the Officer stated that the 400sqm limit would still allow for the development of a reasonably sized supermarket such as a Tesco Metro. In addition, there is both a large Sainsbury's and Morrison's located in Stratford Town Centre. The Officer stated that it was considered appropriate to restrict the development of a very large supermarket within the Scheme.

5.17 Speakers Against the Recommendations

5.18 The Chair invited Cllr Rabina Khan to present the objections to the Scheme on behalf of LB Tower Hamlets (**"LBTH"**).

5.18.1 The Objector stated that LBTH welcomed the Olympic Games, as it presented the opportunity for a range of regeneration projects.

5.18.2 However, LBTH objected to the Scheme on the basis of two critical issues which it believed jeopardised the delivery of affordable housing.

5.18.3 The first issue concerned the Viability Review Mechanism (**"VRM"**) contained in the Heads of Terms for the section 106 agreement. The Objector highlighted that the VRM could result in a reduction in the proportion of affordable housing across the scheme from 35% to 20%, representing a site wide reduction from 2,400 to 1,400 residential units. In PDZ 4, the target is given as 48% which would equate to 300 affordable homes, but if this reduced to, for example, 25% would result in only 163 affordable homes.

5.18.4 The Objector stated that there is currently a shortfall of 2,700 affordable homes in LBTH. The upper target of 48% in PDZ 4 as set out in the Scheme would comply with LBTH's policy on affordable home provision, whereas the secured minimum of 20% would not. The Objector informed the Committee that the LBTH planning department worked hard to ensure that private developers complied with LBTH policy, and that it would be shocking if LLDC, as a public body, could be allowed to get away without complying.

5.18.5 There was also a concern that these lower thresholds would become the de facto targets, should they be allowed to remain.

5.18.6 The second issue raised by the Objector concerned the manner in which the level of rent for social housing in the affordable rent category was to be calculated. It was highlighted that the current proposal stipulated the level of rent as being a percentage of market value, but deferred the determination of 'market value' until much later.

5.18.7 The Objector stated that the percentage figures were too high and would set a worrying precedent. For example, in PDZ 4, the rent that an affordable housing tenant would be expected to pay for a one bedroom unit was 80% of market value. Given the more limited means of the Tower Hamlets residents who require affordable housing, the Objector explained that it would be very difficult for them to meet such rental payments, which will effectively reduce the amount of realistically affordable housing. As such they were significantly higher than LBTH would accept.

5.18.8 It was the position of LBTH that maximum rent levels should be agreed in advance with the Council.

5.18.9 The Objector recited London's Bid Vision, including the commitment to providing a lasting legacy for the benefit of all, and reminded the Committee that the International Olympic Committee's (**"IOC"**) decision to award the Games to London and not Paris had been largely due to the strong legacy commitment advanced by the London Bid.

5.18.10 The Objector stated that there are currently 23,000 people on the affordable housing waiting list in LBTH, and it was the intention of LBTH that all residents benefit from the Olympic Games Legacy.

5.19 The Chair invited Cllr Vincent Stops to present objections on behalf of LB Hackney (**"LBH"**).

5.19.1 The Objector stated that in May 2012 the LBH Planning Committee had unanimously resolved to object to the Scheme as proposed, on the basis of a perceived breach of promises made to the residents of LBH by the Applicant, and also a number of departures to LBH's Plan and plan-making activities.

5.19.2 The Objector stated that the pre-bid vision of 2004 complied with LBH's planning policy. Numerous consultations had been held with LBH residents, who felt that they were being included in the process, and in particular had been promised greater access to Arena Fields as part of the area's regeneration. However, the Objector contended that the current Scheme application is nothing like that which had been proposed in 2004 as, for example, the provision for open spaces had been squeezed by encroaching development. It was therefore the position of LBH that it opposed the Scheme on moral grounds, as promises made to the residents of LBH had not been kept.

5.19.3 LBH's second ground of objection was based upon a number of departures from local and regional planning policy. The Objector highlighted the fact the LBH's Local Development Framework (**"LDF"**) proposals map defines the area to the east within PDZ 5 as open space and the area to the west as employment land. It was asserted that the Applicant had made no substantive contribution to the development of the Hackney Wick AAP, which was due to go to examination in public this year, despite the fact that the Scheme proposes to reallocate part of the AAP land which had been earmarked as employment opportunity land to residential-led development.

5.19.4 The Objector reminded the Committee that it was under a duty to comply with planning policy unless material considerations applied, and that the Scheme did not meet the requirements of relevant planning policy, as it did not provide a sufficient enough area of open space to be considered a regional park. The Objector stated that allowing development on land identified as open space in order to pay back the money from the Treasury and National Lottery was not a sufficiently material consideration so as to justify such a departure from planning policy. Furthermore, the Objector highlighted the £4 million investment earmarked by the section 106 agreement for improvements to Hackney Wick Station as not being sufficient compensation to justify such development on land identified as open space.

5.19.5 The Objector also highlighted the fact that no alternatives to housing styles had been proposed, and that concerns raised by one Committee Member regarding the elevation and footprint of the residential buildings on the edge of the Park had not been addressed. In addition, previous proposals had indicated that the housing stock to be delivered would be zero carbon, but that this had not made it into the Scheme proposal now submitted before the Committee.

5.19.6 Furthermore, parking levels identified in the Scheme were far higher than LBH would allow, and so therefore ran contrary to LBH's planning policy in this regard.

5.19.7 The Objector went on to outline ways in which a resolution of these issues could be sought, reiterating the fact that it was LBH's view that the Scheme was not policy compliant. It was suggested that the Applicant should consult with LBH on the elevation and footprint of the residential buildings on the

edge of the Park, and that the Scheme should comply with the designations contained in the Hackney Wick AAP.

5.19.8 In summary, the Objector requested that the Applicant not be allowed to break promises made to the residents of LBH, in particular the promise to provide greater access for residents to Arena Fields.

5.20 The chair invited Justin Murphy to present objections on behalf of residents of Icona Point and adjacent buildings on Warton Road, Stratford.

5.20.1 The Objector began by stating this was not a representation against the Scheme as a whole, which the Objector supported and believed would be beneficial for the area.

5.20.2 The purpose of the objection was to the specific plans envisaged for PDZ 8, and in particular the residential development intended for Development Parcel 8.4 which currently included a six-story block of flats.

5.20.3 The Objector stated that there were already a number of tall buildings on the short stretch of Warton Road together with an extant consent for a new tall building on the derelict site of 51 Warton Road. The construction of an additional housing development as proposed would contribute to the overcrowding of an already overcrowded street, and will effectively create a concrete jungle.

5.20.4 The main issues highlighted by the Objector included overcrowding, loss of light and shadowing, loss of privacy, and the likely contribution of the development to the already unacceptable levels of congestion in the immediate vicinity. The Objector queried how this contributes in a positive way to Stratford's Olympic legacy.

