

Committee: Extraordinary Committee	Date: 25 th June 2012	Classification: Unrestricted	Agenda Item No: 8.1
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Nasser Farooq		Ref No: PA/12/01007	
		Ward(s): Bow East & Bow West	

1. APPLICATION DETAILS

Location: Victoria Park, London

Existing Use: Park

Proposal: Temporary use of southern part of Victoria Park adjacent to Hertford Union Canal for live music performances, live broadcasting of the Olympic Games on large screens, interactive sports zones, cultural and artistic performances and exhibitions, including the erection of temporary structures, pedestrian and vehicular access areas and operation compounds. Setting up, staging events and the removal of all structures and equipment after the events. The proposal is for a temporary period between 18 July 2012 and 17 August 2012.

**Documents/
DrawingsNos:** Documents:
Transport Impact Statement reference VP TIS V2 17.04.12
Ecological Assessment reference ECO2563.EcoAss.vf1 dated June 2011
Arboricultural Report reference 220304-PD-12 dated March 2012
Statement of Community Involvement dated April 2012
Heritage Statement reference GMcG/129615/115 dated April 2012
Design and Access Statement reference GMcG/129615/115 dated April 2012
Noise Management Plan reference VC-101076-NMP-DB-0001 dated April 2012.

Ryan's Management Plan for Victoria Park.

Drawings:
2563/ECO1- Site Location Plan
Drawing dated 18.4.12 version 5.

Applicant: Live Nations (Music) UK Ltd

Owner: London Borough of Tower Hamlets

**Historic
Building:** Victoria Park is a Listed Park and Garden. There are some listed structures within Victoria Park (Grade II listed) however these are not within the vicinity of the application site.

**Conservation
Area:** Victoria Park Conservation Area

Other Designations: Victoria Park is designated area of Metropolitan Open Land and a Site of Nature Conservation Importance.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2. Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Submission Version 2012); Interim Planning Guidance (October 2007), as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:

1. The temporary facility is considered to be acceptable under exceptional circumstances, as it facilitates the 2012 London Olympic Games, which meets the aims and objectives of Policy 2.4 of the London Plan 2011 and SO2 of the Core Strategy adopted 2010.
2. Due to the temporary nature of the structures located within the Park, the proposal would not have a long term impact on the character of the Victoria Park Conservation Area, the Listed Park and Garden or this designated Metropolitan Open Land in accordance with policies 7.8, 7.17 and 7.19 of the London Plan (2011); Policy SP04 and SP10 of the Core Strategy (2010), saved policies DEV43 and DEV57 of the Unitary Development Plan 1998, policies OSN1, OSN2 and CON3 of the Interim Planning Guidance 2007 and Policy DM27 of the Managing Development DPD (Submission Version 2012).
3. Given the exceptional circumstances and temporary nature of the events along with the condition's imposed on the planning permission it is considered that the proposal would not have a permanent and unacceptable impact on residential amenity. As such, the proposal would accord with policy SP10 of the adopted Core Strategy, saved policy DEV2 of the UDP (1998), policy DM25 of the Managing Development DPD (Submission Version 2012) and policy DEV1 of the Interim Planning Guidance (2007) which seek to preserve residents' amenity in particular and the surrounding area in general.
4. Subject to a condition requiring sustainable modes of transport to be promoted on site, the proposal will not have an unacceptable impact on the local highway network. As such, the proposal will accord with policies 6.1, 6.3, 6.12 of the London Plan (2011), saved UDP policies T16, T18, T19 and T21, Core Strategy Policies SP08 & SP09 and Policy DM20 of the Managing Development DPD (Submission Version 2012) which seek to deliver accessible, efficient and sustainable transport network and ensure new development has no adverse impact on the safety and road network capacity.

3. RECOMMENDATION

3.1 That the committee resolves to **GRANT** planning permission subject to:

A. Any **direction** by **The Mayor of London**

3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions:

- 1) Temporary consent from July 2012 to September 2012 after which the use shall cease and the development shall be deconstructed and removed
- 2) Scheme to be built in accordance with the approved plans and documents
- 3) Tree protection in accordance with arboricultural documents.
- 4) Hours of operation
- 5) Use of directional cowls to prevent light spillage
- 6) Waste collection to be carried out in accordance with the submitted management plan.
- 7) Promotion of sustainable modes of transport.
- 8) Details of a re-instatement plan.
- 9) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.3 Informatives

- 1) Discuss road closure needs with TfL
- 2) Advising the applicant of the need to preserve residential amenity and comply with licensing conditions
- 3) Applicant to contact the Council's Waste Management Team to deploy bins in the vicinity
- 4) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS**Proposal**

- 4.1 This application proposes the temporary use of the southern part of Victoria Park adjacent to Hertford Union Canal for live music performances, live broadcasting of the Olympic Games on large screens, interactive sports zones, cultural and artistic performances and exhibitions.
- 4.2 The proposal includes the erection of temporary structures, pedestrian and vehicular access areas and operation compounds. Setting up, staging events and the removal of all structures and equipment after the events.
- 4.3 The proposal is for a temporary period between 18 July 2012 and 17 August 2012.
- 4.4 The earlier part of these dates between 18th July to 26th July would involve setting the event up, in time for the opening ceremony on Friday 27th July. The event is proposed to be in operation from 27th July 2012 until 13th August 2012 (the day after the closing Ceremony). These coincide with the hours granted in the licensing application.
- 4.5 In terms of operating hours, the use is proposed to be in use from Monday to Sunday from 08:30 to 00:30.
For the opening and closing Ceremony (27th July 2012 and 12th August 2012) the hours of opening are proposed to be extended until 01:00 hours the following day.

