

Meeting of the Planning Decisions Committee

Meeting Date: Tuesday 22 March 2022

Time: 6.00 pm

Venue: London Stadium, Queen Elizabeth Olympic Park, London E20 2ST

Members of the London Legacy Development Corporation Planning Decisions Committee are hereby notified and requested to attend the meeting of the Planning Decisions Committee of the Corporation at 18:00hrs on Tuesday 22 March 2022 to transact the business set out below.

Lyn Garner, Chief Executive
14 March 2022

Committee Members:

Pam Alexander OBE (Chair)
Sukhvinder Kaur Stubbs
Jamie Kerr
Councillor Nick Sharman
Councillor Marie Pye
Councillor Dan Tomlinson
Councillor James Beckles
Councillor Rachel Tripp
Piers Gough CBE RA
James Fennell MRTPI MRICS
Abdul Thahid BSc (Hons) MRICS
Martha Grekos

Borough Substitutes:

Councillor Jessica Webb
Councillor Terry Wheeler
Councillor Rachel Blake
Councillor Joshua Garfield
Mayor Rokhsana Fiaz

Officers usually in attendance

Anthony Hollingsworth
Catherine Smyth
Jamie Lockerbie
Zena Hassan
Jamie Mordue

Executive Director of Planning Policy & Decisions
Head of Development Management
Legal Representative
LLDC Committee Secretary
GLA Committee Secretary

How decisions will be taken during the Covid-19 emergency measures

Where items are uncontroversial, the Planning Decisions Committee may sometimes make a decision based on the report of the planning officer without extensive presentation and discussion. It is expected that normally planning applications will be determined as follows:

- the Chair takes the item as it appears on the agenda
- the planning officer will present the report
- committee members may ask questions
- the objector(s) to the recommendation speak – usually five minutes
- the supporter(s) to the recommendation speak – usually five minutes
- committee members may ask questions of those who have spoken and ask the planning officer to respond
- Committee members will discuss and then determine the application or make other such recommendation as is appropriate. Further representations or comments are not heard at this point but clarification may be sought from officers.

When decisions are taken that are contrary to the planning officer's recommendation, the committee must give reasons for its decision based on planning grounds. If members are minded to overturn the officers recommendation and objectors/supporters have been unable to attend the meeting to make representations in person then the matter will be deferred to the next available meeting for a further report.

This meeting will be open to the public, except for where exempt information is being discussed as noted on the agenda. A guide for the press and public on attending and reporting meetings of local government bodies, including the use of film, photography, social media and other means is available at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf

PLEASE NOTE that any member of the press and public may listen-in to the proceedings via a weblink which will be publicised on the LLDC website at least 24 hours before. Members of the press and public may tweet, blog etc. during the live broadcast as they would be able to during a regular Committee meeting at LLDC offices. It is important, however, that Members of the Planning Decisions Committee can discuss and take decisions without disruption, so the only participants in this virtual proceeding will be the Members concerned, the officers advising the Committee and any objectors, supporters and applicants who have registered in advance to speak on the applications to be considered.

1 Updates, Order of Business and Requests to Speak

2 Apologies for Absence

3 Declarations of Interest (Pages 1 - 4)

4 MSG Sphere (Madison Square Garden) - 19/00097/FUL & Advertisement Consent - 19/00098/ADV (Pages 5 - 370)

- 5 Stratford International Car Park - 20/00362/FUL**
(Pages 371 - 386)
- 6 Any Urgent Business**
- 7 Close of Meeting**

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Subject: Declarations of Interests Received for the 2nd meeting of the Planning Decisions Committee

Date: 22 March 2022

Venue: London Stadium, Queen Elizabeth Olympic Park, E20 2ST

FOR NOTING

This report will be considered in public

1. DECLARATION OF INTERESTS

1.1 For the purposes of transparency, where a Member of the Committee is an elected Member of a Host Borough to which a planning application and/or other matter to be dealt with at this meeting relates, that fact will be set out in this report, noting that being an elected Member of a Host Borough in itself does not constitute a disclosable pecuniary interest. However, if the Member concerned does have a disclosable pecuniary interest for the reasons set out in section 3 of this report he/she will need to declare it prior to and/or at the meeting and take the necessary consequential actions. Any Member in attendance as a substitute will similarly need to declare any interests in the business on the agenda, including disclosable pecuniary interests, at the meeting.

2. RECOMMENDATIONS

2.1 **In light of the items of business listed on the agenda for this meeting of the Committee, the relevant Members are asked to declare any disclosable interests and state whether or not any of the interests declared are or could:**

2.1.1 **fall within the definition of pecuniary interests as set out in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (Disclosable Pecuniary Interests Regulations) (as the same may be amended); or**

2.1.2 **If they are not disclosable pecuniary interests are classed as interests which are material and which conflict or may conflict with the interests of the Corporation; and**

2.2 **note that the interests set out below be noted.**

3. EXPLANATION OF INTERESTS

- 3.1 A Member of this Planning Decisions Committee who is present at a meeting of this Committee and who has and/or may reasonably be considered to have a pecuniary interest in any item of business before the meeting, shall at the meeting and as soon as practicable after its commencement disclose the nature and extent of his or her interest. Provided that, with regard to any disclosable pecuniary interest that falls within the definition of a sensitive interest (as set out in regulation 32 of the Disclosable Pecuniary Interests Regulations), the Member shall be permitted to disclose not the interest but the fact that he or she has a disclosable pecuniary interest in the matter concerned.
- 3.2 A Member who has and/or may reasonably be considered to have a disclosable pecuniary interest shall not unless he or she is granted a dispensation pursuant to regulation 33 of the Disclosable Pecuniary Interests Regulations:
- (a) participate, or participate further, in the consideration or discussion of the matter and shall leave the meeting during its consideration; and
 - (b) vote, or further vote, on any question or matter with respect to it.
- 3.3 A Member of this Planning Decisions Committee who is present at a meeting of this Committee and who has an interest that is not a disclosable pecuniary interest but is an interest (whether held directly or indirectly) which is material and which conflicts or may conflict with the interests of the Corporation shall at the meeting and as soon as practicable after its commencement disclose the nature and extent of that interest.
- 3.4 A Member who has disclosed an interest that is not a disclosable pecuniary interest but which is material and which conflicts or may conflict with the interests of the Corporation may, notwithstanding his or her interest, participate in the consideration or discussion and vote on the matter and be included for the purposes of a quorum at any meeting at which the matter is considered provided that:
- a) the Member or a Connected Person does not have a Registrable Interest in the matter, other than, in accordance with SO 6.4(a), where the Registrable Interest constitutes the holding of office as an elected member of one of the Growth Boroughs who is appointed to sit on the Committee, in which case the holding of that office of itself shall not constitute a matter which is material and which is considered to conflict with the interests of the Corporation; and
 - b) his/her interest does not give rise to a real danger of bias or is one which a member of the public aware of all the facts will regard as so significant that it is likely to prejudice the Member's judgement of how to act in the public interest.
- 3.5 For the purposes of determining whether or not a Member has an interest which is material and which conflicts or may conflict with the interests of the Corporation the meanings given to the terms "Registrable Interest" and "Connected Person" are set out in the Corporation's Standing Orders (approved September 2012, updated March 2017).

3.6 A Member shall not be counted in the quorum present at a meeting in relation to a resolution upon which s/he is not entitled to vote (SO6.2).

4 FOR INFORMATION

4.1 Elected Members of Host Boroughs to which planning applications relate (where applicable)

- **MSG Sphere (Madison Square Garden) – 19/00097/FUL & Advertisement Consent – 19/00098/ADV**
 - Councillor James Beckles, London Borough of Newham
 - Councillor Rachel Tripp, London Borough of Newham
- **Stratford International Car Park – 20/00362/FUL**
 - Councillor James Beckles, London Borough of Newham
 - Councillor Rachel Tripp, London Borough of Newham

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Agenda Item 4

Subject: MSG Sphere, land to the west of Angel Lane: Full planning permission 19/00097/FUL) Advertisement consent (19/00098/AD)

Meeting date: 22nd March 2022

Report to: Planning Decisions Committee

Report of: Daniel Davies, Principal Planning Development Manager

FOR DECISION

This report will be considered in public

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Appendices:

Appendix 1 – S106 Draft Heads of Terms

Appendix 2 – Regulation 122 Compliance Table

Appendix 3 – PPDT Equalities Impact Assessment

Appendix 4 – Plans

Appendix 5 – Extracts from DAS

Appendix 6 - Extracts from Advertisement application

Appendix 7 – Mobility Assistance Proposal

Appendix 8 – PPDT Consultation Summary

Appendix 9 – View 11 from TBHVIA Gurney Memorial and Old Town Hall

Appendix 10 – QRP Report (July 2019)

Appendix 11 – QRP Report (November 2020)

Appendix 12 – LED Mock up Demonstration Photos

Appendix 13 – Officer Residential Visual Amenity Assessment (RVAA) summary

Appendix 14 – Built Heritage

Appendix 15 – Planning Application Drawings for Approval

Subject: MSG Sphere, land to the west of Angel Lane: Full planning permission (19/00097/FUL) Advertisement consent (19/00098/AD)

Meeting date: 22nd March 2022

Report to: Planning Decisions Committee

Report of: Daniel Davies, Principal Planning Development Manager

FOR DECISION

This report will be considered in public

1. Executive Summary

- 1.1. This report considers an application for full planning permission for a multi-use entertainment and leisure building with an illuminated external display with a music venue/night club restaurant, members lounge/restaurant night club; bars, restaurants, café and retail; external podium and terraces for entertainment, assembly and leisure use, cafe bar and retail facilities and the construction of new pedestrian and vehicular bridges, highway and access works, servicing, open space, demolition of existing structures, associated infrastructure, plant and other works incidental to the development (the 'Proposed Development') and an application to display adverts at various locations on the Proposed Development (19/00098/AD) ('the Advertising Proposals').
- 1.2. A new entrance to the Stratford Station is proposed as part of the package of planning obligations secured with the Proposed Development. This element does not form part of the planning application but would be the subject of a separate consent that would need to be obtained based upon an outline specification secured as part of the s106 agreement.
- 1.3. These proposals are being considered alongside a separate application to secure planning permission for blue badge car parking spaces and other car parking spaces for visitors of Proposed Development to be provided within the Stratford International Car park ('the Stratford International Car Park application') (20/00362/FUL). These applications have been made by Stratford Garden Development Ltd, which is a wholly owned subsidiary of the Madison Square Garden Company (MSG) ('the Applicant').
- 1.4. The Proposed Development and Advertising Proposals have been considered against the relevant policies in the Development Plan which consists of the LLDC Local Plan (2020) and the London Plan (2021) and other relevant guidance and documents.
- 1.5. The London Legacy Development Corporation Planning Policy and Decisions Team (PPDT) are the local planning authority and deemed the Proposed Development and Advertising Proposals to be EIA development. Accordingly, the Applicant provided and Environmental Statement (ES). The scope of the ES has been informed by a formal EIA scoping process which involved feedback from the local planning authority and stakeholders including the local boroughs and statutory bodies. An Equalities Impact Assessment (EqIA) has also been submitted which has informed the recommendations.

The Site

- 1.6. The site, measuring 2.93 hectares, is a vacant triangular plot within Stratford Metropolitan town centre. It is bounded on all sides by railway lines and disconnected from the surrounding public realm and public routes. There is no public access through the site. The site was previously used as a coach car park during the London 2012 Olympic Games.
- 1.7. This site is located between Westfield Stratford City Shopping Centre and the historic Stratford High Street and Broadway area. This area benefits from being adjacent to Stratford Station and is an important commuter hub, as well as offering diverse retail, sports and leisure facilities (including the London Aquatics Centre, Copper Box, London Stadium) and complementary uses such as pubs, restaurants and local hotel operators.
- 1.8. The site is allocated in the LLDC local plan for redevelopment for a large town centre use with supporting elements and a link bridge. The Evening and Night time Economy (ENTE) SPD explains that Stratford will be the focus of growth in ENTE uses. There is support for arts, leisure and cultural uses in the metropolitan centre in the Olympic Legacy Supplementary Planning Guidance (OLSPG).

Public Consultation

- 1.9. A total of 1,364 written responses were received in response to the applications from a total of 1,207 entities (consisting of individuals, community groups and other interested parties). 852 oppose the Proposed Development and Advertisement Proposals and 355 submitted representations in support.
- 1.10. Reoccurring themes in representations in support are that the Proposed Development and Advertisement Proposals would make a distinctive contribution to the Stratford skyline, improve connectivity, create jobs and be an iconic visitor attraction.
- 1.11. Reoccurring themes in opposition to the Proposed Development are the lack of need for the development as well as its scale, massing and form in the local context, its impact on Stratford Station and the impact of advertising on residential amenity, the setting of heritage assets and public safety.

Principle of development

- 1.12. The proposed entertainment venue gains support from LLDC Local Plan policies which set the expectation for the site to be redeveloped and provide new connections and town centre uses at a large scale. The Proposed Development has been judged to be consistent with its town centre context and would diversify the cultural and night time offer in support of the strategic objectives for Stratford.
- 1.13. The analysis concludes that there is no requirement, in the development plan or in national (or other) policy to establish that there is an objective need for the Proposed Development. Rather, the question for members is simply whether the principle of development complies with the development plan and then whether, in light of the conclusion reached, the impacts of the Proposed Development are acceptable in all other respects.

Urban Design

- 1.14. The site is appropriate for a tall building, has excellent public transport accessibility and would exhibit an exceptionally good standard of design. This means that it gains support from LLDC policy BN.5 and London Plan policy D9. The scheme has evolved in response to the constraints of the site and comments from the independent quality review panels, with the Proposed Development being adapted appropriately to overcome the main concerns identified. It is considered the development as a whole would establish a strong sense of place at a scale that is not considered to be excessive taking account of the established scale of surrounding buildings. Officers also consider

that it would provide an attractive visual backdrop for people living, working, enjoying recreational time, visiting and travelling through the metropolitan town centre. The juxtaposition of the spherical form and the local context is not universally popular or appreciated, but its height, form and massing is considered an appropriate response to the design brief and context of this site.

- 1.15. The Proposed Development and Advertising Proposals would add to the appreciation of the surrounding townscape areas rather than detract from an appreciation of it and differentiate Stratford from other centres. Subject to compliance with planning conditions limiting luminance, the lighting environment created would be appropriate in this town centre context and, alongside the venue spaces, it would support aspirations to grow the night-time economy and have beneficial wayfinding effects whilst appropriately respecting residential amenity, human health and relevant ecological considerations.
- 1.16. Appropriate mitigation is proposed to ensure an appropriate standard of residential amenity is maintained including, as precautionary measure, proposals for blackout blinds for nearby properties.

Built Heritage

- 1.17. The relevant designated heritage assets include the World Heritage Maritime Greenwich, St Paul's Cathedral (Grade I), the Stratford St John's Conservation Area and several listed buildings within it, notably the Church of St John the Evangelist, Stratford Town Hall Complex (Grade II) (referred to as Old Town Hall), Gurney Memorial Drinking Fountain (Grade II); and Conservation Areas at University Square, Fish Island and White Post Lane, Three Mills and the listed Theatre Royal Stratford East building (Grade II*) and the University of East London Complex (Grade II*). There would be no direct harm to these assets. Rather, any harm would be to elements which contribute to the significance (or heritage value) of their setting.
- 1.18. Officers have determined that the Proposed Development and Advertising Proposals would have an adverse effect on the contribution setting makes to the significance of the Gurney Memorial and the Old Town Hall and to a lesser degree the settings of the Stratford St John's Conservation Area and the Church of St John (and to a lesser degree still, the University Square Conservation Area and University of East London Complex). As a result, the Proposed Development and the Advertising Proposals do not fully comply with policy BN.17, and certain aspects of BN.5, BN.1, BN.4 and BN.16 of the Local Plan, and the expectations of HC1 of the London Plan as they would not preserve or enhance the contribution setting makes to these heritage assets. The removal of non-designated urinals would also result in some conflict with these policies. These policies are stricter than the NPPF because they do not allow for a balanced judgement having regard to the harm and significance of the heritage asset.
- 1.19. The view of officers is that, with the exception of BN.17 (and BN.16 in the case of the Advertising Proposals), there is no breach of the aforementioned policies (BN.5, BN.1 and BN.4) overall. However, officers also consider that even if the Proposed Development is treated as being in conflict with any or all of those policies, the Proposed Development is in accordance with the Development Plan when considered as a whole.
- 1.20. With regard to the NPPF, Officers conclude that the Proposed Development and Advertising Proposals are likely to result in less than substantial harm to the setting of the Gurney Memorial and the Old Town and to a lesser degree harm the contribution settings makes to the Stratford St John's Conservation Area and the Church of St John (and to a lesser degree still, the University Square Conservation Area and University of East London Complex) The degree of harm would be at the low end of the scale of less than substantial harm, both when those assets are considered individually or when they are considered together as part of their respective Conservation Areas, as the principal features of the individual buildings and how they relate to each other in the

Conservation Area would remain intact including their distinctive character and their evidential and historical significance.

- 1.21. Moreover, officers consider that the harm that arises to the heritage assets (to which officers have attached great weight) is outweighed by the significant public benefits of the Proposed Development (as outlined below).

Transport impacts

- 1.22. A number of scenarios have been considered that address different timings of events and the potential for multiple events at the Sphere including: a full capacity matinee followed by a full capacity evening event; event coincidences with the London Stadium; coincident events with events at the O2 in North Greenwich; and coincident events with both the London Stadium and the O2. The most severe of these would be a direct conflict with a London Stadium concert or a football match that involved extra time and or penalties. Based on previous years, football matches that involve extra time and or penalties are rare events and similarly concerts are restricted to ten days per year in the London Stadium's planning permission.
- 1.23. Controls are proposed to limit potential adverse effects. These include commitments to joint planning with the Stadium and restrictions on event timing or capacity when conflicts could occur. There are also commitments to additional station staffing and, when necessary, staffing to help manage Stadium egress.
- 1.24. Recognising the uncertainties with a venue such as this, the effects will be subject to on-going monitoring. This will also include monitoring of any impacts on parking in local residential roads and of any impacts on road or rail safety due to the illumination of the Sphere. There will also be monitoring of the impacts on the rail network and, should unexpected adverse impacts occur either outside or within the station, further measures or controls would be required.
- 1.25. While the aim is to minimise coincident events with London Stadium, further controls have been agreed that would be implemented to minimise any impacts due to such coincidences. The first step is to seek to avoid any coincidences by long-term collaborative forward planning of events, with London Stadium having 'primacy' up to nine months before a proposed event. If such an event is expected, the aim would be to adjust event timings to minimise any overlap between visitor arrivals and departures. In any case, monitoring of events will be undertaken and if adverse effects occur then there is the potential that no future coincident events will be permitted unless an acceptable plan is agreed that LLDC consider would avoid adverse effects.
- 1.26. The novel nature of the Proposed Development means that there is inevitably some uncertainty as to its precise impacts, but these uncertainties are addressed through appropriate planning obligations, monitoring and commitments, as necessary, to ensure further measures to mitigate any significant adverse effects are implemented.
- 1.27. The delivery of a new station entrance, planned changes to the highway design and implementation of operational controls and capacity restrictions will minimise the impact of the Proposed Development on the public transport infrastructure and highway network taking account of existing and cumulative planned development in the area. To the extent that the Proposed Development would have residual impacts, these are acceptable and in line with the local plan (policy T.1, T.2, and T.3) and the London Plan (Policy T1, T2, T4 and T5). In so far as there would be significant impacts on visitors to the O2, with the commitments proposed, these impacts would be mitigated and gain support from policy T4.
- 1.28. Appropriate provision has been made to provide disabled car parking at an off-site location with a mobility assistance and a shuttle service. These details would be secured by legal agreement.

Sustainable infrastructure

- 1.29. The Proposed Development would gain support in policy as it would be Air Quality Neutral, it has minimised carbon emissions, it would promote circular economy outcomes, it would achieve a high standard of sustainable design and construction, and it would provide appropriate drainage infrastructure. Conditions are recommended that will secure the submission of appropriate details.

Green infrastructure

- 1.30. The Proposed Development would gain support in policy as it would result in a net gain in biodiversity, enhance habitat, contribute to tree planting, and create areas of publicly accessible open space.

Enabling works and construction

- 1.31. Noise and vibration effects brought about through construction activities would be mitigated through a Construction Environmental Management Plan, limits to construction hours and monitoring of noise and vibration. However, some construction activities, notably piling and night-time bridge construction, should they be required, would continue to have major adverse noise and vibration (significant) effects after mitigation is implemented at New Garden Quarter, Unite Student Accommodation, Moxy Hotel, Stratford Central, Railway Tavern, East Village and residential properties along Oxford Road.
- 1.32. The applicant has agreed to establish a community liaison group that will be act as a forum for residents and local business to feedback on amenity issues which may arise from the construction and operation of the Proposed Development. It is envisaged that the group would provide a forum to support residents and help keep up them to date on the construction programme, raise issues and access information.

Planning Benefits

- 1.33. Officers consider the Proposed Development and Advertising Proposals would positively contribute towards the Mayor of London's Good Growth objectives, the core convergence outcomes of the OLSPG and the objectives of the Evening and Night time Economy SPD.
- 1.34. The main benefits include:
- Unlocking this vacant, largely inaccessible site and integrating it into the town centre in line with the local plan site allocation objectives;
 - Delivering a new music venue that would complement other high profile cultural and artistic projects taking place in the area and in line with the Mayor's Rescue Plan for grassroots music;
 - Providing local community benefits;
 - Generating a significant number of employment and workplace skills and training opportunities;
 - Creating a distinctive landmark that will positively contribute to the Stratford and London skyline;
 - Delivering a significant area of urban public realm;
 - Delivering wider pavements and cycling lanes on Montfichet Road;
 - Delivering a new station entrance which would help balance internal station passenger flows by improving access to the less well-used Eastern subway;

- 1.35. A s106 agreement would be required to secure a number of mitigations and planning benefits. These include employment and training benefits, site connections and public

access, mobility assistance, events and venue collaboration, coincident event controls, operational controls and capacity restrictions and the new station. A planning obligation would also require the Applicant to enter into a s278 agreement with the Local Highway Authority for the works to Montfichet Road, Angel Land and relevant junctions.

Conclusions

- 1.36. Officers' overall conclusion is that the Proposed Development complies with all policies in the development plan apart from BN.17 and S.4 from the Local Plan and HC1 of the London Plan (and BN.16 in the case of the Advertising Proposals). Although it is recognised that there are conflicts with parts of other policies, it is considered that such conflict does not result in breach of those other Policies. However, even if the Proposed Development is treated as conflicting with those other policies in addition to BN.17, S.4 and HC1 (and BN.16 in the case of the Advertising Proposals), officers consider that the Proposed Development complies with the development plan when it is considered as a whole.
- 1.37. Officers have considered whether the Proposed Development accords with the development when it is considered as a whole. The conclusion in this regard is that there is overall compliance – different aspects of the development plan pull in different directions but it is clear that the overall thrust of the development plan is compatible with the Proposed Development. That is also officers' conclusion even if the heritage impacts are considered to result in a breach of BN.5, BN.1 and/or BN.4.
- 1.38. In any event, even if conflict with any or all of the above policies is treated as meaning that the Proposed Development is in breach of the development plan as a whole, officers consider that the significant public benefits of the Proposed Development justify granting planning permission notwithstanding any such non-compliance with the development plan as a whole.

Full application (19/00097/FUL)

- 1.39. With the proposed conditions and obligations to be secured by legal agreement, the impacts of the scheme can be neutralised or reduced to an acceptable degree. For these reasons the Proposed Development is, on balance, recommended for approval.

Advertisement consent (19/00098/ADV)

- 1.40. Subject to the proposed conditions, it is considered that Advertising Proposals would have acceptable amenity and public safety impacts. As a result, the application for advertisement consent is recommended for approval

2. Recommendation

Application for full planning permission (19/00097/FUL)

- 2.1 **That the Planning Decisions Committee agree the recommendation to:**
- 2.2 **APPROVE the full application for the MSG Sphere (19/00097/FUL) and grant planning permission for the reasons given in this report subject to:**
 - a) **Referral of the application to the Mayor of London and any direction of the Mayor of London;**
 - b) **The completion of a legal agreement under s.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended Heads of Terms set out in (2.2b) appendix 1 of this report;**
 - c) **The conditions and informatives set out in (2.2c) section 25 of this report.**

Application for advertisement consent (19/00098/ADV)

2.3 APPROVE the advertisement consent application (19/00098/ADV) and grant advertisement consent for the reasons given in this report subject to:

a) The conditions and informatives set out in (2.3a) section 26 of this report.

Delegated authority for 19/00097/FUL and 19/00098/ADV

2.4 AGREE to delegate authority to the Director of Planning Policy and Decisions to:

a) Consider any direction from the Mayor of London and to make any consequential changes as the Director of Planning Policy and Decisions considers reasonably necessary;

b) Finalise the recommended conditions and informatives as set out in (2.4b) section 26 of this report including such refinements, amendments, additions and/or deletions (including to dovetail with and where appropriate, reinforce, the final planning obligations to be contained in the section 106 legal agreement(s)) as the Director of Planning Policy and Decisions considers reasonably necessary;

c) Finalise the legal agreement(s) under s.106 of the Town and Country Planning Act 1990 and other enabling powers in accordance with the Heads of Terms as set out in sections 25 and 26f this report, including refining, adding to, amending and/or deletions (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Director of Planning Policy and Decisions considers reasonably necessary;

d) Complete the s.106 legal agreement(s) referred to above and issue the planning permission(s);

e) Following the issue of planning permission 19/00097/FUL, inform the Secretary of State, consultation bodies and public of the Decision, pursuant to Regulation 30(1)(a)-(c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; and

f) Following the issue of planning permission 19/00097/FUL, to publish a statement on the Statutory Register confirming the details as required by Regulation 30(1)(d) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 including confirming that the main reasons and considerations on which the Committee's decision was based on were those set out in this report.

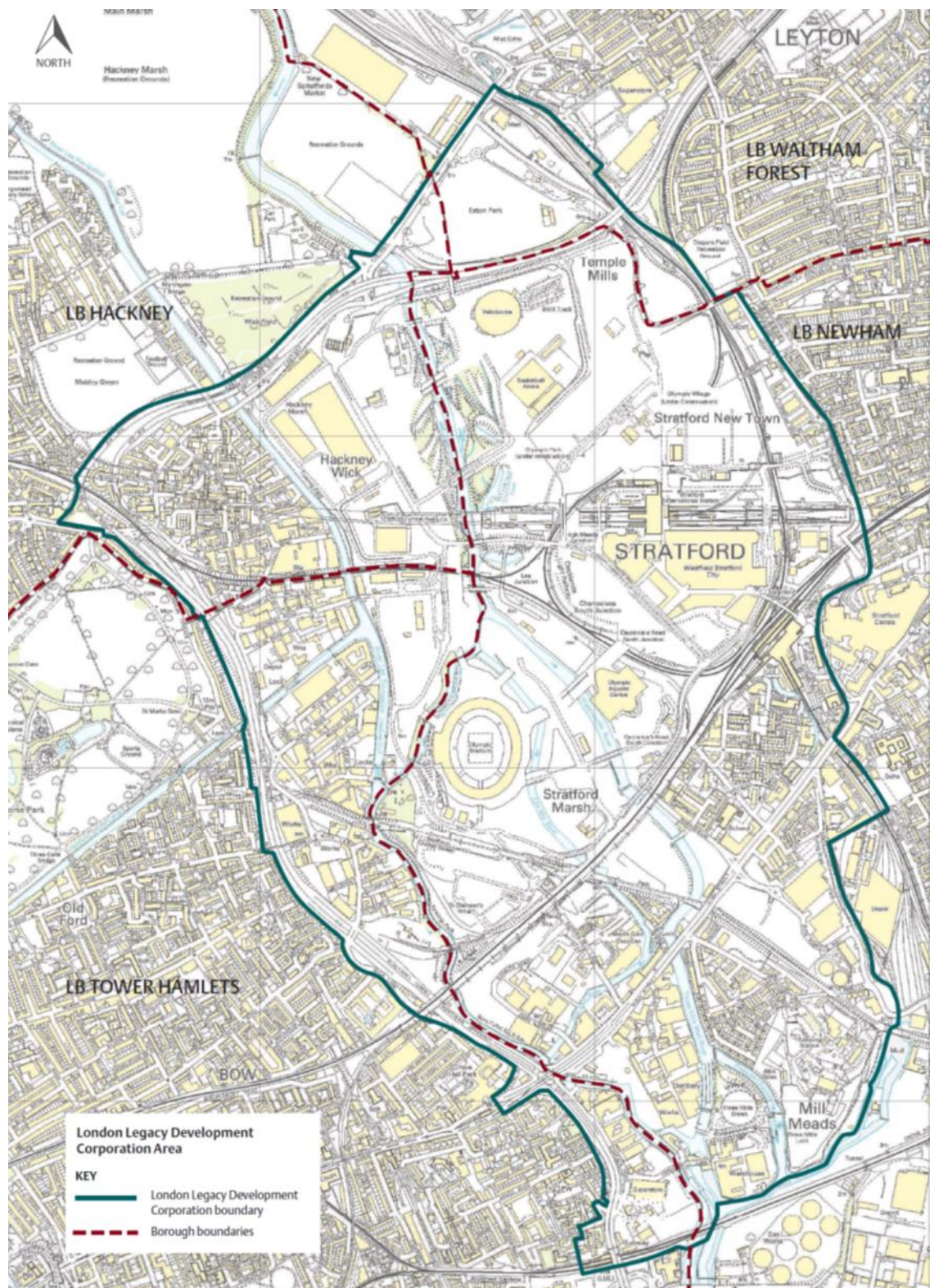
3. FINANCIAL IMPLICATIONS

3.1. NONE.

4 LEGAL IMPLICATIONS

4.1 The recommendation is that planning permission is granted, subject to the satisfactory completion of the s.106 legal agreement(s) to ensure adequate mitigation of the impacts of the development. The contents of the required s.106 legal agreement(s) are described within Appendix 1 of this report.

Site Plan



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Location: Land lying to the west of Angel Lane, London E15 1AA

London Borough: London Borough of Newham

Description: 19/00097/FUL: Development of a multi-use entertainment and leisure building with an illuminated external display (96.5 metres AOD) and external podium and terraces with landscaping (sui generis use including: entertainment, assembly and leisure venue; music venue/nightclub; restaurant / members' lounge/nightclub; bars, restaurants, cafés and retail; storage, vehicle parking, servicing and loading; external podium and terraces for entertainment, assembly and leisure use, café, bar and retail facilities; together with all supporting and complementary uses) and the construction of new pedestrian and vehicular bridges, highway and access works, servicing, open space, hard and soft landscaping, demolition of existing structures, associated infrastructure, plant, utilities and other works incidental to such development. This application is accompanied by an Environmental Statement (ES) submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

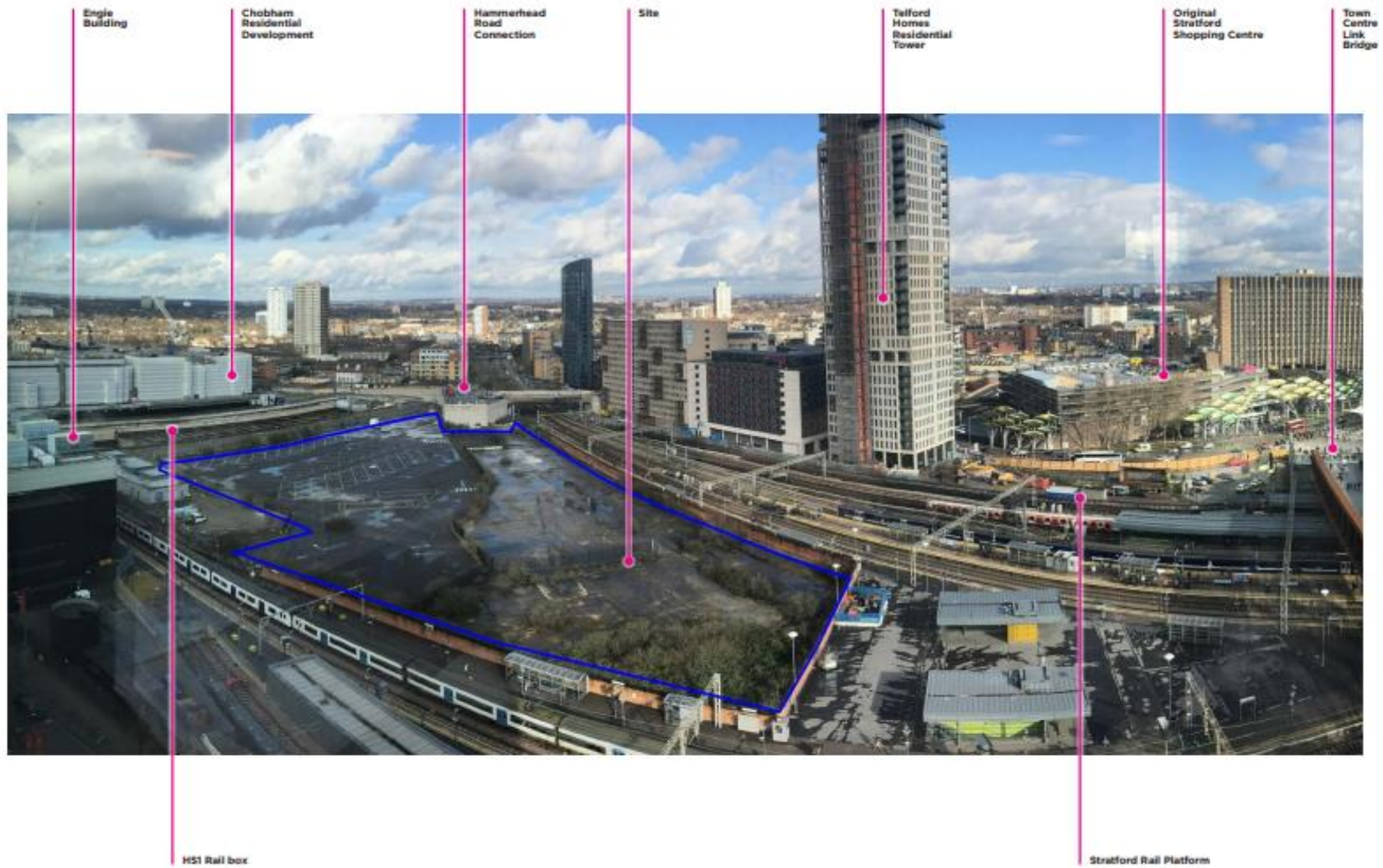
And 19/00098/ADV: Application for advertisement consent comprising the illuminated display of Sphere building and LED displays located on the podium, lift cores and bridge links.

Location: Land lying to the west of Angel Lane, Stratford, London, E15 1AA

London Borough: London Borough of Newham

3. Background

- 3.1 These applications have been submitted by Stratford Garden Development Limited, which is a wholly owned subsidiary of the Madison Square Garden Company (MSG) ('the Applicant').
- 3.2 MSG are one of the world's leading premier entertainment operators and are behind the New York concert and sports venue of the same name. MSG bought the application site in 2017 from Westfield and soon after entered into pre-application discussions with the LLDC and local stakeholders. The culmination of that process is the MSG Sphere planning submission which, if approved, would be the largest multi-use entertainment music venue in the UK and MSG's first international venue.
- 3.3 The venue has been designed by Populous, the architecture firm behind the London Stadium and the Tottenham Hotspur Stadium. A novel aspect of the scheme is that the building will be covered in LED panels designed to display digital content across the entire façade of the sphere building which could include moving images, artistic content and branded advertising.
- 3.4 MSG are building a similar venue in Las Vegas (USA) which is due to complete in 2023. They have an aspiration to create a series of MSG Spheres around the world. The sphere shape is part of the venue concept, and their vision is to establish a global brand in London through the provision of an iconic venue that is recognisable worldwide. The individual spherical buildings in Las Vegas and proposed in London are not the same size but they do have the same geometry which means the design of digital content can easily scale and transfer. The Las Vegas Sphere is taller and wider and does not have integrated LEDs.
- 3.5 MSG state that the proposed combination of digital technology and mass entertainment in a venue is intended to revolutionise the audience experience of live events through the creation of unique 'transformative experiences' using:
 - A high-resolution LED screen that will wrap over and above the stage and audience to create an immersive environment in the main auditorium
 - Beamforming sound technology that would be used to deliver advanced audio to all patrons;
 - Haptic technology, that enable sensory experiences in your seat
 - A fully programmable exterior building façade
- 3.6 MSG consider London to be the ideal location for their development as it is an established stopping point for acts on a world or European tour. They have suggested that in comparison with other major world cities (particularly Berlin, Paris, Madrid and New York), London has fewer large venues per person and an 'undersupply' of dedicated large entertainment venues.



Site Photo

The Site

- 3.7 The site, measuring 2.93 hectares, is a vacant triangular plot bounded on all sides by railway lines. It was previously used as a surface coach car park during the London 2012 Olympic Games and accessed via a temporary ramp built to connect the site to Angel Lane. Whilst the site is predominantly flat, there is considerable variation in levels in relation to the site's adjacencies which contributes to its poor connectivity. The subterranean High Speed 1 (HS1) rail box bounds the site to the north.
- 3.8 The site is essentially a large urban island that is disconnected from the surrounding public realm and public routes. There is no public access through the site. The only road connection is to Angel Lane to the north but this is currently unused. Circulation for people moving around in this area relies heavily on the Town Centre Link Bridge and Penny Brookes Street.
- 3.9 The site is part of the Metropolitan Town Centre and allocated in the local plan for a large town centre use with supporting elements and a link bridge. It also falls within the Stratford sub-area of the Olympic Legacy Supplementary Planning Guidance (OLSPG) and is designated as an 'Area of Change'.
- 3.10 The site, located between Westfield Stratford City Shopping Centre and the historic traditional Stratford High Street and Broadway, benefits from being in close proximity to diverse retail, sports and leisure facilities, including the London Aquatics Centre, Copper Box, London Stadium and complimentary uses such as pubs, restaurants and local hotel operators.
- 3.11 Stratford Station is the main transport facility serving the site which is served by the Jubilee and Central London Underground Line, the Overground, Docklands Light Railway (DLR), TfL Rail, Greater Anglia and in the future the proposed Elizabeth Line. The site has a PTAL Access Level rating of 6b which is the best possible for public transport.
- 3.12 Across from Stratford Station is Stratford City Bus Station on Montfichet Road and Stratford Bus Station on Great Eastern Road. Local bus services stop at these bus stations and along Montfichet Road and Angel Lane.
- 3.13 There are taxi ranks near the site on Montfichet Road in front of the Westfield and the Northern Ticket Hall (5 taxis), on Westfield Avenue (5 taxis) and at Stratford International Station (10 taxis).
- 3.14 Stratford International Station is served by Southeastern trains on the HS1 route and Stratford International DLR. Other relevant transport facilities nearby include Maryland Station which is on the Great Eastern Mainline and is part of the Shenfield to Liverpool Street Stopping service.
- 3.15 The site is adjacent to Montfichet Road which a key part of the road network that runs into the Queen Elizabeth Olympic Park. Montfichet Road was primarily designed to cope with the large-scale traffic movements generated during the Olympics and by anticipated vehicular trips associated with visitors to the adjacent Westfield Shopping centre.
- 3.16 LLDC has identified the improvement of Montfichet Road to be a local infrastructure project priority. There is currently a shared cycle and pedestrian lane on the eastern side of Montfichet Road, however the route is interrupted with signage.
- 3.17 The aspiration is for Montfichet Road to be narrowed from four to two lanes and to reallocate the carriageway to cycle and pedestrian space to support healthy and active travel and crowd flow associated with major sports and cultural events.
- 3.18 There are several private car parks within the vicinity of the site providing around 5,964 car parking spaces within a less than 10 minute walk from the site at Westfield Multi

Storey Car Park (4,727 spaces), Stratford Multi-Storey Car Park (387 spaces) and Stratford International (850 spaces).

- 3.19 MSG are proposing to secure the use of 348 visitor car parking spaces, including 112 blue badge spaces, existing in the Stratford International Car Park. This would require the grant of planning permission and will be considered on its own merits. That planning application is being considered alongside these applications.
- 3.20 There are six controlled parking zones (CPZs) within a 15 minute walk of the site which generally operate between 8am to 6:30pm Monday to Saturday, although some of which have additional restrictions which apply on London Stadium event days. On London Stadium event days, controlled parking hours are extended to 8am to 9pm.
- 3.21 The site itself does not contain listed buildings and does not fall within a conservation area. However, hidden from public view there are some Victorian urinals along a brick wall on Angel Lane which are a non-designated heritage asset.
- 3.22 The Stratford St John's Conservation Area and University Conservation Area are located to the east and separated from the site by the Stratford Centre.
- 3.23 There are several listed buildings and unlisted buildings nearby in or near the Stratford St John's Conservation Area and the site. Listed buildings include (but are not limited to) :
- Theatre Royal (Grade II*)
 - Church of the Saint John the Evangelist and railings (Grade II)
 - The Martyrs Memorial (Grade II)
 - The Gurney Memorial (Grade II)
 - Stratford Town Hall Complex (Grade II) ("the Old Town Hall")
- 3.24 The site is not located within a Protected Vista as defined in the London View Management Framework (LVMF) SPG.
- 3.25 The site is positioned close to the Queen Elizabeth Olympic Park (QEOP), which overlaps with the Lee Valley Regional Park which is a wildlife corridor and network of green infrastructure and waterways.
- 3.26 There are five non-statutory Sites of Important Nature Conservation (SINC) present within a 1km radius. These are Lee Valley (900m west), Bow Back Rivers (700m south west), Eastway Cycle Track and Bully Point Nature Reserve (720 north west), Lea Junction Railway Triangle (730 west) and Rail Land in Newham (150m east).
- 3.27 There are no statutory designated nature conservation sites within a 1km of the site. The nearest protected nature conservation areas are the Lee Valley protected European Sites (3.4 Km north west) and the Epping Forest Special Area of Conservation (2.9km to the north east).

4. Proposed Development and Advertising Proposals

- 4.1 Planning permission is sought for development as follows:

"Development of a multi-use entertainment and leisure building with an illuminated external display (96.5 metres AOD) and external podium and terraces with landscaping (sui generis use including: entertainment, assembly and leisure venue; music venue/nightclub; restaurant/members' lounge/nightclub; bars, restaurants, cafés and retail; storage, vehicle parking, servicing and loading; external podium and terraces for entertainment, assembly and leisure use, café, bar and retail facilities; together with all supporting and complementary uses) and the construction of new pedestrian and vehicular bridges, highway and access works, servicing, open space, hard and soft

landscaping, demolition of existing structures, associated infrastructure, plant, utilities and other works incidental to such development”

(‘the Proposed Development’)

- 4.2 A new entrance to Stratford Station accessed from Montfichet Road is proposed as part of the package of planning obligations. This element does not form part of the planning application but would be the subject of a separate consent based upon an outline specification as set out in the section 106 agreement HoTs (see s106 HoT, para 3.1, Part 1).
- 4.3 A separate application for advertising consent is being considered alongside the planning application for the Proposed Development and is for consent for the display of advertising on the LED (light-emitting diode) façade of the main spherical building (the ‘Sphere’) digital billboards, bridges’ gates, LED ribbon display and upper terrace façade wall (‘the Advertising Proposals’)

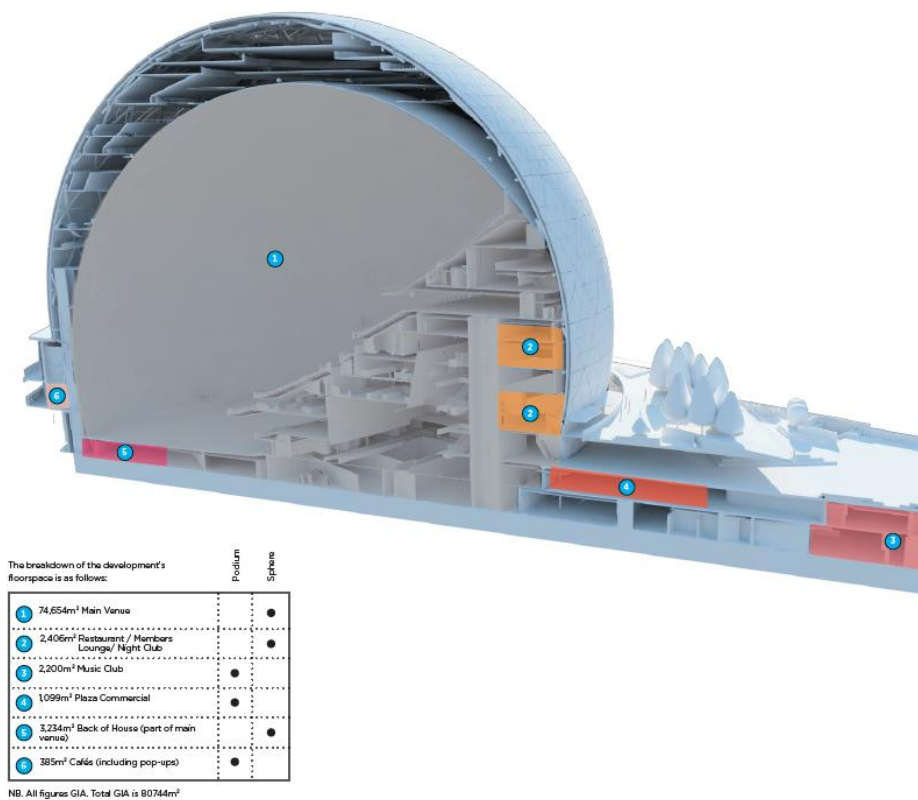


Figure 1: Uses within the Proposed Development (extract from DAS)

- 4.4 The Sphere would have a maximum height of 90 metres (96.5m AOD) and a diameter of 120 metres. It would sit within a raised podium which fills the site and extrudes upwards from grade to Level 02 (16.40m AOD) so that it is almost completely level with Town Centre Link Bridge.

Main Venue

- 4.5 The main venue would contain a stage and an ‘immersive LED surface’ that extends up and over the audience and across the underside of the Sphere. It would cater for a range of formats including all seated or with some people standing, and has the ability to be configured for a range of events, including Awards Shows, E-gaming, Ring Sports, Conference and Cinematic mode – using the entire spherical media plane to create a mass immersive experience

- 4.6 The auditorium would have a seated capacity of 17,566 and maximum capacity of 21,500 (combination of seating and standing).
- 4.7 The event floor is proposed to be ramped to help people standing on the floor to see the stage. Behind the event floor is a large concourse and atrium which is the focus for circulation around the building and how the event floor is accessed. There would be a stage within the atrium that is intended to provide space for warm up acts prior to the main event in the auditorium. The Atrium would be 20 metres wide (at its widest point) and 26 metres high.
- 4.8 The main auditorium is supported by ancillary spaces which include The Plaza, a smaller music club venue, a Members' Lounge / Night Club, hospitality areas, the atrium Back of House, space and outdoor areas.

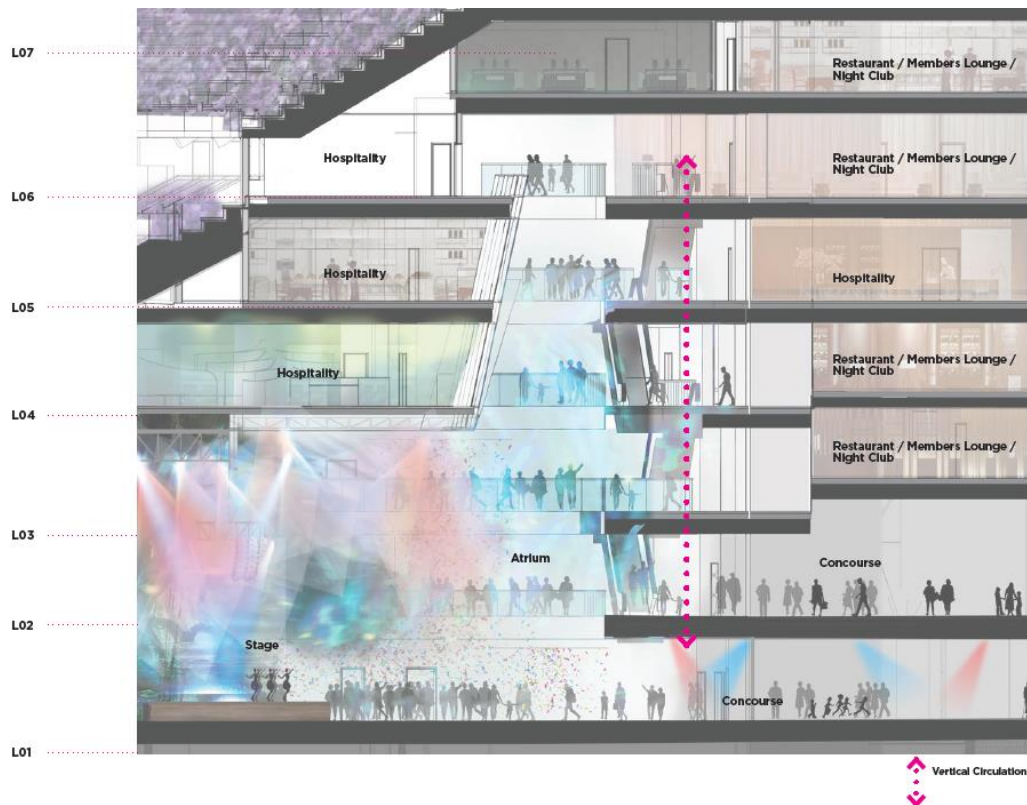
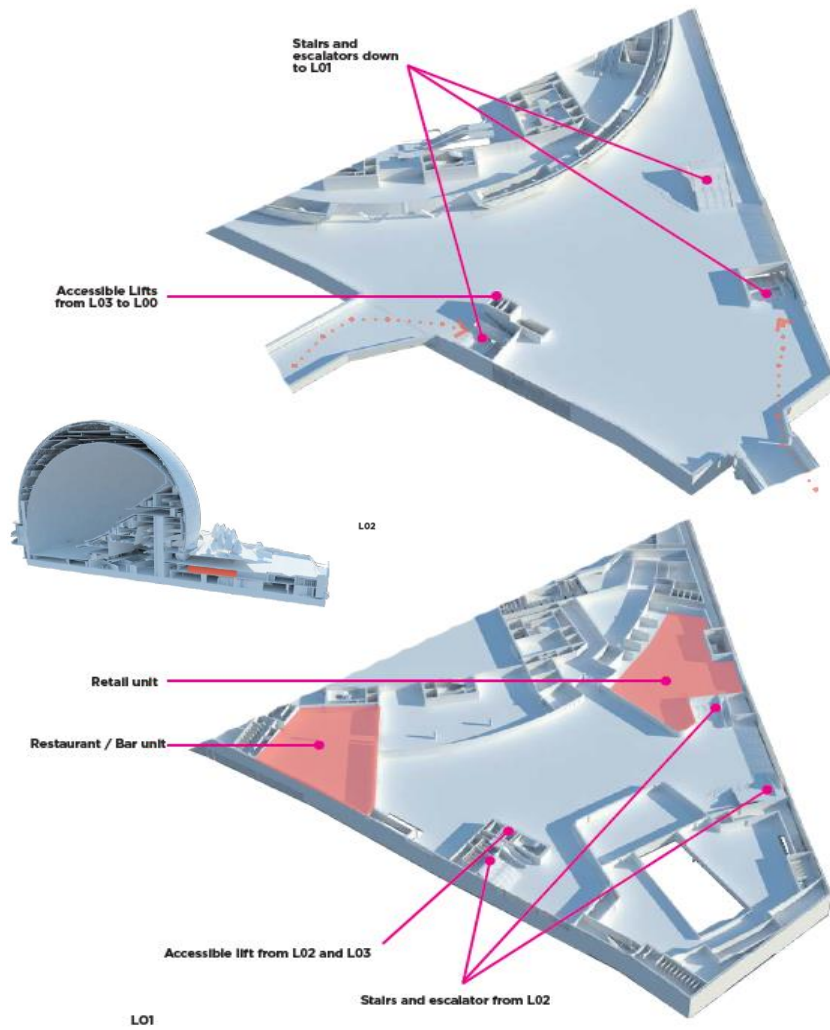


Figure 2: Sphere Atrium and ancillary spaces (Extract from DAS)

The Plaza

- 4.9 Access to the main venue event floor and concourse is via the Plaza. The Plaza is a naturally ventilated large covered space within the Podium that would act as a foyer to the main auditorium. The Plaza, measuring 2,239 sqm, would accommodate a retail unit (505 sqm) and bar area (594 sqm) and would be accessed from podium level by stair, lift and escalator cores.



Examples of typical Restaurants / Bar



Examples of retail

Figure 3 Podium - Level 01 - Plaza

Members' Lounge (including restaurant and nightclub)

4.10 The Members' Lounge is embedded within the Sphere and arranged over floors 3, 4, 6 and 7. It would have a restaurant and could operate as a nightclub. Seated capacity is this space is 450. Standing capacity is 1000. The space would be designed so that it could switch between bar / restaurant mode and nightclub mode.

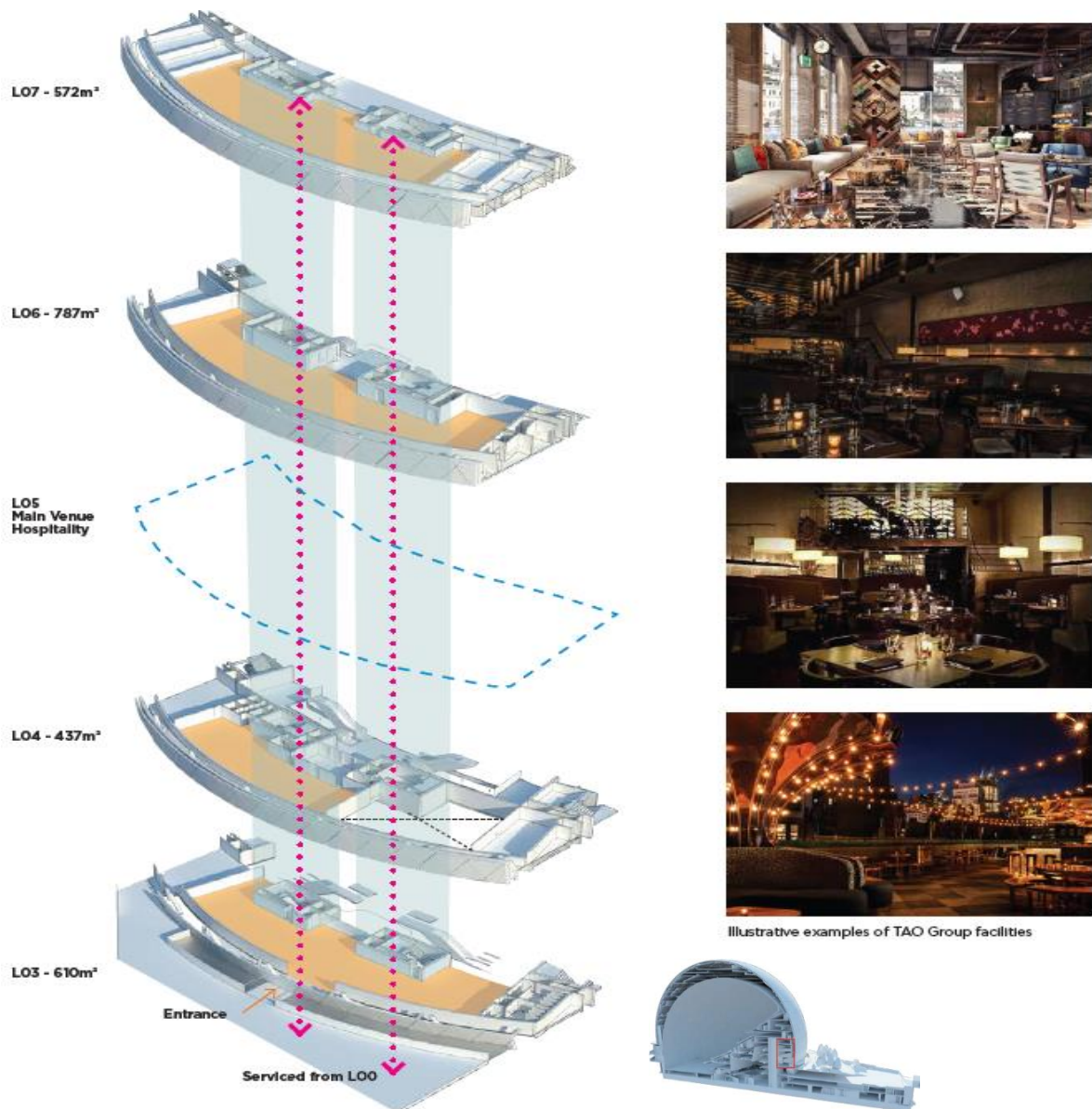


Figure 4 Sphere Restaurant / Members Lounge / Night Club (extract from DAS)
The Music Club (Smaller Venue) (located within the Plaza)

- 4.11 The smaller venue, measuring 1,100m² (GIA), has a maximum standing capacity of 1,500, and can operate as a standalone music venue or night club or could be configured to support the main venue. It would cater for acts that would not be able to sell out the main venue. The space is arranged over Levels 01 and 00 with entry via a lift and stair core from the podium. The venue has a large void over the stage which visually connects the two floors of the venue together. The proposed operational hours of this space are 10:00 to 04:00.
- 4.12 The Applicant proposes to make the smaller venue available rent-free for a minimum of 10 days a year. Further details of this community benefit are set out in the s106 HoTs.

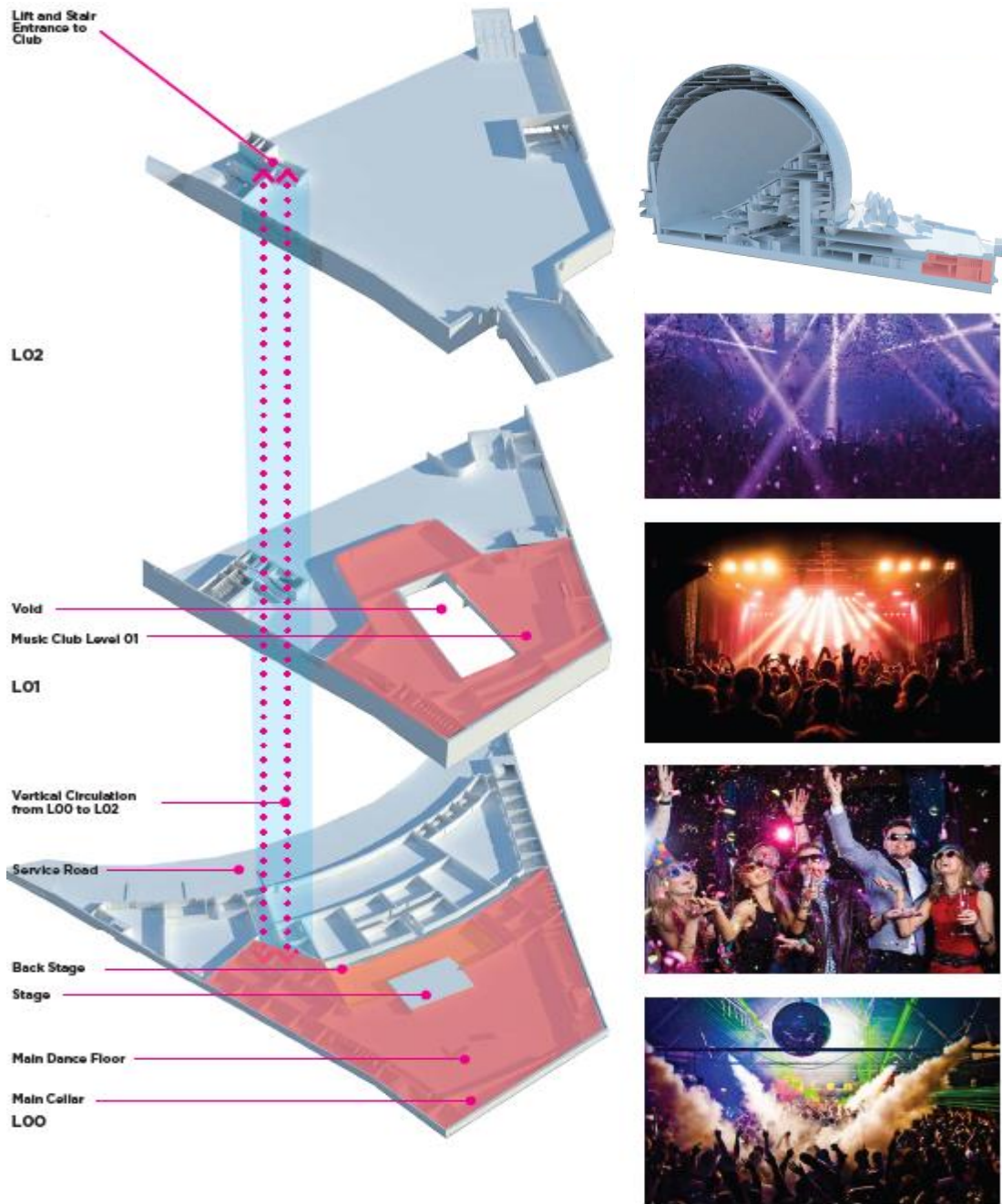


Figure 5 The Podium - Smaller Music Venue (extract from DAS)

Back of House (part of Main Venue/ Podium)

4.13 Level 00 would contain the back of house spaces to service the venues. These spaces are arranged around a service road which roughly follows the outline of the Sphere above. Heavy goods vehicles will access the service road via a new bridge (Bridge 4) that extends across the HS1 rail box. The main venue catering operation is located at this level alongside waste management, car parking (37 spaces for operational purposes only and not available to visiting members of the public) and audio-visual facilities that would be used to create content for the Sphere facade.

- 4.14 Behind the auditorium stage is a secure, acoustically sealed service yard so that loading and unloading of trucks could take place whilst a show is in progress. The service yard connects to Angel Lane via a ramp.
- 4.15 Existing infrastructure by way of a London Underground Pump House and UKPN electricity substation would be retained and integrated into the venue at this level. High levels of security will be placed at this level, which will not have public access.

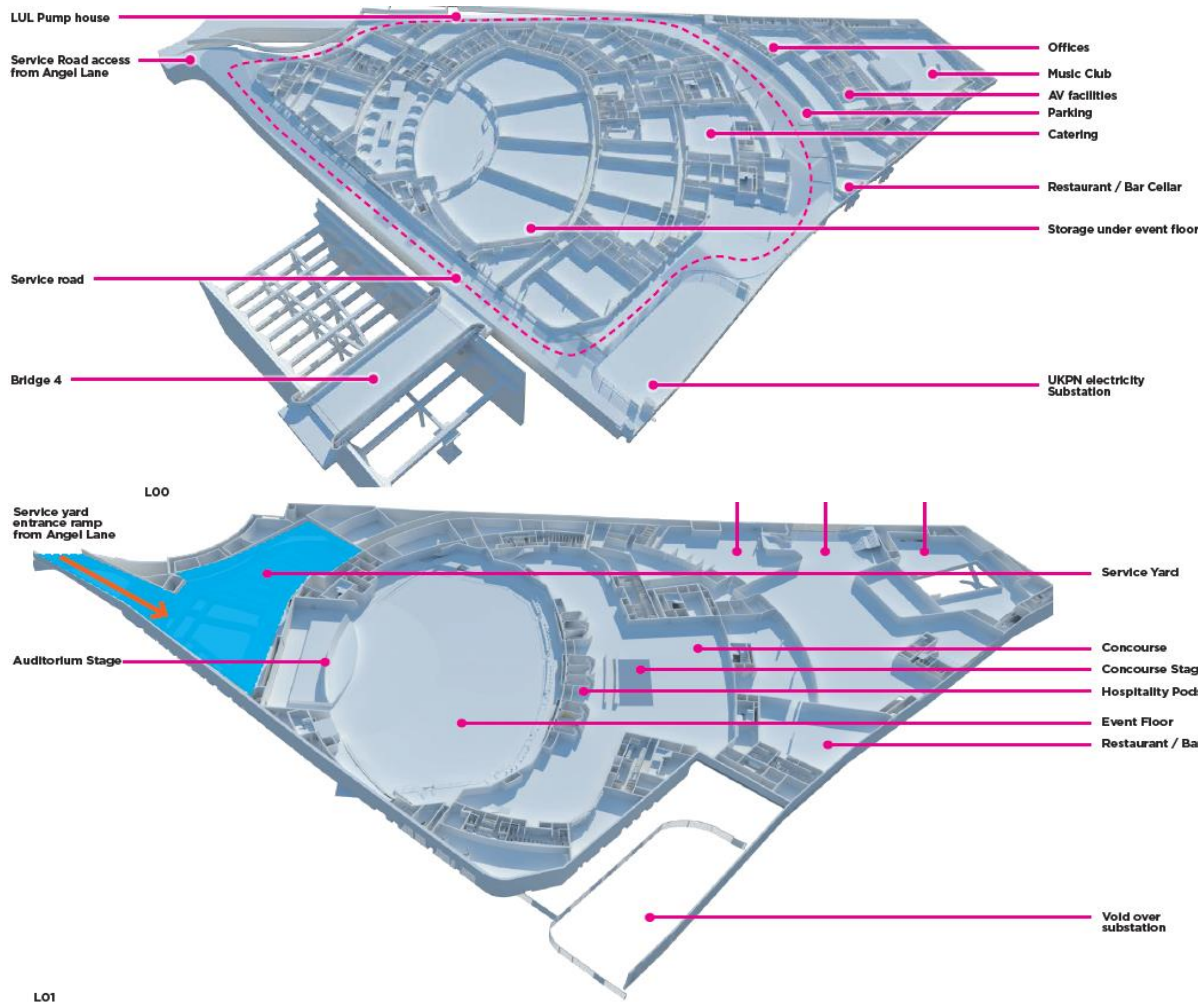


Figure 6 Back of house Space - Podium Level 00 & 01

Mechanical Equipment and Plant

- 4.16 The building design makes use of the space between the inner concrete shell and the exterior of the sphere to house plant rooms. The plant areas within the void are serviced by access stairs and a mechanical hoist. Bulkier services and non-air breathing plant are to be located in the basement (Level 00) and at Level 01. Fresh air is to be drawn in from air handling units at the top of the building via the LED louvres and additionally via the open joints between the panels and via openings in the podium façade.

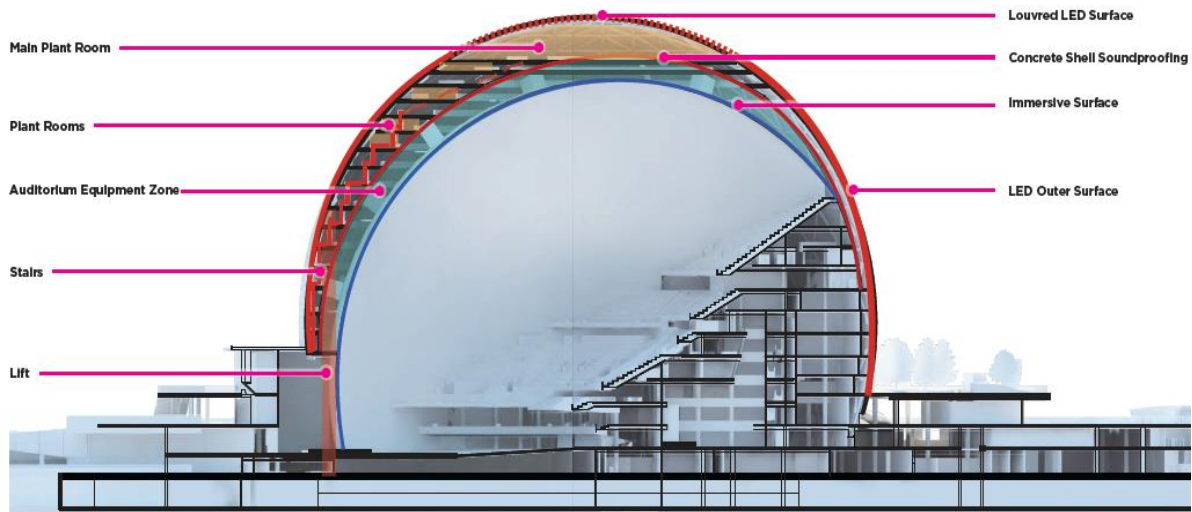


Figure 7 Cross-section of Sphere plant rooms and mechanical / servicing equipment (extract from DAS)

The Sphere Framework

- 4.17 The Sphere would be formed by a grid of triangular mega panels (10 metres in height) set within a steel exoskeleton structure. The primary grid is expressed on the façade by the introduction of a 120mm shadow gap between the mega panels. The shadow gaps contain the the rainwater gutters, the building maintenance unit (BMU) rails, LED framing and the wiring of the LED lighting components sitting within the shadow gap between panels. Each mega panel is to be further sub-divided into components to follow a spherical geometry. For the majority of the sphere, the building envelope consists of solid black stainless steel panels with embedded stainless steel sheets. The façade will consist of stainless steel LED embedded panels fixed in a frame. The LED module system has a black stainless steel cover plate with perforations, approximately 4x4mm to reveal the individual LED diodes in the module. Each LED module is composed of 36 diodes and spaced at regular intervals of approximately 150mm.
- 4.18 There are also louvered panel types to be located in the two highest horizontal bands of mega panels which are required to provide an open area for air intake and exhaust. They have been designed so that the spacing on the louvre panels is the same as the LED space on the normal panels and so the LED pixels and the LED pitch is consistent across the entire façade. When the media façade is switched on, the illumination from the sphere will be uniform across all panel types.
- 4.19 To maintain the appearance of the Sphere’s façade, including the cleaning of panels and replacement of LEDs, the building would be fitted with a building maintenance unit (BMU) which would be stored within the building. At lower levels the Sphere will be maintained from the podium spaces. The top (external) of the sphere would be accessed and maintained from the upper mechanical plantroom and servicing areas within the interior of the building.