5.20.5 The Objector, with the use of visual aids, indicated where the proposed development would be sited, stating that it would be squeezed into the space in what would constitute a deviation from the London Plan in terms of minimum distances that should be observed between residential developments in order to protect privacy.

5.20.6 The Objector stated that there had been a verbal agreement with the Applicant to reduce the height of the building to four storeys, which had led to the current residents feeling that they had been listened to. However, there appeared to have been a change of heart, and the amended Scheme proposal submitted to the Committee in February had retained the original height of the proposed development.

5.20.7 The Objector pointed out that Development Parcel 8.4 was one of a number of development parcels within the context of the Scheme and that, whilst negligible in terms of the overall proposal, had attracted over half of the total number of objections. Whilst the Objector was in general agreement with the overall Scheme, this was the single element that the residents represented by the Objector strongly disagreed with.

5.20.8 In summary, the Objector requested that the existing plans for Development Parcel 8.4 be withdrawn and that development on the site be restricted to the improvement of amenity, such as the provision of river boat berthing, or a cycle hire scheme. Alternatively, should this not be accepted, the Objector requested that the terms of the verbal agreement be reverted to, and the height of the proposed development be restricted to four storeys, rather than six.

5.21 The Chair invited Arnold Ridout and Tom Bogdanowicz to present objections on behalf of the London Cycling Campaign (**"LCC"**).

5.21.1 The Objector opened by highlighting LCC's campaign to make cycling in London as safe as it is in Holland. It was noted that the Scheme presented an excellent opportunity for cycling in the area, especially given the provision of new cycling facilities that would be retained within the Park after the Games finish. The Objector highlighted examples of successful cycling improvements carried out in the area, such as the Bow Underpass, the Lea Valley Cycle Path, and the Greenway Cycle Path.

5.21.2 The Objector disputed that the provision of cycling facilities outlined in the Scheme proposal were, as suggested by the Applicant and PDT, of the highest quality. The Objector branded disingenuous the Applicant's decision to use Newham's cycling provision standards as the benchmark for the Scheme, as these were widely accepted as meeting the bare minimum requirements.

5.21.3 The Objector highlighted a number of issues regarding cycling provision already implemented in and around the Park, and that envisaged by the Scheme, which were considered by LCC to be unacceptable. This included the fact that on-carriageway cycle lanes did not meet minimum suggested width criteria, and in some cases the redevelopment of roads, such as the road running to the south of the Orbit, had failed to replace cycle lanes which had previously existed. The Objector also highlighted the lack of convenience faced by cyclists in the area, such as waiting for up to two minutes for traffic lights to change at certain junctions. In terms of the anticipated provision for cycling in the Scheme, the Objector raised concerns over the lack of sufficient allocation for event parking for cycles and for cycle hire schemes. There were also issues in relation to connectivity in and around the Park, and it was highlighted that the 20mph speed limit on Warton Road would be lifted after the Games, which presented an issue of safety.

5.21.4 It was felt by the Objector that responsibility for cycle provision had been pushed onto the Legacy Transport Group rather than being properly addressed in the Scheme proposal. The Objector urged the adoption of existing benchmarks to ensure adequate provision was made for cycling, and that the input of local groups be sought in formulating the correct strategy for cycling.

5.21.5 The Objector concluded by highlighting that this was a challenge for the Committee to resolve, and that whilst it was recognised that cycling in London may never be as safe as it is in Holland, the Objector wanted to see cycle targets, better connectivity and better cycling conditions in London as part of the Olympic Legacy.

5.22 Committee Questions to Speakers Against the Recommendations

5.23 The Chair invited Members of the Committee to pose questions to the speakers who had risen to speak against the Recommendations.

5.24 A Member asked, in relation to the objection raised to the residential development proposed on Development Parcel 8.4, what options were available to the Committee, as it would be disproportionate to reject the recommendations in their entirety on what was a comparatively minor issue.

5.24.1 A Planning Officer responded by stating that, in Development Parcel 8.4, the minimum height for development was seven metres and the maximum was

16 metres. It was suggested that, during the detailed design phase, an informative could be employed which required any such development to be closer to the minimum rather than the maximum height. A Planning Officer suggested that alternatively a condition could be used which would give more certainty than an informative.

5.24.2 The Member stated that this issue could apply throughout the Committee's debate on the Scheme and asked how far Members could go in limiting the Scheme submitted for approval.

5.24.3 PDT's legal adviser stated that the approach to be taken would depend upon the specific issues that Members wanted to control, but that Members must be careful not to change the Scheme beyond the parameters already assessed. Restricting the Scheme within parameters would be acceptable, but Members would also need to consider the knock on effect of other areas such as viability before agreeing such a restriction.

5.25 A Member enquired of Cllr Stops whether all the land referred to in his objection to the reallocation of land in Hackney Wick had been allocated in the AAP as employment opportunity land.

5.25.1 The Objector responded that this was the case.

5.26 A Member enquired as to the relative weight to be given to the Olympic Act, the NPPF, the London Plan and the Borough Local Plans.

5.26.1 PDT's legal adviser replied by stating that the Application has to be determined in accordance with the development plan (which for the purposes of the application site comprises the London Plan and the Core Strategies of the relevant Boroughs), unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of the Application and the Olympic Act provides the statutory framework for PDT in the discharge of its functions.

5.27 A Member referred to the concerns that had been raised by Cllr Khan on behalf of LBTH, and enquired as to whether the percentage of market value at which affordable rented units had been set risked setting a precedent, or whether there was flexibility in the proposal so that an improved economic outlook would lead to a lower percentage being set.

5.27.1 An Officer responded by stating that, as drafted in the s.106 Heads of Terms, when the viability review is produced for each PDZ, the percentage will be determined with reference to adopted plans and policies at the strategic and local levels, on the basis of unit size. Accordingly, when the relevant Boroughs introduce policy as to affordability levels for affordable rented accommodation, this will be taken into account in setting those rental levels.

5.28 A Member enquired as to whether proposals on cycling would be subject to detailed conditions.

5.28.1 An Officer replied that the proposals for cycling provision incorporated current and planned infrastructure, of which the latter would be subject to conditions. The Officer agreed with the LCC's contention that cycling provision had been subject to minimum standards, but that this was considered policy compliant.

5.29 A Member queried the VRM employed to determine rent levels for affordable housing in LBTH. A clearer understanding was needed on how the viability study worked, what

would happen if the economic outlook were to improve, and whether there was a mechanism in place should the scheme prove more viable than envisaged. The Member also queried why there had been no proposals for car-free zones in the Scheme area located in LBH; if land had to be given over to parking provision, this meant less land would be available for housing, open space or social infrastructure.

