

LONDON BOROUGH OF WALTHAM FOREST

Committee/Date:	Planning 7 February 2012
Application reference:	2011/1560
Applicant:	London 2012
Location:	Leyton Marsh, Behind Lee Valley Ice Centre Lea Bridge Road E10 7QL
Proposed development:	Formation of a temporary basketball training venue comprising two 11 metre high modular court buildings, tented reception area, access road, drop off area, car park, plant storage containers, perimeter fencing in association with the 2012 Olympic and Paralympic Games, between 1 st March 2012 and 15 th October 2012.
Wards affected:	Lea Bridge
Appendices:	None

1 RECOMMENDATION

- 1.1 That planning permission is granted subject to conditions.

2 SUMMARY OF REASONS FOR RECOMMENDATION

- 2.1 The temporary use of the application site for the proposed development is considered subject to reinstating the land to its current condition is considered acceptable given the particular circumstances of the case. The proposed temporary use is integral to the function of the 2012 Olympic and Paralympic Games, (hereafter referred to as 'the Games') in that it will provide a training venue that meets the criteria set out by the Basketball Federation (FIBA). The need to provide this function, in addition to the adequacy of the mitigating and reinstating works, are considered to comprise material considerations that could justify the approval of the development on a temporary basis. The proposal has been otherwise considered against Policies SP1, SP2, SP3, SP15, SP16, SP18, TSP4, TSP10, TSP17, ENV1, ENV4, ENV5, ENV6, ENV7, ENV13, , ENV22, BHE1, BHE3, BHE4, BHE5, BHE7, BHE9, BHE17, WPM6, WPM10, WPM11, WPM14 and WPM19 of the Waltham Forest Unitary Development Plan 2006 and whilst there are grounds to withhold consent with regards to a number of these policies, the exceptional circumstance has been considered as a material consideration in a finely balanced decision.

3 REASONS REFERRED TO COMMITTEE

- 3.1 This application is being referred to committee for decision because:
- Major matters of planning policy (involving a departure from a policy of the development plan) are involved
 - There is significant public interest
 - The matter is considered to be contentious or controversial

4 DETAILS OF PROPOSAL AND SURROUNDINGS

4.1 Site:

4.2 The site comprises grassland with various habitat and footpaths within the Lea Valley Regional Park. It is situated on the north side of Lea Bridge Road, in the south west part of the borough where it borders with the London Borough of Hackney. The land is within Metropolitan Open Land (MOL), an Archaeological Priority Zone and partially within a Principal Site of Nature Conservation Importance. The site is in very close proximity to a Site of Special Scientific Interest (SSSI) Nature Reserve. The site is identified as a natural and semi natural Urban Green Space as per the Council's adopted Open Space Strategy and has been designated as a Special Protection Area (SPA).

4.3 The surrounding area is mixed in nature, to the north of the site is a nature reserve, to the east of site is Lee Valley Riding Centre, to the south of the site is the Lee Valley Ice Centre and Essex Wharf which abut Lea Bridge Road. To the west of the site is the River Lee which forms the boundary with the London Borough of Hackney. There is a footbridge over the river in close proximity.

4.4 The site has a number of access points, the main ones being via the Ice Centre car park and along Sandy Lane, the pathway to the east of the Ice Centre and the footbridge over the river.

4.5 The subject site amounts to approximately 1.5 hectares and is generally flat. It is heavily used by residents of Waltham Forest and London Borough of Hackney as well as those from further afield for recreational and ecological purposes. In 2011 the site received a Green Flag Award, a national award that recognises the best green spaces in the country.

4.6 Proposal:

4.7 The application proposes the temporary use of part of Leyton Marsh to provide a temporary basketball training venue comprising two 11 metre high modular court buildings, tented reception area, access road, drop off area, car park, plant storage containers and perimeter fencing. The buildings are required to provide additional training facilities for basketball teams competing in 2012 Games, and are required between 1st March 2012 and 15th October 2012.

4.8 The construction works are proposed to commence on 1st March and be completed by 31st May. From 1st June until 10th September the site

will be available for exclusive use by London 2012. The removal and reinstatement will commence on 11th September and be complete by 15th October 2012.

- 4.9 The venue will not be open to the public at anytime and will not have spectator facilities. The only people on site at any one time will be the two teams and their associated team members (maximum 80 people) and approximately 30 support staff. Each training session will last around 90 minutes.
- 4.10 The proposed hours of operation are 9am to 9pm with an hour for close down until 10pm. The training dates are 16th July 2012 – 12th August 2012 (Olympic Games) and then 22nd August 2012 – 8th September 2012.
- 4.11 The existing gate that leads from the Ice Centre car park to Sandy Lane will be marshaled and the building will be set in a fenced compound. All squads will arrive and depart by coach with other activity limited to staff movements in connection with the running of the facility (security, cleaning, maintenance etc). Vehicle access will be along a one way loop in front of the building.

5 RELEVANT SITE HISTORY

- 5.1 There have been numerous planning applications for this site, the majority of which are not directly relevant to the determination of this application, with the exception of the following:
- 5.2 2011/ 1346/EIA
- 5.3 The above application was sought an Environmental Impact (EIA) Regulations Screening Opinion, received on 26th October 2011, relating to development involving the construction of a temporary basketball training venue. It was decided that the development does not constitute EIA development.

