

GREATER LONDON AUTHORITY

[REDACTED]
(By email)

Our Ref: MGLA070519-1982

4 June 2019

Dear [REDACTED]

Thank you for your request for information which the GLA received on 3 May 2019. Your request has been dealt with under the Environment Information Regulations (2004)

You asked for;

I would like to see any minutes of meetings held involving the Mayor of London's office, and emails received or sent by the Mayor of London's office, about the MSG Sphere in Stratford since 2016.

Our response to your request is as follows:

Your request falls under the exception to disclose because it is considered to be 'manifestly unreasonable' under regulation 12(4)(b) of the Environmental Information Regulation (EIR). This provision allows public authorities to refuse requests which are obviously or clearly unreasonable or when the estimated cost of compliance is too great.

In reaching this decision we have considered the views of the Upper (Information Rights) Tribunal in 'Craven v IC & DECCC [2012] UKUT442 (AAC)' in respect of the EIR exception under regulation 12(4)(b), the formal guidance issued by the Information Commissioner's Office¹, along with Decision Notices regarding this EIR exception, such as FS50585926², amongst others, which all acknowledge that public authorities may use the fees regulations as the basis of considering the cost and time of complying with a request.

Your request for all emails and the timeframe is very broad. Email correspondence on this topic is likely to exist within several different teams within the GLA, for example Planning, Culture, Housing & Land. Further searches over other business areas will also need to be conducted for information which would fall within the wide scope of your request.

In this instance, we have decided this request falls within the parameters of regulation 12(4)(b) and is manifestly unreasonable because of the considerable amount of time that would be required to collate and review the information.

¹

<https://ico.org.uk/media/for-organisations/documents/1615/manifestly-unreasonable-requests.pdf>

² https://ico.org.uk/media/action-weve-taken/decision-notices/2015/1560291/fs_50585926.pdf

The nature of the requested information necessitates it be reviewed initially by two members of staff within our Planning and Information Governance teams and would place an unacceptable burden on their limited resources and constitute an unreasonable distraction from normal work given the wide scope of the request.

We will be happy to consider a further refined request if you can provide further detail on what information in particular you are seeking in relation to MSG Sphere, for example are you seeking a specific documentation / information that has been submitted to the GLA by the applicant? Are you seeking correspondence exchanged between two specific named individuals / entities (e.g. between the GLA Planning Officers and the applicant)?

Initial searches within the planning team have revealed that we do not hold any recorded minutes of meetings about the MSG Sphere, however the planning team had a pre-application meeting with MSG on 7 August and a follow-up pre-application meeting on 8 October 2018.

We issued a formal pre-application note for the first meeting, however no notes were taken from the second meeting as the applicant did not provide us with any copies of the material. The pre-application report is therefore attached. Please note that some names of members of staff are exempt from disclosure under Regulation 13 (Personal information) of the EIR. This information could potentially identify specific employees and as such constitutes as personal data which is defined by Article 4(1) of the General Data Protection Regulation (GDPR) to mean any information relating to an identified or identifiable living individual. It is considered that disclosure of this information would contravene the first data protection principle under Article 5(1) of GDPR which states that Personal data must be processed lawfully, fairly and in a transparent manner in relation to the data subject.

We have also responded to a similar request³ for information which you may find of interest.

If you have any further questions relating to this matter, please contact me, quoting the reference at the top of this letter.

Yours sincerely


Information Governance Officer

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:

<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>

³ <https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information/foi-disclosure-log/foi-meetings-msg-sphere-company>

GREATER **LONDON** AUTHORITY

[REDACTED]
DP9
100 Pall Mall
London
SW1Y 5NQ

Department: Planning
Our reference: GLA/4752
Date: 29 August 2018

Dear [REDACTED]

Town & Country Planning Act 1990 (as amended); Greater London Authority Act 1999 & 2007; Town & Country Planning (Mayor of London) Order 2008

Site: Land off Angel Lane, Stratford
Our reference: GLA/4752

Further to the pre-planning application meeting held on 7 August 2018, I enclose a copy of the GLA's assessment which sets out our advice and matters which will need to be fully addressed before the application is submitted to the local planning authority.