5.29.1 An Officer responded by referring to LBTH's target rent levels for affordable rented accommodation. The Officer stated that he was not aware that LBTH's target rent levels was enshrined in policy, but that if it was later adopted into policy, then the mechanism for setting affordable rents would take account of this. The Officer explained that there were constraints placed on the Applicant by the need to pay back the Government and the National Lottery, but that the Applicant was confident that it could meet its repayment obligations and deliver on its affordable housing commitments. The overriding objective was to establish how to achieve as close to the 35% target for affordable housing as possible. In relation to the mechanism for capturing any excess income should the Scheme prove to be more viable than originally thought, the Applicant would take advantage of any affordable housing grants if reintroduced, and the equivalent cost saving would be applied to the Scheme on a PDZ basis. If the Applicant reached the required benchmarks, then a mechanism in the planning agreement will enable value sharing so that 15% of the uplift is applied to deliver additional mitigation measures.

5.29.2 On the issue of transport in LBH, the Officer requested that the PDT's Transport Consultant respond to the specific issues raised.

5.29.3 The Transport Consultant stated that a review of the traffic impacts had been undertaken, and that there had been no disagreement with the findings of the assessment on traffic impact from any of the consultees on the Application, including the host Boroughs. It was concluded that the network would be able to cope with the expected increase in traffic caused by the Scheme. On the basis of the Applicant's car parking ratio, it was projected that one in three housing units would be car free.

5.29.4 The Transport Consultant explained that there would be a review throughout the implementation of the Scheme to ascertain whether traffic generation in each PDZ was following the projections contained in the assessment, and that if it were to be found that the actual traffic impact differed from that which had been predicted, this would be used to inform the later phases of the Scheme's implementation.

5.29.5 The Member stated that it still appeared to be vague in terms of ascertaining where in the Scheme would be car-free and where will not. The Member enquired as to what level of discussions were taking place on this issue.

5.29.6 The Transport Consultant replied that conditions relating to the provision of car parking was being set out on a PDZ-by-PDZ basis, and would depend on the type of residential units that would be developed. Details of the parking provision and whether this would include car-free elements would be required as part of Reserved Matters submissions.

5.29.7 The Chair added that detailed discussion would take place as part of the detailed reserved matters applications.

5.30 Speakers in Support of the Recommendations

5.31 The Chair invited Andy Altman, Paul Brickell and Kathryn Firth from the Applicant to speak in favour of the Recommendations.

5.32 The Applicant opened by stating that, since the inception of the OPLC (now the LLDC) it had built upon the principle of community engagement in terms of delivering on the Games Legacy. The desire was to translate the overall aspirations of the Legacy into an actual part of London, and the Applicant had tried to devise a flexible framework for implementation which focuses on community engagement.

5.33 The key message articulated by the Applicant was that this translation was already starting to occur, with commitments already being communicated by the private sector to developments, such as the Chobham Manor development where 800 units were proposed, 70% of which would be family units. This was all being achieved whilst maintaining a good relationship with the PDT and host Boroughs.

5.34 The Applicant highlighted the intention to deliver on the promise of the Legacy to ensure the convergence of the lives of Londoners to the London average.

5.35 With particular reference to the issues previously raised in relation to the provision of affordable housing, the Applicant highlighted the fact that the average Borough negotiated s.106 costs, in addition to affordable housing provision,, was approximately £11,000 per unit, whilst the spend proposed per unit in the Scheme was £18,000 in addition to the target 35% affordable housing figure.

5.36 The Applicant noted the importance of ensuring the provision of community facilities at the right level.

5.37 The Applicant stated that it took on board the comments made in relation to the provision of cycling facilities, and that it was committed to improving the same throughout the Scheme.

5.38 The Applicant stated that it was aware of the need to avoid sucking the life out of the surrounding neighbourhoods, and listed investment being made to ensure that the area as a whole benefitted from the Scheme, including the improvements to Hackney Wick Station, new schools and two new bridges to better link the surrounding areas directly to the Park.

5.39 The Applicant noted the importance of connectivity between the Scheme and the surrounding area, highlighting the measures being taken to understand where existing routes were and take them through the Park. The Applicant explained how it intended to maximise the inherited infrastructure, such as the waterways including the Lea Navigation, which would be maintained and developed for the benefit of the residents of the Scheme and the surrounding neighbourhoods.

5.40 The Applicant focussed on the development of Chobham Manor, highlighting the rigorous dialogue which was ongoing with prospective developers. It was noted that it was part of the Legacy to embrace the inherited buildings within the Park, and also ensure that each neighbourhood had its own intimate spaces and special landmarks.

5.41 The concept of 'lifetime neighbourhoods' was explained, highlighting the benefits of creating communities with the right mix of housing so that, as an individual's family life evolved, it would be possible to move house within the same neighbourhood, rather than facing the need to uproot completely from one area to another.

5.42 With specific reference to Development Parcel 8.4, the Applicant stated that it was committed to character area design guides, confirming that, in relation to development parcel 8.4, the Applicant would not move ahead with its proposals without dialogue with local stakeholders, including current residents.

5.43 The implications of situating housing within close proximity to stadia were noted, particularly at Marshgate Wharf.

5.44 The Applicant referred to the need to frame the Park, and that whilst different parks were framed in different ways, it was important that the Scheme ensures that the Park be framed with housing.

5.45 The Applicant concluded by stating that the Scheme balanced the need for new homes and affordable homes with the necessary infrastructure. It added that engagement with industry had revealed that developers wanted to be able to showcase the best of what it had to offer in this Scheme. The Applicant asked the Committee to support the proposal and agree with the Recommendations.

5.46 Committee Questions to the Applicant

5.47 The Chair invited the Committee to pose questions to the Applicant.

5.48 A Member referred to the issue of the proximity of some of the proposed housing to the main stadium within the Park, and queried whether this would prejudice future use of that venue.

5.48.1 The Applicant responded by stating that, in terms of the main stadium, housing was situated approximately 140 metres away. In other locations, such as the Emirates Stadium in North London and Old Trafford in Manchester, the distance between stadia and housing was approximately half of this distance.

5.48.2 The Applicant noted that the Marshgate Wharf neighbourhood had not been designed for quiet family living, and that it would cater for those who find it desirable to live in close proximity to such amenities.

5.48.3 The Member stated that the concern would be the potential for objections to be made against entertainment licences, which would in turn have a negative impact on the use of the stadia.

5.48.4 The Deputy Chair stated that if a person were to buy or rent in the proximity of a stadium, that person would obviously go into the process with their eyes open, aware of the likelihood that events in the stadium would give rise to noise. Another issue would be managing access to and from the venue on match days, as although managing home fans was usually not problematic, ensuring that away fans were kept separate and moved onto transport quickly was the main concern.

5.48.5 The Applicant stated that a lot of sensitivity testing for transport had taken place, including the assessment of pedestrian flows, so as to ensure that home and away fans were, as far as possible, prevented from mixing. The Applicant stated that these pedestrian flows will be directed away from housing.

5.49 A Member posed a question in relation to the issue of connectivity in the western area of the Park in the vicinity of the IBC and MPC, querying the adequacy of the connectivity as proposed between the Park and the adjoining neighbourhoods.