6 CONSULTATION:

6.1 Publicity & Neighbour Notification

- 6.2 Over 250 letters were sent to residents and properties in Waltham Forest and Hackney living in the vicinity of the site. In addition, 22 site notices were posted on and around the site and the application was further advertised by way of a press notice.
- 6.3 At the time of preparing this report, 115 objections have been received, including a number from management companies and local user groups that represent a number of people, and others written on behalf of a number of people, including a number of Councillors from the London Borough of Hackney. Two of the letters were accompanied by petitions objecting to the proposal, one petition was signed by 56 people and the other was signed by 172 people. Two representations were received that did not object to the application providing it was temporary and the site was fully reinstated and noise levels controlled and LRVPA spend money within the vicinity. The main issues raised in the objection letters relate to:

- Procedural objections regarding level, form, length of publicity /consultation and transparency. Comment: See procedure section.
- Failure to carry out an EIA in accordance with EU legislation Comment: This was determined under application 2011/ 1346/EIA and it was concluded that the development did not require an EIA.
- Impact on local residents and schools with regards to quality of life including, loss of privacy and light, overshadowing, loss of views/poor outlook, increased level of noise, increased traffic, light pollution, and smell. Comment: See main issues
- Inappropriate development on Metropolitan Open Land and failure to comply with local, regional and national policies. Comment: Discussed in report
- Size, and appearance and siting of building. Comment: Discussed in report
- Loss of amenity and subsequent pressure on other parks. Comment: Discussed in report.
- Uncertainty that the site will be fully restored. Comment: Discussed in report.
- Lack of justification of choice of site for proposed use and why they could not accommodate this within the Olympic Park or why alternative sites could not be used. Comment: Discussed in report
- Ecological impacts. Comment: Discussed in report.
- The use will not be temporary. Comment: The application is for a temporary use and a condition will be attached to the decision notice to ensure that the use will cease and the land restored to its former condition by 15th October 2012.
- Proposal will set unwelcome precedent. Comment: discussed in report.
- Uncertainty regarding off site mitigating works (ie-increased provision of facilities elsewhere). Comment: Discussed in report
- Impact on existing drainage issues. Comment: Discussed in report.
- Proposals are contrary to providing a 'green Olympics'.
- Noise & disturbance / Inadequate noise survey information. Comment: Discussed further in report, however the issue of noise can be dealt with via condition.
- Impact on listed building/conservation area. Comment: The site is not within or adjacent to a Listed Building nor is it in a conservation area.
- Objection to Sandy lane being used as a road/surfaced with tarmac: Comment: Discussed in report.
- Poor planning of the ODA. Comment: Not relevant to the determination of the application.

- 30 min travel time is discretionary. Comment: Not relevant to the determination of the application
- Lack of legacy benefits including £65k to Lee Valley not controlled through the planning application. Comment: Discussed in report.
- Information should be provided on the rent the LRVPA is providing. Comment: Not relevant to the application
- Lack of community involvement Comment: Discussed in report
- The proposal does not constitute sustainable development e.g using temporary buildings/cost. Comment: The Games overall is seeking to achieve maximum sustainability and different elements will achieve this to a greater or lesser degree.
- Submitted plans. 1) Inaccurate representation of the 'Oxbow island'. 2) Plans fail to include trees that are to the north west of the site. Comment: 1)The representation of the width of oxbow lake does not inhibit the application being assessed. 2) The trees are at a considerable distance from the site and are therefore not required to be shown on the plans
- Loss of two informal footpaths. Comment The land is to be reinstated after the Games.
- The late submission of a planning application. Comment: The Local Planning Authority has no control over the timing of when applications are submitted.
- Loss of value to property. Comment: Not a material planning consideration.

6.4 External Consultation:

- 6.5 Greater London Authority: No objection raised. The application complies with the London Plan on the basis that the applicant has demonstrated 'very special circumstances' that outweigh the harm caused by the temporary development on MOL. The proposal also complies with the London Plan with respect to biodiversity. It has been acknowledged that the proposal would have a negative impact on the openness and view of the MOL, but due to the temporary nature, the impact will not be lasting. Access arrangements should be secured by condition.
- 6.6 The applicant should supply the swept paths for the 15 metre coaches along with other larger vehicles that may need to access the site during construction and when the site is operational. This should be secured by condition.
- 6.7 London Borough of Hackney: No objection raised. However it is acknowledged that the proposals would result in the reduction of the MOL and be discordant with its surrounding, but this needs to be considered in the context of the temporary nature of the use. Issues such as noise, lighting, reinstatement can all be dealt with by condition. They also note the contribution of £65,000 to the LVRPA and suggest

that clarity is needed with regards to the proposed projects to ensure it would be used within Leyton Marsh. The proposals should provide jobs to local people by way of a S106.

- 6.8 Natural England: No objection raised. They have confirmed that the proposal does not appear to affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils and that the proposal is not an EIA development. It was however stressed that their lack of objection should not be interpreted as a statement that there are no impacts on the natural environment.
- 6.9 It was also advised that the following was considered when determining the application: (a) protected species (b) local wildlife sites (c) biodiversity enhancements
- 6.10 Environment Agency: No objection raised but have requested an informative be attached relating to the need for consent from the Environment Agency for any proposed works or structures in, under, over or within 8 metres of the bank of the Lee.
- 6.11 Lee Valley Regional Park Authority: No objection raised. The LRVPA state that if the proposal is granted planning permission the £65,000 will be spent on a series of improvements to the land adjacent to the site, including:
- Access improvements at the site entrance and along Sandy Lane for pedestrians and cyclists
 - Management of the existing habitats around the Oxbow lake including additional tree and shrub planting
 - An extension to the existing boardwalk to improve access across Walthamstow Marshes, and
 - Replacement of existing benches and provision of additional benches, provision of an otter holts, nesting boxes for birds and bats.
- 6.12 London Fire Emergency and Planning Association (LFEPA) - No comments received at the time of writing the report.
- 6.13 Thames Water:-No objections raised, however have provided conditions and informatives.