The advice given by officers does not constitute a formal response or decision by the Mayor with regard to future planning applications. Any views or opinions expressed are without prejudice to the Mayor's formal consideration of the application.

Yours sincerely,



John Finlayson
Head of Development Management

Cc: [REDACTED] TfL

MSG Sphere, land off Angel Lane, Stratford

in the London Borough of Newham, (London Legacy Development Corporation)

<p>The proposal</p> <p>Delivery of a multi-use entertainment and leisure building, to be known as the ‘MSG Sphere’, to accommodate approximately 25,000 people, with ancillary commercial floorspace (approximately 3,715sq.m.)</p>
<p>The applicant</p> <p>The applicant is Stratford Garden Development Ltd and the agent and architect are DP9 and Populous.</p>

Context

1 On 07 August 2018 a pre-planning application meeting to discuss the above proposal for the above site was held at City Hall, with the following attendees:

GLA Group:	<div></div> <div></div> <div></div> <div></div>	Senior Strategic Planner, case officer Senior Strategic Planner – Urban Design Principal Strategic Planner TfL Borough Planning
LPA:	<div></div>	LLDC
Applicant:	<div></div> <div></div> <div></div> <div></div> <div></div>	DP9 DP9 ME Engineer MSG Populous

2 The advice given by GLA officers does not constitute a formal response or decision by the Mayor with regard to future planning applications. Any views or opinions expressed are without prejudice to the Mayor’s formal consideration of an application.

Site description

3 The proposed development relates to a 1.87 hectare triangular parcel of land, previously used for coach parking, within the boundary of the London Legacy Development Corporation and the London Borough of Newham. Stratford Garden Development Ltd are in ownership of the site.

4 The site is bound to the north by railway lines running to and from Stratford International Station. Beyond the railway lines to the north is an emerging residential development known as

‘Chobham Farm’. The eastern boundary adjoins Angel Lane and railway tracks running to Stratford Regional Station. Beyond the railway lines are developments comprising student housing, residential, hotel and commercial (office) uses. To the west, the site is bound by further railway lines running to and from Stratford Station, an Energy Centre, Montfichet Road and Westfield Shopping Centre. The wider area includes the Queen Elizabeth Park and the London (Olympic) Stadium.

5 The application site lies within the Lower Lea Valley (LLV) Opportunity Area and the area covered by the Mayor’s Olympic Legacy Supplementary Planning Guidance (OLSPG). The site sits within the Stratford Metropolitan Centre, which has been identified as a future potential International Centre within the emerging draft London Plan. The site is recognised by the LLDC as an area of regeneration and is formally allocated within the LLDC Local Plan 2015 (Site Allocation SA3.1) for a large-scale town centre use with supporting elements.

6 In transport terms, Stratford Regional Station is located approximately 100 metres to the south east of the site and provides access to London Underground services on the Jubilee and Central lines, two branches of the DLR, London Overground and National Rail services. Stratford International station also provides access to High Speed National Rail services and DLR. There are two bus stations at Stratford Town Centre and Stratford City, with numerous bus routes, as well as scheduled coach services and two taxi ranks. The eastern boundary of the site connects to Angel Lane, which forms part of the Strategic Road Network (SRN) with the nearest section of the Transport for London Road Network (TLRN) being the A12, which can be accessed approximately 2 km to the west and north of the site. The site records the highest public transport accessibility level (PTAL) of 6b, on a scale of 1-6.

Details of the proposal

7 It is proposed to construct a multi-use entertainment and leisure centre on the application site, to be known as the MSG Sphere. The sphere is currently being designed to accommodate approximately 25,000 maximum spectators, with a mixture of seating and standing. The arena will host a range of events, including but not limited to, music, family shows, e-gaming and corporate events.

8 The Sphere would be 120 metres wide and 90 metres in height above ground level. Externally, the Sphere would be clad in triangular LED panels which would display a range of static and moving images, including branding (advertisement) and digital art and content related to the events within the arena. When the LED’s are not active, the sphere would appear black. It is proposed to zone the façade to utilise differing light intensities to control light pollution to surrounding properties.