5.49.1 The Applicant replied by indicating on a plan of the Site that there would be direct access into the Park in the vicinity of the IBC and MPC. Whilst the IBC fell outside the scope of the Scheme, it was noted by the Applicant that it was necessary to ensure that the IBC and MPC were successful in terms of their future employment use, which could only be achieved by ensuring effective connectivity for those who would work there.

5.50 A Member asked whether the Applicant intended for all of the roads to be developed as part of the Scheme would be adopted by the respective Highways Authorities. The

Member cited the experience of Canary Wharf, where some roads had been adopted, whilst others had remained in private ownership, which had led to restrictions on movement in the area.

5.50.1 The Applicant stated that the streets in the Scheme will feel like any other street in London. The Scheme will include some adopted roads, and will be subject to estate management plans. There will be no gates around communities, and complete freedom of movement will be ensured.

5.50.2 The Member enquired as to who would be in charge, and why the approach of having some roads adopted and others not adopted had been chosen.

5.50.3 The Applicant stated that the estate management plans to be submitted pursuant to the proposed planning conditions will bottom out the issue of ownership.

5.50.4 The Member asked whether this meant that the Scheme would be characterised by mainly privatised streets, with only some main routes being adopted.

5.50.5 The Applicant responded by saying that the estate management plans would be framed so as to focus on public accessibility and openness. In terms of the authorities responsible for services such as waste collection and the issuance of parking permits, this would be decided at a later date through submission of details required by the recommended conditions. The Applicant added that, should the Applicant be responsible for services such as waste collection, it could be in a better position to bring forward more sustainable schemes than the Boroughs could.

5.50.6 The Member added that the concern is that private operators could make it very expensive to live in these areas, citing the level of service charge that residents of the Barbican Estate are obliged to pay. This would, of course, be in addition to council tax.

5.50.7 The Deputy Chair added that some of the best areas in London were operated under estate management plans, and that if effectively managed by the Applicant, the Scheme could allow for innovation in estate management, which would provide benefits for residents.

5.50.8 The Applicant stated that it has set its aspirations high, which has already been evidenced in its operation of the Park to date, an example to this commitment being that it has hired the former Chief Executive of the Royal Parks. The Applicant does not want to fragment the delivery of the Scheme. It was highlighted by the Applicant that, as a Mayoral Development Corporation (**"MDC"**), it is subject to public accountability, its meetings are public, and all Boroughs will have an input in how it is run, which will include issues such as estate management. The way in which the management of the Park has been set up was advanced by the Applicant as an example of its success to date, highlighting the fact that it has created a park of international quality, but one that will also serve the needs of local people.

5.51 A Member enquired as to what the maximum height of the development objected to at Development Plot 8.4 will be.

5.51.1 The Applicant confirmed that it could accept a condition that imposes a restriction on the maximum height of the development of 4 storeys.

5.52 A Member enquired as to whether provision would be made for a visitors' centre in the Scheme in order to provide a place where people could go to find out more information about the Park and the implementation of the Scheme.

5.52.1 The Applicant responded that there would be two hubs located in the Park, one situated in the South Park vicinity of the Orbit, which would service the Orbit and also provide information, and would contain a cafe. The other, located in the North Park, would focus on education. There will also be interim structures that could be utilised for this purpose as the Park evolves.

5.52.2 The Member asked whether these would be facilities which people could simply walk into, or whether there would be a need to pre-book or pay.

5.52.3 The Applicant responded that these facilities would be available to the public to walk into without the need to pay or pre-book. The Applicant added that it intends that existing visitor information spaces, such as the Viewtube, would also re-open.

5.53 A Member raised a question regarding the overall design of the Scheme, stating that it was hoped that this would be an exemplar development that would give an insight into urban living at the end of the 21st century. However, the Member was concerned that the plans were not ambitious enough, citing the issues of over-provision of car parking and a shortfall in cycling provision. The Member asked how, as a public body, the Applicant would be better than a private developer.

5.53.1 The Applicant responded by referring to the plans for Chobham Manor as being exemplar, displaying a mix of housing density and type, stating that it was an opportunity to develop in the style of traditional London that otherwise cannot be done due to a lack of space.

5.53.2 The approach taken was not with a view to maximising receipts, but with the intention of balancing a return on the investment with aspirational desires.

5.53.3 The Applicant stated that a commitment had already been made to deliver 25 exemplar houses within the Scheme, with an overall focus on sustainability, such as the reuse of greywater.

5.53.4 The Applicant added that it was keen not be trapped by language, such as 'terraced housing' as it conjured certain images; the intention was to embrace the idea of lifetime communities. It was stated that areas such as Chobham Manor would recognise the way in which people now live.

5.53.5 The Applicant stated that the aim was to ensure that all residents would have a private outdoor space, such as a balcony, and it identified the need to accommodate multi-generational families.

5.53.6 The focus would also be on sustainability, to which end the Applicant highlighted the intention to reduce individual daily water consumption from 167 litres at its current average to 105 litres.

5.54 A Member queried how the 10% of nomination rights in relation to affordable housing proposed to be allocated to the GLA would operate in practice in view of the absence of any housing department within the GLA, and asked which policy objective this allocation represented.

5.54.1 The Applicant explained that this followed the example set in the East Village development where the GLA were given nomination rights.

5.54.2 The Applicant also stated that it was appropriate in the case of the Scheme because it is a pan-London development, as well as a Sub-Regional development which is reflected in the allocation of nomination rights to the East London Housing Partnership Sub-Region.

5.55 A Member queried who actually benefits from the Scheme, as the Park is being put in the middle of the East End and, as indicated by the re-siting of the cycle route from the south to the north west corner, connectivity in the area will be affected. The Member also stated that it is perceived that the housing proposed to be located near the IBC will create a barrier between Hackney Wick and the Park. Additionally, the Member sought a guarantee that the 35% target for affordable housing actually means 35%. The minimum level of 20% was deemed not to be good enough as it did not meet the legacy objectives for local people. The Member stated that the LB Waltham Forest's affordable housing waiting list alone would consume the stock of affordable housing across the entire Scheme if only minimum requirements were to be met.

5.55.1 The Applicant replied that the Scheme will not work properly unless it is properly connected, and so the London Promise and convergence policy are front and centre. The Applicant gave reassurances that it meant the target of 35% and that there would be a robust mechanism to achieve this, but nevertheless there will need to be a balance between the provision of affordable housing and investment in social infrastructure. The Applicant added that not only was it important that the Scheme be connected in terms of infrastructure, but also that it be connected in people's minds.

5.55.2 The Applicant indicated on the redline diagram the Leyton Links project, which showed how investment was being made to improve connectivity, in addition to which the proposed cycle route through the Park would also improve connectivity.

5.55.3 The Member added that the investment in Leyton Links had improved the aesthetics of the route, but not improved connectivity. In addition, the Member stated that the original plan for the housing in Hackney Wick would have been more conducive to connectivity.