7 PLANNING POLICY CONSIDERATIONS

- 7.1 The Development Plan Currently comprises the UDP (2006) the London Plan (2008) and the Lee Valley Regional Park Plan 2000
- 7.2 Waltham Forest Unitary Development Plan (2006) The text of all policies listed below is appended to this agenda: SP1, SP2, SP3, SP15, SP16, SP18, TSP4, TSP5, TSP10, TSP14, TSP17, ENV1, ENV4, ENV5, ENV6, ENV7, ENV11, ENV13, ENV22, BHE1, BHE3,

BHE4, BHE5, BHE7, BHE9, BHE17, WPM6, WPM10, WPM11, WPM14, WPM19

- 7.3 Waltham Forest Local Development Framework
- 7.4 Waltham Forest Core Strategy
- 7.5 The Lee Valley Regional Park Plan 2000 The Park Plan policies relevant to this development are considered to be L3, FR3, T1 and T6
- 7.6 Other Material Considerations:
 - Northern Olympic Fringe Area Action Plan (Preferred Options January 2011)
 - Supplementary Planning Document 'Urban Design' adopted 2010
 - Supplementary Planning Document - Access adopted 2011
 - Waltham Forest Biodiversity Action Plan adopted July 2011
 - Waltham Forest Open Space Strategy 2010 to 2020 (adopted 2010)
- 7.7 London Plan (2011): A number of London Plan (2011) policies are relevant to this application, though are less specific to the site or development proposed (than the UDP policies above):
- 7.8 Policy 2.4 – The 2012 Games and their Legacy
- 7.9 Policy 3.19 – Sports Facilities
- 7.10 Policy 7.4 – Local Character
- 7.11 Policy 7.6 - Architecture
- 7.12 Policy 7.13 – Safety, Security and resilience to emergency
- 7.13 Policy 7.15 – Reducing noise and enhancing soundscapes
- 7.14 Policy 7.17 – Metropolitan open Land
- 7.15 Policy 7.18 – Protecting local and open space and addressing local deficiency
- 7.16 Policy 7.19 – Biodiversity and access to nature
- 7.17 Policy 7.24 – Blue Ribbon Network
- 7.18 Policy 7.27 - Blue Ribbon Network: Supporting infrastructure and recreational use
- 7.19 National Planning Policies:
 - PPS1 – Delivering Sustainable Development (2005)
 - PPG2 – Green Belts (London Plan 2011 says PPG2 equally applies to MOL)
 - PPS9 – Biodiversity and Geological Conservation (2005)
 - PPG13 – Transport

- PPG17 – Planning For Open Space, Sport and Recreation (2002)
- PPS23- Planning and Pollution Control (2004)
- PPG24 - Planning and Noise (1994)

8 KEY PLANNING CONSIDERATIONS

8.1 The main issues to be considered in relation to this scheme are

- Procedural issues
- The Principle of the Development
- Visual Appearance & Impact on Local Character
- Impact on Surrounding Occupiers
- Impact on wildlife and biodiversity
- Loss of amenity
- Disabled Access
- Impact on Highways
- Drainage
- Other Matters

8.2 Procedural Issues

8.3 Prior to addressing the merits of the development, it is considered appropriate to address the concerns that have been raised regarding the level and duration of public consultation as well as the timing being over the festive period and the alleged failure to consult direct with some nearby residents in Hackney. In this regard a significant number of neighbour notification letters were despatched (over 250), a combined total of 22 site notices were placed in Hackney and Waltham Forest, and a press notice was issued. The level of consultation significantly exceeds the statutory level of consultation.

8.4 The statutory period for consultation responses by the various methods expired on 2nd January, but it is clear that this is not an absolute cut off and representations are often, and have in this case, received after the statutory period expires, and all comments will be reported. The timing of the consultation is determined solely by the date the application is received and processed and the timing is entirely coincidental. Details of properties to consult within Hackney were supplied by the neighbouring authority and in any event required notice was given by the site notices.

8.5 Objectors have also raised concerns that the scheme requires an EIA and therefore procedural matters and EU legislation have not been adhered to. However the required screening opinion has been sought and this concluded that an EIA was not required for the proposed

development. The screening opinion considered the impacts with regards to the submitted information and in accordance with the legislation, and it was concluded that due to the temporary nature of the proposal an EIA was not necessary. Environmental impacts could be dealt with by condition.

- 8.6 Reference was made to an Olympic Development in Greenwich where as EIA was carried out. The development in Greenwich was significantly larger, involving a temporary arena with up to 23,000 seats, a 6k cross country course as well as other temporary facilities and permanent facilities being utilised for various functions. It is evident that the scale of these works is substantially greater than those in the current application.
- 8.7 Principle of the Development
- 8.8 In order for Members to fully consider the scheme it is necessary to set out the policy context under which the application falls to be determined. However, it is evident that the majority of policies that may be applied are framed to deal primarily with permanent development and uses, rather than unique temporary uses such as is currently proposed.
- 8.9 The proposed development would involve a departure from a number of the UDP, regional and National policies, primarily on the basis that it involves development on MOL, albeit temporarily. The application has been advertised as such and this consideration forms a central part of the assessment of the scheme.
- 8.10 Leyton Marsh comprises Metropolitan Open Land, and UDP Policy ENV4 notes that the Council will only (generally) permit the following uses on MOL:
- public and private open space and playing fields;
 - open-air recreational facilities;
 - woodland and informal open space;
 - allotments and nursery gardens;
 - nature conservation.
- 8.11 Development on Metropolitan Open Land is also reinforced in policy ENV5 which seeks to maintain the open character of the land and any buildings proposed should be ancillary to the purpose of the land. The buildings should be limited in scale and located close to the periphery and should have a high standard of landscaping and design.
- 8.12 The emerging Core Strategy which will be going to Full Council in March 2012, carries significant weight. Development Management Policies are at the preferred options stage so will carry some weight in assessing the merits of the proposal. Policy CS6 of the Core Strategy seeks to protect MOL and promotes green infrastructure through the creation and enhancement of open spaces. Policy DM13 (Open