External Areas – Podium, South Terrace and North Hub

- 4.20 The podium would fill the site and extrude upwards from grade to level 02 so that it is consistent with the Town Centre Link Bridge levels. It would be visible from Montfichet Road, Meridian Square and would form a significant part of the experience of users and those passing by. The Sphere would sit on the podium and the interface between the plinth and the Sphere has been detailed to give the impression that the Sphere continues below ground.

- 4.21 The open space around the Sphere would be an area for guests and visitors to gather and would function as a new piece of urban infrastructure accessible to the public. The 'Square', comprising 4,482 sqm, would be the main point of arrival on the podium and act as the anchor point for the development. The space will have seating areas exposed to the sun and areas covered from rain. Large pockets of planting are proposed on the western edge of The Square that will include evergreen trees, shrubs and flowering species. The Square will be serviced by food and beverage pop up stands positioned along the south-western edge to attract people to the space. It is intended to be capable of being a destination in its own right attracting people to the site on days where there are no programmed events.
- 4.22 The podium would be constructed of brick and be constructed around the perimeter of the site, along the boundaries abutting railway lines and easements.



Figure 8 The Square - Level 02 Podium Space (extract from DAS)

- 4.23 The South Terrace would extend 2,460 sqm and is proposed as a raised deck that would operate as a main entrance to the venue and the members lounge/night club that would operate in the building. It is publicly accessible and provides a location where visitors can watch people arriving into the podium from the Town Centre Link Bridge. The Terrace has a tree lined woodland habitat edge providing mitigation against wind that would not be accessible to the public which provides protection from the wind. Smaller

pockets of planting would be provided that would be accessible and shape the character of the terrace.

- 4.24 The planted landscape is proposed to be supplemented with 'digital landscaping', with visitors capable of interacting with it, for example, through the use of their phones with local installations. The digital landscape is designed to become more visible as the day ends and light levels fall.
- 4.25 Montfichet Corner to the north west of the site would comprise 1,597 sqm and is to be framed by landscaping. It is designed to act as a transitional space for people arriving at or leaving the Podium. This area has planting, seating, strip lighting and is to be the location for two staff bike stores, providing for a total of 100 cycle spaces.

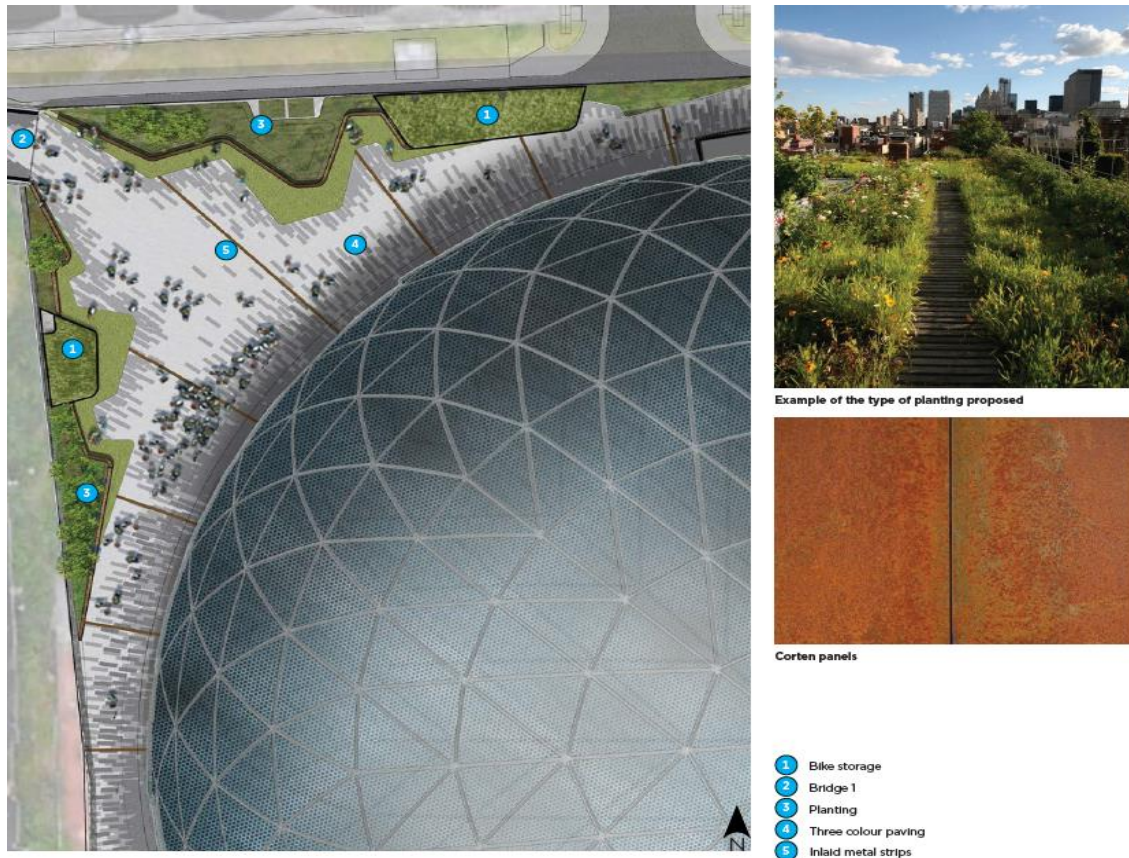


Figure 9 Podium Landscape - Montfichet Corner (extract from DAS)

- 4.26 The North Hub to the north east of the site would comprise 2,907 sqm and is to be serviced by a café embedded within the stage box façade. The hub would contain a nature garden, play space and outdoor gym. Planting and facilities for the use of service dogs and assistance dogs would be provided and enclosed by Corten mesh to screen it from the podium. At night, lighting would illuminate the ground plane.

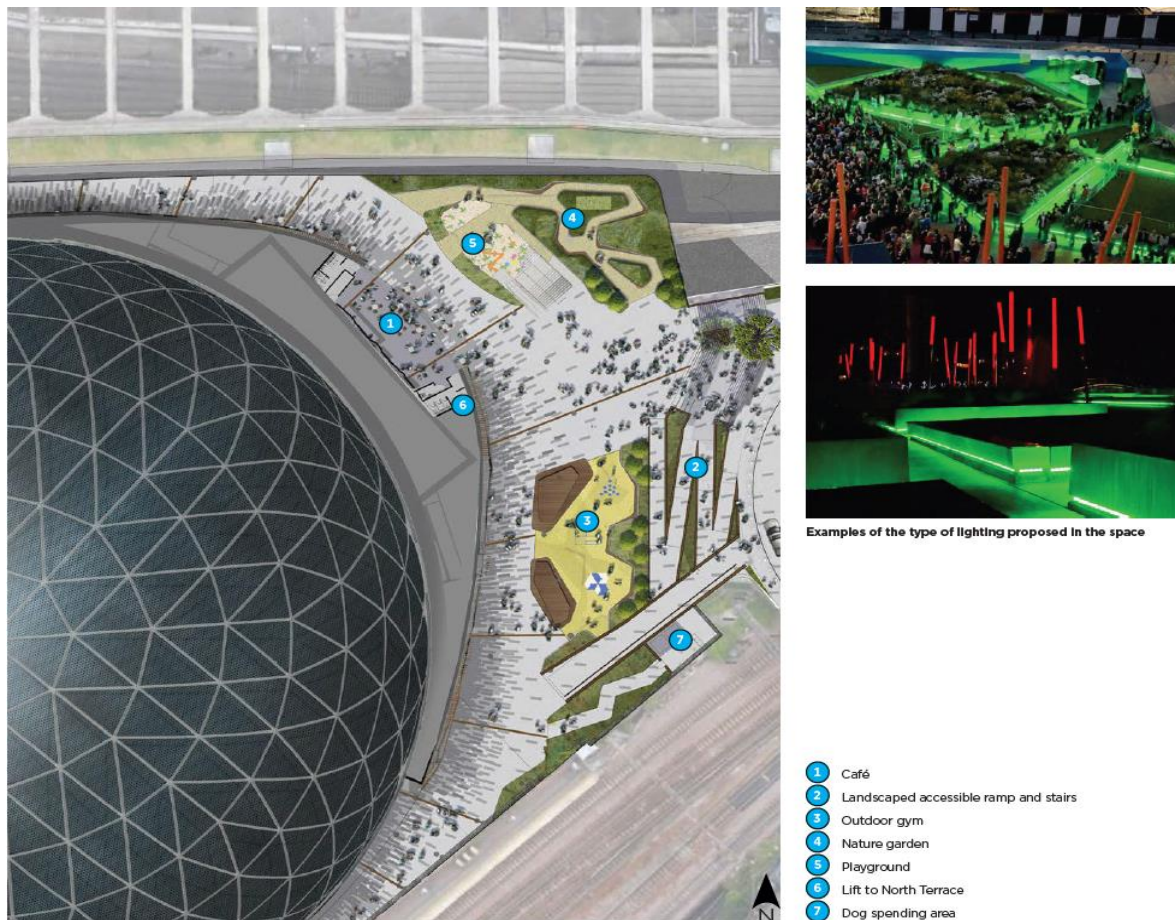


Figure 10 North Hub - Podium Level 2 (extract from DAS)

4.27 Above the hub at level 3 there is the North Terrace which would comprise 2,094 sqm and have a mixture of grass and timber decking. The terrace will incorporate a green roof (1,281m²) providing a new biodiverse habitat that would include species of wild-flowers. The terrace is to be connected to the North Hub via a lift, stair and escalator.

Access

4.28 Four new bridges would be delivered as part of the Proposed Development to make the site accessible to the public and visitors to the Sphere, and to improve vehicle accessibility. The bridges have been designed to distribute ingress and egress points around the site, and to provide appropriate connection points to Stratford International (Bridge 1), the Northern Ticket Hall and new entrance at Stratford Station (Bridge 2) and Stratford Station and Westfield Shopping Centre (Bridge 3). The existing Town Centre Link Bridge was designed to accommodate a future link to the site and this has been incorporated into the design. Bridge 4 would connect the service level road alongside the HS1 rail box with the service road that runs parallel to the Sphere.

4.29 Bridge 1 would comprise a pedestrian bridge and extend from the north-west corner of the site, across the railway line to the north of the Engie Building and connect to Montfichet Road via a staircase and lift core. Bridge 1 would be 6.8 metres wide and provide for a 3.35 metres wide stair case. Bridge 1 would be finished with corten mesh balustrades and would also provide for access to the nearby staff cycle stores on the podium.

4.30 Bridge 2 would comprise a pedestrian bridge and extend from the western boundary of the site, across the railway line to the south of the Engie Building and connect to Montfichet Road via two staircases and a lift core. Bridge 2 would be 9.6 metres wide

and provide for two staircases, the northern at 3.85 metres wide and the southern at 7.0 metres wide. Bridge 2 and the two staircases would be finished with corten mesh balustrades.

- 4.31 Bridge 3 would comprise a pedestrian bridge and extend from the southern boundary of the site and connect to the Town Centre Link Bridge. Bridge 3 would be 8.975 metres wide. The maximum height of the parapet would be 5.56 metres at the junction of the connection with the Town Centre Link Bridge. Bridge 3 would be finished with glazed sections set within a corten framed structure and would be consistent in terms of appearance, scale and massing with the existing Town Centre Link Bridge.
- 4.32 Bridge 4 would comprise a vehicular bridge and extend from the northern boundary, across the HS1 rail box and connect to the existing railway servicing road that is accessed from Angel Lane. Bridge 4 would provide for two-way vehicular access to support construction vehicles and then delivery and servicing vehicles during operation. Bridge 4 would be 6.8 metres wide.
- 4.33 Once visitors have arrived onto the podium there are proposed to be three main routes into the building – either directly into the venue at Level 02, or descend into the Plaza at Level 01 or ascend to terrace levels (north and south) at Level 03. All proposed routes are accessible with lifts provided alongside staircase and escalators. Wheelchair accessible viewing positions are placed throughout the auditorium providing a choice of viewing location for wheelchair users; 144 positions are provided and an equal number of amenity/companion seats.
- 4.34 Gates are proposed at the entrance to bridges 1, 2 and 3 which can be used to secure the site outside of operational hours.

Montfichet Road

- 4.35 To accommodate the new bridge landings and public realm improvements and segregated cycle lane, Montfichet Road will be re-modelled and reduced down from four to two lanes. The cycle lane is approximately 3m wide and would run the length of Montfichet Road becoming a shared zone where the footway and cycleway cross. Landscaping, including soft planting, would be introduced onto that to provide year-round ground cover and flowering perennials to provide colour and seasonal variation. New seating comprising timber benches and concrete blocks are also proposed. Seventeen replacement trees would be planted in place of the existing sixteen trees that are proposed to be removed. These works would be secured via the s106 HoTs that expressly requires the Applicant to enter into a s278 Highways Agreement with the Local Highway Authority (LB Newham).



Figure 11 Access: Montfichet Road (extracts from DAS)

Angel Lane

- 4.36 Visitors to the Proposed Development arriving from Angel Lane would access the site via a wide stairs and landscaped accessible ramp that involves the redesign of the existing hammerhead junction. The ramp would be a 1 in 21 accessible ramp and 2 metres wide.
- 4.37 A new service road connection would be made to Angel Lane from the site that would require the removal of a brickwork boundary wall that was part of the former railway works. Hidden from public view are historic urinals which are proposed to be salvaged. The urinals are a non-designated heritage asset.
- 4.38 Vehicle protection for pedestrians would be provided in the form of bollards, or concrete blocks with timber seats located on the edge of the footpath.



Figure 12 Access: Angel Lane

Operational Controls

- 4.39 The main auditorium is capable of hosting up to 21,500 people. The maximum capacity for the site, including outdoor areas, for visitors and staff is 25,000.
- 4.40 The smaller music venue, members' lounge and retail spaces are capable of operating simultaneously and independently of the main venue for up to 365 days per year i.e. pre and post event and on days when there are no events in the main venue. On occasions, it is expected that the main auditorium could host more than one event per day.
- 4.41 Whilst the maximum capacity of the main auditorium is 21,500, it would not be possible for this to be achieved in each of the event configurations proposed. Lower capacities would be achieved in certain configurations that are anticipated to take place more frequently. The Applicant anticipates full capacity (21,500) standing scenario will be occasional and not occur on every event day. An indicative breakdown of the range of

event types, frequency and capacities anticipated to take place throughout the year is set out in Table 1.

Table 1 Indicative breakdown of event types, frequencies and capacities (Annually)

Event type	Average attendance	Number of events	Event Days
A) Touring Concerts	15,000 – 17,500	70	70
B) Immersive Residencies	15,000 – 17,500	35	35
C) Shared Attraction	8,000	35	(Shared with B)
D) Cinematic/Theatrical	8,000	275	140
E) Corporate Events	12,000	12	36
F) Private Events and Awards	6,000	5	15
G) Sports	14,000	5	5
H) Local Community Event	5,000	TBC	TBC
Indicative Total		437	301

4.42 The timing of events will vary but will typically be matinees or evening events as set out in Table 2.

Table 2 Indicative timing of matinee and evening events within main auditorium

Event Type	Doors Opening Time	Event Start Time	Event Finish Time
Matinee Event (Monday – Sunday)	10:00 – 13:00	12:00 – 14:00	15:00 – 16:00
Evening Event (Monday – Thursday)	18:00 – 19:30	20:00 – 21:00	22:45 – 23:00
Evening Event (Friday – Saturday)	18:00 – 19:30	20:00 – 21:00	22:45 – 23:00
Evening Event (Sunday)	18:00 – 19:30	19:30 – 20:30	22:15 – 22:30

4.43 On event days and non-event days, the site will remain open to the public subject to limited exceptions. The proposed opening times for these ancillary spaces are set out in Table 3.

Table 3 Proposed opening and closing times for ancillary commercial uses (Monday to Sunday, unless otherwise stated)

Area	Capacity	Opening	Close
Main Venue	21,500	10:00	23:00 (Mon-Sat) 22:30 (Sunday's and Bank Holidays)*
Members Lounge/Bar/ Restaurant/ Night Club	1000	10:00	03:00
Smaller Music Venue	1500	22:00	04:00
Cafe	50	10:00	23:00

*exceptions permitted as per S106 HoTs.

- 4.44 A Concept of Operations document (CONOPS) has been submitted which sets out how the venue would be operated. It includes indicative event start and finishing times, details of the approach to crowd management, proposals for coordination with local stakeholders and how coincident events will be managed with the London Stadium.
- 4.45 The venue would operate in accordance with the CONOPs and would also be subject to appropriate controls that will be enforced through the licensing regime should planning permission be granted. These controls will be secured in a Venue Operations Manual (VOM) which will be in accordance with the CONOPS.
- 4.46 Operational controls and capacity restrictions are proposed to mitigate the impact of the Proposed Development on certain occasions. Details of these measures are set out in the s106 HoTs.

The Sphere

- 4.47 The Sphere is capable of displaying digital content. A digital display and contents control strategy has been submitted setting out how the Applicant proposes to manage the display of content on the Sphere façade and other digital displays on the site in the interests of amenity. The controls include limiting the hours that the display is in use and a strategy to monitor the effects of the digital displays.

Advertisement consent

- 4.48 The Applicant is also seeking consent for advertising for the Proposed Development. on digital displays fixed to the external walls of the podium, on entrance gates to the bridges, the upper terrace façade wall (north east elevation), an LED Ribbon Display and on the digital surface of the Sphere itself. Extracts from the design and access statement showing the location of adverts and the design intent are included in the appendices.
- 4.49 The content of the displays would include commercial advertising and naming rights, as well as information about current and future performances and public information and public art. The Applicant has committed to displaying public art for not less than 65% of the time that the LED façade is illuminated.

Additional information and key changes made during the application

- 4.50 The Applicant has submitted revisions to the proposals and has committed to provide additional mitigation (i.e. more than was proposed at the time of the original submission) in response to requests made by Officers' which include (but are not limited to):
- Reduced level of advertising hoardings and digital displays, including:
 - Removal of four digital billboards (three on the east façade and one on the south façade);
 - Removal of digital displays on Bridge 1 lift core adjacent to Montfichet Road;
 - Removal of LED mullions on Bridge 3; and,
 - Removal of all digital billboards on Angel Lane approach.
 - Commitment to provide a new gated entrance to Stratford Station accessed from the eastern side of Montfichet Road that would connect to the eastern subway within Stratford Station;
 - Designs for highway works along Angel Lane and Montfichet Road that would be secured by a s278 Agreement with the Local Highway Authority;
 - Lighting strategy in relation to the external amenity and public realm areas;

- Increasing the addition of trees and soft landscaping on the podium to provide additional wind mitigation;
- Proposals for dedicated car parking and blue badge car parking at Stratford International multi-storey car park linked with the venue, submitted under a separate application (20/00362/FUL);
- Proposals for allowing public access across the site between 05:00 – 00:00;
- Reduced brightness of the digital Sphere facade from 50nits to 25nits (between sunset and curfew where the brightness would be reduced further);
- Submission of Digital Display Contents Strategy and commitments to ensure that public art is displayed on the LED façade for a proportion of the time that it is in active mode for the public benefit;
- Updated technical reports (various) to take account of requests for further information
- Conditions relating to the maximum illumination, timing of adverts and how long they are displayed in relation to the non-Sphere façade adverts;
- Conditions setting out when the digital Sphere facade is proposed to be turned on, maximum illumination, timing of advertising, specific sphere-related controls;
- Increased provision of visitor cycle parking located along Montfichet Road under the Bridge 2 staircases;
- Revisions to event start and finish times and opening and closing times of ancillary uses within the development; and
- Reductions and revisions to event capacities during an event that would coincide with an event at the London Stadium.

5. Relevant Planning History

- 5.1 The site formed part of Planning Delivery Zone 11 (PDZ11) of the Olympic and Legacy Transformation Planning Application (ref. 07/90010/OUMODA) which granted permission for:

“The laying out of land for use as a coach drop-off and coach parking, surfaces and associated means of access involving the construction of buildings for use as driver and visitor facilities for use during the Olympic and Paralympic Games phases”.

- 5.2 Temporary planning permission was granted (ref. 14/00029/FUL) on 01.05.14 “for the retention of existing works for a temporary period within land known as Chobham Farm South.” This permitted the retention of the hard surfacing, fencing and access works associated with the Games until 1 January 2019; at or before which time the land was to be restored to a condition agreed with the local planning authority.

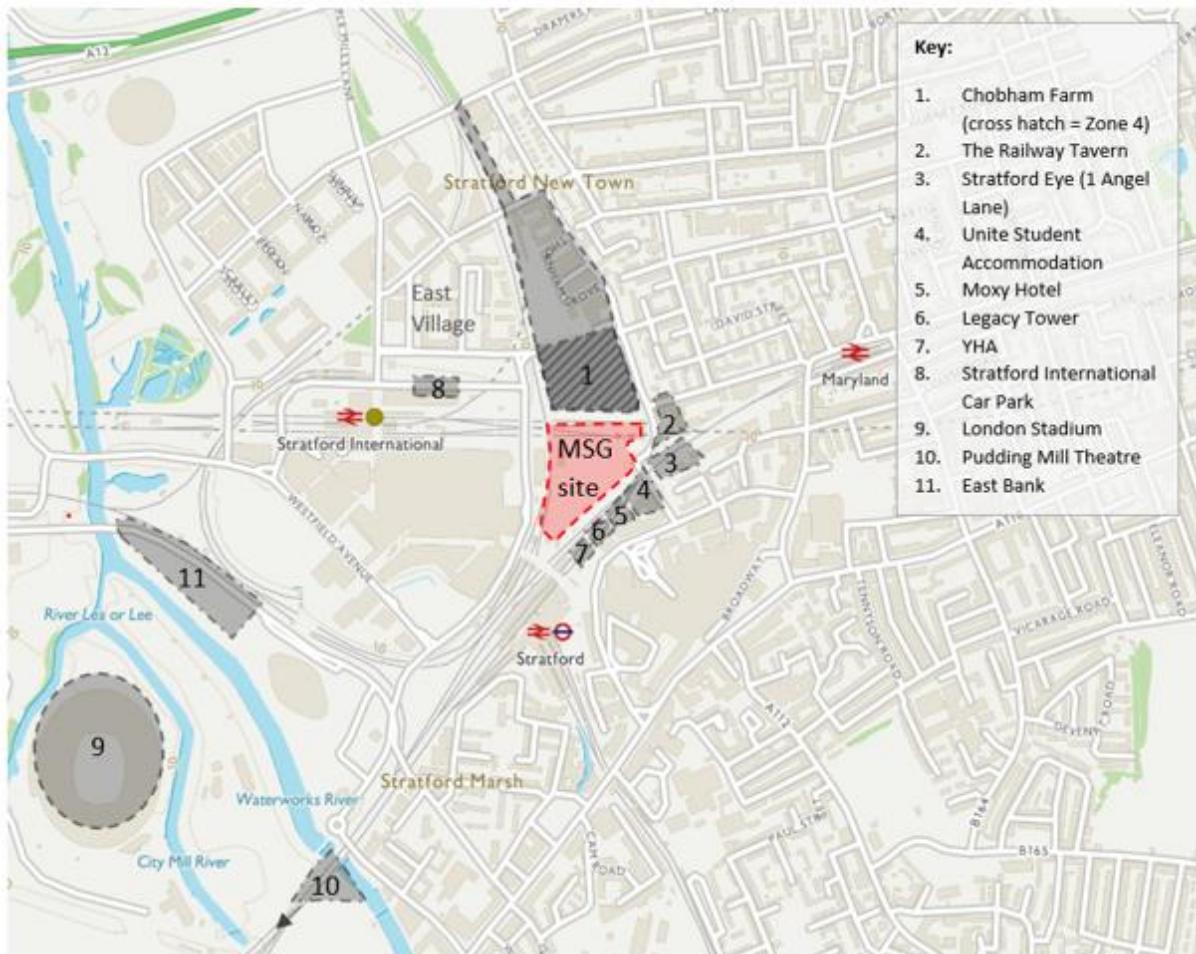


Figure 13 Key sites in proximity to Proposed Development

Planning history of the surrounding area

- 5.3 The planning history of key adjacent sites, and other notable planning permissions, are summarised in the section that follows. **Error! Reference source not found.** shows the relationship of these sites in relation to the application site. These are:
- 5.4 **(1) Chobham Farm (New Garden Quarter)** – hybrid permission (ref. 12/00146/FUM) was granted on 27.02.14 for a mixed-use redevelopment providing approximately 1,036 residential units and approximately 8,000 sqm of commercial floorspace at Chobham Farm. The part of the that area, which is located immediately north of the application site (marked with cross hatching in **Error! Reference source not found.**), forms Zone 4 of the hybrid permission which granted outline planning permission and reserved matters approval (ref. 15/00266/REM) was granted on 19.11.16 for 471 residential units, 424sqm of commercial floorspace, 200 sqm managed workspace and 320 sqm nursery space.
- 5.5 **(2) The Railway Tavern, 131 Angel Lane** – full planning permission (ref. 20/01004/FUL) was resolved to be granted on 08.12.20 by the LB Newham Strategic Development Committee for a 412-room hotel in a building up to 3, 5 and 14 storeys with ancillary bar and dining facilities, outdoor space and landscaping. At the time of writing, the s106 Agreement had not been completed and signed, following which the application will be referred to the GLA. LB Newham anticipate this will take place by April 2022.
- 5.6 There is also a pre-existing consent to redevelop the site to provide a 298-room hotel ranging in height from 3 to 8 storeys (16/02650/FUL). It is not known whether this permission has been implemented.

- 5.7 **(3) Stratford Eye, 1 Angel Lane** – full planning permission (ref. 04/1164) was granted on 20.06.06 for a 19-storey residential building providing 160 flats, approximately 3716sqm of office space and 48 car parking spaces.
- 5.8 **(4) Unite Student Accommodation** - full planning permission (ref. 12/00221/FUM) was granted on 30.09.13 for a 2-14 storey student accommodation building comprising 699 single study bedrooms in clusters of 7-10 rooms with communal kitchens, 60 studio apartments and up to 1,000sqm of commercial space (formerly use classes A1, A3, B1, D1, D2).
- 5.9 **(5) Moxy Hotel** - full planning permission (ref. 14/00310/FUL) was granted on 27.03.15 for an 8-storey hotel building comprising 279 bedrooms.
- 5.10 **(6) Legacy Tower (Stratford Central)** – full planning permission (ref. 13/00322/FUL) was granted on 24.04.14 for a 33-storey residential building providing 181 flats.
- 5.11 **(7) Youth Hostel Association (YHA), Great Eastern Road** - full planning permission (ref. 16/00524/FUL) was granted on 27.03.18 for a mixed-use redevelopment providing an 18-storey building comprising 22,726 sqm of office space, 369 sqm of retail space; and a 14-storey building comprising a 192-bedroom youth hostel.
- 5.12 **(8) Stratford International Car Park** - reserved matters application (ref. 09/90270/REMODA) was approved on 08.12.09 for an 850 space seven-storey car park. The primary use of the car park was restricted to passengers and staff using Stratford International Station.
- 5.13 Since the above consent has been granted, approval has been given for a limited number of spaces in the car park to be used by the Manhattan Loft Garden development (now known as 'The Stratford'). These include:
- 11/90244/COUODA – Change of use application was APPROVED on 05.10.11 for:
 “Change of use of 20 parking spaces on level 5 of the car park from exclusively station user car parking to car parking associated with visitors and occupiers of the proposed development on the adjoining Plot N24.”
 - 13/00480/106 - Approved the details submitted pursuant to section 2 (blue badge parking), part 4 of schedule 1 of planning agreement dated 15 July 2011 10/90285/FULODA in relation to Plot N24 (Manhattan Loft Gardens). The details related to the provision of at least 20 (8 (minimum) – residential & 12 (minimum) – hotel) blue badge spaces.
 - 14/00327/FUL – Full planning permission was GRANTED on 28.10.14 for:
 “Change of use of 40 car parking spaces on level 5 of the car park from use exclusively by passengers and others associated with Stratford International Station, to car parking associated with occupiers of the adjacent development Plot N24 (Manhattan loft Gardens, land adjacent to International Way).”
- 5.14 **(9) London Stadium** - full planning permission (ref. 12/00066/FUM) was granted on 12.08.13 to transform the 2012 Olympic Stadium to provide a 60,000 seat multi-purpose venue with the capability of hosting athletics, football and concert events. Conditions attached to the permission restrict the number of events, noise levels of concert events, consecutive events, coincident events with Olympic Park and operating hours.
- **A non-material amendment application (ref. 19/00372/NMA)** is currently with LLDC PDDT for determination in relation to increasing the capacity of the London Stadium from 60,000 to 62,500. PPDT officers understand that there are further aspirations to increase the capacity in the future to 66,000 for sports events. At

the time of writing, this application to increase capacity to 62,500 is pending a decision.

- **Advertisement consent (ref. 15/00379/ADV)** was granted on 06.01.16 for a digital LED wrap extending 15m in height and 270 degrees around the exterior of the Olympic Stadium façade. The consent was issued with conditions restricting luminance levels, light intensity, operational restrictions, content location restrictions, content requirements, operating hours and monitoring requirements.
- **Advertisement consent (ref. 16/00106/ADV)** was granted on 27.07.16 for 4 adverts comprising: 1 fabric panel wrap (illuminated at 10 cd/m²) measuring 12m x 960m containing 10 x fixed signage zones and 12 x flexible signage zones; 1 high-definition screen measuring 83m x 12m (max. illuminance of 5,000 cd/m²); 1 illuminated compression truss sign measuring 3m x 45m; and 1 illuminated compression truss sign measuring 2m x 30.5m, both with a maximum illumination of 200cd/m². The consent was issued with conditions restricting luminance levels, light spill, visual management strategy and an operational monitoring report.

5.15 **(10) Pudding Mill Theatre** – full planning permission (ref. 19/00592/FUL) was granted on 10.09.20 for a temporary (5 years) theatre building. The theatre has a maximum capacity of 3,000 with up to 8 shows a week. The permission has been implemented and operation of the theatre venue is expected to commence in May 2022. The permission is expected to expire (and therefore operations cease) by 30th April 2026.

5.16 **(11) East Bank (Stratford Waterfront)** - hybrid planning permission (ref. 18/00470/OUT) was granted on 25.07.19 for a mixed-use redevelopment comprising up to 62,800 sqm of residential development, 2,200 sqm of retail/food & drink uses and 72,899 sqm of development comprising: educational, cultural and performance space. The permission has been implemented and development has commenced.

6. Statutory Framework

6.1. Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise (s.38(6) Planning and Compulsory Purchase Act 2004 taken with section 70(2) of the Town and Country Planning Act 1990).

6.2. One such material consideration is the National Planning Policy Framework (“NPPF”) (current version July 2021). However, the presumption in favour of sustainable development expressed in the NPPF does not alter the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not be granted unless material considerations indicate otherwise.

6.3. There are also particular statutory requirements which apply to the determination of applications which have the potential to affect listed buildings or their settings and the character and appearance of conservation areas:

- (a) Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 provides:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

(b) Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority, in the exercise of its planning powers with respect to any buildings or other land within a Conservation Area, to:

“Pay special attention to the desirability of preserving or enhancing the character or appearance of that area”.

- 6.4. The courts have held that in order to give effect to the duties above, with regards to proposed development within the setting of a listed building, or which may impact on a listed building, or in a conservation area, the decision-maker must:
- (a) in the case of listed buildings accord considerable importance and weight to the “desirability or preserving the listed building, or its setting”; and,
 - (b) in the case of conservation areas, give a high priority to the objective of ‘preserving or enhancing the character of appearance of the area’
- when weighing these factors in the balance with other “material considerations”.
- 6.5. Chapter 16 of the NPPF sets out a series of paragraphs to apply to these applications in light of these statutory duties.
- 6.6. For the avoidance of doubt, officers have applied the above statutory obligations and the approach in Chapter 16 of the NPPF in the analysis provided in this report.
- 6.7. Section 149 of the Equality Act 2010 contains the public sector equality duty. LLDC’s obligations in this regard are set out in more detail in the section on Equalities later in this report.
- 6.8. A local planning authority is also required to act compatibly with human rights as set out in the Human Rights Act 1998. The requirements in this regard are set out in more detail in the section on Human Rights later in this report.

7. Policies & Guidance

The Development Plan

- 7.1 For the purposes of s.38(6) of the Planning and Compulsory Purchase Act 2004 and s.70(2) of the Town and Country Planning Act 1990, the adopted ‘Development Plan’ for this site is The London Legacy Development Corporation’s Local Plan 2020-2036 (July 2020) and the London Plan (2021).
- 7.2 The application has been considered against the policies in the Development Plan as whole but with particular regard to the following policies:

The London Plan (adopted March 2021)

- 7.3 The most relevant policies of the London Plan are listed below:

Policy Number	Policy Name
SD1	Opportunity areas
SD6	Town centres and high streets
SD7	Town centres: development principles and Development Plan
SD8	Town centres network

SD10	Strategic and local regeneration
D1	London's form and characteristics
D2	Infrastructure requirements for sustainable densities
D3	Optimising site capacity through a design-led approach
D4	Delivering good design
D5	Inclusive design
D8	Public realm
D9	Tall buildings
D11	Safety, security and resilience to emergency
D12	Fire safety
D13	Agent of change
D14	Noise
H1	Increasing housing supply
S6	Public Toilets
E8	Sector growth opportunities and clusters
E10	Visitor Infrastructure
E11	Skills and opportunities for all
HC1	Heritage conservation and growth
HC2	World Heritage Sites
HC3	Strategic and local views
HC4	London View Management Framework
HC5	Supporting London's culture and creative industries
HC6	Supporting the night-time economy
G1	Green infrastructure
G4	Local green and open space

G5	Urban greening
G6	Biodiversity and access to nature
SI 1	Improving air quality
SI 2	Minimising greenhouse gas emissions
SI 3	Energy infrastructure
SI 4	Managing heat risk
SI 5	Water infrastructure
SI 6	Digital connectivity infrastructure
SI 7	Reducing waste and supporting the circular economy
SI 8	Waste capacity and net waste self-sufficiency
SI 12	Flood Risk Management
SI 13	Sustainable drainage
T1	Strategic approach to transport
T2	Healthy streets
T3	Transport capacity, connectivity and safeguarding
T5	Cycling
T6	Car parking
T6.4	Hotel and leisure use parking
T6.5	Non-residential disabled persons parking
T9	Funding transport infrastructure through planning
DF1	Planning obligations

The Legacy Corporation Local Plan (adopted July 2020)

7.4 The Legacy Corporation Local Plan (adopted July 2020) is the relevant Local Plan for the Legacy Corporation area. The most relevant policies of the existing Local Plan are:

Policy Number	Policy Name
SD.1	Sustainable development
SP.1	A strong and diverse economy
B.1	Location and maintenance of employment uses
B.2	Thriving town, neighbourhood and local centres
B.5	Increasing local access to jobs, skills and employment training
CI.1	Providing new and retaining existing community infrastructure
SP.3	Integrating the built and natural environment
BN.1	Responding to place
BN.3	Maximising biodiversity
BN.4	Designing development
BN.5	Proposals for tall buildings
BN.6	Requiring inclusive design
BN.8	Improving Local Open Space
BN.9	Maximising opportunities for play
BN.10	Protecting key views
BN.11	Air quality
BN.12	Noise
BN.13	Protecting archaeological interest
BN.14	Improving the quality of land
BN.16	Designing advertisements
BN.17	Conserving or enhancing heritage assets

SP.4	Planning for and securing transport infrastructure to support growth and convergence
T.1	Strategic transport improvements
T.2	Transport improvements
T.3	Supporting transport improvements
T.4	Managing development and its transport impacts
T.5	Street network
T.6	Facilitating local connectivity
T.7	Transport assessments and travel plans
T.8	Parking and parking standards in new development
T.9	Providing for pedestrians and cyclists
SP.5	A sustainable and healthy place to live and work
S.1	Health and wellbeing
S.2	Energy in new development
S.3	Energy infrastructure and heat networks
S.4	Sustainable design and construction
S.5	Water supply and waste water disposal
S.6	Increasing digital connectivity etc.
S.7	Planning for waste
S.8	Waste reduction
S.9	Overheating and urban greening
S.10	Flood risk
S.11	Sustainable drainage measures and flood protections
S.12	Resilience, safety and security
Site Allocation	Stratford Town Centre West

SA3.1	
3.1	Stratford Metropolitan Centre
3.3	Improving connections around central Stratford

7.5 **Other relevant guidance and documents**

Other relevant guidance and documents are considered to include:

Mayor of London – Olympic Legacy SPG (2012)
Mayor of London – Accessible London: Achieving an Inclusive Environment (2014)
Mayor of London – Control of Dust & Emissions SPG (2014)
Mayor of London – London View Management Framework (2012)
Mayor of London – London’s World Heritage Site (March 2012)
Mayor of London – Planning for Equality and Diversity in London (2007)
Mayor of London - Public London Charter – London Plan Guidance
Mayor of London - GLA Whole Life-Cycle Carbon Assessment Guidance (October 2020)
LLDC Planning Obligations SPD (2016)
LLDC Carbon Offset SPD (2016)
LLDC Night-time Economy SPD (July 2021)
LLDC Inclusive Design Standards (2019)
The Newham Local Plan (2018)
Stratford St John’s Conservation Area Character Appraisal and Management Proposals (2009)
Three Mills Conservation Area Appraisal and Management Guidelines (2021)
Fish Island and White Post Lane Conservation Area Appraisal (2014)

Institute of Lighting Professionals Guidance Note 01/20 – Guidance notes for the reduction of obtrusive light (2020)

Institute of Lighting Professionals Guide 05 – The Brightness of Illuminated Advertisements

National Planning Policy Framework

- 7.6 The NPPF sets out the Government's planning policies for England including the presumption in favour of sustainable development. The NPPF is a material consideration in the determination of all applications.
- 7.7 The following NPPF sections are considered to be of particular relevance to this application:
2. Achieving Sustainable Development
 4. Decision making
 6. Building a strong, competitive economy
 8. Promoting healthy and safe communities
 9. Promoting sustainable transport
 11. Making effective use of land
 12. Achieving well-designed places
 14. Meeting the challenge of climate change, flooding and coastal change
 15. Conserving and enhancing the natural environment
 16. Conserving and enhancing the historic environment

Planning Practice Guidance

- 7.8 The Planning Practice Guidance (PPG) supports the implementation of the policies in the NPPF and sets out good practice guidance. The guidance in the PPG is therefore also a material consideration.

8. Environmental Impact Assessment

- 8.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as amended in 2018 (the 'EIA Regulations'), require certain types of development that are likely to have significant effects on the environment to be subject to the process known as Environmental Impact Assessment ('EIA'). As explained by Planning Practice Guidance ('PPG'): "The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process".
- 8.2 LLDC Planning Policy and Decisions Team ('PPDT') deemed the Proposed Development to be EIA development and accordingly the Applicant has provided an Environmental Statement ('ES') and updates (details set out below) to enable PPDT, as local planning authority, to examine and take into account the environmental information in it and representations received about that information in determining the application for planning permission. The scope of the ES has been informed by a formal EIA scoping process which involved feedback from PPDT and stakeholders including the local boroughs and statutory bodies.

8.3 The ES includes:

- a description of the proposal and the expected emissions during the construction and operation phases;
- an outline of the main alternatives studied by the Applicant and an indication of the main reasons for selecting the chosen option, taking into account a comparison of the environmental effects;
- a description of the current environmental baseline and the likely effects if the proposed development was not implemented;
- a description of the likely significant effects of the development on the environment and the methods used to identify and assess the significant effects on the environment, including details of difficulties and the main uncertainties involved;
- a description of the measures envisaged to avoid, prevent, reduce or if possible, offset any identified significant adverse effects and any proposed monitoring arrangements; and
- a non-technical summary.

8.4 A comprehensive review of the ES was undertaken by PPDT's environmental and transport consultants ('PPDT's Consultants'). The review identified a number of gaps and omissions in the technical environmental assessments along with items that required further clarification and explanation across the majority of the environmental disciplines, notably light, townscape and visual amenity, heritage, health and aspects relating to events held late at night. A series of meetings were held during the spring/summer 2019 with the Applicant's team, PPDT and PPDT's Consultants, and key stakeholders to discuss the key technical issues.

8.5 Following these discussions, in August 2019 PPDT made a request to the Applicant under Regulation 25 of the EIA Regulations for further environmental information to be submitted to address the environmental and transport issues identified.

8.6 In November 2019, the Applicant submitted an 'Environmental Statement Regulation 25 & Clarifications Report' and an addendum to the ES (the 'November 2019 ES Refresh') in response to PPDT's request. New information was provided which included further assessment of light effects, an updated health assessment (and new Equalities Impact Assessment submitted as a standalone document) and clarification of event timings along with information relating to other topics. PPDT's Consultants undertook a further detailed review of this information and again, a series of topic-based meetings were held with the Applicant's team, PPDT and PPDT's Consultants, and key stakeholders to discuss the new submission and any further concerns. In some instances, PPDT's Consultants concluded that the issues raised in the August 2019 Regulation 25 request had not been sufficiently addressed by the November 2019 ES Refresh and other supporting documentation. Further, some additional omissions and gaps were identified as a result of the new information brought forward in the November 2019 ES Refresh.

8.7 As a result of the PPDT's Consultant review, in May 2020, PPDT issued a second request to the Applicant under Regulation 25 of the EIA Regulations for further environmental information to be submitted. The majority of this information again predominately related to potential light, townscape and visual amenity, heritage and health effects of the Proposed Development, but the request also related to the likely effects on residential visual amenity (an aspect of residential amenity). In addition, PPDT requested further evidence to demonstrate the technical competency of the Applicant's team and to ensure the preparation of the ES was in accordance with the requirements of Regulation 18(5) of the EIA Regulations.

8.8 A further 'Environmental Statement Regulation 25 & Clarifications Report' and MSG ES addendum (the 'August 2020 ES Refresh') were submitted by the Applicant in response to the second Regulation 25 request. As well as providing responses to known issues, this submission included new information relating to the proposals for a new entrance to Stratford Station, consideration of effects associated with an application (planning reference: 20/00362/FUL) to change the use of car parking spaces within the existing Stratford International car park to the north west of the site, and a sensitivity test of a later proposed development opening year (2025). A comprehensive review of the August 2020 ES Refresh has been undertaken by PPDT's Consultants and the main conclusions of the ES review are set out in the table below.

Table 4 August 2020 ES Refresh review

Environmental topics SCOPED IN to the ES	Summary of residual effects (post-mitigation) reported in the ES	PPDT Consultants comments
Socio-economics	Significant beneficial effects for the creation of employment, local income, regeneration of the local community, reduction of crime and improved safety and social cohesion.	<p>Broadly agree with the conclusions of the ES but consider the provision of the venue is unlikely to be significant at a national level. Venue would complement London and regional offer and provide opportunities to increase the number of events that can take place across the Capital.</p> <p>Recommended that commitment is made to ensure all full/part-time employees of the Proposed Development would not be paid less than the London Living Wage and support provided for skills and training initiatives. Reasonable endeavours should be implemented to work within the local boroughs.</p>
Highways and Transport	<p>Significant adverse impact of HGV construction traffic on the A112 Leyton Road (pedestrian and cyclist severance amenity)</p> <p>Significant beneficial effects expected for the operational development to pedestrians and cyclists severance, amenity and delay.</p>	<p>General agreement with the conclusions of the ES.</p> <p>Disagree with conclusion that impact on Public Transport Capacity and pedestrian network would not be significant. Moderate (significant) adverse effects likely for full capacity events albeit for short duration with significant adverse effects on Stratford Station where there is overlap with London Stadium, albeit infrequent.</p> <p>Limited discussion of the impacts of construction of Montfichet Road, the potential disruption to pedestrian and cyclists during events, car parking on residential streets or beneficial impacts of new station entrance on station crowding in non-event mode.</p> <p>However, it is accepted that with the mitigation commitments proposed these would not result in significant adverse effects."</p>
Human health	<p>Significant adverse effects expected during enabling works and construction due to noise and changes in amenity and accessibility arising from construction activity and traffic. Beneficial effects expected as a result of job creation for the local population.</p> <p>Significant beneficial effects expected once in operation, on local jobs and opportunities, provision of venue floorspace, deprivation/regeneration.</p>	<p>Potential adverse effects on the health and wellbeing of vulnerable groups are not reflected in the assessment conclusions as they are masked by the use of an overall population sensitivity rating, leading to under-reporting of effects and the identification of non-significant effects. This includes effects on groups such as children or people with autism and learning disabilities (e.g. from crowd dispersal). [These effects are considered in greater detail in the Equalities section of this officers' report, including the impact of mitigation].</p>

Environmental topics SCOPED IN to the ES	Summary of residual effects (post-mitigation) reported in the ES	PPDT Consultants comments
	Negligible to minor beneficial effects on all other operational aspects.	There is uncertainty regarding the type and extent of effects as there is limited industry research or understanding of the impact of prolonged exposure to light on health and wellbeing. Various mitigation measures are proposed to reduce environmental effects which may impact health and wellbeing. With these measures in place, significant adverse residual effects are unlikely. Monitoring of the effectiveness of the mitigation measures is recommended.
Noise & vibration	<p>Significant adverse effects expected during the enabling works and construction at majority of surrounding sensitive receptors.</p> <p>Significant adverse effects expected from crowd dispersion at Dennison Point, Gibbons Road and Windmill Lane.</p> <p>Significant adverse effects at Stratford Central (Telford Tower), Moxy Hotel, Angel Lane Tower as a result of night time use of the external areas on site.</p> <p>All other effects anticipated to be negligible to minor adverse.</p>	<p>Agree with the conclusions of the ES.</p> <p>Mitigation in the form of construction management plans, crowd management plans, ongoing noise monitoring of amplified music noise break out, construction and crowd noise to be secured by condition.</p>
Air quality	<p>No significant effects on air quality expected as a result of enabling works, construction activities, vehicle emissions or air inlets taking in emissions from the proximate Engie Centre.</p> <p>The Proposed Development will be air quality neutral.</p>	<p>Agree with the conclusions of the ES.</p> <p>Mitigation in the form of construction and dust management plans to control dust and emissions from plant to be secured by condition.</p> <p>Financial contribution to be made towards measures to further improve local air quality with the intention of the proposed development becoming air quality positive in line with London Plan policy SI.1.</p>
Wind microclimate	<p>Negligible effects (not significant) expected during enabling works and construction.</p> <p>Once complete, negligible effects anticipated across the site with wind conditions suitable for the intended use.</p>	<p>Agree with the conclusions of the ES.</p> <p>The western entrance must be recessed to ensure safe and comfortable wind conditions in this location. Mitigation in the form of a detailed landscaping scheme required across the site but particularly to include shrubs at the podium level and porous screens on the South Terrace around the proposed seating areas to be secured by condition.</p>
Daylight, sunlight & overshadowing	<p>Vertical sky component (VSC): 4,662 windows tested; 4,191 windows (~90%) meet BRE recommendations – negligible effects.</p> <p>No Skyline (NSL): 2,581 windows tested; 2,482 windows (~96%) meet BRE recommendations – negligible effects.</p> <p>Minor adverse daylight effects on property groups: Unite Student</p>	<p>Agree with the conclusions of the ES.</p> <p>No mitigation required.</p>

Environmental topics SCOPED IN to the ES	Summary of residual effects (post-mitigation) reported in the ES	PPDT Consultants comments
	<p>Accommodation, Moxy Hotel, Stratford Central & Chobham Farm Zone 4.</p> <p>Minor adverse sunlight effects on property groups: 43-53 (odd) Oxford Road, Railway Tavern & Chobham Farm Zone 4</p> <p>Negligible effects on transient overshadowing and sunlight received at surrounding amenity space.</p> <p>Amenity areas on site meet 50% BRE sunlight recommendation with the exception of the Lower Podium Zone 3 (43%) but the majority of the overshadowed area is covered by the upper podium.</p>	
Light intrusion	<p>Media facade assessed in accordance with ILP guidance for an illuminated sign.</p> <p>Negligible effects from light intrusion expected on all surrounding receptors with the exception of the Railway Tavern where negligible to minor adverse effects would be experienced.</p>	<p>PPDT consultants consider that the methodology used to define significant effects, based on thresholds for vertical illuminance provided in GN 01/20 is appropriate even where increased light levels are substantial compared with existing background levels.</p> <p>PPDT consultants are satisfied that the lighting effects of the Proposed Development have been assessed against an appropriate future baseline which includes existing properties, buildings under construction, and buildings nearby which have achieved planning consent.</p> <p>Agree that an appropriate worst- case scenario has been assessed and that the assessments take into account light being emitted from the Sphere in combination with the light being emitted in the surroundings and podium in both the pre-curfew and post-curfew assessments.</p> <p>Agree that negligible to minor adverse effects (not significant) would be expected at surrounding receptors when the media facade is set to 25 cd/sqm pre-curfew and 7 cd/sqm post-curfew.</p> <p>Limits to luminance should be secured by condition for the Proposed Development and Advertising Proposals.</p> <p>There is sufficient information to reach a reasoned conclusion on the lighting effects.</p>
Upward sky glow	<p>No significant effects expected as a result of upward sky glow.</p> <p>A comparison (requested by PPDT) with the existing London Stadium concluded the upward sky glow effects of the London Stadium would be greater than the Proposed Development.</p>	<p>Disagree that effects will not be significant.</p> <p>The guidance generally seeks to minimise upward light emissions to the sky through design and orientation of the light source, but recognises that in some instances the deliberate use of upward light such as the up-lighting of architectural features and trees in which instance, the ILP limits cannot always apply.</p> <p>Disagree with the application of ILP guidance for an illuminated sign (PLG 5). As the existing site has a very low light baseline, any upward glow from the Proposed Development would appear brighter by comparison. However, with the committed</p>

Environmental topics SCOPED IN to the ES	Summary of residual effects (post-mitigation) reported in the ES	PPDT Consultants comments
		mitigation the lighting from the Proposed Development would be in keeping with the character of a site in a town centre location with a High District Brightness.
Solar glare	<p>A more detailed driver distraction study was also prepared in consultation PPDT's Transport advisors.</p> <p>Negligible to minor adverse significant effects on train drivers, motorists, pedestrians and cyclists.</p>	<p>Agree with the conclusions of the ES.</p> <p>Details of the facade material and any other reflective surfaces to be secured by condition.</p> <p>Outline and Detailed Visual Display and Luminance Management Strategies (OVDLMS and DWMS) to be secured by condition.</p>
Climate change	<p>In line with IEMA assessment guidance, all greenhouse gas emissions have the potential to be significant. Significant adverse effects expected from enabling works, construction, energy consumption and waste materials.</p>	<p>Agree with the conclusions of the ES.</p> <p>Variety of mitigation measures to be secured by condition which seek to minimise energy consumption and waste generation throughout the project lifecycle.</p>
Environmental	<p>Negligible effects expected on surrounding site users, construction workers, controlled waters, or future built development (as a result of damage to structures) during enabling works and construction.</p>	<p>Agree with the conclusions of the ES.</p> <p>CEMP along with the standard set of contamination conditions to be applied which include a site investigation, remediation strategy, gas protection measures and subsequent verification report, foundation works risk assessment.</p>
Archaeology	<p>Negligible effects expected on paleoenvironmental deposits, remains of 19th to mid-20th century Stratford Works and later medieval pottery during enabling works and construction.</p>	<p>Agree with the conclusions of the ES.</p> <p>Mitigation in the form of an approved programme of archaeological investigation including a watching brief and controlled excavation to be secured by condition.</p>
Built heritage	<p>Negligible effects on the setting of Theatre Royal (Grade II) and Stratford St John Conservation Area.</p> <p>Significant adverse effects on the former urinals (non-designated) proposed for removal.</p>	<p>Disagree with the conclusions of the ES.</p> <p>Many heritage assets within the study area have not been assessed. The extent and scale of impact has been under-reported. Significant adverse effects on two Grade II Listed Buildings assets within the Stratford Conservation Area expected due to the prominence of the Proposed Development within their setting. Minor adverse effects expected on four assets and negligible effects on 10 assets.</p> <p>Agree that there would be significant adverse effects expected on the former urinals (non-designated asset). Options to be explored for their relocation/preservation to be secured in the section 106 agreement.</p>
Townscape	<p>No significant effects expected on the assessed townscape character areas 1-5.</p>	<p>Generally agree with overall judgements that effects on the townscape character of areas 1, 3, 4, and 5 are unlikely to be significant due to urban context, building nature of surrounding area and context of current/planned development. However, TCA 2 comprises elements of higher townscape value (heritage features / finer urban grain) which may be at risk of significant adverse effects on townscape character.</p>

Environmental topics SCOPED IN to the ES	Summary of residual effects (post-mitigation) reported in the ES	PPDT Consultants comments
Visual amenity	<p>Significant beneficial effects expected on visual amenity of receptors in the QEOP south lawn (View 6.1), on West Ham Lane east (View 11) (neutral effects when off during the day), at Angel Lane (View 18), Penny Brookes Street (View 19) and at the Westfield entrance on Montifchet Road (View 20/20.1) looking towards the proposed development in active and architectural mode.</p> <p>Assessment of all other receptors concludes no significant effects.</p>	Disagree with some of the judgements and conclusions made which has resulted in the extent, significance and potential adverse effects on visual amenity being under-reported. It is likely there would be significant beneficial and adverse effects on individual visual receptors, as well as the visual amenity of some communities and recreational receptors.

Environmental topics SCOPED OUT of the ES	Summary of assessment	Arup comments
Ecology	<p>The site of the Proposed Development site has limited ecological value. Black redstarts considered likely to be breeding near the site. Some bat foraging activity detected along the adjacent railway corridor. Opportunities to enhance the biodiversity value of the site through landscaping.</p> <p>Low impact expected on bat activity as a result of light and noise.</p>	<p>Agree with the conclusions of the ecological assessment.</p> <p>Black redstart management plan to be secured by condition.</p> <p>Light spill onto the railway corridor during construction to be controlled through implementation of measures in a CEMP to be secured by condition.</p> <p>Impacts from obtrusive lighting and upward sky glow on photosensitive species and habitats to be mitigated through luminance controls, to be secured by condition.</p>
Water resources	<p>Low residual risk of flooding at the site from all potential sources and the Proposed Development will not increase flood risk elsewhere. Site to provide sufficient attenuation to achieve agreed run-off rates.</p>	<p>Agree with the conclusions of the flood risk assessment. Detailed surface water drainage strategy to include details of sustainable drainage features to be secured by condition.</p>
Waste	<p>Waste generated throughout the project lifecycle can be appropriately managed.</p>	<p>Construction and site waste management plans to be secured by condition. Performance against targets set in the Circular Economy Statement and to achieve BREEAM credits to be monitored.</p>

8.9 PPDT's Consultants have also reviewed the representations made by AEG and conclude that the ES meets the relevant legislative requirements. Officers agree and agree with the views of PPDT's Consultants as summarised above. In undertaking their review, PPDT's Consultants identified a number of areas where they reached a different professional opinion to that set out in the ES, including regarding the impact on built heritage and visual amenity. Where the difference of opinion results in materially different conclusions to the ES, this is discussed elsewhere in this report, and a planning judgement has been made by officers on the basis of the available evidence.

8.10 Overall, the ES concludes that the Proposed Development will have various beneficial and adverse impacts of minor, moderate and major significance which are direct, indirect, permanent, long term and short term on the local area and which will affect individuals and groups. The main short and medium term significant adverse effects identified are related to the enabling works and construction activities based on a build

programme of approximately 43 months. The main permanent long-term adverse effects that have been identified as those on health (associated with physical crowd movement), noise (during egress and use of external areas at night), transport (driver delay), and the setting of heritage assets.

- 8.11 The fact that there are adverse environmental impacts which have been identified does not necessarily mean that planning permission should be refused. Consideration has been given to whether the adverse impacts identified are capable of being mitigated or reduced to a level where any residual impacts are either removed or are considered acceptable as a matter of planning judgement.

LB Newham ES Review.

- 8.12 Temple, on behalf of LB Newham, has also undertaken a review of the MSG ES and its two addendums (the November 2019 ES Refresh and August 2020 ES Refresh) (the 'LB Newham Environmental Statement Review') and indicated that they are satisfied with its overall scope, assessment and conclusions.

9. Public Consultation

- 9.1 The Proposed Development and Advertising Proposals have been subject to three rounds of public consultation. On each occasion, they were advertised in the local press, site notices were displayed in prominent locations around the site and Stratford town centre and letters were issued to neighbouring properties including: New Garden Quarter, the Stratford Eye (1 Angel Lane Tower), Unite Student Accommodation, Legacy Tower (Stratford Central). An overview of the consultation dates and events and methods used is summarised in the following table. Further information is also provided in Appendix 8.

Table 5 Summary of Consultation

CONSULTATION SUMMARY			
	First Round	Second Round	Third Round
	Start: 4 Apr 2019 End: 28 Jun 2019	Start: 12 Dec 2019 End: 31 Jan 2020	Start: 4 Oct 2020 End: 4 December 2020
Consultation period	86 days	51 days	62 days
Letters	8,000+	8,000+	8,000+
Site Notices	22 (various locations)	22 (various locations)	22 (various locations)
Press Notices	Newham Recorder 1 Jun 2019	Newham Recorder 11 Dec 2019	Newham Recorder 7 Oct 2020
Other circulations	East End Advertiser 2 May 2019	East End Advertiser 12 Dec 2019	East End Advertiser 8 Oct 2020
	Waltham Forest Guardian 2 May 2019	Waltham Forest Guardian 12 Dec 2019	Waltham Forest Guardian 8 Oct 2020
	Hackney Gazette 13 May 2019	Hackney Gazette 12 Dec 2019	Hackney Gazette 8 Oct 2020
	Newham Magazine 17 May 2019 (Issue 409)	Newham Magazine 15 Nov 2019 (Issue 415 & 416)	LB Newham Food Bank Leaflets distributed with food parcels

Social Media	Various	Various	Various
Public Consultation Event	<ul style="list-style-type: none"> St Paul's Church (Approx. 50-60 people attended) St John's Church (Approx. 20-30 people attended) 	<ul style="list-style-type: none"> St John's Church (Approx. 70-80 people attended) Chandos Community Centre (Approx. 100-120 people attended) 	Online Webinar (376 Unique views)
Bespoke engagement with local group	<ul style="list-style-type: none"> Stop MSG Sphere Stratford BID LLDC Park Panel 	<ul style="list-style-type: none"> Stop MSG Sphere LLDC Park Panel 	<ul style="list-style-type: none"> Stop MSG Sphere Legacy Youth Voice Legacy Youth Board

COVID – 19 response

9.2 The public health guidelines in place for the majority of 2020 meant it was necessary to reconsider and adapt the public consultation strategy for the third consultation round. Site notices, letters and press adverts were deployed in the usual way and in addition to our statutory obligations we engaged with the local community by:

- The creation of a 'hotline' that enabled people to submit their consultation response as a voice message;
- A webinar posted on the LLDC website and YouTube which took people through the new material and provided information on how it can be accessed and how they can submit comments
- Virtual consultation workshops (including those with Stop MSG, Legacy Youth Voice, Legacy Youth Board)
- Distributing consultation update leaflets with food parcels from LB Newham food bank

Consultation responses

9.3 At the time of writing, a total of 1,364 written responses had been received from a total of 1,207 entities (consisting of individuals, community groups and other interested parties. 852 submitted representations in opposition to the Proposed Development and Advertisement Proposals whilst 355 wrote in support of the scheme.

9.4 Fifty per cent (50%) of the representations in support came from people living in the London Borough of Newham (180 representations) with the remaining coming from individuals and interested parties living or working in the adjoining growth boroughs (65 representations) and the wider London region (110 representations).

9.5 Eighty per cent (80%) of the representations in opposition came from people living in the London Borough of Newham (678 representations) with the remaining coming from individuals and interested parties living or working in the adjoining growth boroughs and the wider London region.

9.6 An indicative breakdown of the neighbour responses is provided below. The overall split is approximately 30:70 between letters of supports vs objections. As the Proposed Development and Advertising Proposals are inextricably linked, officers have treated representations received as responses to both applications i.e. an objection to the Full

application would count as an objection to the Advertisement application, unless the respondent has clearly expressed support for one application and not the other.

- 9.7 In addition, two petitions have also been in circulation via the change.org platform. One in support of the Proposed Development and Advertising Proposals (82 signatories at the time of writing) and the other in opposition (2,164 signatories at the time of writing). The petitions repeat comments made in representations submitted as part of the public consultation and do not raise new or different issues to those raised in the representations.

Table 6 Indicative breakdown of consultation responses

Consultation responses			
	Support	Object	Total
LB Hackney	14	18	32
LB Newham	180	678	858
LB Tower Hamlets	29	34	63
LB Waltham Forest	22	27	49
Wider catchment	110	95	205
TOTAL	355	852	1207
%	(29%)	(71%)	

Views of supporters

- 9.8 Reoccurring themes in letters of support are that the Proposed Development and Advertisement Proposals would make a distinctive contribution to the Stratford skyline, improve connectivity, bring jobs and be an iconic visitor attraction. The support derives from an expectation that the proposals would raise the profile of the area and that the venue will bring significant skills and training opportunities to the residents of East London. The advanced technological nature of the Proposed Development is generally considered to be an innovative and anticipated to have transformative effects on the town centre and night-time economy for the benefit of Stratford as a destination and London.
- 9.9 Some representations have expressed that their support is conditional and subject to appropriate mitigation being secured which addresses potential transport and amenity related impacts of the proposals. This applies, in particular, to the impacts on Stratford Station and residential amenity.
- 9.10 Comments of support came from (but are not limited to):
- University of East London
 - Theatre Royal Stratford East
 - East London Arts and Music
 - Newham Chamber of Commerce
 - London City Airport

- Stratford Original (Business Improvement District)
- E20 (owner of LS185, which operates London Stadium)
- West Ham
- LB Waltham Forest
- Lea Valley Park Authority
- Legacy Youth Voice
- Unite Student Group
- Network Rail
- HS1
- LLDC Park Operations

- 9.11 The University of East London expressed the view that the proposals would be more than just an economic benefit but would also provide an opportunity for the University to work with the applicant and access employment opportunities in the development and develop potential linkages with their School of Media Fashion and Communication. They state that the building would add to the attractiveness of Stratford as a destination.
- 9.12 Theatre Royal Stratford East add that the Proposed Development will complement the area's appeal as a location for entertainment and would encourage both tourists and Londoners to Stratford for shows, performances and experiences. They state that the economic benefit for the area is important as the COVID-19 pandemic has had a tough impact on theatres and entertainment and that they are encouraged that the applicant is committed to Stratford.
- 9.13 East London Arts & Music, an Academy for 16-19 year olds, remark that they have worked closely with the applicant who over the past three years have provided support to young people at the Academy through a series of 'MSG Sphere Sessions' which they say has raised the professional standards of their trainees and will help shape the future of live music in London.
- 9.14 Newham Chamber of Commerce comment that the jobs created will have beneficial effects across Newham and beyond, citing the £50million annual revenue boost estimated by the applicant as a result of the venue and visitors to the area and the benefits this would bring to local businesses.
- 9.15 London City Airport add that they have no concerns about the operational effects of the advertising proposals and consider they have the capacity to support the increased travel interest to East London which in turn would contribute to the local economy. They welcome the proposals subject to the submission of details of cranes and scaffolding being submitted and approved in writing in advance of construction.
- 9.16 Stratford Original Business Improvement District argue that the area needs schemes like the Proposed Development to help foster growth and inward investment, particularly following the recent COVID-19 pandemic. In addition to the commitment to invest and boost local jobs they commend the applicant's commitment to offer the London Living Wage.
- 9.17 E20 are supportive of the proposals but expressed concerns about the potential for spectators from the Stadium and MSG Sphere to converge simultaneously on Stratford Station. In order for their concerns to be addressed they have proposed that:
- London Stadium is given primacy with regards to event planning and coincident events with larger capacity non-football events at the Stadium avoided;

- Suitable management plans are agreed with relevant stakeholders which cover coincident football matches at the Stadium and events at the Sphere
 - The costs of any additional overlay measures the Stadium has to put in place to deal with the impacts of coincident effects where they arise to be met by the applicant; and
 - Regular monitoring and review through an ongoing process of event coordination
- 9.18 West Ham United Football Club (WHUFC) expressed support for the applicant's proposals to reduce their capacity and/ or amend the timings of Sphere events to ensure that WHUFC fixtures and London Stadium visitors are not adversely affected but have clarified that for unforeseen coincidences, it should be the responsibility of the operators of the Sphere to coordinate a strategy to manage such a situation so WHFC's use of the London Stadium is not unduly impacted.
- 9.19 LB Waltham Forest have expressed the view that the scale of the Proposed Development is not out of keeping with the scale of the surrounding shopping centre, visitor attractions and wider Queen Elizabeth Olympic Park and recommend that the hours of illumination and advertisements are controlled, particularly after dark to safeguard residential amenity and to minimise the potential impact on biodiversity.
- 9.20 LB Hackney have commented that they do not object to the planning application but do object to the illumination of the Sphere. Further details are provided later in the report.
- 9.21 Get Living Plc, operators of East Village, have commented that the applicant's team should ensure robust joint working measures are in place that allow full coordination with the East Village Management Ltd so as not to prejudice the amenity of the environment for its 6,000 residents, particularly in respect of light pollution and the coordination with events across the Queen Elizabeth Olympic Park. They have requested that that they are invited to be part of any consultative group involved in the preparation of the Venue Operations Manual.
- 9.22 Lee Valley Park Authority are supportive of the scheme subject to their inclusion as a consultee in the preparation of future area management plans so that they can be satisfied that if coincident events occur that visitors to events at their Hockey and Tennis Venue can continue to enjoy a satisfactory standard of amenity when travelling to and from events.
- 9.23 Legacy Youth Voice, a diverse group representing young people from Hackney, Newham, Tower Hamlets and Waltham Forest, have expressed the view that the Proposed Development would have an eye-catching design that would be iconic. Some concerns have been expressed about the impact of light pollution on residential amenity and advertising with the group in favour of the displays being used to promote events at the venue and artistic content but not 'commercial' advertising.
- 9.24 The Unite Group are supportive of the visual appearance of the building but expressed concern that moving images on the Sphere could distract students in site facing rooms and affect their wellbeing. They have requested that the applicant provide blackout blinds should the application gain member support, to mitigate against these effects. It has been agreed that the Applicant will meet the cost of providing blackout blinds to certain buildings that are in close proximity to the Proposed Development should these be requested. This obligation forms part of the section 106 agreement package.
- 9.25 Network Rail are supportive of the scheme provided that appropriate controls are secured to mitigate the relevant risks and impacts identified at this stage of the planning process. Conditions and planning obligations have been suggested in respect of Stratford Station impacts, glare and rail driver distraction and more generally to mitigate potential impact on railway assets and infrastructure.

- 9.26 HS1 are supportive of the Proposed Development subject to appropriate conditions to safeguard HS1 rail assets and infrastructure.
- 9.27 LLDC Parks Operations recognise the regenerative benefits of the Proposed Development and are supportive of the comments made by E20, stating that in the event planning permission is granted, appropriate planning conditions and planning obligations should be put in place to deal with issues around event management and coordination with London Stadium events, construction management servicing and deliveries, security and employment skills.
- 9.28 The Metropolitan Police are supportive of the proposals but do not support 24/7 public access through the site. They consider that public access should be restricted during inactive site and venue hours.
- 9.29 The British Transport Police are supportive but add that they would like to be consulted further in the event planning permission is granted to resolve some detailed design matters in the interest of promoting crime prevention and safety.