Site and Surroundings

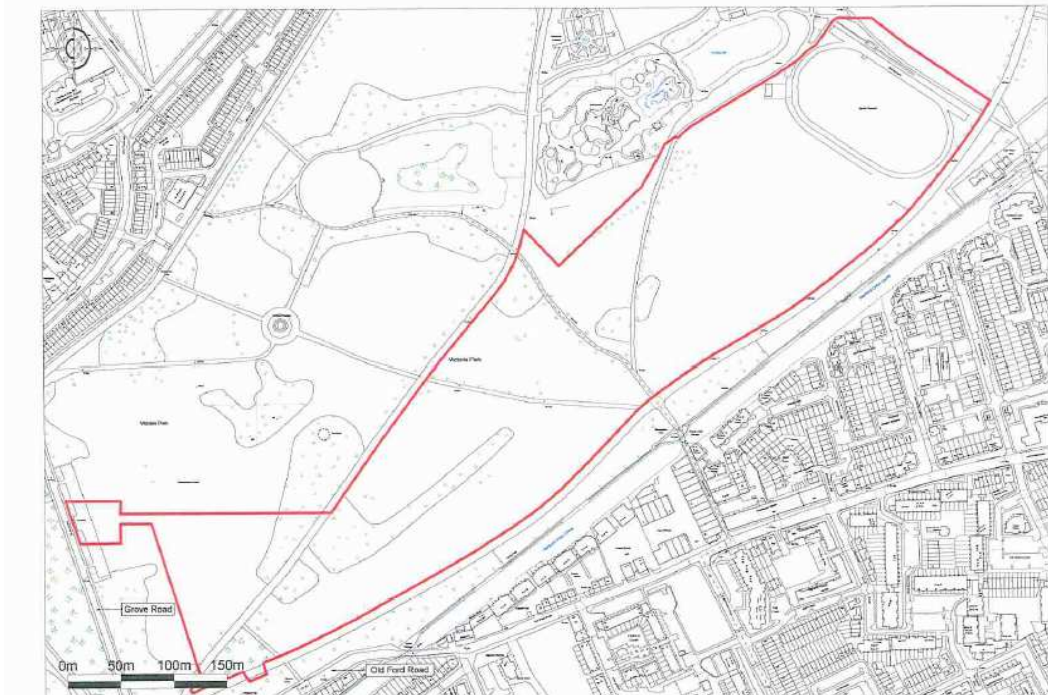
- 4.6 The subject site is within the southern part of Victoria Park, from 'Crown Gate East' located at the south-west corner of the park to St Mark's gate which is located to the eastern end of the park. Victoria Park measures approximately 86 ha in area, the proposed site will cover around 15 hectares. This site as a whole is designated as

Metropolitan Open Land, a site of Nature Conservation Importance and a Listed Park and Garden and is located in the Victoria Park Conservation Area.

- 4.7 Whilst the park contains some listed structures, including Victoria Fountain to the north of the application site, there are no Listed buildings or structures on the area of the park where the development is to take place.

Site Location Plan

Figure 1



Relevant Planning History

- 4.8 PA/12/00799- Victoria Park near St Mark's Gate, Entrance
Installation of temporary (July 2012 - September 2012) cycle parking facility, associated marquees/gazebos and lighting, in support of the London Olympic and Paralympic Games 2012.
Application is pending and will be on the same committee agenda as this application.
- 4.9 Victoria Park also has an extensive planning history in particular since 2009 as part of its restoration.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to this application:

Spatial Development Strategy for Greater London (London Plan) (2011)

Policies:	2.4	The 2012 Games and their Legacy
	5.3	Sustainable Design Standards

5.12	Flood Risk Management
6.3	Impact on transport and transport capacity
6.4	Enhancing London's Transport Connectivity
6.9	Cycling
6.11	Smoothing Traffic Flow and tackling congestion
7.3	Designing out Crime
7.8	Heritage Assets
7.9	Heritage-led Regeneration
7.17	Metropolitan Open Land
7.19	Biodiversity and Access to Nature
7.21	Trees and Woodland

Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV12	Provision Of Landscaping in Development
	DEV15	Retention/Replacement of Mature Trees
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV57	Development Affecting Nature Conservation Areas
	T16	Traffic Priorities for New Development
	U2	Development in Areas at Risk from Flooding
	U3	Flood Protection Measures

Core Strategy Development Plan Document (Adopted September 2010)

Policies:	S02	Maximising the Olympic Legacy
	SP02	Urban living for everyone
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP08	Making connected places
	SP10	Creating distinct and durable places
	SP12	Delivering Placemaking – LAP 5&6 Bow

Interim Planning Guidance for the purposes of Development Control

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV4	Safety and Security
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	OSN1	Metropolitan Open Land
	OSN2	Open Space
	CON3	Protection of World Heritage Sites, London Squares, Historic Parks and Gardens

Managing Development, Development Plan Document (DPD) Submission Version May 2012

Policies:	DM10	Delivering Open Space
	DM11	Living Buildings and Biodiversity

DM20	Supporting a Sustainable Transport Network
DM22	Parking
DM24	Place-Sensitive Design
DM25	Amenity
DM27	Heritage and the Historic Environment

Supplementary Planning Guidance/Documents

London Borough of Tower Hamlets

Victoria Park Conservation Area Character Appraisal November 2009

English Heritage

Temporary Structures in Historic Places

The National Planning Policy Framework (2012)

Community Plan The following Community Plan objectives relate to the application:

A better place for living safely

A better place for living well

A better place for creating and sharing prosperity

6. CONSULTATION RESPONSE

6.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below:

6.2 The following were consulted regarding the application:

Communities, Localities and Culture

6.3 CLC Strategy & Resources support the application for a Live Site at Victoria Park. Nevertheless special care should be taken that the events and activities planned do not have a detrimental impact on the amenity of local residents and other users of Victoria Park.

6.4 *(Officer comment: the impact on residential amenity is discussed within the amenity section of the report)*

LBTH Biodiversity

6.5 Victoria Park is a Site of Importance for Nature Conservation. As identified in the Ecology Report, there are potential impacts on bats, trees and possibly breeding birds. The most significant potential impact is disturbance to feeding bats from lighting.

6.6 The Ecology Report identifies the canal to the south of the application site and the treeline around the playground to the north-east of the application site as important commuting and foraging areas for bats. Spillage of light out of the application site onto these areas would cause significant disturbance to bats. Such spillage should be avoidable by use of directional lighting.

6.7 A condition should be imposed that details of lighting be provided such that spillage of light onto the trees by the canal and the trees around the playground is minimised and preferably zero. The tree protection measures listed in the Arboricultural Report should be secured through condition.

- 6.8 *(Officer comment: the applicant has agreed to a condition requiring directional cowls on lighting to minimise light spillage. A further condition is recommended to ensure the tree protection measures of the Arboricultural report are implemented)*

LBTH Waste Policy and Development

- 6.9 No objections to your proposals. Please ensure that waste is contained within the perimeter of the event. Advice that the Councils Waste Management team is contacted so that we can deploy bins within the peripheral areas of the event.
- 6.10 *(Officer comment: the applicant has a refuse collection plan in place for the event, and the Council's Arts and Events department have advised that they have additional funding for street cleaning during the Olympics period and the Live Nations event is considered a priority. As such, an informative is recommended for the applicant to discuss this further with the Councils refuse team.)*

LBTH Ecology Officer

- 6.11 No comments received to date.

LBTH Parks and Open Spaces

- 6.12 No comments received to date.