Space, Sport and Recreation) of the Development Management Policies would be applicable. Policy DM13 requires any development on MOL to be in accordance with PPG2 and must additionally 'implement a high standard of design in terms of scale, siting, landscaping and response to context' and 'complement and improve the quality of the open space uses'. In addition to this the policy states that 'Development proposals affecting an open space must not adversely affect, and where possible enhance: (a) the inherent character of the space (b) access to and within the open space where appropriate (c) biodiversity value.

- 8.13 The Northern Olympic Fringe (NOF) Masterplan is at the preferred options stage so holds some weight with regards to this application. Policy NOF3 relates to Open Spaces and aims to 'protect and enhance the quality and accessibility of existing and new open spaces in the Northern Olympic Fringe'. The policy specifically highlights that it will protect 'existing areas of Green Belt and Metropolitan Open Land from inappropriate development and where appropriate encouraging wider public access on sites that are currently not publicly accessible'. The policy will protect and enhance the 'the Lee Valley Regional Park in accordance with its statutory purpose as detailed in the Park Act of 1966'. NOF3 also notes that the Council will resist 'development in Sites of Nature Conservation Importance if it is likely to destroy, damage or adversely affect the protected environment'.
- 8.14 Policy 7.17 of the London Plan (2011) gives the highest protection to MOL and seeks to protect it from inappropriate development 'except in very special circumstances'. As such a decision has to be made as to the weight afforded to this 'circumstance'.
- 8.15 PPG2 emphasises the presumption against inappropriate development on the Green Belt, and states that '*very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*'.
- 8.16 The proposal clearly does not satisfy the policies set out by the Council or the wider policies contained within the London Plan and National Guidance and the application does not propose any legacy benefits with the Council. Nonetheless, a decision has to be made with regards to the weight given to circumstance that ODA have found themselves in, which is the claim that there are not any suitable sites within 30 minutes of the Olympic Park that will be sufficient to accommodate a training venue to meet the requirements of the relevant international sports federation.
- 8.17 The Design & Access Statement and the additional Site Selection Assessment submitted with the application state that there Olympic Park does not have the capacity to accommodate the facility and therefore a site selection was carried out in a three stage process:
- 8.18 Stage 1 (2009 -2010): Twelve existing venues were shortlisted and two (Barking Abbey School and Hackney Community College) were

approved, each providing one court. A number of the other sites were unavailable due to the venue owners signing exclusive agreements with other National Olympic Committees. The submitted information states that

‘For other sport’s training facilities the ODA by this stage had committed to fund/co-fund existing building upgrades and new sports buildings (the total ODA investment in three totally new sports buildings would later total over £8.5m, and the total investment in Legacy facilities would total £15m). These facilities were then allocated sports for Games Time Training purposes but could not accommodate the remaining 2 basketball courts required. Other expressions of interest did come forward but none that could secure the co-funding or planning permission in the time available’.

- 8.19 Stage 2 (Spring/Summer 2010): There was some consideration over accommodation for the two remaining training venues within vacant industrial warehouses within close proximity to the Olympic Park, however they could not find a site owner who was prepared to enter into the shorter agreement. In addition to this, the ODA would have been required to pay commercial property rates which would not be good value for money.
- 8.20 Stage 3 (late 2010): The decision was taken to deliver the training venue on Leyton Marsh. According to the statement the LRVPA was approached as they had previously (in 2009) offered a number of their sites as training venues. The four sites offered in 2009 were: (1) Leyton Marsh (the subject site) (2) Three Mills Green (3) Tottenham Marshes (4) North West Arena/ Pickets Lock.
- 8.21 Tottenham Marshes and Pickets Lock were eliminated as they exceeded the 30 minute travelling distance from the Olympic Park. Three Mills Green was eliminated due to the fact that it is only 1 hectare so the venue would take up the entire site. In addition accessibility was not as good as Leyton Marsh. In the summer of 2011 the original list of venues was updates and re-assessed to ensure that no new sites had emerged or existing sites become available. 16 venues were re-contacted but no new candidates emerged.
- 8.22 There is no doubt that applications of this nature would ordinarily be refused as a matter of principle on the basis that it does not accord with any of the Councils planning policies or even the wider London Policies and National Guidance. However, regard has to be had to Section 38(6) of the Planning and Compulsory Purchase Act 2004 in relation to development plans, requiring the determination ‘to be made in accordance with the plan unless material considerations indicate otherwise’. As such, significant weight can be given to the temporary nature of the use and the very exceptional circumstances that delivering the London Games create which officers consider justify this departure from usual planning policy and practice.
- 8.23 Visual appearance & Impact on Local Character