Views of Objectors

- 9.30 A reoccurring theme in representations opposing the proposals is the effect of the scale and massing on residential amenity and the town centre with many stating that the Proposed Development is overbearing and has a form that would not be in keeping with the character of the area. Concerns also centre on the effects of the Advertising Proposals on residential amenity, the character of the town centre, the setting of heritage assets and public safety.
- 9.31 Linked to the scale of development is the effect of increased visitor activity on people using Stratford Station, particularly when large-scale events, would coincide with the PM peak, events at the London Stadium or other venues in the Queen Elizabeth Park. The main concern is that crowding and congestion in and around Stratford Station could negatively impact the visitor experience of the town centre and people travelling through the station.
- 9.32 Representations in opposition have come from (but are not limited to):
- Umesh Desai (London Assembly Member for City and East)
 - Lyn Brown MP (West Ham)
 - Cllr Terence Paul (Stratford and New Town ward)
 - Cllr Nareser Osei (Stratford and New Town ward)
 - Cllr Mas Patel (Forest Gate South ward)
 - London Borough of Newham
 - Stop MSG Sphere
 - Maryland Community Group
 - London Borough of Hackney
 - Royal Borough of Greenwich
 - MTR Crossrail (Operating as MTR Elizabeth Line)
 - Newham Cyclists
 - Legacy Youth Voice (in respect of advertising only)
 - AEG (Operators of the O2 Arena)

- 9.33 Unmesh Desai (London Assembly Member) on behalf of constituents has expressed concern about the massing of the Proposed Development, light and noise pollution, the effect on traffic and public transport, anti-social behaviour and potential disruption brought about by the construction of the Proposed Development over an extended period. Light pollution was raised as a particular concern.
- 9.34 Lyn Brown (MP) on behalf of constituents has expressed concern about light pollution, noise and transport pressures stating that the Proposed Development would bring about harm which outweigh the benefits of the proposal.
- 9.35 Cllr Terence Paul and Cllr Nareser Osei as local councillors for Stratford and New Town Ward have expressed concern about the congestion brought by increased visitors, the impact on Stratford Station and the impact of light pollution and advertising on residents living adjacent to the Sphere.
- 9.36 Cllr Mas Patel as local councillor for the Forest Gate South ward has expressed concern (amongst other things) about the impacts of the Proposed Development on air quality and the effects of noise and light pollution, and congestion in the area.
- 9.37 LB Newham recognise the potential regeneration benefits of the Proposed Development but argue that it would appear as a large and incongruous element in the townscape and have harmful impacts on the setting of the Stratford St Johns Conservation Area, the Grade II Listed Town Hall and the Gurney Memorial. They are also concerned that the luminosity of the Sphere would have a detrimental impact on sensitive receptors (residents and students) in close proximity to the site and oppose the advertisement consent stating that at the scale proposed it would cause visual clutter and pollution and set a precedent in and around the Stratford St John's Conservation Area.
- 9.38 Environmental Consultants, Temple, on behalf of LB Newham, have reviewed the Environmental Statement (the 'LB Newham Environmental Statement Review') and indicated that whilst they are satisfied with the conclusions of the ES in so far as they assess light intrusion and upward skyglow, they are not persuaded that the levels recommended in the Institute of Lighting Professionals (ILP) guidance are acceptable. They also consider that there is a lack of certainty as to how statutory nuisance might be avoided citing that lighting flicker and moving images may pose a risk to the health of sensitive residential receptors. Mitigation is suggested in the form of blackout blinds/curtains for certain properties which they consider should be secured by S106.
- 9.39 LB Newham are also concerned about the flow of visitors to and from Maryland Station along Windmill Lane and that this may bring about adverse amenity effects in terms of noise in residential areas and that these impacts will need to be managed.
- 9.40 Historic England consider that the display of adverts and illumination will bring about harm to the setting of the Stratford St John's Conservation and St Paul's Cathedral in linear views from King Henry's Mound. They state that the harm in both instances would be 'less than substantial'.
- 9.41 Historic England disagree with the applicant's assessment of the significance of the non-designated former urinals and have suggested that the S106 includes provisions for their reuse on site in order to provide a connection to the site's past and an amenity for visitors.
- 9.42 The Royal Borough of Greenwich argue that Stratford is not an appropriate location for the Proposed Development and that the principle of developing a large scale entertainment venue on this site would not be in accordance with London Plan (policy H6) and paragraph 119 of the NPPF. They consider the residual effects of the development on Jubilee Line capacity would be negative, impacting on public transport services in Royal Greenwich journey times.

- 9.43 The Royal Borough of Greenwich add that the size and prominence of the Proposed Development and the Advertising Proposals may impact upon views of the Greenwich Maritime World Heritage Site.
- 9.44 LB Hackney consider that the Advertising Proposals will be harmful to the visual amenity of Hackney Marshes and the Lower Lea Valley particularly during overcast conditions, at dusk and during hours of darkness when it is illuminated.
- 9.45 Stop MSG consider the Proposed Development to be incompatible with the nearby residential context and that that site should be redeveloped in whole or part for residential uses or other alternative uses that would generate benefits without harmful light amenity effects. They consider that advertising at the scale proposed would introduce a more metropolitan city centre character to Maryland which they perceive as having a local residential character and identity which the Proposed Development would erode to the detriment of amenity.
- 9.46 Stop MSG object to the height, scale, bulk and massing of the Proposed Development and its effects on daylight and sunlight and consider that it would bring about noise and disturbance from crowds, increased parking pressure, traffic and congestion and crime and anti-social behaviour. They consider the Proposed Development and Advertising Proposals would cause substantial harm to the Stratford St John's Conservation area and the University Conservation Area and allege that the applicant has not undertaken a heritage impact assessment for these heritage assets.
- 9.47 Maryland Community Group, representing a group of local residents and businesses, consider the proposals to be overbearing and out of character with the surrounding area.
- 9.48 The have expressed concern that visitors will use Windmill Lane for private hire, pick up and drop off and that it will be a well-used route to the Proposed Development from Maryland Station to the detriment of residential amenity. They have requested that routes should be managed so that departing and arriving crowds only use main roads such as Angel Lane, Great Eastern Road, The Grove, Maryland Point and Leytonstone Road. They also object to the night club citing residential amenity effects.
- 9.49 MTR Crossrail (Operating as MTR Elizabeth Line) have expressed the view that until a full understanding of the operational risks posed by the Advertising Proposals are known, their position is one of a 'holding' objection. They have provided details of suitably qualified competent experts to the applicant and commented that are looking forward to continuing working with the applicant to resolve issues in order for them to support the project.
- 9.50 Newham Cyclists have expressed concern about the level of cycle provision being below London Plan standard, and that the scope of Montfichet Road works should include an appropriate design that minimises conflict points between pedestrians and cyclists at this junction. The have also expressed concerns about the acceptability cyclists sharing the carriage way with motor vehicles on Angel Lane.
- 9.51 AEG have submitted several representations. The overarching concern is that they do not believe this to be the right location for a new arena and they are concerned that certain coincident events would have an adverse impact on the Jubilee Line Capacity at North Greenwich to the detriment passenger safety. They are not satisfied that appropriate controls have been secured which safeguard the safety of visitors and transport users and consider that there are multiple alternative locations around London where the Proposed Development would not have harmful amenity effects on local residents, townscape, transport facilities and the operation of existing entertainment and leisure venues

9.52 They claim that the Applicant's ES is not legally compliant stating that:

- there are various technical defects in the assessment of townscape, built heritage and visual impacts (TBHVIA);
- the ES in its consideration of alternatives, has not explained the extent to which the digital display element would impact on residential occupiers in the alternative locations assessed to allow a judgement to be made as to whether any of the environmental effects could be avoided if the development was in another location;
- the Applicant has failed to properly assess the effects of lighting on amenity of residents;
- the description of development does not specify the operational controls that will apply to the Proposed Development both generally and where there are coincident events;
- there are major schemes along the Jubilee and Central Lines that will have an impact on Jubilee Line capacity, that should have formed part of the cumulative effects assessment and that without these the PPDT are not in a position to reach an informed view of the likely cumulative effects of the Proposed Development; and
- that the Applicant has not provided a full and proper analysis of the impact of their proposals on visitors departing from the O2 at North Greenwich.

9.53 AEG have submitted various technical documents in support of their objection, including:

- a review of the Applicant's Townscape, Built Heritage and Visual Impact assessment prepared by Bridge Associates ('the **AEG TBHVIA Review**')
- A concise Residential Visual Amenity Assessment prepared by Bridge Associates ('the **AEG RVAA**)
- A review of the Applicant's lighting assessment prepared by Avison Young (the '**AEG Obtrusive Lighting Review**')
- A review of the Applicant's modelling methodology and analysis of impacts on the pedestrian network in the area prepared by Movement Strategies (the '**AEG Review of Modelling Assumptions**')

AEG Transport and modelling concerns

9.54 AEG consider that the Applicant has not provided sufficient information to understand the impact of the Proposed Development on Stratford Station and that it remains to be seen whether the new entrance is a practicable intervention that is supported by the station owner/user. It is also said that without clarity on how the station improvement works proposed would be delivered and clarity on the likely impacts on Stratford Station and online loadings it is not possible for PPDT to assess the environmental impacts of this proposals. AEG claims that the applications cannot be properly determined before a further application is made that seeks planning permission for the new station entrance on Montfichet Road, stating that if PPDT are to give weight to the new station entrance as part of the mitigation identified they will need to have a reasonable level of certainty about the impact and deliverability of those proposals.

9.55 AEG also have concerns about the applicant's pedestrian analysis stating that there are discrepancies in the assessment and that these have potential knock-on effects at the O2. They consider that there is a lack of transparency in the modelling of crowds flows which therefore do not enable a proper assessment of the Proposed Development on the pedestrian environment suggesting that it is difficult to determine which management

procedures and pedestrian behaviours are assumed in the models to allow one to reach a view on whether the management measures used in the model will tie up with real-world implementation of management measures and that without this information it will not be possible for the PPDT to reach a reasoned view on the impact of the visitors departing The O2.

AEG TBHVIA Review

9.56 The AEG TBHVIA Review claims that there is insufficient information available for decision makers to reach a proper conclusion on the visual effects of the Proposed Development and that the MSG TBHVIA should be given limited weight. The main reasons given are that:

- the TBHVIA does not provide a fair and objective assessment of the visual effects on the Stratford St John's Conservation Area or on other visual receptors and that it would have significant adverse visual effects;
- they consider the methodology for determining beneficial effects on heritage assets is flawed and that a sufficient range of visual effects have either not been assessed or have been underreported
- the TBHVIA has not sufficiently illustrated the effects of the LED facade at dusk and at night-time or taken account of the effects of seasonality and diurnal changes
- the TBHVIA relies too heavily on wirelines and model renders;
- only a modest number of static images have been assessed and there is a risk that content will result in incongruous visual clutter being displayed on the LED facade;
- a greater range of content should have been assessed in combination with other elements of the proposal which have been specifically designed to display digital content; and
- the Applicant has not assessed the impacts on residents at home and that it would have been relevant for them to include a separate Residential Visual Amenity Assessment (RVAA).

9.57 The AEG RVAA claims that the Proposed Development will bring about significant adverse amenity effects on residents at home, particularly for those who are vulnerable or sensitive to flicker, glare and obtrusive light e.g. children and young, older and disabled people. Their main concern is that the Proposed Development could affect sleep quality and mental health of people who fall into these groups.

9.58 The AEG Obtrusive Lighting Review alleges that the applicant has failed to properly assess the effects of lighting on amenity of residents and that the PPDT does not have sufficient information to reach a reasoned conclusion on the significant effects of the Proposed Development on local sensitive receptors. The main reasons given are that:

- The approach to setting the baseline used in the Lighting Assessment does not comply with the EIA regulations;
- In assessing the significance of effects regard has not been given to the magnitude of that change and as a result the effects of the Sphere are therefore 'disguised';
- The lighting assessment has not been undertaken in accordance with the Institute of Lighting Professionals Guidance Note with reference to PLG 5 entitled "The Brightness of Illuminated Advertisements" dated 2014;

- The Applicant’s approach to the Lighting Assessment is not sufficiently cautious; and
 - the lighting controls proposed to be imposed by planning condition are inadequate because:
 - a) The Applicant’s proposal to limit the lux levels of the Sphere relate to the Sphere only, and that when surrounding light emitting sources are taken into account the maximum levels provided for in the Institute of Lighting Engineers (ILP) Guidance Note 01/20: Guidance notes for the reduction of obtrusive light (“GN 01/20”) will be exceeded; and
 - b) The proposal means and hours of control would mean that the Sphere will operate at full brightness during hours of darkness for much of the year and does not consider the subjective brightness from the observer’s point of view.
- 9.59 AEG also allege that they have been prejudiced from making representations on the proposals stating that there have been delays uploading representations to the planning register, wider transparency issues and a breach of duty in respect of s106 obligations.
- 9.60 PPDT acknowledge that due to administrative issues there have been some instances where a delay has occurred in uploading documents to the planning register but do not accept that this amounts to a failure in transparency. At the date of publication, all representations are accessible on the planning register.
- 9.61 PPDT have stated in correspondence their intention to publish a final version of the HoTs with the committee report, to place it on the planning register and issue a copy to AEG. The s106 HoTs are included as an Appendix 1 to this report. PPDT’s lawyers, Pinsent Masons LLP, have also been instructed to provide AEG with a link to the s106 HoTs and committee report once it has been published.

GLA Comments

- 9.62 The GLA are supportive of the principle of development, scale of the building and the creation of routes through the site which they add should remain open and free to use and offer the highest level of public access.
- 9.63 They have expressed concern about the frequency of high capacity events and how this will be managed to limit or minimise the impacts of coincident events on public transport and local residential amenity.
- 9.64 Further, the GLA (amongst other things) has commented that appropriate consideration should be given to inclusive design and equalities considerations and providing sustainable infrastructure. They have expressed concerns about the effects of the displays on residential amenity and recommend that impacts of the Proposed Development, in particular noise and light pollution, are mitigated.

Transport for London

- 9.65 Transport for London support the proposals subject to an appropriate package of mitigation being agreed that would enable safe and efficient public transport and a highway network being secured by S106 and conditions. It is said that these should (amongst other things) include appropriate event management controls, the delivery of the new Montfichet Road Station entrance, additional staffing costs being provided for and further modelling to support operational planning.

London Fire Brigade

- 9.66 LFB is satisfied with the proposals subject to fire brigade access and water supplies for fire fighting purposes being fully compliant with Building Regulations Approved Document B, B5.

Tower Hamlets

- 9.67 Tower Hamlets has no objections to the impacts of the Proposed Development or the advertising application. It has commented that monitoring of car parking impact may be required if planning permission is granted.

Natural England (NE)

- 9.68 NE have confirmed that the Proposed Development and Advertisement Proposals would not have an impact on any protected sites or landscapes. With regard to protected species Natural England have directed the LPA to refer to their standing advice.

Environment Agency (EA)

- 9.69 The EA have no objection the proposals and recommend conditions in respect of drainage, piling, land remediation and monitoring.

Thames Water (TW)

- 9.70 TW have proposed conditions in respect of sustainable drainage.

NATS Safeguarding

- 9.71 NATS have confirmed that the Proposed Development and Advertisement Proposals would not conflict with aviation safeguarding criteria.

Independent Design Review

Quality Review Panel (QRP)

- 9.72 LLDC's Quality Review Panel (QRP) reviewed the Proposed Development at pre-application stage, together with a further two reviews undertaken post-submission, the most recent taking place on November 19th 2020. A copy of the public QRP reviews are attached at appendix 10 and 11.

- 9.73 The panel is generally supportive of the principle, scale and form of the Proposed Development and provided comment on the public realm and landscape design strategy, its architectural expression, the illumination of the Sphere, its environmental sustainability and accessibility. Officers have taken the views of the QRP into account and assessed the acceptability of the applicant's response to their comments. This assessment is detailed in the urban design section of this report.

BEAP (Built Environment Access Panel)

- 9.74 LLDC has a Built Environment Access Panel which is made up of people with expertise in inclusive design who reviewed the scheme at pre-application stage and post submission. BEAP are supportive of the proposal. Comments were raised about the width of routes around the site and their proportionality to the flow of pedestrians, the provision of sufficient setting down and picking up points suitable for disabled passengers and whether the back of house/stage areas are accessible for disabled performers. The proposed improvements to Montfichet Road were welcomed, with comments made that further development will be needed to minimise the potential for conflict between pedestrians and cyclists in the shared particularly for those with a visual or aural disability accessing the new station entrance.

- 9.75 Officers have taken the views of BEAP into account and assessed the acceptability of the applicant's response to their comments. This assessment is detailed in the urban design section of the report.

Planning Decision Committee Briefings

- 9.76 The Applicant presented the proposal to Members of the Planning Decisions Committee in March, July and October of 2018 during the pre-application stage of the planning process. Discussions revolved around the scale and design of the building, its public realm, advertising, the impact on Stratford Station of coincidental events, and proposed local benefits.
- 9.77 Post submission, PPDT and the Planning Decisions Committee (PDC) were invited to attend an LED technology demonstration on 18 December 2019 to view a representative mock-up of the Sphere panels to demonstrate the effect of lighting controls and the ability to display moving images and digital content. The mock-up consisted of multiple triangular panels that were representative of the design intent of the proposed façade.
- 9.78 The demonstration took place on a vacant site in Pudding Mill late in the afternoon to enable the mock-up to be viewed in daylight and after sunset. The panel was viewed in both architectural mode and 'active mode' displaying moving images. It was possible to view the panel at different lighting levels and at the approximate distance of separation between the proposed Sphere façade and neighbouring properties i.e. New Garden Quarter and the Moxy Hotel.
- 9.79 The Applicant gave a brief presentation and displayed a short 'Day-in-the-life' time lapse video to give an artistic impression of how the sphere would appear throughout a typical day and on context for the façade mock-up. Members of the Planning Decisions Committee were able to ask questions about factual matters relating to the LED demonstration but did not discuss other matters connected to the planning application.
- 9.80 All members were invited but not all were able to attend. A list of the attendees is provided below:
- Philip Lewis
 - Sukhvinder Kaur-Stubbs
 - Piers Gough
 - Emma Davies
 - James Fennell
 - Viktoria Oakley
 - Cllr Nick Sharman
 - Cllr Daniel Blaney
 - Cllr James Beckles
 - Cllr Dan Tomlinson

Officers/persons in attendance:

- Anthony Hollingsworth (PPDT)
- Catherine Smyth (PPDT)
- Daniel Davies (PPDT)
- Will DeCani (PPDT)
- Jamie Lockerbie (Pinsent Masons)
- Leanne Crabb (GLA)

10. Principle of development

- 10.1 The site is located within Sub Area 3 of the LLDC Local Plan - Central Stratford and Southern Queen Elizabeth Olympic Park (QEOP). The vision for this area, as set out in the Local Plan, is for it to continue to develop as an area of high-profile culture, education and sporting facilities with retail, leisure and business expansion all within easy access of the parklands of QEOP. The excellent public transport accessibility and potential for

international links will continue to draw business and investment into the area, as well as provide the means of access for the visitors to experience the area's sporting, leisure and cultural destinations.

- 10.2 Stratford is promoted as having the potential to be a future International Centre with support in policy 3.1 given to Stratford as a location for large scale town centre uses and for the support and enhancement of cultural and night time economy uses given that these can help to accelerate the transformation of the designated Metropolitan Centre.
- 10.3 The site allocation in the local plan, SA3.1, stipulates the expectation for this site to accommodate a large-scale town centre use which would improve the connectivity with the town centre between Westfield and Montfichet Road with the eastern part of Stratford.
- 10.4 The requirement to improve connectivity is in recognition of the current situation which is that whilst the Sub Area has excellent transport links, its accessibility is compromised in some locations by physical barriers (i.e. railway lines) and by the capacity constraints experienced at Stratford station. In this regard, the Proposed Development is consistent with Local Plan policy as it would connect this largely inaccessible site to the surrounding town centre in line with the objectives of the site allocation SA3.1, policies 3.1 (Stratford Metropolitan Centre) and policy 3.3 (Improving connections around central Stratford). On this basis the principle of development in land use terms is supported.
- 10.5 The Royal Borough of Greenwich object to the principle of the venue location citing that the Proposed Development would be of national or international significance in an area that has not been identified for this role in the night-time economy in the London Plan. For this reason, they consider the Proposed Development does not accord with policy HC6 of the London Plan. They have also contended that the Proposed Development could undermine the O2 Arena as a visitor destination.
- 10.6 Officers have reached a different view based on the available evidence and consider the principle of the Proposed Development in this location to be in accordance with the Local Plan (policies SA3.1, 3.1 and 3.3), the London Plan (policies SD8, SD10, HC5, HC6, E10) and the NPPF (Paragraph 85).
- 10.7 The first part of policy H6 explains that "Boroughs should develop a vision for the night-time economy, supporting its growth and diversification, in particular within strategic areas of night-time activity [...] building on the Mayor's Vision for London as a 24-Hour City". HC6 therefore provides general support for promoting the night-time economy across London.
- 10.8 London's night-time economy is generally focused in the Central Activities Zone (CAZ) and within town centres across the city where good public transport is available. Different areas of night-time activity function at different scales and have different catchments. They have been classified in the London Plan into three broad categories. These are:
 - NT1 – Areas of international or national significance
 - NT2 – Areas of regional or sub-regional significance
 - NT3 – Areas with more than local importance
- 10.9 Stratford is classified as NT2 which is defined in the London Plan as an area that attracts visitors from across and beyond London and will often have more than one larger venue and a mature night-time economy and are generally in London's larger town centres. The spatial strategy for Stratford is for it to continue to develop its reputation as a visitor and tourist destination by attracting world class cultural and creative sectors. The East Bank project, representing currently the single largest capital investment in cultural infrastructure in London, means there is a burgeoning cluster of world leading arts and cultural institutions being built in Stratford that has the potential to support a rich and

diverse offer of visitor attractions from large to smaller venues. These venues are envisaged to complement the world class sports and leisure venues located at QEOP.

- 10.10 The Proposed Development will be of regional scale (i.e. it will draw visitors from across Greater London and the surrounding areas) and provides the opportunity to increase the capacity of venues that are suitable to host major entertainment events within the capital. This increase in entertainment capacity could be expected to sustain additional employment opportunities. There is limited definitive information on the Proposed Development's national impact, but it is likely the new venue will provide an additional venue for music tours that are being undertaken nationally and complement other venues. It is less likely to attract significant volumes of people from outside of London and the south-east region, as many other regions in the UK have venues that can host major events, unless the event held is more selective, with fewer dates in the UK.
- 10.11 The Proposed Development is likely to compete with events that would have been held at other venues, but based on the evidence provided by the applicant, the events sector is large enough (and pre pandemic had been growing) to realise latent demand. The range of internal configurations means it is not just concerts and events but e-gaming and other emerging sectors which offers opportunities for diversification of events and potential for more events to be held at any one time. There are also few dedicated indoor venues in the capital that are capable of hosting events at the proposed scale of the Proposed Development.
- 10.12 Stratford already attracts visitors from across and beyond the region and is one of London's largest strategic town centres. Based on this analysis, there is strong support for a venue at this location and, by virtue of its proposed use of cutting-edge visual and aural technology, it could credibly meet the demand for music and events. The principle of the scheme at this location is supported by the Greater London Authority (GLA), and the London Boroughs of Newham, Waltham Forest, Tower Hamlets and Hackney.
- 10.13 In conclusion, the Proposed Development lies in a strategic area and is of a scale that is consistent with its town centre context and will positively add to London's night-time economy. It follows that the principle of the Proposed Development is considered to be in accordance with the development plan.
- 10.14 For similar reasons the Proposed Development is considered to comply with the guidance set out in the NPPF (paragraphs 87-88) as it would locate this large scale leisure use in a main town centre.
- 10.15 The following section will address concerns raised about the need for this development. It will then go on to consider the analysis of information on alternative uses.

Need for the Proposed Development

- 10.16 Notwithstanding the preceding analysis which establishes the acceptability of the Proposed Development in land use terms, some objectors consider that the Applicant has not reliably evidenced the need for this large-scale arena in London. Furthermore, there are representations which state that there are other more suitable alternative uses for the site that are more appropriate to the scale and form of the site's Metropolitan Town Centre designation and that these could be developed and generate benefits without any harmful impacts to the area.
- 10.17 The Local Plan sets out the vision and strategy for economic regeneration and at the heart of this are area-based site allocation policies which contain the approach to future development on key sites. The site is at the heart of the Metropolitan Centre, the strategy for which provides that the intention for the area is to continue to work towards classification as a globally renowned international centre where high profile leisure and entertainment visitor attractions are promoted. There is positive support for large scale

town centre uses to be at the centre of this area. Annex 2 of the NPPF defines town centre uses as:

“Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).”

- 10.18 The economic strategy for Stratford is to promote town centre uses, including leisure and entertainment venues particularly where they are high profile, enhance the range of cultural and night-time economy uses and contribute to the development of new connections to the eastern part of the town centre. In this respect, the principle of the proposed development is consistent with the local plan economic strategy irrespective of whether or not there is an objective need for a large entertainment venue.
- 10.19 Likewise, the NPPF encourages a positive approach to growth and management of town centres (Paragraph 82) and states that it is the purpose of planning policy to set a clear economic vision and strategy that proactively encourages sustainable economic growth and regeneration which should, amongst other things, be flexible enough to accommodate needs not anticipated in the plan and enable a rapid response to changes in economic circumstances.
- 10.20 It follows that there is no requirement, in the Development Plan or in national (or other) policy to establish that there is an objective need for the Proposed Development. Rather, the question for members is simply whether the principle of development complies with the Development Plan, and then, in light of the conclusion reached, whether impacts of the Proposed Development are acceptable in all other respects. Officers consider the question of alternatives in greater detail below.

Alternative uses

- 10.21 The key principles as established by the courts regarding alternatives are summarised below:
- (a) The relevant advantages of alternative uses on the site or of the same use on alternative sites are normally irrelevant. The general position is that land may be developed in any way which is acceptable for planning purposes.
 - (b) However, in exceptional circumstances it is necessary to consider alternatives. Typically, this is where a development proposal has significant adverse effects and/or there is a conflict with planning policy.
 - (c) In exceptional circumstances where alternatives may be relevant, vague or inchoate schemes, or which have no real possibility of coming about, are either irrelevant, or where relevant, should be given little or no weight.
- 10.22 Stop MSG do not support the principle of the Proposed Development as they consider there to be alternative land uses that could be built on the site that would generate benefits without any harmful impacts on the area. They consider the Proposed Development to be incompatible with the nearby residential context and that the site should be redeveloped in whole or part for residential uses to help meet housing need.
- 10.23 In response to this objection, officers consider that:
- a. This is not a case where exceptional circumstances make the consideration of alternatives necessary. In particular, and explained in greater detail later in this report, officers do not consider that the Proposed Development will result in

significant adverse effects once mitigation is taken into account. Likewise, officers do not consider there to be any conflict with the development plan overall.

- b. Even if alternatives should be considered, at present there is no alternative scheme that either has planning permission or a realistic prospect of obtaining planning permission and being implemented in the foreseeable future. Indeed, officers note that the site has been vacant and unused since the 2012 Olympic Games, and that the recent pre-application proposals for the site have also included large-scale leisure uses (none of which has been brought forward to planning application). It follows that even if it is appropriate to consider the objector's proposed alternative uses for the site, officers consider these should only be afforded very limited weight.
- c. The Applicant studied a range of alternative sites and Stratford was considered from an environmental perspective to be most the most preferred location. Stratford was preferred as it benefits from high public transport accessibility compared to the alternative sites which are more sensitive from an environmental perspective. Each of the sites had benefits and disbenefits. Stratford was considered to have the fewest potential adverse effects and amongst other things:
 - o The site is located in an area which is one of London's fastest growing metropolitan centres;
 - o The site is a brownfield site located within one of London's Opportunity Areas;
 - o The area was identified as a place which provides for world class cultural and creative sectors, and is promoted as a visitor and tourist destination;
 - o The site's allocation for "large-scale town centre use with supporting elements" - the Proposed Development would provide a unique next generation leisure and entertainment venue which accords with the site allocation and will help drive growth in London's overall music and entertainment market;
 - o The proximity of the site to the established complementary retail and leisure uses within Stratford, principally Westfield Stratford City Shopping Centre; and
 - o The site's accessibility from several established and future public transport routes serving London and the wider south east.

Conclusion on principle of development

- 10.24 The Proposed Development would deliver an entertainment venue from a leading venue operator on a vacant brownfield site at the heart of Stratford which is a key focus for change and regeneration within East London. The area already benefits from visitor attractions with the ArcelorMittal Orbit and retained Olympic venues and is continuing to develop its leisure and cultural offer with the delivery of East Bank which consists of the University of the Arts London (UAL), London College of Fashion (LCF), Sadler's Wells, the V&A and BBC together with a new UCL East Campus.
- 10.25 This cluster of creative arts and cultural institutions will form a nexus of institutions which sit alongside the technology and media focused hub at Here East. This together with the cultural industry in the Hackney Wick and Fish Island Cultural Enterprise Zone and Culture Uses in Waltham Forest and Tower Hamlets means the venue would diversify the cultural offer in the area and benefit the local and regional night-time economy.

- 10.26 The Proposed Development is expected to attract 2.4 million visitors a year which would increase footfall in the area. The is expected to benefit local businesses generate revenues at a rate of £52million per annum which would include additional revenues to local bars and restaurants (estimated to be £8million per annum) and local hotels (estimated to be £15million per annum). Additional retail visitor spend is also anticipated in Newham which is expected that is likely to spill over to neighbouring boroughs.
- 10.27 It follows that not only is the principle of development considered to comply with the Local Plan and London Plan, but that also several public benefits will arise from the use which are important material considerations. These have been added to the planning balance accordingly at the end of this report.
- 10.28 Notwithstanding the acceptability of the Proposed Development in land use terms, it is necessary to have regard to the impacts of the Proposed Development in its local context and to assess whether the nature and scale of effects are acceptable. This includes giving careful consideration to the impact of the Proposed Development on the local townscape, heritage assets, residential amenity and transport infrastructure and other social and environmental factors. These matters are addressed below.

11. Urban Design

The Policy Framework

Development plan policies

- 11.1. Strategic Policy SP.3 of the Local Plan sets out that new development should create a high-quality built and natural environment. Central to the achievement of this objective is that proposals give primary consideration to the creation of place, enhance its surroundings, maintain and promote local distinctiveness, support the delivery of priorities for the various sub-areas and respect LLDC's Design Quality Policy in accordance with policies BN.1, BN.2, BN.3, BN.4, BN.5, BN.6, BN.7, BN.8, BN.9, BN.10, BN.11, BN.12, BN.13, BN.14 and BN.17.
- 11.2. Policy BN.5 is a key policy as it sets out the main considerations to be assessed for tall building proposals.
- 11.3. Good design is also central to the achievement of London Plan Good Growth objectives. Key considerations include ensuring: existing and planned infrastructure can support the proposed growth; the design of the buildings and public realm is inclusive (Policies D1, D2, D3, D4, D5, D8), the development is safe and resilient (Policies D11, D12); potential adverse effects on the surroundings of the development are minimised (Policies D13, D14), the significance of affected heritage assets is conserved (Policies HC1, HC2, HC3, HC4, HC5, HC6); and, appropriate elements of green and sustainable infrastructure are incorporated (Policies G1, G5, G6, SI 1, SI 2, SI 3, SI 4, SI 4, SI 5, SI 7, SI 12, SI 13).
- 11.4. Policy D9 is a key policy in respect of this application as it sets out the London Plan expectations for tall buildings.

Tall buildings assessment

- 11.5. The Proposed Development, at 96m (AOD) in height, is a tall building and so policies BN.5 and D9 of the development plan are engaged.
- 11.6. Policy BN.5 contains a hierarchy for the location of tall buildings, with Stratford metropolitan centre at the top of the hierarchy. It follows that the development plan makes provision for a tall building at this location subject to the proposal meeting the criteria in BN.5 and D9.
- 11.7. Policy BN.5 of the Local Plan states that tall buildings will be considered acceptable where they exhibit exceptionally good design, demonstrating this through an

independent design review undertaken by a panel appointed by the Local Planning Authority. To achieve this, they must, in addition to meeting the requirements of Local Plan Policies BN.1 and BN.4, demonstrate:

8. An appropriate proportion, form, massing, height and scale in context with the character of its surroundings;
9. Use of material appropriate to the height of the building
10. Acceptable access and servicing arrangements
11. A positive contribution to the public realm at ground level
12. A positive contribution to the surrounding townscape, and;
13. Creation of new or an enhancement to existing views, vistas and sightlines where there is an opportunity to do so

Proposals for tall buildings that are likely to have a significant adverse effect on one or more of the following will be considered unacceptable:

14. Micro-climatic conditions (specifically down-draughts and lateral winds over public or other amenity spaces)
 15. Amenity of the surrounding area (including open spaces and other buildings and waterways) that relate to overlooking, daylight, overshadowing, light spill/reflection and wider amenity impacts. Existing views of landmarks, parkland, heritage assets, waterways, and views along street corridors.
- 11.8. Policy BN.1 sets out that new development should respect and enhance the local context (landscape, layout, scale, architectural and historic context) take design cues from the area, improve connectivity and local infrastructure and consider how the land uses integrate with and relate to public and private spaces and mitigate amenity impacts.
- 11.9. Policy BN.4 also establishes the need for development to respond to local context and to make a positive contribution to the streetscape, connectivity and legibility. It sets the expectation that development should create high quality liveable places that are distinctive and achieve good standards of privacy, adequate daylight and sunlight and where relevant preserve or enhance the setting of heritage assets.

Assessment of the Proposed Development against the Policy Framework

Independent Design Review

- 11.10. The proposals for the Proposed Development were subject to an independent design review early in the planning process and also post submission by LLDC's Quality Review Panel and separately by the Built Environment Access Panel.

Quality Review Panel (QRP)

- 11.11. QRP are supportive of the Proposed Development and consider the proposed scale of the buildings and use is appropriate for the town centre. They have stated that the architectural design of the building has the potential to be perceived as an object of 'beautiful simplicity' and that its displays could make Stratford a destination even for people who are not attending a formal event at the Sphere. QRP proposed that the digital content displayed on the LED façade should ideally be curated for the public benefit for the majority of time that the LED façade is switched on and that the Proposal should maximise the time that the Sphere can be viewed as a free-standing contemporary work of art. QRP also stated that one of the most significant potential benefits of the scheme is the unlocking of this inaccessible site to establish new connections between Leyton and Stratford.
- 11.12. Notwithstanding the QRP's generally positive view, it expressed concerns that the Sphere relies too heavily on its illumination and that it does not hold sufficient

architectural merit on its own to be successful when not illuminated. There were also concerns about the potential effects of illumination on local residents and the safety of train drivers and road users, as well as concerns in the event that the LED façade was used only for commercial advertising. In addition, criticisms were expressed about the high levels of embodied carbon within the scheme, together with potential high ongoing energy use associated with the illumination. The QRP considered that these factors, as well as concerns about how inviting and accessible the public realm surrounding the Sphere would be, may affect the Sphere's ability to meet the criteria in Policy BN.5 for tall buildings.

- 11.13. The QRP's main concerns about the public realm relate to uncertainty about how accessible the routes through the site would be, whether landscaping proposals would be further developed to widen 'pinch points', whether enhanced green landscaping would be employed, and the extent to which better activation of spaces would be achieved so that so that the spaces and routes are an attractive destination at all times in their own right and not only designed for those attending events.

Scheme evolution in response to QRP comments

- 11.14. The Applicant has made various changes to the design in order to respond to the comments of the QRP. These are summarised below.
- 11.15. The Applicant has committed to developing a strategy with the relevant rail and transport authorities prior to the operation of the Sphere LED facade that would establish the principles and operating parameters for the operation of the display. In addition, the Applicant will submit a strategy to monitor the effects of mitigation on road users and rail drivers and where appropriate address any unexpected impacts where they are identified through this monitoring process. Collectively, these measures would minimise the effects of illumination on road users and rail drivers and should address the QRP's concerns about safety.
- 11.16. To address concerns about the amount of advertising being displayed, the Applicant proposes that artistic content will be displayed for a minimum of 65% of the time that the sphere is illuminated with commercial advertising restricted to the remaining 35% of the time (to be secured by way of condition). The Applicant has also agreed to produce a strategy and guidelines for the display of digital public art that would be submitted for approval. It would establish the principles and parameters governing the approach to the display of public art and any positive actions that will be taken to engage with the community. The strategy will be monitored against its stated objectives to identify improvement measures over time. This is secured as part of the section 106 agreement HoTs.
- 11.17. Turning to design quality, the Applicant has restated their commitment to deliver a scheme of a high design standard and that the efforts to increase the greening of the site have had to be balanced against the operational requirements of the rail operators (Network Rail had expressed concerns about leaf fall from the landscaping). Green walls were discounted on this basis. Areas of greening developed in response to the QRP's comments are the green roofs, woodland habitat and native trees and shrubs for planters within the landscaped entrance to the site. The detailed design of these features will be developed during the detailed design phases to ensure that a diverse and rich habitat is provided for wildlife.
- 11.18. It is acknowledged that the urban greening factor achieved based on the current designs is below the London Plan target. Few sites have achieved this target and officers accept that the applicant has maximised the opportunities to green the site taking account operational and rail operators' constraints. An appropriate level of control over the detailed design and landscaping elements of the scheme has been secured through conditions and a commitment to retain the scheme's architects. In particular, the

requirement to submit material samples and mock ups for the key elements of outstanding detailed design aspects mean that PPDT is confident it can ensure that the final design and its implementation will be of an exceptionally high standard.

- 11.19. A whole life cycle carbon assessment has been prepared and submitted by the applicant which provides an initial estimate of the carbon emissions of the Proposed Development including operational carbon emission figures. Through this exercise, the Applicant has demonstrated the steps it has taken to minimise the life-cycle carbon emissions whilst also balancing the need to take account of the technical demands of the venue and requirement for acoustic insulation (which mean that the carbon emissions exceed those for conventional office and residential buildings) in circumstances where there are no relevant policy benchmarks against which to assess the performance for this kind of unique development. A full assessment is only possible at later stages in the design and procurement process. The Applicant has committed to reporting on the carbon outcomes and this would be secured by condition. Officers are satisfied that this in so far as the steps and decisions that are taken support carbon reductions this would gain support in policy SI 2 of the London Plan.
- 11.20. With respect to energy use, the Proposed Development will achieve on-site reductions in carbon emissions of at least 35% which is in line with London Plan requirements and exceeds the London Plan 'Be Lean' target to achieve at least 15% of this reduction through energy efficiency measures. The Applicant recognises that achieving the zero carbon target would be difficult for this scheme and so it has agreed to make a financial contribution to the LLDC's carbon offset fund which is used to support carbon reduction initiatives. Officers are satisfied that this approach is consistent with the Development Plan (See Para 2.1 of Part 2, s106 HoTs Appendix 1).
- 11.21. The Applicant has reiterated that the routes on the podium are sufficiently wide to support the egress of large crowds and that they will improve connectivity with the town centre and therefore deliver a longstanding local plan priority. They have explained that where routes are constrained on the podium, for example by columns supporting terraces above, they are still wider than the footpaths on Montfichet Road and Angel Lane and generally double the width of the other routes that serve the Proposed Development. They have explained that the Sphere is as small as it can be to meet their operational requirements and that the position of the Sphere on the podium is the optimum position because the alternative would be to raise the building which would result in a much taller structure overall. The thickness of the surface of the Sphere has been driven by structural, acoustic and maintenance requirements and so the size of the Sphere and its routes are an appropriate balance between competing objectives.
- 11.22. Officers are satisfied that the quality and width of routes on the podium are, on balance, acceptable. The routes are elevated with views out over the railway lines which, coupled with their proximity to what is intended to become a local landmark, should make the routes popular with pedestrians and an exciting part of the public realm.
- 11.23. Overall, officers are satisfied that the Applicant has responded adequately to the main comments of the QRP and in the opinion of officers there are no outstanding comments to be addressed. It is acknowledged that not all criticisms have been fully resolved, but officers consider that appropriate steps have been taken to resolve the main design issues. Accordingly, officers are confident that, subject to conditions and s106 obligations regarding its detailed design and the operation of the digital display, the Proposed Development would exhibit an exceptionally good standard of design.

Built Environment Access Panel (BEAP)

- 11.24. The BEAP are supportive of the Proposed Development but suggested further details be provided so that decision-makers can be confident that:
- The shuttle bus mobility service for visitors will be effective and is deliverable;

- Manual and powered wheelchair users and mobility scooters have been considered;
- The rationale for lift locations is acceptable and does not feel like a second class entrance for disabled visitors;
- Appropriate rest points and seating areas have been provided for people unable to walk long distances over the link bridges;
- The active façade will not negatively impact people with sensitivities to light;
- The glass floors on the podium and terrace will be properly segregated to ensure that people with vertigo and other conditions are not 'caught out' by the visual impact;
- The kind of assistive technology proposed will have a positive impact on the experience of disabled visitors;
- Quiet spaces are positioned in the most effective areas to have the most impact both externally and internally;
- The catering offer and furniture proposed in the podium plaza would not become a 'no go area' for people with visual impairment.

Response to BEAP comments

- 11.25. *Shuttle bus mobility service:* The Applicant proposes to provide further details of the shuttle bus mobility service prior to the operation of the development. This means that the effectiveness of the service can be thoroughly scrutinised. This is secured in the s106 agreement HoTs.
- 11.26. *Consideration of wheelchair users and mobility scooters:* A condition has been secured that requires details to be provided of how the Proposed Development will make provision for wheelchair users and people who use mobility scooters. Further, within the venue storage areas with charging points for mobility scooters and wheelchairs users are located close to accessible seating areas. Officers also consider that the shuttle bus service will provide an important service to help users who are unable to walk long distances, including users of manual and powered wheelchair users and mobility scooters.
- 11.27. *Adequacy of lift arrangements:* Appropriate details have been provided to justify the position of the lifts. The applicant has clarified that Bridges 1 and 2 would contain "through" lifts with doors at each end and that each lift has a capacity of 21 persons (1400mm x 2400mm) which is large enough to accommodate a wide range of mobility scooters. The lift enclosures have been designed to be easy to locate but are not on the primary route to the main staircase in order to encourage those that can use the stairs to do so. They have revisited the legibility of the lifts and propose to improve this through the use of lighting and signage to increase their visibility.
- 11.28. *Adequacy of rest points:* Rest points with seating and areas for wheelchair users have been incorporated at regular intervals on all approaches to the Sphere. The rest points also make provision for others more generally who may not be able to walk long distances.
- 11.29. *Protecting visitors sensitive to light exposure:* The Applicant acknowledges that they need to consider the impact of light spill and displays on visitors to the building, including visitors who are sensitive to light. Details on how this would be achieved would be secured in the s106 HoTs, as part of the Digital Display Management Strategy (Para 18.1, Part 3, s106 HoTs)
- 11.30. *Glass floors, assistive technology, quiet spaces and access to catering area:* Details have been provided which show that the areas of glass paving will be behind a

balustrade and appropriately segregated. This arrangement therefore provides certainty to visitors that they do not need to cross the glass to enter the building or for any other reason.

- 11.31. *The Applicant has restated their commitment to provide quiet spaces and to use assistive technology in the main venue and that the design would be developed in accordance with the guidelines set out in the LLDC's Inclusive Design Standards.*
- 11.32. *Overall, officers are satisfied that the applicant has responded to the main comments of the BEAP and, subject to conditions, there are no outstanding comments to be addressed. Whilst not all criticisms have been fully resolved at this stage, an appropriate level of detail and controls have been secured to ensure that any outstanding matters can be properly addressed at a later stage in the design and development process.*

BN.5 (1) Proportion, form, massing, height and scale in the local context

- 11.33. Opinions expressed in the representations received vary on whether the design of the Proposed Development is sufficiently contextualised and integrated into its surroundings. Supporters of the Proposed Development consider its form, massing and appearance to be of architectural interest and a positive addition to the town centre that could come to be a defining element of Stratford, attracting visitors to the area to see the Proposed Development even if they are not attending an event. In contrast, objectors state that the form and massing of the Proposed Development would be out of character with the surrounding townscape and that this would be a source of harm and a conflict with the development plan.
- 11.34. The assessment of whether the Proposed Development's design is appropriate involves a judgement informed by an understanding of the scheme and its context. It involves (amongst other things) knowledge of the site context, the design brief and the extent to which the final design has evolved in response to the locality. These factors are considered below.
- 11.35. As a preliminary point, there is no in principle objection to a landmark building at this site as long as the development as a whole exhibits exceptionally good design and responds appropriately to the site context.
- 11.36. The site lies at a visibly prominent part of the metropolitan centre, at the confluence of railway lines and strategic roads directly adjacent to an important commuter hub and the entrance to Westfield Shopping Centre. The proposed land use has been established as appropriate and would build upon Stratford's appeal as a tourist and visitor destination in line with the Local Plan. In the view of officers, these factors contribute towards to the site being appropriate for a landmark building.
- 11.37. The spherical form of the Proposed Development is driven by the venue concept and so is not a response to locality. It is a physical expression of the auditorium which is shaped as a seating bowl and has a spherical media plane that goes up, over and around the audience to create a unique immersive visitor experience. To create an experience which begins as soon as visitors see the MSG Sphere, the design brief was for the Sphere's façade to be covered in LEDs that enable the surface to be illuminated with content that can be fixed or moving and constantly changing in appearance. The intention is for this to result in an iconic building that will establish itself as a new London landmark and form part of Stratford's identity. The longer-term aspiration is for there to be a series of MSG Spheres around the world with the form and geometry of the London Sphere being used as a model which can be replicated elsewhere and allow for digital content to be easily scaled between venues.
- 11.38. Early design options showed the full volume of the Sphere above ground, resulting in a building that would be taller than any others around it. To reconcile the tension between the brief for an iconic replicable spherical form and the policy requirement for the

proposal to be appropriately embedded into its local context, the designers adjusted the spherical designs by introducing a podium deck which connects the sphere to its locality. The position of the Sphere within the podium is a balance between maximising building visibility and maximising circulation and public space within the development, as well as integrating the Sphere into its surroundings. Lowering the Sphere further into the podium would reduce its visibility but as the building is wider towards the equator it would also reduce the width of routes provided at podium level. Conversely, raising the building would increase the width of these routes but would also increase the visibility and height of the of the spherical form in relation to its surroundings.

- 11.39. The final design chosen, which includes a podium and circulation deck, means that the visibility of the Sphere has reduced somewhat compared with the original proposal. Nonetheless, the Sphere would still be visually prominent in the locality as the podium is raised in relation to its surroundings and the Sphere becomes wider from podium level up until its equator. The proposed relationship between the podium and spherical form is considered to be a suitable balance between these competing design objectives as the podium and bridge design appropriately connects the spherical form and site to the locality.
- 11.40. The bridges are an extension of the podium and connect the Sphere to the locality. Their design draws on their surrounding context. Bridges 1 and 2 have a simple rectangular form and have been designed as a pair which are sympathetic in scale and form to the nearby Engie building. Bridge 2 differs from Bridge 1 in that it has stair access from both the north and the south of Montfichet Road, with stair access being wider on the south side because this route is expected to be favoured by people arriving from the proposed new entrance on Montfichet Road and the Northern Ticket Hall. Bridge 3 has been designed to match the Town Centre Link Bridge architecture and will connect at the same height of that bridge before tapering down to connect to the podium. Bridge 4 is for construction and servicing only and spans the HS1 rail box and has been designed to appear as part of the original HS1 infrastructure. Its architectural design is simple and not intended to compete with the architecture of the main venue.
- 11.41. The Proposed Development as a whole would establish a strong sense of place on this prominent site at a scale that is not considered to be excessive taking account of the established scale of surrounding buildings and the large spaces either side of the site in which it would sit. It would provide a striking backdrop to the town centre in a manner that is consistent with the design brief as well as local plan aspirations to attract high profile institutions and entertainment operators to the town centre. In the view of officers, the scale of building reinforces Stratford's position in the hierarchy of centres and its trajectory as a future international centre. The juxtaposition of the spherical form in the local context is not in keeping with historic development but the podium deck successfully integrates it into the locality. In officers' view, the design represents an appropriate proportion, form, massing, height and scale of building that appropriately responds to the town centre context.

BN.5 (2) Appropriateness of materials

- 11.42. The architectural design of the Sphere surface is driven by the applicant's aspiration for it to operate as a media platform capable of displaying high quality moving images. The ability to control light emittance to safeguard residential amenity has driven the approach to integrate the LEDs within the Sphere surface so that they would sit flush within the architectural cladding. This approach contrasts with the design of the building in Las Vegas which has a different façade lighting strategy.
- 11.43. The Sphere surface would be finished in a semi-matt black stainless steel panel which is in keeping with the materials used in the construction of Westfield and the Unex Tower. The materials selected have been chosen for their bespoke absorbent and reflective properties and are less specular than those initially proposed so as to ensure

that they mitigate solar glare and the effect on the railway. A condition is recommended requiring the final materials used are submitted for approval in the interests of design quality and the visual amenity and to ensure that they meet the glare and reflection properties required by Network Rail.

- 11.44. The podium is finished in dark brick and metal louvers which is distinctive and specifically chosen for its visual contrast and robust character. The podium would have a predominately glazed parapet with a corten cap drawing cues from the Town Centre Link Bridge and nearby Engie Building. The balustrades have been designed with integrated lighting within their lining so that they can be programmed to emit different colours to suit specific events which is likely to add to the experience of visitors who enter the site. The balustrades would transition from clear to opaque as you move from the bridges onto the site. Clear glass balustrading, interspersed along the routes would ensure that are views out over the railway lines that surround the site and that routes are well day lit.
- 11.45. The use of corten, brick and metal are considered an appropriate contextual response as they require little maintenance over the rail lines and their materiality and height would be in line with Network Rail's Bridge parapet guidance. The bridges would appear as a family of structures connecting the spherical form to the locality. The bridge over the HS1 box would be concrete and in keeping with the materiality of that structure.
- 11.46. The Stage Box is an undulating timber surface which contrasts with the brick base, stainless steel façade and balustrade elements. The contrast in material has the potential to soften the appearance of the Proposed Development, subject to appropriate design scrutiny that will be controlled by conditions. The relevant conditions require the applicant to provide for approval a schedule of materials, sample boards and (where appropriate) mock ups of externally facing areas and their junctions for the spherical facade, the stage box, podium plinth, terraces, public realm and landscaping in order to ensure that a high standard of design detailing will be achieved.
- 11.47. In summary, the palette of materials is well considered and the overall taken to materiality is appropriate to the local context. The brick base and corten responds appropriately to the historic railway context and Engie Building. The stainless steel panels would be in keeping with the commercial context, respond to the design brief and the operational needs of the railway operators. Subject to conditions, the overall design would achieve a high standard of design and comply with BN.5 (2).

BN.5 (3) Acceptability of access and servicing arrangements

Bridges, lift access, podium

- 11.48. The podium bridge connections and lift access overcome pedestrian access constraints which currently compromise connectivity in this part of the town centre. Connecting the site with its adjacencies is particularly challenging as there is a significant difference in datum levels and a need to bridge the surrounding railways in order to provide space for people to arrive in a way that does not compromise the operation of the rail lines. Officers consider that the Proposed Development has addressed these challenges well.
- 11.49. Functional benefits of the Proposed Developments design are that it provides level access for visitors travelling to and from the site and more generally for people who live or work in the area improving connectivity to and from destinations such as Westfield Shopping Centre and Stratford Regional Station. For example, people will be able to access Stratford Regional Station without having to cross Montfichet Road and the new station entrance offers opportunities to cut journey times for people entering and exiting the Station to access the Overground, Central Line and other main line platforms. These benefits would accrue to people who are not attending an event and stitch the site into the locality in line with strategic objectives.

- 11.50. Turning to the proposed lift provision in particular, crowd modelling studies indicate that the highest demand for access to the podium will be in the evening when background pedestrian flows are lowest and on this basis officers are satisfied that the proposed two new lifts, alongside the current provision at the Town Centre Link Bridge is an acceptable level of provision to meet the expected demand.
- 11.51. The new lifts are through lifts, each with capacity to hold 21 persons (1400mm x 2400mm) and would provide additional lift capacity in the town centre. The lifts proposed are the largest lifts that can be accommodated within the available space and would accommodate a wide range of mobility scooters and multiple scooters at one time. The lift enclosures would be set back from Montfichet Road (Bridge 1) and from the main staircases to avoid conflict between those using the stairs and those using the lift. In design terms, this is an appropriate design response that responds to the needs of different users. Lighting and signage are proposed to improve the visibility of these lifts in the streetscene, details of which have been reserved by planning condition.
- 11.52. Rest points with seating and with space for wheelchair users have been incorporated at regular intervals on all approaches to the Proposed Development and on the podium at a maximum of 50 metre intervals. There are a small number of exceptions to this on the podium and Bridge 2 where the addition of seating would either obstruct crowds and/or emergency vehicle access. This response and the justification for the exceptions is considered appropriate.
- 11.53. The podium will be almost completely level and will be accessible for all visitors to the venue. Concerns raised by BEAP that the proposed glazed paving may cause anxiety for some have been addressed through glazed balustrades that will segregate those spaces. It will therefore be clear to visitors that there is no need to walk cross the glass to enter the building or for any other reason. Circulation and egress routes on the podium more generally will be kept clear of furniture so officers are satisfied that the proposed layout of the pop-up area is not in itself problematic. Whilst the arrangement may vary depending on the event, there is an expectation that this can be appropriately be managed by the venue operator on a case by case basis and is not a matter than should be controlled by planning condition.
- 11.54. Once at the Sphere, visitors will have the choice to move around it by lift, stair or escalator from each entrance lobby which provides access to all levels of the building. All lifts within the Sphere, with the exception of two, would be larger than the minimum required under Building Regulations. All stairs will be provided with handrails on both sides. Wheelchair user spaces and amenity seating for ambulant disabled people is provided across all levels within the building such that appropriate provision for disabled people is made for all categories of spectator. A fire access strategy has been submitted which describes the evacuation strategy for all building users, including disabled people. The strategy shows that the venue has been designed to be responsive to the needs of people with different accessibility needs.

Public Access

- 11.55. The routes and public spaces created on the podium will be managed in accordance with the Public London Charter published by the GLA and are intended to be accessible to all and to offer highest level of public access.
- 11.56. A contextual approach to the management of public space is promoted in The Charter recognising that some, for instance high profile public spaces, may need tighter rules to maintain a safe environment and to minimise activities that could cause a nuisance to others.
- 11.57. On the advice of the Metropolitan Police, the podium design has evolved to include measures which secure the site outside of operational hours following consecutive consultation responses in which the Police stated that they are unable to support 24/7

public access onto or through the site. They have identified the site as having the potential to be vulnerable to anti-social and/or criminal behavior at certain times when legitimate activity on the site is reduced.

- 11.58. The scheme design has responded by including gates at the entrance of the bridges which are integrated into the architecture of the bridge structures so that when they are open they will not be perceived as a gate. Deployable gates are proposed at other parts of the site. These have been provided for by storing the required gate furniture within the Sphere structure at locations where it is not visible. As a result, the gates will not reduce the width of public routes or detract from the visual impact of the Sphere when the gates are open.
- 11.59. The commitment secured is for the site to be open to the public between 05:00-00:00 with the site's operators permitted to close it in a limited set of circumstances, for example in the interests of safety. Officers are satisfied that the terms agreed offer the highest level of access which is consistent with advice from the Metropolitan Police and the principles of The Charter. The principles agreed are secured in the Heads of Terms along with provisions securing access to public toilets.

Access for disabled visitors

- 11.60. The Proposed Development is effectively an island site bounded by railway lines on all sides (with the exception of a short section on Angel Lane to the north of the site). Whilst most people arriving at the venue are anticipated to use the area's good public transport connections, it is anticipated that a significant proportion of disabled people are unlikely to use public transport as only some underground stations have step-free access. The distance between the Stratford Station transport hub to the entrance of the Proposed Development is in excess of 200 metres and, given the travel distances from nearby car parks and drop off points, it has been recognised that many disabled people may find it difficult to reach the venue unassisted. In addition, no visitor car parking is proposed on site due to spatial constraints, safety and security reasons associated with the live service yard. Around 112 blue badge spaces are needed and 37 spaces can be accommodated based on the internal layout of the building, all of which will be used by staff and venue operators.
- 11.61. To promote inclusivity the applicant is proposing a free of charge mobility assistance service from the Westfield City Shopping Centre car park, Stratford International car park, the Stratford Regional Station ticket hall and Montfichet Road. The exact form of mobility assistance proposed is not yet known but, in the event of approval, it is intended that this will be developed and approved prior to the opening of the venue. Accordingly, a condition requiring details of this to be submitted and approved prior to the occupation of the development is recommended.
- 11.62. The LLDC Built Environment Panel have reviewed the scheme at all stages and are supportive of parking being provided off-site as long as appropriate car parking, drop-off and pick up facilities are provided. On this basis the BEAP encouraged the applicant to provide further details demonstrating that the proposals for an off-site shuttle bus mobility service for visitors can work and is deliverable
- 11.63. The proposed mobility shuttle service would operate from either Stratford International car park or the Westfield Shopping Centre car park. 112 blue badge parking spaces would be made available (which is similar to the number of wheelchair spaces and seats provided for ambulant disabled people at the O2 Arena). The podium design incorporates a ramp, accessed from Angel Lane, which is intended for maintenance access and emergency vehicles but could also accommodate a shuttle service that physically enters the site. The most likely arrangement is a drop-off location on the highway subject to section 278 agreement and discussions with LB Newham, the Highway Authority.

- 11.64. The applicant's preference is to use Stratford International Car Park to provide the relevant spaces, which has significant advantages from an operational and user experience perspective. Heads of terms have been agreed with HS1 for the use of the Stratford International Car Park but the final agreement is subject to the corresponding planning consent being granted. Consent for the works required to Stratford International car park is the subject of a separate planning application being considered alongside this application. In the event planning permission is granted for the proposed car parking spaces in the HS1 car park, the Stratford International Car Park would provide enough dedicated car parking for the development and more if required.
- 11.65. In the event the Stratford International Car Park planning application is not approved, or cannot be delivered for any reason, the applicant intends to pursue a 'Plan B' option at Westfield. The applicant has agreed to a Grampian condition/obligation that would restrict the venue from being open until those arrangements have been made and approved in writing by the local planning authority. The intention would be for the applicant undertake further consultation with the BEAP on that alternative if those circumstances arise.
- 11.66. Taking account of the mobility assistance service that will be provided and the proposed shuttle bus arrangement, officers consider that appropriate provision has been made to facilitate access to and from the Sphere by people with disabilities and those who are unable to walk long distances.

Servicing

- 11.67. The servicing strategy has been driven by access constraints and consequently also the position of the auditorium stage. Two service yards are proposed, one in connection with events and the other for all other deliveries, with loading and unloading taking place wholly within the podium. The two service yards are accessed from Angel Lane via separate access points to avoid conflict between the movement of vehicles. The use of two separate service yards is designed to reduce the period of overall delivery and servicing as well as to reduce the impact of servicing movements on the local road network. The arrangement also reduces the potential for noise from event production trucks on sensitive receptors nearby and the effects of vehicles loading and unloading on the streetscene and the operation of the local road network. The proposed arrangements make the best use of the podium and are appropriate for the scale of vehicles likely to enter and exit the site. Restrictions on the timings of load out following an event are proposed to be agreed as part of the updated CONOPS or VOM which will be submitted for approval prior the opening.

Conclusions on BN.5(3)

- 11.68. Overall, officers are satisfied that the building design provides acceptable access and servicing arrangements for people to enter and exit the venue safely and conveniently. The podium, bridge connections and new lifts would significantly improve connectivity on a site that is currently inaccessible and the proposed mobility assistance service and shuttle bus would help users who are unable to walk long distances to get to the venue including users of manual and powered wheelchair users and mobility scooters. This aspect of the scheme design would support wider social inclusion objectives. The access and servicing arrangements are considered to be acceptable and comply with part 3 of BN.5.

BN.5 (4) Positive contribution to the public realm at ground level

- 11.69. The site is a large urban island that is currently inaccessible to pedestrians. It is largely free of built structures and has had little use other than as a temporary coach parking during The Games. It follows that the site is a large void in the urban fabric that is physically disconnected from the locality and which contributes little to the visual amenity of the street scene or town centre.

- 11.70. Montfichet Road, where the new station entrance and bridge access is proposed, is currently dominated by hard paving and high parapets along the length of the railway tracks. There is little continuity in built frontage along the eastern frontage except for the Engie Centre. Its design and public realm is balanced in favour of cars with street furniture not optimally positioned, causing obstructions and visual clutter for pedestrians and cyclists.
- 11.71. Montfichet Road would be transformed through the introduction of bridges and the reconfiguration of the road layout from four to two lanes. This would rebalance the proportion of public realm available for pedestrians (as opposed to vehicles) and result in functional benefits for pedestrians and cyclists. For example, wider footpaths will be provided as well as a new two way cycle lane. New timber seating benches, concrete blocks and bollards would be also introduced to address the need for pedestrian protection against hostile vehicles alongside pockets of landscaping consisting of hedges, shrubs, trees and flowering perennials. The proposed improvements are consistent with local strategic infrastructure aspirations.
- 11.72. The new Stratford Station entrance would entail changes to the streetscene on its eastern edge. Whilst its final design is still to be agreed, outline proposals have been submitted which indicate its scale and approximate position in the immediate context. The creation of an entrance could add positively to the experience of residents and visitors to this part of the Montfichet Road compensating in part for the heavily engineered bridge landings.
- 11.73. The Proposed Development transforms the view of the site at ground level with the Sphere being the most immediately obvious feature in views. It provides a visual pivot between large sites coming forward in the town centre and the historic grain of surrounding areas.
- 11.74. From the Town Centre Link Bridge 'The Square' is the main arrival point and has been designed to include a central raised deck, which can double up as an observation area, outdoor stage, crowd circulation device or simply a place for people to gather and sit. The deck is partly exposed to the sun and sheltered so it can be used all year round and proposals for food and beverage pop ups mean it will be animated by people visiting. Views of the Sphere from this direction will be set against the tree lined evergreen woodland habitat above the central deck and generous spaces either side of the building. The extent of landscaping at the upper levels is generous and will enhance and soften the visual appearance of the site. 'The Square' is therefore considered to be an aspect of the Proposed Development which makes a positive contribution to the public realm at ground level.
- 11.75. From Angel Lane, the approach road will be reconfigured with landscaped stairs and access arrangements designed to prioritise the flow of pedestrians with bollards introduced for crowd security and traffic calming measures to reduce the speed of oncoming motor vehicles. The North Hub is the arrival point where a nature garden, café, gym and playspace are proposed. These sub-spaces will provide opportunities for people to enjoy relative seclusion amongst meadow flowers and small trees or to play or work out. The variety of landscaping elements provides a more inviting and varied streetscape compared to the current arrangement and they are human in scale.
- 11.76. Immediately against the Sphere is the asymmetric timber clad stage box, capped with a green roof, beneath which is a café with a double height façade. Passers-by will be able to see into the café with fold out windows that open out to the external space with the potential for this area to be filled with visitors or locals when there are no events. This should add to the vitality to the town centre.
- 11.77. The podium landscaping has been designed to be transformed at night through integrated lighting schemes which change the character of the public realm and its

respective sub-areas. The interest will be achieved through integrated lighting of the balustrades, podium floor and fixed planters and the planted landscape will be supplemented with 'digital landscaping'. This means that when light levels drop, visitors will be able to interact with and control the digital landscape with their phones, for example, changing the colour of a 'digital flower' by moving their phone.

- 11.78. Overall, the Proposed Development would completely transform the view of the site from the surrounding area. That is because a previously vacant site would be turned into a destination that would contribute positively towards activity in the town centre and visual amenity compared to the current arrangement. Subject to appropriate conditions and a s278 agreement for the relevant areas on the highway, officers are satisfied that the Proposed Development's contribution to the public realm through improved access and connectivity, a comprehensive upgrade of street furniture and hard and soft landscaping, would weigh in support of the scheme and comply with part 4 of Policy BN.5.

BN.5 (5 & 6) Positive contribution to the surrounding townscape and creation of new or an enhancement to existing views, vistas and sightlines

- 11.79. The assessment of whether the effect of the Proposed Development on townscape character and visual amenity should be categorised as positive is one of the more controversial issues relating to this application. As is evident from the consultation responses, views are polarized on this issue. The form and appearance of the Sphere will be a distinctive backdrop to the town centre and, in active mode, the display of images will vary which offers a distinctly new visual experience. Supporters suggest this will be a positive addition and a benefit to Stratford, whilst objectors consider it to be out of character and its design a source of harm.
- 11.80. Five townscape character areas (TCA) were identified as being relevant in the ES and assessed for townscape and visual impacts. These are listed below and then considered in turn:
- Westfield and Stratford International (TCA 1) (Viewpoints 18, 19,20 and B41)
 - Stratford High Street and Centre (TCA 2) (Viewpoints 7-13, and longer views B33 – B39 and B40)
 - Maryland Residential (TCA 3) (Viewpoints 14, 15 and 16)
 - Chobham Manor and East Village (TCA 4) (Viewpoints 3, 17, 19, A24 and B28)
 - Olympic Park and Sports Fields (TCA 5) (Viewpoints 4, 5, A22, A23, B27, B29, B30)

Westfield and Stratford International (TCA 1)

- 11.81. TCA 1 is characterised by major rail and road infrastructure, a large grain of modern development and a concentration of residential and commercial building uses at its western edge. There are no buildings with particular heritage value and the sense of place is still emerging due to the construction works and large number of sites that are coming forward for redevelopment. Tall buildings are an established part of the setting and the susceptibility of the TCA to additional large buildings in the area of the site is low.
- 11.82. It has been established earlier in this report that the Proposed Development would establish a strong sense of place on this prominent site at a scale that is not considered to be excessive taking account of the established scale of surrounding buildings and the large spaces either side of the site in which it would sit. The Proposed Development would be visually prominent but achieve the goal of creating a landmark building next to a major commuter hub which is appropriate, and which would reinforce Stratford's position in the hierarchy of London centres and its trajectory as a future international centre. The juxtaposition of the spherical form is not in keeping with historic pattern

development in the locality. However, its landscaped podium deck successfully integrates the proposed development into the surrounding area and enhances views of the site and streetscape of Montfichet Road, views of the site from the Town Centre Link Bridge and Westfield Shopping Centre and creates new sightlines and legible pedestrian routes from Angel Lane through the site into the town centre. The podium and landscaping would, amongst other things, screen views of the existing UK Power Network substation which offers little in terms of visual amenity to the site and street scene.

- 11.83. In architectural mode, the metallic triangular panels of the Sphere will be apparent and contrast somewhat with visual appearance of the Sphere surface when it is being used to display digital content. Its geometric simplicity derives in part from the client brief for surface to operate as uniform media plane and the expectation of policy BN.5 that the building should hold sufficient architectural merit on its own when it is not illuminated.
- 11.84. This has brought a number of practical challenges for the designers such as: designing a spherical surface with flat removable metal panels for ease of maintenance; integrating the LEDs into the surface of the triangular panels so that the fittings themselves are not visible; designing in electrical and mechanical servicing as well as cleaning and maintenance requirements of the LEDs so as not to compromise the architecture when it is switched off or the distribution of the LEDs when it switched on. All the above are important ways of ensuring the Proposed Development is fit for purpose and makes a positive contribution when viewed from different distances.
- 11.85. A full scale operational mock up demonstration of the panels was presented to officers in December 2019 which has gone some way to provide the necessary reassurance that the design intent can be achieved.
- 11.86. Overall, the view of officers is that there is sufficient architectural merit in the architectural expression and design of the Sphere for it to have positive townscape effects on the site and views of the metropolitan centre when the LED panels are not illuminated. This is subject to the recommended conditions which, in officers' view, would ensure that the appropriate controls are in place to ensure that the visual appearance of the Sphere in architectural mode would be of the highest standard and demonstrably exhibit exceptional good design.
- 11.87. In active mode (i.e. the times when advertising and other digital content is being displayed) the Proposed Development is capable of being a visitor attraction particularly at night when the lit surface would contrast with the dark night sky. It will transform the skyline of the metropolitan town centre the effect of which is likely to promote it as a visitor destination and an area of night-time activity. This would align with strategic place-making objectives for the town centre which is characterised by leisure and town centre uses. In this context officers are satisfied that the Proposed Development would benefit and not harm the existing townscape setting. It would not harm the cluster of buildings emerging in metropolitan centre but make a positive contribution to the town centre and metropolitan townscape.

Stratford High Street and Centre (TCA 2)

- 11.88. Stratford High Street and Centre has a highly varied character with mixed buildings built at different periods, both of high and low quality, and with some historic and more sensitive aspects. The sensitivity of this townscape has been judged by the applicant to be low, although this has been disputed by AEG who suggest that some sensitive aspects of the townscape baseline have not been captured in the applicant's townscape characterisation.
- 11.89. PPDT's townscape specialists agree that the applicant's approach to define the townscape baseline and which heritage assets will be assessed has meant the extent and scale of heritage impacts has been under-reported. However, PPDT's townscape

and built heritage specialists are satisfied that overall there is sufficient information available to reach a reasoned judgement on the effects of the proposed development on the Stratford High Street and Centre townscape and its setting and that it is possible to reach conclusions on sensitive elements, historic or otherwise, which are not expressly referred to in the applicant's assessment and which are judged to contribute appreciably to the character of the area.