LBTH Landscape section

- 6.13 No comments received to date

LBTH Arts and Event's

- 6.14 Arts and Events support's the application for planning permission.
- 6.15 The context of it taking place during the games period is significantly different from previous years with regard to transport issues but we are confident that the plans in place will be sufficient to mitigate the impact of the site locally. In the past, hard closure of 40,000 people has been implemented. The maximum at the Live Site will be 20,000, and on most nights the egress will be staggered over several hours.
- 6.16 The borough has additional funding for street cleaning during the Olympic period and the Live Site is a priority area for additional input.
- 6.17 The Council is now well versed in completing the necessary works to return the site to its original condition as soon as it is practically possible once the event is finished at the applicant's expense.
- 6.18 The site will be managed by Live Nation but Tower Hamlets officers will be on site throughout the whole period helping to ensure that the conditions of use are adhered to and addressing the concerns of local people. Arts and Events staff have vast experience of managing festival sites and Live Nation is one of the largest companies in the world delivering outdoor concerts.
- 6.19 Similar presence will exist at the site to our regular festival programme which normally includes officers from Environmental Health, Trading Standards, Tower Hamlet Enforcement Officers, Park Rangers, Licensing and Health and Safety.

- 6.20 Arts and Events team will have a minimum of two staff on at any time. This would be referred to as the Event Liaison Team in the event plans. They will be in communications with the Metropolitan police and with the Councils BOCC (Borough Olympics Communications Centre) in order to co-ordinate information across the borough and key transport hubs.
- 6.21 In relation to noise control there would be monitoring from both the councils own noise team and the promoters. There is only one music stage which is much smaller than the main music stages at commercial music events and hence levels will be below what these would generate. The Licence does not permit the music stage to operate beyond 10.30 pm.
- 6.22 *(Officer comment: these comments are noted and impacts on noise, refuse and transport are discussed further within the material planning section of the report)*

LBTH Arboricultural Officer

- 6.23 No objections subject to the Arboricultural report secured by condition.
- 6.24 *(Officer comment: A condition is recommended on the planning consent.)*

LBTH Environmental Health

- 6.25 Environmental Protection raises no objections to the proposal and have secured a number of conditions on the licensing application for the prevention of public nuisance.
- 6.26 Several non-licensable issues though are still outstanding and these relate to the noise impact from night-time deliveries, lighting towers and generators on site. Which still need to be agreed.
- 6.27 *(Officer Comment: A copy of the licence including the conditions imposed by Environmental Health is appended to this report. Further details on the deliveries, towers and generators will be presented in an update report)*

LBTH Highways and Strategic Transport

- 6.28 The unique nature of the Olympics and its appeal to the community means it is difficult to plan and predict these with certainty. Instead we must have measures in place to spread out the impacts while still allowing for the transport network to convey its regular users as well as ticket-holders, and minimise potential road safety issues.
- 6.29 The submission does not include a plan showing potential drop-off points and indicating the location and quantity of parking for the disabled, servicing, coaches and cycles.
- 6.30 It is not clear whether Grove Road itself would be utilised for this, or an on-site parking area. These details should be confirmed by the applicant. These should include the siting and operation of any barriers in relation to the highway and dimensions of the area to give an idea of its capacity for this temporary event.
- 6.31 Highways licences may be required for any temporary road closures. Details of which should be provided/ discussed with Highways.

Access

- 6.32 There are several pedestrian entrances to Victoria Park, and the promoter expects that most attendees will use the Crown Gate at the junction of Grove Road and Old Ford Road. The roundabout in front of the entrance does not have much capacity for crowds plus vehicles. After much discussion over road closures, it has been agreed that a Traffic Order for road closures could be allowed, which would allow traffic to be held up and where appropriate diverted, if there is a surge of people leaving at the same time.
- 6.33 *(Officer comment: the applicant has confirmed they are in discussions with the Councils Highways department over use of Grove Road. It is considered that these discussions will need to continue along the period of the event and in conjunction with Transport for London, to ensure the impact on Grove Road and pedestrian safety is not compromised.)*

Cycle Parking

- 6.34 The applicant states that LOCOG are happy to open their cycle parking hub in the east of the park for Live Site visitors. Highways have considered this arrangement and do not object.

Sustainable travel

- 6.35 It's imperative that there is a condition requiring marketing of sustainable routes and modes of transport to access the site, for visitors AND staff.
- 6.36 *(Officer comment: A condition is recommended on the planning consent.)*

Crime Presentation Officer

- 6.37 No comments received to date

Olympic Development Authority

- 6.38 No comments received to date.

English Heritage

- 6.39 In view of the exceptional nature of the Olympics and the fact that the proposal is temporary, no objections are raised.

English Heritage Archaeology

- 6.40 No comments received to date.

London Borough of Hackney

- 6.41 No comments received.

London Borough of Newham

- 6.42 No comments received

Greater London Authority – Mayor of London

- 6.43 No comments received to date. Should any comments be received they will be presented in an update report.

London Canals Committee

- 6.44 No comments received to date.

Natural England

- 6.45 Standing advice for Bats advises that permission could be granted, subject to other constraints and that the authority should consider requesting enhancements. In response to the standing advice and to enhance biodiversity value of the site and informative is proposed advising of the potential for bat and bird boxes. This is discussed further in the amenity section of the report.

Sport England

- 6.46 Sport England does not wish to raise an objection to this application, subject to a condition attached to the decision notice requiring a plan to re-instate the site after the event.

(Officer comment: A condition to this effect is recommended)

Lea Valley Regional Park Authority

- 6.47 No comments received to date.

Garden History Society

- 6.48 No comments received to date.

The Victorian Society

- 6.49 No comments received to date.

Environment Agency

- 6.50 No objections raised.

Thames Water

- 6.51 On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.

- 6.52 Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Transport for London

- 6.53 The applicant has had previous discussions with various stakeholders within TfL, which is welcomed. These discussions will need to be ongoing following any consent to ensure that the event can be delivered successfully.

- 6.54 The decisions of both the applicant and LB Tower Hamlets to encourage a 'soft' finish

through staggering timings for sales of alcohol and live music and limiting the overall capacity of the events is welcomed by TfL.