- 8.24 The proposal sits within a section of the marsh that is approximately 8 hectares and comprises open space made up of mowed and rough grass that has an open character.
- 8.25 Within this area of the marshes, the application site covers approximately 1.5 hectares. The siting of the development will be set more or less in the middle of the main area of the marsh, but slightly to the west bringing it closer to Sandy Lane. It is to be noted that whilst the site occupies 1.5 hectares out of 8 hectares, the land is irregularly shaped and the siting of the proposal in the central and most used area. The main buildings will have a height of approximately 11 metres, a depth of 39 metres and a combined width of 50 metres and has a shallow dome shape roof. The finishing materials will be white hard wall panels with aluminium frames.
- 8.26 The court buildings will be attached to the reception/ancillary services area to the west which will effectively be the main entrance. This element will sit on a steel substructure and will have a pitched roof with a maximum combined height of 6.6 metres (4 metres to the eaves), a depth of 19.5 metres and a width of 54 metres. The finishing materials will be white molded fibre glass panels and the roof will be white PVC canvas. The structures will sit on a concrete asphalt and gravel base.
- 8.27 In front (west) of the reception area there will be a ramp and stairs which lead to the drop-off and parking area. The parking area will have a length of approximately 73 metres and a width of approximately 19 metres and will be capable of accommodating 4 coaches and 25 cars. Two new roads will also be created, one for the entrance and one for the exit. The entrance roads will run off Sandy Lane from the north west of the site into the car park and the exit road (and new footpath) will run in a south west direction from the car park back onto Sandy Lane. The finishing materials are indicated as being black asphalt paving with white lines to mark the bays.
- 8.28 The proposed access roads will involve removing a section of the existing rough grassland which has been designated as a Principal Site of Nature Conservation.
- 8.29 All of the temporary structures, will sit on a paved area. The total paved area amounts to approximately 7,600 sq. metres.
- 8.30 There will be a flood storage pond adjacent to (west) of the southern end of parking area. The base of the pond will have an area of 6.94 sqm and a depth of 1.21m. This will be used to provide storage for the 1 in 1 year storm. The pond will have brick headwalls to inlets and outlet.
- 8.31 Additional structures to provide a catering store, bin store, air conditioning units and a plant area to the south of the court buildings will be required and are still in development and are intended to be dealt with by condition.
- 8.32 To the north of the court buildings lies a scrapped earth storage area which will contain earth removed from the site during levelling for the construction of the buildings (this being retained on site for the

relandscaping works when the buildings are removed) and is in a separate compound surrounded by a 2 metre high fence. The entire development will be surrounded by a 2.7 metre high fence.

- 8.33 Numerous representations have been made regarding the size, siting and overall visual appearance of the proposal. However, it should be acknowledged that the buildings have to be relatively high to accommodate the training facility. FIBA (the Basketball Federation) require a minimum height of the courts to be 7 metres from floor to ceiling (or the lowest obstruction). The agent has confirmed that the clear height inside the building is 8.25 metres above which will be lights, air handling units and other associated devices. The agents have also confirmed that the structures are of a standard size and this was the smallest available.
- 8.34 Concerns have also been raised regarding the use of tarmac on the grass being an inappropriate material both visually and ecologically (ecological impacts are discussed below).
- 8.35 Representations have been made regarding Sandy Lane being tarmaced, however the proposals do not involve making any changes to Sandy Lane and a condition has also been included in the decision notice to prevent this.
- 8.36 The building will be clearly visible in the surrounding area and there is limited screening by natural features, nor any opportunity to provide additional screening in the short term that the buildings are proposed to be on the site.
- 8.37 Therefore the building will undoubtedly have a noticeable impact on the character of the marsh and clearly would not conform to the characteristics of development within MOL. However it is quite clear that these impacts are temporary and that the land will be reinstated for public use at the end of the Games. This has to be regarded as a minor short-term inconvenience that is justified for the wider benefit.
- 8.38 Impact on Surrounding Occupiers including the boating community
- 8.39 The development would potentially impact on surrounding users through loss of outlook, noise and disturbance from generators and associated equipment and general comings and goings of vehicles.
- 8.40 At the time of the site visit there were boats moored on the east side of the River Lee, which is the closer side to the site, but there is no evidence to suggest these are permanent residential moorings. However, the boundary fence is set around 45 metres from the river by approximately 45 metres, the parking area is around 70 metres away and 88 metres to the buildings. The nearest residential properties in Hackney is approximately 85 metres away to the perimeter fence and 125 metres to the building.
- 8.41 Activity linked to the use will be minimal. The building will be in use between 9am and 10pm only. Around 30 support staff will be employed, most of whom will arrive at the start of their shift and leave at the end. A limited number of security patrols are also likely to be

undertaken. Teams using the facility will be brought in by coach, will train for up to 90 minutes, and will then be taken back to the main site again by bus. The level of vehicle and pedestrian activity will therefore be limited and have no discernible impact. Concerns in relation to activity during construction and dismantling can be adequately addressed by condition.