9 The Sphere would sit on a four-storey base that fills the site. It is proposed to construct the base of concrete with glass balustrades. A concourse level would be located at level 1, with back of house activities at level 0 below. The main podium (level 2) would fill the entire site and the upper podium level (level 3) would partially cover the site.

10 In addition to the primary leisure and entertainment function, the Sphere would deliver approximately 3,715 sq.m. of commercial floorspace. Whilst the final uses have not yet been confirmed, the pre-application documents refer to cafes (upper and lower podium), a smaller music club / venue (1,850 sq.m.) (level 0 and 1) with restaurants, bars, retail and merchandising located behind the tiered auditorium seating (levels 3-9) within the sphere.

11 Areas of public realm would be established on the upper and lower podium levels, primarily to the north-eastern and southern ends of the Sphere.

12 It is proposed to establish 4 pedestrian bridges to enable access to the proposed development. Proposed bridges 1 and 2 would adjoin the eastern side of Montfichet Road, to the west. The third bridge would be located at the southern end of the site and would adjoin the established town centre link bridge. An additional access point would be established from Angel Lane to the north-east of the site. A fourth vehicular bridge would be located at the northern end of the site, towards the revised access road also connecting to Angel Lane

13 The application is referable to the Mayor under Categories 1B(c) and 1C(c) of the Mayor's Order 2008: Development for a use, other than residential use, which exceeds 15,000 sq.m. of non-residential floorspace and a building which exceeds 30 metres high, outside of the City of London.

Strategic planning issues and relevant policies and guidance

14 The relevant strategic issues and corresponding policies are as follows:

- Principle of development *London Plan*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG*
- Inclusive design *London Plan; Accessible London: achieving an inclusive environment SPG.*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy.*
- Transport *London Plan; the Mayor's Transport Strategy; draft Mayor's Transport Strategy.*
- Parking *London Plan; the Mayor's Transport Strategy.*
- Community Infrastructure *London Plan.*
- Culture *London Plan.*
- Sports Facilities *London Plan.*

15 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the Legacy Development Corporation Local Plan (2015) and supplementary planning guidance and the London Plan 2016 (Consolidated with Alterations since 2011).

16 The following are also relevant material considerations:

- The National Planning Policy Framework and Technical Guide to the National Planning Policy Framework;
- The Mayor's Olympic Legacy Supplementary Planning Guidance (OLSPG, 2012);

Summary of meeting discussion

17 Following a presentation of the proposed scheme from the applicant team, the meeting discussions covered strategic issues with respect to the following: principle of development;

connectivity; public safety; urban design; inclusive access and transport. GLA officer advice in respect of these issues is set out within the sections that follow.

Principle of development

Policy context & land use

18 The application site lies within Lower Lea Valley (LLV) Opportunity Area and the area covered by the Mayor's Olympic Legacy Supplementary Planning Guidance (OLSPG). The OLSPG sets out an overall vision for the area, which includes making it one of the best places to live and work in London, improving connectivity across and into the new Queen Elizabeth Olympic Park, and creating new family housing and schools.

19 The site sits also within the Stratford Town Centre. Whilst London Plan Policy 2.15, and Annex Two (Table A2.1) designate this area as a Metropolitan Town Centre, the draft London Plan recognises the potential for growth to an International Centre. In line with Policy 2.15 and draft London Plan Policies SD6 and SD7, development in such centres should sustain and enhance the vitality and viability of the town centre function, accommodate economic and housing growth through intensification and contribute to an enhanced environment. In addition, retail, commercial, arts, cultural and leisure development should be focussed on sites within town centres and related to the size, role and function of a town centre and its catchment in line with London Plan Policy 4.7.

20 At a local level, the application site is located within Sub Area 3: Central Stratford and Southern Queen Elizabeth Park. This sub area supports a diverse range of education and sporting facilities, retail, leisure and business expansion with high quality housing. The site is also identified as allocated site SA3.1 'Stratford Town Centre West' This allocation states that the eastern parcel of the allocated site (the application site) is identified for a large-scale town centre use with supporting elements.