- 6.55 The submitted Transport Impact Statement (TIA) has made assumptions regarding the use of Hackney Wick London Overground station. However, it must be noted that during the Olympics period, Overground services through Hackney Wick will operate eastbound only, and all westbound passengers will need to travel via Stratford. Although Overground services are likely to still be able to handle anticipated demand, this may have implications for the transport strategy for the event and needs to be borne in mind by the applicant.
- 6.56 There is a broad acceptance from TfL that the proposed dispersal strategy towards Mile End, Bethnal Green, Hackney Wick, Cambridge Heath and Bow Road is viable. However, this is subject to provision of adequate stewarding and marshalling towards and outside key stations.
- 6.57 It is also understood that a blanket traffic order will be in place during the event so that Grove Road can be closed to traffic in the event of large numbers of people leaving the park to maintain safety. Such closures will have a significant impact on bus services in the area and whilst it is accepted that this will only happen when safety critical, all measures must be taken to minimise this. As such, continued dialogue with TfL is required on this point.
- 6.58 Subject to the above, TfL have no objections to the proposal.
- 6.59 *(Officer comment: the comments from TfL are noted. With regards to the stewarding and marshalling, the Council is awaiting further information from the applicant and this will be presented in an update report. An informative has been recommended advising the applicant to engage in continuous dialogue with TFL)*

London Bus Services

- 6.60 No comments received to date.

London Underground LTD

- 6.61 London Underground Infrastructure protection has no comment to make on this planning application.

Docklands Light Railway

- 6.62 No comments received to date.

British Waterways

- 6.63 No comments received to date.

7. LOCAL REPRESENTATION

- 7.1 A total of 5491 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site.

An update report will minute any further representations received at the planning committee meeting.

The number of representations received to date from neighbours and local groups in response to notification and publicity of the application are as follows:

No of individual responses: 0 Objecting: 10 Supporting:
No of petitions received: 0

7.2 The following issues were raised in representations received:

- Adverse impact in terms of noise
- Adverse impact in terms of pollution
- Adverse impact in terms of litter

(Officer comments: these are all legitimate planning considerations and are addressed within the material planning sections of this report.)

- Potential safety impact in relation to the canals and anti-social behaviour (in particular with the consumption of alcohol)

(Officer comment: In relation to anti-social behaviour, there are measures in place during the Olympics to enable the quick communication of information between the Council and various stakeholders such as Transport for London and the metropolitan police. The Crime Prevention Officer has been consulted on the application and did not comment, however there are proposals to provide stewarding of the event and it is considered that this will help to curtail any anti-social behaviour issues,)

Other issues raised

- Offer of tickets does not benefit all the residents surrounding the park as it is exclusively to Tower Hamlets and not Hackney.
- Tickets should be given to local residents to mitigate the impacts

(Officer comments: The offer of tickets is outside the control of planning and given it is not proposed as a form of mitigation towards the impact of the development but rather as a benefit of the proposal, it is not something that the Council could require through a s106 agreement or condition)

7.3 A full copy of all comments received will be available to view by Members prior to the committee meeting.

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

1. Land Use
2. Loss of sport playing fields
3. Design and Impact on the park
4. Amenity
5. Biodiversity
6. Transport
7. Other

Land Use

8.2 The existing site comprises a park, which is designated as Metropolitan Open Land and a Listed Park and Garden. Policies 7.8, 7.17 and 7.19 of the London Plan

(2011) seek to protect Metropolitan Open Land and Heritage Assets. Local Planning policies SP04 and SP10 of the Core Strategy (2010), saved policies DEV43 and DEV57 of the Unitary Development Plan 1998, policies OSN1, OSN2 and CON3 of the Interim Planning Guidance 2007 and DM24 and DM27 of the Managing Development DPD (Submission Version 2012) seek to protect and safeguard all existing open space, Listed Parks and Gardens and Sites of Nature Conservation Importance, such that there is no net loss.

- 8.3 The scheme does not propose a permanent change in land use of the site, but a number of temporary installations to provide a temporary events venue.
- 8.4 Policy 2.4 of London Plan 2011 requires the borough to encourage the promotion of the Olympic Park and venues as an international visitor destination. Strategic Objective SO2 of the Core Strategy 2010 seeks to ensure that Tower Hamlets supports the activities and sporting events and opportunities associated with the London Olympic Games. The provision of this temporary facility seeks to promote and support the sporting activities for the duration of the Olympic Games.
- 8.5 As the proposal will not result in the permanent loss of Metropolitan Open Land, and the site will be restored to its former condition, in this case the proposal is considered acceptable in land use terms.

Loss of Open Space and sports facilities.

- 8.6 The proposed structures will be on site between 18th July 2012 and 17th August 2012.
- 8.7 During this period the proposal would restrict the use of the sport pitches located within the centre of the park, as well as a running track located at the north-east of the site.
- 8.8 Sport England have been consulted in this regard and have not objected to the proposal subject to the implementation of a condition. It is noted that the loss of sport pitches can be considered as a matter of strategic importance and can be referred to the National Unit for Land Acquisition. As such, the condition requiring the details and implementation of remediation works is recommended to the consent.
- 8.9 Normally the loss of sports pitches would not be supported by officers. However, it is important to note that in this instance the use is temporary and will not result in the permanent loss of sports pitches.
- 8.10 Furthermore, it is important to note the proposed event is of particular national and global importance and would include the provision of a temporary sports facility as part of the entertainment provision.
- 8.11 Taking this into account, there is considered to be strong material planning considerations, to allow the temporary change of use.

Design and Impact on the Park

- 8.12 Chapter 7 of the London Plan places an emphasis good design in new developments.
- 8.13 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new

developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. Core Strategy Policy SP10 and Policy DM23 and DM24 of the Managing Development DPD (Submission Version 2012) seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

- 8.14 The proposal includes the installation of staff facilities, sanitary facilities, performance stages, music stages, and a number of other associated structures including an observation wheel which at 60m is the highest structure proposed.
- 8.15 As the proposal is temporary, no permanent adverse impacts are envisaged to the Victoria Park Conservation Area or this Listed Park and Garden.

Heritage

- 8.16 Policy 7.8 of the London Plan (2011) considered alongside Policies SP10 of the Council's Core Strategy (2010), Policies OSN1 and CON3 of the Interim Planning Guidance 2007 and DM27 of the Managing Development DPD (Submission Version 2012) seek to protect and enhance heritage assets and ensure development affecting heritage assets and their setting will conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 8.17 Victoria Park lies within a Conservation Area, an area of designated Metropolitan Open Land and Listed Park and Garden. English Heritage have considered the proposal, and raised no objection on the grounds of historic importance. Given the temporary nature of the development, officers share this view.