5.55.4 The Applicant agreed that the IBC was not necessarily conducive to connectivity, but stated that the housing layout as currently set out in the Scheme proposal would aid connectivity in this PDZ.

5.56 The Deputy Chair stated that, in terms of locations for visitors' centres, it would be a good idea to reuse buildings that already exist that will remain in the Park post-Games.

5.57 The Deputy Chair requested the Applicant to write to Mr Murphy in order to confirm the undertakings that had been made in relation to the dimensions of the residential development proposed for Development Parcel 8.4.

5.57.1 The Applicant agreed that it would do so.

As there were no further questions of the Applicant the Meeting adjourned at 17:50

Meeting reconvened at 18:15

5.58 The Chair invited Officers to provide an update on the issue of LBTH's policy regarding affordable rented housing and in particular target rent levels as a percentage of market value.

5.58.1 An Officer stated that LBTH's position on rent levels for affordable rented housing was located in its "Managing Development" draft Development Plan Document (**"DPD"**), which is due to be submitted for public examination later in 2012, at which point it will gain greater weight. The rent levels (which are expressed as a percentage of market value) set out in that draft DPD are described as an indication of average levels of affordable rent expected across the Borough as a whole. The draft DPD recognises that levels will vary in different areas within the Borough and states the rent levels for each scheme would need to be agreed with LBTH as part of the development management process.

5.58.2 The Officer summarised the s106 heads of terms which are drafted so as to ensure that rent levels for affordable rented housing are agreed as part of the viability review mechanism which would accompany the Zonal Masterplan process and that regard must be had to relevant planning policy and the relevant table in the draft s.106 Heads of Terms in so doing (which in the case of PDZ 4 would include the "Managing Development" DPD once adopted).

5.59 Committee Debate

5.60 The Chair opened up the discussion to include debate of the Recommendations.

5.61 A Member asked what protocols, if any, would be put in place given that what the Committee was being asked to approve was a development where post October 2012 the Applicant, the planning authority and the land owner would be the same entity. Although this is the situation that applies to all local planning authorities (**"LPAs"**) when granting permission for land they own, they are subject to the democratic oversight of elections. The Member asked whether the section 106 agreement contained any such protocols.

5.61.1 An Officer confirmed that the functions of the PDT are intended to transfer to the Applicant in October 2012 which would result in difficulties in enforcing the s106 legal agreement against the Applicant. In recognition of this, where possible most planning mitigation was being secured through planning conditions as opposed to planning obligations so that PDT would be able to enforce conditions against the developers of individual plots directly even where they did not have an actual interest in the land. Where the use of planning obligations could not be avoided, PDT was considering making them the subject of Grampian style conditions. The Officer noted that this would operate no differently to the way in which the ODA had previously operated as both applicant and planning authority.

5.61.2 The Member asked whether there would be any process in place for monitoring the activities of the Applicant.

5.61.3 The Officer stated that regular reports on development and planning issues would be produced and provided to the host Boroughs as part of an intended engagement programme.

5.62 In relation to the provision of housing in the vicinity of the IBC in PDZ 5, a Member stated that the report did not address the level of quality of the provision of open space. Although the Member accepted the need for housing to front onto the Park, the Member enquired as to whether the Committee would be able to alter the quantum and/or design of the housing so as to enable the Park to be enlarged.

5.62.1 The Officer stated that, during the application process, the Applicant had been asked to explain how the open space that would be created would be 'useful'. One of the studies commissioned in this regard recommended

making the northern end of the Park flatter, in order to be able to accommodate events for up to 10,000 people. PDT had been satisfied that the space referred to would not be too small so as to be of no use for such events. Careful consideration had been given to the Post Games Transformation (**"PGT"**) design to ensure that there was quality in both informal recreational areas and spaces for events.

5.62.2 Another Officer referred the Committee to page 57 of the Main Report which indicated how the layout of the development referred to by the Member maintained accessibility, so there was no solid wall of development blocking access to the Park from Hackney Wick as had been alluded to. In addition, the southern end of this part of PDZ5 is proposed as open space including a children's play area.

5.62.3 The Officer referred back to the PDT Legal Advisor's opinion that Members would need to have regard to the commutative effect of their changes as well as remaining in parameters and impact on viability.

5.62.4 The PDT Legal Advisor added that minor amendments can be made, so long as they do not have significant effects beyond the parameters of the Scheme that had been assessed.

5.62.5 A Planning Officer stated that, should more than minor amendments be required, it would be necessary to go away and bring back an amended application with an updated Environmental Statement and Viability Report.

5.63 A Member stated that it seemed that there was a determination to have low density, wide housing in the area adjacent to the Park. This was not appropriate due to the loss of open space that this 'ground-scraper' necessitated. The Member stated that it would be a shame to risk deferring the decision on the Application for a small but important part. The Member said that the loss of open space risked losing the ability to be able to lose oneself in the Park, which is what people would expect of this Scheme. The way to avoid delaying the decision was to reassess the arrangement of the housing. The proximity of this housing to the IBC and MPC justified the design of taller buildings so as to reduce the overall footprint of the development in this area.

5.64 A Member registered agreement with comments made in relation to the issue of the housing footprint, citing the fact that a promise had been made to the people of LBH to the effect that they would benefit from a large open space close by. However, with the spread of development between the Park and existing neighbourhoods, the Park would feel further away. The Member stated that this was an opportunity to change the plans to increase the size of the park, increase the height of the housing, complement the IBC and improve passive surveillance around the park edge.

5.65 A further Member agreed with the foregoing comments, stating that the development as currently envisaged would not complement the IBC.

5.66 PDT's Legal Advisor reiterated that, if the amendments proposed go beyond the parameters of the EIA and design codes, the PDT would need time to assess the impacts and re-consult.

5.67 A Member raised a query in relation to the review mechanism proposed by the Scheme to assess the need to switch the primary school envisaged for PDZ 4 to a secondary school. This had been previously been raised by LBTH, and the original response had been that, should a secondary school not be achievable in PDZ 12 due to safety issues concerning proximity with the nearby gasholder, the school in PDZ 4 could be switched to a secondary school. The concern was that both a primary and secondary school were needed. When Members had previously discussed the

prospect of a secondary school to suit the needs of children in LBTH, it transpired that the journeys that would need to be undertaken to get to the school were not suitable.

5.67.1 An Officer replied that the Application before the Committee has been assessed on the basis of the needs arising from the Scheme and not to meet existing deficiencies in secondary school provision in LBTH. The review mechanism for the Secondary School in PDZ 12 is only necessary because it was unclear whether or not the existing gas infrastructure would be decommissioned to allow for the safe development of a school. As it currently stood it was not necessary to review the need for a secondary school in PDZ 4, but as the final decision was a long way off, the situation could change which would necessitate a review of educational needs in PDZ 4.

5.67.2 The Officer added that accessibility requirements for primary schools meant that they should be located within a 250 metre zone of the population they serve, which would include both populations within the PDZs and those in existing neighbourhoods on the outskirts of PDZs. Catchment areas for secondary schools, however, were far wider given the various modes of transport that are used by students in order to get to the school.