- 8.42 With regards to outlook and overshadowing, the boats are on a lower level than the marsh itself therefore the proposed buildings will not be very visible from inside the boat. The buildings will be set a minimum of almost 90 metres from the river and the properties beyond and will not therefore cause loss of light and overshadowing to users and occupiers.
- 8.43 The development will of course have a visual impact but officers do not consider this to be any different to the impact on the wider context as detailed and discussed above in paragraphs 8.37 and 8.38. No additional impacts on immediate neighbours arise to lead to a different conclusion than this is a short term impact for a wider benefit.
- 8.44 The Environmental Health Officer has assessed the submitted information and has concerns regarding potential nuisance from the air conditioning units and generators. In order to mitigate the noise impacts a condition will be included in the decision notice ensuring that any noise generated from air-conditioning units would be below 10Dba below the lowest recorded background noise levels measured at 1 metre from the nearest noise sensitive residential façade. A further condition controlling the hours of construction and dismantling will also be attached. These hours will be 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays with no working on Sundays or Public Holidays. This will in your officers view minimise the impact of noise on the local area.
- 8.45 The operation of the Ice Centre will continue as normal throughout the period, although vehicles will access the site from the ice centre car park, the route is designed to take larger vehicles including coaches.
- 8.46 Ecological impacts
- 8.47 The site is within MOL, partially on a Principal Site of Nature Conservation Importance, in close proximity to a SSSI and nature reserve. The site has also been designated as a Special protection Area (SPA) and a Special Area of Conservation (SAC).
- 8.48 As part of the site preparation, 15cm of topsoil will be removed, the soil will be stored within the site, immediately to the north of the building. Once the soil has been removed a hard surfaced area will be laid and this is what the structures will sit on (traditional foundations are not required for this type of lightweight temporary structure). The parking area and roadways will also be constructed. These areas will cover approximately 7,600 sq. metres.
- 8.49 Responses to consultation have included the impact on wildlife and biodiversity, including, bats, birds (including nesting season and migrating), stag beetles, water-voles, great crested newts, vipers and

grass snakes. Concerns have also been raised regarding the impact on re-routing access around rather than across the field of members of the public.

- 8.50 Concerns raised regarding the impact on the archaeology of the site and how the proposed development will effect it. The 15cm
- 8.51 Natural England however have not raised any objections and have stated that whilst the application is not EIA development, consideration should be given to protected species, local wildlife and biodiversity enhancements.
- 8.52 An Ecology Report has been submitted detailing the long term impacts of the development on local natural and wildlife interests. This concludes that the impact of the development will be neutral. The Council's Nature Conservation Officer confirms that the report should be accepted and goes on to suggest that the funding being provided to the LVRPA will in the longer term contribute to an enhancement of the area and a long term benefit to nature conservation.
- 8.53 Representations were made with regards to the impact on the trees. Most trees on the site lie a substantial distance from the building works, however one tree of amenity value located in the south-west corner of the site lies immediately to the south of the proposed exit road. A condition should be attached to ensure that the tree is protected.
- 8.54 Loss of amenity and green space
- 8.55 Leyton Marsh is heavily used by residents of Waltham Forest and Hackney as well as those from further afield. The site is also used by a number of user groups, including schools. The site is used for a wide range of recreational/leisure activities all year round. The proposal would result in a significant area of the 'main' part of the marsh being unavailable to the public for almost 8 months. However, substantial areas will still be fully accessible and usable and the principal access points into the area will not be closed. Other recreational land, including Millfields Park immediately west of the river, is available
- 8.56 Objectors are also concerned that Waltham Forest and Hackney have already lost a number of open spaces to the Olympic Games, such as Drapers Field and other parts of the Lee Valley. Suggestions for alternative sites such as Ive Farm (Leyton) and Essex Wharf (adjacent to the site) were put forward in a number of the responses. However, the agents have carried out an appraisal of other sites and none of them meet the relevant requirements. Ive Farm is going to be used as a camping site during the Games and the agent has informed that Essex Wharf would require substantial work in terms of site preparation and costs that make it unviable..
- 8.57 Officers would again conclude that there are short term amenity impacts that will be remedied when the Games are over.
- 8.58 Restoration works:

- 8.59 The applicants are committed to restoring the land at the conclusion of the Games. The application states that responsibility for this lies with London 2012. Concerns have been raised that the London 2012 will no longer exist as it will be taken over by the Mayoral Development Company but agent has confirmed that the ODA has an 'exit strategy' and will continue to exist until 31st March 2014. And whilst the ODA is in existence as a non-departmental body it will continue to undertake its obligations as described in the London Olympic Games and Paralympic Games Act (2006) and will be accountable to the Department of Culture, Media and Sport.
- 8.60 It has also be confirmed that 'The removal of the Temporary Basketball Training Venue at Leyton Marsh, and the reinstatement of the land and hand-back to LVRPA, has already been planned and contracted by the ODA. The ODA has also put in place management arrangements to ensure that the contracted works are completed as planned'. To ensure that this is done to a satisfactory standard a condition will be included in the decision notice requiring the works to be carried within a certain period and to the Council's satisfaction.
- 8.61 Parking and cycling facilities:
- 8.62 All parking will be within the site. There will be 25 car parking spaces and 4 coach parking spaces.
- 8.63 A number of representations have been made regarding why the parking could not be provided in the car park of the Ice Rink, however it is likely that for security purposes as well access for the wheelchair users that the coaches will need to drop them off directly in front of the venue. In any event, the existing car park serves the ice centre and other users and its loss to those users would be a further impact from the development. Car parking provision is therefore considered satisfactory.
- 8.64 Comments have been made about the use of surface materials in the construction of the access roads and parking area where a standard asphalt surface has been proposed, a material that has the greatest potential for amenity impact and officers take the view that insufficient consideration has been given to other surfacing options. Accordingly, it is appropriate that the details of surface materials be considered further by condition
- 8.65 Representations have been made regarding the fact that there no provision for cycle storage. A limited number of stands are likely to be required and condition can be included to ensure these are provided.
- 8.66 Impact on highways/traffic:
- 8.67 Access to the site will be via Lea Bridge Road, which is a busy two lane principal road that is the main route in and out of the borough to and from Hackney. During the Games the Lea Bridge Road will be used as a diversion route for vehicles.