Biodiversity

- 8.18 The application site lies within a Site of Nature Conservation Importance. In line with policy SP04(3) The Council is required to protect and enhance the biodiversity value within development proposals.
- 8.19 The applicant's Ecology assessment has been reviewed by the Council's Biodiversity Officer and in relation to Natural England's standing advice.
- 8.20 The Council's Biodiversity Officer has requested measures to protect light spillage onto the rivers and trees which are of high value. A condition is recommended for the use of directional cowls on any lighting to avoid any unnecessary light spillage.
- 8.21 In terms of enhancing the biodiversity value, the report recommends the provision of 10 bird nesting boxes of varying designs and the provision of bat boxes attached to mature trees. These would provide new roosting opportunities which intern would enhance the biodiversity value.
- 8.22 Given the use is temporary, a condition requiring this is not considered reasonable. However, given this would enhance the biodiversity value of the park, the comments have been forwarded to the Council's Parks department for their consideration. Any further representations from the Parks department will be reported in an update report.
- 8.23 Subject to the above, and given the temporary nature of the event, it is considered that the proposed development would not have a long-term adverse impact on the Biodiversity of the park. As such, the proposal would accord with policy SP04 of the

adopted Core Strategy (2012)

Impact on the park.

- 8.24 During the implementation of the works, the applicant is proposing measures to minimise impact of the development against the existing trees, this is found within the Arboricultural report and a condition is recommended to ensure these measures are implemented.
- 8.25 The applicant has maintained a commitment to lay the site out to maximise the use of existing hard paved roads and footpaths. Where this is not possible a temporary system of Aluminium Track-way and Plastic flooring will be used. These enable Heavy Goods Vehicles to enter the site and not damage the grass. Similarly, the plastic flooring system would protect the ground from high pedestrian traffic and create a wheelchair – friendly route.
- 8.26 After the expiry of the event, the Arts and Events department have advised that they have an agreement in place with the applicant to ensure any necessary works to return the ground to its original condition are completed as soon as practically possible. Officers are content that the proposed re-instatement condition together with measures that are in place outside of the planning system will ensure that the proposed development will not have a long term adverse impact on the park.

Design Conclusions

- 8.27 Overall, it is considered that the proposed development is considered acceptable on the basis that it is temporary, for the period specified in this application only. A condition will be attached if planning permission is granted to ensure that the park is made good after the facilities are removed.

Amenity

- 8.28 Saved policy DEV2 of the UDP (1998), policy DM25 of the Managing Development DPD (Submission Version 2012) and policy DEV1 of the Interim Planning Guidance (2007) seek to preserve residents' amenity in particular and the surrounding area in general.
- 8.29 Victoria Park is surrounded by residential properties, located within the London Borough of Tower Hamlets and the London Borough of Hackney.
- 8.30 Many of these residents, especially those located along the southern perimeter of the park and along main access routes to and from the site are likely to be adversely impacted by the development.
- 8.31 The licence for the live nation's event has placed several restrictions on the proposal in the interest of public amenity and safety. The restriction on the number of people attending the site to less than 20 000 people at any given time.
- 8.32 Given the unique nature of the Olympic games along with the proposal, it is difficult to predict the exact number of people within the area at any given time.
- 8.33 The general consensus is that the greatest number of people are likely to be in the area during the opening and closing ceremonies.
- 8.34 It is considered that this is an exceptional sporting event of national significance,

therefore the approach from the applicant and officers from the Council has been to minimise the impacts of the proposal as explained in the following paragraphs.

Opening hours

8.35 The following are the proposed hours of operation:

Monday to Sunday from 08:30 to 00:30.

For the opening and closing Ceremony (27th July 2012 and 12th August 2012) the hours of opening are proposed to be extended until 01:00 hours the following day.

8.36 In order to create a 'soft finish' the hours of operation for the different uses within the site have been broken down further. These are conditioned within the Licensing application. For instance, The sale by retail of alcohol is limited until 23:00 hours on all days except Friday to Saturday where it is limited until 23:30 hours. Indoor Sporting Events Monday to Sunday from 08:30 hrs to 23:00 hrs. Live Music, performance of dance and similar entertainment is limited to 22:00 on most days.

8.37 The aim of this is to slowly wind down the operations of the site reducing a potential surge of the number of people leaving the premises and ensuring the impact of the development is minimised.

Light and Noise Impacts

8.38 Given the events will finish after dark, temporary lighting facilities will be installed across the site. These will light key areas such as exit gates, the site perimeter and working houses. The location of these lights has not been provided. In order to ensure, the proposal does not cause light nuisance a condition is recommended for the installation of directional cowls.

8.39 In terms of noise, specialist officers from the Council's Environmental Health team have been in discussions with the applicant and agreed a number of noise mitigating conditions. These have been attached to the licensing decision which is appended to this report. These conditions include a dedicated radio channel between the applicant's noise consultant and the Councils Environmental Health department to ensure the levels are monitored throughout the event.

8.40 During consultation, objections have been received in relation to the noise impacts of the development and an objector has also objected to the noise condition attached on the licensing application.

8.41 According to the submitted noise report, residential areas at night typically experience noise levels between 30-40 dB(A), bedrooms receive 20-30 dB(A).

8.42 During the event, Environmental Health have agreed to noise levels not to exceed 75dB over a 5 minute period. According to the submitted noise report this equates to the noise experienced at 'Average Traffic on Street Corner'. In normal instances, this level of noise would not be considered acceptable especially to surrounding residential properties which traditionally have timber sash windows.

8.43 However, the Olympic period is considered as a period of exceptional national and global importance and events such as these are considered to be of equal importance in the delivery and experience of the Olympic games. On this basis, and given no objections are raised by Environmental Health, it is considered that there is exceptional material planning considerations to outweigh the amenity impacts.

Amenity conclusions

- 8.44 Overall, it is considered that the proposal is likely to give rise to noise disturbances to local residents, over the levels usually considered acceptable. However, given the local and national importance attached to the Olympics', the temporary nature of the development, the reduced capacity of the site and the measures undertaken to preserve amenity, it is considered acceptable on balance.

Loss of access routes to the park

- 8.45 Given the location and size of the event space, the proposal will reduce the permeability for walkers north to south. Given, this would be for a temporary period it is considered acceptable on balance.

Transport

- 8.46 Saved UDP policies T16, T18, T19 and T21, Core Strategy Policy SP08 & SP09 and Policy DM20 of the Managing Development DPD (Submission Version 2012) together seek to deliver accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seek to prioritise and encourage improvements to the pedestrian environment.