5.67.3 An Officer added that the Applicant had submitted its Application with the parameters as outlined and that, whilst there is some scope to amend the Scheme within those parameters, any bigger changes would lead to the need for the Scheme for be reassessed.

5.67.4 The Chair reminded the Committee that the Application being assessed was the Application as submitted.

5.67.5 A Member commented that there is a risk that the Committee may take too narrow a view, and that this Scheme forms part of a wider context. The NPPF is clear in its requirement to assess the need for schools in terms of cross-boundary need. What was being suggested were not specific changes, but a change in general approach.

5.67.6 The Chair asked whether there were general standards in terms of walking distances to schools.

5.67.7 A Member stated that there was no national standard, rather local authorities were required to create their own standards.

5.67.8 A Member added that secondary schools will cater for the wider community, and that it was therefore necessary to look beyond the redline boundary of the Scheme.

5.67.9 An Officer replied that the NPPF and CIL Regulation 122 are clear that s.106 requirements should be fairly and reasonably related to the development and that there is no requirement to meet any more than scheme needs. Officers also confirmed that both the Applicant and PDT had reviewed social infrastructure provision in the context of the wider infrastructure requirements identified in both the Mayor of London's draft OLSPG and Borough Infrastructure Delivery Plans.

5.67.10 A Member reiterated that the NPPF clearly stated that educational needs must be viewed in a cross-border context.

5.67.11 A Member added that this should not be viewed in the context of potential section 106 contributions, but rather it must be seen in terms of how the

Scheme meets the needs of the broader community beyond the immediate vicinity.

5.67.12 A Member added that secondary schools require a larger area of land than primary schools.

5.67.13 The Chair stated that if inadequate education provision is made for the children in the area, then the Scheme would be failing the needs of the local community, adding that the Committee was in agreement.

5.67.14 An Officer concluded that the Fish Island AAP identified a need for the provision of a primary or a secondary school on this site, not both. Accordingly, the Scheme proposal for a primary school on the site was in compliance with emerging policy.

5.68 A Member referred to the population reviews to be carried out at each phase of the Scheme, which are detailed at proposed Condition LCS0.241 as set out in the First Update Report. The Member enquired as to whether a clause could be added requiring the carrying out of post-occupancy surveys of new residents, which are considered valuable in terms of gathering feedback on the success of new developments and the adequacy of community and social infrastructure, but are not often performed.

5.69 Whilst noting an Officer's earlier comment, the Member also asked for a condition to be inserted to ensure that the Scheme is in conformity with the Mayor of London's London Housing Design Guide. This would not be an issue if design on the Scheme were to be better than the Mayor of London's policy; however, if it were not to be of the same standard, there needs to be a method of ensuring compliance. The Mayor of London's policy is widely seen as being the 'gold standard' by the industry, and as such it would seem strange for a flagship development such as this to fall below the standard, which could in turn threaten the consistency of high quality design.

5.69.1 An Officer replied by stating that, although the Scheme has been assessed against the Mayor's guidance, PDT would not stand in the way of such a condition being imposed.

5.69.2 Another Officer agreed, and also said that the addition of the requirement for the post-occupancy survey to include residents' views on the adequacy of community and social infrastructure would be included.

5.70 A Member asked whether an agreement could be reached during the Committee Meeting on the issue raised by Mr Murphy regarding Development Parcel 8.4.

5.70.1 An Officer replied that a condition would be inserted into the recommended planning conditions restricting the height of any new building in Development Parcel 8.4 to a maximum of four storeys (or the equivalent height above AOD).

5.71 In relation to Scheme interconnectivity, a Member expressed continued concern over how the Scheme would link up, both in terms of connections with each PDZ and with existing infrastructure. The Member asked whether it would be possible to have a description of how contact points at each PDZ will operate so that, when individual proposals come forward for each PDZ, conformity with an overarching connectivity plan can be assessed.

5.71.1 An Officer replied that throughout the development of the Scheme proposal the focus had been on bringing forward a network of roads and streets to ensure maximum connectivity. The current proposal has added a few additional measures to what has already been approved, i.e. a new bridge,

and serious consideration has been given to how the Scheme will fit in with the existing bus network.

5.71.2 The Officer reminded the Member of the extensive explanations in respect of connectivity provided in the Committee Report and given in previous Committee Meetings.

5.71.3 The Member stated that connectivity was still an issue.

5.71.4 The Officer reminded the Member of the requirement for the Applicant to bring forward Zonal Masterplans for approval for each PDZ which must show interconnectivity.

5.71.5 The Member asked whether these merely show how the PDZs fit within the Park.

5.71.6 The Officer replied that they not only show this, but also how they fit within the wider community.

5.72 A Member asked whether the language used in the section 106 agreement in relation to the provision of healthcare facilities would be sufficient so as to avoid invoking state aid issues under European Union law. The issue could arise in designating land or securing funding for facilities, such as GP practices, which are essentially private businesses. Similar concerns could arise in making provision for education services, and so a catch-all provision may be necessary to avoid issues of state aid all together. The section 106 agreement would also need to cater for future changes in education provision given the possible move away from Academies.

5.72.1 An Officer stated that consideration would be given to these points in the detailed drafting of the section 106 agreement.

5.72.2 The Member added that it is important, given previous experience, to guard against the provision of facilities through section 106 funding that end up going unused.

5.73 A Member highlighted two issues of concern. Firstly, the Member stated that the adoption of Scheme roads by the responsible public authorities needed to take place, as the adoption of roads 'normalises' the area, and also ensures the 'normalisation' of services. Secondly, the Member expressed continuing concern over the allocation of nomination rights in respect of affordable housing, and asked that the nomination rights for the GLA be transferred to host Boroughs or local housing associations.

5.73.1 An Officer agreed that PDT would raise the Members' concerns over nomination rights directly with the GLA, and express Members' preference for such rights to be exercised locally. In the event the GLA has good reason to require a percentage of pan-London nomination rights, then delegated authority would be given to the Director of Planning Decisions to agree this.

5.74 A Member asked for an explanation of the Quality Review Panel (**"QRP"**).

5.74.1 An Officer explained that the QRP will be formed of a group of experts who will be charged with reviewing building design, sustainability and accessibility. It will review applications for development that fall within the Outline Planning Permission, and will operate under the auspices of the Applicant to ensure that these three issues are looked at in the round.

5.74.2 The Member suggested that the range of issues to be reviewed by the QRP will make it difficult to recruit individuals to the QRP.

5.74.3 The Officer replied that responses received to date from interested parties had been positive and that experience gained on the Stratford City project indicated that such panels worked better when the disciplines of design, sustainability and accessibility were considered together.

5.75 The Chair requested that the Committee return to debate the issue of departures from the Borough plans.

5.75.1 An Officer explained that there were two issues, firstly when and how aspects of the Scheme which conflict with the Borough plans can be amended, and secondly, to provide a clear explanation of why departures from the Hackney Core Strategy were considered acceptable.