- 8.68 Vehicles will drive through the car park of the Ice Centre and then along Sandy Lane and then into the site. The transport assessment indicates an anticipated 149 vehicle movements a day. Given such movement will take place over the full 13 hours a day that the building is in use, this is less than 12 an hour. Such activity cannot be considered as having any impact on highway safety.
- 8.69 There are also concerns regarding the safety of pedestrians and cyclists, when the vehicles are coming through the Ice Rink Car park but particularly when they enter the Leyton Marshes. Officers would again emphasise the limited number of vehicle movements proposed, most of which will be in the secure area away from any conflict with other users, and conclude there is no significant harm to pedestrian safety.
- 8.70 Legacy
- 8.71 The Lea Valley Regional Park Authority have agreed a sum of £65,000 for the use of the land for subsequent improvements to Leyton Marsh after Games time, this is in addition to meeting the cost of reinstatement of the land. The Park Authority are in the process of identifying appropriate projects for this funding.
- 8.72 The application states that 'the basketball courts will be reused at local community venues'. The agent has subsequently confirmed that that the ODA will purchase the basketball floors and Sport England and the Government Olympic Executive will run a competition to find suitable recipients. The competition will have taken place by the time the venue is removed in order to it to be delivered to the recipients. The competition is open to a range of bodies, including clubs, schools and other appropriate bodies in Waltham Forest. .
- 8.73 A representation was made from LB Hackney that the local residents should be involved in the restoration of the landscape. The reinstatement is to be like for like and it is a matter for the LVRPA whether they consult on the additional works..
- 8.74 Representations have also been made regarding community involvement in terms of jobs being provided for local people. The application does not make any reference to employing local people, some of the support staff will be employed by LOGOC, who employ a number of local people.
- 8.75 Residents have expressed concerns in relation to the proposals setting an unwelcome precedent for future development. It should be noted that if this application is approved, it is only being approved on the basis that it is an 'exceptional circumstance', and therefore any other development that does not accord with MOL policy would be unacceptable in principle.
- 8.76 Security
- 8.77 The site will be enclosed by a 2.7 metre high perimeter fence. The supporting statement states that it is not considered necessary to introduce same security system that is used at the Olympic Park as the

site benefits from a certain degree of natural surveillance. It is evident this is intended as a low key facility , with no lighting (welcomed in terms of nature conservation interests), no cctv and marshalling of the gates during the time the building is in use.

8.78 Disabled access

8.79 The proposed development will be wheelchair accessible. The ramps will have a gradient of 1:20 and the internal door widths will have a minimum clear opening of 1200, which is satisfactory. The toilets are fully accessible and the required turning circles have been shown.

8.80 Water and drainage

8.81 There is a fresh water sewer underneath the proposed site and the application proposed a connection to be provided into the site via an existing Thames Water conduit. The application form states that foul sewage will be disposed of via the mains sewer.

8.82 With regards to drainage, the proposal incorporates a storage pond located to the west of the car park. The pond will have a depth of 1.21m and an area of 3.47 metres x 2 metres and installation of a outflow pipe for surface water run- off in to the River Lea.

10 HUMAN RIGHTS

10.1 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as the London Borough of Waltham Forest to act in a manner that is incompatible with the European Convention on Human Rights.

You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

11 EQUALITIES

11.1 In making your decision you must also have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
 - C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 11.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 11.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149, is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 11.4 It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic

12 RECOMMENDATION

The Planning Committee is requested to resolve that planning permission be granted subject to the following conditions:

12.1 Conditions

1. This permission shall be for a limited period only, expiring on 15 October 2012 on or before which date the buildings and all associated works undertaken in implementing the permission (including any works installed pursuant to any condition of this permission) shall be removed and the land reinstated in accordance with a scheme of reinstatement works detailing the size, species, location, phasing and timing of replacement planting that shall be submitted to and approved by the Local Planning Authority prior to its implementation, and thereafter fully implemented in accordance with the said details.
2. Except as required by the conditions below, the development shall be carried out only in accordance with drawings numbered 6909-TPV-LTT-A-DSP-0001 rev P03, 0002 revP03, 0004 rev P03, 0005 revP03, 0006 rev P03, 6909-TPV-LTT-A-DPL-0003 rev P02, 0004 rev P02, received 10 November 2011, and drawings numbered 6909-TPV-LTT-A-DSP-0002 rev P05, 0003 rev P040007 rev P04, 6909-TPV-LTT-A-DPL-0001 rev P04, 0002 revP03 6909-TPV-LTT-A-DSE-0001 rev P05, 0002 rev P05,0003 rev P03 received 25 January 2012.

3. Prior to the commencement of the development, details shall be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water, of how the developer intends to ensure the water abstraction source is not detrimentally affected by the proposed development both during and after its construction.
Reason:
4. Notwithstanding any indications on the approved plans, details of materials to be used in the construction and surfacing of all hardstanding areas including access roads and parking areas shall be submitted to and approved by the Local Planning Authority prior to the commencement of construction thereof. The works shall thereafter be fully completed in accordance with the agreed details prior to the buildings being first brought into use.
5. Notwithstanding any indications on the approved plans, prior to the commencement of the development full details including the size, design, siting, method of installation, and noise levels of all air conditioning and other plant and equipment to be installed outside the buildings shall be submitted to and approved in writing by the LPA. The works shall only be carried out in accordance with the agreed details and completed before the building is brought into use.
6. Notwithstanding any indications on the approved plans, prior to the commencement of the development details of all fencing to the boundaries of and within the site shall be submitted to and approved in writing by the Local Planning Authority. Pursuant to this condition, the perimeter fence shall not exceed 2.7m in height. The works shall be implemented in accordance with the agreed details.
7. Prior to the commencement of the development details of the petrol / oil interceptors to be fitted in all car parking area shall be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The works shall be implemented solely in accordance with the agreed details prior to the first use of the site.
8. Notwithstanding any indications on the approved plans, cycle facilities shall be provided within the site for staff use, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the development. The works shall be carried out in accordance with the agreed details and be implemented prior to the first use of the proposal.
9. No external lighting shall be installed to any part of the site, including the buildings, open land and any other structures, without prior written consent from the Local Planning Authority.
10. No hot food shall be prepared on site without prior written consent from the Local Planning Authority without prior approval having been obtained from the Local Planning Authority for any extract

ventilation ducting that may be required for that purpose. Any such ducting shall be installed in full compliance with the agreed details.