Car Parking

- 8.47 The Live Nation event is not proposing any parking spaces for the public. As part of the wider sustainable aims of the Olympics the Council's parking services have added additional restrictions for people seeking to park in the area. The traffic orders have been extended until 9pm to enable local residents to be able to park vehicles on the highway.
- 8.48 Given admissions to the site are expected until 10pm, it would create a window of one hour for patrons to drive to the site and park nearby. However, at 10pm the numbers expected to enter are reduced and the overall impact acceptable.
- 8.49 The Councils Highway departments have suggested a condition promoting sustainable modes of transports; this is considered reasonable and would further reduce the likelihood of vehicular activity to the site.
- 8.50 In addition to this, the applicant and the Greater London Authority are in discussions with Council officer's to provide way finding signage along the key transportation routes. These routes are from the five main train stations that could be used to bring access to the site:
- Mile End
 - Bethnal Green
 - Hackney Wick (it should be noted that during the Olympics only East Bound trains will be available.)
 - Bow Road
 - Cambridge Heath Road Station
- 8.51 These measures should promote the use of walking facilities to the site and restrict car access to the site.

Cycle Parking

- 8.52 Under planning application PA/12/00799, the Olympic Development Authority (ODA) is proposing 4000 cycle facilities to the north-east of the site close to the St Mark's Gate entrance. These cycle facilities are part of a wider initiative by the ODA to provide 6,000 parking spaces for the Olympic games in three locations.
- 8.53 According to the ODA calculations 20000 people at the live nations event are likely to generate a demand for 400 spaces. The 4,000 proposed at Victoria Park includes provision for the demand created by the Live Nations proposal.
- 8.54 Officers have considered the location and siting of these cycle spaces and consider it to be acceptable. On this basis, the provision of cycle spaces for this application is considered acceptable and discussed further under the report presented to committee under PA/12/00799.

Public Transport

- 8.55 Public Transport is the preferred method for visitors to the Olympic site and to the proposed events within this application. There are concerns raised from residents and in general over the capacity of the London Underground and whether it will be able to meet this demand.
- 8.56 There is a broad acceptance from TfL that the proposed dispersal strategy towards Mile End, Bethnal Green, Hackney Wick, Cambridge Heath and Bow Road is viable.
- 8.57 However, this is subject to provision of adequate stewarding and marshalling towards and outside key stations. Whilst stewarding will be proposed for the site, no details on the numbers have been provided this will be addressed further in an update report.

Delivery and Servicing

- 8.58 Under the terms of the licensing agreement the erection, dismantling and cleaning operations are only allowed during the council's working hours Mon. – Fri 8.00 a.m. – 6.00 p.m. and Saturday 8.00 a.m. – 1.00 p.m. unless otherwise agreed by prior consent.
- 8.59 Discussions on stewarding and deliveries are on-going with various stakeholders with the aim of minimising the impacts. Further details will be in an update report should they be provided.

Transportation conclusion

- 8.60 Overall, officers are satisfied that the proposal, subject to a condition requiring sustainable modes of transport to be promoted on site, the proposal will not have a significantly adverse impact on the local highway network in order to support a refusal on these grounds.

Refuse collection

- 8.61 The applicant has provided a refuse collection plan for the site. This is day specific and outlines the number of operatives and where they will be deployed. In addition officers from the Cleansing and Arts & Events department have advised that additional funding is in place for the Olympics and the Live Nation event is a priority

area for this funding, should it be needed.

- 8.62 On this basis, officers are content that adequate arrangements are in place to ensure the proposed development will be suitably maintained during the course of the events. As such, the proposal is in accordance with policy SP05 of the adopted Core Strategy, saved policy DEV55 of the Unitary Development Plan (1998) and emerging policy DM14 of the Managing Development DPD submission version (2012)