5.75.2 The Officer explained, insofar as the area in Hackney Wick is concerned, that there was a combination of looking back at the Committee Report from 2004 on the amount of employment space permitted at the time, and the employment designation that still exists which allows for a mix of uses, of which residential could be a part. The issue was whether there would be a sufficient amount of employment floor space within the PDZ area as a whole. It was considered that, with the addition of the IBC and MPC, this would provide for an amount of employment floorspace consistent with the employment generating objectives in the relevant Core Strategy policies and Area Action Plan. The Officer explained that the Application had been reviewed in the round, from the view of each Local Planning Authority (i.e. each host Borough). When reviewing the Application from the perspective of each host Borough, there is a departure from LB Hackney's development plan. However, the Officer explained that the Application has to be viewed in its surrounding context and from this perspective the Application would achieve a very significant amount of employment space within the area as expected. It is considered that the amount of employment floorspace proposed overall in the Scheme would be acceptable. On these grounds, it was therefore considered that the departure from LBH's development plan was justified. The Officer also added that the Application would be referred to the Secretary of State as a departure, should Members resolve to approve the Application. The Officer added that, in terms of the loss of open space caused by the development of housing in Hackney Wick, the provision of open space across the Scheme generally was of sufficient quantity and quality to justify the loss in that specific area.

5.75.3 The Officer added that the departure issue was whether the area should be reserved solely for employment, or whether other uses should be included as well. In the view of Officers, there would still be a significant amount of employment in the Application, and that it is appropriate to add some other uses, and that the balance is about right.

5.75.4 The Chair added that the PDT was not a one-Borough planning authority, and so it was appropriate to look at the overall Scheme, and the amount of open space and employment it provided across the area. Therefore, the PDT were comfortable with a departure in one area in one Borough, as the effects must be taken in the round, as already explained.

5.75.5 A Member suggested that, if the Committee were minded to defer the determination of the Application until a later date, a wider range of options would be open to it to alter the Application, rather than simply tweaking it now. If the Committee were to enter into a deferral situation, everything would be on the table.

5.75.6 The Chair responded that for this reason it was necessary to establish whether other Members were in support of deferral. The Chair asked, on the very specific issue of the departures, whether the Committee accepted them.

5.75.7 A Member responded that she was not minded to accept them. She expressed her view that in some cases the Application was being assessed against Borough policies, and at other times the Application was being reviewed as if it were detached from the Boroughs. The Member suggested starting from an assumption that the Application needed to be assessed as against the development plans, but that this wasn't clear. An Officer responded by stating that all relevant planning policies, and the Scheme's policy context, had been set out clearly in the Main Report.

5.75.8 An Officer responded by saying that the Application was in general conformity with the Borough development plans, except in the two instances as described, and that in both instances the departures were justified.

5.75.9 A Member replied by stating that the justification was within the Site, rather than in the broader context. The Officer replied that the justification was in fact within the broader context, as the adjacent developments were being taken into account.

5.75.10 The Chair added that this made it acceptable within the broader context. The Member replied that if it was acceptable in the broader context, i.e. within the context of the Hackney Plan, it would not be a departure.

5.75.11 The Chair asked whether the departures were accepted. A majority of Members agreed.

5.75.12 One Member stated that they did not agree. The wider context; the East London labour market is very large, as people will travel long distances to reach employment, and so the employment that the Application intends to create must be considered within the wider context. The jobs that will be created depend upon what businesses decide to build or occupy the employment space. The Member added that there had not been a clear statement of how far the various plans had progressed in terms of adoption. The question was whether the employment opportunities created by the Application would be of satisfactory quality, not just whether the size of the employment zone shaded on the zonal map was of sufficient size, as the latter does not bear any relationship to the number of jobs that will be generated in the future. What matters is how attractive the site is in terms of attracting people to the site.

5.75.13 An Officer responded by stating that, for the record, all relevant planning policies, and the Scheme's policy context, had been set out clearly in section 3 of the Main Report.

5.75.14 A Member added that on balance she accepted the arguments which had been put forward by the PDT, and would prefer that Hackney Council accepted them too. In terms of the employment land, the Member stated that if this were deemed to be a departure, she would be happy to accept Officer's assessment.

5.76 In respect of any amendments to Development Parcels 5.6, 5.7 and 5.8 that Members consider would be sufficient to reduce the departure in respect of housing reducing open-space, an Officer asked Members to explain what form they would like to see the development take.

5.76.1 A Member responded that he wanted to see the housing in this area have a smaller footprint so as to enable the enlargement of the open space, but would not object to the residential development in this area being taller in order to achieve the same floorspace. Simply put, the park needs to get bigger, and the housing needs to have a smaller footprint in order to facilitate this.

5.76.2 The Chair sought clarification, asking whether the Member would accept that, if there were, as an example, 50 residences on that part of the Site, these could be stacked on top of each other. The Member responded by saying that it did not matter if they were stacked 50 high, so long as this ensured that there was more park. The strip along Waterden Road was considered too wide, would cause too much separation between current residential areas and the park, and would make the park too small.

5.76.3 A Planning Officer asked whether a short recess could be called, so that consideration could be given by Officers and the Applicant as to what, if anything, could be done within the parameters of the Application as submitted to address this issue raised by Members.

5.76.4 The Chair asked for a show of hands to indicate how many Members shared i.e. those Members who felt that a similar quantum of housing, but in a different structure, was needed in order to release some of the land back to use as park land. A PDT Legal Adviser added that this was not a vote on the Scheme itself, but whether Members wanted Officers and the Applicant to consider whether anything could be altered within the parameters of the Application as submitted to make the Scheme acceptable to Members in this area:

(a) 6 Members shared these concerns,

(b) 3 Members did not share these concerns.

5.76.5 A Planning Officer referred the Members to the drawings available which set out the maximum and minimum parameters and land uses for the specific Development Parcels. The Officer summarised that the point of contention was the footprint in PDZ 5, i.e. the layout drawings, and that everything else was agreed, although may be affected by the changes.

5.76.6 The Chair called a recess.

Meeting adjourned at 19:50

Meeting reconvened at 20:15

5.77 An Officer reported back on PDT's discussions with the Applicant. It was suggested that, if the Committee were minded to determine the Application in the affirmative, then the Committee could delegate authority to the Director of Planning Decisions to discuss with the Applicant a set-back along the eastern edge of Development Parcels 5.6, 5.7 and 5.8 taking account of the views of the Committee. Provided the agreed set-back would not result in an adjustment outside of the parameters of the Scheme, then the Application would not need to be reassessed

5.78 A condition would need to be inserted in the planning permission defining the degree of the set-back. The Officer stated that it was difficult to carry out design on the hoof during the Committee meeting, adding that the Applicant was prepared to discuss the size of the set-back.