- 11.90. The most obvious distinctive parts of the area are the historic conservation areas. These are the Stratford St John's Conservation area centred on Broadway and the University Conservation Area with its complex of buildings at the University of East London. These conservation areas contain a number of listed buildings and heritage features which contribute to a sense of identity and local distinctiveness and sit alongside the contrasting Stratford Shopping Centre and modern residential development along Stratford High Street. It is acknowledged that the Proposed Development would harm the setting of these assets but that harm is considered to be less than substantial and would be outweighed by the benefits of the Proposed Development. An assessment of the heritage impacts is provided later in this report.
- 11.91. The Proposed Development is partially visible from parts of Stratford High Street and Centre area, particularly where streets align with the site providing a strong visual landmark to the area (see views 12 and 13). This would aid legibility and reinforce the scale and function of the metropolitan centre in the local context. The spherical form would introduce a novel building form that would provide a distinctive backdrop and in active mode the glow of the building would be memorable and differentiate the metropolitan centre's skyline from other centres within the London city skyscape.
- 11.92. The effect of this is positive in that it would promote the metropolitan centre as a visitor destination and an area where there is night-time activity. This would align with strategic place-making objectives for the town centre, which is characterised by large scale modern buildings which co-exist with finer grained historic buildings. It follows that in this context officers are satisfied that the Proposed Development would benefit and not harm the existing townscape setting.
- 11.93. Turning to cumulative harm, there is already a degree of visual intrusion within the setting of the Stratford High Street and Centre townscape from tall buildings. The consented 42 Storey tower development on the Stratford Centre and Morgan House (Viewpoint B31 and B37) and the 36 Storey Stratosphere Tower (Viewpoint A25) have both been found in recent planning decisions to harm the setting of the Stratford St John's Conservation Area and the Church of St John which is a sensitive part of the Stratford High Street and Centre townscape. However, in the local context these buildings are not considered to harm the overall setting of the townscape area but are rather indicative of how the urban landscape has evolved and add to the appreciation of it.
- 11.94. Existing buildings which harm sensitive elements of the townscape are not a justification for accepting further harm. However, officers have considered whether there would be any additional harm from the accumulation of the Proposed Development alongside other consented buildings that have been judged to have harmful townscape effects. The context of planned transformational changes in the metropolitan centre have also been considered in relation to the cumulative effects of the proposal.
- 11.95. The juxtaposition of the Proposed Development alongside cumulative development would in certain views relate awkwardly to the scale and grain of buildings in the foreground (see views 11 and 12), particularly where the full form of the Sphere and the spaces around it cannot be easily perceived. However, the views identified are not designated in either the Local Plan or in conservation area guidance and so do not have strategic or local importance. Views of the building are partial and would be filtered by the urban form and height of buildings and so are obscured for large areas. As the

spatial extent of views is limited in this area, the overall effect on the setting of Stratford High Street and Centre is considered to be minor. Moreover, any such adverse effects are offset (to some extent at least) by the beneficial wayfinding effects when the Sphere is visible.

- 11.96. In the context of planned changes in the metropolitan centre which will change the structure and composition of the townscape setting, the effects of the Proposed Development are judged to have a limited impact and would make a distinctive contribution in the context of planned developments coming forward, supporting placemaking objectives which officers consider would overall be a positive contribution to the townscape and its setting.

Maryland Residential Area (TCA 3)

- 11.97. Maryland has a recognisably 19th century townscape structure, with modern residential development imposed on a Victorian streetscape. Concern has been expressed that the spherical form and scale of the Proposed Development would be out of character with the residential neighbourhood. The main concern is that in architectural mode the Proposed Development would appear as a dark black mass with little variation or interest and that in active mode the display of advertising at the scale proposed would be harmful to character of the Maryland Area.
- 11.98. The Proposed Development would be visually prominent across the Maryland Residential Area and have a significant visual presence along roads orientated towards the site (see View 14). Its form and scale would contrast with the established townscape structure and appear visibly much larger than the scale of buildings within the streetscape meaning that people living in the neighbourhood are likely to experience sequential framed views of the Sphere as they move around the area. It is acknowledged that its unusual form means that its massing would become a dominant element in certain views which, combined with its contrasting aesthetic, would have a strong contrasting juxtaposition. However, officers are not persuaded that visibility of the Proposed Development in these views equates with harm.
- 11.99. The contrast in visual appearance would underline the difference between the town centre and the Maryland Residential Area and provide a strong visual landmark clearly located beyond the Maryland Residential Area, marking a different area entirely. It follows that the distinct character of the Maryland Residential Area should remain intact. Whilst the spatial extent of views of the Sphere is large, the locations where the full form of the building can be appreciated is limited. The majority of views would be partial and filtered by the height and form of the streetscape. What is more, the affected views are not of strategic or local importance.
- 11.100. In architectural mode, the geometric simplicity of the building would feature in the townscape. The LED panels would provide intrigue and visual interest when the building is in active mode. Subject to conditions, officers are satisfied that there are appropriate controls in place to ensure that the visual appearance of the Sphere in architectural mode and active mode would be of the highest standards and that the Proposed Development would add to the appreciation of the Maryland townscape structure rather than detract from an appreciation of it. The overall effect of the Proposed Development in this context would, in officers view, benefit and not harm the existing townscape setting.
- 11.101. Turning to cumulative harm, there is already a degree of visual intrusion by tall buildings within the townscape setting which appear much larger than the scale of buildings in the Maryland streetscape. These include Stratford Central, Lantana Heights and the Arcelor Mittal Orbit, all of which are prominent to varying degrees from within the townscape setting (see View 14). The townscape setting is an evolving urban landscape which has been shaped by significant investment in recent years in various regeneration projects

in East London and comprises a mix of tall, commercial and residential buildings alongside significant brownfield sites planned for redevelopment unlike the Maryland Residential Area.

- 11.102. Officers are not aware that any of the existing or cumulative developments consented have been identified as causing harm to the Maryland townscape setting and , in any event, officers do not themselves consider them to do so.
- 11.103. Officers have also considered whether there would be any harm from the Proposed Development in the context of cumulative planned development.
- 11.104. The Proposed Development would change the townscape setting but visibility of the Proposed Development would become less noticeable over time as it will be obscured by proposals to redevelop the Cart and Horses Public House at 1 Maryland Point and proposals for a 14 storey hotel on the site of The Railway Tavern. Against this context of cumulative planned development, the Proposed Development will be partially concealed by these developments but its form will be still be apparent as will its contrasting aesthetic creating visual interest in the townscape as a backdrop to the new developments. The overall effect, in officers view, would be creation of a distinctive sense of place and beneficial wayfinding effects.

Chobham Manor and East Village (TCA 4)

- 11.105. This area centres around the East Village and landscaped spaces in the locality. Victory Park is located at its heart and is surrounded by large courtyard style blocks of flats ranging in height from 10-12 storeys with some taller exceptions.
- 11.106. The Proposed Development will be visible in the south east corner of the character area and is not considered to be excessive taking account the established scale of surrounding buildings. The spherical form will provide a contrast to other tall buildings in the area, which will help legibility and the landscaped podium will provide a street edge and continuity on Montfichet Road improving the visual amenity of the route from East Village to Stratford Station and Westfield Stratford City. The overall effect of this is, in the view of officers, positive.

Olympic Park and Sports Fields (TCA 5)

- 11.107. The Olympic Park and sports fields cover the Queen Elizabeth Olympic Park, its landmark sports venues, waterways and significant brownfield sites on its edges which are emerging. The area has a strong sense of place and tall buildings are an established part of its setting to the north, south and east.
- 11.108. The Proposed Development will be visible across the Queen Elizabeth Olympic Park, although for the most part it will be screened by emerging and new developments such as UCL East Phase 1, UCL East Phase 2, Stratford Waterfront and Cherry Park. It will be seen on the skyline as typically lower than neighbouring buildings.
- 11.109. Key buildings such as the Lee Valley VeloPark, Copper Box Arena, London Stadium, ArcelorMittal Orbit and the London Aquatics Centre which are a dominant part of the area's townscape structure would not be affected by these proposals. The Proposed Development would not be visible in local views or protected sightlines recognised in the Local Plan. The distance of the Proposed Development from these buildings means that their prominence within their park setting will remain the dominant character of this particular character area.
- 11.110. The visual effects of the Proposed Development are likely to be more noticeable in night-time views when Sphere is illuminated. Officers consider that this will provide a new element to views across the park and a level of contrast to its surrounding context. This will provide a distinctive skyline and enhance the setting of the park, albeit in a minor way.

Capital Ring Walk and Jubilee Walk

- 11.111. The Proposed Development would create new vistas from sections of the Capital Ring Walk and the Jubilee Greenway walk to the south and west of the Queen Olympic Park. The network forms part of the Walk London Network and is a scenic route that has been designed to encourage people to walk for leisure around London. The London Stadium and Abbey Mills Pumping Station are local landmarks of special interest which contribute to the visual amenity of the route as well as the experience of views from the Greenway across the Queen Elizabeth Olympic Park.
- 11.112. The Proposed Development would be partially visible from sections of the Greenway but would not intrude upon sightlines of the London Stadium or the Abbey Mills Pumping Station.
- 11.113. The nature of views from the Greenway towards the Queen Elizabeth Olympic Park are extensive but the extent of visibility is rapidly changing, with views becoming increasingly obscured by new developments emerging such as UCL East, Stratford Waterfront and Cherry Park, transforming the experience of views for recreational walkers and cyclists.
- 11.114. As the composition and character of buildings in the Queen Elizabeth Olympic Park changes overtime, so too will views from the Greenway which will become more partial and restricted. In the context of these cumulative effects to the Stratford Skyline, the Proposed Development would be minor element but will provide a level of contrast to its surrounding context that will provide a genuine draw to the eye which will help with wayfinding. In the opinion of officers, it would make a distinctive contribution to the emerging skyline that would be positive.

Summary of townscape effects

- 11.115. Based on the analysis above, officers consider overall that the Proposed Development would make a positive contribution to the surrounding townscape, enhance existing views and create new vistas on scenic walking routes in the locality. Whilst its unusual form means that its scale and massing would become a dominant element in the setting of the Maryland Residential Area and Stratford High Street and Centre, the extent to which this causes harm is limited in the context of planned cumulative developments which will change the composition of the skyline and obscure the visibility of the Proposed Development. The Proposed Development would be a strong, distinctive visual landmark that will help differentiate Stratford from other centres and reinforce its hierarchy and function. The design of the Sphere would underline the difference between the town centre and these areas, and in this way adds to the appreciation of their townscape structure rather than detracting from it. The benefits of this outweigh any limited harm such that the Development Proposal complies with part 5 and 6 of BN.5.

BN. 5 (7) Micro-climatic conditions

- 11.116. The introduction of the podium deck and circulation area have reduced the effect of wind being washed down the façade to the extent that the Proposed Development would not create adverse wind issues for amenity spaces either on-site or off-site. The proposed introduction of mature trees and mitigation in the form of shrubs and moveable porous screens on the upper podium deck would ensure that safe and comfortable conditions would be achieved in and around the site across a wide range of wind conditions. More generally, the micro-climatic conditions that would be generated by the Proposed Development are judged to be acceptable with specific regard to the effects on pedestrian crossings on adjacent roads, the Town Centre Link Bridge, train platforms, bus stops, taxi ranks, seating areas on the podium and other nearby outdoor amenity areas. These conclusions are based on an assessment of the Proposed Development both with and without cumulative developments which have been consented but not yet built.

11.117. Conditions requiring the submission of landscaping details for approval are recommended to ensure that the required landscaping needed to achieve the predicted microclimate conditions is delivered and maintained for the lifetime of the development.

11.118. Based on this analysis, the Proposed Development would comply with part 7 of BN.5.

BN.5(8) Amenity of the surrounding area (including open spaces and other buildings and waterways) that relate to overlooking, daylight, overshadowing, light spill/reflection and wider amenity impacts. Existing views of landmarks, parkland, heritage assets, waterways and views along street corridors

Daylight and overshadowing

11.119. 3,241 site facing rooms have been modelled and assessed for daylight impacts. The majority of these rooms (97%) would experience either negligible or minor adverse effects meaning that occupants of these rooms would continue to receive levels of daylight that are comparable to the existing situation and that the overall effects of the development are not significant.

11.120. In accordance with the BRE guidance, 'mirror massing' and 'no balconies' assessments were undertaken to establish the extent to which the design and massing has impacted on the level of daylight received at properties in close proximity to the site. Taking account of these sensitivity tests, the proportion of rooms that would experience either negligible or minor adverse daylight effects increases to 99% of all site facing rooms. It therefore follows that the Proposed Development would not bring about significant adverse daylight effects when viewed in against the totality of rooms assessed. The conclusions remain valid when committed schemes are taken into account in the assessment of the cumulative future baseline. In officers' view, this demonstrates that the net effect of the Proposed Development on daylight amenity would not amount to a significant adverse effect and therefore comply with part 8 of BN.5.

11.121. Notwithstanding this, a more detailed assessment focusing specific properties which flank the site is included here for completeness as the scale of the Proposed Development will inevitably result in some change and those properties which lie in close proximity are most likely to be affected. The main properties reported here are:

- Unite Student Accommodation
- Stratford Central
- New Garden Quarter
- Stratford Eye
- Moxy
- Railway Tavern

Unite Student Accommodation

11.122. This is a 14 storey building to the east of the site. The windows affected are north west facing and overlook the vacant site. There are 670 site windows serving 289 habitable rooms which include student rooms and shared living spaces.

11.123. There are eleven rooms at this property that would experience a noticeable reduction in daylight as a result of the Proposed Development. These rooms are primarily bedrooms all of which are located under protruding bays serving the rooms above them. These rooms face the undeveloped site and so enjoy an uncharacteristically high level of daylight for this type of urban location (particularly, when the planning context is taken into account as the site is allocated for large scale town centre development).

- 11.124. The daylight assessment shows that 58% of habitable rooms (168 of the 289 rooms) would not experience a noticeable change in their daylight amenity and 38% (110 of the 289 rooms) would experience a minor change but these rooms would retain good levels of VSC (vertical sky component) (in excess of 20%) and daylight distribution. It follows then that the majority of site facing rooms (96%) (278 of 289 rooms) would experience either negligible or minor adverse daylight amenity effects (not significant in EIA terms).
- 11.125. There are eleven (11) rooms (4% of the habitable rooms at this property) that are likely to experience a noticeable reduction in daylight amenity. These rooms are primarily bedrooms and all are located under protruding bays which has the effect of channelling the view of the sky. The retained level of daylight would be equivalent to an ADF (average daylight factor) range of between 0.96% and 0.6% which is below the BRE target for a principle residential bedroom (1%).
- 11.126. These rooms currently enjoy a high level of daylight for this type of urban location because the site is undeveloped and so, in accordance with BRE guidance a hypothetical mirror baseline was assessed which compared with the effects of a 'mirror building' with that of the Proposed Development. In this scenario, 8 of 289 rooms (or 3% of all rooms) would experience a noticeable reduction in daylight and those rooms would also fall below the BRE guidance levels for principal residential bedrooms. These effects are comparable with the Proposed Development.
- 11.127. Based on this analysis, the effects of the proposed development on daylight are at their worst commensurate with a hypothetical mirror massing development and so, in the view of officers, the daylight amenity effects are not unreasonable in the local context where the scale of buildings in the metropolitan centre is large. Taking the Unite Student Accommodation property as a whole, the effects are considered to be no greater than minor adverse (i.e. not significant in EIA terms) as the vast majority of rooms would retain a good standard of daylight and sunlight amenity.

Stratford Central

- 11.128. This is a 33 storey tower flanking the site to the east. The windows affected at this property are north west facing and serve residential dwellings. They currently overlook the vacant development site. The building envelope includes balconies and recessed amenity areas. There are 210 residential rooms in this property
- 11.129. The analysis shows that 82% of rooms (172 of the 210 rooms) would not experience a noticeable change in daylight amenity. Of the 210 rooms, 36 (17%) would experience minor changes in daylight amenity but the majority of these rooms are served by more than one window. As such 99% of rooms (208 out of 210 rooms) would continue to benefit from good standards of daylight.
- 11.130. The remaining two rooms (both bedrooms) would experience a noticeable change in daylight amenity. The retained levels of VSC (10.58 and 11.14 respectively) and daylight distribution (36% and 46% of the room area respectively) would be below the BRE guidelines. However, the levels of daylight currently experienced are already significantly below the BRE guidelines. The low values of VSC can, in part, be explained by the façade balcony design and recessed areas.
- 11.131. Analysis of the change in ADF, undertaken as a sensitivity test, shows that the change in daylight in these rooms would equate to a reduction in ADF from 0.55 to 0.52 (0.03%) and 0.9 to 0.8 (0.11%). On account of the existing levels of daylight amenity, these changes are likely to be imperceptible and would not be significant in EIA terms. The effects of the Proposed Development on Stratford Central are, overall, therefore considered to be minor adverse and not significant. The majority of dwellings would continue to receive their current standard of daylight amenity.

New Garden Quarter

- 11.132. This residential property is configured into three separate buildings. The site facing building is 7 storeys and south facing. There are 736 rooms at this property, a number of which overlook the site.
- 11.133. The analysis shows that 601 of the 736 habitable rooms (83%) would continue to meet BRE targets and a further 35 rooms would record a negligible reduction of daylight availability (not significant). As such 86% (636 of 736 rooms) would continue to receive good levels of daylight with the Proposed Development.
- 11.134. There are therefore 100 rooms remaining which are likely to experience reductions in VSC or NSL (No Sky Line) levels which range from compliant (negligible and not significant) to major adverse effects (significant). The main reason for the high number of materially affected rooms in this building is due to one or more of the windows serving each room having a restricted view of the sky due to the presence of balconies serving the rooms above them. The presence of projecting balconies obstructs the higher portion of the sky, meaning even modest obstructions have a large relative impact on VSC and on the area receiving direct sunlight. The windows serving these rooms therefore have low baseline levels of VSC, even across a currently underdeveloped site and are the reason for the disproportionately large changes in the baseline level of daylight amenity. Despite these the changes in VSC to these rooms, they will all still benefit from retained daylight of between 53% and 100%. The majority of rooms would retain NSL levels of between 70% and 90% of the room area.
- 11.135. Across the whole of the New Garden Quarter development, 94% of rooms (698 of 736 rooms) would experience a negligible change in NSL and a further 3% (20 of 736 rooms) would experience minor change (not significant). The remaining 18 rooms would experience reductions of between 30-40% (12 rooms) and >40% (6 rooms).
- 11.136. To assess the effect of balcony structures, in line with the BRE guidance, the applicant has tested the impact of the Proposed Development on daylight amenity at New Garden Quarter without balconies. The purpose of this is to assess the net effect of the Proposed Development upon daylight amenity if the development were not restricted by its own architectural features.
- 11.137. The analysis shows that 705 of the 736 rooms (96%) would meet or exceed BRE targets. Of the remaining 31 rooms, 26 would show a minor adverse (not significant) effect. The 5 remaining rooms would experience a moderate reduction in NSL (daylight distribution), but would retain good levels of VSC that would be in excess of BRE compliance target of 27%.
- 11.138. Based on this analysis the net effect of the proposed development on daylight amenity would not be significant in EIA terms
- 11.139. Turning to sunlight, A hypothetical 'without balconies' assessment considered the effect of the Proposed Development and the results show that all 672 rooms would receive levels of sunlight amenity that meet recommended BRE guidance levels.
- 11.140. Based on this analysis above, the effect of balconies at New Garden Quarter has a significant bearing on both daylight and sunlight to site facing rooms and so appropriate weight should be given, as part of the planning balance, to the inherent design of the New Garden Quarter and the extent to which that has been a factor in the relative loss of daylight and sunlight.
- 11.141. In the view of officers, the overall effect of the Proposed Development on New Garden Quarter is considered to be no greater than minor adverse (not significant in EIA terms) as there are good reasons why these properties would not meet the guidelines in this instance.

Stratford Eye

- 11.142. This is a 19 storey residential building providing 160 dwellings to the east of the site. The windows affected at this property are south facing and currently overlook the vacant development site.
- 11.143. This property would not experience a material reduction in daylight or sunlight as result of the Proposed Development. All rooms tested would continue to receive good levels of daylight and sunlight.

Moxy

- 11.144. This is an eight storey building with 113 hotel bedrooms. The windows affected are north facing and overlook the vacant site. The analysis shows that 77(68%) of the 113 rooms would not experience a noticeable change in daylight amenity. The remaining rooms would experience minor adverse changes in VSC but would benefit from retained daylight distribution ranging between 70-79% of the room areas. The overall effect of the Proposed Development on rooms is acceptable and the impact would not amount to a significant adverse effect. All rooms tested would continue to receive good levels of sunlight.

Railway Tavern

- 11.145. This a two storey building Public House with 8 rooms on its upper floors which are used to provide bed and breakfast facilities. The building sits to the north east and the Proposed Development would not bring about a change to its daylight amenity.
- 11.146. There is an extant permission at the site for redevelopment that would provide a 298 bedroom hotel ranging in height from 3-8 storeys (the "Railway Tavern Hotel Development"). The conclusions of the assessment are that the Proposed Development will result in negligible daylight and sunlight impacts with the exception of 5 hotel bedrooms that would experience a modest reduction in winter sunlight. The retained levels of winter sunlight (3%) are marginally below the assessed baseline (4%), both of which are below the BRE winter sunlight target (5%). By virtue of the transient nature of its occupancy of rooms at the hotel and nature of their use, the residual level of winter sunlight in these rooms is, in officers view, of an acceptable standard and the overall effect on daylight amenity at the Railway Tavern Hotel Development would amount to no greater than minor adverse (not significant).
- 11.147. More recently, the LB Newham resolved to grant consent for another hotel on the site roughly corresponding with the Railway Tavern Hotel Development. That scheme is larger in scale and would provide 412 rooms and range in height from 3, 5 and 14 storeys (the "Alternative Railway Tavern Hotel Development").
- 11.148. The decision, taken in December 2020, was made after consultation on the Proposed Development had completed and for these reasons the Alternative Railway Tavern Hotel Development scheme did not feature in the future baseline for the applicant's daylight assessment. It is noted that the daylight assessment submitted with the Alternative Railway Tavern Development scheme did not take account of the likely effects of the Proposed Development.
- 11.149. Officers consider that there is sufficient information available to reach a reasoned judgement on the likely effects of the Proposed Development as there is reasonable prospect that it will become a committed scheme. Due regard to the daylight impacts on Stratford Eye, and the extant Railway Hotel Tavern Hotel Development, both of which would continue to receive good levels of daylight. Whilst the massing and height of this scheme differs, its typology, land use, distance of separation and orientation are comparable. Taking these factors into account officers conclude that the effects of the Proposed Development on the Alternative Railway Tavern Hotel Development are likely

to be comparable with the extant Railway Hotel Tavern Development and are not likely to result in impacts that amount to significant adverse effects.

Conclusions

- 11.150. In light of the analysis above, officers do not consider that the daylight and sunlight impacts of the Proposed Development amount to “significant adverse” impacts and consider that the proposal complies with BN.5(8) in this regard.

Overshadowing to amenity spaces

- 11.151. An analysis of transient shadow has been undertaken to demonstrate the extent and times that shadow from the Proposed Development would fall upon the amenity spaces surrounding the site. The amenity spaces assessed are typically private courtyards with the exception of Mirabelle Gardens and Alma Street Play area which are public spaces and an area adjacent to International Way which is vacant land safeguarded and owned by HS1.
- 11.152. The results show that none of the surrounding amenity spaces will experience a noticeable change in sunlight. The percentage of area that achieves 2 or more hours of sunlight on 21st March will remain unaltered with the Proposed Development, meaning that the Proposed Development meets BR 209 guidance for overshadowing of amenity areas.

Music Noise Emissions -including night club(s)

- 11.153. The Proposed Development has been designed to prevent noise from external sources from breaking into the building, and noise from the venue and music club(s) from breaking out. Noise attenuation would be achieved through the design of the building envelope which comprises of two layers - a primary layer of thick pre-cast concrete and a second layer independently supported 1.5m – 3m away formed from a high density material. These layers will provide a high degree of sound insulation, and crucially include significant mass that will attenuate low frequency sound. In addition, the ventilation and building service ducts have been designed to have thick absorbent linings and have acoustically rated hatches to reduce sound transmission through the building. The proposed music club benefits from being located at the lower floors of the podium which, by virtue of the building envelope and will reduce noise transmission.
- 11.154. The proposed audio system within the main auditorium will use beamforming technology, which allows sound to be precisely aimed to the audience whilst minimising sound sent elsewhere. The Proposed Development is the first large-scale deployment of this technology within an entertainment venue, and it is anticipated to help control the noise levels incident on walls and ceilings where it is at risk of transmitting out of the building.
- 11.155. The music noise emission predictions show that during the day noise from the venue is unlikely to be discernable at local properties. However, it is acknowledged that during the night time a slight increase in noise may be perceived in outdoor areas at Unite Students Accommodation, New Garden Quarter and Stratford Central if windows are left open overnight. However, music noise is not likely to be noticeable at these buildings because of the relatively high baseline noise levels in the town centre compared to nearby residential areas and, in all instances, the conclusions of the ES are that these properties would not experience significant adverse effects. Subject to conditions securing appropriate acoustic standards at nearby sensitive properties at the limits specified in the ES, officers are satisfied that the level of sound attenuation proposed is contextually appropriate would ensure that local receptors would not experience significant adverse noise amenity effects from either music noise break out or building services plant noise.

Night Time Get In / Get Out Activities (Use of the Loading Bay)

- 11.156. During the night-time HGVs linked with touring acts will enter and leave the loading bay on Angel Lane. It is assumed around 10 articulated vehicles and 4 tour buses will be required for a 'normal' event and 20 articulated vehicles for a very large or complex event. Loading bay capacity for acts is limited to up to 4 tour buses and 5 articulated vehicles and so the arrival and departure of articulated vehicles will need to be staggered over a period depending on the event to ensure that the vehicle arrivals do not exceed the number of loading bays.
- 11.157. The loading bays doors and soffit would be lined with acoustically absorbent material and the doors are separated over a large distance to minimise the amount of noise emitted from the Proposed Development. Whilst the acoustic design of the loading bay will reduce environmental noise in the interests of residential amenity, to minimise adverse effects it will also be necessary to manage loading bay activities through the marshalling of vehicles to prevent unnecessary waiting/vehicle idling outside the loading.
- 11.158. The arrival of articulated vehicles on a just-in-time basis is common practice and some vehicles will be required to undergo initial security screening at an off-site location before entering the site. Off-site vehicle screening is expected to form part of the delivery and servicing strategy but the precise details of how this will be implemented are still to be developed. A condition is proposed which requires the applicant to provide for approval details of how all elements of the development would be serviced prior to the operation of the development.
- 11.159. The applicant has committed to no stacking of vehicles around the HS1 box between midnight and 7am, indicating that vehicles will be held off-site before being directed to the site. The details of how this will be implemented are proposed to be set out in the Venue Operations Manual which it is recommended should be secured by planning obligation and approved prior to the opening of the venue. On-going noise monitoring to evaluate the effectiveness of the strategy is recommended in order for it to adapt and evolve as appropriate in the interest of residential amenity. With appropriate management of servicing and delivery vehicles and monitoring of effects, officers are satisfied any adverse effects resulting from night time use of the loading bay will be minimised and are not likely to be significant.

Crowd Dispersion/ Late night egress

- 11.160. Stop MSG and some neighbour representations have stated a concern that noise disturbance from people leaving the venue will generate adverse amenity effects, particularly in the residential area of Maryland as a result of people walking to the cars and being picked up by taxis and private hire vehicles and when on routes towards Maryland Station.
- 11.161. The majority (80%) of people are expected to use Bridge 2 and 3 which are the most direct routes to Stratford Station. Approximately 10% are expected to use the Angel Lane exit (this being a longer route to the main transport hub) and so the expectation is that relatively few people would walk north along Angel Lane and Leyton Road or towards Windmill Lane. Some crowd noise is expected on all routes leading to Stratford Station, Maryland and Stratford International Car Park. In terms of locations along these routes which could experience significant adverse effects, this is acknowledged to be a risk for the residential properties along Windmill Lane. It is also recognised that ambient noise levels would be increased for residential properties at Dennison Point and along Gibbons Road. Nonetheless, for the reasons given below, officers consider that appropriate mitigation measures are in place to prevent crowd noise being a significant adverse effect.
- 11.162. Crowd management at entertainment venues is normally regulated via a Premises License with the Licensing Authority which requires the licensee to set out how it plans

to meet the four licensing objectives of prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children. Amongst other things, this would normally include details of the venue's anti-social behaviour plans and dispersal policies. Compliance with the approved plan(s) would be a condition of the Premises license and so there would be a robust enforceable regime and body that would need to be satisfied that all necessary operational information, policies and procedures regarding the overall management of the site are acceptable and that appropriate measures are in place for the Proposed Development to operate as planned.

- 11.163. To address the amenity concerns as a matter of planning policy, the applicant submitted a Concept of Operations Strategy which sets out the principles that will guide the management and operation of the venue and its approach to crowd dispersal. The strategy proposes the deployment of marshals to remind guests to be sensitive to local residents, with local signage also used to reinforce this message on all access and egress routes. Internal announcements would be used to remind guests to be respectful of neighbours when leaving the venue. Crowd management personnel would be deployed at Angel Lane to direct guests away from Maryland Station and towards Stratford Station. Those guests that are determined to use Maryland Station would be actively discouraged from using the Windmill Lane route and given directions to use an alternative route, via Angel Lane, Great Eastern Road and The Grove. The message would be reinforced in communication with guests in advance of and during events.
- 11.164. It is acknowledged that the strategy relies on guests complying with messaging and following the direction of crowd marshals and that there will inevitably be some people who elect not to follow the direction given. The effectiveness of this strategy will need to be monitored and refinements made to minimise the number of guests using Windmill Lane. Using crowd management barriers to direct pedestrian flows at key points is also an option proposed to be deployed as appropriate in response to on-going monitoring of crowd dispersion. Overall, the measures proposed are proportionate and reasonable as the alternative would be to restrict people exiting from Angel Lane which is unlikely to be feasible. On balance, the scope of impact is not unreasonable (and does not constitute a significant adverse impact), taking account of the scale of the development and appropriate measures would be put in place to minimise noise effects of the venue and night club(s).

Use of External Areas

- 11.165. The night time noise emissions from people within the external areas on the podium and terraces have been assessed to be at worst moderate adverse (significant) at the closest receptors which are Stratford Central, Moxy Hotel and the Stratford Eye. Minor adverse or negligible effects (not significant) noise levels would be experienced by receptors further away. The applicant's position is that the worst case assumptions applied are unlikely to take place during the operation of the Sphere, or only for short periods of time, and that they modelled alternative realistic assumptions which predict that the effects are likely to be minor at the closest receptors to the site and not significant.
- 11.166. To address the potential amenity issues which arise from the use of external areas at night, a noise management strategy is proposed that will include noise monitoring during the operation of the venue to evaluate noise emissions associated with the external areas. Through this monitoring, the applicant proposes to evaluate the source of noise and, where appropriate, implement strategies to reduce it. This is proposed to be secured through condition 42.
- 11.167. With an appropriate management plan and monitoring programme officers are satisfied that there would be a clear benchmark for an acceptable level of noise and effective mechanisms to prevent significant adverse effects and therefore safeguard residential amenity. This is officers' view even if the applicant is wrong that in practice the "worst case" scenario modelled will never come to pass.

Light Intrusion

Approach to controlling brightness

- 11.168. The applicant proposes to restrict the luminance of the Proposed Development to levels that will achieve illuminance values at surrounding properties that comply with the limits set out under Environmental Zone 4 of the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Lighting ('GN 01/20').
- 11.169. GN 01/20 recommends Pre-curfew and Post-curfew maximum illuminance values based on the nature and character of an area which take into account the sensitivity of the environment. Environmental Zone 4 is characterized as having a 'high district brightness' which normally applies to town and city centres with high levels of night-time activity. The Sphere media façade would be limited to a luminance of 25 cd/sqm between the hours of sunset and 23:00 ('the pre-curfew period') and 7 cd/sqm between the hours of 23:00 and 23:30 or 00:00 on Fridays and Saturdays (the 'post-curfew period'). After 23:30 or 00:00 on Fridays and Saturdays the Sphere media façade would be switched off. Separate luminance controls would apply to the LED Ribbon, Upper terrace façade and digital billboards.
- 11.170. Representations have stated the concern that without appropriate controls light intrusion from the Proposed Development has the potential to have adverse effects on people living in residential properties in the area. In particular, AEG allege that the assessment of the 'brightness' of the Proposals should have been carried out in accordance with ILP Professional Lighting Guide 05: The Brightness of Illuminated Advertisements ('PLG 05') and from inside individual flats and that without this work LLDC cannot form a complete view on how the Proposed Development will be perceived by people who live in proximity to it.
- 11.171. There is no adopted legislation, planning policy, or planning guidance which establishes what an acceptable level of brightness or change in light level might be above an existing lighting baseline.
- 11.172. Brightness is a visual sensation which can be affected by luminance, the size of the lit object, the surrounding environment and the position of the relevant object in relation to the observer. Moreover, the acceptability of particular levels of brightness is a subjective question that will depend on the observer and the surrounding environment and there is no prescribed methodology in PLG 05 for undertaking such an assessment.
- 11.173. PLG 05 states that there is a fundamental relationship between luminance and brightness and that it is possible to control luminance and set upper limits that will minimise outdoor signage from being perceived as too bright, yet which permit them to be adequately bright for their purpose. The luminance recommendations in GN 01/20 are based on this relationship and so this bolsters officers' view that that controls on luminance are appropriate tools for managing the subjective experience of brightness within the local environment. The luminance levels proposed, at 25 cd/sqm are significantly below recommended maximum permitted luminance for illuminated signs in PLG 05.
- 11.174. For these reasons officers are satisfied that adopting a threshold approach as set out in GN 01/20 – limiting the luminance of the sphere and indirectly the values of illuminance at adjacent properties is appropriate, even where the increases are substantial compared to the baseline.

Application of the luminance limits to the Proposed Development

- 11.175. In view of the site location, which is in Stratford metropolitan centre, an area that has a well established nighttime economy that is regionally significant and is aspiring to be a future international centre, officers are satisfied that Environment Zone 4 is an

appropriate lighting environment to assess the impact of light intrusion on buildings and areas immediately surrounding the site.

- 11.176. The maximum luminance of the building would comply with façade luminance recommendations set out in GN -1/20 for buildings in Environmental Zone 4. The Illuminance values received at nearby properties such as New Garden Quarter, the Stratford Eye, the Unite Group Student Accommodation on Angel Lane, Moxy Hotel and Stratford Central would be below the maximum values permitted in Environmental Zone 4 maximum thresholds, which take into account light already being emitted from the surrounding environment.
- 11.177. It is acknowledged that illuminance levels at 6 (0.2%) of the 3132 windows tested (all of which serve the Railway Tavern Hotel development) would exceed the pre-curfew lighting thresholds. However, those windows already exceed the Environmental Zone 4 thresholds in the existing baseline owing to their proximity to existing street lighting. The Proposed Development would not increase the level of exceedances at those windows.
- 11.178. During the post-curfew period, there are 20 windows (0.6%) which exceed the lighting thresholds which are substantially lower than the pre-curfew thresholds. Those windows serve hotel rooms at the Railway Tavern Hotel development and four communal kitchen dining rooms in the Unite Student Accommodation development. These rooms already experience exceedances above the post-curfew threshold due to existing street lighting conditions and would not be worsened by the Proposed Development.
- 11.179. Taking account of the limited number of exceedances in the existing baseline position (which the Proposed Development does not worsen), the sensitivity of rooms affected, the duration of exceedances which would primarily take place in the short-lived post-curfew period, the likely level of light intrusion from the Proposed Development is not considered to amount to a significant adverse effect, subject to the proposed luminance controls being secured by condition.
- 11.180. The pre and post curfew assessments are based on the Sphere emitting white light and so are a reasonable worst case scenario. It is likely that the content displayed will vary and with it the illuminance at the nearby residential properties. There is therefore a reasonable prospect that the effects of the development are likely to be less severe than the worst case that has been considered. Officers consider the proposed luminance controls will minimise the Proposed Development from being perceived as too bright, yet at the same time permit it to be adequately bright for its display purposes. For these reasons officers consider the proposed luminance controls to be appropriate for the locality and accordingly, officers consider the Proposed Development will not cause significant adverse effects in terms of light intrusion.

Sensitivity testing

- 11.181. It is acknowledged that Stop MSG have suggested that lower luminance thresholds should be applied to residential properties in the town centre and they have proposed that Environmental Zone 3 is an appropriate benchmark.
- 11.182. Environmental Zone 3 is characterized as having a medium district brightness and is normally reserved for small town centres of suburban locations. Officers are not persuaded that this reflects the character of the properties affected for the reasons stated above, but have applied Environmental Zone 3 as a sensitivity test to New Garden Quarter and Stratford Eye on the basis that these properties lie on cusp of the metropolitan centre boundary. In applying Environmental Zone 3 thresholds, the permitted level of illuminance that can be received at properties would be significantly lower than that which is permitted in a town centre. The test assumed a maximum building luminance of 25 cd/sqm full output white being emitted from the Sphere combined with white light podium lighting.

- 11.183. Based on this analysis, the maximum illuminance values experienced at New Garden Quarter and Stratford Eye would be below the pre-curfew thresholds for Environmental Zone 3, demonstrating that the luminance controls proposed are robust and would secure a lighting environment at these properties that is much lower than the levels recommended in guidance. For these reasons, officers consider that the Proposed development is unlikely to be perceived as too bright from residential occupiers in the town centre.
- 11.184. Whilst exceedances would occur in the post curfew scenario for some properties at the Stratford Eye, those instances are limited to 18 properties which would receive illuminance values of 3 lux. This is marginally above the 2 lux target if a suburban lighting environmental zone were applied and below recommended 5 lux for town centre locations. Based on this analysis, officers are confident that the luminance controls proposed are appropriately cautious and achieve a lighting environment that would not indirectly, by virtue of light spill, create a metropolitan lighting environment beyond the town centre, for example in the Maryland Residential Area.

Residential Visual Amenity

- 11.185. Residential Visual Amenity Assessment (RVAA) is a process to objectively assess the effects of a development on the overall quality, experience and nature of views and outlook available to occupants of a property.
- 11.186. The purpose of an RVAA is to enable a judgement to be formed as to whether a development is likely to change the visual amenity of a residential property to such an extent that it becomes a matter of public interest, given that in the ordinary course impacts upon views from property are not a relevant planning consideration. The point at which a visual change becomes a matter of public interest is when the amenity effects are said to meet the "Residential Visual Amenity Threshold". Factors contributing to this judgement include whether a development is overwhelming in views in all directions, 'inescapably dominant' or 'unpleasantly encroaching'. There is no minimum number of properties that would need to be affected for the residential visual amenity threshold to be met; the conditions of the threshold are considered on a case-by-case basis for each individual property.
- 11.187. The applicant's position is that individuals do not have a right to a view and that an assessment of visual amenity from private properties is not required by any adopted or emerging planning policies. They do not agree with the some of the views expressed in representations which state that the Proposed Development and its digital displays could have adverse health and amenity effects. However, for completeness they have undertaken a RVAA.
- 11.188. The applicant's RVAA concludes that the visual change brought about by the Proposed Development would be beneficial and have positive impacts on the site, that it is of a scale that is appropriate to the town centre context and represents a high standard of architecture. The applicant commissioned the Building Research Establishment (BRE) to undertake a review of scientific literature on the likely effects of the LED façade on human health which concludes that the evidence base is limited and that the risk of adverse effects from moving images and advertising is low. A number of content-related mitigation measures are proposed which would minimise the potential risk of adverse amenity and human health effects which are secured in the proposed section 106 under the Digital Display Management Strategy (see Part 3, paragraph 27). The applicant considers the visual effects of the LED façade will be beneficial and add visual interest and would not have any adverse effects.
- 11.189. In addition to content related mitigation measures, a series of section 106 commitments and conditions are proposed in the interests of safeguarding residential amenity which include limiting the hours of operation and luminance of the Proposed Development's

media displays so that it is in line with guidance prepared by the Institute of Lighting Professionals.

- 11.190. As a precautionary measure, a telephone complaints line would be established for the first year of operation to receive any potential complaints about light intrusion or nuisance caused as a result of the displays on the Sphere. A log of complaints received would be kept setting out what was done or not done following the investigation of each complaint and those reports would be submitted to a digital display monitoring group (DDMG) which would meet periodically. As potential impacts are likely to be perceived in the early months of operation it is proposed that the DDMG would meet to report at regular intervals.
- 11.191. Members of the DDMG group would consist of the applicant, the local planning authority and any other relevant public authorities and independent members /experts who are suitably qualified in the matters over which the DDMG has jurisdiction. The terms of reference of the group would include the ability to issue recommendations in response to ongoing monitoring of the displays and that, where relevant, this would include matters of residential amenity.
- 11.192. Notwithstanding the applicant's primary position that residential visual amenity is not a relevant consideration, given officers' identification (outlined in the officers' assessment below) about the residual uncertainties involved in assessing the effects of the Proposed Development on adjacent residential properties the applicant has also agreed to procure and fund the installment of blackout blinds/curtains on a precautionary basis to student and residential properties that have a direct line of sight of the Proposed Development and are located within 150 metres of the perimeter of the Sphere. This obligation will be secured in the section 106 agreement. This issue is discussed further below.

Views of objectors

Unite Group

- 11.193. Representations from the Unite Group acknowledge that the Proposed Development would add positively to the variety and interest of the town centre but they have also expressed concerns that it could negatively impact on student welfare through distraction and sleep disturbance. However, in response to the more recent updates made by the applicant regarding the use of flashing/moving images and reduction in the intensity of lighting in the pre and post curfew period they have confirmed that the effects of the scheme are largely acceptable subject to clarifications regarding their eligibility for blackout blinds, how the scheme would operate and how long for.
- 11.194. Officers note that Unite are satisfied that the proposed operational lighting controls would ensure that there are no adverse impacts on amenity. Their main concern is that should the application be approved that they, as the operator of the building, are eligible to apply for blinds and that eligibility to make the request would not be restricted to students occupying rooms. In the s.106 heads of terms it has been agreed that the "owner or occupier" of an affected property may apply for the blackout blinds.

AEG, Stop MSG and other residential occupiers

- 11.195. Representations from Stop MSG, AEG and some occupiers living in properties at New Garden Quarter, Stratford Central, Stratford Eye and Holden Point have expressed concern that due to the proximity and extent of views of the Proposed Development from adjacent properties, the Proposed Development could have significant adverse visual amenity effects.
- 11.196. AEG dispute the conclusions of the applicant's RVAA and consider that the images within it do not cover the full range and potential of possible displays. AEG commissioned their own RVAA which concludes that the Proposed Development would

cross the threshold at which residential visual amenity becomes an issue of public interest. They state that the visual change brought about by the Proposed Development would cross the RVA threshold both in architectural mode and when the Sphere surface is displaying images. Furthermore, they state the applicant in its consideration of alternative sites did not have regard to whether the residential visual amenity effects of the Proposed Development would be less severe or non-existent at the alternative locations studied and that this should be a material consideration.

Officers' assessment of residential amenity

- 11.197. Officers' assessment of the position is as follows. It is an established principle in planning that no one has a 'right to a view'. However, the scale and functionality of the Proposed Development is unprecedented, even if the land use is considered to be appropriate in a town centre. By most measures, the iconic design of the Proposed Development is not a common or ordinary visual relationship in a town centre and the experience from each of the residential properties will be different depending on the angle of the view, contrast and atmospheric conditions, amongst other things, and will depend on the personal preferences of the viewer as much as the content itself.
- 11.198. There is a reasonable prospect that moving images and advertising will appear more visually intrusive from some properties compared with others. In all cases it will be a matter of planning judgement as to whether (a) the residential amenity threshold would be crossed for any of the properties adjacent to the site and, if so (b) whether serious harm would arise to the visual amenity of the affected property.
- 11.199. In officers' view, the AEG RVAA appears to have had little regard to the planning policy context of the site and equates the loss of views with harm. For example harm is said to arise from the Proposed Development in architectural mode. Officers are not persuaded by this analysis as the scale and massing of the Sphere is not excessive in the town centre context and there is a clear policy aspiration for the site to accommodate a large scale building. The visual impacts of a hypothetical mirror massing scheme have been assessed which replicate the massing of the adjacent urban block (consisting of Stratford Central, Moxy and Unite building) on the application site to assess the net effect of the Proposed Development. The results of this analysis show that the effects of the mirror massing scheme are comparable with the Proposed Development. There is also a sizeable distance of separation even taking account of the scale of these buildings and observed separation distances between tall buildings in the locality. For these reasons, the scale, massing and design of the Proposed Development would not in officers' view meet the residential visual amenity threshold when it is in architectural mode. In summary, that is because officers consider the visual effects of its massing to be consistent with scale of neighbouring buildings and are commensurate with what can reasonably be expected in the metropolitan centre.
- 11.200. The AEG RVAA of the Sphere when it is displaying images provides no explanation of the methodology used to convey the reflectivity of surfaces within the assessed residential properties. Similarly, it is not explained how the light spill within the visual renders have been modelled taking account the technical specification for the Sphere façade and proposed digital display luminance restrictions. These omissions mean that officers consider that the conclusions of the AEG RVAA analysis cannot be relied on in the way AEG seek to do. Whilst the visualisations prepared to support the assessment are in some respects helpful, less weight has been given to their overall conclusions, given the limitations which officers consider arise.
- 11.201. Conversely, officers consider that , the applicant's RVAA has focused on the likely positive impacts of the Proposed Development and gives limited consideration to adverse impacts on residential private amenity on the basis that the mitigation proposed would minimise the risk of adverse light and visual effects and therefore it also has limitations.

- 11.202. Officers have reached their own judgement based on the information submitted by both the applicant and AEG along with technical support from LLDC's environmental consultants. The officers' assessment has focused on properties in close proximity to the site with overlooking windows (namely New Garden Quarter, Stratford Eye, the Unite Student Accommodation and Stratford Central).
- 11.203. The conclusion of officers' evaluation is that, without mitigation, there are 61 residential properties that have the potential to meet the residential amenity threshold when the Sphere's display is active. The properties consist of 33 dwellings at the New Garden Quarter and 28 properties in Stratford Central. These rooms affected are typically living and sleeping areas and belong to properties that are single aspect and orientated towards the Proposed Development.
- 11.204. Furthermore, there are 225 student rooms in the Unite Student building which are site facing. Officers conclude that, without mitigation, 177 of these student bedrooms have the potential to meet the residential visual amenity threshold. These rooms are also single aspect. The spherical media plane would be a significant visual presence in views from these properties.
- 11.205. Occupants of these student and residential properties would experience a level of visual intrusion that is greater than would be the case if the Proposed Development was a "normal" use of the land at the scale proposed. The scale, proximity and extent of visual intrusion to these windows and rooms would be greater in respect of the student rooms; the views from some student accommodation windows would be completely obscured by the Sphere media plane. The effects are reduced lower down the building where views are predominately of the podium or higher up in the building where there is an alternative aspect to the view.
- 11.206. The extent to which the conditions created by the Proposed Development would be "significant adverse" is a matter of professional judgement. Visibility and/or change to outlook does not in itself equate to harm. There is qualitative aspect to the nature of how different content will be experienced.
- 11.207. On the one hand, officers consider that the Proposed Development would generally improve the visual quality of the site compared to the current situation by offering a new, and intriguing visual experience and a unique backdrop to the town centre. However, clearly the visual experience (and the extent to which it is positive or negative) will also depend on the content of the displays, the details of which are not known at present. There is therefore a residual degree of uncertainty about what the actual impact will be not least because the nature of the scheme is unprecedented. Indeed, even if the detail as to the precise nature of the displays were available to officers at this stage, it would be difficult to assign an objective value to each piece of content given the wide range in tastes of different viewers.
- 11.208. Rather, officers have focused on the proposed controls which limit luminance, the hours of operation and flicker. Taking these forms of mitigation into account, officers are satisfied that - regardless of the detail of the digital content - the risk of harm to residential visual amenity has been reduced to an acceptable level.
- 11.209. However, given the unprecedented nature of the proposed digital displays, officers accept that there is some residual uncertainty as to the impact of visual intrusion on residential amenity. For this reason officers support the applicant's proposal to provide blackout blinds/curtains to student and residential properties within 150 metres of the Sphere façade on a precautionary basis. It is acknowledged that blackout blinds/curtains may detract from living conditions, but it is considered they would not do so to an unacceptable degree. In all instances it would be a matter of personal choice for the occupier whether to have the blinds installed in the first place and whether to use them.

- 11.210. In so far as harm to residential visual amenity remains as a result of visual intrusion once the various controls and mitigation measures have been taken into account, officers do not consider this would amount to a “significant adverse impact”. Accordingly, the impacts in this regard are considered to be compliant with Policy BN.5.

Alternatives

- 11.211. It is acknowledged that the applicant in its consideration of alternative sites did not expressly draw a comparison between the likely effects of digital displays on sensitive residential occupiers at the locations studied. This is unsurprising given there is no requirement to do so in law or policy (and furthermore the applicant is not seeking to justify the development on the absence of alternative sites). Notwithstanding this, officers have undertaken an assessment in the event Members would find this helpful (recognising that that the Proposed Development is unique and there is no comparable development in the UK).
- 11.212. The three alternative sites considered were located in Canada Water, Canary Wharf and Earls Court. Each of these sites had facades in close proximity to and directly facing where the Proposed Development would sit. None of the short-listed sites performed significantly better or worse in terms of their sensitivity to residential receptors. Officers are therefore satisfied that the potential visual effects of the Proposed Development are not necessarily any more severe than they would be at the main alternative locations studied.

Light Spill Reflection and wider amenity impacts

- 11.213. The applicant’s assessment shows, as expected, that there will be an increase in skyglow compared to the existing situation. The extent to which light would project upwards from the Sphere would depend on the pre and post curfew luminance controls, but in both instances sky glow and illuminance distribution fall away relatively quickly with increasing distance from the site. The effects in this regard can helpfully be compared with the London Stadium due to the proximity of this venue which has the ability to host different types of night time entertainment and sporting events. In terms of the maximum luminance values, the upward skyglow effects of the London Stadium are greater than those of the Proposed Development.
- 11.214. The nature of the lit surface of the Proposed Development, with the resulting light spill and display of moving images, will have an effect on how the Development is perceived in views at night and when in active mode. At these times the visual impact of the Proposed Development increases, particularly in views from the Queen Elizabeth Olympic Park, Stratford St Johns Conservation Area, Angel Lane, Westfield and Montfichet Road. The applicant has assessed the overall effects to be minor (either beneficial or neutral).
- 11.215. There is no adopted development plan policy which specifies what is an appropriate level of illumination in a town centre at night. LLDC has adopted an Evening and Night Time Economy (ENTE) SPD which promotes the concept of the 24 hour city and growing the night time social and economic activity. The ENTE SPD does not provide specific guidance on night lighting beyond the general need for development to be appropriate to its context, and to support the function of a place and its economic and social activity.
- 11.216. It is therefore a matter of planning judgement whether the level of illumination proposed would appropriately support the night-time economy, placemaking, wayfinding and social interaction whilst appropriately respecting residential amenity, human health and relevant ecological considerations.
- 11.217. Based on the analysis above, it is considered that the light spill and upward sky glow effects would be highly localized (focused on the site and its immediate surroundings) and reinforce Stratford’s status as a metropolitan centre. Its digital displays would have

beneficial wayfinding effects and would promote the night-time economy. The applicant has also committed to display artistic content for not less than 65% of the time that the Sphere surface is illuminated which would in turn attract people to the town centre and support local placemaking objectives in line with strategic aspirations. Appropriate limits to the luminance of the Sphere surface, content related mitigation and limits to the hours of operations are proposed that would safeguard residential amenity and health.

11.218. It is acknowledged that that background lighting levels would increase substantially above the current baseline which is unsurprising given it is predominately hard-standing and free of buildings. Sensitivity testing shows that the residual lighting environment in the town centre would be appropriate to its context and that it would not result in changes to the character of the lighting environment of the nearby residential neighbourhoods of Maryland and East Village. The proposed development is not anticipated to have adverse ecological effects and by virtue of its operation hours the risk of ecological effects has been minimised.

11.219. For these reasons, officers are satisfied that the wider light amenity impacts are appropriate to the local context and would, on balance, have beneficial effects.

Light spill and wider amenity effects: Hackney Marshes and the Lee Valley

11.220. Representations from The London Borough of Hackney state that the Proposed Development will be visually prominent from Hackney Marshes and along the Lea Valley, and that during overcast conditions, at dusk and during hours of darkness when moving images are displayed, this would be harmful to the visual amenity of these areas.

11.221. Hackney Marshes is a large open grass space bordered by the River Lea and the River Lea Navigation. It forms part of the Lee Valley Regional Park and is a destination for formal and informal recreation. The Lee Valley and Marshes are characterised by a mix of semi-natural lowland river landscapes, wetland landscapes, and post-industrial inner London landscapes. The Queen Elizabeth Olympic Park, Lee Valley VeloPark and Lee Valley Hockey and Tennis Centres are part of its setting.

11.222. The townscape setting of the Lee Valley is undergoing significant transformation as it is a 'growth area' where higher density development is encouraged and has the potential to impact upon on character of the park and the perceptions of it. The Proposed Development would be a new element in the evolving townscape which would be more noticeable after dusk when the building is illuminated. View 3 from the TBHVIA shows that the top segment of the Proposed Development is partially visible behind two tower buildings in East Village which are far into the distance

11.223. By virtue of the distance of separation, at 2km light spill from the Proposed Development would fall away and would not have an appreciable effect on the visual amenity of recreational walkers or the setting of the area. To the extent that the Proposed Development would draw the attention of recreational park users during overcast conditions, at dusk or during hours of darkness, it would provide a recognisable feature on the skyline which contributes to Stratford's identity and skyline presence.

11.224. It follows that officers are not persuaded that the visual effects of the Proposed Development would detract from those elements which make an appreciable contribution to the character and identity of the Marshes and the Lee Valley. Nonetheless, it is acknowledged that the extent to which the existing background view of Stratford contributes to the enjoyment and visual amenity of the area will depend on the viewer and the value they attach to that view. In the opinion of officers, however, to the extent that the Proposed Development would have visual effects, they are not considered to be significant or harmful. Rather, the overall effects on the skyline from the Hackney Marshes and Lee Valley are likely to be minor and would be neither materially better nor worse than under existing conditions.

- 11.225. Taking into account the cumulative planned development in the hinterland of the Lee Valley, the Proposed Development is likely to be perceived as a distinctive addition to the skyline which, in the context of scale of changes taking place, is minor and not significant. It would not interfere with any vistas or sightlines of the Marshes that are recognised as being important and the overall perception of the openness, tranquility across its varied landscape would remain intact.
- 11.226. Based on this analysis officers consider that the Proposed Development would have not have significant adverse impacts on the Hackney Marshes and Lee Valley.

Light Spill and Wider amenity effects: Heritage assets

- 11.227. Historic England, the London Borough of Newham, the Royal Borough of Greenwich, AEG and Stop MSG have expressed concerns that the Sphere when illuminated will have adverse effects on the setting of heritage assets.
- 11.228. Based on the detailed heritage analysis elsewhere in this report, for the purposes of BN.5(8) officers consider that the Proposed Development would result in an adverse impact on the contribution setting makes to the significance of the University Square Conservation, Stratford St John's Conservation Area and certain heritage assets within these conservation areas (less than substantial harm having been identified in NPPF terms), as well to the non-designated heritage asset of the Victorian urinals on Angel Lane. Accordingly, the Proposal does not fully comply with BN.5(8). As set out in the heritage assessment, officers consider that great weight should be given to any harm to heritage assets.
- 11.229. However, whilst giving great weight to that harm, officers note that BN.5(8) itself addresses a great range of amenity impacts (it is not limited to heritage impacts) and in all other amenity respects the Proposed Development is considered to be compliant with BN.5(8). As dealt with in relation to the assessment on heritage, the heritage value derived from the historic setting of the adversely affected assets mainly stems from the layout and group value of these buildings within the University Square and Stratford St John's Conservation Area, respectively, and to a lesser extent on their more general backdrop. The latter is fragmented and composed of a mix of buildings emerging on Stratford High Street and the metropolitan centre. This indicates that the historic backdrop has evolved significantly over time and so the affected assets derive relatively little of their significance from the metropolitan townscape backdrop (as opposed to their immediate historic setting). Thus, while an adverse impact in terms of heritage assets has been identified and great weight is attached to the heritage harm that has been identified, officers consider that the harm identified will not impede to any great extent the public's understanding and appreciation of the assets in question.

Summary of amenity impacts (BN.5 part 8)

- 11.230. The analysis shows that the scale and massing of the Proposed Development is appropriate to the local context and would not result in daylight or sunlight amenity impacts or microclimate effects on neighbouring buildings or open spaces which amount to significant adverse effects.
- 11.231. Embedded design measures would appropriately mitigate the effects of amplified music and ongoing monitoring and active management of the external areas of the Proposed Development would minimise the potential for adverse effects at nearby properties, including late at night. With mitigation, noise from crowds will be minimised in the neighbouring residential area of Maryland and on Windmill Lane and so this is unlikely to result in significant adverse effects.
- 11.232. Limiting the luminance of the Sphere, its hours of operation and implementation of content related mitigation would protect against unacceptable amenity impacts. Furthermore, the applicant has agreed on a precautionary basis to provide blackout

blinds for properties in close proximity to the Sphere displays minimising perceived levels of visual intrusion from the Sphere displays. A digital display monitoring group would be established to monitor the effects of the displays and complaints which would consist of the applicant, the local planning authority, other relevant public authorities and competent experts. Taking account of all the proposed controls, officers are satisfied that there are appropriate measures in place to minimise light and visual amenity related effects to the extent that any residual adverse effects would not be significant.

- 11.233. Officers have taken account of the AEG TBHVIA Review and representations from Historic England and Stop MSG which claim that there is insufficient information available to understand the proper effects of the Proposed development and that the Applicant has relied too heavily on wirelines and model views.
- 11.234. In officers view, there are also very few locations where the full form of the Sphere can be appreciated. In main, views are limited to glimpses of the building and the extent of this varies. Officers accept that it would not be reasonable to test and report on all possible viewing points from where the building could be seen. Officers also recognise that the TBHVIA cannot anticipate or account for all lighting and content display possibilities.
- 11.235. A significant amount of information has been prepared, including verified views of the building from a variety of distances and directions, in 'architectural mode' and when it is illuminated, during the day and evening as well as animation videos which have informed our assessment of effects. Together this comprise a comprehensive set of information to assess visual effects. Officers consider the number and range of views that have been prepared allow for a proportionate assessment of townscape changes, visual amenity and the effects arising from the Proposed Development.
- 11.236. Indeed, and as explained above, in the opinion of officers the Proposed Development would make a positive contribution to the visual amenity of the site and surrounding townscape, enhance views and create new vistas in the locality. Whilst the Sphere's unusual form means that its scale and massing would become a dominant element in the setting of the Maryland Residential Area and Stratford High Street, its design appropriately responds to the architectural and historic context of the site. Moreover, through its scale, form architecture and functionality the Sphere would create an integrated and more legible place that contributes positively to the townscape and its metropolitan town centre context.

Overall compliance with BN.5

- 11.237. For the reasons given above, the Proposed Development is considered to comply with all aspects of BN.5 (policies BN.1 and BN.4 are considered below) apart from one of the sub-factors in BN.5(8) – namely an impact on the views of certain heritage assets has been identified. As explained above, whilst giving great weight to the harm identified, to heritage assets officers consider that this conflict with this aspect of Policy BN5.8 to be qualified in that the most important aspects of the affected assets' settings, from which they derive their historical significance, are preserved.
- 11.238. In these circumstances officers have gone on to consider whether this non-compliance with part of BN.5(8) means that there is a breach of BN.5 overall. This involves consideration of BN.5 as a whole. In undertaking this exercise officers observe that aspects of BN.5 pull in different directions (for example, creating new sightlines and improving the public realm are not necessarily compatible with safeguarding existing views of heritage assets). Therefore, given that the Proposed Development has been found to comply with all other aspects of BN.5 (including those aspects which may be incompatible with the policy's heritage considerations), officers conclude that there is substantive compliance with BN.5 as a whole. However, officers have also gone on to

consider the position assuming that this conflict with this element of policy BN.5 is treated as a breach of Policy BN.5 as a whole in the planning balance section.

Design response to place (Policies BN.1 and BN.4)

- 11.239. Policy BN.5 states that proposals for tall buildings must meet the criteria of the policy and in addition to this the requirements of BN.1 and BN.4 of the Local Plan. Policy BN.1 states that proposals for development will be acceptable where they respond to place in accordance with principles outlined below:
- Landscape and water: respect and enhance the local areas defining natural and man-made landscape features
 - Urban fabric: respect existing typologies, including those of heritage value, and draw cues from the form of the area in terms of its layout and scale
 - Architectural and historic context: enhance the architectural and historic setting within which the development is proposed
 - Connectivity: ensure that new and existing places link to route networks and, amongst other things utilise opportunities to connect areas to strategic road, rail, bus and cycle networks
 - Infrastructure: make use of existing physical infrastructure to help overcome barriers to integration and to create new links and routes
 - Mix: consider how proposed uses integrate with, and relate to, both public and private space
 - Amenity and wellbeing: minimise impact within proposed and upon existing development

Officers' assessment

- 11.240. The height and massing the Proposed Development would establish a strong sense of place on this prominent site at a scale that is not considered to be excessive taking account of the established scale of surrounding buildings and the large spaces either side of the site. The scale of building reinforces Stratford's position in the hierarchy of centres and its trajectory as a future international centre.
- 11.241. The juxtaposition of the spherical form in the local context is not in keeping with historic development but the podium deck successfully integrates it into the locality. This is an appropriate contextual design response to the urban fabric and architecturally the materials proposed would be consistent key local landmarks, incorporating Corten on the bridges and brick and stainless steel panels which are in keeping with local infrastructure, Westfield and the character and appearance of the area. Given that in this instance the requirement to enhance the architectural setting and the historic setting seem to pull in different directions, officers are satisfied that the enhancement of the architectural setting within which the development is proposed means there is overall compliance with BN.1(3). If there is any doubt about this, then there is in any event compliance with BN.1 overall given the Proposed Development's compatibility with all other aspects of the policy, many of which pull in opposite directions (such as ensuring connectivity and integrating effectively public and private space).
- 11.242. Through the new bridge connections and podium the Proposed Development would improve connectivity in the town centre and how it functions creating direct east west linkages and pedestrian routes. The proposed two way cycle lanes on Montfichet Road would improve cycle infrastructure and the quality of public realm in addition to the upgrade of public realm on Angel Lane. In creating these routes the Proposed Development would improve the physical infrastructure for pedestrians, cyclists and overcome existing barriers to movement in the town centre. The proposed infrastructure

interventions would integrate this currently inaccessible site, with its surroundings and create new links to and from local residential neighbourhoods. Access would also be improved to and from Stratford Station, the Queen Elizabeth Olympic Park and Westfield Shopping Centre.

- 11.243. The proposed land use is in line with the local plan site allocation and strategic aspirations for a large scale town centre use. The design and layout of the proposed bridges, podium and vehicle access are an appropriate contextual response to the local context that would maximise connectivity and minimise amenity effects associated with vehicle access and servicing for this land use. Through the scheme's embedded design and operation controls, it has appropriately minimised its effect on amenity and wellbeing on neighbouring sites.
- 11.244. In officers' view, the proposed design appropriately responds to place and represents an appropriate scale, height and massing of development that respects its context. It would improve connectivity and has had regard to existing constraints and amenity considerations to achieve a high standard of design.
- 11.245. Policy BN. 4 states that development should meet the relevant principles in this policy with specific reference for all major development to comply with criteria 3-14 in order to demonstrate that it is of an acceptably high quality and contributes positively to its context.
- 11.246. To demonstrate a high standard of design proposals should:
- Contribute towards the creation of distinctive, integrated, legible, connected and sustainable places
 - Exhibit the principles of good design, by incorporating high quality landscape and architectural design, including high quality materials
 - Minimise adverse impacts upon existing surroundings
 - Demonstrate that the scheme will receive acceptable levels of daylight and sunlight and the existing surroundings will not experience an acceptable loss of sunlight and daylight
 - Ensure surrounding open spaces receive adequate levels of daylight and sunlight
 - Respect the scale and grain of their context
 - Relate well to street widths and make a positive contribution to streetscape
 - Generate an active street frontage
 - Incorporate sufficient, well designed and appropriately located communal and private amenity space
 - Contribute to defining any existing or identified new public routes and spaces
 - Promote legibility of the site, and
 - Where relevant, preserve or enhance heritage assets and the views to/from these, and contribute positively to the setting of heritage assets, including conservation areas.
- 11.247. Through the Proposed Development's architecture, operational displays and connections created by the bridges and podium it would create a distinctive, legible place that is integrated with its surroundings and improve connectivity.
- 11.248. Through the provision of landscaped areas on the podium at varying scales and character, as well as improvements to Montfichet Road and Angel Lane, the Sphere

would represent a significant uplift in the public realm at the heart of the town centre and use high quality materials that would age well over time and are appropriate town in the centre context and the proposed use of the site.

- 11.249. The scale and massing of the building is appropriate for its town centre context where tall buildings are encouraged. The position of the Sphere within the podium has appropriately minimised daylight impacts on surrounding properties and open spaces and would ensure that surrounding buildings and open spaces receive adequate levels of daylight and sunlight.
- 11.250. The form of the building is unusual but owing to the island nature of the site and gaps either side, the scale of development on this site would relate well to the urban grain of the metropolitan centre.
- 11.251. Through the remodeling of Montfichet road and Angel Lane, new bridge connections and the proposed station entrance the Proposed Development would make a positive contribution to the streetscape and generate active frontage in areas which are currently dominated by high concrete parapet walls towards the railway. It would also provide new public routes and public spaces and so improve east-west connections promoting legibility and improve the visual amenity of the site and its surroundings.
- 11.252. It is acknowledged that the removal of non-designated urinals from the site and townscape effects of the scheme on the setting of University Square Conservation Area, the Stratford St John Conservation Area and certain individual heritage assets would neither preserve or enhance would not meet the requirements of BN.4(14). However, officers observe that over the course of the application, the applicant has responded to the main comments of the LLDC's Quality Review Panel who have consistently supported the scale and height of the scheme in its local context. QRP acknowledged that its visibility and functional displays would provide wayfinding and legibility benefits that would contribute positively to the LLDCs aspirations for the town centre. This supports officers' view that BN.4 is another policy in respect of which different strands pull in different directions (for example, the requirement to promote legibility of the site cuts across the requirement to contribute positively to the setting of heritage assets).
- 11.253. In officers' view, the proposed design represents a form of development that positively contributes to its context and through its bridge connections, and upgrade to the local pedestrian and cycle infrastructure, it would contribute towards the creation of a more sustainable and liveable town centre. Taking account of the significance of the heritage assets mentioned immediately above, and the extent to which they derive their significance from their settings, officers are of the view that the elements which are of greatest heritage value to the historic setting of these assets would be preserved. This is primarily the layout and group value of buildings in the conservation area and not backdrop which is evolving in response to the regeneration of different parts of London. In this context, whilst giving great weight to the harm caused to the heritage assets, as a matter of overall planning judgement, officers are satisfied that the non-compliance with BN.4(14) does not prevent overall compliance with BN.4. Indeed, when BN.4 is considered as a whole, officers take the view that its substantive objectives are complied. It follows that officers consider that the Proposed Development complies with BN.4. However officers have also gone on to consider the position if it is assumed that the issues identified above do result in a conflict with this policy as a whole in the subsequent planning benefits section.

Conclusions of BN.5 Assessment and other Local Plan policies concerning tall buildings

- 11.254. The Proposed Development has been designed to be a striking visual landmark that could come to define the town centre and raise its profile as a visitor destination. The development as a whole would establish a strong sense of place on this prominent site on a scale that is not considered to be excessive taking account of the established scale

of surrounding buildings. There is nothing local about the spherical form but the landscaped podium successfully integrates the Proposed Development into the surrounding area enhancing views of the site and the streetscape of Montfichet Road, Angel Lane, the Town Centre Link Bridge and Westfield Shopping Centre. The juxtaposition of the spherical form and the local context may not be universally popular or appreciated, but its height, form and massing is considered an appropriate response to the design brief and context of this site.

- 11.255. The Proposed Development would add to the appreciation of the surrounding townscape areas rather than detract from an appreciation of them and differentiate Stratford from other centres. The LED panels would provide intrigue and visual interest when the building is in active mode. The lighting environment created would be appropriate in a town centre context and alongside the venue it would support aspirations to grow the night-time economy, placemaking and have beneficial wayfinding effects whilst appropriately respecting residential amenity, human health and relevant ecological considerations.
- 11.256. Subject to conditions concerning the detailed design, materials, and limits to luminance levels, officers are satisfied that there are appropriate controls in place to ensure that the visual appearance of the Sphere (when in architectural mode and when illuminated) would be of an acceptably high standard and that residential amenity and visual amenity would be protected.
- 11.257. Appropriate mitigation is proposed to ensure an appropriate standard of residential amenity is maintained including, as precautionary measure (in the event the impact on residential amenity is worse than officers expect), proposals for blackout blinds to address the residual risk of unacceptable amenity impacts.
- 11.258. Overall, the Proposed Development would exhibit an exceptionally good standard of design. It is also considered to provide an attractive visual backdrop for people living, working, enjoying recreational time, visiting and travelling through the metropolitan town centre. Further, the Proposed Development would have an appropriate relationship with planned cumulative development in the wider area in mid to long distance views.
- 11.259. The scheme has evolved in response to the constraints of the site and comments from the independent quality review panels, with the Proposed Development being adapted appropriately to overcome the main concerns identified. Although some adverse heritage impacts have been identified to which great weight is attached, officers judge that these do not result in conflict with the overall substantive aims of policies BN.5, BN.1 and BN.4. In circumstances where the heritage aspects of these policies cut across other aspects of the policies, officers have assessed the policy as a whole and concluded that there is overall compliance. However, officers have also gone on to consider the position in the planning balance analysis if it is assumed that there is conflict with these policies arising from the effects that are outlined above.
- 11.260. Overall, Officers are therefore satisfied that the design of the Proposed Development would exhibit exceptionally good design, enhance the site and its surroundings, promote local distinctiveness and support the delivery of local priorities with due regard given to LLDC's Design Quality Policies. Based this analysis the Proposed Development would comply with Local Plan Policies BN.5, BN.1 and BN.4, as well as BN.6, BN.10, BN.12 and BN.14.