Other Planning Issues

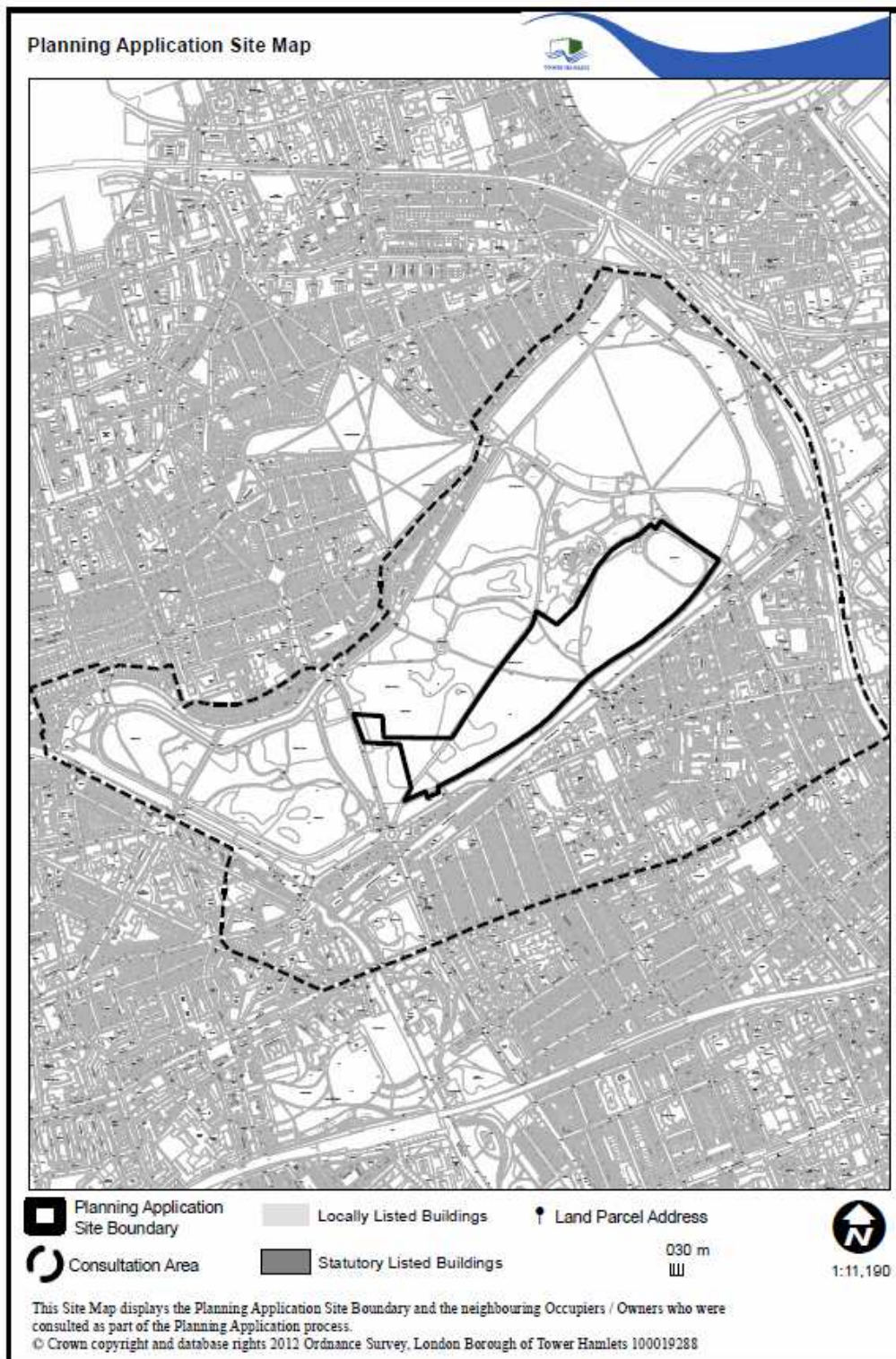
Flood Risk

- 8.63 The application site lies within Flood Risk Zone 2. The application is temporary and does not comprise a vulnerable type of development. Accordingly, the application does not raise flood risk issues.

9.0 Conclusions

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be approved for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Appendix 1- Site Location and Consultation Map



Appendix 2- Copy of Licensing Decision.



Communities, Localities & Culture
Trading Standards and Environmental
Health (Commercial)

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Blake Laphorne Solicitors
New Kings Court
Tollgate
Chandlers Ford
Eastleigh
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10 May 2012

Your reference
My reference TSS/LIC/054972

Dear Sirs,

Licensing Act 2003
Time Limited Premises Licence
London Live Event, Victoria Park, Bow E3

Following the hearing of the Licensing Sub-Committee on the 26th April 2012 and further to your application of the 16th February 2012 the committee made a decision to grant the application with variation.

You may find the following information of use:

The licence was opposed and therefore the Licensing Authority has incorporated the Licensing Sub-Committees decisions in relation to the items in dispute and included any appropriate and proportionate conditions which are consistent with the operating schedule.

The licence will be issued in due course, upon receipt please ensure the licence is checked closely. If you are unsure about anything, or believe this has been done incorrectly please contact me urgently. Of course if the Licensing Sub-Committee has varied your application in any way you have the right to appeal against any of their decisions. The grounds of the Licensing Sub-Committee decision are contained in **Appendix A** and your appeal rights are contained in **Appendix B**, in relation to both matters.



Corporate Director
Communities, Localities and Culture
Stephen Halsey

- All those who made representations at your hearing (i.e. objectors) also have the right of appeal, so you may find yourself involved in an appeal initiated by them
- You must have a nominated premises supervisor and they must hold a personal licence under the new Act. If they change you must notify us.
- The terms of the licence are very important and failure to comply is a criminal offence. There are of course also other offences under the Licensing Act 2003.
- Your licence can be subject to a review procedure under the Licensing Act 2003. If this happens you will be notified.
- There is also a process by which you can vary the terms of your licence and if you wish to do that please contact us.
- You must ensure that the licence or certificate is kept and can be produced to a police officer or authorised officer of the local authority. If you are not going to personally keep the licence at the premises you must authorise someone else in writing.
- You must ensure that the summary of the licence and a notice of the person authorised by you in writing to keep the licence (if appropriate) are prominently displayed at the premises.

Finally, if I can be of any further help please let me know.

Yours faithfully,



Kathy Driver
Principal Licensing Officer

Appendix A

The Licensing Sub-Committee was being asked to grant a an application for a Time Limited Premises License by Live Nation (Music) UK Ltd at Victoria Park London E3 from 26th July 2012 to 13th August 2012 for a capacity of 29,999 persons.

This hearing has been triggered by representations made by interested parties, namely two local Councillors and local residents, in relation to their concerns arising in respect of the licensing objectives of:

- i) the prevention of crime and disorder
- ii) public safety
- iii) the prevention of public nuisance

Members listened to the representations made by Mr Crier the Applicant's Solicitor and evidence from experts in event management, health and safety and transport called by the Solicitor to respond to questions from the Sub-Committee and objectors comprising two local Councillors and residents.

The Solicitor informed the Sub-Committee that the emphasis of the event is sport, introductory coaching sessions and entertainment activities. There will be opportunities to view Olympic events free of charge, to take part in introductory sessions and information to pursue interests in these activities after the festival through local organisations.

Information concerning the following matters was provided.

Concerning reducing nuisance; there will be a 'hard finish' to the programme on the days of the Olympic opening and closing ceremonies. At other times during the festival there will be a staggered finish to ensure egress nuisance is reduced.

Concerning public safety; staggered activity finish times will provide more transport options. Bethnal Green and Mile End underground Stations will be prioritised as dispersal hubs. There will be CCTV coverage and MPS response services. The crowd management plan is being developed and will soon be publicly available. There will be up to 2000 staff servicing the event. Emergency evacuation can if necessary be accomplished in under five minutes.

The applicant offered that a single point of contact number be made available to residents.

Concerning crime and disorder; stewarding and marshalling levels and security are supported by the Metropolitan Police.

Members listened to evidence provided by the Solicitor on behalf of the Applicant and experts in event management and health and safety from Live Nation and in transport from London Underground detailing the measures that

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would be implemented to ensure that nuisance and crime and disorder are addressed through stewarding and marshalling measures at ingress and egress, through a staggered activity finish plan and through the traffic and pedestrian management plan. With the agreement of all parties, the Transport Impact Statement, Site Vision and Proposed conditions were circulated at the meeting and discussed.

Members also listened to evidence from objectors. The key representations concern noise nuisance, late night disturbance and antisocial behaviour arising from patrons leaving the events, nuisance caused by lack of dispersal capacity at transport nodes and failure to consult with the local community or Ward Councillors. They noted that there was no objection to the proposal in principle nor to the events planned on the days of the Olympic opening and closing ceremonies.

The objectors said the nuisance that would arise during the post opening and pre-closing event days in which it the applicant has sought to provide daily live music until 23:00 hours, recorded music until 00:00 hours and sale of alcohol until 00:00 hours respectively would result in local residents experiencing unacceptable noise nuisance and public nuisance (including antisocial behaviours in their residential area) arising from customers access to, and egress from, the Victoria Park, particularly given their close proximity to the Park and the widespread impacts of crowd dispersal on the surrounding areas. And therefore they object to the application and request that the hours in which live music and sale of alcohol take place be reduced.

Members also noted objectors' arguments that there had been failure to consult with local residents until recently.