5.78.1 A Member stated that it would be helpful to know the size of the setback, enquiring whether, as there would not be an increase in housing in another area covered by the Application, it would involve a loss of housing.

5.78.2 The Officer replied that a loss of housing could be a consequence, as could an alteration to the type of housing; however this would be discussed with the Applicant. This would, however, have a bearing on the viability review for the zone in question in terms of the amount of housing, and proportion of social housing and family units.

5.78.3 A Member added that viability may be offset by the increase in the desirability of the housing due to its adjacency to the open space. An officer acknowledged that such consequences would need to be discussed with the Applicant, including viability and overall housing unit numbers and Members should be aware of that potential implication.

5.78.4 A Member stated that he was minded to accept this proposal; any housing provision lost by changes here could be built elsewhere in East London.

5.78.5 A Member stated that this risked passing the risk of further residential development to somewhere else in the Scheme, which the Member would not support. The Chair explained that any other residential development to make up for the capacity lost by the alteration would not be built within the Scheme. A Member added that the proposed set-back would not preclude the possibility of a slot-in application, and that the Committee had made it clear that it was not wedded to the idea of the 26m AOD parameter.

5.78.6 A Member stated that she would be minded to accept the proposal.

5.79 A Member asked for clarification on the proposed changes the Committee was being asked to accept.

5.79.1 An Officer explained that the Committee had asked for a significant amount of set-back on the eastern side of the site, but that no figures as to the size or extent of the set-back could be given at this stage. PDT would discuss with the Applicant how much of the proposed development would be removed and still retain a wide enough plot to develop property on, as it was a matter of detailed design and that the appropriate way of dealing with this was by delegated authority. The outcome of discussions would be reported back to Members as part of a briefing in September as appropriate.

5.80 A Member stated that it would be good to know what will happen to the dead-end road located in the vicinity of Development Parcels 5.6, 5.7 and 5.8.

5.80.1 The Chair stated that this was a tertiary road which would service the houses, and that it was quite rightly a dead end, otherwise it would risk the road becoming a rat-run.

5.80.2 An Officer stated that, as part of the set-back and review of design, the extent and purpose of the road would be reviewed.

5.81 The Chair asked for the resolution to be laid before the Committee.

5.82 There being no further questions, the Committee voted (9 in favour, 1 against, 1 abstention).

In respect of application 11/90621/OUTODA (the "**Application**"), the Committee **RESOLVED** that:

6. they are **MINDED TO APPROVE** the Application for the reasons given in the Report and the two Update Reports and **GRANT** outline planning permission subject to:

   6.1 referring the Application to the Secretary of State for Communities and Local Government under the terms of the Town and Country Planning (Consultation) (England) Direction 2009 and any direction by the Secretary of State;

   6.2 referring the Application to the Mayor of London and any direction by the Mayor of London;

   6.3 the satisfactory completion of a legal agreement under s106 of the Town and Country Planning Act 1990 and other enabling powers to secure the heads of terms set out in the first Update Report and as amended by the second Update Report and as may be amended following the outcomes of the discussion and review referred to in paragraphs 8.4 and 8.5 of this Resolution; and

   6.4 the conditions and informatives set out in the first Update Report, as amended by the second Update Report, and as amended by the Committee as follows:

      6.4.1 the insertion of a new condition restricting the height of any building within Development Parcel 8.4 to a maximum AOD height (equivalent to a four storey residential development). (Reason: To protect the amenities and environment of local residents);

      6.4.2 the insertion of a new condition reducing the building line of the ground and upper floors along the eastern edge of Development Parcels 5.6, 5.7 and 5.8 from that shown on the drawings submitted as part of the Application (Reason: To ensure that the loss of parkland in PDZ 5 is minimised);

      6.4.3 the insertion of a new condition requiring all residential units to conform with the London Housing Design Guide (interim edition) published by the Mayor of London and dated August 2010 or as may be updated by the Mayor of London (Reason: To ensure that high standards of urban design, residential amenity and landscaping are achieved); and

      6.4.4 the insertion of the following wording at the end of the last bullet (after the words "Population Review") in recommended condition LCS0.241: "and such surveys shall also survey the views of the occupants of the Development as to the adequacy of the social and community facilities available to occupants."

7. they **CONFIRM** that their decision has taken into consideration the environmental information submitted in relation to the Application, as required by Regulation 3(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and **AGREE** that following the issue of the decision a statement be placed on the Statutory Register confirming the details as required by Regulation 24(1)(c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 including that the main reasons and considerations on which the Committee's decision was based were those set out in the Planning Officer's Report, the two Update Reports to Committee and the discussion held during the Committee.

8. they **AGREE TO GRANT DELEGATED AUTHORITY** to the Director of Planning Decisions to:

   8.1 consider any direction from the Secretary of State and/or Mayor of London and to make any consequential or necessary changes to the recommended

conditions and/or informatives and/or recommended Section 106 heads of terms as set out in the first Update Report and as amended by the second Update Report and the Committee;

8.2 finalise the recommended conditions and informatives (including relevant definitions and annexures) as set out in the first Update Report, as amended by the second Update Report, and as amended by the Committee including such refinements, amendments, additions and/or deletions (including to dovetail with and, where appropriate reinforce, the final planning obligations to be contained in the Section 106 legal agreement) as the Director of Planning Decisions considers reasonably necessary;

8.3 discuss with the Applicant the minimum building line set back of the ground and upper floors along the eastern edge of Development Parcels 5.6, 5.7 and 5.8 from that shown on the drawings submitted as part of the Application and decide the minimum building line set back as the Director of Planning Decisions considers appropriate taking account of the views of the Committee;

8.4 discuss with the Applicant and the GLA and, if necessary, renegotiate the affordable housing nomination rights for the GLA (as set out in the summary heads of terms to the recommended legal agreement in the first Update Report) so as to (a) redistribute the GLA's proportion to the host boroughs or (b) secure a commitment from the GLA to only use its nomination rights within the host boroughs or (c) to obtain reasoning to the reasonable satisfaction of the Director of Planning Decisions as to why the GLA requires the proportion of nomination rights as set out in the summary heads of terms to the recommended legal agreement in the first Update Report;

8.5 to review the education and health obligations (as set out in the summary heads of terms to the recommended legal agreement in the first Update Report) in the context of European terminology and legislation and to incorporate any necessary drafting into the final legal agreement to take into account, to the extent considered reasonable and appropriate by the Director of Planning Decisions, state aid rules in respect of health and education;

8.6 finalise the recommended legal agreement under Section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the first Update Report and as amended by the second Update Report including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out set out in the first Update Report and as amended by the second Update Report (including to dovetail with and, where appropriate reinforce, the final conditions and informatives to be attached to the outline planning permission) as the Director of Planning Decisions considers reasonably necessary; and

8.7 complete the Section 106 legal agreement referred to above and issue the outline planning permission.

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

Date of next Meeting: 24 July 2012.

Signature  Date 21/5/2013

Chair