21 In land use terms, the proposed entertainment and leisure arena is supported by local and London Plan policy. In addition to the compliance with the intent of the site allocation, the proposal supports the Mayor's vision for continued growth and evolution of London's diverse cultural facilities and creative industries (Policy 4.6, draft London Plan Policy HC5). The flexibility of the arena, in terms of capacity and mode (seating and standing) and the proposal for a smaller music venue, would also help to maximise the multiple use of the facility and deliver spaces that are suitable and attractive to a range of creative industries. The applicant is encouraged to explore opportunities to support local and grass roots music and performing arts within the proposed cultural offer. Further details regarding the operating profile of the main arena and smaller music venue should be provided for review.

22 In addition to the entertainment and leisure arena, the proposal would incorporate approximately 3,715 sq.m. of ancillary commercial floorspace, in the form of retail, cafes, restaurants and bars. The proposed range of land uses are appropriate for the town centre location and would support the night time economy in accordance with the Mayor's 24-hour vision for London and draft London Plan Policy HC6, subject to safe and convenient night-time transport. The proposal would also contribute to the visitor economy and image of Stratford and the wider Queen Elizabeth Olympic Park as an international destination.

23 In principle, the redevelopment of the application site reflects the Mayor's vision for good growth, through the efficient use of town centre land, delivery of economic benefits and employment opportunities. The contribution towards London's culture and creative industries is

also welcomed. Accordingly, the principle of redevelopment is supported in strategic planning terms and the proposed land uses are in line with London Plan and Draft London Plan policy.

Access & connectivity

24 At present, the application site is in private ownership. It has a single point of access via a private road off Angel Lane and as such, does not provide connections to the Stratford Town Centre to the west. In accordance with the intent of Sub Area 3 and Site Allocation SA3.1, the proposed development would provide key public routes through the site to improve connectivity from the existing Stratford town centre to the east and from the west along Westfield Avenue to the Queen Elizabeth Olympic Park. The proposal would utilise the existing road connection on Angel Lane to provide vehicular and pedestrian access to the site. Three pedestrian only bridges would be established to the north of the site and to the west, along Montfichet Road. In line with the site allocation, the development also proposes a bridge at the southern end of the site, to establish a key connection with the existing town centre link bridge. Overall, the proposed improvements to connectivity through the construction of pedestrian bridges is supported.

25 In line with the development principles for allocated site SA3.1, the proposed connectivity routes should maintain the format and appearance of public space. Draft London Plan Policy DM7, offers further guidance in this respect, stating that new routes through a site should create engaging areas of public realm which would create new pathways and communal urban spaces. In this respect, the proposal presents an exciting opportunity to establish new areas of public realm which would strengthen community ties and establish central public spaces for both the town centre and the area to the east. From pre-application discussions, it is understood that the proposal would incorporate two main areas of public realm, to the north and south of the sphere. Detailed consideration is required to ensure that the spaces around the site are safe, accessible, inclusive and easy to understand. Areas of shade and shelter should be identified, while the addition of landscaping, planting, street furniture and surfaces should also be well thought-out. In addition to the areas of public realm, the routes and pinch-points around the sphere should also be carefully designed to ensure there are no barriers to movement, particularly before and after major events.

26 Given the proposed development would operate during the day and into the night, there should be an understanding of how the access routes and public realm functions, during different times. Further details in terms of lighting, surveillance and public access to the site would be required within the detailed application. Details of the maintenance and management of the public routes and areas of public realm should be provided for review. Specifically, details of the public access to routes and closing of routes through the site should be provided. The development must create a safe and secure environment at all times.