Concerning a complaint that it was unfair that noise levels in Waterford Close were higher than elsewhere, Members noted the arguments made but were not able to address this matter within the context of the meeting as this concerned technical matters associated with sound transmission. However the Chair agreed that this was a persistent complaint and agreed to write to Environmental Health to seek mitigation on this matter.

In reaching a decision Members had regard to the Licensing Guidance (noting that revised Licensing Guidance published on 25 April 2012 is in the main not applicable to this application since it has been made prior to the date that the amendments to the Licensing Act 2003 took effect) and the Council's Statement of Licensing Policy.

Members have considered the full application and the reduced hours requested by the objectors. Members believe that reducing the hours of opening would not be appropriate as this would adversely affect the successful delivery of the Live Site events. However given the duration of the festival and the hours applied for, Members believe that granting the application as sought would place an unacceptable burden on the local community in terms of nuisance and potential antisocial behaviour. They

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therefore consider it is necessary and proportionate for the purpose of promoting the licensing objectives of prevention of crime and disorder, public safety and the prevention of public nuisance that the permitted times of a number of the licensable activities be reduced.

In coming to their decision members have sought to enable those who wish to view the Olympic events to fully do so and to mitigate the potentially extreme effects of the festival on the neighbouring community.

RESOLVED

That the Application for a Time Limited Premises Licence, Victoria Park, Bow, E3 - Live Nation (Music) UK Ltd be GRANTED with 21 additional conditions offered by the applicant below and further additional conditions imposed by the Sub-committee and listed also:

Conditions offered by the Applicant

1. The licence shall cover the area as shown on the site plan dated 18.4.12 v.5.
2. The Premises will at all times be managed in accordance and compliance with an Event Management Plan which shall be approved by the Licensing Safety Advisory Group.
3. The amended capacity shall not exceed 20,000 at any one time
4. No entry shall be permitted to the Event Site after 22.00 each day and no re-entry will be allowed except by permission of the Event Liaison Team or in case of emergency.
5. All bars will operate a strict Challenge 21 age verification policy in relation to the sale of alcohol.
6. Alcohol will only be sold in plastic or paper/cardboard containers or vessels except in clearly designated artists and approved hospitality areas with stewarding control.

For the Prevention of Public Nuisance

7. The "Live Music Noise Level" (LMNL) measured as an LAeq over any 15-minute period 1 metre from the façade of a residential premises shall not exceed 70 dBA, apart from Waterside Close where the LMNL shall not exceed LAeq 75 dB 15-minutes, for a maximum of 180 minutes over any day 12:00 hrs – 23:00 hrs apart from condition 8.
8. The "Live Music Noise Level" (LMNL) measured as an LAeq over any 5-minute period 1 metre from the façade of a residential premises may

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continue on the Opening and Closing Ceremony days from 23:00 hrs – 00:30 hrs (90 minutes) and during that time shall not exceed 70 dBA, apart from Waterside Close where the LMNL shall not exceed LAeq 75 dB 5-minutes*.

9. Other than the "Live Music Noise Level" (LMNL) in conditions 7. and 8. above, the "Music Noise Level" (MNL) between the hours of 08:30 hrs and 23:00 hrs measured as an LAeq over any 15-minute period 1 metre from the façade of a residential premises shall not exceed 68 dBA, apart from Waterside Close where the MNL shall not exceed LAeq 73 dB 15-minutes.
10. Low frequency noise shall be controlled so as not to cause a nuisance at residential premises.
11. A competent Noise Consultant (as defined in the Noise Council's "Code of Practice on Environmental Noise Control at Concerts") shall be appointed by the licensee of the event. This means a person with the ability to monitor noise competently and with the authority to control sound levels to ensure compliance with these noise conditions.
12. A direct means of communication between the Noise Consultant and the Officers of the Environmental Health Department must be made available. There must also be a separate radio channel dedicated to noise control.
13. The sound systems and other noise sources shall be positioned so as to minimise noise disturbance, in consultation with the Council's Environmental Health Department.
14. Sound tests shall be carried out in conjunction with the Council's Environmental Health Department before the event. This will determine the maximum noise levels that can prevail at agreed proxy monitoring positions so as to ensure compliance with the noise limits defined in conditions 7 and 8.
15. A permanent noise monitor shall be placed at all "front of house" sound mixer positions, this must be able to measure 15 minute LAeq periods or less and print or store the results. Officers must be able to view all the results at the mixer position during the event. A copy of all results measured must be forwarded as soon as reasonable practicable after the event to the Environmental Health Department.
16. The Noise Consultant shall be able to demonstrate an up to date calibration certificate for all noise meters used according to BS7580: 1997 and be a minimum type 2 grade instrument according to BS5969: 1981.

17. Erection, dismantling and cleaning operations should only be undertaken during Council Policy working hours Mon. – Fri 8.00 a.m. – 6.00 p.m. and Saturday 8.00 a.m. – 1.00 p.m. unless otherwise agreed by prior consent. If work or operations are agreed outside of the above hours contact telephone number (not an answer phone) must be provided for the person in charge of these operations.
18. White noise "Broadband" reversing alarms shall be used on any forklift truck or vehicle likely to affect any residential property.
19. Complaints shall be directed to our Officers immediately by telephone or via the Council's emergency gatehouse telephone number, not radio. The Council's complaints procedure for taking and logging complaints must be followed at all times.
20. The licensee shall comply with any reasonable instructions given by the licensing authority that seek to control noise nuisance.
21. The noise-consultant must have a sufficient number of competent staff with the necessary authority, confirmed in writing by the licensee, to control the noise levels. This number should be agreed with Environmental Health in advance of the event.

Further Conditions Imposed by the Sub-Committee

22. Permissions sought on the days of the opening and closing ceremonies shall be granted as applied for.
23. For days other than the Opening and Closing Ceremony days, the terminal hours for provision of regulated entertainment as specified in sections E-K of the operating schedule be reduced to

Sunday – Thursday at 22:00 hours
Friday – Saturday at 23:00 hours
24. For days other than the Opening and Closing Ceremony days, the terminal hour for supply of alcohol as specified in section M of the operating schedule be reduced to

Sunday – Thursday at 23:00 hours
Friday – Saturday at 23:30 hours
25. The hours the premises are open to the public shall be as specified in section O of the operating schedule.

Appendix B

Appeal Rights under Section 5 of Licensing Act 2003.

The appeal must be made to the Magistrates Court which has jurisdiction in the area of the London Borough of Tower Hamlets.

A notice of appeal must be given to the justices' chief executive for the Magistrates Court within a period of 21 days beginning with the day on which notification was sent by the Licensing Authority.

Please note that the licensing authority will always be a party to the appeal.