Policy D9 Assessment

- 11.261. Policy D9 of the London Plan states that tall buildings should only be developed in locations identified as suitable in development plans with the main thrust of the policy being that they should address the relevant visual, functional, environmental and cumulative impacts.

Location

- 11.262. The site is directly adjacent to Stratford Station, an important commuter hub, in an area where there are tall buildings. The Local Plan promotes a large building on this site and permits tall buildings within the metropolitan centre. The site is within the town centre and the Proposed Development would be seen as part of the cluster of tall buildings near Stratford Station. A tall building on this site would not look out of place and would be in a location identified as suitable in the Local Plan.

Visual impacts

- 11.263. As explained elsewhere in this report, the long-range, mid-range and immediate views of the Proposed Development are considered acceptable. Indeed, in the view of officers the Proposed Development would make a distinctive and positive contribution to the skyline and local townscape that will reinforce the spatial hierarchy of the town centre in the local and wider context. The design of the Proposed Development would aid legibility and wayfinding and, subject to appropriate conditions, the detailed design of the building would exhibit exceptionally good design, minimising glare (including to the railway) and provide an appropriate lighting environment for the town centre that delivers a requisite standard of amenity for residential occupiers.

Functional impacts

- 11.264. The Proposed Development has been designed to ensure the safety of all occupants (including through appropriate emergency exit routes) and the servicing arrangements are considered safe and appropriate. There is also an appropriate level of public realm to safely manage large crowds entering and exiting the site. The applicant has demonstrated that the local transport can accommodate the number of people attending events and a new station entrance is proposed to mitigate the effects of multiple events in the area. The Proposed Development would transform this large, inaccessible vacant site into a destination in the town centre creating jobs and services. It would diversify the night time visitor offer and contribute to the aspiration of making Stratford a future international centre. The Proposed Development would not interfere with the safety aviation communications or telecommunication or have significant effects on solar generation.

Environmental impacts

- 11.265. The scale of the Proposed Development would not compromise the enjoyment of open spaces around the building, but rather make a significant contribution to the public realm in Stratford. The quality of routes and public realm proposed are of a high standard and will improve visual amenity of the site in the local context. The scale and massing of the building would be appropriate to the local context and have acceptable daylight sunlight impacts.

Cumulative impacts

- 11.266. The Proposed Development taken with cumulative planned developments and tall buildings in the area would make a positive contribution to the surrounding townscape, enhancing existing views and creating new vistas on street corridors and strategic walking routes. Whilst its unusual form means that its scale and massing would become a dominant element in the setting of the Maryland Residential Area and Stratford High Street, the extent of harm is limited in the context of planned cumulative developments which reduce some of the visibility of the Proposed Development and limit its effects.
- 11.267. The Proposed Development would become a distinctive visual landmark that will help differentiate Stratford from other centres and reinforce its hierarchy and function. The design of the proposal would underline the difference between the town centre and these areas and in this way would add to the appreciation of their townscape structure.

Public access

- 11.268. The Proposed Development creates new routes and public spaces on the podium and reconfigures Montfichet Road and Angel Lane such that more public realm is provided for pedestrians and cyclists. The podium spaces are open to all and offer the highest level of public access and managed in accordance with the principles set out in the Public London Charter in line with Policy D8 of the London Plan. Access to public toilets would also be provided within the café on the podium in accordance with Policy S6 of the London Plan

Conclusions of design assessment against Local Plan Policy D9 and London Plan design policies

- 11.269. The Proposed Development would function well as a visitor destination optimising the capacity of the site and responding to its local context, the site allocation and planned infrastructure capacity. It would make a distinctive contribution to the streetscape and improve connectivity and the function of the town centre, as well as creating routes that are aligned with desire lines in the area.
- 11.270. The quality of architecture is of a high quality with exceptional detailing and with appropriate consideration given to the design of the proposed media display. The challenge for designers in respect of the latter was to create a spherical surface with removable flat panels, integrating LEDS so that the fixings are not visible, accommodating the electrical and mechanical servicing requirements of the façade, integrating a building maintenance system into the design to deal with cleaning but without compromising the aesthetic or distribution of LEDs. A full scale mock up has proven that the visual appearance of the displays would be of a high standard.

More generally, account has been taken of practical considerations such as building maintenance, building lifespan and the use of robust materials. High sustainability standards would be achieved and opportunities to green the spaces between buildings have been maximised. The proposals have been thoroughly scrutinised by an independent panel and appropriate conditions and S106 obligations have been drawn up providing a requisite level of certainty that appropriate controls are in place to ensure a high level of design would be achieved.

- 11.271. The Proposed Development would make a positive contribution to local townscape in long-range, mid-range and immediate views of the site and reinforce the spatial hierarchy of the locality. Subject to conditions, the appearance and architectural integrity of the building would be of an exceptionally good standard over the lifetime of the development and would not generate adverse glare impacts. Operational controls are proposed to limit light pollution and noise from the operation of the building which would ensure an appropriate standard of residential and visual amenity.
- 11.272. The proposed access and servicing arrangements are appropriate and have been designed to accommodate peak activities at the site. The impacts on the transport network are acceptable and the benefits to the local area of the jobs and services provided by the development have been maximised for the benefit of the local area through planning obligations. As such, the cumulative visual, functional and environmental impacts of this proposed tall building are found to be acceptable. The public access is also considered suitable given that publicly accessible areas will be provided on the podium with its views across the railway lines towards London.
- 11.273. Based this analysis, the Proposed Development would comply with Policy D9 and policies D1, D2, D3, D4, D5, D8, D11, D12, D13, D14 of the London Plan.

NPPF

11.274. The NPPF (para 126) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It states that design guides and codes should be prepared by local planning authorities that are consistent with the principles set out in the National Design Guide and National Model Design Code (Paragraph 128) and that these national design documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes. Central to the achievement of these objectives is that planning decisions ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to the local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimize the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support other local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

National Design Guide

11.275. The National Design Guide addresses the question of how we recognise well-designed places by outlining what this means in the form of ten characteristics. The ten characteristics are:

1. Context – enhances the surroundings
2. Identity – attractive and distinctive
3. Built form – a coherent pattern of development
4. Movement – accessible and easy to move around
5. Nature – enhanced and optimised
6. Public space – safe, social and inclusive
7. Uses – mixed and integrated
8. Homes and buildings – functional, healthy and sustainable
9. Resources – efficient and resilient
10. Lifespan – made to last

Officer assessment

Function

- 11.276. The preceding analysis shows that the design of the Proposed Development appropriately responds to its context and would integrate the site into its surroundings and as a result create a better-connected town centre and improve legibility. The building has been designed to accommodate multiple configurations and formats and so is likely to function well over the lifetime of the development.

Visually Attractive

- 11.277. The quality of architecture is of a high standard and appropriate consideration has been given to the visual appearance of the Proposed Development when it is in architectural mode and active mode. The juxtaposition of the spherical form and the local context may not be universally popular or appreciated, but its height, form and massing is considered an appropriate response to the design brief and context of this site. A full scale mock up has proven that the visual appearance of the displays would be of a high standard and can be achieved. It would provide a recognisable feature on the skyline which contributes to Stratford's identity and skyline presence.

Sympathetic to local character and history

- 11.278. The Proposed Development would appropriately respond to the site, its town centre context, adjacencies and local site constraints. It is acknowledged that the Proposed Development is likely to have harm the setting of heritage assets but that harm is judged to be less than substantial and so, in accordance with paragraph 202 of the NPPF, it should be weighed against the public benefits of the proposals.

Strong sense of place

- 11.279. The development as a whole would establish a strong sense of place on this prominent site at a scale that is not considered to be excessive taking account of the established scale of surrounding buildings and the large spaces either side of the site in which it would sit. It would provide a striking backdrop to the town centre in a manner that is consistent with the design brief as well as local plan aspirations to attract high profile institutions and entertainment operators to the town centre. In the view of officers, the scale of building reinforces Stratford's position in the hierarchy of centres and its trajectory as a future international centre.

Optimise potential for the site

- 11.280. The scale and intensity of development is appropriate at this part of the metropolitan centre, at the confluence of railway lines and strategic roads directly adjacent to an important commuter hub and Westfield Shopping Centre. It would build upon Stratford's appeal as a tourist and visitor destination and the sites excellent public transport connections in line with the local plan. In the view of officers, the scheme optimizes the potential for the site.

Create safe, inclusive, accessible places

- 11.281. To promote inclusivity the scheme has been designed to be almost completely level and overcoming complex physical barriers to movement in the town centre. It would support healthy lifestyle through improvements to pedestrian and cycle infrastructure and would adhere to conditions and s106 obligations would ensure an acceptable high standard of amenity is achieved for local residents and visitors to the town centre. Appropriate consideration has been given to provide support for people may need mobility assistance and to the need to minimise crime through design and active management of the site its surroundings. In the view of officers, the scheme creates a safe, inclusive and accessible place.

Conclusions against the NPPF and National Design Guide

- 11.282. Based on the preceding analysis, the Proposed Development, taken together with the Advertising Proposals would create a well-designed place that is consistent with the central objectives of the NPPF and the ten characteristics set out in the National Design Guide.

12. Advertisement Consent

Legislative Framework

- 12.1 The statutory regime governing consent for advertisements is contained in the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (“the Advertisements Regs”).
- 12.2 Subject to certain exemptions and deemed consent provision no advertisement may be displayed unless consent for its display has been granted under the Advertisement Regs. A local planning authority must exercise its powers under the Advertisement Regs “in the interests of amenity and public safety” and must take into account: (a) the provisions of the development plan (in so far as they are material); and, (b) any other relevant factors.
- 12.3 For planning purposes, an ‘advertisement’ is defined in section 336(1) the Town and Country Planning Act 1990 as:
- “any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements.”*
- 12.4 In the context of the Proposed Development advertising consent is needed to illuminate the Sphere façade because it has been designed to display advertising, for the proposed digital billboards, the MSG branding on the upper terrace façade wall, the bridge gate(s) and the LED Ribbon display.

Development plan policies

- 12.5 Policy BN.16 of the Local Plan sets out the main considerations to be assessed for advertisement proposals. It states that proposals for advertisements will be considered acceptable where they:
1. Do not have an adverse impact on amenity
 2. Do not have an adverse impact on the outlook of the surrounding residential properties
 3. Do not have an adverse impact on public or highway safety
 4. Do not result in visual clutter through the proliferation of advertisements in the area
 5. Do not obscure architectural features
 6. Do not protrude above roof lines and are not displayed at an obstructively high level
 7. Are not attached to residential buildings
 8. Do not have an adverse impact on a heritage asset or its setting
 9. Respect the appearance, character, scale and street scene of the building/ site upon which they are proposed.

- 12.6 The policy states that advertisements for illuminated signage will not normally be granted where the advertisement is of an intermittent nature or where the illumination would project significantly beyond the sign.
- 12.7 Some of the representations submitted, for example Legacy Youth Voice and QRP, suggest that there may be beneficial effects brought about from artistic displays and illumination on the Sphere but that these may be diminished by the display of content purely promoting commercial activities. However, the potential for any such perceived beneficial effects from content has been ignored for the purposes of determining the application for advertising consent, given the specific requirement to exercise advertising consent powers in the interests of amenity and public safety. All content would need to adhere to standards set by the Advertising Standards Authority. In any event the proposed content of an advertisement cannot constitute a reason for the grant or refusal of advertisement consent.
- 12.8 For these reasons officers have not sought to distinguish between the perceived visual effects of advertisements by reference to their potential content when assessing the application for advertisement consent.

NPPF and the PPG

- 12.9 The National Planning Policy Framework (paragraph 136) states that the character and quality of places can suffer when advertisements are poorly sited and designed noting that a separate consent process within the planning system controls the display of advertisements. It identifies that advertisements are subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 12.10 “Amenity” is not defined in the Advertisements Regs. However, the PPG indicates that it includes aural and visual amenity, usually in the immediate neighbourhood of an advertisement. Assessing the impact on amenity can include whether the display of adverts would affect, for example, important scenic, historic, architectural or cultural features, including whether the advert in question is in scale and in keeping with those features.
- 12.11 “Public safety” is not defined in the Advertisement Regs. According to the PPG it is not confined to road safety and can include rail safety, aviation and measures that impact on the detection and prevention of crime.

Summary of objections and the applicant’s response

- 12.12 Representations from Stop MSG and AEG have expressed concern that activation of the Sphere’s surface may have adverse amenity and human health effects. One of their main concerns is that advertisements will be out of scale with the area and the unprecedented nature of the proposals generates uncertainty and has the potential to be used to display material with different effects on visual and public amenity including, for example, the potential for a series of intrusive images at a scale that would negatively impact on the character of the area, residential amenity, the setting of heritage assets and public safety. Specific concerns have also been raised about the effect on occupiers in places such as Stratford Central, Unite Student Complex, Stratford Eye, New Garden Quarter and residents in East Village, Leyton and Maryland. Public safety concerns have been raised in respect of the impact on rail drivers and road users.
- 12.13 The applicant has reduced the number of the digital billboards initially proposed following consultation feedback. Further, to address public safety concerns it has submitted a road user distraction assessment, rail safety report and proposals for a digital display management strategy (DDMS) (see paragraph 18 of Part 3 of the proposed section 106 HoT) which detail the mitigation measures proposed in the interests of public safety for road users and rail drivers. An assessment of the LED façade lighting impacts on human health has also been undertaken.

12.14 To minimise the potential amenity and human health effects the applicant proposes to limit the luminance of the Sphere, limit its hours of operation and to apply the DDMS as approved by LLDC. As a precautionary measure the applicant has also committed to providing blackout blinds to occupiers of properties with a direct view of the Sphere's surface that are within 150m. To address public safety risks, the applicant has committed to controls relating to the operation of the digital display and, where appropriate, to upgrade road and rail infrastructure off-site. Support for driver training and awareness and monitoring of effects is also proposed.

12.15 The applicant has made clear that the ability to display advertisements on the building's façade is not only an integral part of the design of the building but also required to support the development and its operation. On this basis and following extensive discussions with the applicant it is officers' recommendation that advertising consent should be granted for longer than the standard 5 year express consent period for advertisements. In this case, a period of 25 years is recommended on the basis of the clear relationship between the appearance of the Sphere, the principal use of the building and the advertisement display and subject to the controls, reviews and management of the display secured through the recommended conditions and s.106 legal agreement Heads of terms.

Officers' assessment: Advertising displayed on the surface of the Sphere

12.16 The Sphere surface would comprise stainless steel panels with embedded LEDs that can display content over the entirety of its surface area. The LEDs are integral to the design and architecture of the Proposed Development and so in accordance with policy BN.16 (criteria 5, 6 and 7) it would not obscure architectural features, protrude above roof lines or display adverts at an obstructively high level so far as the host building is concerned and it is not attached to residential buildings.

12.17 The Sphere surface would be visible in mid to long distance views and protrude above the rooflines of buildings immediately adjacent to the Site. Analysis earlier in this report concludes that the visual effects of this are, in the main, positive and would enhance existing views and create new vistas which help differentiate Stratford's skyline from other centres. In light of this, and given that the ability to display advertisements is an integral part of the design of the building and its functionality, in officers view, the visibility of adverts displayed on the surface of the Sphere would not amount to a conflict with BN.16 (6). It is considered they would be in keeping with the design concept and perform a distinctive wayfinding function that would contribute to Stratford's identity.

12.18 The main considerations are therefore whether there would be adverse impacts on:

- The visual amenity of the site and the town centre taking account of the cumulative impact of advertising (BN.16 criteria 1, 4 and 9)
- residential amenity and outlook (BN.16. criterion 1 and 2)
- heritage assets and their setting (BN.16 criterion 8)
- public safety (BN.16 criterion 3)

Amenity impacts (excluding residential amenity)

12.19 It is considered that the Proposed Development with its consequential advertisement would generally improve the visual amenity of the Site itself as compared to the current situation by offering a new and intriguing visual experience and destination that will provide a unique backdrop to activity in the town centre.

12.20 In long distance views, the Sphere's surface will, to a lesser or greater degree, be partially concealed by existing and planned buildings but would provide a recognisable

feature in the skyline that helps mark Stratford and contribute to its identity. People experiencing long distance views would be residents and visitors walking and cycling who will be largely concentrating on their journey and so the background view is unlikely to contribute to their enjoyment or have adverse effects.

- 12.21 In mid-distance views, similar impacts are anticipated with the exception that the content on display may be easier to read. The advertisement display will be a clear marker in the backdrop to the setting of adjacent areas that will help distinguish Stratford and the town centre. It would add to the appreciation of the townscape structure in adjacent areas, rather than detract from an appreciation of it.
- 12.22 Within the town centre, the advertising will offer a new strong and intriguing visual experience for people walking and cycling and residents at home and create a destination both during the day and night, where currently there is a large void. Clearly the visual experience, and the extent to which it is positive or negative will depend on the subjective preferences of the observer and the content of the displays at any given time, the detail of which is not known at present. There is therefore a degree of residual uncertainty about what that sort of subjective impact will be. Even if details of the precise nature of the displays were available to officers at this stage, it would be difficult to assess the impact on amenity of each piece of content given the functionality of the façade and in the inherent subjectivity as to how each person will perceive the content. Indeed, this is well illustrated by the broad range of opinions set out in the representations received.
- 12.23 For the majority of people, exposure to the advertisements is likely only to occur for relatively short periods and would not have significant adverse effects on their amenity. Deliberately avoiding the use of flashing images and minimising high frequency flicker through the technical specification of the LEDs (as the applicant has agreed to do and proposed to be controlled via the DDMS) would minimise potential amenity effects of the Proposed Development on both general and vulnerable populations, including children, elderly people and people with epilepsy or certain health conditions and vulnerable people.
- 12.24 In addition, the lit surface would not exceed ILP recommendations for building luminance in town centres. Limiting luminance in this way would ensure that the building is not perceived as too bright for people observing the Sphere from the public realm. The luminance levels agreed are substantially lower than would be expected from a 'normal' illuminated advertisement. This is an appropriate contextual response to its local context.
- 12.25 Inevitably the activation of the Sphere LED facades will change the local night-time environment and generate an increase in background lighting compared to the current situation. The general effects of luminance (whilst recognising the inherent difference in nature of the displays and frequency of use) can be compared with the London Stadium which lies in close proximity and has the ability to host different types of night time entertainment. In terms of maximum luminance, the upward skyglow effects of the London Stadium are greater than those of the Proposed Development.
- 12.26 The spatial extent of light spill from Proposed Development would be broader relative to the skyglow emitting from the aperture of the London Stadium. The amount and distribution of light has been quantified and light levels would fall away relatively quickly with distance from the Sphere surface. Sensitivity testing shows that the residual lighting environment in the town centre would be appropriate to its context and would not change the fundamental character and lighting environment of the Maryland neighbourhood or East Village. For these reasons, officers consider that the luminance controls proposed are an appropriate contextual response to the scale and nature of the proposed advertisement displays on the façade of the Proposed Development. Furthermore, the surface of the Sphere would be switched off at 23:30 or at midnight on Fridays and

Saturdays therefore mitigating concerns about light pollution during the later night/early morning period.

- 12.27 The visual impact of the Sphere's surface will increase at nightfall, having beneficial wayfinding effects in views from Montfichet Road, Angel Lane and Queen Elizabeth Olympic Park. Officers do not consider that the Proposed Development would detract from the character and identity of the town centre, or those elements which contribute to it, at night. To the extent that activation of the Sphere's surface would draw the attention of people in the town centre, it has the potential to become a defining element of the town centre and positively contribute to Stratford's identity and skyline presence.
- 12.28 On the balance of evidence, officers consider that the Proposed Development would not have adverse amenity effects on the site and town centre subject to conditions which limit luminance levels and the hours of operation and the implementation of the proposed controls within the Digital Display Management Strategy as set out in the s.106 legal agreement heads of terms.

Residential amenity

- 12.29 It is considered that the Proposed Development with its advertisements displayed would generally improve the appearance of the site compared to the current large void in the urban fabric. However, it is acknowledged that occupiers living in properties directly overlooking the site may experience the Sphere's surface over a longer period than passersby in the town centre.
- 12.30 A review of scientific literature submitted by the applicant shows that LEDs emitting a high component of short-wave blue light can impact on circadian rhythms and sleep quality. However, the applicant has demonstrated, through evidence prepared by the BRE, that the illuminance generated at the façade of properties flanking the site (including at Unite Angel Lane, Moxy, Stratford Central, New Garden Quarter and the Stratford Eye) would be below the values that would be assumed to affect melatonin levels and/or sleep quality.
- 12.31 The illuminance generated at nearby properties would also be below the maximum thresholds recommended by the ILP as being acceptable in terms of amenity for properties in town centres. Furthermore, the Sphere's surface would also be switched off at 23:30 or midnight on Fridays and Saturdays therefore mitigating concerns that the LEDs would emit short wave light throughout the night to the detriment of sleep. Limiting the luminance and hours of operation in this way would minimise the effect of light on residential occupiers to ensure that the building is not perceived as too bright for people who experience the development over longer periods from windows adjacent to the site.
- 12.32 As explained above, the extent to which the visual experience from the LED facades is positive or negative depends to a great extent on the preferences of the observer.
- 12.33 Some objectors have raised concerns about the possible psychological impacts arising from Sphere's surface given the unprecedented nature of the Proposal. Officers observe in this regard that there is no established methodology to assess the potential psychological effects of the Proposed Development. Even if there were a methodology, it is likely that the outcome of that assessment would be highly dependent on the tastes and preferences of individual observer. In practice, therefore, a planning judgment is required as to whether the level of visual intrusion likely to be experienced at residential properties would amount to an adverse impact overall.
- 12.34 The Sphere's surface will be more visually conspicuous from some properties compared with others and may have an impact on living conditions (through visual intrusion) for some. The amenity effects are likely to be greater for properties flanking the site, with the greatest change likely to arise at Unite Angel Lane by virtue of the proximity, orientation, and position of its predominantly single aspect student bedrooms in relation

to the site compared to occupiers living in New Garden Quarter, Stratford Eye or Stratford Central which will experience visual intrusion but to a lesser degree.

- 12.35 Officers note that visibility of a proposal and/or a change to outlook does not in itself equate to harm. In all cases it will be a matter of planning judgment as to whether serious harm would arise to the change in visual amenity of the affected property. It is therefore important to take into account of the measures proposed in the interests of amenity which include the Digital Display Precautionary Mitigation measures the commitment to 'designed in' and operational measures such as avoiding the deliberate use of flashing images and to minimise high frequency flicker through the technical specification of the LEDS. These measures will reduce the impact resulting from the change in outlook from the closest residential buildings.
- 12.36 The applicant has also offered to provide and install blackout blinds as a precautionary measure to address the uncertainty of visual intrusion. They do not consider the impact on residential outlook to be a relevant amenity consideration but they acknowledge that the unprecedented nature of proposals and its functionality means and there is some uncertainty as to how it will be perceived and that precautionary mitigation measures would be preferable over inaction.
- 12.37 It is acknowledged that blackout blinds may themselves detract from living conditions but officers consider they would not do so to an unacceptable degree. In all cases it would be a matter of choice for the occupiers whether to have the blinds installed in the first place and whether and when to use them.
- 12.38 In so far as there are residual effects on living conditions/residential amenity (through visual intrusion), once the various controls, mitigation measures and precautionary blinds have been taken into account, officers consider the overall impact on residential amenity would be acceptable

Heritage assets and setting

- 12.39 A detailed assessment of heritage impacts is provided later in this report. The assessment identifies that Advertising Proposals will have adverse effects on the contribution setting makes to the significance of the Stratford St John's Conservation Area, the Church of St John (Grade II), the Old Town Hall (Grade II), the Gurney Memorial (Grade II), the University Square Conservation Area, the University of East London Complex (Grade II*) and the Victorian urinals (Non-designated). For much the same reasons as given in the relevant parts of that assessment, officers consider that the proposed advertisements would not comply with part 8 of BN.16. Officers consider that great weight should be attached to the harm caused to the heritage assets in the determination of this application.

Impact on public safety

Summary of concerns raised by objectors

- 12.40 Representations from Stop MSG, Network Rail, MTR Crossrail amongst others have expressed concern that the Proposed Development could pose a danger to public safety owing to the scale and visibility of the Sphere's surface to road users, rail drivers and for aviation.
- 12.41 In particular, it is said that the Proposed Development by virtue of its scale, unusual nature and illumination has extensive visibility along rail corridors and roads leading up to and orientated towards the site. The PPG states that illuminated signs using LEDS can create a potential risk to public safety where they are visible from any part of the road and where - because of their colour - they could be mistaken for, or confused with, traffic lights.

- 12.42 The PPG further states that advertisements that can interfere with the visibility or interpretation of fixed signals. In particular, they can cause the illumination of a signal where no signal is situated.
- 12.43 It is also pointed out that the Proposed Development lies to the north-west of London City Airport, in an area subject to aerodrome safeguarding (the process by which airspace required for safe and efficient take-off and landing at airports is maintained free of new development that might compromise safety and efficiency). The Air Navigation Order requires that lights cannot be exhibited which are liable to endanger aircraft taking-off landing or which are liable to be mistaken for an aeronautical light.
- 12.44 In addition, Stop MSG have cited advertisement consent proposals refused by various planning authorities on grounds of public safety that were subsequently dismissed by the planning inspectorate at appeal, stating that those signs were smaller and by implication posed less risk than the Proposed Development.
- 12.45 To address road user public safety issues, the applicant has identified various roads and junctions from which the Sphere's surface would be visible for drivers of cars and Heavy Goods Vehicles. To mitigate the risk to road users they propose content related mitigation such as restricting the display of flashing images, phone numbers and content that could be mistaken for, or confused with traffic lights or any authorised sign. These mitigation measures will be set out and secured in the Digital Display Management Strategy. The applicants also propose to develop recommendations to ascertain the optimal interval between digital content being displayed on the Sphere to further minimise risk to public safety. In addition, proposals for long term monitoring have been set out along with a strategy as to the mitigation that could be put in place in response to outcomes from monitoring. For example, such mitigation measures could include potential works to the geometry of key junctions and/or hoods to traffic signals on approaches to the site.
- 12.46 To address rail driver and station operation issues, the applicant has engaged with Network Rail, TfL, MTR Crossrail and other rail operators to identify potential risks and mitigation measures. A pre-commencement condition is proposed that would require the applicant to develop these further and submit them for approval. The mitigation measures proposed include digital display operation, infrastructure changes and training and awareness, as well as:
- restricting the maximum speed of moving images
 - determining the intervals between each display
 - restricting the display of symbols which resemble rail signage or signals
 - restrictions on the use of certain colours in certain zones
 - zoning of display material
 - physical alterations to existing signaling infrastructure
 - developing rail driver simulators to support train operating companies familiarise and brief their drivers on potential changes to infrastructure
 - a strategy for monitoring the impact of the Proposed Development on rail stakeholders that is integrated with existing railways standards for managing perceived instances of driver distraction (such as the processing of a Driver Distraction Notice)
 - advice from human factors experts that on how the moving images on the Proposed Development affect the way train drivers perceive their surroundings

Officers' assessment

- 12.47 It is acknowledged that the Sphere's surface by virtue of its scale, unusual nature and illumination is prominent and visible from the highway and from rail lines. Officers also note that there is limited guidance on road user distraction other than the general principle that digital displays should only be permitted where an acceptable standard of safety on the public highway can be maintained.

Road users

- 12.48 Roadside advertising is becoming increasingly digital and moving away from paper based static adverts. Officers do not have any principle objection to the Sphere's surface being used to display digital content provided the risk to public safety can be mitigated to an acceptable level.
- 12.49 By restricting the display of flashing images and content that could be mistaken for, or confused with, traffic lights or any authorised signs, the risk to public safety would be minimised. Proposals to develop and verify the mitigation measures proposed including recommendations on intervals between digital content would further reduce risk.
- 12.50 The local highways authority (LB Newham) has indicated that it would be possible to reduce risk to highway users to an acceptable level through the content controls proposed and, where appropriate, through infrastructure changes at key junctions. The proposed s.106 legal agreement HoTs secure this alongside proposals for monitoring the effects of the proposed mitigation measures.
- 12.51 Officers are satisfied that the proposed package of mitigation measures would minimise public safety risk and that any remaining residual risk is acceptable and would not amount to an adverse effect.

Rail safety

- 12.52 The applicant has engaged with the rail industry to identify potential rail driver distraction issues and agreement has been reached with Network Rail, Transport for London, and HS1 on pre-commencement planning conditions that would protect rail infrastructure and minimise public safety risk. The necessary assurance has been provided that the information needed for the project to progress will be provided before the development commences. For these reasons, officers are satisfied that, subject to the conditions proposed and the measures secured in the s.106 legal agreement Heads of Terms which manage the digital display, activation of the Sphere's surface would not create a residual risk that amounts to an adverse effect.

Aviation safety

- 12.53 The applicant has demonstrated to the satisfaction of officers that external lighting from the Sphere, lighting more generally and reflections of sunlight from the surface of the building would not create public safety risks that are likely to impact on aviation operations. London City Airport has written in support of the application and to state that the Proposed Development would not give rise to safety issues from an aviation perspective, subject to appropriate conditions relating to construction methodologies, which have been agreed. For these reasons officers consider there are no public safety aviation issues arising from the Proposed Development.

Crime prevention

- 12.54 The prevention of crime and drug abuse are public safety considerations and local planning authorities are encouraged to ensure that consent for advertisement is not given for advertisements which block the view of CCTV cameras or where the illumination from signs would cause glare to CCTV cameras.
- 12.55 The Proposed Development would not block the view of CCTV cameras but the Metropolitan Police have indicated that the complex nature of the lighting environment

means that it is essential that colour changes and lux levels do not compromise the image quality of CCTV coverage.

- 12.56 A Digital Display Management Strategy will therefore set out an appropriate approach to ensure that operation of the Sphere's surface and podium lighting does not cause glare to CCTV cameras on the site and in the wider area.
- 12.57 The applicant has committed to achieving "secure by design" 'Commercial Award' which is a design standard administered by the UK Police service with the specific aim to reduce crime and help people live more safely. Amongst other things, it will require the applicant to engage with the Metropolitan Police on its lighting design in the interests of supporting crime prevention. In so far as public safety concerns remain, officers consider there are appropriate controls in place to ensure that any residual impacts would not amount to adverse effects. The requirement will be secured by a planning condition on the full application being considered alongside this proposal .

Officers' assessment: Digital billboards (Podium west elevation)

- 12.58 The proposed digital billboards on the west elevation of the podium would sit flush against the podium and would be visible from the public highway on Montfichet Road. The location of these signs responds to the different approaches likely to be taken by visitors and passersby who will cross the new bridges and so they are well placed to be seen. They are subservient in scale to the podium structure and, when the billboards are not activated, the black screens would be relatively discreet and appropriate to the scale and character of the building.
- 12.59 The proposed billboards would not obscure architectural features of the site, protrude above roof lines or display adverts at an obstructively high level. They are not attached to residential buildings and there are no residential properties directly facing these signs and so they would not have an impact on the outlook of surrounding residential properties.
- 12.60 The proposed digital billboards would not impact on the setting of heritage assets because there are no heritage assets or heritage settings that would be materially affected.
- 12.61 The proposed billboards would not be unusual in the streetscene taking account of the character of the area, the entrance to Westfield and Stratford Station Northern ticket hall and digital billboards in the locality. The proposed billboards by virtue of their size, are not unusual, and would be positioned away from the public highway and so are not likely to distract road users or impair sightlines of traffic signs.
- 12.62 It is acknowledged that the signs could incorporate moving images that will generate interest and compete for attention, and that there are locations on Montfichet Road where the displays will be visible from the road. However, by virtue of the size, position and luminance controls proposed, the proposed signs would not result in residual glare or dazzle that would amount to an adverse effect on public safety. Adherence to the proposed digital display management strategy will ensure that the content displayed is not likely to be mistaken for or confused with traffic lights or any other authorised signs.
- 12.63 The digital billboards will be read as integrated part of the design of the Proposed Development. Their visual aesthetic would be in keeping with the commercial character of the town centre and respect the appearance, character and scale of the Site and street scene. Subject to controls restricting luminance, the digital billboards would not be perceived as too bright in the street scene and so would not have adverse amenity effects on passersby observing from the public realm or Stratford Station platforms. The contribution to the residual lighting environment in the town centre would be minor and in keeping with the ILP guidance for adverts in town centres. The proposed level of illumination from these signs would not project significantly beyond the sign. These

billboards would not impact on amenity of nearby residential properties as they are set back away and not in direct line of sight from residential properties.

Officers' assessment: upper terrace façade wall

- 12.64 The slated timber façade terrace wall would be embossed with the MSG branding, and illuminated by static recessed backlights in the soffit.
- 12.65 The location of this sign would respond to the approach likely to be seen by visitors and passersby who access the site from Angel Lane. It would not obscure architectural features of the Proposed Development, protrude above roof lines or display adverts at an obstructively high level. It would be visible from Stratford Eye, Unite Student Accommodation but by virtue of its design and orientation away from these windows it would not have an adverse impact on the outlook of surrounding properties. It is not attached to a residential building.
- 12.66 Stratford Theatre Royal East is the closest heritage asset in proximity. The location and orientation of the signage is such that the sign would not impact on the setting of this heritage asset.
- 12.67 The proposed timber signage has a strong juxtaposition with the wider material palette but, its scale would be consistent with the design approach to create different character areas within the public realm. There is a reasonable prospect that a suitable timber design can be found, or an alternative material considered as part of the detailed design condition.
- 12.68 The proposed sign would be prominent in views from the highway on Angel Lane but as a result of the method of illumination, which is backlit and static, it is unlikely to distract road users, would not impair sightlines of traffic signs and would not result in glare or dazzle to road users.
- 12.69 The terrace wall would be read as an integrated part of the design of the Proposed Development and, subject to conditions regarding materials, it would respect the visual aesthetic of the site. Subject to luminance limits, the signs would not be perceived as too bright in the street scene. The residual lighting environment in the town centre would be in keeping with the ILP guidance and the proposed level of illumination would not project significantly beyond the sign.

Officers' assessment: Bridge gates

- 12.70 Internally lit gates are proposed to gate 1 on Montfichet Road, whilst the gates to bridge 2 and 3 would be raised and at bridge level and formed from glazing with internally fused LEDs.
- 12.71 Officers consider these signs are appropriate in scale and respond to the proportions of the gate structure. When the gates are not activated they would appear as integrated elements of the gate architecture. The integrated signs would not obscure architectural features of the site, protrude above roof lines or display adverts at an obstructively high level. They are not attached to residential buildings and there are no residential properties directly facing these signs and so they would not have an impact on the outlook of surrounding residential properties.
- 12.72 Stratford Theatre Royal East and the Stratford St John's Conservation Area are the heritage assets in closest proximity to the Proposed Development. However, the siting and position of the bridge gates means the signs would not affect the setting of these assets.
- 12.73 The proposed gate signage would be in keeping with the character of the site and destination. Further, by virtue of their size, the fact they are not unusual and their positioning away from the public highway, they are not likely to distract road users. The bridge 1 gate would be visible from the highway but would not impair sightlines of traffic

signs. It is acknowledged that the bridge 1 gate could incorporate lighting displays that will generate interest and compete for attention. However, the size, position of the sign, nature of the destination and luminance controls proposed should offer effective mitigation. In addition, adherence to the proposed digital display management strategy will ensure that the content displayed is not likely to be mistaken for or confused with traffic lights or any other authorized signs.

- 12.74 The proposed signage would be read as an integrated part of the design of the Proposed Development. The visual aesthetic would be in keeping with the commercial character of the town centre and respect the appearance, character and scale of the site and street scene. Subject to controls restricting luminance, the bridge gates would not be perceived as too bright in the street scene and so would not have adverse amenity effects on passersby observing them from the public realm. The contribution of the bridge gates to the residual lighting environment in the town centre would be in keeping with the ILP guidance for adverts in town centres and would not project significantly beyond the sign.
- 12.75 It follows that with the mitigation measures in place, any residual harms are kept to a minimum and would not amount to adverse effects for the purposes of BN.16.

Officers' assessment: LED Ribbon Display

- 12.76 The proposed LED ribbon display would bridge the gap between the podium and the Sphere's surface and have the capability to display commercial content, static wayfinding content and content which reflects the show or artist performing at the venue. In non-event mode it would be used to display commercial and other content and to add to the immersive experience of the site.
- 12.77 The LED ribbon display would be visible on all approaches to the site and is subservient in scale to the podium and the Sphere's surface. The LED ribbon is an integrated element of the design of the Proposed Development and so it would not obscure architectural features of the site, protrude above roof lines or display adverts at an obstructively high level. Careful consideration will be needed to ensure that the LED ribbon supports rather than diminishes the displays on the Sphere's surface in the interests of visual amenity. It is recommended that the approach to coordinating the two displays is secured as a detail in the proposed digital display management strategy which is reflected in the s106.
- 12.78 The LED ribbon would be visible from adjacent residential and student properties and so would have an impact on their outlook. Subject to controls limiting luminance, flicker and flashing images, and with appropriate coordination between displays as explained above, officers are satisfied that the LED ribbon display would complement the other aspects of the Proposed Development or components of the development.
- 12.79 The LED Ribbon would not have impact upon the setting of heritage assets by virtue of its location on the site and relationship to heritage assets in the area.
- 12.80 The display would be visible from the public highway on Montfichet Road and Angel Lane but would not impair sightlines of traffic signs. It is acknowledged that the signs could incorporate moving images that will generate interest and compete for attention but, subject to the proposed road safety mitigations described earlier in this section, the residual effects of the display would not amount to adverse effects on public safety. Adherence to the proposed digital display management strategy will ensure that the content displayed is not likely to be mistaken for or confused with traffic lights or any other authorized signs.
- 12.81 The display would be in keeping with the character of the destination being created and the commercial character of the area. Subject to controls limiting luminance, the display would not be perceived as too bright and would not have adverse impacts on residents at home viewing the sign or the visual amenity of the site. Its contribution to the residual

lighting environment in the town centre would be minor and in keeping with the ILP guidance for adverts in town centres. It would not project significantly beyond the sign.

BN.16 (4) Cumulative impacts of displays and cumulative planned development

- 12.82 The number and extent of advertisements, particularly the Sphere surface would transform the visual amenity of the site and the town centre. However, the planned advertisements are not considered incongruous given that the town centre has a strong commercial character and nearby there are a number of large advertisements visible in the public domain including the large digital billboard on Meridian Steps and the intermittent vinyls displayed on the Town Centre Link Bridge.
- 12.83 Further, whilst the advertisements proposed would be prominent in the town centre, they would be contained within the structure of the Proposed Development and seen in the context of the entertainment destination being created and the busy commercial environment, characterised by Westfield, the Stratford transport hub, tall buildings, signage and lighting. Subject to appropriate management of the additional displays so that their use is complementary to the content displayed on the Sphere's surface, it is not considered that the new proposed advertising as a whole would result in visual clutter or adverse amenity effects. On the contrary, it would reinforce the character of the site as an entertainment and leisure destination. It has the potential to become a significant part of the town centre's identity.
- 12.84 The advertising would be overlooked by student and residential occupiers but, subject to the conditions limiting luminance, and hours of operation it would not generate obtrusive lighting at adjacent properties that would amount to adverse effects. These conclusions take account of the cumulative impact of existing displays and light sources.

BN.16 Conclusions

- 12.85 The main considerations in respect of the advertising proposal are amenity and public safety. The proposed advertising would provide intrigue and visual interest when the digital displays are activated and they could come to define the town centre and raise its profile as a visitor destination. Subject to relevant conditions and measures secured through the proposed s106 legal agreement, the proposed adverts would not have adverse effects on the amenity of the locality or generate residual effects that amount to adverse impacts on road safety, rail safety, aviation or crime.
- 12.86 However, the visual effects of the Proposed Development are more finely balanced for the occupiers of residential properties in close proximity to the site. Whilst the lighting environment created would not create adverse amenity conditions, there is uncertainty regarding the visual effects of adverts because the precise nature of the displays is unknown and the scale and nature of the advertising is unprecedented. In addition, it seems that observers' reactions are likely to vary considerably depending on their personal preferences. However, on the basis of the mitigation measures t, officers consider that any residual adverse effects would be minimal and would not amount to non-compliance with BN.16.
- 12.87 Based on the analysis above, the proposed advertising application complies with all aspects of BN.16 apart from BN.16 (8). Officers attach great weight to the harm to the heritage that will arise in making their assessment. Officers consider that the heritage value derived from the historic setting of the adversely affected assets mainly stems from the layout and group value of buildings within the Stratford St John's Conservation Area and University Square Conservation Area and to a lesser extent on their more general backdrop.. The latter is fragmented and composed of mix of buildings emerging on Stratford High Street and the metropolitan centre. This indicates that the historic backdrop has evolved significantly over time and so the affected assets derive relatively little of their significance from the metropolitan townscape backdrop (as opposed to their immediate historic setting).

- 12.88 Officers are therefore of the view that even though the proposed advertising on the surface of the Sphere does not satisfy BN. 16(8) and great weight is attached to the harm to the heritage assets that will arise as a matter of planning judgement, the harm that will arise is at the low end of less than substantial harm. Policy BN.16 is a permissive policy, and in all other respects the Proposed Development would meet its requirements. In such circumstances, exercising their planning judgment, officers consider that the harm caused to the heritage assets and consequential conflict with BN.16(8) is not such as to cause them to consider that the advertising proposals breach BN.16 when taken in the round.
- 12.89 Officers have, however, gone on to consider the position assuming that this conflict does give rise to conflict with BN.16 as a whole. Officers consider that any such conflict is outweighed by the wider amenity benefits of what is proposed. In particular, officers consider that this advertising performs a beneficial wayfinding function and positively contributes to LLDC's wider placemaking aspirations.
- 12.90 For the avoidance of doubt, the above conclusions have been reached in circumstances where officers have afforded great weight to the conservation of the affected heritage assets. As explained above, in officers view, the adverse heritage impacts identified would not effect those elements which contribute most to the significance of the affected heritage assets. For this reason, the breach of BN.16(8) in relation to heritage assets has been considered against that context in circumstances where the other substantive requirements of BN.16 met. Officers consider the conflict with BN.16(8) is outweighed by the considerable amenity benefits of the advertising proposals.

Extended express consent

- 12.91 The preceding analysis demonstrates that the ability to display content (I.e. to display advertisements) is an integral part of the building design. Without the ability to display digital content, the building would not be capable of functioning in the way in which it has been designed or of delivering a number of public benefits. Beneficial effects include supporting wayfinding and promoting Stratford as a visitor destination particularly at night when the building is illuminated. Securing a significant proportion of the time that the façade is active for the display of public art would also be beneficial to local amenity. In the event advertisement consent were not granted, the proposed scheme and these benefits would not materialise.
- 12.92 Accordingly, in circumstances where the ability to display advertising is part of the concept design, officers consider it reasonable that the applicant is seeking consent for 25 years. Further, with the robust mitigation strategies set out earlier in this report (to be secured via proposed conditions and planning obligations), officers are confident there will be no unacceptable adverse amenity or public safety effects overall. On this basis officers are satisfied that granting an express advertising consent for a period of 25 years would be acceptable.

13. Built Heritage

Policy framework

NPPF

- 13.1 Members are referred in full to Chapter 16 of the NPPF which sets out national policy on conserving and enhancing the historic environment.
- 13.2 Paragraph 189 identifies that heritage assets range from sites and buildings of local historic value to those of the highest significance. It identifies that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

- 13.3 Paragraph 194 identifies that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made their setting, and the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 13.4 Para 195 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 13.5 In determining applications, the NPPF (para 197) states that local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 13.6 Para 198 of the NPPF states that in considering any application to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.
- 13.7 When considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF (para 199) states that, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance.
- 13.8 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (NPPF para 200).
- 13.9 Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimum viable use (NPPF para 202).
- 13.10 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF para 203).
- 13.11 Local planning authorities should not permit the loss of the whole or part of a heritage assets without taking all reasonable steps to ensure the new development will proceed after the loss has occurred (NPPF para 204). Local planning authorities should require developers to record and advance understanding of the significance of any heritage

assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted (NPPF para 205).

- 13.12 Local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (NPPF para 206).
- 13.13 Officers have worked through the NPPF heritage considerations summarised above in their analysis of built heritage impacts of the Proposed Development. For the avoidance of doubt, in so doing officers have also applied s.66(1) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the effect of which is summarised in the Statutory Framework section above) and in considering the impact of the Proposed Development on the significance of the heritage assets, have attached great weight to the conservation of those heritage assets.

Development plan policies

- 13.14 Policy BN.17 (Conserving or enhancing heritage assets) of the Local Plan states that new development will be considered acceptable where it conserves or enhances heritage assets and their settings and promotes the significance of those assets by incorporating viable uses consistent with their conservation and heritage-led regeneration. Proposals which affect the setting of heritage assets will be considered acceptable where they preserve or enhance the special architectural or historic interest of the asset, in particular historic buildings, structures, yards, waterways and the pre-war residential and industrial street patterns or other characteristics that give that area its unique character; enhance and reveal the significance of heritage assets; restore and re-use heritage assets located within the application boundaries as part of new development; exhibit an understanding of and reference the architectural and historic interest of the area in their designs and retain street trees and or provide these where appropriate.
- 13.15 Policies in the London Plan (HC1, HC2, HC3 and HC4) require development proposals affecting heritage assets and their settings to conserve their significance by being sympathetic to the assets' significance and appreciation within their surroundings and to take account of the cumulative impacts of development from incremental change.

Heritage assets and outline of representations

- 13.16 The main heritage assets of relevance in terms of the Proposed Development are:
- Maritime Greenwich (World Heritage Site)
 - St Paul's Cathedral (Grade I)
 - Theatre Royal (Grade II*)
 - Stratford St John's Conservation Area and individual assets within it (Grade II listed assets below)
 - Church of St John the Evangelist and railings (referred to as Church of St John in this report) (Grade II);
 - St John's House (Grade II);
 - King Edward VII Public House (Grade II);
 - West Ham Court House (Grade II) (referred to as Old Town Hall);
 - Stratford Town Hall Complex (Grade II) (referred to as Old Town Hall);
 - 30 Romford Road (Grade II);
 - 49 Broadway (Grade II);
 - Martyr's Memorial (Grade II);

- The Gurney Memorial (Grade II); and
 - 3 K6 Telephone Kiosks Outside Stratford Town Hall (Grade II)
 - University Square Conservation Area and individual assets within it including:
 - University of East London Complex (Grade II*) (comprising the West Ham Technical Institute, the Central Library and the Passmore Edwards Museum);
 - 60 and 62 Romford Road (Grade II);
 - 66-82 Romford Road (Grade II); and
 - 54 and 56 Romford Road (Grade II)
 - Fish Island and White Post Lane Conservation Area
 - Three Mills Conservation Area
 - Former Urinals, Angel Lane (Non-designated)
- 13.17 The applicant's heritage assessment has focused on the effects of the Proposed Development on the Stratford St John's Conservation Area as a whole, the impact on the setting of the Church of St John (Grade II), Theatre Royal (Grade II*) and the Former Urinals on Angel Lane, all as individual assets. The ES concluded that there would be no significant effects on these built heritage assets. With regard to the NPPF, the applicant concludes the Proposed Development would not cause harm to the historic environment or those elements that contribute to the ability to appreciate the setting of these assets, with the exception of the Former Urinals, which would be completely removed from the site. The applicant proposes to mitigate the effects on the urinals by carefully removing them prior to demolition of the wall where they are currently located and storing them until a decision about their adaptive re-use is made.
- 13.18 However, there are a number of heritage assets within the agreed study area that the applicant does not examine in its heritage assessments. These include other individual assets within the Stratford St John's Conservation Area and the University Square Conservation Area and assets within it. The applicant explained that, with respect to the Stratford St John's Conservation Area, heritage assets were not assessed on an individual basis but instead as a group, as they considered it was not likely that significant adverse effects would materialise as a result of the Proposed Development. For similar reasons, the applicant states that it did not assess impacts to the University Conservation Area on the basis that they considered significant adverse effects were not likely to be brought about by the Proposed Development.
- 13.19 Representations from Historic England, LB Newham and AEG argue that adverse impacts on individual heritage assets within the Stratford St John's Conservation Area would be likely and that these effects have been underreported by the applicant. The representations suggest that the Proposed Development has the potential to harm the historic environment and in the context of the NPPF, consider the harm would be less than substantial. The representations consider any harm identified needs to be clearly and convincingly justified and weighed against the public benefits associated with the scheme in accordance with paragraphs 200 and 202 of the NPPF.
- 13.20 Furthermore, Historic England and the Royal Borough of Greenwich proposed additional testing to be undertaken to assess the effect of the Proposed Development on the setting of the Maritime Greenwich World Heritage Site and Three Mills Conservation Area.

Officers' assessment

- 13.21 Officers begin with the preliminary observation that significant effects on heritage assets reported within the Environmental Statement do not necessarily equate to harm to those heritage assets. Careful consideration – as summarised below – has therefore been given to whether the changes brought about by the Proposed Development would impede the ability to appreciate the significance (in other words, the heritage value) of individual heritage assets, or the group value of buildings within a conservation area and therefore cause harm.
- 13.22 To address concerns that individual heritage assets had not been assessed by the applicant, Officers undertook their own analysis of the effects of the Proposed Development both when 'switched off' and also when 'switched on' with advertising illuminated, on the setting of individual assets within the Stratford St John's Conservation Area, and the setting of the University Square Conservation Area and assets within it, Three Mills Conservation Area and Fish Island and White Post Lane Conservation Area, drawing on their own knowledge and additionally other information such as the viewpoints submitted as part of the applicant's TBHVIA. Taking account of Historic England guidance on assessing the setting of heritage assets, conservation area appraisal guidance, and statements of heritage significance in the public domain, it has been possible for officers to reach conclusions based on all the information available. A summary of the conclusions reached by Officers is set out table 10 below.
- 13.23 Officers conclude, in respect of individual heritage assets within the Stratford St John's Conservation Area, that significant effects are likely on the setting of the Old Town Hall (Grade II) and The Gurney Memorial (Grade II) and these effects are judged as likely to be adverse. These effects are considered to amount to less than substantial harm in NPPF terms. The analysis which supports this conclusion is provided in more detail later in this report.
- 13.24 In respect of the overall effect of the Proposed Development on the setting of the Stratford St John's Conservation Area as a whole, Officers conclude that that the Proposed Development is not likely to have significant adverse effects on its setting. The analysis which supports this conclusion is also provided later in this report.
- 13.25 With regard to the University Square Conservation Area, Three Mills Conservation Area and the Fish Island and White Post Lane Conservation Area, Officers conclude that the Proposed Development is not likely to have significant adverse effects on the setting of these areas. To assist with decision making, a summary of the conclusions is provided in table 10 below.
- 13.26 Officers have also applied the relevant heritage policies from the NPPF and consider , based on all the evidence presented and available that the Proposed Development would give rise to less than substantial harm to the Stratford St John's Conservation Area and certain designated heritage assets within it, along with less than substantial harm to the University Square Conservation Area and therefore paragraph 202 of the NPPF is engaged. This assessment is supported by officers' review of the 8 different viewpoints provided in the applicant's TBHVIA (Viewpoints 11, 12, 13, A7, A21, A26, B38 and B39). Owing to the requirement that the conservation of designated heritage assets be given great weight, careful consideration has been given to whether the public benefits of the scheme outweigh this harm (to which great weight has been attached: see the planning balance section of this report). Careful regard has also been given to the harm which would result to the Former Urinals as a non-designated heritage asset to which officers have also attached great weight.

Table 7 Summary of heritage impacts¹

Heritage Asset	Grade/Status	Scale and nature of effect (as assessed by the Applicant)	Scale and nature of effect (as assessed by Officers)	Assessment of harm by Officers in NPPF terms
Maritime Greenwich	World Heritage Site	No effect	No effect	None
St Paul's Cathedral	Grade I	No effect	No effect	None
Theatre Royal	Grade II*	Negligible	Negligible	None
Stratford St John's	Conservation Area	Negligible	Minor adverse	Less than substantial
Church of St John	Grade II	Negligible	Minor adverse	Less than substantial
Old Town Hall	Grade II	Not assessed	Moderate/ Minor adverse (significant)	Less than substantial
Gurney Memorial	Grade II	Not assessed	Moderate/ minor adverse (significant)	Less than substantial
30 Romford Road	Grade II	Not assessed	Negligible	None
49 Broadway	Grade II	Not assessed	Negligible	None
Martyr's Memorial	Grade II	Not assessed	Negligible	None
3 K6 Telephone Kiosks Outside Stratford Town Hall	Grade II	Not assessed	Negligible	None
University Square	Conservation Area	Not assessed	Minor adverse	Less than substantial
University of East London Complex	Grade II*	Not assessed	Minor adverse	Less than substantial
60 and 62 Romford Road	Grade II	Not assessed	Negligible	None
66-82 Romford Road	Grade II	Not assessed	Negligible	None
54-56 Romford Road	Grade II	Not assessed	Negligible	None
Fish Island and White Post Lane	Conservation Area	Not assessed	Negligible	None
Three Mills	Conservation Area	Not assessed	Negligible	None
Former Urinals	Non-designated	Moderate/ minor adverse (significant)	Moderate / minor adverse (significant)	Significant Harm (the NPPF does not use the terminology of substantial or less than substantial harm in respect of non-designated heritage assets)

¹ Effects above minor have been categorised as 'significant' in line with the ES terminology

Assessment of harm/effects on heritage assets

Linear view of St Paul's Cathedral from King Henry's Mound (LVMF View 9) (TBHVIA Viewpoint A21)

- 13.27 Although this viewing location is far removed from the LLDC area, it is a Protected Vista of one of London's best known landmarks and the viewing corridor extends across the LLDC area and the backdrop to the application site.
- 13.28 Historic England expressed concern that in operational mode, when the Proposed Development is lit, light spill has the potential to impact on the setting of this linear view and affect the setting of St Paul's Cathedral. They consider the more illuminated the Sphere is, the more eye catching and, in their view, the more jarring and intrusive the impact will be on the setting of this designated heritage asset.
- 13.29 Much of the significance of this protected view relates to the view of the dome and peristyle of St Paul's Cathedral which can be seen through an avenue of trees both from the mound and footpath. The view derives some significance from its clear sky background profile which enables a viewer to recognise and appreciate the dome of the Cathedral and strongly contributes to the overall significance of the view.
- 13.30 Whilst the Proposed Development would not be visible in the background of the Cathedral as it is located outside the viewing corridor, there is, theoretically, potential for light spill to enter the visual envelope of the viewing corridor, illuminating the backdrop to a greater or lesser degree depending on atmospheric conditions and visual effects of the content. This effect has the potential to be appreciable after sunset, when there would be sufficient contrast in environmental conditions for the upward sky glow effects to be visible in the backdrop of the view. However, this would largely depend on visibility, which will all be dependent on diurnal and seasonal atmospheric conditions (i.e. seasonal variations in sunset means illumination effects are likely to be more pronounced in the winter months, when hours of daylight are shorter).
- 13.31 Taking account of the viewing distance (22km), there is uncertainty as to whether it would be possible to view the change in background from such a distance with the naked eye – not least because it would depend on baseline light emissions in the background along the length of the linear view. The concern also assumes it is possible to obtain access to the viewing point during hours after dark and that, if the illumination effects were perceptible, it would be possible to isolate and attribute the harm to the effects of the Proposed Development. However, Officers observe that London's nightscape contains buildings which are lit over the length of the viewing corridor, the most significant of which feature in the City of London. These buildings provide the backdrop and baseline against which the viewer would appreciate the view of St Paul's. To the extent that the viewing point can be accessed by the public at times when light intrusion to the envelope is perceptible, having regard to the viewing distance and likely need for bifocal binoculars and particular weather conditions, it is considered that the effect of illumination at this distance will not diminish the composition of the view or compromise the viewer's ability to recognise and appreciate the Cathedral within the urban context. The clear sky background profile would still remain, albeit after dark.
- 13.32 Based on this analysis, officers consider that the main aspects of this view that contribute to a viewer's ability to recognise and appreciate the significance of this Strategically Important Landmark would remain intact. To the extent that there is any detectable skyglow, which may occur from time to time on occasions when atmospheric and weather conditions permit, those circumstances are expected to be infrequent and would not detract from the aesthetic attributes of this strategic vista. Officers are satisfied that the degree of visual intrusion, to the extent that there is any, would not be harmful to the elements which assist the viewer's understanding and enjoyment of the view, that the setting of the asset would be preserved and would not detract from the prominence of

the Landmark in line with policy BN.17 of the Local Plan and policy HC3 and HC4 of the London Plan. Furthermore, the Proposed Development would not result in cumulative harm to a Protected Vista which would be preserved in line with policy HC1 of the London Plan.

- 13.33 Notwithstanding this, in the event members were to conclude that the effects of the Proposed Development did result in harm as a result of light being perceptible in the backdrop even if only on infrequent occasions, the harm would be less than substantial in accordance with the NPPF. Whilst giving great weight to that harm, any such less than substantial harm to the ability to appreciate the significance of the St Paul's Cathedral from this viewpoint would be at the low end of the scale and would need to be weighed against the public benefits of the proposal (NPPF para 202).

Impact on the setting of the Maritime Greenwich World Heritage Site (TBHVIA View A7)

- 13.34 Representations from Royal Borough of Greenwich and Historic England expressed concern that the Proposed Development and its accompanying advertising may be prominent in views and impact upon the setting of the Maritime Greenwich World Heritage Site. Additional testing was carried out by the applicant to assess whether the Proposed Development would be likely to have an effect on the setting of this heritage asset.
- 13.35 Much of the significance of this Maritime Greenwich World Heritage Site relates to the visual integrity of the buildings which comprise The Royal Park, Royal Naval College complex, Royal Observatory and the landscaping that fringes it. The significance of its setting, recognised in the London View Management Framework by view 5A.1, derives mainly from the low-rise nature of Greenwich Palace in the front and the cluster of tall buildings at Canary Wharf in the middle ground and how this is appreciated in views from the Royal Observatory towards Queen Mary's House.
- 13.36 Officers have reviewed model views prepared by the applicant and are satisfied that the Proposed Development and proposed advertising displays would not be visible from the Maritime Greenwich World Heritage Site and would not impact upon the Outstanding Universal Value (OUV) of this heritage asset or the authenticity, integrity and significance of its setting. The Royal Borough of Greenwich has confirmed that it is also satisfied that the development and its advertising displays would not be visible. For these reasons, the setting of the Maritime World Heritage Site and the protected panoramic views towards central London and Canary Wharf would remain unaffected by the Proposed Development in line with policy BN.17 of the Local Plan and policy HC2 of the London Plan.
- 13.37 To the extent that light spill or upward sky glow from the Proposed Development would be visible in the night sky, it is not likely to impact on the setting of the London Landmarks within the protected panoramas at the World Heritage Site as these views are orientated towards central London and towards Canary Wharf. To the extent that light spill or upward sky glow would be perceptible, it is likely to be perceived as a recognisable part of the evolving London skyline and add interest to peripheral views east from the World Heritage Site. It would not harm the elements which assist the viewer's understanding and enjoyment of the panoramic views from the site or cause cumulative harm to the setting of the World Heritage Site. It follows that Officers consider the impact to be compatible with policy BN.17 of the Local Plan and policies HC1, HC2, H3 and HC4.
- 13.38 In the event that members were to consider that any perceptible skyglow at this distance may cause harm, they would need to consider carefully the extent of the impact, the severity of the harm and its reliance on the significance and the importance of the heritage asset. In Officers' view, any such harm would be at the low end of the 'less than substantial' spectrum and would have to be weighed against the public benefits (NPPF para 202). London's skyline has changed significantly since Maritime Greenwich was

designated as a World Heritage Site and it is against this context that such harm should be evaluated.

Stratford St John's Conservation Area (and the individual heritage assets within it)

Summary of consultation responses

- 13.39 The applicant concludes that the Proposed Development would not have significant effects on the Conservation Area or the ability to appreciate it.
- 13.40 Some of the main concerns arising from consultation are to the effect that the applicant's heritage assessment has undervalued the sensitivity of this and other assets and underreported the likely effects of the Proposed Development on the historic environment. AEG state that in both 'architectural' and 'illuminated' mode the scale of the building will result in a level of intrusion into the setting of the Conservation Area that is harmful and would compromise one's ability to appreciate its significance, as well as other designated assets which contribute to the significance of the Conservation Area. AEG therefore do not agree with the applicant's built heritage assessment conclusions.
- 13.41 LB Newham state that the Proposed Development would appear as a large and incongruous element in the townscape and have a harmful impact on the setting and significance of the Conservation Area, the Grade II Listed Old Town Hall and the Gurney Memorial. LB Newham considers the level of harm to these assets to be 'less than substantial' and that this would need to be weighed against any public benefit of the scheme in accordance with the NPPF.
- 13.42 PPDT's heritage specialists have undertaken their own analysis and have concluded that the Proposed Development would have minor adverse effects on the setting of the Church of St John the Evangelist (View A26 and B38), Gurney Memorial Drinking Foundation and Old Town Hall (View 11) and the ability to appreciate these assets.
- 13.43 MOLA has also advised PPDT that the introduction of the moving images on the Sphere has the potential to distract attention away from heritage assets in the Conservation Area making the Proposed Development a dominant feature and focal point.

Officers' assessment

- 13.44 As explained above, a significant effect on a heritage asset does not necessarily amount to heritage harm. Careful consideration – as summarised below – has therefore been given to whether the changes brought about by the Proposed Development would impede the ability to appreciate the significance of the Conservation Area, or assets within it, and therefore cause harm.
- 13.45 The significance of the Stratford St John's Conservation Area derives from the recognisability of the Church of St John (Grade II) and its tower spire and the arrangement and layout of a number of historic buildings. The principal historic landmarks in the Conservation Area aside from Church of St John (Grade II) are the Old Town Hall (Grade II), Gurney Memorial (Grade II) and No. 63 Broadway (locally listed). There are other features and aspects of the area which contribute to its special character, namely St John's House (Grade II); King Edward VII Public House (Grade II), 30 Romford Road (Grade II), 49 Broadway (Grade II), Martyr's Memorial (Grade II) and 3 K6 Telephone Kiosks Outside Stratford Town Hall (Grade II) along with several locally listed buildings such as the Church St Assisi.
- 13.46 Officers recognise that the Sphere would be visible in views from within and through the Conservation Area and that this will contrast and compete with its established character and views of buildings within it. The applicant's TBHVIA (View 11) demonstrates, for example, that when the Sphere is in 'off' mode it is prominent in the backdrop of the Gurney Memorial (Grade II).

- 13.47 However, whilst this view (View 11) is representative of the character of Stratford St John's Conservation Area, it is not of local or strategic importance but a by-product of the way this part of Stratford has evolved over time. The townscape in which Church of St John (Grade II), Gurney Memorial (Grade II) and Old Town Hall (Grade II) was originally positioned has evolved significantly and so consideration has been given to the extent to which there is inherent meaning or quality in the townscape backdrop (from which the Conservation Area derives its significance).
- 13.48 View 11 also shows that there is already a degree of visual intrusion into the setting of the Gurney Memorial (Grade II) and Old Town Hall (Grade II) building from within the Conservation Area by the Stratford Central building and Moxy Hotel in the metropolitan centre. This is less so for Church of St John, as it looms large on an island site in the centre of the Conservation Area and its setting is dominated by flanks of large mature trees. In any case, it can still be viewed against the context of tall buildings on Stratford High Street and adjacent to Stratford Bus Station. To the extent that the visual intrusion of these existing buildings into the backdrop of the Conservation Area can be said to affect the ability of the viewer to appreciate the significance (or heritage value) of the Conservation Area or individual heritage assets within it, the impact of the Proposed Development needs to be viewed in the context of the area's regeneration as a whole.
- 13.49 Stratford St John's Conservation Area is in a part of east London that has benefited from substantial inward investment and regeneration. Large swathes of Stratford City (a comprehensive mixed use development) have been completed, including Westfield, but there are still substantial areas committed but not yet built out, some of which will come to define the emerging townscape and skyline in the metropolitan centre. This includes the redevelopment of the Stratford Centre, Morgan House and tall buildings on Stratford High Street. In short, the area is undergoing transformational change and continues to be a focus for regeneration because of its location and strategic transport connections. It is against this context that the impact of the Proposed Development must be considered.
- 13.50 The significance of the Conservation Area is derived in part from the Church of St John (Grade II) being very much the focal point, terminating views into and within the Conservation Area. Analysis earlier in this report has established that the Sphere in architectural mode would constitute a large new element of the townscape that is likely to be experienced by people moving around the town centre and walking along the Broadway but not to a greater degree than other existing large buildings within the metropolitan centre and on Stratford High Street that form the backdrop to the Conservation Area. Cumulatively these existing buildings are visually intrusive and contrast in building design and materiality compared to the historic centre, but Officers are satisfied that this contrast serves a function in planning terms as it reinforces the hierarchy and these places which are spatially in close proximity but have very distinct character and functions.
- 13.51 To the extent that the Proposed Development has effects on the aesthetic and perceptual character and appearance of the Conservation Area, and the assets within it, Officers do not consider the overall effect on its setting or those assets to be significant as the group value and layout of its historic buildings will remain intact, as will its character and appearance which will continue to be distinct from the surrounding areas.
- 13.52 The distinctive form of the Proposed Development is likely to have a significant effect on the setting of the Gurney Memorial (Grade II) and Old Town Hall (Grade II) as it will be prominent in the backdrop of these buildings. The effect is likely to be significant when the Proposed Development is in architectural mode owing to the scale, form and materiality of the building. Furthermore, in active mode, the display of moving images on the Sphere surface will be prominent in the backdrop to these assets on key approaches to and through the Conservation Area and shift the focus of attention away

from these heritage assets. Officers consider the effects of this would neither preserve nor enhance the setting of the Old Town Hall (Grade II) and the Gurney Memorial (Grade II) and is likely to result in some harm which in all circumstances would be less than substantial having regard to the NPPF (para 202) and to which great weight is attached.

- 13.53 The anticipated level of harm to the setting of the Stratford St. John's Conservation Area as whole and Church of St John is judged to be less than it would for the Old Town Hall (Grade II) and Gurney Memorial (Grade II) as the impact on the setting of the totality of the Conservation Area setting is limited. Officers consider the level of harm to the setting of the Stratford St. John's Conservation Area as a whole, would be less than substantial having regard to the NPPF.
- 13.54 Officers consider the harm in all of the instances described above to be at the low end of the less than substantial spectrum as the principal features of the individual buildings and how they relate to each other in the Conservation Area would remain intact including their distinctive character and their evidential and historical significance.
- 13.55 Taking account of the cumulative effects of existing buildings and development in the current setting, Officers conclude that the level of harm to the setting of Stratford St John's Conservation Area and some individual heritage assets within it (namely the Old Town Hall and the Gurney Memorial), would be less than substantial, having regard to the NPPF. There would be no harm to St John's House (Grade II) (No.2 Romford Road), King Edward VII Public House (Grade II), The Old Dispensary (30 Romford Road), 49 Broadway (formerly London and County Bank), Martyr's Memorial (Grade II) and 3 K6 Telephone Kiosks (Grade II).
- 13.56 Given that Officers have identified less than substantial harm as outlined above and giving great weight to that harm, it is considered that the Proposed Development does not fully comply with policy BN.17 and BN.4 (14) of the Local Plan and HC1 of the London Plan as whilst it would preserve the setting of a number heritage assets it would not preserve the setting of Church of St John the Evangelist (Grade II), Old Town Hall (Grade II) and Gurney Memorial (Grade II) or the Stratford St. John's Conservation Area as a whole. Officers note that BN.17, BN.4 (14) and HC1 are stricter than the NPPF because they do not allow for less than substantial harm to be weighed against public benefits. This matter is picked up in the planning balance section at the end of this report.