27 As discussed at the pre-application meeting, whilst the principle of establishing bridges to create key routes is welcomed, the detailed design, location and landing of these bridges should be discussed and agreed with the LLDC and TfL, in line with London Plan Policy 6.7 and draft London Plan Policies DM1 and DM7. The proposed bridges along Montfichet Road would hold the greatest capacity in terms of movement to and from the site. Accordingly, there will need to be further discussions about the intervention on Montfichet Road and how to mitigate the impact of customers arriving and leaving from the site without affecting the performance of the highway, buses, coaches and taxis. The requirement for new local highway arrangements and wayfinding and access across the site will need to be developed in conjunction with TfL, LLDC and Newham Council.

28 The application is proposing on-site vehicular access only for servicing and “back of house” requirements and promoting the site as a car-free venue which is welcomed. The applicant will

need to demonstrate how access is provided for mobility impaired visitors, and to set out how staff access and departures, which may be well after event finish times are managed.

Public safety & event management

29 Notwithstanding the welcomed regeneration of the site and associated improvements to pedestrian permeability, the proposed quantum of development potentially raises concerns in terms of crowd control and public safety. This is of specific concern given the high-density nature of the immediate locality and the constrained nature of the site. The proposal would be required to demonstrate compliance with draft London Plan Policies D1, D3 and D11, all of which strive to achieve safe and secure environments and incorporate safe emergency evacuation. Crowd modelling, an evacuation plan and a fire statement must therefore support any planning application. The pedestrian bridges and width of the pavement along Montfichet Road must be sufficient to accommodate the safe movement of pedestrians at all times, without the need to use or impact the functioning of the road. The significant level change from the development to Montfichet Road would also require special consideration. The applicant should also identify appropriate transitional spaces to manage crowd flows to and from Stratford station.

Inclusive design

30 London Plan Policy 7.2 requires that all new development is accessible and inclusive. This intent is reflected within London Plan Policy 3.16 which specifically relates to the provision of social infrastructure. Similarly, draft London Plan Policy D3 seeks to achieve an inclusive design approach to new development.

31 Given the capacity of the arena and the proposed means of access to the site via pedestrian bridges, a clearly defined Inclusive Design Strategy should be provided. The significant level change from the arena to Montfichet Road requires special consideration, especially in terms of the movement of disabled persons. The location and access to blue badge parking spaces should also be defined.

Urban design

32 Good design is central to all objectives of the London Plan. London Plan Policy 7.1 sets out a series of overarching design principles for development in London. The design policies within chapter 7 and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, views and public realm. Policy 7.4 also requires that new development has regard to its context and makes a positive contribution to local character. The intent of these policies is reflected in draft London Plan Policies D1 and D2.

33 The proposed development seeks to establish a sphere-shaped arena, externally clad in LED panels. Given the proposed use and landmark quality of the proposal, the scale and design rationale is broadly supported. In terms of the context of surrounding development, the proposal would not be the tallest building in the area. Notwithstanding this, given the width, nature and the external illumination, the proposal would be the most visually prominent development. In addition to this, the site sits within a built-up context and as such, the proposal must carefully consider its relationship with adjacent sensitive uses. Whilst it is understood that initial consultation with surrounding residents and land owners generally received positive feedback, continued consultation must take place throughout the entire design process. Key views should also be worked-up to help inform residents of the detailed design.

34 As previously discussed, the public realm experience around the Sphere should be carefully considered to ensure all spaces are inviting and accessible to all users. Given the nature of the

sphere, the proposal should not result in any inactive frontages around the site. The proposal demonstrates that a civic square setting would be created at the southern end of the sphere at the lower and upper podium. The northern podium opening would create a community hub. It is noted that this entrance off Angel lane would provide both pedestrian and vehicular access to the site, as well as servicing. Given the shared nature of this entrance, careful consideration is required to ensure the safe and successful separation of pedestrians and vehicles. Given the requirements for servicing and vehicles, this area should be designed to ensure that it does not appear like a rear entrance to the site.

35 A better understanding is required in terms of the podium levels and how the sphere would interact and meet these areas. The podium levels should be designed to promote active surveillance and should include specific lighting strategies. Entrances to the Sphere arena and individual retailers should be convenient and welcoming.