11. Prior to the commencement of the development, a Construction Method Statement detailing measures to meet the ODA Code of Construction Practice (2007) , including details of wheel washing facilities for vehicles leaving the site during construction works shall be submitted to and approved by the Local Planning Authority. A similar Method Statement shall thereafter be submitted relating to the removal of the buildings prior to commencement of removal of the facilities. All works shall thereafter be carried out in strict compliance with the agreed details.
12. During the course of the construction and carrying out of the development approved, access shall be provided to Council officers and their agents to ensure that any unforeseen contamination or hazardous problems are recognised and any such contamination or hazard shall be treated by remedial action specified by the Council or their agent or as agreed in writing.
13. The developer shall provide certification on completion of any remediation works from the specialist contractor that the works were completed wholly in accordance with the details pursuant to condition 12 above.
14. The developer shall provide certification on completion of development that any fill material brought onto the site will be inert and not contaminated or prejudicial to the restored use of the site.
15. Prior to the commencement of the development a written agreement with Thames Water indicating their acceptance of additional discharge into their sewer shall be submitted to and approved in writing by the Local Planning Authority. In the event that Thames Water refuses to accept the additional surface water or place a restriction on the discharge rate, a revised drainage strategy shall be submitted and approved in writing by the Local Planning Authority and thereafter provided in full prior to the commencement of the use hereby approved.
16. Development shall be carried out in strict compliance with the measures for protection of flora and fauna as detailed in section 4 (Potential Impacts and Mitigation) of the Ecology Report accompanying the application, dated January 2012.
17. Noise from all external plant, machinery and other equipment shall not exceed a level of 10dBA below the lowest recorded background noise levels, measured at 1m from the nearest noise sensitive residential façade
18. Access to all site buildings shall be provided in full accordance with the Olympic Park Inclusive Design Strategy, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the use hereby approved.

12.2 Reasons

1. To accord with the specific terms of the application and to minimise the duration of the impact on surrounding land, in accordance with policies ENV4 and ENV5 of the adopted Waltham Forest Unitary Development Plan (2006)
2. To ensure that the works are carried out in accordance with the approved plans.
3. To protect water resources in accordance with policies WPM14 and WPM15 of the adopted Waltham Forest Unitary Development Plan (2006).
4. To protect the sensitive nature of the site in accordance with policies BHE1 and ENV7 of the adopted Waltham Forest Unitary Development Plan (2006).
5. To ensure a satisfactory appearance in accordance with policies SP1, BHE1 and ENV5 of the adopted Waltham Forest unitary Development Plan (2006).
6. To ensure a satisfactory appearance in accordance with policies SP1, BHE1 and ENV5 of the adopted Waltham Forest unitary Development Plan (2006).
7. To ensure suitable discharges entering local watercourses in accordance with policies WPM16 of the adopted Waltham Forest Unitary Development Plan (2006).
8. To ensure adequate provision of cycle facilities in accordance with policies BHE1 and TSP5 of the adopted Waltham Forest Unitary Development Plan (2006).
9. In order to safeguard against harm to amenity of local wildlife through inappropriate lighting, in accordance with policies ENV6 and BHE3 of the adopted Waltham Forest Unitary Development Plan (2006).
10. To protect the amenity of the surrounding occupiers and users of the marsh, in accordance with policies BHE1 and BHE3 of the adopted Waltham Forest Unitary Development Plan (2006).
11. To minimise disturbance and disruption during construction and to prevent the deposit of mud on the highway in accordance with policy BHE3 of the adopted Waltham Forest Unitary Development Plan (2006).
12. To ensure that any unforeseen contamination is adequately dealt with in accordance with policy WPM7 of the adopted Waltham Forest Unitary Development Plan (2006).
13. To ensure that any unforeseen contamination is adequately dealt with in accordance with policy WPM7 of the adopted Waltham Forest Unitary Development Plan (2006).

14. To ensure the future health of users of the land and to prevent future pollution of the land and ground waters, in accordance with policy WPM7 of the adopted Waltham Forest Unitary Development Plan (2006).
15. To ensure adequate drainage is provided, in accordance with policy WPM6 of the adopted Waltham Forest Unitary Development Plan (2006).
16. To minimise impact on local nature and wild life conservation interests in accordance with policy ENV6 of the adopted Waltham Forest Unitary Development Plan (2006).
17. To minimise disturbance to surrounding residents from noise in accordance with policy BHE3 of the adopted Waltham Forest Unitary Development Plan (2006).
18. To ensure that adequate access is available to all users of the building in accordance with policy BHE5 of the adopted Waltham Forest Unitary Development Plan (2006).

13. INFORMATIVES

1. The applicant is advised that Thames Water have stated the following: With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
2. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water

Developer Services on 0845 850 2777 to discuss the options available at this site.

3. Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
4. Under the terms of the Water Resources Act 1991 and Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the bank of the Lee Navigation main River. Please contact the Environment Agency's local Development and Flood Risk team on 01707 632639 for further details.