University Square Conservation Area (and the individual heritage assets within it)

- 13.57 The significance (or heritage value) of this asset derives from its unique historic and architectural interest and distinctive townscape. The conservation area comprises a variety of building types and architectural styles which illustrate the transition of Stratford from a rural retreat to a successful Victorian commercial centre. The conservation area is centred around Romford Road, an historic Roman road running east-west which historically provided access to the City from the east of England. The wide, level nature of the road affords long views in and out of the conservation area. The focal point of the area is defined by the University of East London Complex (Grade II* listed) which comprises three Grade II listed Victorian buildings. The University of East London Complex lies approximately 700m to the east of the Proposed Development site.
- 13.58 It is considered that the Proposed Development would have a minor adverse impact on the Conservation Area and the Grade II* listed University of East London Complex and its Grade II listed Victorian buildings. However, due to the limited visibility of the Proposed Development from within the boundary of the Conservation Area and the nature of the existing setting of the Conservation Area which comprises extensive modern development. This would at most constitute less than substantial at the low end of the spectrum in the context of the NPPF.
- 13.59 There would be no harm to the setting of 60 and 62 Romford Road (Grade II), 66-82 Romford Road (Grade II); 54 and 56 Romford Road (Grade II).

Fish Island and White Post Lane Conservation Area

- 13.60 The significance (or heritage value) of this asset derives in part from its industrial heritage and from the canal and waterways infrastructure which supported it including the Lee Navigation, Hertford Union Canal and Northern Outfall Sewer. The canal system is the reason why industrialisation came about and the canals themselves are heritage assets that are intrinsic to the waterside character of the area. Principal landmarks of note include Swan Wharf, Lord Napier public house, Central Books, Queens and Kings Yards and Carlton Chimney.
- 13.61 The Proposed Development lies to the east of the Conservation Area and its setting is the Queen Elizabeth Olympic Park which is undergoing transformational change. With much new development either built or coming forward, direct views of the Sphere are screened by the London Legacy Development Sweetwater development and Phase 1 of East Wick. Beyond this, views of the Proposed Development are screened by the cultural buildings under construction as part of the East Bank development, International Quarter London and beyond this Westfield.
- 13.62 The cumulative effect of these committed developments means that the Proposed Development would not be visible from within the Conservation Area. As such it will not intrude into the townscape or visual setting of the Conservation Area. For these reasons the Proposed Development, in 'architectural mode' (i.e. when it is not illuminated) will not impact on the setting of this Conservation Area and there would be no harm on its character or appearance.
- 13.63 The main concerns arising from consultation are the suggestion that the Proposed Development when in 'illuminated mode' will intrude into the setting of the Conservation Area. Based on the views provided as part of the applicant's heritage assessment, officers do not consider this is correct as there are no direct lines of sight to the Proposed Development and many existing large buildings that would obstruct spill light which, in any case, is not expected to reach as far as the Conservation Area.
- 13.64 To the extent that any illumination would be noticeable, for example, from roof tops of new buildings, it is not expected to impact upon the elements which contribute to the significance of the Fish Island and White Post Lane Conservation Area. This includes the ability to appreciate the setting of the Conservation Area as this is itself evolving and emerging as part of the regeneration proposals coming forward in and around the Queen Elizabeth Olympic Park. For these reasons, Officers are satisfied that the Proposed Development would not harm the Conservation Area's character or appearance as there would be no change to the composition of views within or towards the Conservation Area, and the principal physical, aesthetic and perceptual elements which would remain intact and would not be affected.

Three Mills Conservation Area

- 13.65 The significance (or heritage value) of the Three Mills Conservation Area derives from its existence as one of London's oldest industrial centres and its distinctive character, derived from the 18th and 19th century industrial buildings within it. Its character and appearance are defined by surrounding tidal river channels, informal cobbled footpaths, recreational spaces and former workers' cottages. The most sensitive area is that around House Mill (Grade II*), Customs House (Grade II) and Tide Mill (Grade II) which comprises the former distillery complex to the western half of the Conservation Area and the Abbey Mills Pumping Station complex (Grade II) to the eastern half.
- 13.66 The significance (or heritage value) of the Conservation Area and its setting is also derived from extant historic buildings and townscape features alongside natural features which are of high biodiversity value. Significance is also derived from the Three Mills Studio complex which inhabits part of the former distillery complex and which remains one of the most important television and film recording studios in the country.

- 13.67 There is ongoing and extensive redevelopment within the setting of the Conservation Area, most notably the following four significant developments: Vastint's Strand East (now known as Sugar House Island); Southern Housing's Bow River Village; the former Parcelforce site (Site Allocation S11 – LBN Local Plan 2018), and Bromley-by-Bow South Masterplan Area. Together these new developments will deliver c.7,500 new homes as an indication of scale.
- 13.68 Evidence provided by the applicant (View C8) demonstrates that the Proposed Development would barely be visible in views from the Three Mills Conservation Area and would not impact on views of the Conservation Area from key locations. This assessment is based on AVRs representing modelled data rather than photomontages which would better illustrate likely effects and any possible impact of skyglow from the Proposed Development. However, given the nature and extent of current and ongoing development within the setting of the Conservation Area, it is not anticipated that visible skyglow, to the extent that there is any, would cause harm to the Conservation Area or the important elements which contribute to its setting or any of the individual heritage assets or their settings within the Conservation Area.
- 13.69 Therefore, in terms of the NPPF, the Proposed Development would not harm the setting of the Three Mills Conservation Area or individual assets or their settings within the Conservation Area. In line with policy BN.17 of the Local Plan and HC1 of the London Plan, the Proposed Development would preserve the setting of the Three Mills Conservation Area.

Theatre Royal Stratford East building (Grade II*).

- 13.70 The Theatre Royal building has been altered significantly since it was first established in this area at the end of the 19th century. Much of its heritage value derives from its ornamental interior. The Proposed Development would not harm the setting of this heritage asset by virtue of its spatial relationship. In line with policy BN.17 of the Local Plan and HC1 of the London Plan, the Proposed Development would preserve the setting of this heritage asset.

Former Urinals on Angel Lane (non-designated heritage assets)

- 13.71 The significance of these assets derives from them being some of the last remnants of the Great Eastern Railway and wider Stratford 'New Town' townscape. The urinals were built to serve a function for the benefit of railway workers, patrons of the Railway Tavern and passers-by. Their heritage value is evidential, historic and aesthetic as public urinals were once common place and are a part of London's social history. The glazed brick design, combined with the scarcity of surviving public urinals with brick enclosure walls, contribute to their historic and aesthetic value.
- 13.72 There is disagreement over the significance of the asset between Greater London Archaeology Advisory Service (GLAAS) and the applicant who consider the urinals to be of a lower order of significance.
- 13.73 The NPPF (para 203) states that the effect of an application on the significance of a non-designated heritage should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

Officers' assessment

- 13.74 Officers have had regard to condition survey prepared by Ingram (2018) which notes that the urinals are in a vulnerable condition. Much of the significance of the urinals is derived from their relative rarity and historic connection to the site. Whilst there are historic streetscape elements in the locality, the walls on which the urinals are fixed are,

for the most part, not their original setting as much of the original brick was changed with the demolition of the Stratford Railworks.

- 13.75 Officers accept that for the Proposed Development to go ahead the urinals cannot be retained in their current location and would need to be removed to facilitate the Proposed Development. The urinals are located at the access point where construction and servicing vehicles will enter the site from Angel Lane. They urinals are in poor condition and it would be difficult to integrate them into the new public realm and podium areas. If the urinals are dismantled, the original context for the heritage will be lost. The urinals can of course be reassembled but they will no longer be an original example of urinals dating back from the early twentieth century. It is therefore recognised that removing the urinals entirely from the site would result in harm to their evidential, aesthetic and historic value.
- 13.76 The urinals are below the standard required to be nationally or locally listed but have local significance. Against this context, the heritage value of the urinals is, in officers view considered to be of low significance.
- 13.77 To mitigate the removal of the urinals, the applicant has committed to their sensitive removal and storage for a period of 36 months which will be secured by legal agreement during which they would seek to find a group or person to take ownership of the urinals. Officers are satisfied that this would go some way to mitigate the harm brought about by the removal of the urinals from the site but recognise that if a recipient cannot be found, removal may also result in the permanent loss of the assets. Officers note even without this Proposed Development, Ingram report that unless urgent repair work was carried out in the short term the heritage value and significance to the urinals will be lost.
- 13.78 Under paragraph 203 of the NPPF, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Any harm should require clear and convincing justification. Officers are satisfied that clear and convincing justification has been provided for the removal of the urinals in that they are positioned where the main vehicle access points to the site would be located during both construction and once the Proposed Development is completed. The urinals cannot be retained in their current location in the event planning permission is granted. Therefore, and given that the urinals are considered of low significance and in poor condition, officers consider that there is significant harm to these assets which needs to be taken into account when considering the effect of the proposals and its benefits.
- 13.79 Given that the urinals would be completely removed from the site. the Proposed Development does not fully comply with policy BN.17 of the Local Plan and HC1 of the London Plan as it would not preserve or enhance the setting of the urinals. Officers note that BN.17 and HC1 are stricter than the NPPF because they do not allow for a balanced judgement having regard to the harm and significance of the heritage. This matter is picked up in the planning balance section at the end of this report.

Built heritage conclusions

- 13.80 The relevant designated heritage assets include the World Heritage Site at Maritime Greenwich, St Paul's Cathedral (Grade I), the Stratford St John's Conservation Area and several listed buildings within it, notably the Church of St John the Evangelist and railings (Grade II), St John's House (Grade II), King Edward VII Public House (Grade II), Stratford Town Hall Complex (Grade II) (referred to as Old Town Hall), 30 Romford Road (Grade II), 49 Broadway (Grade II) Martyr's Memorial (Grade II), Gurney Memorial Drinking Fountain (Grade II); and 3 K6 Telephone Kiosks Outside Stratford Town Hall (Grade II), Conservation Areas at University Square, Fish Island and White Post Lane, Three Mills and the listed Theatre Royal Stratford East building (Grade II*). There would be no direct harm to the majority of these heritage assets. However, as detailed above, less than substantial harm would arise in respect of the setting of: the Stratford St John's

Conservation Area as a whole, the Church of St John, the Gurney Memorial, the Old Town Hall, the University Square Conservation Area and University of East London Complex. Harm would also arise due to the need to remove the non-designated urinals.

- 13.81 Given the proposals would result in less than substantial harm to the settings of certain heritage assets the Proposed Development does not fully comply with the requirements of policy BN.17 and BN.4 (14) of the Local Plan, and the expectations of HC1 of the London Plan as it would not preserve or enhance the setting of the University Square Conservation Area, the University of East London Complex, the Stratford St John's Conservation Area, the Church of St John, the Gurney Memorial, the Old Town Hall and would necessitate the removal of the non-designated urinals. Officers note that BN.17, BN.4 (14) and HC1 are stricter than the NPPF because they do not allow for a balanced judgement having regard to the harm and significance of the relevant heritage asset(s). This matter is picked up in the planning balance section at the end of this report.
- 13.82 With regard to the NPPF, officers conclude that the Proposed Development is likely to result in less than substantial harm to the setting of the Gurney Memorial, the Old Town and to a lesser degree harm the settings of the Stratford St John's Conservation Area as a whole and the Church of St John, The degree of additional harm would be at the low end of the less than substantial spectrum individually or together as the principal features of the individual buildings and how they relate to each other in the Conservation Area would remain intact including their distinctive character and their evidential and historical significance.
- 13.83 Officers conclude that the Proposed development is likely to result in less than substantial harm to the settings of the University of East London Complex and the University Square Conservation Area as a whole. The degree of additional harm would also be at the low end of the less than substantial spectrum individually or together as the buildings and how they relate to each other in the Conservation Area would remain intact.
- 13.84 The Proposed Development will also result in significant harm to the non-designated asset of the former urinals, which is a factor which members must take into account as part of the planning balance. For the reasons given above, officers advise that this is a factor which should be afforded great weight.

14. Traffic and Transport

The Policy Framework

Development plan policies

- 14.1 The Local Plan states (amongst other things) that new development should support the uptake of sustainable transport choices and promote a 'Healthy Streets' approach to achieve a high proportion of journeys being made through walking, cycling and public transport (policy T.2, T.4, T.5, T.6 and T.9). It should also relate well to the capacity of existing or currently planned improvements to transport infrastructure and be designed to include measures that will minimise its impact on public transport and the highway network (Policies T.1, T.2 and T.3).
- 14.2 The London Plan (Policy T1) states that new development should make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes and ensure that any impacts on London's Transport networks and support infrastructure are mitigated. The London Plan also promotes a 'Healthy Streets' approach (Policy T2 and T4)), and for proposals to support the delivery of cycle routes and cycle parking (Policy T5), appropriate disabled parking (policy T6) and to make adequate provision for deliveries to be received off-street and outside of peak hours (policy T7).

The Transport Proposals

- 14.3 The application for the Sphere includes a number of transport related proposals.
- 14.4 The Proposed Development will deliver four bridges and a direct access to Angel Lane by which visitors will reach and leave the venue. One bridge connects to the Town Centre Link bridge and two bridges link to Montfichet Road. These provide routes to public transport, for walking and cycling and for car or taxi users. In addition, venue related traffic can access the site from both Angel Lane and Leyton Road for delivery, servicing and event set-up.
- 14.5 The application includes changes to Montfichet Road to accommodate venue access and create a less highway dominated road layout, including improved provision for pedestrians and cyclists. These seek to reflect the long-held aspiration of LLDC and LB Newham to reduce the dominance of traffic and improve the urban realm. Changes are also proposed to Angel Lane and Leyton Road to create accesses to the venue. All these highway works will be subject to detailed design development through s278 agreement with LB Newham.
- 14.6 The proposals rely upon a new Stratford Station entrance from Montfichet Road linking to the Eastern subway in the station, which is necessary to mitigate adverse impacts on the station's operation. While the application relies upon this, further applications for consent will be necessary to facilitate it. TfL and Network Rail are in agreement with the principle and appropriateness of the new entrance but full agreement with TfL, Network Rail and train operators will need to follow as part of the detailed design process. The s.106 requires this entrance to be available prior to full opening.
- 14.7 It is proposed to use part of the HS1/Stratford International multi-storey car park for Blue Badge parking and some general parking. Permission for this is being sought in application 20/00362/FUL.

Assessment Scenarios

- 14.8 The initial Transport Assessment has been updated to reflect the requirements of the second EIA Regulation 25 request. Together with the Environmental Statement, it addresses the impacts of both construction and operation of the Sphere.
- 14.9 With the development in operation, a number of scenarios are considered that address different timings of events and the potential for multiple events at the Sphere including: a full capacity matinee followed by a full capacity evening event; coincident events with the London Stadium; coincident events with events at the O2 in North Greenwich; and coincident events with both the London Stadium and the O2. The most severe of these would be a direct conflict with a London Stadium concert or a football match that involved extra time and or penalties. Based on previous years it should be noted that the latter are rare events and similarly concerts are restricted to ten days per year in the Stadium planning permission.
- 14.10 The application includes proposals for controls on the venue to limit the potential adverse effects of such coincident events, including commitments to joint event planning with the Stadium and restrictions on event timing or capacity when conflicts could occur. There are also commitments to additional station staffing and, when necessary, staffing to help manage Stadium egress.
- 14.11 While the assessment focuses primarily on large scale events that would attract visitors from the Greater London region and beyond, consideration has been given to smaller, more local events that would be likely to have different patterns of access – including a higher proportion of access by foot and cycle. The assessment assumes that the primary impacts of the venue will arise from the main venue, with impacts from the smaller music venue and members lounge by comparison not being significant and timings not

substantially overlapping with the main venue. To ensure start and finish times do not coincide this is dealt with by s106 (see paragraph 6.5, Part of s106 HoTs).

Methodology and Assumptions

- 14.12 The pattern of visitor access mode and distribution of origins for full capacity events is largely based upon survey data from London Stadium concerts. These have been agreed with LLDC, TfL and LB Newham and recognise the regional and to a degree national character of likely visitors for large events. While access is primarily forecast to be by public transport (at around 80% depending on the event type), a significant number of visitors would drive private cars, use taxis or be dropped off from a private vehicle. A more local pattern, with higher walk and cycle access, is forecast for smaller events.
- 14.13 The impact of visitor trips overlaid on the baseline without the Sphere is assessed through a range of transport modelling tools, which have been agreed with LLDC, TfL and LB Newham. While pedestrian movement and impact within and external to Stratford station is represented in separate models, common assumptions link the models and this is considered acceptable. However, it should be noted that the station model is unable to replicate the existing situation with London Stadium visitors and consequently it is not possible to model combined London Stadium and Sphere events. In addition, the model is in fact over-stating the crowding impacts that actually occur with large events since Stadium events are managed successfully in practice despite the modelling indicating this would not be the case. The key modelling represents 2023, the proposed opening year. No longer term forecast is assessed since regardless of the Sphere, the TfL station models are unable to represent future years. However, it is accepted by officers that if the mitigation proposed by the applicant achieves 'nil detriment' then it can reasonably be considered that this will remain the case albeit background growth will continue to put additional pressure on Stratford station regardless of this Proposed Development.
- 14.14 While there are some concerns regarding the accuracy of local highway junction modelling, Covid 19 impacts on traffic patterns mean this cannot currently be addressed. However, the scale of impacts anticipated are limited and considered to be amenable to mitigation through subsequent monitoring and adjustments to traffic signals and signing.
- 14.15 The novel nature of the development means that there is inevitably some uncertainty as to its precise impacts, but these uncertainties are addressed through appropriate conditions, monitoring and commitments, as necessary, to ensure further measures to mitigate any significant adverse effects are implemented.
- 14.16 Critical to the delivery of the scheme are operational plans relating to timing and size of events, coordination with other events in the local area and joined-up working between venue operations and Stratford station operations. These are assumed within the assessment and captured within the s.106 and conditions.

Construction

- 14.17 At the peak of construction of the Sphere there would be a peak of some 358 HGV trips per day (179 in, 179, out) over a period of three months. These would access the site via Stratford High Street and Great Eastern Road. Given overall traffic levels, this is not assessed to result in significant adverse effects. A Construction Logistics and Site Operation Plan (CLSOP) will be required to ensure any adverse impacts are kept to a minimum.
- 14.18 There is also the potential for traffic disruption during works to Montfichet Road and Angel Lane. However, these would also be controlled through the CLSOP, Construction Environmental Management Plan (CEMP), Code of Construction Practice (CoCP) and be subject to LB Newham's requirements through the S278 agreements to deliver the highway changes.

14.19 Similarly changes to connect the development to the Town Centre Link bridge and the Stratford Station works have the potential to cause disruption during construction but would be controlled by agreements with the asset owners and through the CLSOP.

14.20 In the light of these controls, it is considered that the transport impacts during construction are acceptable.

Operation

14.21 In operation, the venue has the potential to affect:

- The local pedestrian and cycling environment
- Stratford Station
- Public transport capacity and crowding
- Bus and coach operations
- Highway impacts
- Taxi, parking and local streets due to car pick-up and drop-off
- Accessibility
- Road safety
- Rail safety

14.22 These are considered in turn and the role of operational plans, monitoring and mitigation are then considered. The overall approach to managing the impacts of operation, however, is summarised below:

14.23 In normal day-to-day operation the operation will be controlled through:

- provision of a new entrance to Stratford station on Montfichet Road;
- detailed crowd management plans including routeing of visitors, stewarding;
- controls on event start and finish times and, as necessary, event capacity;
- controls on the frequency of full capacity events, particularly focused on avoiding continuous use on the busiest days of the week for operation of Stratford station;
- requirements for coordinated event planning with the London Stadium to minimise coincident events, particularly in the summer when large scale concerts might occur at the London Stadium, and participation in the wider Olympic Park event planning processes;
- funding for additional London Underground staff to ensure effective crowd management within Stratford Station;
- Provision of step-free access and an accessible shuttle from Blue Badge parking; and
- Parallel controls through LB Newham venue licensing.

14.24 Recognising the uncertainties with a venue such as this, these will be subject to on-going monitoring. This will also include monitoring of any impacts on parking in local residential roads and of any impacts on road or rail safety due to the illumination of the Sphere. There will also be monitoring of the impacts on the rail network and should unexpected adverse impacts occur either outside or within the station further measures or controls would be required.

14.25 However, while the aim is to minimise coincident events with London Stadium further controls would be implemented to minimise any impacts due to such coincidences. The

first step is to seek to avoid any coincidences by long-term collaborative forward planning of events to avoid coincident events, with London Stadium having primacy up to nine months before a proposed event. However a coincident event management plan will be required to manage any coincident events. If such an event is expected the aim would be to adjust event timings to minimise any overlap between visitor arrivals and departures. In any case, monitoring of events will be undertaken and if adverse effects occur then there is the potential for the capacity of the Sphere's main venue to be capped at 12,000 if that event would be coincident with an event held at the London Stadium. If this capacity restriction takes effect it will stay in place until an acceptable plan is agreed by LLDC that it considers would avoid the adverse effects that resulted in the capacity restriction being applied.

The Local Pedestrian and Cycling Environment

- 14.26 The scheme will deliver improvements to Montfichet Road for pedestrians and cyclists and also create a new public route across the venue Podium linking Angel Lane to Montfichet Road and the Town Centre Link bridge. These are welcome benefits of the scheme. A s.106 obligation sets out the requirement for public access while recognising that some restrictions are acceptable and how these will be controlled.
- 14.27 Despite these improvements, during event access and egress the public realm in the vicinity of the venue will inevitably be more congested. Evidence of arrivals for events such as those to be held at the Sphere show that they are spread over a reasonable time and it is agreed that this will be the case for the proposed development and consequently the impacts of arrivals are not considered a significant concern. However, to ensure the impact on other users of the public realm after events is acceptable, departures from the Sphere concourse would need to be controlled with 'hold' points on the bridges to limit the levels of crowding in external public areas. There will also be the need for temporary crowd barriers to help manage congestion and minimise impacts on other pedestrians. With these controls, the impact on the wider pedestrian environment would be limited. It should, however, be noted that there will be periods of high levels of crowding on the Sphere Podium as visitors are gradually filtered from the Podium. This controlled flow is also necessary to manage the impact on Stratford station.
- 14.28 At departure times, the use of, in particular, the Town Centre Link bridge, Montfichet Road and Angel Lane will be significantly more congested, to the extent that the segregated cycle route proposed as part of the application alongside Montfichet Road would need to be suspended. The proposed public route across the Sphere Podium would also not be practicable.
- 14.29 If there is a coincidence in departure times (and to a degree arrival times) with the London Stadium, operational plans would need to be flexed to recognise the potential for conflicting flows, and, in particular, divert Sphere visitors away from the Northern ticket hall of Stratford station. However, with appropriate management the overall impact on the wider public realm will be little changed from the situation with the Stadium alone other than that high levels of crowding would remain for longer.
- 14.30 To achieve effective management of the Sphere, visitors will require adequate marshalling of both the Podium and the routes to public transport access, which will be provided by the applicant. The overall arrangements, including commitments to marshals, additional station staff and as necessary increased management of Stadium visitors are considered appropriate measures to manage these impacts.
- 14.31 For large scale events attracting regional audiences it is accepted that most people would not access the Sphere on foot or by cycle, although there would be a higher mode share for more local, but generally smaller, events.
- 14.32 The proposals include cycle parking for staff meeting current London Plan standards. For visitors, the London Plan is not prescriptive and the proposed provision of cycle

parking is based on experience at similar venues with an uplift for an increased mode share. Given experience elsewhere this is an appropriate approach. However, historically cycle access for such venues has been low and given the general growth in cycling it is important to ensure that adequate provision is made or can be made available should levels of cycling to the venue exceed the forecast level and the level of cycle parking available. The s.106 includes requirements for monitoring and enhanced visitor cycle parking if the provision proves insufficient. A cycle hire docking station will also be provided.

Stratford Station

- 14.33 Most visitors will arrive through Stratford Station, which is already heavily congested at peak times, with PM peak and late evening being the key times for Sphere visitor impacts. While Stratford Station accommodates Stadium visitors, this is achieved through intensive management, particularly of rates of entry to the station, and changes to operation of the station (such as leaving ticket gates open and higher than standard crowding levels) that are only acceptable for infrequent events. For the Sphere, there is the potential that full capacity events could occur with high frequency and consequently TfL and Network Rail require that the station should be able to function with normal operational practices. This is the basis for the assessment of non-coincident events.
- 14.34 The assessment considers the situation for events both without and then with the additional station entrance onto Montfichet Road. The new entrance helps to balance internal station passenger flow by improving access to the less well-used Eastern subway and by reducing pressure on the existing northern ticket hall. When there is no large-scale Sphere event this new entrance offers benefits to existing users in reducing a number of congestion pinch-points and generally adding some capacity to the station.
- 14.35 The assessment considers the situation where there is a full capacity matinee event followed by a full capacity evening event. It is concluded that timings of the two events would need to be coordinated to limit the overlap of departing matinee visitors with arriving evening performance visitors and to limit the overlap with the peak use of the station by existing users. Even with this strategy in place, in the absence of the new station entrance there would be a substantial increase in congestion within the station during the PM peak that is considered unacceptable. However, with the new entrance the impact on the station is relatively neutral. There would be some localised areas where congestion worsens (notably in the eastern subway) but there are equally some areas where it improves compared to the situation without the development (including the Northern Ticket Hall and some platform stairways). In the light of the assessment, the new entrance is considered necessary and its delivery captured in the s.106.
- 14.36 To ensure adverse impacts are minimised the s.106 sets limits on the timing/capacity of matinee events.
- 14.37 In relation to departures after evening events, the rate at which event visitors are able to leave the Podium would need to be controlled to ensure the station was not overloaded, which does result in significant crowding and waiting times for event visitors on the Sphere Podium. With these controls in place station crowding can be maintained at acceptable levels. The station will, however, require careful operational management, which is captured in the Concept of Operations and Venue Operations Plan secured by S106 Agreement.
- 14.38 The proposed timing of events and the time taken to reach Stratford station does mean that for some rail lines it is likely that the last train will have left before visitors are able to access the station. In most cases there are alternatives that would still be in operation, but in the case of HS1 journeys eastbound, visitors would be likely to need to leave early to catch a train (or divert to services from London Bridge). With careful management of

the rate of Sphere visitors accessing the station, alongside increased staffing within the station, the impact on background users should be acceptable.

- 14.39 However, it is recognised that full-capacity events will have some impacts on the station, which will be close to capacity. This is particularly the case on Monday to Thursday when the station is anyway at its busiest and the s.106 sets out limits to the frequency of full-capacity events on Mondays – Thursdays during the calendar year so that the station, its staff and users have regular relief from the pressures of the station operating close to capacity.
- 14.40 The effective management of the station with the overlay of Sphere visitors is likely to require additional permanent and temporary signage, additional crowd management barriers and additional staffing. Regardless of this, the new station entrance (or an equivalent intervention) is necessary to limit unacceptable adverse impacts on Stratford station.
- 14.41 The assessment is based upon specific assumptions regarding routing to and within the station. These can be encouraged but inevitably not all visitors will follow the recommended route. While different routing may create additional conflicts there are equally likely to be similar beneficial impacts of visitors choosing more convenient routes. The exception to this would be if substantial numbers of Sphere visitors were to seek to access rail services at Maryland station, which is ill-equipped to cater for large volumes. The applicant has committed to actively discouraging use of Maryland including through the use of marshals. It has also committed to monitoring the impacts at Maryland.
- 14.42 If there were events at both the London Stadium and the Sphere with overlapping event times, there could be significantly higher levels of crowding and delays. The applicant's principal proposal to address this is to ensure event times do not coincide. This has been formalised in the s.106, including a requirement for a Coincident Event Local Area Management Plan. In addition, a joint planning regime between the Stadium and the applicant will seek to minimise any coincident events, with Stadium generally having priority.
- 14.43 Recognising the uncertainties, the s.106 also includes a monitoring regime. If material adverse impacts are identified there is a supporting process that has the potential to require further measures to manage impacts or ultimately to impose capacity restrictions on MSG events at the Sphere's main venue.

Rail Capacity

- 14.44 The impact on rail capacity has been assessed using a methodology specified by TfL. During the PM peak, Sphere visitors generally arrive later than the main peak for existing users (and for matinee departures they mostly leave prior to the main peak). Consequently, the impact on peak train crowding is limited but the period of high levels of crowding are extended in duration.
- 14.45 For departures, as noted for Stratford Station, the rate of arrival into the station and hence onto trains needs to be managed. In terms of overall train capacity at Stratford the analysis indicates that generally Sphere visitors can be accommodated, although with longer delays to access services. This is also the case for coincident Stadium and Sphere events subject to coordination of event timings. On an individual rail line basis there may be greater demand than available capacity such that users may need to be encouraged to use services with spare capacity. For example, on current estimates the Central Line may not have sufficient late-night capacity with coincident events but for many users the Elizabeth Line would provide an acceptable substitute. As noted, this is also likely to be necessary for passengers that might ideally use services where last trains have left, such as London Overground.

- 14.46 To minimise the impact on late night rail services, the s.106 restricts events in the main venue to finish by 23.00 Monday to Saturday and 22.30 on Sundays with some potential flexibility for coincident events. With these timings, train capacity will be sufficient.
- 14.47 AEG, the operators of the O2 at North Greenwich have expressed concern regarding the impact on their visitors. While restricted train capacity at Stratford will primarily impact on the Sphere's own visitors rather than non-Sphere users, if trains are already relatively full on arrival at North Greenwich this could affect O2 visitors. Where there are coincident events between the O2 and the Sphere there could be delays at North Greenwich of up to 15 minutes but these could be mitigated through small changes to event timing, which is considered acceptable by officers. Where there are coincident full-capacity events between the Sphere, the Stadium and the O2, it is likely that Jubilee Line trains would be sufficiently full that boarding for O2 passengers towards central London would be significantly delayed, but this is primarily caused by Stadium visitors rather than the added impact of the Sphere and is expected, in any case, to be a very infrequent occurrence. It should also be noted that insofar as trains leave Stratford relatively full passengers wishing to board at subsequent stops will find it harder to gain access.
- 14.48 Analysis has been undertaken of the likely impacts on key stations potentially affected by users of the Sphere. These are mainly central London stations. This has highlighted a number of stations where there is some uplift in demand. However, this does not lift levels of use above peak hour use and compared to the impacts of London Stadium non-football events, these impacts are small. On this basis minor operational changes by the rail operators would be sufficient to address any impacts and TfL has not expressed any requirement for mitigation.

Buses and Coaches

- 14.49 Use of bus or coach to access the venue is not expected to be substantial and consequently the impact on crowding of services is very limited. However, there will be some impact on bus and coach operation. Bus and coach facilities on Montfichet Road will change to facilitate the highway changes that seek to reduce the dominance of the highway, improve cycling and walking facilities and to incorporate accesses to the Sphere. While the convenience of access to bus stops is little changed, coach stops will be slightly more distant from Stratford Station.
- 14.50 During events, it is not envisaged that there would be any road closures (road closures required for London Stadium events would be unchanged) and the operation of the Stratford City bus station would be unchanged. Nonetheless, the increase in general traffic in the wider area and potentially increased pedestrian crossing of Montfichet Road could have some impact on bus service operation. To help TfL manage bus services the s.106 includes a contribution towards enhanced staffing.
- 14.51 For charter coach access to the Sphere, pick-up and drop-off is proposed on International Way, the details of which will need to be agreed through S278 agreements with LB Newham.

Highway Impacts

- 14.52 As noted, the proposals include significant changes to Montfichet Road and Angel Lane. In the case of Montfichet Road these reduce general traffic capacity, but this is considered both appropriate to the nature of the road by prioritising active modes and the public realm and not to result in material congestion and delays. The detail of the highway changes will be subject to consents from LB Newham through S278.
- 14.53 Although most visitors travel by public transport, significant numbers are expected to travel by car (12% of visitors) or taxi. This will inevitably increase traffic, which is likely to primarily route to the venue from the A12 and Waterden Road or to a lesser extent

A118 Stratford High Street and Warton Road. During the arrival period this is not expected to result in substantial additional congestion and any delays would be relatively short-lived. For departures, which will occur over a much shorter timescale, it is expected that there would be a period of congestion at junctions in the immediate vicinity of car park exits. This will, however, be limited by the constraint of flow rates from the car parks and is considered acceptable.

- 14.54 Car drop-off and pick-up have the potential to result in significant disruption on local streets and will need careful management, including potential designated areas for pick-up and drop-off that minimise potential disruption to residents. The details of this will need agreement, including as necessary Traffic Orders or S278 requirements.

Taxi, Car drop-off and Parking

- 14.55 The analysis indicates that the car parking required could generally be accommodated in the Westfield car parks. However, there could be occasions when Westfield car parking capacity would be insufficient (for some coincident events with Stadium events and peak shopping times such as pre-Xmas). At these times any shortfall could be addressed by directing some visitors to the Stratford Town Centre car park. This requires effective advance communication to visitors, which will be addressed through the Concept of Operations and Venue Operations Plan to be approved prior to operation. The application for use of the HS1 car park for use by Sphere visitors, focused primarily on Blue Badge and accessible access, if permitted, would also reduce pressure on the Westfield car park.
- 14.56 The need for management of taxi and private hire access is recognised with a requirement for submission of a taxi and private hire management strategy through Condition.
- 14.57 Of greater concern is the risk that Visitors will park in local residential streets. These are protected by parking controls during daytime hours, but unless a Stadium event triggers extended controls these would not fully prevent parking in residential streets. While the applicant argues that the unfamiliarity of most Sphere visitors will result in use of the known car parks, it is accepted that monitoring of the use of residential streets will be necessary with the s.106 including a commitment to monitoring and funding/implementing measures to deter such parking if problems do occur.
- 14.58 The significant number of visitors expected to access the venue by car highlights the need for positive promotion of alternative, more sustainable access modes and effective Travel Plans (required through the s.106) to minimise car access.

Accessibility

- 14.59 Access to the Sphere is step-free with ramps or lifts where there is a change of level. The applicant considers it impracticable to provide blue badge parking (other than for employees) on site due to space constraints and security concerns. The separate HS1 car park application if approved would provide Blue Badge parking for Sphere visitors and accessibility assistance. A dedicated shuttle would transport visitors between the HS1 car park and both the Angel Lane entrance and the Montfichet Road entrance. Details of stopping arrangements adjacent to the Sphere for mobility access will need to be finalised through the S278 agreement with LB Newham.
- 14.60 Recognising the importance of high quality, well managed access, an Accessibility Management Plan is required by Condition. The s.106 requires that a mobility strategy is submitted.
- 14.61 Should the Blue Badge parking not be provided in the Stratford International Car Park, it is envisaged that similar levels of blue badge parking would be reserved for the Sphere within the Westfield car park. However, further detail would be required as to how this would be provided without compromising the general Westfield blue badge provision

and how a mobility assistance and shuttle to the venue would be provided. The s.106 includes a requirement for the required Blue Badge parking to be provided with details of appropriate mobility access arrangement prior to the opening of the venue.

Road Safety and Distraction

- 14.62 Changes to the highway would be subject to full road safety audit procedures and would be agreed through the S278 process with LB Newham to ensure they are safe. However, the unique nature and scale of the Sphere with very large-scale moving images introduces risks of driver distraction and hence safety risks over a large area. For any risk of this kind the proposal needs to be set in its specific context but because of the unprecedented nature of the Sphere there is inevitably some degree of uncertainty as to the level of distraction that may occur.
- 14.63 LLDC has engaged specialist advice on this topic and this has helped guide the assessment of the risk of driver distraction. The applicant has provided a range of assessments that seek to demonstrate that there are not material risks or where there could be (such as where traffic signals might not be fully visible due to distraction from the Sphere) it has identified potential mitigation. The conclusions from these assessments are generally accepted but nonetheless, given uncertainties, it has been agreed by the applicant that there should be a further study and a monitoring regime to ensure any residual adverse impacts can be quickly identified and mitigated.

Rail safety/distraction

- 14.64 As with road safety and distraction, there are risks of the illumination of the Sphere distracting rail staff, particularly distracting train drivers from rail signalling. Network Rail and train/station operators have been involved in direct discussions with the applicant. Through this process Network Rail considers that arrangements and controls can be put in place to ensure rail safety is maintained. Pre-commencement planning conditions have been agreed with Network Rail, TfL and HS1 that provide the necessary reassurance that the information needed for the project to progress will be provided and these will need to be approved before the development can commence. This is secured by conditions.

Concept of Operations

- 14.65 The applicant has submitted a Concept of Operation (CONOPS) that sets out the way in which the venue would be managed and operated. It includes details of coordination activities, local transport and highway management, access routes, crowd management and guest communications. It addresses both the requirements where there is only an event at the venue and during coincident events with the London Stadium. This will be supported by a Venue Operations Manual (VOM) that will provide the detailed management arrangements required to ensure the principles of the CONOPS will be achieved. The VOM will be approved and managed through LB Newham's licencing controls and the LLDC. The CONOPS sets out the detail of what should be included within the VOM. The balance of detail between the more strategic CONOPS setting out the underlying principles of venue operation and the more detailed VOM is appropriate.

Mitigation

- 14.66 The transport impacts of the development during construction will primarily be controlled through the requirements of the Construction Logistics and Site Operations Plan (CLSOP) and the Code of Construction Practice. Together these will set out the controls, including routes for construction traffic, hours of work and other measures to minimise adverse impacts. With these controls in place, together with the TfL/Network Rail controls on station related works and LB Newham controls on highway works it is considered that the impacts during construction will be acceptable.

- 14.67 In operation, mitigation comprises a mix of physical measures, operational plans and commitments to monitoring impacts and developing measures to address residual adverse impacts.
- 14.68 The most tangible physical measure is the provision of a new entrance to Stratford station and the highway works to Montfichet Road and Angel Lane. The Sphere design also provides adequate space to manage arriving and departing visitors, recognising the need to manage the rate of egress.
- 14.69 In relation to operational measures, the key actions relate to coordination, adequate staffing to marshal visitors, crowd management, controls on venue capacity and timing of events. These are designed to ensure that Sphere visitors pass through the urban realm and Stratford station at times and rates of arrival that can be managed without excessive disruption. This is particularly critical when there are coincident events at the Sphere and London Stadium, which is why close coordination with the London Stadium is vital.
- 14.70 In addition, coordination between operational management of the Sphere and Stratford station is essential to maximise effective communication and avoid conflicts between the two. To achieve effective management of Stratford Station will require improved signing, local infrastructure measures and additional staffing, which are addressed within the s.106.
- 14.71 Travel Plans and Delivery and Servicing Plans will also be in place to encourage more visitor trips to be made by sustainable modes and to reduce the impacts of delivery and servicing trips. This will be secured within the s.106.
- 14.72 The development provides transport benefits in relation to improvements to Montfichet Road and Angel Lane and provision of a new Stratford Station entrance on Montfichet Road that will ease station crowding when large events are not taking place at the Sphere. While the development increases crowding in Stratford Station, the wider area and on rail services, officers consider that overall the proposed mitigation addresses potential concerns and are acceptable.

Monitoring

- 14.73 The novel nature of the venue means that there may be some aspects that result in different impacts to those forecast. Consequently, a programme of monitoring to enable any unforeseen impacts to be tackled promptly and effectively is necessary. The full scope of this is captured within the s.106 and Conditions. Key aspects of necessary monitoring are:
- Effectiveness of the CONOPS and VOM
 - Potential adverse impacts on the station or externally both for full-capacity events and coincident events with the Stadium
 - Patterns of movement including arrival and departure profiles and general visitor behaviour to help refine operational planning and station management
 - Parking impacts on local residential roads
 - Drop-off and pick-up activity, particularly where it raises potential safety concerns, affects local residential roads or causes congestion
 - Impacts on the highway network to inform any necessary changes, particularly to traffic signals
 - Potential road safety issues arising from driver distraction
 - Level of use of cycle parking to ensure provision is adequate
 - Access mode shares to monitor achievement of targets

Development plan policies conclusions

- 14.74 Through the delivery of podium bridge connections and lift access the Proposed Development will overcome existing pedestrian access constraints which constrain connectivity in this part of the town centre and provide level access to and from the east of the town centre from residential areas to destinations such as Westfield Shopping Centre and Stratford Regional Station for people who live or work in the area. This, alongside the delivery of long standing improvement to the pedestrian and cycle environment on Angel Lane and Montfichet Road, would promote a 'Healthy Streets' approach and support the uptake of sustainable transport choices in accordance with the Local Plan (Policy T.4) and the London Plan (Policies T1, T2 and T4). The delivery of a new station entrance, planned changes to the highway design and implementation of operational controls and capacity restrictions will minimise the impact of the Proposed Development on the public transport infrastructure and highway network taking account of existing and cumulative planned development in the area to the extent that it would have impacts that are acceptable and in line with the local plan (policy T.1, T.2, and T.3) and the London Plan (Policy T1, T2, T4 and T5). In so far as there would be significant impacts on visitors to the O2, with the commitments proposed, these impacts would be mitigated and gain support from policy T4. Appropriate provision has been made to provide disabled car parking in line with London Plan policy T6 at an off-site location and the scheme has been designed to received deliveries off-site and outside of peak hours in accordance with London Plan Policy (Policy T7).
- 14.75 In reaching these conclusions, officers have had due regard to the AEG Review of Modelling Assumption and representations on transport. Officers are satisfied that the assessments undertaken by the Applicant account for reasonable worst case scenarios and that an appropriate level of detail have been provided at this stage in the planning process, in respect of crowd management operations, to reach conclusions on the likely impact of the Proposed Development and its impacts on visitors departing from the O2. With the package of mitigations proposed, the transport effects of the Proposed Development will be suitable mitigated.
- 14.76 Officers consider that the Proposed Development complies with the relevant transport policies in the development plan policies for the reasons set out above.

NPPF

- 14.77 The NPPF (para 110 -113) states that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 14.78 Development should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 14.79 Within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access

to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 14.80 All developments that generate significant amounts of movement are generally required to provide a travel plan and should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

NPPF Conclusions

- 14.81 Based on the preceding analysis, the location of the Proposed Development, adjacent to a major transport hub, is appropriate and through the delivery of bridge connections, lift access and improvements to the pedestrian and cycle environment on Angel Lane and Montfichet Road which improve east west connectivity, is likely to improve the take up of sustainable travel modes by people travelling to the venue and for those living and working in the metropolitan town centre.
- 14.82 The Proposed Development would provide suitable access for the site to be accessed by all users and makes provision to accommodate those unable to travel over long distances. The final design of the streets and transport elements would need to reflect the standards of the local highway authority, Transport for London, Network Rail and other rail stakeholders the details of which have been appropriately secured by condition and s.106.
- 14.83 Any significant impacts of the Proposed Development on the public transport infrastructure and local highway network have been appropriately mitigated and any residual effects would not amount to unacceptable impacts. Appropriate arrangements are in place to avoid significant cumulative impacts with the London Stadium that will be supported by long term monitoring. Procedures are in place that may require further mitigation measures i.e. through further capacity or operational restrictions in the event that there are residual significant effects that are adverse on coincident event days.
- 14.84 The Proposed Development has been designed to give priority first to pedestrians and supports the delivery of cycle infrastructure that will improve the network of routes in and around the wider area. Through its level access, rest areas and mobility assistance strategy it would meet the needs of people with disabilities and reduced mobility.
- 14.85 The overall design of the scheme will create a destination that is safe, secure and attractive and has been designed to allow for efficient delivery of goods off-site and with regard to the access needs of emergency vehicles.
- 14.86 Officers consider that the Proposed Development complies with the relevant transport provisions in the NPPF.

15. Sustainable Infrastructure

Air Quality

- 15.1. The relevant development plan policies in respect of air quality are policy BN.11 of the Local Plan and policy SI 1 of the London Plan which set the expectation for development to be at least air quality neutral and to contribute towards improving air quality.

Views of objectors

- 15.2. Stop MSG and some other objectors express concern that the Proposed Development will lead to an increase in traffic and consequently an increase in air pollution in an area which already suffers from poor air quality.
- 15.3. LB Newham acknowledge that the impact of the Proposed Development would be negligible (not significant) in terms of air quality but express concern that air quality would remain close to legal limits for certain pollutants and recommended further air quality offsetting measures are implemented. These include the suggestion that s106 contribution monies are used to support air quality monitoring, electric vehicle charging points, staggered entry times at the applicant's proposed car park and temporary anti-idling signage.
- 15.4. The applicant has agreed to such off-setting measures to be secured by legal agreement and further agreed to limit its use of machinery to that which is compliant with the Non-Road Mobile Machinery (NRMM) requirements and to submit an Air Quality Plan for each phase of the construction setting out the measures they will employ to minimise air quality impacts. These commitments will be secured by planning conditions.

Officer assessment

- 15.5. Officers consider that the Proposed Development subject to the proposed conditions would be Air Quality Neutral in line with policy objectives. Further, the additional off-setting measures proposed are likely to bring about further improvements to air quality for the benefit of the locality. These measures in supporting the monitoring and improvement of air quality will further ensure that the scheme will comply with BN11 and SI. 1.

Energy

- 15.6. The relevant development plan policies are policy S.2 of the Local Plan and policy SI 2 of the London Plan which set the expectation for development to minimise carbon emissions to the fullest extent possible and in line the Energy Hierarchy. The London Plan requires a minimum on-site reduction of 35% beyond Building Regulations and for development to achieve a 15% reduction through energy efficient measures. Where it is clearly demonstrated that the strategic zero-carbon target cannot be fully achieved on site, the policy allows for a financial contribution to the borough's carbon offset fund.
- 15.7. Through its embedded design the Proposed Development would achieve reductions in carbon emissions from energy efficiency measures which exceed the 15% 'Be Lean' target. Heating and cooling would be sourced from the Engie District Energy network which would assist in achieving the 'Be Clean' objective. The resulting overall cumulative reduction achieved is expected to be 31%, which is marginally short of the 35% target. There are no renewables integrated into the design that offset regulated carbon emissions.
- 15.8. A financial contribution to address the shortfall to achieve zero carbon has been secured through an obligation in the s106 HoT. Based on this analysis, the Proposed Development has minimised on site carbon emissions and it is considered it would meet the shortfall through a financial contribution in line with policy S.2 of the Local Plan and SI 2 of the London Plan.

- 15.9. A Whole Life-Cycle Carbon Assessment (WLC) has been prepared to demonstrate actions have or will be taken to reduce life-cycle carbon emissions. The expectation is for a baseline to be established that would be compared against a WLC benchmark. However, the novel nature of the scheme means there is no comparable benchmark to compare the scheme against at this stage of the planning/design process. To support the objectives of the policy, a condition is proposed that would require the applicant to provide further information at a later date, prior to bringing the development into operation in order for the scheme to be compared against reasonable estimates. Officers are satisfied that this is a reasonable approach, given the nature of the scheme and the commitment the applicant has already made to review the construction process against waste energy and resource efficiency targets as part of an updated Circular Economy Statement.
- 15.10. In conclusion, officers consider that the proposal complies with policy SI 2.
- Circular Economy
- 15.11. The relevant development plan policies are policy S.8 of the Local Plan and policy SI 7 of the London Plan which set the expectation for development to promote circular economy outcomes and to be net zero-waste.
- 15.12. The Local Plan requires proposals to demonstrate that adequate provision has been made for waste storage and collection that allows for a range of future collection options and which include separate collection of waste streams.
- 15.13. The London Plan requires a Circular Economy Statement (CES) to be submitted to demonstrate:
- how all materials arising from demolition and remediation works will be reused and and/or recycled
 - how the proposal's design and construction will reduce material demands and enable building materials and components and products to be disassembled and re-used at the end of their useful life
 - opportunities for managing as much waste as possible on site
 - adequate and easily accessible storage space and collection systems to support recycling and re-use
 - how much waste the proposal is expected to generate and how and where the waste will be managed in accordance with the waste hierarchy
 - how performance will be monitored and reported.
- 15.14. In so far as the waste storage design and operation would support the recycling of waste streams and encourage visitors to separate their waste into segregated waste receptacles the scheme would support the objectives of policy S.8. Residual waste and mixed recyclables will be stored in portable compactors on site where overall storage has been designed to support the London Plan target for 65% of municipal waste to be recycled by 2030. Waste collection would take place within the podium and designed to adaptable to range of collection options.
- 15.15. The circular economy principles have been applied to the design of the scheme to reduce material demands on site; and in respect of water and energy efficient fittings will be specified for the superstructure and for service appliances e.g. lighting, dishwashers. The LEDs fitted into the façade panels allows for LED units (as opposed to whole panels of LEDs) to be replaced. There is a commitment to specify products with low carbon in the 'shell/skin/' of the building and where possible, materials with low embodied carbon and recycled content in the sub-structure and super-structure.

- 15.16. The CES is intended to be a 'working' document that will be regularly updated as design and construction details are finalised. To monitor progress towards its objectives, it is proposed to review the CES at key stages in the planning process to review the progress towards achieving stated waste and resource efficiency commitments. The approach promoted in the CES with its stated aims and design objectives would promote the circular economy in line with policy SI 7.

Sustainable design and construction (BREEAM)

- 15.17. The relevant policy is S.4 of the Local Plan which sets the expectation for highest standards of sustainable design and construction to be achieved. A minimum of BREEAM 'Very Good' is expected while achieving a maximum score for water use (or equivalent in any future nationally recognised assessment).
- 15.18. The applicant has demonstrated that the Proposed Development achieves the BREEAM "Very Good" target. However, it falls short of the maximum BREEAM score for water use (achieving 7 out of the 8 credits). This shortfall amounts to a conflict with an aspect of policy S.4.
- 15.19. In this instance water efficient fittings will be supplied to achieve a 40% improvement over the baseline building water consumption, equivalent to four of the five credits available. This is the maximum that can be achieved owing to the constraints of the building. However, through the installation of water meters, leak detection systems and controls to regulate water supply to each WC area according to demand, officers are satisfied that all reasonable steps to minimise water consumption have been taken and that the scheme would achieve a high standard of design.
- 15.20. The Proposed Developments compatibility with rest of the policy has been demonstrated through its commitments to achieve resource efficiency and carbon reductions which would meet the requirements of policy S.2 of the Local Plan and SI 2 of the London Plan; use of natural ventilation where appropriate; connections to the local Engie Building; its living roof and sustainable drainage would be consistent with the objectives of the policy S.4 as a whole. The Proposed Development, in officers view, complies the policy S.4.

Flood Risk

- 15.21. The relevant policies in the development plan are policies S.10 and S.11 which set the expectation for new development to provide appropriate drainage, flood protection measures and flood storage capacity. The policies state that the rate of surface run-off from development sites should be restricted to no greater than the equivalent for a Green Field site of an equivalent size.

Views of Local Lead Flood Authority

- 15.22. The local lead flood authority (LLFA) LB Newham expressed concern that the post development run-off rates would exceed greenfield rates and suggested a condition requiring further detailed modelling.
- 15.23. The applicant has agreed to restrict post development peak run off rates to green field runoff rates and to submit details which will be secured by planning condition.

Officer assessment

- 15.24. The proposed condition requiring a detailed surface water management scheme and post development peak runoff rates to be no greater than greenfield rates would be consistent with the policy objective and ensure that there is no increased risk of flooding brought about as a result of redevelopment of the site.

Site contamination

- 15.25. The relevant policies of the development plan are BN.14 of the local Plan and policy SD.1 of the London Plan which set the expectation for appropriate measures to be taken to deal with land contamination so that the site is suitable for its new use and remediated.
- 15.26. Conditions (16, 17, 41, 48) requiring information to be submitted for approval prior to the commencement of development suitably mitigate the effects of the Proposed Development and would ensure that the site does not pose any further risk to ground water, the environment and health. For these reasons it is considered that this aspect of the proposal is in accordance with the Local Plan (Policy BN.14) and the London Plan (Policy SD1).

16. Green infrastructure

Development Plan policies

- 16.1. The Local Plan (policy BN.3) gives support to proposals which:
- maximise opportunities to protect and enhance habitat;
 - conserve and promote designated Sites of Importance for Nature Conservation;
 - retain trees and contribute to tree planting, take account of habitat and species targets in relevant Biodiversity Action Plans (BAPs);
 - support other measures to address BAP objectives, including monitoring;
 - facilitate a net gain in biodiversity.
- 16.2. The London Plan gives support to proposals which:
- incorporate appropriate elements of green infrastructure (policy G1); create areas of publicly accessible open spaces, particularly in areas of deficiency (policy G4);
 - contribute to urban greening as a fundamental element of site and building design (policy G5);
 - secure net biodiversity gain and reduce deficiencies in access to nature (policy G6).

NPPF

- 16.3. The NPPF (para 174) requires local authorities to avoid and minimise impacts on biodiversity and, where possible, to provide net gains in biodiversity when taking planning decisions.

Views of objectors

- 16.4. Some representations have expressed concern that the artificial light arising from both the illuminated Sphere façade and the public realm lighting has the potential to harm ecological habitats and species. This concern is considered further below.

Habitat and Net Biodiversity Gain

Net biodiversity gain

- 16.5. The existing site, surrounded by a high parapet concrete walls and railway lines is inaccessible and has limited ecological value. It is predominantly covered in hard-standing with several areas of scrub and does not form part of any statutory or non-statutory nature conservation sites.
- 16.6. Hard and soft landscaping has been incorporated throughout the Proposed Development with three key areas being created: the 'Pine Woodland' on the upper terrace, the 'Lowlands Meadow' which forms part of the 'The Hub' to the north of the site and the green roof above the Stage Box. The green roof would support black redstart,

which are a London BAP and LLDC BAP priority species and the woodland area would support a range of wildlife including foraging and nesting birds. A palette of plants and trees is proposed which would provide ornamental value as well as nectar pollen and berry sources for invertebrates.

- 16.7. Officers consider that the Proposed Development would result in a net gain in biodiversity and gain support from the Local Plan (policy BN.3) and London Plan (policy G1, G4, G5, and G6).

Protected sites

- 16.8. The nearest European protected areas for nature conservation are the Lee Valley Special Protection Area (SPA) (designated for its migratory birds), approximately 3.4km to the north west and the Epping Forest Special Area of Conservation (SAC) (designated for its habitats) 2.9km to the north east. These separation distances, and extent of intervening development between the site and these protected areas would not result in light spill from the Proposed Development directly affecting habitat on those sites. It is acknowledged that sky glow would be visible but given light spill from the building falls significantly over a short distance there is no expectation that it would impact on those habitats.
- 16.9. Natural England has also confirmed in their formal advice on the application that, following examination of all the documentation, that they do not object to the Proposed Development and do not consider there to be a significant impact on protected sites or landscapes. Officers consider that the Proposed Development would conserve designated Sites of Importance for Nature Conservation.
- 16.10. Turning to non-designated sites, there are five non-statutory Sites of Important Nature Conservation (SINC) with 1km:
- the Lee Valley (900m west)
 - Bow Back River (700m south west)
 - Eastway Cycle Track and Bully Point Nature Reserve (720 north west)
 - Lea Junction Railway Triangle (730 west)
 - and Rail Land in Newham (150m east)
- 16.11. These non-statutory sites are separated from the application site by intervening development sites and do not have a direct line of sight with the scheme. Officers consider that they are located at a sufficient distance and orientated away such that the Proposed Development would not bring about a change in the lighting environment on these habitats that would materially change their character and function.

Impact on Species

- 16.12. The site has been surveyed to assess its potential to support protected species including bats, breeding birds and black redstarts. Whilst there is no evidence to suggest that it supports roosting bats, there is evidence of Black redstarts foraging nearby on grassland habitat to the north of the site. All nesting birds and their nests, including Black redstarts, are protected under the Wildlife and Countryside Act 1981.
- 16.13. Accordingly, appropriate measures will be need to be taken by the applicant when removing scrub from the site that has the potential to support breeding birds. Specifically, it should be carried out between September and February inclusive to avoid the nesting season. A condition recommending the preparation of a Black Redstart Management Strategy has been agreed which requires the applicant to set out the measures necessary to avoid disturbing any Black Redstarts nesting nearby and to deter Black Redstarts from occupying any temporary structures erected on the site. This plan would need to be submitted for approval prior to commencement of construction.

- 16.14. Turning to the impact of light spill on species (including migratory birds), there is limited understanding of how artificial light impacts on species of bird in urban areas. Night time lighting in an urban setting is not uniform and its intensity varies depending on context. The areas around the site are already heavily lit with Westfield Stratford City in close proximity. It is considered that the lighting environment created by the Proposed Development and Advertising Proposals would be appropriate for the site's urban context. Further, the Sphere's advertising display would be switched off at curfew, as previously explained, and is subject to luminance limits. These controls are considered to be proportionate given the current level of understanding of lighting effects on birds and species in an urban context.
- 16.15. Based on the preceding analysis, the Proposed Development, taken together with the Advertising Proposals would adversely impact upon protected sites and protected species.

Urban Greening

- 16.16. The proposals for a woodland on the upper terrace would represent a significant uplift in tree provision where, currently, it is limited. It is acknowledged that the Proposed Development would not achieve the recommended Urban Greening Target but efforts have been made to increase the greening of the site. Greening has had to be balanced with the operational requirements of the rail operators and the operation of the site. Network Rail had initially expressed concerns about leaf fall from the landscape and so some greening possibilities such as green walls, were discounted on this basis. In so far as policy BN.3 is concerned, officers consider the proposed habitat and greening is appropriate and acceptable in the circumstances. As for policy G5, the policy recognises that urban greening targets will need to be tailored to local circumstances. Officers consider that the shortfall would not amount to a material conflict with the suggested target in the policy given the local circumstances and the substantive aim of greening the site has been achieved.

Conclusions on green infrastructure

- 16.17. Based on the analysis above, it is considered that the Proposed Development would maximise opportunities to protect and enhance habitat; conserve designated Sites of Importance for Nature Conservation; contribute to tree planting; support habitat for species consistent with the BAP; create a net gain in biodiversity and create areas of publicly accessible open space consistent with the objectives of Local Plan policy BN3 and London Plan policies G1, G4, G5, G6.

17. Enabling works and construction

- 17.1. During enabling and construction works, moderate and major (significant) adverse effects are likely to be experienced by occupiers of New Garden Quarter, Unite Student Accommodation, Moxy Hotel, Stratford Central, Stratford Eye/Angel Lane Tower, Manhattan Loft Gardens, the Railway Tavern, residential properties along Windmill Lane, Oxford Road and Penny Brookes Street. The nature of the effects will depend upon the type and location of construction activity within and around the development which will be experienced differently by all occupiers throughout this phase.
- 17.2. Given the location of the site, close to National Rail, HS1 and TfL Assets, and the proposed bridges and perimeter works (particularly those close to the live railways) there is likely to be a need for the applicant to undertake work at night to minimise disruption to the railway timetables. The elements of work that are likely to include period of night-time working include works to: bridge foundations and supports; parts of the bridges themselves; perimeter sections of the podium which are constructed over the UKPS substation; and a cantilever towards the HS1 box to the north of the site. Temporary major adverse (significant) effects are expected during these periods which could lead to noise related health effects which would be experienced by the general population in

close proximity. The predicted noise levels and effects during construction are based on reasonable worst-case assumptions.

- 17.3. The applicant is exploring the timing of the night-time and day- time possessions of the railways and has committed to submitting a Construction Environmental Management Plan for each relevant phase of construction which will require approval. The phases include site establishment and enabling works, piling and substructure works, envelope and cladding works, and fit-out and commissioning. The CEMPs will also deal with the Best Practicable Means of noise control that will be applied during that phase to minimise noise (including vibration) at neighboring residential properties arising from construction activities. This is likely to involve a combination of noise emission limits for equipment brought on site, retrofitting controls to plant and machinery and also using alternative construction methodologies to achieve objectives as opposed to more conventional but noisier techniques. In addition, the applicant will be subject to site wide controls on working hours, controls on delivery times, controls on choice of compound location and controls on the details of the physical screening.
- 17.4. Each plan would set out proposed prescriptive measures relevant to the construction phase and set out how the applicant intends to mitigate potential noise and vibration effects from construction to the local population. Construction hours would also be secured by planning conditions which would be 8:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturday with no working on Sundays, Bank or Public Holidays.
- 17.5. The applicant has also expressed their commitment to undertake on-going monitoring of construction works during each phase and particularly during enabling and construction and will seek to agree a noise monitoring regime in agreement with LB Newham through a Section 61 Agreement under the Control of Pollution Act.
- 17.6. A Section 61 Agreement will be the primary method of monitoring and controlling ongoing noise and vibration once the principles have been agreed under the Construction Environmental Management Plan. The Section 61 agreement would, amongst other things, contain noise and vibration limits at the nearby properties, a programme of monitoring and protocol for reporting results and implementing corrective actions when monitoring highlights that it is likely that construction limits will be exceeded. Access to noise and vibration monitoring results would be made available in real time with access also made available to the LB Newham environmental health team periodically to enable prompt resolution of issues should they arise.
- 17.7. The Section 61 agreement would also set out a dispensation and variation procedure under which consent could be applied for to carry out works where those works would potentially exceed the agreed noise and vibration limits or take place at times when such work is otherwise not approved. Such dispensation/variations would need to be applied for where there are sound engineering, safety or practical reasons for undertaking the works at these times. The selected contractor would be required to adopt measures, including site supervision arrangements, to reduce noise and vibration to a minimum in accordance with Best Practicable Means.
- 17.8. With the measures and controls outlined above, it is considered that the likely residual noise and vibration effects from enabling and construction activities would be
- 17.9. acceptable. However, it is considered that some construction activities, notably piling and the night-time bridge construction, would continue to have major adverse noise and vibration (significant) effects even after mitigation is implemented at New Garden Quarter, Unite Student Accommodation, Moxy Hotel, Stratford Central, Railway Tavern, East Village and residential properties along Oxford Road. In these circumstances, the works would need the approval of the local Environmental Health Team to agree alternative noise limits or hours of operation secured in the conditions. The impact on these properties would be acceptable in the event it would undertaken in accordance

with the S61 process which usually requires pro-active engagement by the developer and good communication about the methods that will be put which will minimise the impact of disruption it is likely to reduce complaints.

- 17.10. The applicant has agreed to establish a community liaison group that will be act as a forum for residents and local business to feedback on amenity issues which may arise from the construction and operation of the development. It is envisaged that members of this groups would be forum where residents are kept up to date with the construction programme and would have the opportunity to raise issues and access information. Membership of the group will be drawn from local groups and responsibility for the cost and management of the group would be borne by the applicant and secured as a planning obligation. A single point of contact for neighbours would be established along with a dedicated phone and other contact details for communications outside normal working hours. A complaints-handling procedure would also be established as part of groups terms of reference.
- 17.11. Appropriate controls are in place to minimise the noise related health effects of the Proposed Development but there is the possibility of residual significant adverse noise impacts during enabling works and construction. On the basis, the significant adverse enabling and construction impacts would be acceptable for a limited period, with the mitigations agreed and a Section 61 agreement and on balance off-set by these the benefits that would accrue from improved connectivity in the town centre and the Proposed Development and Advertising Proposals.

18. Planning Obligations

- 18.1. Heads of Terms have been agreed which set out the planning obligations necessary to make the development acceptable in planning terms. These are listed in **Appendix 1**.
- 18.2. To assist Members in their determination of the applications an analysis of the planning obligations being agreed and the reasons why these obligations meet the three planning tests set out in regulation 122 of the Community Infrastructure Levy Regulations is provided in **Appendix 2**.

19. Community Infrastructure Levy (CIL)

Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material "local financial consideration" in planning decisions.

The site is liable for both Mayoral CIL and LLDC CIL. Mayoral CIL is charged at a flat rate and LLDC CIL is charged at a rate depending on the proposed use. Based on the proposals and specifically, a GIA of 80,774 sqm of sui generis floorspace, it is estimated CIL liabilities (subject to verification) would be as follows:

- Mayoral CIL: £4,874,001.45
- LLDC CIL: £1,605,210.06
- Total CIL receipt: £6,479,211.51

The payment of Mayoral CIL and LLDC CIL is a material consideration, however the weight given to these contributions is to be determined by the decision maker.

The estimated CIL contribution would be used to fund local infrastructure on the LLDC's Regulation 123 list and would be in addition to those contributions secured under the proposed S106 heads of terms. The scale of contributions likely to result from the development is substantial, on this basis officers recommend that significant weight should be attached to this financial consideration when determining the full planning application.

20. The Public Sector Equality Duty

- 20.1. Section 149 of the Equality Act 2010 contains the public sector equality duty (“PSED”). The PSED requires public authorities (including LLDC as local planning authority) when exercising their functions (which includes determining an application for planning permission) to have “due regard” to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 20.2. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular to the need to –
- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - b) take steps to meet the needs of the persons who share a relevant protected characteristic that are different from the needs of the persons who do not share it;
 - c) encourage persons who share a relevant protected characteristic to participate in public life or in any activity in which participation by such persons is disproportionately low.
- 20.3. There are nine protected characteristics which are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 20.4. The PSED does not dictate a particular substantive outcome (i.e. the grant or refusal of permission) but ensures that the decision made has been taken with “due regard” to its equality implications.
- 20.5. To assist Members in complying with the PSED, the applicant has submitted an Equality Impact Assessment (EQIA) in which the applicant considers what it regards to be the effects on people with protected characteristics both during the construction phase and when the Proposed Development is operational.
- 20.6. Officers have also undertaken their own EQIA which is appended to this report [Appendix 3] and to which members are referred. Officers’ conclusions on the equalities implications of the Proposed Development are summarised below. Like the applicant, officers have used as a framework for considering the equalities impacts the environmental effects of the Proposed Development as identified in the EIA. Officers have also considered whether there are other effects of the Proposed Development with the potential to have an impact on people with protected characteristics. However, no such additional effects were identified.

Age

- 20.7. Officers consider that there are various aspects of the Proposed Development which result in a positive impact for children, young people and older people.
- Employment and skills: The Proposed Development will create employment opportunities both directly (job opportunities at the Sphere itself) and indirectly (supply chain opportunities and general increase in spending which should support employment more generally). These should benefit young people in particular given that the population of the LLDC Boroughs (Newham, Waltham

Forest, Hackney and Tower Hamlets) has an above average population of young people, and in circumstances where the applicant has committed to seeking to secure 35% of the construction workforce and 50% of the operational workforce from residents of the LLDC Boroughs. The applicant has also committed to a programme of internships and scholarships which will benefit young people in the area. The creation of additional employment should also result in a positive impact for children given that they benefit (indirectly) from having parents in work. Children (and young people) will also benefit from the applicant's educational programme and community involvement programme.

- Accessibility and open space: Children and young people should be affected positively by the improvements to accessibility within the vicinity of the Sphere and improvements to open space. These positive impacts are particularly significant given that children comprise an above average proportion of the population in the LLDC Boroughs. Officers also consider that older people will also benefit from these aspects of the Proposed Development, especially in terms of improved open space given this has been linked to higher self-reported levels of mental health, social interaction and happiness (in circumstances where older people can risk being socially isolated with resulting harm to mental health).
- Inclusive design within the entertainment venue: Older people should benefit from the inclusive design of the Sphere and the provision of mobility assistance from the arrival points, including the car park.

20.8. In terms of potential negative impacts on children and older people:

- Harm to amenity during the construction phase: It is considered that children and older people may be more vulnerable to adverse effects during construction (such as noise). However, once the mitigation measures are taken into account, including the approval of a Construction Logistics Plan and a Construction and Environment Management Plan, officers consider that such adverse effects are neutralized or reduced to an acceptable level (any residual adverse effects being limited to a short stretch adjacent to the construction site access on the A112 Leyton Road). In such circumstances, it is not considered that there would be a material negative impact on children or older people overall.
- Harm to amenity during the operational phase: As above, children and older people may potentially be vulnerable to adverse amenity effects results from the Proposed Development such as crowd congestion before and after events, noise exposure more generally and light from the LED displays. However, the various mitigation measures to address these issues as set out earlier in the report are considered to neutralise any adverse impacts or to bring them within acceptable levels. There is inevitably some uncertainty about the impact of the light displays given the unusual nature of the Proposed Development but officers consider that the mitigation measures coupled with the proposed monitoring should prevent any material adverse impact on children and older people.

20.9. Overall, therefore, the impact of the Proposed Development on children, young people and older people is thought to be positive.

Disability

20.10. The main positive impacts on this group are outlined below:

- Accessibility: The improvements to accessibility through enhanced site connections and the provisions of lifts and bridges so as to provide virtually level access from the Sphere to its surroundings should benefit wheelchair users and people with mobility impairments. These improvements should in turn make it

more likely that disabled people will participate in activities at the Sphere. Some reservations have been expressed about the mixing of pedestrians and cyclists on Montfichet Road and that this may differentially affect people with visual or aural impairments. Best practice guidance on inclusive mobility has been published which will inform the redesign of the highway and should neutralise, or reduce to an acceptable level, impacts on people with a visual or aural impairment.