36 Whilst the application site is not located within the immediate setting of any heritage assets, given the scale of the development, key views should be provided in support of the proposal. The views should be provided to demonstrate the impact of the sphere whilst illuminated and when the LED's are off. Full details of the materials, including illuminance zones and periods of illuminance, must be provided within any application. Samples and material specifications must be discussed and agreed with the LLDC prior to the stage 2 referral to the Mayor. The materials, levels of illuminance and any restrictions imposed to the external illumination of the sphere must be secured within a s106 agreement.

37 A maintenance and management strategy for the external cladding of the sphere should also be provided for review.

Sustainable development

38 Energy assessment planning guidance is available on the GLA website (<https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/pre-planning-application-meeting-service-0>). All non-residential schemes must seek to reduce carbon emissions by the 35% below Part L 2013. The carbon emission figures should be reported against a Part L 2013 baseline.

39 A separate meeting will be arranged to discuss the proposed energy and sustainability strategy.

Transport

Transport Assessment and pre-application discussions

40 TfL and the applicant have commenced discussions regarding the scope of assessment for the proposed development. The scope of the Transport Assessment and scenarios to be tested and any modelling requirements will need to be agreed with the applicant.

Impact of development and mitigation

41 As part of the trip generation exercise, the event profiles and origin / departure distribution by direction should be provided so that a robust assessment can be made of the likely impact of the proposed development on the capacity of the existing network, and to inform the need for any changes or mitigation to the public transport system. As part of the trip generation exercise, the distribution by direction for the weekday PM peak 1 hour and 3 hour peak periods should be

provided so that a robust assessment can be made by TfL of the likely impact of the proposed development on the capacity of Stratford station and the existing network, and to inform the need for any changes or mitigation to the public transport system.

42 The applicant will need to undertake a significant amount of scenario testing for the range of uses and co-ordination with other background and emerging proposals and events. TfL will be particularly interested in the impact in the weekday PM peak, and the proposed late evening event finishing hours on Stratford Regional Station and the capacity of the rail and bus network, and the ability of TfL and rail operators to safely operate and manage the public transport system.

43 The application will need to be supported by a comprehensive Event Management Plan, taking account of the potential impact of other events both in the Stratford area and also along public transport connections from Stratford, and the responsibilities of event organisers and all relevant authorities. The applicant should investigate the expected capacity and crowd flows associated with the proposal, during functions and off-peak times. The data modelling should take account of both existing and proposed developments and how the proposal would operate in association with the established uses. A comprehensive event management strategy will be vital to the successful and safe operation of the development during event days.

Construction, delivery, servicing and Travel Plans

44 There will need to be further discussions with TfL, rail authorities, LLDC and Newham Council regarding the Construction methodology. The application should be supported by Framework Travel Plans, as well as a detailed Delivery and Servicing Plan. Specific TfL guidance on these can be found on the TfL website.

Mayoral Community Infrastructure Levy

45 The Mayoral CIL applies for any new application and is a charge of £20 per sq. metre (based on the gross internal floor area). The CIL would be payable on commencement and the collection of the CIL would be administered by the Council who would transfer the payment to the Mayor / TfL.

Conclusion

46 The proposal to establish the MSG Sphere within the Stratford Metropolitan Centre is supported in strategic planning terms. In addition to job creation and economic benefits, the proposal would make a welcomed contribution to London's cultural and creative industries, night time economy and visitor economy. Further detailed information is however required for the points raised within the report, particularly in respect of public safety, inclusive access and transport. A separate meeting should be arranged to discuss the energy strategy associated with the development and the applicant should continue to engage positively with the LLDC, TfL and Newham Council, to address crowd safety and movement concerns.

for further information, contact GLA Planning Unit (Development & Projects Team):

Juliemma McLoughlin, Assistant Director - Planning

020 7983 [REDACTED]@london.gov.uk

John Finlayson, Head of Development Management

020 7084 [REDACTED]@london.gov.uk

[REDACTED], Principal Strategic Planner

[REDACTED]@london.gov.uk

[REDACTED], Senior Strategic Planner (Case Officer)

[REDACTED]@london.gov.uk