- Inclusive design within the entertainment venue: The inclusive design of the Sphere (particularly the step-free pedestrian routes, lifts, accessible seating in the public realm, accessible features inside the venue and the mobility assistance scheme) should have a positive impact on disabled people and make it easier for them to access entertainment and activities.
- 20.11. As for potential negative impacts on disabled people, as in relation to age, these centre on adverse amenity effects during the construction and operational phases. However, for the same reasons as given above in relation to age, it is considered that the mitigation measures proposed should protect disabled people from any material adverse impact.
- 20.12. Officers accept that there is a particular issue which concerns the way in which the LED screens may affect people with certain types of disabilities. In particular, there is a concern that glare, distraction, flickers and stroboscopic effects and spatial patterning effects could have a negative impact of people with conditions such as epilepsy, autism and other long-term conditions. However, officers consider that any such adverse effects should be neutralised, or at least reduced to an acceptable level, by the mitigation measures proposed. These include:
- Digital display controls which limit the hours of operation and luminance of the LED displays
 - Digital display management strategy
- 20.13. Digital Display monitoring group, to monitor impact and complaints associated with the digital display
- Precautionary mitigation measures (Blackout blinds) for properties within the immediate vicinity of the Sphere

Pregnancy and maternity

- 20.14. The positive impacts on this group are summarised as follows:
- Employment and skills: The population of the LLDC Boroughs has an above average proportion of parents with young children and so the employment created by the Proposed Development should be of particular benefit to this group. This is even more the case given the target that 50% of the Sphere's workforce in its operational phase should be made up of women. Further, the training opportunities on offer should help parents whose childcare responsibilities mean that they have not had the opportunity to develop their professional skills.
 - Accessibility, active travel and open space: Pregnant women and parents with young children are also thought to benefit in particular from the improved accessibility and open space given the inherent difficulties in travel with small children and the importance of outdoor recreation and exercise during pregnancy and for children.
 - Inclusive design within the entertainment venue: Pregnant women and parents with young children should also benefit from the inclusive design of the Sphere which should, amongst other matters, make it relatively easy for parents with pushchairs etc to move around the venue. This includes step-free pedestrian

routes, lifts and six accessible baby change facilities across different levels of the auditorium.

- 20.15. In terms of potential negative impacts on this protected group, it could be said that pregnant women and parents or carers with small children are particularly vulnerable to amenity harms arising both during the construction and operational phases. However, and as explained above and elsewhere in this report, it is considered that the mitigation measures in place neutralise these harms or reduce them to an acceptable level such that no material negative impact to this protected group arises.

Race

- 20.16. The Proposed Development is considered likely to have a positive impact in respect of the protected characteristic of race. That is because the applicant has committed to target 50% of the operational workforce from the local boroughs and the population of the LLDC Boroughs has a higher than average proportion of people from ethnic minorities. Black, Asian and minority ethnic people will be targeted for vacancies at the rate of 30% during the construction phase and 50% during the operational phase. It follows that ethnic minorities should benefit in particular from the local employment and training opportunities.

Sex

- 20.17. The applicant's employment targets include specific targets for women. These should therefore help to increase the participation of women in the workforce. Further, the additional job opportunities created should be of particular benefit to women since this group is unrepresented in the workforce and can face additional barriers to employment. Officers therefore consider that impact of the Proposed Development on women will be positive.
- 20.18. In addition, improvements to public safety should be of particular benefit to women. In particular, women should gain advantage from the applicant's commitment to sign up to the Mayor's Women's Safety Charter, as well as the 24/7 safety and security team. It is likely that other protected characteristics will also benefit from this commitment.

Sexual orientation

- 20.19. There is evidence that LGBTQA people are particularly vulnerable to hate crime. As a result, the improvements to community safety that should result from the Proposed Development (through increased natural surveillance and the proposed safety and security team) should benefit this group and reduce the chance of them experiencing criminal or anti-social behaviour. This is considered to be a positive impact.

Gender reassignment

- 20.20. Officers consider that the Proposed Development is likely to have beneficial effects on people with this protected characteristic since the Proposed Development will provide gender neutral toilets and facilities. It is recognised that gender neutral toilets may not be universally accepted and could alienate some women and men. However they will be provided alongside single sex toilets providing a choice for visitors to the venue. Overall the provision of toilets to meet the needs of both these protected groups is not considered to have material negative effects.

Religion or belief

- 20.21. The Proposed Development is not envisaged to have any material positive or negative impacts of these groups. The impact on them is therefore considered to be neutral.

Conclusions

- 20.22. Once proper account is taken of the suite of mitigation measures proposed, it is not considered that the Proposed Development is likely to result in any material negative

impacts for people with any of the relevant protected characteristics. In so far as any negative impacts do remain, officers consider that these are minor. In contrast, the Sphere should have a positive impact on various protected groups, particularly for disabled people as well as young people and children.

21. Human Rights

- 21.1 Section 6 of the Human Rights Act 1998 prevents LLDC as a public authority (and therefore members acting on its behalf) from acting in a manner which is incompatible with Convention rights. For present purposes, the most relevant Convention rights are Article 6(1), Article 8 and Article 1 of Protocol 1 (“A1P1”).
- 21.2 Article 6 is concerned with ensuring procedural fairness in the determination of civil rights and obligations (which the courts have confirmed includes the determination of an application for planning permission). Accordingly, and as per its usual practice, officers have taken care to ensure that all consultation requirements have been complied with and that representations from both supporters and objectors have been taken into account in the preparation of this report.
- 21.3 Article 8 is concerned with the right to respect for one’s private, and family life, home and correspondence. It is a qualified right which means that it is not absolute – an interference with the rights protected by Article 8(1) may be justified on the basis that it is necessary and proportionate to achieve a legitimate aim (as per Article 8(2)). A1P1 is also a qualified right operates in a similar manner. It is concerned with the right to property but interferences will not be unlawful where they are justified.
- 21.4 In so far as rights under Article 8 and A1P1 are engaged by the decision to grant permission for the Proposed Development (and the courts have made it clear that a ‘substantial’ impact on residential amenity is required for Article 8 to be engaged), officers consider that any interference is justified in light of the multiple public benefits as outlined above, and that in granting the permission a fair and proportionate balance has been struck between the various competing interests.
- 21.5 More specifically in relation to residential amenity, officers have considered this issue carefully in the report, and advise that the impact is not sufficient to dictate the refusal of permission, particularly in light of the proposed mitigation measures which will be secured via conditions and the s.106 agreement.
- 21.6 Officers do not consider that that the impact on residential amenity when considered as a whole is significant enough to engage the Article 8 and/or A1P1 rights of those affected. As the courts have made clear, there must be a ‘substantial’ impact on residential amenity for Article 8 to be engaged and officers do not consider the impact to be substantial. However, even if the impacts are treated as substantial so that the Article 8 and/or A1P1 rights of those affected are engaged by those impacts, officers consider that the interference is necessary and proportionate in light of the public benefits.

22. Planning Benefits

- 22.1 Officers consider that the Proposed Development, if granted planning permission, would deliver substantial planning benefits.
- 22.2 First, through the delivery of podium bridge connections and lift access it would overcome pedestrian access constraints that currently compromise connectivity in this part of the town centre. Connecting the site to its adjacencies and providing a large-scale town centre use would deliver the Local Plan site allocation objectives, unlock this inaccessible site and integrate it into the surrounding town centre. This in turn would strengthen east-west connections, improve connectivity and improve how the town centre functions in line site allocation SA.3.1 and policy 3.3. of the Local Plan. This is a significant benefit.

- 22.3 Second, the delivery of a new music venue by a world leading entertainment operator would enhance Stratford's standing as a thriving metropolitan centre and complement other high profile cultural and artistic projects taking place in the area. This would support the growth and diversification of the visitor and night-time economy and contribute towards Local Plan aspirations for Stratford to continue to develop as an area of high profile culture destinations and evolve into an international centre in line with policy 3.1 of the Local Plan. Delivering a venue and spaces that can support up-and-coming talent would also be in line with the Mayor's Rescue Plan for grassroots music venues.
- 22.4 The Proposed Development is likely to be significant on a national scale when compared to other large-scale music and entertainment venues, none of which has been specifically designed to offer the technologically advanced immersive experience as proposed. The ability to host immersive events of a kind that could not be hosted in any other venue in the UK is therefore a compelling factor in support of the view that the Proposed Development is capable of bringing additionality to the entertainment sector and undoubtedly would become a significant venue in the context of the large-scale music and entertainment venues currently operating in London.
- 22.5 The Sphere would lead to more competition and more choice in a city which has lost a number of music venues in recent decades. In this respect it would provide a major boost to London's live music and entertainment scene. Since COVID-19 has emerged there has been no change to national or local policy regarding the need for entertainment venues so there is a reasonable expectation that a need still remains. The provision of gig and club venues within the Sphere would support the aspiration to grow the number of venues that can support new musical and artistic talent, and up and coming acts.
- 22.6 It is estimated the Proposed Development would attract 2.4 million visitors per year of which 956,000 would be 'music tourists' (people who would travel to the area from outside London). These visitors are expected to spend money within LB Newham and London as a whole. It is recognised that not all of this spending would take place in LB Newham but it is estimated that once operational the Proposed Development would support c.£31 million of additional spending within Newham. This is lower than an estimate in a report by EY which estimated that the additional spend in LB Newham would be c£52 million as it is based on conservative assumptions on displacement. Notwithstanding this difference, even taking the more conservative estimate this spending is a significant long term planning benefit at the local level in circumstances where the current site does not generate much, if any, spend in the town centre. Appropriate weight should be given to the various indirect benefits that would accrue from this.
- 22.7 Third, the applicant is proposing a programme of community outreach with local schools and educational institutions and will make the smaller venue available for community events for a minimum of 10 days a year. There is limited information on what take up may be, how many people would benefit and or what kind of events would take place in the smaller venue. Limited weight is therefore given to this planning benefit, but it is acknowledged that there may be prestige value in providing access to local schools and similar organisations to host an event at the space given the high profile of the event operator. Part of the applicant's community involvement programme (CIP) is a commitment to make cash funding available for local community groups and for the provision of scholarships. Whilst this is a welcome offer from the applicant this funding aspect of the CIP is considered by officers not to meet the relevant tests set out in regulation 122 of the Community Infrastructure Levy Regulations 2010 and accordingly no weight has been attributed to it in the planning balance. For similar reasons the funding aspect of the CIP is not considered to be material to the determination of the application and accordingly Members should not put any weight on it in their weighing of the planning balance in the determination of the application.

- 22.8 Fourth, the Proposed Development will take place on an under-utilised brown field site in a highly sustainable location, generating a significant number of employment and workplace skills and training opportunities. During the construction period there would be an estimated 1,160 direct jobs on site per year (which equates to between 350-500 FTEs). The applicant has committed to a target of 35% in terms of the proportion of the construction workforce with local jobs to be filled by residents from the LLDC boroughs. Once completed, the Sphere would support an estimated 1,300 jobs (which equates to 1086 FTEs). The applicant has committed to a target of 50% in terms of the proportion of the workforce to be made up of people from the LLDC Boroughs. The current site offers little in the way of jobs and economic benefits at present so almost all the new opportunities created would be additional.
- 22.9 To maximise the beneficial impacts the applicant has committed to establishing links with schools and higher education institutions through their education commitments plan and CIP. These would generate work-related learning opportunities, paid internships and funded scholarships. Alongside a contribution of £2,100,000 towards supporting people into work, they have also committed to procuring contractors and subcontractors that pay their staff at least the London Living Wage levels. In officers' view, these economic benefits are significant at the local level and are likely to increase local access to jobs and contribute to the stated aims of policy B.5 of the Local Plan to maximise local skills and employment opportunities for local residents.
- 22.10 Fifth, the Proposed Development through its form, function and design would create a new landmark that will make a distinctive contribution to the Stratford and London skyline. The podium through its variety of landscaping elements and integrated lighting will transform the appearance of the site during the day and at night providing a more inviting and varied streetscape and a significant net uplift in urban public realm that is accessible for general population. The display of digital content on the Sphere will make the development a visitor attraction and destination of interest, differentiating Stratford from other centres and reinforcing its hierarchy and function. This is a significant planning benefit as it would support placemaking and wayfinding and objectives of local plan (policies BN.1, BN.4 and BN.5)
- 22.11 Some representations suggest that there may be beneficial effects brought about from artistic displays and illumination on the Sphere. Provision of public art is a material consideration and the applicant has committed to display artistic content for not less than 65% of the time in any clock hour. A Digital Public Art Strategy establishing the principles that will guide decisions about artistic content and positive actions that will be taken towards public engagement will be submitted in the interests of visual amenity. The precise detail of the artistic displays is not known and so this benefit is given limited weight.
- 22.12 Sixth, through the creation of wider pavements and cycling lanes on Montfichet Road the Proposed Development would deliver a local infrastructure priority project that would reduce street clutter, improve the visual amenity of the streetscape and support the attainment of healthy streets and active travel objectives for the benefit of pedestrians and cyclists and visitors to the area attending major sporting and cultural events. This is a significant benefit as the Montfichet streetscape is dominated by high parapet walls and cluttered street furniture and this benefit would contribute towards the stated aims of policy T.2 and T.3 of the Local Plan and wider placemaking objectives set out in policy BN.1, BN.4 and BN.5.
- 22.13 Seventh, the provision of a new entrance to Stratford Station which is a requirement for the Proposed Development to proceed would help to balance internal station passenger flow by improving access to the less well-used Eastern subway and by reducing pressure on the existing northern ticket hall. When there is no large capacity event at the Sphere this new entrance offers benefits to existing users in reducing a number of

congestion pinch-points and generally adding some capacity to the station. This is a planning benefit that will contribute towards the stated aims of policy T.1, T.2 and T.3 of the Local Plan. Limited weight is given to this benefit as the net effect on the operating capacity of the Station as whole is neutral.

Regeneration benefits – ‘Good Growth’ and The Olympic Legacy SPG (OLSPG)

‘Good Growth’

22.14 The purpose of the London Legacy Development Corporation is to promote and deliver physical, social economic and environmental regeneration of the Queen Elizabeth Olympic Park and surrounding area by maximizing the legacy of the 2012 Olympic and Paralympic Games and promote the aims of convergence. The Local Plan sets out various objectives towards achieving this and the central objective of the London Plan which is ‘Good Growth’. London Plan policies are also informed by these objectives. Officers consider the planning benefits brought about by the Proposed Development would be consistent with the ‘Good Growth’ objectives. A summary of this assessment is provided below for completeness (rather than by way of double-counting of the benefits many of which have already been considered in the analysis above).

Table 8 Assessment of the Proposed Development against the London Plan ‘Good Growth’ objectives

Good Growth objectives	Officer comment
GG1 Building strong and inclusive communities	<p>The proposals would:</p> <ul style="list-style-type: none"> • provide better connectivity and deliver accessible and welcoming public space in the town centre • exhibit an exceptionally high standard of design and through its architecture and functionality reinforce the importance of Stratford as a civic centre, enhance its identity and differentiate it from other centres supporting legibility • promote inclusivity in the embedded design of the scheme and its operation • create skills and training opportunities and provide targeted support provided to help underrepresented groups and unemployed people gain access to jobs
GG2 Making the best use of land	<p>The proposals would:</p> <ul style="list-style-type: none"> • make use of a brownfield site that is well connected by public transport • make the best use of its excellent public transport connections and optimise the site for this land use • deliver a net biodiversity gains • support sustainable and active travel movements through the proposed public realm improvements, bridge connections and lift access • function well over the lifetime of the development as it has been designed to be multi-purpose and can be used in a range of different formats and layouts

GG3 Creating a healthy city	The proposal would: <ul style="list-style-type: none"> • be air quality neutral and make financial contributions to support the implementation of air quality improvement objectives
GG4 Delivering the homes Londoners need	N/A
GG5 Growing a good economy	The proposals would: <ul style="list-style-type: none"> • enhance London as a world class visitor destination and demonstrate confidence in the London economy and in Stratford as the chosen location for this major investment • Support the growth and diversification of the visitor economy and night-time economy in Stratford and London as a whole, in accordance with adopted spatial strategy • promote London's role as a 24 hour city • make the fullest use of London's public transport network • support the agglomeration of arts and cultural institutions in East London
GG6 Increasing efficiency and resilience	The proposals would: <ul style="list-style-type: none"> • Support the move towards a low carbon circular economy through its commitment to review the construction process against waste, energy and resource efficiency targets and key commitments set out within the approved Circular Economy Statement. • Create safe and secure environment that is resilient to the impacts of emergencies, including fire and terrorism.

'Olympic Legacy SPG'

- 22.15 The Olympic Legacy SPG (OLSPG) sets out the long term vision for the Queen Elizabeth Olympic Park and surrounding areas in a single planning document. The OLSPG looks to maximise the considerable investment, sustainable infrastructure and economic opportunities presented by the Games and the development of Stratford. It sets out a vision for the area to be a distinctive and well connected place where people can live and work sustainably and offer a wide range of new jobs and homes.
- 22.16 Stratford with its major office and entertainment facilities, together with visitor attractions and retained Olympic venues is identified as focus for change and regeneration. Growth and investment in creative industries and leisure sectors (amongst other things) are identified as a way to bring lasting benefits. New connections linking new and established communities with the QEOP and Stratford are also promoted as vital to achieve the SPG's core development principle of 'Convergence' – for planning applications to create wealth and reduce poverty; support healthier lifestyles; and develop successful neighbourhoods.
- 22.17 There are seven core convergence outcomes and based on the preceding analysis the Proposed Development and Advertisement Proposals would similarly contribute positively towards outcomes in the OLSPG. There is much overlap with the good growth objectives and again the analysis is provided for the sake of completeness but without double-counting benefits that have already been identified. A summary of the officer analysis is set out below.

Table 9 Assessment of the Proposed Development against OLSPG Convergence Objectives

OLSPG Criteria	Officer Comment
Objective 1: creating a coherent and high-quality city within a world city region	<p>The proposals would:</p> <ul style="list-style-type: none"> • enhance London as a world class visitor destination and demonstrate confidence in the London economy and in Stratford as the chosen location for this major investment • Support the growth and diversification of the visitor economy and night-time economy in Stratford and London as a whole, in accordance with adopted spatial strategy • promote London’s role as a 24 hour city • make the fullest use of London’s public transport network <p>support the agglomeration of arts and cultural institutions in East London</p>
Objective 2: improving educational attainment, skills and raising aspirations	<p>The proposals would:</p> <ul style="list-style-type: none"> • create skills and training opportunities and provide targeted support to help underrepresented groups and unemployed people gain access to jobs
Objective 3: reducing worklessness, benefit dependency and child poverty	<p>The proposals would:</p> <ul style="list-style-type: none"> • make a financial contribution of £2,100,00 towards employment and training initiatives • During the construction period there would be an estimated 1,160 direct jobs on site per year which equates to between 350-500 FTEs. 35% Local jobs. • In the completed development the proposed scheme would support an estimated 1,300 jobs which equates to 1086 FTEs. 50% Local jobs • require contractors and subcontractors pay their staff at least London Living Wage levels. • result in a positive impact for children since they benefit – indirectly – from having parents in work.

Objective 4: homes for all	N/A
Objective 5: enhancing health and wellbeing	<p>The proposals would:</p> <ul style="list-style-type: none"> • provide better connectivity and deliver accessible and welcoming public space in the town centre • support sustainable and active travel movements through the proposed public realm improvements, bridge connections and lift access • be air quality neutral and make financial contributions to support the implementation of air quality improvement objectives
Objective 6: reducing serious crime and antisocial behaviour	<ul style="list-style-type: none"> • Once operational the Proposed Development is expected to reduce crime and anti-social behavior through increased natural surveillance and embedded design measures such as “secure by design” principles.
Objective 7: maximising the sports legacy and increasing participation	N/A

23. Conclusions on Planning Application

23.1. In accordance with section 38(6) of the 2004 Act and section 70(2) of the 1990 Act, this application for planning permission for the Proposed Development should be determined in accordance with the development plan unless material considerations indicate otherwise. In making that decision, it is necessary to apply the statutory tests in relation to listed buildings and conservation areas that have been identified. Other material considerations include national policy in respect of both designated and undesignated heritage assets.

Conclusions on compliance with the development plan

23.2. Detailed analysis of the compatibility of the Proposed Development with the development plan is provided earlier in this report. A summary is provided below.

Local Plan

23.3. The proposals for a town centre use with link bridges gain support from site allocation policy SA3.1 and 3.3 particularly with regard to overcoming existing pedestrian access constraints which compromise this part of the town centre supporting the integration of this largely inaccessible site and strengthening east -west connections.

23.4. The entertainment and leisure uses would diversify the cultural and night-time offer and support the vision for Stratford to be recognised as an international centre gaining support from policy 3.1, policy B.2.

23.5. The proposals would attract visitors to the area and generate employment and workplace skills and training opportunities contributing to the stated aims of policy B.5.

23.6. The proposals have been designed to minimise the amenity impacts and effects of pollution particular regard to light pollution, noise and would gain support from policy BN.11, BN.12 and BN.14.

- 23.7. Officers consider that the proposals would achieve the highest standards of sustainable design and construction and mitigate carbon emissions in line with policy S2, policy S.3, policy S.4. In so far as it has been designed to contribute to the reduction of waste, maximise biodiversity, reduce vulnerability to climate change and to be resilient to against emergencies and threats such as fire, flood and terrorism it would comply with policy S.8, policy S.9, policy S.10, S.11, S.12. There is one aspect of S.4 with which the Proposed Development does not comply – it does not achieve a maximum score for water use. However, officers note that the Proposed Development was close to achieving a maximum score for water use (7 out of 8 credits) and that all reasonable steps to minimise water consumption have been taken.
- 23.8. The location of the tall building is considered to be in accordance with policy BN.5 and it is considered it would exhibit exceptionally good design through its response to context, contribution to the townscape public realm and inclusive access gaining support from BN.1, BN.4 and BN.5 and BN.6.
- 23.9. There are important aspects of BN.5, BN.1, BN.4 and BN.17 concerning heritage assets with which the Proposed Development does not comply in light of the adverse effects that would be caused to the setting of certain heritage assets (namely Stratford St John's Conservation Area, certain designated assets within it, University Square Conservation Area and certain designated assets within it, and the undesignated heritage asset of the Victorian urinals on Angel Lane) and the less than substantial harm to those designated heritage assets and the significant harm to the Victorian urinals which has been identified.
- 23.10. Accordingly, officers find that the Proposed Development is contrary to BN.17. However, whilst giving great weight to that heritage harm and the conflict with the relevant aspects of BN.5, BN.1 and BN.4, officers consider overall that the Proposed Development complies with these policies when considered in the round and the harm that arises in respect of the aspects of the Proposed Development that has been identified is outweighed by the other significant benefits of the proposal.
- 23.11. Officers consider that even if the adverse effects on the setting of the heritage assets are treated as giving rise to a breach of any or all of policies BN.5, BN.1, BN.4 (and also giving great weight to the non-compliance with BN.17 in terms of heritage and some weight to S.4 in terms of water use), the Proposed Development is still compliant with the Local Plan considered as a whole and there are, in any event many other significant benefits of the Proposed Development which support it.
- 23.12. Officers also consider that even if breaches of any or all of these policies are treated as giving rise to a conflict with the Local Plan as a whole, that conflict is outweighed by the other significant benefits of the Proposed Development, such that other material considerations justify granting planning permission notwithstanding any conflict with the Local Plan.

London Plan

- 23.13. The proposals for an entertainment venue from a leading venue operator at the heart of Stratford would gain policy support from London Plan policy SD8, S10, HC5, HC6 and E10, particularly with regard to its supporting the continued growth and evolution of London's diverse cultural facilities and venues in town centres, and promoting the night-time economy. With regards to making the best use of the land, the Proposed Development would comply with Policy D3 as it responds to the site's context and capacity for growth, responds to the character of the place, is of high quality and responds to the circular economy principles.
- 23.14. The location of the building, adjacent to Stratford Station, an important commuter hub, is appropriate for a tall building and would reinforce the spatial hierarchy in the local context, aiding legibility and wayfinding in line with policy D9. Its design has evolved in

response to design review recommendations in line with policy D4 and would achieve the highest standards of inclusive design in line with policy D5.

- 23.15. It would create a significant new area of urban public realm of a high standard that that would be managed and maintained in accordance with the Public London Charter in line with policy D8 and provide free publicly-accessible toilets suitable for a range of users in accordance with policy S6. The scheme has been designed to minimise its effects on nearby sensitive uses, particularly in respect of noise and light pollution and would gain support from the Agent of Change principle (policy D13).
- 23.16. The proposals to support employment, skills development, apprenticeships and other education and training opportunities in both the construction and end use phase would be in line with the expectations of Policy E11
- 23.17. The proposals would contribute to the greening of London, incorporating trees, green roofs and sustainable drainage and secure a net biodiversity in line with the expectations policy G1, policy G5 and policy G6.
- 23.18. The proposals would contribute towards meeting air quality objectives, minimise carbon emissions, connect to an existing heat network and gain support from policies SI 1, SI 2, SI 3, SI 4. In so far as it has been designed to contribute to reducing waste and support the circular economy it would comply with policy SI 7.
- 23.19. The improved connectivity and public realm improvements brought about the by the proposed development would improve walking and cycling infrastructure and mitigates its transport impacts making the most effective use of the land and meet the expectations of T1, T2, T3, T4, T5, T6, T7, T9
- 23.20. There is conflict with the expectations of the heritage conservation and growth policy HC1 (c) and (d) which require development proposals affecting heritage assets, and their settings, to conserve their significance. The policy sets an expectation for development to avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process. Officers consider, however, that such conflict with policy HC1 is outweighed by the other significant benefits of the Development Proposed, such that there is compliance with the London Plan as a whole; officers also consider that even if the conflict with Policy HC1 were treated as giving rise to an overall conflict with the London Plan, the other significant benefits of the Proposed Development justify the grant of planning permission other than in accordance with the London Plan.

Overall conclusions on the development plan

- 23.21. Officers reach the same conclusions when applying the development plan as a whole (namely both the Local Plan and London Plan). Officers consider that the proposal does largely comply with the relevant policies of the plan overall (with the exception of BN.17, S.4 and HC1) and, in any event, there is compliance with the development plan when considered as a whole, notwithstanding the conflicts identified with certain elements of the development plan and its policies.
- 23.22. Officers also consider that even if those conflicts were to be treated as giving rise to conflict with the development plan as a whole and giving great weight to the harm to heritage assets that have been identified, planning permission should still be granted in light of the significant benefits of the Proposed Development to which officers attach significant weight and those benefits are such as to justifying taking a decision other than in accordance with the development plan.

Statutory Duties towards Heritage Assets and the NPPF

- 23.23. In considering whether to grant planning permission for development which affects a listed building, conservation area or its setting Members should have special regard to

the desirability of preserving the building or its setting or any features of special architectural or history interest which it possesses.

- 23.24. Under the NPPF (paragraph 199-200), great weight should be given to the conservation of designated heritage assets even where the harm would be less than substantial, and any harm should require a clear and convincing justification. Whilst great weight should be given to every asset's conservation, the more important the asset the greater the weight should be to any harm to it.
- 23.25. For these reasons great weight should be given to the less than substantial harm the Proposed Development would cause to the contribution setting makes to the Stratford St John's Conservation Area and the settings of individual listed buildings in the Conservation Area, namely, the Church of St John, the Old Town Hall, the Gurney Memorial, as well as the harm to the University Square Conservation Area and the University of East London Complex. For the reasons given in the heritage part of this report, this harm is considered to lie towards the bottom end of the scale of less than substantial harm.
- 23.26. In accordance with paragraph 202 of the NPPF, this less than substantial harm (and any additional heritage harm which members consider would arise despite officer advice to the contrary) needs to be weighed against the public benefits of the scheme. For the avoidance of doubt, in conducting this exercise officers have afforded great weight to the less than substantial harm identified.
- 23.27. Officers find that that the less than substantial harm identified to these assets would be clearly outweighed by the significant benefits of the Proposed Development. The public benefits in question are multiple and also significant in scale, as summarised in the public benefits section of this report.
- 23.28. Turning to the non-designated urinals, under paragraph 203 of the NPPF a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Any harm should require clear and convincing justification.
- 23.29. As explained in greater detail in the heritage section of this report, the urinals are below the standard to be nationally or locally listed and are not in their original setting. As such, their heritage value is considered to be of low significance. Accordingly, even though the Proposed Development involves the removal of the urinals and so significant harm will arise to them (although they are to be kept in the hope they can be moved to an appropriate location in future), officers consider that this harm is also outweighed by the public benefits of the Proposed Development.
- 23.30. Officers therefore consider that application of the statutory tests in respect of listed buildings and conservation areas and the application of the NPPF does not change their view that planning permission should be granted.

Compliance with Supplementary Planning Documents and Guidance

Evening and Night Time Economy SPD (2021)

- 23.31. The proposals would support growth in the Evening and Night Time Economy and promote the GLA 24-hour Vision for London. The priorities for Stratford Metropolitan Centre are for it to expand and diversify its offer of arts and culture destinations along side food and drink and leisure uses. In so far as the proposals diversify the offer, attract visitors, support wayfinding and strengthen the connections between the Metropolitan Centre and Stratford Town Centre they comply with the SPG guidance. Through the applicant's commitment to work with local partners in the area such as Westfield, London Stadium, TfL, LB Newham and the police to develop strategies to minimise transport impacts, crowd management and wayfinding, noise impacts and support crime prevention, officers consider there should be effective communication and coordination

between developers and partners in the area to ensure visitors and residents feel safe and an acceptably high standard of amenity.

Olympic Legacy SPG

- 23.32. The proposals would support the long term vision for the area an Stratford in so far as it builds upon the opportunity to bring lasting benefits on vacant site through considerable investment in new connections linking new and established communities, growth in the leisure and entertainment sector and creation of a distinctive town centre.
- 23.33. It follows that these additional material considerations also weigh in favour of permission being granted.

Other material considerations: Harms and Benefits

Visual intrusion

- 23.34. The scale and functionality of the Proposed Development is unprecedented, even if the land use is appropriate in a town centre. By most measures, the iconic design of the Proposed Development is not a common or ordinary visual relationship in a town centre and the experience from residential properties adjacent to the site will be different depending on the angle of the view, contrast and atmospheric conditions, amongst other things, and will also depend on the personal preferences of the viewer as well as the specific content being displayed at particular times. .
- 23.35. On the one hand, officers consider that the Proposed Development would generally improve the visual quality of the Site compared to the current situation by offering a new, and intriguing visual experience and a unique backdrop to the town centre. However, clearly the exact nature of the visual experience (and the extent to which it is perceived by individuals to be positive or negative) is difficult to predict with certainty given the unprecedented nature of the scheme as well as uncertainty about the appearance of the displays, the details of which are not known at present.
- 23.36. In the ordinary course, impacts upon views from property are not a relevant planning consideration and so there is no development plan policy which expressly deals with this particular aspect of amenity effects of visual intrusion. The unprecedented nature of the Sphere and its functionality means the images and advertising may appear more visually intrusive from some properties as compared with others.
- 23.37. Officers consider the risk of harm to residential visual amenity has been minimised to an acceptable level and also so as to avoid serious harm that might become a matter of public interest. Once the various controls and mitigation measures have been taken into account, officers consider there would be no material residual harm, let alone serious harm to the amenity of adjacent properties. For these reasons, the likely change to visual amenity would not amount to a matter of 'public interest'. Subject to conditions, officers consider that any residual effects would be minimal and would not amount to adverse amenity effects.
- 23.38. Nonetheless, officers consider any residual element of uncertainty regarding the scale and impact of the visual impact of the illuminated facades of the Proposed Development (both in terms of the impact on visual amenity and residential visual amenity) is a material consideration which members should take into account as part of their consideration of the application.

Benefits

- 23.39. Members are referred to the list of public benefits earlier in this report. These are material considerations which weigh in favour of the application.

Overall planning balance

- 23.40. Overall officers consider that the Proposed Development would be in accordance with the local site allocation objectives (policy SA3.1) and comply with the relevant policies of the Local Plan and the London Plan. Officers consider that it therefore complies with the development plan as a whole. Officers further note the NPPF states that decisions should apply a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay.
- 23.41. Adopting the heritage balance set out in NPPF paragraphs 202 and 203, the public benefits of the Proposed Development would outweigh the great weight officers have attached to the less than substantial heritage harm identified, along with any other harms.
- 23.42. Other material considerations, in the form of considerable public benefits and compliance with supplementary planning documents, also point in favour of permission being granted. The exception to this is any element of (inevitable) residual uncertainty about the exact nature and extent of the visual impacts. However, in officers' view this is not sufficient to justify refusing permission, especially in circumstances where mitigation measures such as monitoring and blackout blinds have been secured to help address this residual uncertainty. Likewise, officers do not consider that the harm to the non-designated heritage asset of the urinals is such as to require the refusal of permission.
- 23.43. Officers also consider that even if the adverse effects to the setting of various heritage assets (or any of the them) and/or the harm to the urinals and and/or the failure to secure a maximum water use score, taken individually or in combination, mean that the Proposed Development fails to accord with the development plan taken as a whole, the considerable public benefits of the Proposed Development justify the grant of permission otherwise than in accordance with the development plan.

24. Conclusions on advertisement consent

- 24.1 **The conclusions in respect of the advertisement consent have been set out in detail within section 12 of this report at paragraphs 12.91 - 12.98.**
- 24.2 **For the reasons noted within section 12, and subject to the adverts operating in accordance with the controls set out in the advertisement conditions and s106 obligations with the main consent, officers are satisfied that a 25-year consent would acceptable. For these reasons it is recommended that advertisement consent is approved.**

25. Draft Planning Conditions (Full Application)

DEFINITIONS

Within the following conditions and informatives the following words and expression have the following meaning:

- “Above Grade Works” means the carrying out of any works relating to the development where finished floor levels (FFLs) would be above 11.90m above ground level as identified on General Arrange Plan Level 01 (ref. MSG-POP-00-01-DR-A-1002).
- “Commenced” means the carrying out of material operation as defined in section 56(4) of the Town and Country Planning Act (1990) other than Preparatory Works and “Commence” shall be construed accordingly.

“Completion”	means completed in material respects such that a certificate of substantial completion in relation to engineering works or a certificate of practical completion in relation to building works could be issued under industry construction contracts for such works and “Completed” shall be construed accordingly.
“Ground Level”	means the proposed Above Ordnance Datum (AOD) levels identified on the approved drawings.
“Operation”	means the first use of any part of the development for the purposes hereby authorised including any test or private events held prior to the first public event but excluding any use for the purposes of construction, fitting-out or for security operations.
“Preparatory Works”	means the following enabling works: <ul style="list-style-type: none"> a) Site clearance; b) Demolition of existing buildings/structures; c) The erection of hoardings or other means of enclosure; d) The erection of temporary buildings, structures and/or temporary facilities associated with the Development; and e) The creation of temporary accesses to the Site.
“Relevant phase of works”	means the different phases of construction including prior to commencement of any works, above grade works and pre-operation.
“S106 Agreement”	means the section 106 legal agreement entered into on the date of this permission in connection with the Development.
“Site”	means the whole of the land to which this planning permission relates as the same is shown edged in red on plan ref: X
“Sphere Façade”	means the external sphere surface facing façade finished in digital LED screens, as identified on plan ref: X
“Stage Box / Sphere / Terrace / Podium Plinth / The Square / Bridges / Lifts / Stairs”	means the relevant element of the development identified on plan X
“Standby Mode”	means the state where the Sphere Façade will not display any images, nor emit any light.

GENERAL

1. Duration of the consent

The development to which this permission relates must be begun no later than 3 years from the date of this decision notice.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Compliance with submitted plans

The development shall be carried out and retained thereafter in accordance with the following drawings and documents:

“see Appendix 15”

Notwithstanding the annotations on plan stating that internal layouts are for illustrative purposes only, the internal layout of the development shall be constructed in accordance with the details on the approved drawings. The approved drawings are as follows:

“see Appendix 15”

Reason: To ensure that the development is constructed and retained in accordance with the drawings in the interests of proper planning and public interest

PRE-COMMENCEMENT CONDITIONS

3. Archaeology

Prior to commencement of the development a stage 1 written scheme of investigation (WSI) shall be submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.

The development shall be constructed in accordance with the approved Written Scheme of Investigation.

Reason: To ensure the geoarchaeological and archaeological remains are properly investigated and recorded in advance of development and to ensure the development is in accordance with Policy BN.13 of the LLDC Local Plan (2020).

4. Construction and Environmental Management Plan

Prior to commencement of the relevant phase of works, full details of the construction and environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall be in accordance with all relevant legislation in force and substantially in accordance with all policy adopted and best practice guidance

published at the time of submission. The CEMP shall include (but is not limited to) details sets out in the relevant informatives of this notice (informatives 7, 8, 9 and 10) and shall comprise a:

- Construction Environmental Management Plan
- Noise and Vibration Control Plan
- Dust Management Plan
- Neighbour and Public Relations Strategy

The construction phases shall thereafter be carried out in accordance with the approved Construction and Environmental Management Plan.

Reason: To ensure that the demolition and construction of the development avoids hazard and obstruction being caused to users of the public highway, to minimise its environmental impacts and safeguard residential amenity in accordance with policies SP.5 and T.4 of the LLDC Local Plan (2020), Policy SI1 of the London Plan and the GLA SPG Control of Dust and Emissions During Construction.

5. Construction Logistics and Site Operations Plan

Prior to commencement of the development a site-wide Construction Logistics and Site Operations Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Logistics and Site Operations Plan shall include (but is not limited to) the requirements set out in relevant informative of this decision notice (informative 11) and shall be in accordance with the TfL Construction Logistics Plan guidance, all other relevant legislation in force and substantially in accordance with all policy and best practice guidance published at the time of submission.

The construction phases shall thereafter be carried out in accordance with the approved Construction Logistics and Site Operations Plan.

Reason: To ensure that the demolition and construction of the development minimise adverse impacts on the highways and surrounding environment in accordance with the TfL Construction Logistics Plan guidance, policies SP.5 and T.4 of the LLDC Local Plan (2020) and Policy SI1 of the London Plan.

6. Air Quality Management Plan

Prior to the commencement of the relevant phase of development, an air quality management plan for all construction activities, prepared with regard to the GLA SPG on the Control of Dust and Emissions During Construction (or any subsequent revision) shall have been submitted to and approved in writing by the Local Planning Authority. The Air Quality Management Plan should include (but is not limited to) the requirements set out in the relevant informative of this decision notice (informative 14).

The construction phases shall thereafter be carried out in accordance with the approved air quality management plan for all construction activities.

Reason: To ensure that the construction of the development minimises its environmental impacts and protect local air quality and comply with Policy SI1 of the London Plan, Policy SP.5 of the LLDC Local Plan (2020) and the GLA SPG Control of Dust and Emissions During Construction.

7. Black Redstart Management Plan

Prior to commencement of the development a Black Redstart Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Should any construction works be required to be undertaken during March and September inclusive, then the Black Redstart Management Plan should require a black redstart survey to be undertaken by an ecologist immediately before works commence to ensure there are no black redstarts nesting on, or within the zone of influence of construction works. The Black Redstart Management Plan should include (but is not limited to) the requirements set out in the relevant informative condition of this decision notice (informative 13).

The construction phases shall thereafter be carried out in accordance with the approved Black Redstart Management Plan.

Reason: To ensure there is an appropriate plan in place to minimise disturbance to breeding birds and to ensure there is no breach of the Wildlife and Countryside Act in line with Policy BN.3 of the LLDC Local Plan (2020) and London Plan Policy G6.

8. Ecology

Prior to commencement of the development an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Management Plan should include (but is not limited to) the requirements set out in the relevant informative of this decision notice (informative 12).

The construction phases shall thereafter be carried out in accordance with the approved Ecological Management Plan.

Reason: To ensure there is no breach of the Wildlife and Countryside Act and to protect ecology in line with Policy BN.3 of the LLDC Local Plan (2020) and London Plan Policy G6.

9. Site Waste Management Plan

Prior to commencement of the development a Site Waste Management Plan for the relevant construction phase shall be submitted to and approved in writing by the Local Planning Authority. The objectives of the management plan shall be to ensure all waste arising from demolition and construction works are managed in a sustainable manner, maximising the opportunities to reduce, reuse and recycle waste materials. The management plan for the relevant phase shall also detail the compliance and assurance requirements to be maintained on the Site during all works including site-preparation. The Site Waste Management Plan shall include (but is not limited to) the requirements set out in the relevant informative of this decision notice (informative 15).

The development shall thereafter be carried out in accordance with the Site Waste Management Plan.

Reason: To ensure that the construction of the development minimises its environmental impacts and ensures high standards of sustainability are achieved in accordance with London Plan Policy SI.7 and LLDC Local Plan Policies S.4 and S.6.

10. Cranes

No cranes or scaffolding shall be erected on the site unless and until a construction methodology plan and diagrams identifying the location, maximum operating height, radius and start/finish dates for the use of cranes during the Development have been submitted to

and approved by the Local Planning Authority in consultation with London City Airport and Network Rail.

The construction phases shall thereafter be carried out in accordance with the approved construction methodology plan.

Reason: To ensure that operations at London City Airport are safeguarded in accordance with London Plan Policies T3 and T8.

11. Piling

Save as provided for in the Installation of bridges - Construction, in relation to the relevant phase of works, no piling, including impact piling, shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling would be carried out, including measures to prevent and minimise damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority, in consultation with HS1, Network Rail, Thames Water and Environment Agency.

The construction phases shall thereafter be carried out in accordance with the approved Piling Method Statement.

Reason: To ensure that piling methodology is appropriate prior to first commencement in consultation with Thames Water HS1 and Network Rail.

12. Installation of bridges - Construction

Prior to the start of construction of any bridge, a piling method statement relating to the relevant bridge (detailing the depth and type of piling to be undertaken and the methodology by which such piling would be carried out, including measures to prevent and minimise damage to subsurface water infrastructure, and the programme for the works) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with HS1, Network Rail, and Thames Water.

The relevant construction works shall thereafter be carried out in accordance with the approved Piling Method Statement.

Reason: To ensure that piling and construction methodology is appropriate prior to first commencement in consultation with Thames Water HS1 and Network Rail.

13. Installation of bridges – Design

Prior to the start of construction of any bridge, details of the design and appearance of the bridge (including lifts), shall be submitted to and approved by the Local Planning Authority in consultation with HS1, Network Rail and the train operating companies. The details submitted shall include drawings at a scale to be agreed in advance with the Local Planning Authority of the location, plan form, foundations, elevation and section of the lift and stairs. The details submitted in relation to samples and external finishes shall be agreed in advance of submission with the Local Planning Authority in terms of form, composition and size of samples. The following details shall be submitted to the Local Planning Authority in relation to each bridge / lift / stair:

- i. General arrangement drawings identifying location of each bridge (1:100 @appropriate paper size)
- ii. Details of all principal features of each bridge e.g. plans, sections and elevations showing (1:50 @ *appropriate paper size*)
- iii. Details of lift structure for Bridge 01 and 02 (1:50 @ *appropriate paper size*)
- iv. Details of exposed concrete including surface finish, movement joints, joint profile, recessed lighting for Bridge 02 (1:50 @A3)
- v. Details of internal and external bridge balustrades including integrated lighting, flashings for each bridge (1:20 @ A3)
- vi. Details of security gates for each bridge (1:20 @ A3)
- vii. Details of bridge soffit including reflected ceiling plan of each bridge underside showing all items integrated into the soffit (1:20 @A3)
- viii. Details of floor finishes including drainage channels of each bridge and the piezoelectric surface for Bridge 03 (1:20 @A3)
- ix. Details of external stairs including handrails, nosings etc for Bridge 01 and 02 (1:20 @A3)
- x. Head and jamb details, including profiles, for lift entrance for Bridge 01 and 02 (1:20 @A3)
- xi. Key junctions/bonds between materials/finishes for each bridge including Bridge 03 junction with Town Centre Link Bridge (1:20 @A3)
- xii. Elevational location of all joints e.g. structural, movement, panels for each bridge (1:100 @ *appropriate paper size*)
- xiii. Elevational location of all items which are fixed or integrated into each bridge eg wayfinding, signage, rainwater pipes, lighting, CCTV etc (1:100 @ *appropriate paper size*)
- xiv. Details of screening to above ground pipework for Bridge 01 (1:20 @ A3)

The relevant bridge works shall thereafter be constructed in accordance with the approved details.

Reason: To ensure that high standards of design are achieved in accordance with London Plan policy D4 and LLDC Local Plan (2020) policy BN.4 and BN.5.

14. Rail Safety

Prior to commencement of the development, an Outline Visual Display and Luminance Management Strategy (OVDLMS) shall be submitted to and approved in writing by the Local Planning Authority in consultation with rail stakeholders including HS1, Network Rail and TfL, and passenger and freight operators.

The OVDLMS will further develop and verify the mitigations identified in the Rail Safety Report August 2020 prepared by Buro Happold in relation to the potential impacts of the media facade on rail driver distraction, station operation, railway signalling and passengers, up to GRIP stage 3 (or PACE equivalent) based on a process and scope of work to be agreed with the Local Planning Authority, in consultation with HS1, Network Rail and other relevant consultees. The OVDLMS will set out further details of the proposed controls including the following:

- The maximum speed of moving images
- Times and frequency of operation of the displays
- Works to rail and other infrastructure if necessary
- Associated updates to as built record information in line with Network Rail and TfL standards.
- Operational changes including driver awareness training, public information etc.

Workstreams to be progressed to enable GRIP Stage 3 (or PACE equivalent) will include:

- Initiation of Signal Sighting & Driver Distraction Risk Forum
- Model Development and Validation
- Consultation with the driver and station operating community
- Human Factors Study
- Signal Sighting Report and Committee Review

The Visual display at the development shall only be operated in accordance with the approved OVDLMS.

Reason: To ensure that Network Rail, HS1, TfL and other rail industry partners are satisfied that visual display and luminance management is controlled in the interest of rail safety.

15. Solar glare and reflection

Prior to commencement of the development, in addition to the requirement to submit details and samples of materials pursuant to the Approval of Materials condition, further details of the reflectivity and the orientation of specular (i.e. polished) reflective surfaces such as glazing or non-matt metal and materials to be used for the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, HS1, TfL and the Train Operating Companies.

The development shall be constructed and finished only in accordance with the approved details.

Reason: To ensure that Network Rail, HS1, TfL and other rail industry partners and safety stakeholders are satisfied that the glare and reflection is controlled in the interest of rail safety.

16. Ground conditions and remediation

Prior to commencement of the development, a remediation strategy shall be submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - a) all previous uses,
 - b) potential contaminants associated with those uses,
 - c) a conceptual model of the site indicating sources, pathways and receptors, and
 - d) potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

The preliminary risk assessment (part 1) and site investigation scheme (part 2) shall be agreed with the Local Planning Authority before the ground investigation commences. The ground investigation and remediation strategy (part 3) shall be implemented as approved, with any changes requiring the prior written consent of the Local Planning Authority.

The development shall be constructed and finished only in accordance with the approved details.

Reason: To safeguard human health, controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is in accordance with Policy 'BN.14: Improving the quality of land' of the LLDC Local Plan (2020).

17. Remediation Implementation and Verification Plan (Method Statement)

Prior to commencement of the development, a remediation implementation and verification plan, based on the contamination risk assessment and remediation strategy report, shall be submitted to and approved in writing by the Local Planning Authority. The remediation implementation and verification plan shall include (but will not be limited to):

1. Detailed design of remediation measures including gas protection.
2. A monitoring and maintenance plan including a timescale of monitoring and reporting.
3. Arrangement for contingency actions and corrective measures.
4. Scheme for managing and protecting monitoring wells including details of how redundant boreholes are to be decommissioned and how any monitoring wells that need to be retained, post-development, for monitoring purposes will be secured, protected, and inspected.
5. Verification plan.

The development shall be constructed and finished only in accordance with the approved remediation implementation and verification plan.

Reason: To safeguard human health, controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is in accordance with Policy 'BN.14: Improving the quality of land' of the LLDC Local Plan (2020).

18. Foundation works risk assessment

Prior to commencement of the development (including piling, or other similar penetrative methods), a foundation works risk assessment, including a piling method statement, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

The development shall be constructed and finished only in accordance with the approved foundation works risk assessment.

Reason: To avoid risk to human health or contamination of controlled waters so that the site does not pose any further risk to the water environment. This is in accordance with Policy 'BN.14: Improving the quality of land' of the LLDC Local Plan (2020).

19: Infiltration Drainage

No infiltration drainage into the ground is permitted other than with the prior written consent of the Local Planning Authority. If infiltration drainage is proposed, then a written plan shall demonstrate that there is no unacceptable risk to controlled waters from contamination.

The development shall be implemented in accordance with the approved details.

Reason: To safeguard controlled waters. This is in accordance with Policy 'BN.14: Improving the quality of land' of the LLDC Local Plan (2020).

20. Construction noise and vibration

Prior to commencement of the development a scheme for noise monitoring, assessment and mitigation for all construction plant and processes shall be submitted to and approved by the local planning authority. The scheme shall include:

1. The identification of noise sensitive premises to be used as the location for noise monitoring, including any arrangements proposed for amending the selected locations if new noise sensitive premises are introduced during the construction period,
2. The noise parameters to be measured and the circumstances when continuous monitoring will be undertaken,
3. The arrangements for reporting the results of noise monitoring to the Local Planning Authority,
4. The arrangements for submitting applications for consent under s61 of the Control of Pollution Act 1974; and
5. The arrangements for implementing mitigation measures for sensitive premises during construction.

The scheme shall be implemented in accordance with the approved details.

Reason: To protect the amenities of local residents and other sensitive receptors in accordance with Policy BN.12 of the LLDC Local Plan (2020).

21. Drainage

Prior to commencement of the development, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, including a completed 'The London Sustainable Drainage Pro-forma' (Newham LLFA drainage pro-forma – source: GLA) shall be submitted to and approved in writing by the local planning authority in consultation with HS1 and Network Rail.

Post development peak runoff shall be restricted to the site calculated (calculated in accordance with loH124) greenfield runoff rates for all storm events up to and including the 1 in 100 year with an additional 40% allowance for future climate change. If a single capped maximum discharge rate for all applicable return periods is proposed this will shall not exceed the calculated Greenfield Qbar for the site. It is recommended that a SuDS treatment train is utilised to assist in this reduction.

The development shall be undertaken in accordance with the approved detailed surface water drainage scheme and a verification report detailing that the works undertaken have been completed in accordance with the approved detailed surface water drainage scheme shall be submitted to and approved by the Local Planning Authority in writing before the occupation of the development.

Details of the ownership, management and maintenance arrangements for the detailed surface water drainage scheme shall be submitted to an approved by the local planning authority prior to the occupation of the development.

The development shall be constructed and finished only in accordance with the approved details.

Reason: To enable the LLFA and the Environment Agency to satisfy themselves that there is no increased flooding from surface water drainage arising from the development and for Network Rail and HS1 to satisfy themselves that there is no increased risk to rail assets arising from the development.

22. Protective Provisions Agreement-HS1

Prior to the commencement of works, a Protective Provisions Agreement (PPA) shall be entered into with High Speed 1 to secure the provision of, unless otherwise agreed with High Speed 1, the following:

- i. Site layout plan identifying HS1 assets
- ii. Details of buried services in relation to HS1 assets including those serving UK Power Networks
- iii. Engineering details of the size, depth and proximity of any proposed excavation at the development in relation to HS1 assets
- iv. Storage of combustible gases and hazardous materials at the development
- v. Errant vehicle protection measures at the development as relevant to HS1 assets
- vi. Temporary drainage measures during the construction of the development
- vii. Location and height of spoil stockpiles and excavations during the construction of the development
- viii. Position and operation of cranes and other plant during the construction of the development
- ix. Methodology for protecting the HS1 railway and assets during construction of those elements of the development closest to the HS1 railway
- x. Control of materials and windblown debris and dust during the construction of the development
- xi. An assessment of electromagnetic compatibility to show that the development is compatible with the Electromagnetic Compatibility Regulations 2016
- xii. Details of access at height which creates potential collapse radius onto the HS1 railway and use of plant with a collapse radius within 4m of the HS1 boundary during the construction of the development
- xiii. A residual risk assessment following adoption of the measures described above
- xiv. Details of any plant and equipment proposed to be used during the construction of the development which are likely to give rise to vibration to the HS1 railway
- xv. Methodology for ensuring any long-term changes in ground surcharging and loading on HS1 assets do not have adverse effects on the HS1 assets.
- xvi. Methodology for maintaining suitable access and security arrangements for HS1/NR/UKPNS and appointed contractors to access HS1 assets.

The development shall be constructed and finished only in accordance with the approved PPA details.

Reason: To ensure that HS1 are satisfied that their assets will be appropriately protected and managed during construction works.

23. Asset Protection - Network Rail

Prior to commencement of the development, an Asset Protection Agreement (APA) shall be entered into with Network Rail and submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, which shall include:

- i. Site layout plan in reference to Network Rail interests
- ii. onsite vehicle movements and parking. Including control of access and vehicle containment;
- iii. safeguarding of buried services and above ground utilities;
- iv. temporary drainage measures;
- v. details of the size, loading and proximity to the railway of additional ground loads such as stockpiles including the location and height of spoil stockpiles and excavations
- vi. position and operation of cranes and other plant
- vii. assessment of vibration impacts to adjacent railway tracks and implementation of necessary mitigation;
- viii. methodology for protecting railway and assets during construction of elements closest to the railway; and
- ix. control of materials and windblown debris and dust.

The development shall be constructed and finished only in accordance with the approved details.

Reason: To ensure that Network Rail are satisfied that their assets will be appropriately protected and managed during construction works.

24. Asset Protection – TfL

Prior to the commencement of works, a Record of Commercial Details (RoCD) agreement shall be entered into with TfL and submitted to and approved in writing by the Local Planning Authority for formal communication during the planning, detailed design and construction to secure the provision, unless otherwise agreed in writing by the Local Planning Authority in consultation with TfL, as follows:

- i. Site layout plan in reference to TfL interests
- ii. onsite vehicle movements and parking. Including control of access and vehicle containment;
- iii. safeguarding of buried services and above ground utilities;
- iv. temporary drainage measures;
- v. details of the size, loading and proximity to the railway of additional ground loads such as stockpiles including the location and height of spoil stockpiles and excavations
- vi. position and operation of cranes and other plant

- vii. methodology for protecting railway and assets during construction of elements closest to the railway; and
- viii. control of materials and windblown debris and dust.

The development shall be constructed and finished only in accordance with the approved details.

Reason: To ensure that TfL are satisfied that their assets will be appropriately protected and managed during construction works.

25. DLR Radio Survey

Prior to commencement of the development, a radio impact survey shall be undertaken, and submitted to the Local Planning Authority for approval in writing, to assess the impact of the development on the DLR radio signal. Should the development be considered to have an adverse impact on the radio signal, no development shall take place until a scheme of mitigation has been agreed in writing and implemented to restore or maintain the original signal strength as surveyed prior to the commencement of development.

The development shall be completed only in accordance with the approved details.

Reason: To ensure the development does not interfere with the safe operation of the Docklands Light Railway.

PRIOR TO COMMENCEMENT OF ANY ABOVE GRADE WORKS

26. Accessibility Management Plan

Prior to commencement of any above grade works, an Accessibility Management Plan (AMP) shall be submitted to the Local Planning Authority for approval. The AMP shall include details of:

- a. Access gradients & levels, lift access, rest points and seating areas
- b. Stewardship of events related to disabled users
- c. Mobility assistance
- d. Provision for electric mobility aids, mobility cycles, etc
- e. Shuttle bus service, including car parking facilities for visitors and workers
- f. Fire egress and evacuation strategy
- h. Quiet spaces

The development shall be completed and operated only in accordance with the approved details.

Reason: To ensure a high standard of inclusive access is provided in accordance with Policy BN.6 of the LLDC Local Plan (2020).

27. Details of Hard and Soft Landscaping

Prior to commencement of any above grade works, full details of hard and soft landscape works and means of enclosure of all external or semi-enclosed areas shall be submitted to and approved by the Local Planning Authority in consultation with Network Rail. Details shall include 1:50 plans and 1:10 details as well as supporting schedules and specifications.

Hard landscape details shall include:

- i. Hard surfacing materials and floor finishes (including physical samples), including dimensions, bonding and pointing and any associated edging restraint
- ii. Minor artefacts and structures e.g. street furniture, refuse or other storage units, planters (fixed and moveable), bollards and hostile vehicle mitigation
- iii. Location of proposed and existing functional services above and below ground including service trenches, drainage, power (such as in ground power units, operating controls and feeder pillars), communications cables, pipelines etc. indicating lines, manholes, and supports to ensure no conflicts with tree and planting pits and integration of access covers with paving/surfacing layout
- iv. Any independent physical wind mitigation measures (including their size, location, orientation, porosity and appearance) not forming part of the building fabric
- v. Playspace structures and finishes including boundary treatments and access points, details of age provision and age-appropriate equipment, associated planting and furniture and security (e.g. lighting), surveillance considerations and risk and safety testing.
- vi. Wayfinding and signage strategy

Soft landscape details shall include:

- i. Tree & planting plans
- ii. Schedules of plants & trees, noting species, plant sizes, minimum tree heights including girth and clear stem dimensions of trees and proposed numbers/densities where appropriate
- iii. Written specifications (including cultivation and other operations associated with planting & tree establishment)
- iv. All planting systems including green roofs, tree pits and planting beds demonstrating volume and specification of growing medium and any measures for protection of planting beds during establishment period
- v. Biodiversity enhancements
- vi. Implementation programme
- vii. A management and maintenance strategy

The development shall not be occupied/used until it has been carried out in accordance with the approved details.

Reason: To ensure that the development achieves a high quality of landscaping in the interests of visual amenity and the sites ecological value in accordance with Strategic Policy SP.3 and SP.5 and Policies BN.1, BN.3, BN.4, BN.8, S.1 and S.4 of the LLDC Local Plan (2020).

28. Detailed Drawings

Prior to commencement of any above grade works, details and a schedule of materials and products of all external facing materials to be used in the construction of the building hereby approved, along with material sample boards and/or full-size mock-ups, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until it has been carried out in accordance with the approved details.

Detailed drawings to include:

1) Sphere

a) Main facade

- i. General arrangement drawings identifying location of typical panel type(s) (1:100/200@appropriate paper size)
- ii. Details of all typical façade type in plan, section and elevation including standard panels, louvred panels, infill panels etc (1:20 @A3)
- iii. Elevational location of all joints e.g. panels, structural and movement joints (1:100 @ appropriate paper size)
- iv. Key junctions/bonds between materials/finishes including LED panel framing, cradle tracks (1:20 @A3)
- v. Elevational location of all openings in envelope (1:100 @ appropriate paper size)
- vi. Elevational location of all items which are fixed to the façade eg drainage downpipes, building maintenance unit, CCTV, alarms etc (1:100 @ appropriate paper size)

b) Entrances

- i. General arrangement drawings identifying location of all entrances(s) (1:100 @appropriate paper size)
- ii. Details of all typical entrance type(s) in plan, section and elevation including primary entrance, typical entrance level 02 and typical entrance level 03 etc (1:20 @A3)
- iii. Head and jamb details, including profiles, for all entrances and doors and rails, push plates, any manifestations etc (1:20 @A3)
- iv. Details of soffits and canopies (1:20 @A3)
- v. Elevational location of all joints eg panels, structural and movement joints (1:100 @ appropriate paper size)
- vi. Key junctions/bonds between materials/finishes including exposed exoskeleton (1:20 @A3)
- vii. Elevational location of all items which are integrated into the façade eg lighting, wayfinding, signage, CCTV, alarms etc (1:100 @ appropriate paper size)

2) Stage Box

- a) General arrangement drawings identifying location of Stage Box (1:100 @appropriate paper size)
- b) Details of all principal features of the Stage Box e.g. bay studies showing all façade types, location of entrances, glazing, signage zones, infill panels etc (1:50 @ appropriate paper size)
- c) Details of exposed concrete deck, soffit, wall and columns including surface finish, movement joints, joint profile, recessed lighting (1:20 @A3)
- d) Details of all other envelope types including timber surface (1:20 @A3)
- e) Details of glazing and curtain walling systems including any manifestation (1:20 @A3)
- f) Head, jamb and sill details, including profiles, for typical openings and all entrances (1:20 @A3)

- g) Details of green roof type (1:20 @A3)
- h) Key junctions/bonds between materials/finishes (1:20 @A3)
- i) Elevational location of all joints e.g. structural, movement, panels (1:100 @ appropriate paper size)
- j) Elevational location of all openings in envelope e.g. ventilation grilles 1:100 @ appropriate paper size)
- k) Details of entrances, glazing and signage zones, infill panels (1:50 @ appropriate paper size)
- l) Elevational location of all items which are fixed or integrated into the façade eg wayfinding, signage, fins/louvres, rainwater pipes, lighting, CCTV, alarms including any provision for cable runs boxes, seating (1:100 @ appropriate paper size)

3) Podium Plinth

- a) General arrangement drawings identifying location of podium plinth (1:100/200 @appropriate paper size)
- b) Details of all principal features of the podium plinth e.g. bay studies showing all façade types, signage zones, infill panels etc (1:50 @ appropriate paper size)
- c) Detailed brick elements including bond, mortar joint profile, location of anti-graffiti coating (1:20 @A3)
- d) Details of all other envelope types including ventilation fins, louvres, infill panels (1:50 @ appropriate paper size)
- e) Key junctions/bonds between materials/finishes including with terrace balustrading / parapet (1:20 @A3)
- f) Elevational location of all joints eg structural, movement, panels (1:100 @ appropriate paper size)
- g) Elevational location of all openings in envelope eg ventilation grilles, louvres 1:100 @ appropriate paper size)
- h) Elevational location of all items which are fixed or integrated into the façade eg LED displays, station signage and fittings, wayfinding, signage, rainwater pipes, lighting, CCTV, alarms including any provision for cable runs boxes etc (1:100 @ appropriate paper size)
- i) Balustrading, parapets, edges, screening etc (1:20 @A3)

4) Terrace

- a) Terrace / podium structure
 - i. General arrangement drawings identifying location of terrace / podium structure (1:100 @appropriate paper size)
 - ii. Details of all principal features of the terrace / podium structure e.g. bay studies showing all typical conditions (1:50 @ appropriate paper size)
 - iii. Details of exposed concrete deck, soffit, columns including surface finish, movement joints, joint profile, recessed lighting, integrated ribbon display (1:20 @A3)
 - iv. Details of all other envelope types (1:20 @A3)vi. Details of glass floor ring (1:20 @A3)

- vii. Details of soffits including reflected ceiling plans showing all items integrated into the soffit (1:20 @A3)
 - viii. Balustrade / parapet / screen details including cappings, skirting, power and data runways, service boxes, integrated lighting etc (1:20 @A3)
 - ix. Key junctions/bonds between materials/finishes (1:20 @A3)
 - x. Elevational location of all joints e.g. structural, movement, panels (1:100 @ appropriate paper size)
 - xi. Elevational location of all items which are fixed or integrated into the terrace / podium e.g. wayfinding, signage, rainwater pipes, lighting, CCTV, alarms including any provision for cable runs boxes (1:100 @ appropriate paper size)
 - xii. Details of external vertical circulation including stairs and lifts (1:50 @A3)
- b) The Square
- i. General arrangement drawings identifying location of 'The Square' (1:100 @appropriate paper size)
- ii. Details of all principal features of 'The Square' (1:50 @ appropriate paper size)
- v. Balustrade / parapet / screen details including cappings, skirting, power and data runways, service boxes, integrated lighting etc (1:20 @A3)
 - vi. Key junctions/bonds between materials/finishes (1:20 @A3)
 - vii. Elevational location of all joints e.g. structural, movement, panels (1:100 @ appropriate paper size)
 - viii. Elevational location of all items which are fixed or integrated into 'The Square' e.g. raised timber stage, integrated seating, viewing platform, pop-up connections, wayfinding, signage, rainwater pipes, lighting, CCTV, alarms including any provision for cable runs boxes (1:100 @ appropriate paper size)
- 5) Public Realm / Landscape
- a) Montfichet Road cycle storage
- i. General arrangement drawings identifying location of Montfichet Road cycle storage (1:100 @appropriate paper size)
 - ii. Details of all principal features of the store e.g. bay studies showing all typical conditions (1:50 @ appropriate paper size)
 - iii. Key junctions/bonds between materials/finishes (1:20 @A3)
 - iv. Elevational location of all items which are fixed to the façade eg fins/louvres, rainwater pipes, lighting, CCTV, alarms etc (1:100 @ appropriate paper size)
 - v. Head, jamb and sill details, including profiles, for all openings (1:20 @A3)
- 6) Plant rooms and other ancillary structures
- a) General arrangement drawings identifying location of structures (1:100 @appropriate paper size)
 - b) Details of all principal features e.g. bay studies showing all façade types, location of entrances, louvred panels etc (1:50 @ appropriate paper size)
 - c) Details of exposed soffits, wall and columns including surface finish, movement joints, joint profile, recessed lighting (1:20 @A3)
 - d) Details of walling systems including any manifestation (1:20 @A3)
 - e) Head, jamb and sill details, including profiles, for typical openings (1:20 @A3)
 - f) Details of roof / plant screen type (1:20 @A3)

- g) Key junctions/bonds between materials/finishes (1:20 @A3)
- h) Elevational location of all joints e.g. structural, movement, panels (1:100 @ appropriate paper size)
- i) Elevational and plan location of all openings / penetrations in envelope or floor / roof surface e.g. ventilation grilles; flues; risers (1:100 @ appropriate paper size)
- j) Details of entrances, access doors, glazing and signage zones, infill panels (1:50 @ appropriate paper size)
- k) Elevational location of all items which are fixed or integrated into the façade eg wayfinding, signage, fins/louvres, rainwater pipes, lighting, CCTV, satellite dishes, telecommunications equipment, alarms including any provision for cable runs boxes, utility meters, fire life safety equipment, flues, risers, BMU or equivalent. access cradles (1:100 @ appropriate paper size)
- l) Wayfinding and signage (1:100 @ A3)

Reason: To enable the Local Planning Authority to properly consider and control the development and to be in accordance and in order to ensure a high quality of design and detailing is achieved and to be in accordance with Strategic Policy SP.3 and Policies BN.1, BN.4 and BN.10 of the Local Plan 2020.

29. Approval of materials

Prior to commencement of any above grade works of the relevant part of the development, details and a schedule of materials and products of all external facing materials to be used in the construction of that part of the development, along with material sample boards and/or full-size mock-ups, shall be submitted to and approved in writing by the Local Planning Authority. The form, composition, size and configuration of materials samples shall be agreed in advance with the Local Planning Authority. The materials samples shall be submitted in respect of the following:

- 1) Sphere
 - a) Typical digital façade including LED panel framing and LED lighting components
 - b) Typical louvred digital façade including LED panel framing and LED lighting components
 - c) Typical exposed exoskeleton including LED panel framing, LED lighting components, integrated entrance lighting, integrated entrance wayfinding
 - d) Entrance curtain wall / door types including finishes, glass types, any manifestations, rails and push plates
 - e) Entrance soffit and canopy materials
 - f) All items which are fixed / integrated into the façade e.g. fins/louvres, gutters, drainage downpipes, cradle tracks, rainwater pipes, signage and wayfinding
- 2) Stage Box
 - a) Exposed concrete including joint profile, movement joints
 - b) Cladding
 - c) Other façade materials
 - d) Roof materials
 - e) Soffit and canopy materials
 - f) Curtain wall / window / door types including finishes, glass types and any manifestation
 - g) All items which are fixed / integrated into the façade e.g. fins/louvres, recessed lighting, CCTV, signage and wayfinding

- 3) Podium Plinth
 - a) Brick and mortar type including anti-graffiti coating
 - b) Other façade materials including ventilation fins and louvres
 - c) All items which are fixed / integrated to the façade e.g. LED displays, station signage and fittings, wayfinding and signage, louvres/fins, vent grilles, rainwater pipes, bird/bat boxes etc
- 4) Terrace
 - a) Terrace / podium structure
 - i. Exposed concrete including joint profile, movement joints
 - ii. Integrated ribbon display
 - iii. Other façade and roof materials
 - iv. Floor finishes including glass floor ring
 - v. Soffit materials including recessed lighting
 - vi. Balustrading / parapets / screens including capping, skirting, power and data runway, service boxes
 - vii. Steps, ramps, landing and lift materials
 - viii. All items which are fixed / integrated into the public realm e.g. recessed lighting, CCTV, signage and wayfinding
 - ix. Any of other external material or material to be installed in the public realm
 - b) The Square
 - i. Timber structures including integrated timber stage, seating and viewing platform
 - ii. Terrace / podium floor finishes
 - iii. All items which are fixed / integrated into the public realm e.g. pop-up connections, service boxes, recessed lighting, CCTV, signage and wayfinding
 - iv. Any of other external material or material to be installed in the public realm
- 5) Public Realm / Landscape
 - a) Bridges – unless already addressed under the Installation of bridges

Design condition

 - i. Exposed concrete including joint profile, movement joints (Bridge 02 only)
 - ii. Internal and external balustrade materials
 - iii. Floor finishes including drainage channels and piezoelectric paving (Bridge 03 only)
 - iv. Soffit material
 - v. Steps, landing and lift materials
 - vi. All items which are fixed / integrated to the bridge e.g. integrated lighting, flashings, handrails, security gates, rainwater pipes, CCTV, signage and wayfinding
 - vii. Any of other external material or material to be installed in the public realm
 - viii. Screening to above ground pipework

- b) Montfichet Road cycle storage (in consultation with TfL)
 - i. Façade and roof cladding materials
 - ii. Curtain wall / window / door types including finishes, glass types and any manifestation
 - iii. All items which are fixed / integrated to the façade e.g. fins/louvres, vent grilles, rainwater pipes, signage, bird/bat boxes
 - c) General external details
 - i. All items or external materials to be installed in the public realm which are not covered by the Details of Hard and Soft Landscaping condition, including crowd control systems, seating, hostile vehicle mitigation, external lighting, digital surfaces including digital flowers
- 6) Plant rooms and other ancillary structures
- i. Façade and roof cladding / screening materials including joint profile, movement joints
 - ii. External parapets including e.g, external balustrades, safety rails
 - iii. Floor finishes including drainage channels
 - iv. Soffit material where appropriate
 - v. External steps and landings
 - vi. BMU and any access cradle equipment
 - vii. All items which are fixed / integrated to the structures e.g., integrated lighting, flashings, handrails, security gates, rainwater pipes, CCTV, signage and wayfinding, utility cabinets
 - viii. Any other external material or material to be installed
 - ix. Screening to above ground pipework

The development shall not be occupied until it has been carried out in accordance with the approved details.

Reason: To safeguard the appearance of the building and the character of the area generally and to enable the Local Planning Authority to properly consider and control the development in the interest of visual amenity and to accord with Policies BN.1 and BN.4 of the Local Plan 2020.

30. Building Management Unit

Prior to commencement of any above grade works, full details of the Building Management Unit (BMU) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location, appearance and functionality of the BMU.

The development shall be completed and operated only in accordance with the approved details.

Reason: To ensure that the design, appearance and operation of the BMU is acceptable in accordance with Policies BN.4 and BN.5 of the LLDC Local Plan (2020).

31. Ventilation Strategy

Prior to commencement of any above grade works, full details of the ventilation strategy, prepared following CIBSE guide A and guide B, shall be submitted to and approved by the Local Planning Authority.

Details should include the termination positions of any ducting and ventilation, as well as any other mitigation measures with respect to filtration or ventilation. Following approval of the ventilation strategy, the building shall be constructed in accordance with the approved details prior to first occupation and retained and maintained in accordance with the approved details thereafter.

Reason: To ensure the development is appropriately ventilated and protects the amenity of future occupants and/or neighbours in accordance with policies S.4 and S.9 of the LLDC Local Plan (2020)

32. Circular Economy Statement – Pre-above grade works

Prior to the commencement of above grade works, an updated Circular Economy Statement shall be submitted to and approved in writing by the Local Planning Authority. The updated Circular Economy Statement should include a review of the construction process to-date against waste, energy and resource efficiency targets and key commitments set out within the approved Circular Economy Statement. The updated Circular Economy Statement should also set targets against which the Circular Economy Statement – Pre-operation condition will be assessed against.

The development shall only be constructed in accordance with the approved updated Circular Economy Statement.

Reason: To ensure the development promotes circular economy outcomes in accordance with Policy SI7 of the London Plan (2021) and Policy S.8 of the LLDC Local Plan (2020).

PRIOR TO OPERATION

33. Secured by Design

The development shall not be operated until the development has achieved the Secured by Design Commercial Award Standards set out by the Metropolitan Police, and the certification of accreditation has been submitted to and approved in writing by the Local Planning Authority.

The development will thereafter be carried out in accordance with the approved details and shall be retained and maintained as such for the lifetime of the development.

Reason: To ensure that the development maintains and enhances community safety and achieves the requisite Secured by Design certification standard required by The Metropolitan Police.

34. Waste and recycling

The development shall not be operated until details of an operational waste and recycling management plan for the development have been submitted to and approved in writing by the Local Planning Authority and the facilities set out in the plan shall be provided in accordance with the approved details prior to the first use of the development and retained thereafter.

Reason: To ensure suitable waste and recycling provision for the occupiers of the development, to encourage the sustainable management of waste in accordance with Policies S7 and S8 of the LLDC Local Plan (2020).

35. BREEAM

The development shall not be operated until written evidence has been submitted to and approved by the Local Planning Authority to demonstrate that the building (or part of the building) is registered with a BREEAM certification body and a pre-assessment BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) has been produced indicating that the building can achieve a minimum 'Very Good' rating as set out in the Energy Assessment (February 2019) and Energy Assessment Addendum (November 2019).

Within 6 months of first occupation of the building hereby permitted, a BREEAM Certificate issued by BRE shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards above have been met.

Reason: To ensure that high standards of sustainability are achieved in accordance with policies S2 and S4 of the LLDC Local Plan 2020.

36. Delivery and Servicing Management Plan

The development shall not be operated until a delivery and servicing management plan (DSMP) detailing how all elements of the development are to be serviced has been submitted to and approved in writing by the Local Planning Authority. The DSMP shall be prepared in accordance with TfL's online guidance on delivery and servicing plans found at <http://www.tfl.gov.uk/infofor/freight/planning/delivery-and-servicing-plans#on-this-page-1> or such replacement best practice guidance as shall apply at the date of submission of the DSMP.

The approved details shall be implemented prior to operation and thereafter maintained in accordance with the DSMP, or any updated DSMP to be agreed with the Local Planning Authority, for the life of the development.

Reason: To ensure highway and pedestrian safety and residential amenity is properly mitigated making adequate provision for deliveries and servicing, and encouraging sustainable delivery methods in accordance with Policy T4 of the Local Plan 2020.

37. Operational Security Strategy

The development shall not be operated until a detailed operational security strategy has been submitted to and approved by the Local Planning Authority and the venue shall be operated in accordance with the approved strategy, or any updated strategy to be agreed in writing by the Local Planning Authority.

Reason: To ensure that high standards of safety and security are achieved and implemented during the operations of the development in accordance with Policy D11 of the London Plan.

38. Detailed Visual Display and Luminance Management Strategy

Prior to first operation of the sphere façade digital display, a Detailed Visual Display and Luminance Management Strategy, which is in accordance with the Outline Visual Display and Luminance Management Strategy approved pursuant to the Rail Safety condition, shall be completed up to GRIP stage 5 (or PACE equivalent) in consultation with Network Rail and other stakeholders and shall be submitted to and approved in writing by the Local Planning Authority. All recommendations and mitigation measures identified within the approved Detailed Visual Display and Luminance Management Strategy shall be implemented prior to first operation of the external digital surface.

The development shall be completed and operated only in accordance with the approved details.

Reason: To ensure that Network Rail, HS1 and other rail industry partners are satisfied that the issue of glare and distraction has been adequately mitigated prior to operation of the development.

39. Taxi and Private Hire Management Strategy

The development shall not be operated until a taxi and private hire management strategy has been submitted to and approved by the Local Planning Authority. The scope of the strategy shall be agreed in advance with the Local Planning Authority and shall include:

- i. Identification of areas for taxi stand provision in connection with the operation of the development;
- ii. Identification of geofences;
- iii. Location of taxi rapid charging points
- iv. Management and marshalling of taxi and private hire operation in connection with the development; and
- v. Monitoring and review of the provision.

The development shall be completed and operated only in accordance with the approved taxi and private hire management strategy.

Reason: To ensure there is appropriate infrastructure to manage Taxis and Private Hire Vehicles in the interest of residential amenity and highway safety in accordance with policies SP.4 and T.2 of the LLDC Local Plan (2020).

40. Thames Water – Drainage

The development shall not be operated until a report confirming the wastewater network upgrades and surface water network upgrades to accommodate the additional flows from the development have been completed, and confirmation that the works have been undertaken in accordance with the approved scheme shall be submitted to and approved by the Local Planning Authority in writing before the occupation of the development.

The development shall be completed and operated only in accordance with the approved details.

Reason: To ensure the wastewater and surface water networks are appropriately mitigated and improved (if required) to accommodate the additional flows generated from the approved development in accordance with Policy S.10 and S.11 of the LLDC Local Plan (2020).

41. Verification report

Prior to any part of the development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

The development shall be completed in accordance with the approved details.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that

remediation of the site is complete. This is in accordance Policy 'BN.14: Improving the quality of land' of the LLDC Local Plan (2020).

42. Noise monitoring

Prior to any part of the development being brought into use, a Noise Monitoring and Management Strategy shall be submitted to approved in writing by the local planning authority. The Noise Monitoring and Management Strategy shall set out details of how noise emissions from people using the external areas of the podium and terraces, and visitors arriving and leaving the development will be monitored, managed and include details of responsibility for any actions arising from such monitoring. The Noise Monitoring and Management Strategy shall seek to achieve acceptable noise standards that are consistent with the predicted noise levels identified in the approved Environmental Statement.

The development shall be completed and operated only in accordance with the approved details.

Reason: In the interests of residential amenity and Policy 'BN.12: Noise of the LLDC Local Plan (2020).

43. Circular Economy Statement – Pre-operation

Prior to any part of the development being brought into use, an updated Circular Economy Statement (pre-operation) shall be submitted to and approved in writing by the Local Planning Authority. The updated Circular Economy Statement (pre-operation) should include a review of the construction process against waste, energy and resource efficiency targets and key commitments set out within the approved Circular Economy Statement pursuant to the Circular Economy Statement – Pre-above grade works condition.

The development shall only be constructed and operated thereafter in accordance with the approved updated Circular Economy Statement.

Reason: To ensure the development promotes circular economy outcomes in accordance with Policy SI7 of the London Plan (2021) and Policy S.8 of the LLDC Local Plan (2020).

44. Whole Life-Cycle Carbon Assessment

Prior to any part of the development being brought into use, the post-construction tab of the GLA's whole life carbon assessment template should be completed in line with the GLA's Whole Life Carbon Assessment Guidance with confirmation of submission to the GLA and the assessment shall be submitted to, and approved in writing by, the local planning authority.

The post-construction assessment should provide an update of the information submitted at planning submission stage, including the whole life carbon emission figures for all life-cycle modules based on the actual materials, products and systems used.

Reason: To ensure the development is constructed and operated in accordance with the GLA's Whole Life-Cycle Carbon Assessment guidance and Policy SI2 of the London Plan.

ONGOING CONTROLS DURING CONSTRUCTION

45. Use of non-road mobile machinery

No non-road mobile machinery (NRMM) shall be used on the site unless it is compliant with the NRMM Low Emission Zone requirements (or any superseding requirements) and until it has been registered for use on the site on the NRMM register (or any superseding register).

Reason: To ensure that air quality is not adversely affected by the development in accordance with Policy BN.11 of the LLDC Local Plan (2020)

46. Demolition and Construction hours of work

There shall be no demolition or construction work outside the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 on Saturdays nor at any time on Sundays or on Bank or Public Holidays without the prior written approval of the Local Planning Authority.

Reason: To protect the amenities and environment of residents and other sensitive receptors in accordance with Policy D14 of the London Plan and Policy BN.12 of the LLDC Local Plan (2020).

47. Construction Noise affecting occupied residential property

Noise levels at any occupied residential property due to construction or demolition on the site shall not exceed 75dB LAeq (10 hour) measured at 1m from the façade of the nearest occupied property, during the hours from 08:00 to 18.00 Monday-Friday, 75dB LAeq (5 hour) during the hours from 08:00 to 13:00 on Saturday except with the prior approval of the Local Authority, under s61 of the Control of Pollution Act 1974.

Reason: To ensure that best practicable means are used to reduce noise generated by construction in accordance with Policy D14 of the London Plan and Policy BN.12 of the LLDC Local Plan (2020).

48. Unexpected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of contamination from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the NPPF, and Policy BN.14 LLDC Local Plan (2020).

ONGOING CONTROLS DURING OPERATION

49. Landscape maintenance-replacement of trees

The development shall not be operated until the approved landscaping works have been carried out in accordance with the details approved pursuant to the Details of Hard and Soft Landscaping condition. The approved landscaping works shall be maintained thereafter in accordance with the management and maintenance plan the Details of Hard and Soft Landscaping condition. For the lifetime of the development, any proposed trees or areas of planting which die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species.

The trees and areas of planting forming part of the development shall thereafter be retained and maintained in accordance with the approved management and maintenance plan.

Reason: To ensure that the landscaping and trees are maintained to a high standard for the lifetime of the operation of the approved development and to provide mitigation for wind effects

generated by the development, in accordance with Strategic Policy SP.3 and Policies BN.1, BN.4 and BN.10 of the Local Plan 2020.

50. Plant noise

The rating level of any plant should not exceed a level over 10dB below the typical background sound level (LA90) during the daytime or night-time at any time (with reference to BS4142: 2014+A1:2019) when measured at the nearest noise sensitive facade.

The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential premises or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant shall be serviced regularly in accordance with the manufacturer's instructions and as necessary to ensure that the requirements of the condition are met. If at any time the plant is determined by the local planning authority to be failing to comply with this condition, it shall be repaired or replaced as soon as reasonably practicable and switched off upon written instruction from the local planning authority and not used again until it is able to comply where practicable without impacting on the operation of the venue.

Reason: To protect the amenities of local residents and other sensitive receptors in accordance with Policy D14 of the London Plan and Policy BN.12 of the LLDC Local Plan (2020).

51. Music noise

The music noise level from the main auditorium, members lounge/night club and music club, singly or combined, shall not exceed the following limits when measured at 1.0m from the façade of a residential premises or at 1.2m above any adjacent residential garden, terrace, balcony or patio:

- LA90, 5min +5dB during the daytime (0900-2300hrs);
- LA90, 5min -5dB during the night-time (2300-0900hrs); and
- L90, 5min +0dB in the 63Hz and 125Hz octave bands during the night-time (2300-0900hrs),

where L90, 5min is the prevailing background noise level at the receptor, without amplified music. The music noise level is the LAeq, 5min of the amplified music as measured at the receptor location.

Reason: To protect the amenities of local residents and other sensitive receptors in accordance with Policy D14 of the London Plan and Policy BN.12 of the LLDC Local Plan (2020).

52. Opening hours

Unless otherwise permitted in accordance with the associated s106 Agreement, the venues within the development hereby approved shall not be operated outside the following operating hours:

	Monday to Saturday	Sundays and Bank Holidays
Main (Sphere) venue	10.00 - 23.00	10.00 - 22.30
Smaller Music venue	10.00 - 04.00	10.00 - 04.00
Members Lounge / Bar / Restaurant / Nightclub	10.00 - 03.00	10.00 - 03.00
Café	10.00 - 23.00	10.00 - 23.00

Reason: In the interests of amenity.

53. Maximum capacities

The venues within the development hereby approved shall be operated within the following capacity restrictions:

	Maximum capacity
Main (Sphere) venue	21,500
Smaller venue (Music Club / Nightclub)	1,500
Members Club	1,000
Site-wide (Island) capacity	25,000

Reason: To ensure the approved development is operated in accordance with the approved details and within the parameters assessed pursuant to the Environmental Statement.

54. Sphere Façade artistic content

During the hours that the Sphere Façade is operational, with the exception of displaying the names of the venue, the digital surface shall be used to display content which is predominantly creative and artistic in accordance with the Creative Artistic Content Strategy, and for not less than 65% of the time in any clock hour. Other content can be displayed for up to 35% of the time in any clock hour.

The Sphere Façade artistic content must be operated in accordance with the above restrictions.

Reason: To ensure the sphere façade is operated in accordance with the approved details and delivers artistic content in interest of the amenity.

55. Sphere façade operating hours and brightness

The maximum luminance of the Sphere digital displays shall not exceed:

- 25 candelas/square metre between sunset to 23:00 curfew; and
- 7 candelas/square metre between 23.00 curfew and when the Sphere digital display is turned off or placed in standby mode,

The Sphere façade will be turned off or placed into standby mode at 23:30 (Monday – Thursday and Sunday) until 07:00 the following day

The Sphere façade will be turned off or placed into standby mode from at midnight (Friday and Saturday) until 07:00 the following day

The Sphere digital displays may be turned on (from either being off or in standby mode) from 07:00 Monday to Sunday.

Reason: In the interests of amenity

INFORMATIVES

1. **Consents** - All relevant Consents should be obtained from responsible authorities prior to the commencement of the relevant phase of works, including (but not limited to) s.61 consents, Building Regulations and Fire Safety consents.
2. **Asset Protection** - The developer is reminded of his obligation to ensure appropriate mitigations are adopted to protect the development from noise from the operational railway.
3. **Covenants** - The developer is responsible for ensuring that the development meets statutory requirements.

4. **Thames Water** - The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide in relation to working near our assets to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
5. **London City Airport** – The construction methodologies will need to be assessed against London City Airport (LCY) Instrument Flight procedures (IFPs) by a CAA approved procedure designer if requested by London City Airport.
6. **Whole Life-Cycle Carbon Assessment** - The updated whole life carbon assessment template pursuant to the Whole Life-Cycle Carbon Assessment condition should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the GLA's whole Life Carbon Assessment Guidance.

Mitigation

7. Construction and Environmental Management Plan

The Construction and Environmental Management Plan (CEMP) shall include (but not limited to) the measures set out below:

- Construction programme and phasing of works
- Detailed site layout arrangements (including requirements for temporary works) showing locations of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays, car parking
- Approaches to screening and the erection of hoarding around the site
- Plans for Storage, accommodation, vehicular movements delivery and access
- Details of access and egress and proposed routes for HGV's and construction traffic. Including lorry holding areas
- Safety for highway users, cyclists and pedestrians
- Deliveries within site, to ensure vehicles not stopping on the highway
- Details regarding parking, deliveries, and storage (including hours of deliveries);
- Details of registration with Considerate Contractors Scheme (CCS)
- Details of emergency incident procedure and fire exit routes
- Plant to be used and associated noise levels;
- Best Practicable Means Noise and Vibration Controls to be deployed
- Operations that are likely to result in disturbance, with an indication of the expected duration of each phase with key dates, including a procedure for prior notification to the LLDC and relevant statutory and non-statutory (including neighbours) parties so that local arrangements can be agreed
- Training to ensure that all workforce and employees are aware of procedures to reduce and mitigate impacts
- Proposals to prohibit or restrict operations (locations, hours etc)
- Procedure to ensure communication is maintained with the local planning authority, the local authority and the local community to provide information on any operations likely to cause disturbance (through, for example, meetings and newsletters);
- Provisions for affected parties to register complaints and the procedures for responding to complaints;
- Management, on/off-site vehicle/machinery operation, dust suppression and track-out in order to avoid effects from dust and to prevent the deposit of mud and debris on the public highway;
- Provisions for site monitoring of construction impacts on the surrounding area and neighbouring receptors
- Site Accessibility Plan

- Construction Travel Plan, that includes measures to address accessibility
- The frequency and other arrangements for monitoring; and
- The arrangements for reporting the results of monitoring and the implementation of mitigation measures to the Local Planning Authority
- Measures for the protection of ecological resources (including tree protection)
- Measures to minimise lighting and light spill in relation to neighbouring residences and adjacent railway corridors
- Details of collaboration with adjoining development sites and landowners to mitigate against detrimental impacts;
- Neighbour and public relations strategy and any other measures to mitigate the impact of construction upon the amenity of the area, surrounding residents and businesses and the function and safety of the highway network;
- Safeguarding of buried services
- Details of drainage during construction

8. Noise and Vibration Control Plan

The Noise and Vibration Management Plan shall be appended to the CEMP and include (but not limited to) the mitigation measures set out below:

- Use of hoarding. Erecting hoarding around the perimeter of the construction site will assist in the screening of low-level sources (assumed minimum 2.4m high perimeter site hoarding);
- Hydraulic bursting of redundant hardstanding's to be used in preference to impact techniques where practical;
- Use of low impact techniques, such as bored or hydraulically jacked piling rigs;
- All plant and equipment to be used for the works will be modern, quiet and properly maintained, silenced where appropriate, operated to prevent excessive noise, and switched off when not in use and where practicable. All equipment will comply with the EC Directives and UK Regulations set out in British Standard (BS) 5228-2:2009;
- Plant will be certified to meet relevant current legislation and Noise and Vibration Control on Construction and Open Sites (BS 5228-2:2009) Standards;
- All trade contractors will be required to demonstrate familiarisation with current noise legislation and BS such as BS 5228-2:2009 which will form a prerequisite of their appointment;
- Loading and unloading of vehicles, dismantling of equipment (such as scaffolding), or moving equipment or materials around site will be conducted in such a manner as to minimise noise generation and, where practical, will be conducted away from noise sensitive areas;
- Careful handling of materials and waste, such as lowering rather than dropping items;
- Avoidance of unnecessary noise (such as engines idling between operations, shouting, loud radios or excessive revving of engines) by effective site management;
- Permission for deviation from approved method statements, only with prior approval from the Principal Contractor and other relevant parties. This will be facilitated by formal review before any deviation is undertaken; and
- Complaints about noise, or incidences where action levels are exceeded, will be reported to the Principal Contractor and immediately investigated;
- Limit high impact activities (including piling) to specific times during the day, e.g. 1 hour on – 1 hour off, or 09:00-12:00 and 14:00-17:00;

- When appropriate all mechanically powered plant will be fitted with suitable silencers. Items of plant on site operating intermittently are to be shut down in the intervening periods between use;
- Where feasible, all stationary plant would be located so that the noise effect at all occupied residential and commercial properties is minimised and, if practicable, every item of static plant when in operation is to be sound attenuated using methods based on the guidance and advice given in BS 5228;
- Establishment of vibration limits in accordance with BS 5228-2, to minimise the risk of complaints or building damage in addition to vibration monitoring;
- Trade contractors would at all times apply the principle of Best Practicable Means as defined in Section 72 of the COPA and carry out all work in such a manner as to reduce any disturbance from noise and vibration.

Noise and Vibration Monitoring

- Continuous noise and vibration monitoring shall be undertaken by the contractor at nearby noise sensitive premises, or if this is not feasible, a suitable alternate location with appropriate calibration to represent noise levels at nearby noise sensitive premises. The monitoring locations and parameters will be discussed and agreed with the relevant authority prior to the commencement of works on site.
- The contractor will have access to the noise and vibration monitoring results in real time. The real-time monitoring system will provide email alerts to the on-site team(s) when noise/vibration levels need to be reduced for compliance with the agreed limits. The noise and vibration monitoring results will be summarised in fortnightly reports, which will be made available to the relevant authority upon request.

9. Dust Management Plan

The Dust Management Plan shall be appended to the CEMP and include (but not limited to) the mitigation measures set out below:

Site Management

- Stakeholder communications plan that sets out community engagement activities before work commences on site;
- Display the name and contact details of person(s) accountable for air quality pollutant emissions and dust issues on the site boundary;
- Display the head or regional office contact information;
- Record and respond to all dust and air quality pollutant emissions complaints;
- Make a complaints log available to the local authority when asked;
- Carry out regular site inspections to monitor compliance with air quality and dust control procedures, record inspection results, and make an inspection log available to the Local Authority when asked;
- Increase the frequency of site inspections by those accountable for dust and air quality pollutant emissions issues when activities with a high potential to produce dust and emissions are being carried out and during prolonged dry or windy conditions;
- Record any exceptional incidents that cause dust and air quality pollutant emissions, either on or off the site, and ensure that the action taken to resolve the situation is recorded in the log book; and;
- Hold regular liaison meetings with other high-risk construction sites within 500 m of the site boundary, to ensure plans are co-ordinated and dust and particulate matter emissions are minimised. It is important to understand the interactions of the off-site transport/deliveries which might be using the same strategic road network routes;

Preparation and Maintenance

- Plan the site layout so that machinery and dust-causing activities are located away from receptors, as far as is possible;
- Erect solid screens or barriers around dusty activities or the site boundary that are at least as high as any stockpiles on site;
- Fully enclose site or specific operations where there is a high potential for dust production and the site is active for an extensive period;
- Install green walls, screens or other green infrastructure to minimise the impact of dust and pollution;
- Avoid site runoff of water or mud;
- Keep site fencing, barriers and scaffolding clean using wet methods;

- Remove materials that have a potential to produce dust from site as soon as possible, unless being re-used on site. If they are being re-used on-site cover as described below;
- Cover, seed, or fence stockpiles to prevent wind whipping;
- Carry out regular dust soiling checks of buildings within 100 m of site boundary and provide cleaning if necessary;
- Provide showers and ensure a change of shoes and clothes are required before going off-site to reduce transport of dust; and
- Put in place real-time dust and air quality pollutant (PM10) monitors across the site and ensure they are checked regularly;

Operation of Vehicle/Machinery and Sustainable Travel

- Ensure all on-road vehicles comply with the requirements of the London LEZ (and ULEZ);
- Ensure all Non-road Mobile Machinery (NRMM) comply with the standards set within the GLA's Control of Dust and Emissions During Construction and Demolition SPG. This outlines that, from 1 September 2015, all NRMM of net power 37 kW to 560 kW used on the site of a major development in Greater London must meet Stage IIIA of EU Directive 97/68/EC (The European Parliament and the Council of the European Union, 1997) and its subsequent amendments as a minimum. From 1 September 2020 NRMM used on any site within Greater London will be required to meet Stage IIIB of the Directive as a minimum;
- Ensure all vehicles switch off engines when stationary – no idling vehicles;
- Avoid the use of diesel- or petrol-powered generators and use mains electricity or battery-powered equipment where practicable;
- Compliance with the CLP to manage the sustainable delivery of goods and materials
- Compliance with the Travel Plan that supports and encourages sustainable staff travel (public transport, cycling, walking, and car-sharing).

Operations

- Only use cutting, grinding or sawing equipment fitted or in conjunction with suitable dust suppression techniques such as water sprays or local extraction, e.g. suitable local exhaust ventilation systems;
- Ensure an adequate water supply on the site for effective dust/particulate matter suppression/mitigation, using recycled water where possible and appropriate;
- Use enclosed chutes, conveyors and covered skips;
- Minimise drop heights from conveyors, loading shovels, hoppers and other loading or handling equipment and use fine water sprays on such equipment wherever appropriate; and
- Ensure equipment is readily available on site to clean any dry spillages and clean up spillages as soon as reasonably practicable after the event using wet cleaning methods.

Measures specific to earthworks

- Re-vegetate earthworks and exposed areas/soil stockpiles to stabilise surfaces as soon as practicable;
- Use Hessian, mulches or tackifiers where it is not possible to re-vegetate or cover with topsoil, as soon as practicable; and
- Only remove the cover from small areas during work, not all at once.

Measures specific to construction

- Avoid scabbling (roughening of concrete surfaces), if possible;
- Ensure sand and other aggregates are stored in banded areas and are not allowed to dry out, unless this is required for a particular process, in which case ensure that appropriate additional control measures are in place;
- Ensure bulk cement and other fine powder materials are delivered in enclosed tankers and stored in silos with suitable emission control systems to prevent escape of material and overfilling during delivery; and
- For smaller supplies of fine powder materials ensure bags are sealed after use and stored appropriately to prevent dust.

Measures specific to track out

- Regularly use a water-assisted dust sweeper on the access and local roads, as necessary, to remove any material tracked out of the site;
- Avoid dry sweeping of large areas;
- Ensure vehicles entering and leaving sites are covered to prevent escape of materials during transport;
- Implement a wheel washing system (with rumble grids to dislodge accumulated dust and mud prior to leaving the site where reasonably practicable);
- Ensure there is an adequate area of hard surfaced road between the wheel wash facility and the site exit, wherever site size and layout permits;
- Access gates should be located at least 10 m from receptors, where possible; and
- Apply dust suppressants to locations where a large volume of vehicles enters and exit the construction site.

General

- Any complaints about dust are to be investigated at the earliest opportunity and appropriate action taken to control the source or remedy the effect as appropriate.

10. Neighbour and Public Relations Strategy

The Neighbour and Public Relations Strategy shall be appended to the CEMP and include (but not limited to) the mitigation measures set out below:

Initial Contact:

- Once full planning permission has been obtained and contractors have been appointed, formal contact will be established with the nearest neighbours and those who could potentially be affected by the construction works;

Contact during Works Period

- A single point of contact for neighbour and public relations will be established, with a senior member of the project staff nominated for the role. Contact details for this single point of contact will be displayed on the site hoarding. Outside normal working hours, site security will act as the main point of contact via a dedicated phone number. Security will alert the staff contact if necessary

(available 24 hours). Should there be any complaints, these will be logged, fully investigated and reported to the relevant department within LLDC as soon as possible. The complainant will be informed as to what action has been taken;

- Contact with neighbours and the general public throughout the construction programme will be pro-actively maintained, with regular meetings held on no less than on a quarterly basis to update neighbours and the general public. Brief news sheets will be issued that will report on progress of construction works and will be maintained on site hoarding.

11. Construction Logistics and Site Operations Plan

The Construction Logistics and Site Operations Plan shall include (but not limited to) the mitigation measures set out below:

- Promote use of the High Street – Great Eastern Road – Angel Lane – Leyton Road route to the site. This utilises the London Lorry Control Scheme designated routes for as long as possible before approaching the site;
- Construction deliveries would be carefully planned with delivery times agreed with each contractor using a web-based booking system. Delivery schedules would be produced in order to look at the profiles of forthcoming deliveries in order to regulate journeys and eliminate bottlenecks;
- On a weekly or monthly basis, construction activities would also be tailored to avoid peak area traffic times where significant events or football matches take place at London Stadium;
- It is proposed that through an analysis of the number of required daily deliveries and their journey times a proportion of the trips can be scheduled to arrive at the construction site outside of peak hours;
- Preparation of a Consolidation and Logistics Strategy to consider the following minimum requirements:
 - The use of an off-site location would be especially useful on days that a high number of deliveries are forecast;
 - Trips could be split between those that come directly to the construction site, and those that go the consolidation centre;
 - When the road network is less busy the stockpiled deliveries could then be transferred from the consolidation centre to the construction site;
 - Explore the provision for returning vehicles to the consolidation centre to be filled with waste material to reduce separate waste collections to the site during construction. This would also allow for effective sorting of waste off-site for disposal to an appropriate waste facility.
- Adopt the Construction Logistics and Community Safety (CLOCS) standards for all delivery vehicles (CLOCS Standard for construction logistics, V1.2 2014). Adherence to the standards are to consider the following:
 - Fleet Operator Recognition Scheme (FORS) Bronze accreditation as a minimum will be a contractual requirement, FORS Silver or Gold operators will be appointed where possible. Where FORS Bronze operators are appointed, written assurance will be sought from contractors that all vehicles over 3.5t are equipped with additional safety equipment (as per CLOCS Standard P13), and that all drivers servicing the site will have undertaken approved additional training (e.g. Safe Urban Driving + 1 x e-learning module OR Work Related Road Risk Vulnerable Road User training + on-cycle hazard awareness course + 1 x e-learning module etc.). CLOCS Compliance will be included as a contractual requirement;
 - Desktop checks will be made against the FORS database of trained drivers and accredited companies as outlined in the CLOCS Standard Managing

Supplier Compliance guide. These will be carried out as per a risk scale based on that outlined in the CLOCS Managing Supplier Compliance guide;

- Checks of FORS ID numbers will form part of the periodic checks and will be carried out as per an appropriate risk scale. Random spot checks will be carried out by site staff on vehicles and drivers servicing the site at a frequency based on the aforementioned risk scale. These will include evidence of further training, license checks, evidence of routing information, and checks of vehicle safety equipment. Results from these checks will be logged, retained, and enforced upon accordingly;
- Collision reporting data will be requested from operators and acted upon when necessary;
- Notices regarding any planned closures and diversion of either roads or footpaths shall be given by the Principal Contractor to the LLDC, the police, fire brigade and other emergency services. This will be done sufficiently in advance of the required closures or diversion;
- Notices and details of traffic management proposals associated with works to the highway and footpaths will be given under the Highway Acts 1980 and Road Traffic Act 1998;
- Construction deliveries will also be carefully planned with delivery times agreed with each contractor using a booking system. Delivery schedules will be produced to look at the profiles of up and coming deliveries, regulate deliveries and eliminate bottle necks. Consideration will also be giving to reducing the number of vehicles movements through:
 - The use of hardstanding's, either in-situ or crushed for reuse as a piling mat;
 - Reuse of excavated material for filling (based on its suitability);
 - Implementing site batching of concrete and delivering aggregates in large articulated loads to reduce deliveries by mixer truck;
 - The use of reusable hoardings where they can be used in non-aesthetic locations;
 - Consideration of the use of a consolidation centre to reduce deliveries during fit out;
 - The potential use of prefabrication techniques and modern methods of construction, where practical and viable to do so without compromising quality.
- Pedestrians will be segregated from the construction works at all times. Operative and staff access points will initially be located close to the main vehicular access gates, with separate pedestrian gates and footpaths provided. An early aim will be to open Bridge 3, allowing more direct access for staff and operatives from Stratford Station;
- Where temporary closures of pedestrian routes may be required for the erection of scaffolds and incoming services connections, permissions and licences will be obtained for the re-routing of pedestrian thoroughfares. Where more extensive closures or diversions of the existing footpath are required, temporary proposals will be agreed with LLDC and LHA;
- Any necessary lane closures on the local highway network would avoid peak periods if at all possible and would be agreed with LLDC and LBN prior to commencement. Notices regarding any planned closures and diversion of either roads or footpaths shall be given by the Principal Contractor to LLDC, LBN, the police, fire brigade and other emergency services sufficiently in advance of the required closure or diversion;
- Notices and details of traffic management proposals associated with works to the highway and footpaths would be given under the Highway Acts 1980 and Road Traffic Act 1988;
- Notices regarding any planned closures and diversion of footpaths or cycle routes would be given by the Principal Contractor to LLDC, LBN, the police, fire

brigade and other emergency services sufficiently in advance of the required closure or diversion;

- Pedestrians, cyclists and the general public would be segregated from the enabling and construction works at all times. Pedestrian access points for the workforce into the active enabling / construction site would generally be located close to the main vehicular access gates with a separate pedestrian gate, security point and footpath provided;
- Diverted footpaths would be fully accessible for wheelchairs and pushchairs. The pedestrian routes provided during construction would comply with specific LLDC and LBN requirements and relevant legislation.
- Where diversions are not possible, alternative routes for pedestrians and cyclists would be negotiated with LLDC, LBN and any other relevant authorities.
- Ongoing communication between the Site Manager, the LLDC, LBN and other relevant parties on the nature of the on-going works, their duration and outline programme to establish and maintain good relationships with neighbours. It is anticipated that regular meetings would take place between the Site Manager and LLDC to review progress and to agree any necessary actions. The Site Manager would also deal with enquiries from the general public, including any complaints. Any complaints would be logged, responded to, and reported to the relevant individual within LLDC or LBN (and vice versa) as soon as practicable.
- The Site Manager would coordinate responses to queries and address issues in a timely and satisfactory manner;
- Attendance at the Construction and Transport Management Group (CTMG) meetings to engage with construction contractors within the surrounding area to assist in the management and coordination of activities, with the intention of minimising impacts and resultant effects to potentially affected sensitive receptors as far as is reasonably practicable.

12. Ecological Management Plan

The Ecological Management Plan shall include (but not limited to) the mitigation measures secured as set out below:

- In the unlikely event that other protected species are encountered, all works must cease immediately, and advice sought from a suitably qualified ecologist;
- Giant Hogweed is to be removed during site clearance activities. Ongoing management of the species is to be undertaken to ensure that it does not re-establish;
- The disposal of Giant Hogweed is to be undertaken at a licensed facility as controlled waste;
- During construction of the landscaped areas, good horticultural practice will be utilised including the use of peat-free composts, mulches and soil conditioners. The use of invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) is to be avoided.

13. Black Redstart Management Plan

The Black Redstart Management Plan shall include (but not limited to) the mitigation measures set out below:

- Site clearance activities should be undertaken between September and February, inclusive, to avoid any potential impacts to breeding birds during their main breeding season. If site clearance during the breeding season (March – August inclusive) is unavoidable then potential nesting habitat must be inspected by a suitably qualified ecologist no more than 48 hours before work commences to identify active birds' nests;

- Compliance with the *Black Redstart Management Strategy* to minimise the risk of black redstart occupying structures during works;
- Should bird nests be present, the nest and a suitable buffer of habitat around it must be retained until the young are confirmed to have left the nest by a suitably qualified ecologist;
- Should the nest belong to a Black Redstart, works must stop immediately, and the nest must be protected from disturbance. The nest must be protected from disturbance associated with the works until breeding is complete, and the young have become independent;

14. Air Quality Management Plan

The Air Quality Management Plan shall include (but not limited to) mitigation measures set out below:

- Air quality and dust risk assessment
- Measures for site management, on/off-site vehicle/machinery operation, dust suppression and track-out in order to avoid effects from dust
- A scheme for dust monitoring
- The identification of dust sensitive premises to be used as the location for dust monitoring, including any arrangements proposed for amending the selected locations if new dust sensitive premises are introduced;
- Frequency and other arrangements for dust monitoring;
- Arrangements for reporting the results of dust monitoring and the implementation of mitigation measures to the Local Planning Authority; and,
- The Dust Management Plan should be appended to the Air Quality Management Plan

15. Site Waste Management Plan

The Site Waste Management Plan shall include (but not limited to) the mitigation measures set out below:

- A 'just-in-time' material delivery system to avoid materials being stockpiled and spoiling during bad weather;
- Development of a logistics plan for the project, to ensure that due consideration is given to material requirements throughout the construction phase. This will enable efficient management of the delivery and storage of materials and will ensure that the most effective logistic methods are adopted;
- Appropriate handling and disposal of pile arisings, concrete, pastes and/or grouts during the laying of foundations will be undertaken;
- Consideration of material quantity requirements to avoid over-ordering and generation of waste materials;
- Designated storage area for new building materials, to reduce the risk of contamination / spoiling;
- Undertake a Waste Characterisation assessment as part of remediation works if the Remediation Strategy identifies this is required.
- Ensure imported soils in soft landscaped areas meet appropriate physical and chemical criteria as set out within the *Remediation Strategy*.
- Aim to maximise the use of reclaimed or recycled materials throughout the design where feasible;
- Segregation of waste at source where practical;
- Segregation of waste streams. At a minimum, containers/skips for hazardous/non-hazardous waste and plasterboard waste should be provided on-site;

- Skips will be clearly colour-coded and signposted to reduce risk of cross contamination;
- Provision of training for site personnel regarding the correct disposal of materials;
- All waste generated will be stored in designated areas isolated from surface drainage;
- Waste containers will be covered, to prevent dust and litter from escaping and rainwater from accumulating;
- Regular inspection of waste containers, and replacement when full;
- Agreements with material suppliers to reduce the amount of packaging or to participate in a packaging take-back scheme;
- Engage with the supply chain to source products and materials that use minimal packaging and segregate packaging for re-use;
- Re-use of materials onsite wherever feasible, in line with the Waste Hierarchy;
- Re-use and recycling of materials off-site where re-use on-site is not practical (e.g. through use of an off-site waste segregation facility and re-sale for direct re-use or re-processing);
- Engage with the supply chain to source products which use minimal packaging, and segregate packaging for re-use;
- Risk of infestation by pests or vermin is to be minimised by making adequate arrangements for the disposal of food and other material that may attract pests;
- Burning of wastes or unwanted materials will not be permitted on-site.
- All liquids and solids of a potentially hazardous nature (e.g. diesel fuel, oils and solvents) are to be stored in designated locations with specific measures to prevent leakage and release of their contents, include the siting of storage area away from surface water drains, on an impermeable base with an impermeable bund that has no outflow and is of adequate capacity to contain 110% of the contents, in accordance with the EA's requirements. Any tanks storing more than 200 litres of oil on-site, would have secondary bunding.
- No infiltration of surface water to the ground will be permitted.
- Provision for the segregation of waste streams on the Site that are clearly labelled;
- Licensing requirements for disposal sites;

26. Draft Advertising Consent Conditions

DEFINITIONS

Within the following conditions and informatives the following words and expression have the following meaning:

- | | |
|-------------|---|
| “Commenced” | means the carrying out of material operation as defined in section 56(4) of the Town and Country Planning Act (1990) other than Preparatory Works and “Commence” shall be construed accordingly. |
| “Operation” | means the first use of any part of the development for the purposes hereby authorised including any test or private events held prior to the first public event but excluding any use for the purposes of construction, fitting-out or for security operations. |
| “Site” | means the whole of the land to which this advertising consent relates as the same is shown edged in red on plan ref: X |

“Sphere Façade” means the external sphere surface facing façade finished in digital LED screens, as identified on plan ref: X

“Standby Mode” means the state where the Sphere Façade will not display any images, nor emit any light.

1. Duration of Consent

This consent shall expire at the end of a period of 25 years from first operation of the sphere façade digital display and at the expiry of the 25 year period and notwithstanding the provisions of Regulation 6 of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 (or any order or statutory instrument revoking or enacting those Regulations with or without modification) the sphere facade digital display shall not be used for the display of any advertisement.

Reason: To comply with the requirements of Regulation 14(7) of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 and to avoid a deemed consent arising under Regulation 6 of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 for the ongoing protection of amenity and public safety.

2. Works in accordance with approved details

The development shall be carried out and retained thereafter in accordance with the following drawings and documents:

Drawing Number	Drawing Name	Rev
MSG-POP-ZX-ZZ-SK-YB-7040	ACTIVATE SITE PLAN	01
MSG-POP-ZX-ZZ-SK-YB-7043	ACTIVATE GA EAST ELEVATION	01
MSG-POP-ZX-ZZ-SK-YB-7045	ACTIVATE SOUTH ELEVATION	01
MSG-POP-ZX-ZZ-SK-YB-7047	ACTIVATE GA WEST ELEVATION	01
MSG-POP-ZX-ZZ-SK-YB-7049	ACTIVATE BRIDGE 1 & 2 ELEVATION & SECTIONS	01

Reason: To ensure that the development is undertaken in accordance with the approved drawings.

3. Standard condition (all advertisements)

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission. No advertisement shall be sited or displayed so as to –

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Where an advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the requirements of Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Luminance

The luminance of signage hereby approved shall not exceed the limits set out within ILP Professional Lighting Guide 05 (2014), except for the Sphere façade which shall not exceed:

- 25 candelas per square metre between sunset to 23:00 (pre-curfew); and
- 7 candelas persquare metre between curfew (23:00) and when the Sphere digital display is turned off or placed in standby mode.

The Sphere façade will be turned off or placed into standby mode at 23:30 (Monday – Thursday and Sunday) until 07:00 the following day

The Sphere façade will be turned off or place in standby mode from midnight (Friday and Saturday until 07:00 the following day

The Sphere digital displays may be turned on (from either being off or in standby mode) from 07:00 Monday to Sunday.

Reason: In the interests of amenity

5. Rail Safety

Prior to commencement of the development, an Outline Visual Display and Luminance Management Strategy (OVDLMS) shall be submitted to and approved in writing by the Local Planning Authority in consultation with rail stakeholders including HS1, Network Rail and TfL, and passenger and freight operators.

The OVDLMS will further develop and verify the mitigations identified in the Rail Safety Report August 2020 prepared by Buro Happold in relation to the potential impacts of the media facade on rail driver distraction, station operation, railway signalling and passengers, up to GRIP stage 3 (or PACE equivalent) based on a process and scope of work to be agreed with the Local Planning Authority, in consultation with HS1, Network Rail and other relevant consultees. The OVDLMS will set out further details of the proposed controls including the following:

- The maximum speed of moving images
- Times and frequency of operation of the displays
- Works to rail and other infrastructure if necessary
- Associated updates to as built record information in line with Network Rail and TfL standards.
- Operational changes including driver awareness training, public information etc.

Workstreams to be progressed to enable GRIP Stage 3 (or PACE equivalent) will include:

- Initiation of Signal Sighting & Driver Distraction Risk Forum
- Model Development and Validation
- Consultation with the driver and station operating community
- Human Factors Study
- Signal Sighting Report and Committee Review

The Visual display at the development shall only be operated in accordance with the approved OVDLMS.

Reason: To ensure that Network Rail, HS1, TfL and other rail industry partners are satisfied that visual display and luminance management is controlled in the interest of rail safety.

6. Detailed Visual Display and Luminance Management Strategy

Prior to first operation of the sphere façade digital display, a Detailed Visual Display and Luminance Management Strategy, which is in accordance with the Outline Visual Display and Luminance Management Strategy approved pursuant to the Rail Safety condition, shall be completed up to GRIP stage 5 (or PACE equivalent) in consultation with Network Rail and other stakeholders and shall be submitted to and approved in writing by the Local Planning Authority. All recommendations and mitigation measures identified within the approved Detailed Visual Display and Luminance Management Strategy shall be implemented prior to first operation of the external digital surface.

The development shall be completed and operated only in accordance with the approved details.

Reason: To ensure that Network Rail, HS1 and other rail industry partners are satisfied that the issue of glare and distraction has been adequately mitigated prior to operation of the development.

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PART 1 – TRANSPORT OBLIGATIONS

1. STATION MODELLING

- 1.1 Additional modelling (additional to assessments submitted as part of application) shall be undertaken by MSG, TfL and Network Rail (at MSG's cost) to assist with understanding the baseline immediately before the Development commences for the assessment of impact of the Development on Stratford Station and any mitigation measures and the design of the new station entrance.
- 1.2 Details of this will be set out in a methodology that shall be submitted by MSG to LLDC for approval (in consultation with TfL and Network Rail) prior to commencement of the Development. The modelling should be of operational measures or overlay to assess:
- 1.2.1 the impact of construction phasing including on station entrance availability;
 - 1.2.2 the impact of different event sizes (including Co-Incident Events (as defined at paragraph 6.1));
 - 1.2.3 splits between stairs;
 - 1.2.4 one-way systems, station management and wayfinding;
 - 1.2.5 perturbation on platforms;
 - 1.2.6 left-behinds; and
 - 1.2.7 changes to boarding/alighting dispersal rates.
- 1.3 The additional modelling shall be carried out at MSG's cost as approved together with any measures the additional modelling shows are necessary to address potential adverse impacts the Development may have on Stratford Station. Such works shall be completed prior to the opening of the Development. They exclude major interventions or new infrastructure, other than the new station entrance, but may include:
- 1.3.1 improved signage and communication systems in and around the Station;
 - 1.3.2 additional barriers and other crowd control measures;
 - 1.3.3 additional staffing; and
 - 1.3.4 reasonable alterations to the current proposed design of the new station entrance, excluding works outside a land boundary to be identified in the S106 Agreement and works resulting in any building being more than seven metres higher than the platform 12 track metals once complete.

2. NON-STATION BASELINE ASSESSMENT

- 2.1 Prior to commencement of the Development MSG shall submit to LLDC for approval (in consultation with TfL and Network Rail) a methodology for assessing the non-station baseline position for egress from the London Stadium following events and which shall cover all matters necessary to inform the baseline for the purpose of identifying whether any Non-Station Adverse Impacts occur during Coincident Events. The assessment shall be carried out as approved prior to the MSG main venue (the "**Main Venue**") being opened to the public.

3. NEW STATION ENTRANCE

- 3.1 MSG will provide a new entrance to Stratford Station from Montfichet Road in accordance with an outline specification appended to the S106 Agreement and in consultation with (and subject to the detailed design and specification approval of) TfL (in conjunction with London Underground Limited) and Network Rail. The costs of the design, consultation, approval and delivery (including the construction) of the new station entrance will be borne by MSG.
- 3.2 The Development shall not commence until MSG can evidence to LLDC and TfL that it has entered into a development agreement and asset protection agreement(s) with Network Rail and London Underground Limited in relation to the new entrance works. The costs of drafting, negotiating and entering into these agreements will be borne by MSG.
- 3.3 Save for test events, MSG will not hold any events at the Main Venue with a capacity of more than 10,000 people until the new entrance is constructed and is capable of being fully operational, which means either:
- 3.3.1 Network Rail or London Underground Limited (as appropriate) has issued a New Station Completion Handover Certificate; or
- 3.3.2 MSG has provided satisfactory evidence to LLDC, TfL and Network Rail that it has complied with all of its construction and commissioning obligations contained in the development agreement and that there are no outstanding works required to be undertaken by MSG such that the issue of the New Station Completion Handover Certificate is within the control of Network Rail or London Underground Limited (as appropriate).
- 3.4 Test events are events at the Main Venue with a capacity of more than 10,000 attendees that may be held notwithstanding paragraph 3.3 above if a Test Event Strategy has been submitted to, and approved by, LLDC (in consultation with TfL and Network Rail). Approval will mainly be based on considerations of station operational safety and efficiency.

4. CAPACITY CONTROLS: MONDAY - THURSDAY

- 4.1 On the days of Monday, Tuesday, Wednesday and Thursday (excluding Bank Holidays) the Main Venue can only host events at up to its maximum capacity on:
- 4.1.1 not more than 98 days in a calendar year; and
- 4.1.2 not more than 40 days in any rolling four-month period.
- 4.2 On any Mondays, Tuesdays, Wednesday and Thursdays (excluding Bank Holidays) when the Main Venue is not used pursuant to the allowances referred to in paragraph 4.1 above, the maximum attendance permitted for events at the Main Venue shall be 15,000 persons.
- 4.3 At any time following both of the following conditions being satisfied MSG may apply to LLDC for permission to alter the controls set out at paragraph 4.1. The conditions are:
- 4.3.1 the first anniversary of the opening date of the Main Venue has passed; and
- 4.3.2 at least 50 events have been held in the Main Venue which had an attendance level of not less than 18,000 people on a Monday, Tuesday, Wednesday or Thursday (excluding Bank Holidays).
- 4.4 Matinee Events (to be defined in the S106 Agreement) held at the Main Venue on Monday – Friday with a capacity of more than 4,300 persons must finish no later than 4pm.

5. CAPACITY CONTROLS – SUMMER SEASON

5.1 For the period 1st May – 31st July (“Summer Season”) for each year MSG agrees not to book to host any event with a planned capacity above 15,000 until there are less than 9 months remaining until the proposed event and it has not been notified of an event or a ‘pencilled-in date’ at the London Stadium on the same date (see 9.1.2 below).

6. COINCIDENT EVENT CAPACITY CONTROLS

6.1 A coincident event is where the aggregate planned capacities of events at London Stadium and MSG Main Venue which have start and/or end times scheduled within one hour of each other is in excess of 46,000 and the amount attributable to MSG Main Venue is more than 6,000 (“**Coincident Event**”).

6.2 MSG agrees not to exceed the capacity levels stated in terms of start and end times for events at MSG by reference to football or concert events taking place at the Stadium which were identified by MSG’s environmental impact assessment and which are shown at Section 7 of the CONOPS (ES Volume 3, Appendix The Proposed Development – Annex 3).

6.3 MSG also acknowledges that the scheduled timings for events may vary at London Stadium from the assumptions used in the ES, which the restrictions referred to at 6.2 are based upon¹. Should they do so the times at which restricted capacities are applicable will shift to reflect the difference in the scheduled times from those assumptions (e.g. if London Stadium finishes a Concert at 22:00 on a Saturday (rather than 22:30 as assumed), MSG would not be able to host an event which ends at 22:00 at the Main Venue but would be able to host an event which ends at 23:00 (reflecting the 30 minute adjustment)).

6.4 In addition, MSG has agreed to a capacity restriction of 15,000 at the Main Venue for events that finish between 21:30 – 22:30 which is in connection with coincident finishes with evening football matches on a precautionary basis (and which would also be subject to the principle outlined above that the capacity restrictions will shift to reflect actual event times at London Stadium).

6.5 MSG also agrees to a restriction on the start and/or finish of an event in the Smaller Venue within one hour of the start and/or finish of an event at the Main Venue where the combined planned capacity of the events at both would exceed any of the Coincident Event restriction thresholds.

6.6 In addition to the above restrictions, discussions between MSG and the London Stadium Operator (LS185) have identified restrictions which are to be in place linked to the co-ordinated planning of both venues, including in respect of London Stadium ‘Pencilled-In Dates’. LLDC and LS185 are content that those measures agreed between the parties are acceptable and would provide additional precautionary mitigation. The restrictions on capacity are necessary from a planning perspective on a precautionary basis and will be planning obligations contained in the S106 Agreement. As detailed at paragraph 9, MSG and LS185 are to enter into a separate agreement to secure the process for how they will work together to manage bookings and maintain a shared events calendar, co-ordinate with each other during Coincident Events and in relation to additional costs.

7. MONITORING FOR ADVERSE IMPACTS DURING COINCIDENT EVENTS AND CAPACITY CONTROLS

7.1 “Adverse Impacts” will comprise Station Adverse Impacts and Non-Station Adverse Impacts. The definitions will be finalised as part of the detailed S106 Agreement negotiations but the following principles have been agreed:

¹ The ES assumptions for London Stadium Events are as follows:

- Afternoon football matches are scheduled to start at 15:00 and finish at 16:45
- Evening football matches are scheduled to start at 19:45 and finish at 21:30
- Concerts are scheduled to start at 20:00 and finish at 22:30

- 7.1.1 “Station Adverse Impacts” will be defined by reference to the following four metrics:
- (a) significant levels of crowding that would lead directly to unsafe operation within the vicinity of Stratford Station as identified in relevant station safety requirements and guidelines; and/or
 - (b) any train being unable to stop at either Stratford Station and/or Maryland Station or unable to unload on arrival at either Stratford Station and/or Maryland Station; and/or
 - (c) closure of either Stratford Station and/or Maryland Station or a significant part of either Stratford Station or Maryland Station; and/or
 - (d) significant number of left behinds/persons (equivalent to not less than 2% of MSG Main Venue event attendance) who are unable to depart before the end of the last scheduled service for either Stratford Station and/or Maryland Station.
- 7.1.2 “Non-Station Adverse Impacts” will be defined by reference to the following five metrics:
- (a) an unacceptable density of people/crowding in the area surrounding Stratford Station and/or Maryland Station and identified approach routes for a defined duration, taking into account the non-station baseline assessment;
 - (b) increase from current 'stop and holds', taking into account the non-station baseline assessment;
 - (c) other highway performance impacts – significant adverse effects on local highways, e.g. an identified increase in the loss of bus kilometres during a Coincident Event and significantly increased numbers of taxis and private-hire pick up vehicles, taking into account the non-station baseline assessment;
 - (d) a significant increase in the egress time of customers for an event at the London Stadium taking into account the non-station baseline assessment and to be measured by reference to when the London Stadium event egress team stand down (unless another more suitable metric is agreed between MSG and LS185 and approved by LLDC); and
 - (e) increased noise impacts on sensitive receptors (being residential receptors outside of the town centre), assessed by reference to the non-station baseline assessment.
- 7.2 Prior to the Main Venue being opened to the public and after first consulting with TfL and Network Rail, MSG must submit to LLDC and TfL (in consultation with Network Rail) a methodology and monitoring strategy for the undertaking of, and reporting on, the monitoring of the occurrence of Adverse Impacts. This will include precise details of scope of monitoring, format of report and frequency of reporting which will be aimed at ensuring that information is provided in a readily accessible and timely manner to enable immediate assessment of whether or not there has been an Adverse Impact. No events that would result in monitoring under the circumstances listed at paragraph 7.3 below may be held at MSG Sphere until the methodology and monitoring strategy is approved by LLDC and TfL (in consultation with Network Rail) and the methodology and monitoring strategy shall thereafter be complied with as approved.
- 7.3 MSG will monitor for the occurrence of Adverse Impacts in accordance with the methodology approved pursuant to paragraph 7.2 when any of the following take place:
- 7.3.1 Coincident Events that together have a capacity of greater than 68,500;

- 7.3.2 An event held at the Main Venue which has a scheduled finishing time later than 22:45;
- 7.3.3 Where an event is taking place at the MSG Main Venue which is a Coincident Event and a football match is being held at the Stadium and:
- (a) kick-off is at 20.15 or later; or
 - (b) the match has the possibility of going to extra-time or penalties and which could give rise to a finish within one hour of the relevant MSG event's scheduled finish time.
- 7.4 Where during any of the events detailed within paragraph 7.3 above an Adverse Impact occurs MSG shall submit to LLDC and TfL for approval (in line with the consultation requirements set out in paragraph 8.1) an updated Coincident Event LAMP with details of how it expects to mitigate against any future Adverse Impact(s) of the same nature occurring during the same type of event and once approved by LLDC and TfL (in line with the consultation requirements set out in paragraph 8.1) this shall replace the previously approved Coincident Event LAMP.
- 7.5 MSG agrees that it may not hold a Coincident Event with a planned capacity greater than 12,000 which has a start and/or end time scheduled within one hour of the start and/or end time of an event at the London Stadium that has a planned attendance which is equal to or above 50,000 where:
- 7.5.1 Adverse Impacts occur in any 12-month period during three Coincident Events where the planned capacity of the event at the London Stadium is between 50,000 and 62,500 persons; or
- 7.5.2 Adverse Impacts occur in any 12-month period during two Coincident Events where the planned capacity of the event at the London Stadium is above 62,500 persons.
- 7.6 The capacity restrictions referred to in paragraph 7.5 above shall apply until MSG has submitted to LLDC, and received approval of, an updated Coincident Event LAMP which identifies the Adverse Impacts that have occurred and the mitigation measures to be put in place to prevent those Adverse Impacts from occurring again.
- 7.7 LLDC (in consultation with TfL and Network Rail) shall be the arbiter as to whether Adverse Impacts have occurred during a Coincident Event such that the capacity restriction in paragraph 7.5 shall apply. If LLDC makes such a decision and if MSG disagrees that it was responsible for the occurrence of the relevant Adverse Impacts then MSG may refer the disagreement for determination by an expert as per an accelerated dispute resolution clause in the S106 Agreement. In the period from LLDC's decision until the decision of the expert MSG shall comply with the capacity restriction.
- 7.8 The S106 Agreement will include 'force majeure' provisions that will set out a limited set of circumstances under which the occurrence of Adverse Impacts will not be held to be the responsibility of MSG.
- 7.8.1 The 'force majeure' circumstances in relation to Station Adverse Impacts will be:
- (a) any fire or explosion which has a direct impact on the use and operation of Stratford Station and/or the wider public transport network;
 - (b) any health and safety, law enforcement or terrorist incident or other protest or unrest which has a direct impact on the operation of Stratford Station and/or the wider public transport network;
 - (c) any other failure of the public transport network or the operation of that network which has a direct impact on the operation of Stratford Station and/or the wider public transport network;

- (d) exceptional adverse weather conditions which affect the operation of Stratford Station and/or wider public transport network or the surrounding local area; or
- (e) major incidents or emergencies outside of the control of MSG which are not otherwise covered by (a) – (d) above and which directly cause a Station Adverse Impact².

that in each case adversely impacts on the operation of MSG Sphere and/or on customers attending MSG Sphere and which is not attributable to any negligent or defective act, default or omission on the part of MSG.

For the avoidance of doubt, the ability to claim force majeure will be available only for the specific period of time as the force majeure circumstances cause the Station Adverse Impacts.

7.8.2 The 'force majeure' circumstances in relation to Non-Station Adverse Impacts will be:

- (a) any fire or explosion which has a direct impact on the use and operation of Stratford Station, the wider transport network or the surrounding local area;
- (b) any health and safety, law enforcement or terrorist incident or other protest or unrest which has a direct impact on the operation of Stratford Station and/or the wider public transport network;
- (c) any other failure of the public transport network or the operation of that network which has a direct impact on the operation of Stratford Station, the wider public transport network or the surrounding local area;
- (d) exceptional adverse weather conditions which affect the operation of Stratford Station, wider public transport network or the surrounding local area; or
- (e) major incidents or emergencies outside of the control of MSG which are not otherwise covered by (a) – (d) above and which directly cause a Non-Station Adverse Impact³.

that in each case adversely impacts on the operation of MSG Sphere and/or on customers attending MSG Sphere and which is not attributable to any negligent or defective act, default or omission on the part of MSG.

For the avoidance of doubt the ability to claim force majeure will be available only for the specific period of time as the force majeure circumstances cause the Non-Station Adverse Impacts.

8. COINCIDENT EVENT LAMP

8.1 MSG shall not hold a Coincident Event at the Main Venue unless and until a Coincident Event LAMP has been approved by the LLDC and TfL (in consultation with the Newham Safety Advisory Group, Network Rail (in relation to strategic transport and station operation issues only), the London Stadium Operator and QEOP LOPSG). A reference to Coincident Event LAMP shall include any updated Coincident Event LAMP submitted and approved pursuant to paragraph 7.4.

² The principle that where an Adverse Impact occurs but this is caused by an incident or emergency which is not within MSG's control will not be an Adverse Impact is agreed. It is further agreed that the parties will have further discussions to agree whether limb (e) is required and, if so, refine the drafting of the limb to ensure that it appropriately captures incidents or emergencies which are beyond the control of MSG but at the same time strikes a balance to ensure that there is clarity as to whether or not MSG has caused or occasioned a Station Adverse Impact.

³ As above.

- 8.2 A Coincident Event LAMP must include at least the following details:
- 8.2.1 additional crowd management measures for a range of potential Coincident Event scenarios to ensure that attendees of both venues can safely access and egress during Coincident Events;
 - 8.2.2 interaction between start times, end times and capacities of both venues to avoid coincidence of large crowds from both venues, including the adjusted capacities relating to scheduled start and end times;
 - 8.2.3 MSG to designate a member of its operations team to sit in the Stadium Operations Room of the London Stadium during a Coincident Event and who shall work with the London Stadium Operator to ensure that the egress from both venues is safely coordinated; and
 - 8.2.4 identification of the necessary overlay to be implemented for Co-Incident Events;
- 8.3 MSG shall comply with the approved Coincident Event LAMP during all Coincident Events.
- 8.4 MSG shall also provide additional crowd management measures in accordance with the approved Coincident Event LAMP where a football match which otherwise would not be a Coincident Event goes to extra-time or penalties and as a result gives rise to a finish within one hour of the relevant MSG event's scheduled finish time.
9. **COINCIDENT EVENT PLANNING**
- 9.1 The process for how MSG and LS185 will work together to manage bookings will be set out in a separate agreement between MSG and LS185 (the form of which must be acceptable to LLDC and TfL). The Development shall not commence until this agreement has been entered into and confirmation of the same has been provided to LLDC. This agreement will include provisions relating to:
- 9.1.1 the operation of a shared 'events calendar';
 - 9.1.2 'pencilled-in dates' (which are dates where a distinct event is planned at the London Stadium but a contract has not been signed with the artist/promoter);
 - 9.1.3 a Coincident Events working group;
 - 9.1.4 London Stadium major event updates; and
 - 9.1.5 London Stadium football fixture updates.
- 9.2 MSG shall pay LS185's reasonable legal costs incurred in the negotiation of this agreement.
- 9.3 MSG agrees that the obligations in the S106 Agreement that relate to Coincident Events shall not be varied without the consent of LS185 (such consent not to be unreasonably withheld or delayed).
10. **MAJOR SPORTING COINCIDENT EVENTS**
- 10.1 Where MSG is provided with not less than two years' written notice that a Major Sporting Event⁴ is scheduled to take place at the London Stadium and evidence to demonstrate a contractual commitment to such event MSG shall:

⁴ Means Olympic and Paralympic Games, the Commonwealth Games, the IAAF World Championships, the IPC Athletics World Championships, the European Athletics Championships, the Continental Cup or the Diamond League final; the FIFA World Cup, the UEFA European Football Championships, the ICC Cricket World Cup, the ICC World Twenty20 Cricket Championships, the IRB Rugby World Cup and the Rugby League World Cup.

- 10.1.1 not host any event at the Main Venue which has an attendance above 15,000 persons on the same day(s) as the Major Sporting Event at the London Stadium;
 - 10.1.2 not host any event at the Main Venue on the same day as the Major Sporting Event is to be held at the London Stadium unless MSG has submitted to LLDC a Major Sporting Coincident Event LAMP and this has been approved by LLDC (in consultation with the Newham Safety Advisory Group, TfL and Network Rail (in relation to strategic transport and station operation issues only), the London Stadium Operator and QEOP LOPSG) (such approval not to be unreasonably withheld or delayed); and
 - 10.1.3 not operate the Main Venue otherwise than in accordance with the relevant approved Major Sporting Coincident Event LAMP on the day(s) that the relevant Major Sporting Event is held at the London Stadium.
- 10.2 The details set out in any Major Sporting Coincident Events LAMP shall include at least the following:
- 10.2.1 the additional crowd management measures to ensure that attendees of both venues can safely access and egress (such as providing for alternative exit routes during times of access and/or egress coincidence and managing stop and hold);
 - 10.2.2 how start times and capacities for events at the Main Venue will respond to start times for the Major Sporting Event at the London Stadium to avoid the coincidence of large crowds from both venues, including the adjusted capacities relating to scheduled start times;
 - 10.2.3 how end times and capacities for events at the Main Venue will respond to end times for the Major Sporting Event at the London Stadium to avoid the coincidence of large crowds from both venues, including the adjusted capacities relating to scheduled end times; and
 - 10.2.4 MSG to designate a member of its operations team to sit in the Stadium Operations Room of the London Stadium during the Major Sporting Coincident Event and who shall work with the London Stadium Operator to ensure that the egress from both venues is safely coordinated.
- 10.3 Where MSG is provided with less than two years' written notice that a Major Sporting Event is scheduled to take place at the London Stadium and evidence to demonstrate a contractual commitment to such event MSG shall:
- 10.3.1 not host an event at the Main Venue which has a capacity above 15,000 persons on the same day(s) as the Major Sporting Event at the London Stadium where such event was not already scheduled at the time when MSG is provided with notice that the Major Sporting Event is scheduled to take place at the London Stadium and evidence to demonstrate a contractual commitment to such event is received by MSG;
 - 10.3.2 use reasonable endeavours to adjust the start and end times of the event(s) at the Main Venue on the same day(s) as the Major Sporting Event at the London Stadium so that those are not coincident with the anticipated access and/or egress times of the Major Sporting Event at the London Stadium (save that MSG shall be under no obligation to adjust the end time of an event to a time which is later than 23:30); and
 - 10.3.3 use reasonable endeavours to agree a Major Sporting Coincident Event LAMP with LLDC (in consultation with the Newham Safety Advisory Group, TfL (in relation to strategic transport and station operation issues only), the London Stadium Operator and QEOP LOPSG) in relation to any event(s) at the Main Venue on the same day(s) as the Major Sporting Event at the London Stadium and where agreed shall not operate the Main Venue otherwise than in accordance with that agreed Major Sporting Coincident Event LAMP on the day(s) that the relevant Major Sporting Event is held at the London Stadium.

11. STRATFORD STATION – OPERATIONAL MONITORING

- 11.1 In order to assess Station Adverse Impacts, additional monitoring of the operation of Stratford Station and the transport network will be undertaken by TfL in consultation with Network Rail (if necessary) during a period of six months prior to the anticipated opening of the Development.
- 11.2 Separately from the measures referred to above that relate to Coincident Events, for three years from the first event at the Main Venue (other than a test event) TfL in consultation with Network Rail (if necessary) will monitor the impacts on Stratford Station of visitors travelling to and departing from the Development on days when events are being held at the Main Venue.
- 11.3 If during this monitoring period Station Adverse Impacts occur on five days then MSG shall meet the costs identified by TfL in consultation with Network Rail (if necessary) in order to implement specified mitigation measures, which may include additional signage, barriers and staffing. MSG's total cost liability in this regard shall be £1,500,000.
- 11.4 If despite the mitigation measures referred to at paragraph 11.3 Station Adverse Impacts occur on a further five days during the monitoring period, MSG shall:
- 11.4.1 alter start and finish times (within the ambit of the overall restriction on finishing times or such necessary variations as may be approved by LLDC and TfL); and/or
- 11.4.2 pay an additional sum of money towards the implementation of further mitigation measures.
- 11.5 MSG shall meet the reasonable costs of TfL in undertaking the monitoring and implementing any mitigation measures required under this paragraph 11. MSG's total liability under this paragraph 11 (including any additional sum payable under paragraph 11.4.2) will not exceed £3,000,000.
- 11.6 The S106 Agreement will contain arrangements for putting in place a bespoke mechanism for monitoring potential Station Adverse Impacts and this information will be used in order to assess whether mitigation interventions are required.

12. HOURS OF OPERATION

- 12.1 Subject to paragraph 12.2 and save where pursuant to the details of the approved Coincident Event Lamp MSG is permitted to finish after 23:00 but not later than 23:30 every event held in the Main Venue on a Monday to Saturday shall finish no later than 23:00 and every event on a Sunday shall finish no later than 22:30.
- 12.2 Save where MSG has been permitted to finish an event after 23:00 but not later than 23:30 pursuant to the Coincident Event LAMP and in exceptional circumstances only MSG may request permission for an event at the Main Venue to finish later than:
- 12.2.1 23:00 on Monday – Saturday; and
- 12.2.2 22:30 on Sundays
- (each a "Late Finish Event") and no Late Finish Event shall be held unless in each case LLDC has granted approval to the request made.
- 12.3 A request referred to in paragraph 12.2 shall be made to LLDC and must include:
- 12.3.1 a 'late night LAMP' detailing the management/mitigation measures that will be put in place to deal with crowd egress late at night and any other adverse impacts on amenity; and

12.3.2 an 'ES compliance statement' which will either confirm that the ES conclusions remain relevant as regards the proposed later finish; or where new or different likely significant effects may occur what they are and how they will be mitigated.

12.4 LLDC will consult with TfL and Network Rail in relation to any matters or mitigation measures that relate to the transport network.

13. FINANCIAL CONTRIBUTION TOWARDS STATION STAFFING

13.1 MSG shall pay to TfL a financial contribution for station staffing each year during the first 10 years commencing on the date that the Development is first opened to the public. The first payment will be not less than £1,400,000 and thereafter reviewed on an annual basis based upon the actual additional costs incurred in order to ensure that there is sufficient staffing to address operational demands resulting from the Development.

13.2 The contribution will be used for additional staffing at Stratford Station, Stratford International Station (DLR), Maryland Station and Hackney Wick Station on days when an event is held at the Main Venue.

13.3 The contribution will be payable in advance and the amount will be estimated by reference to the projected number, size, day of and type of events. There will be a reconciliation mechanism at the end of each year by reference to the actual costs incurred to allow any underspend to be refunded to or any overspend to be paid by MSG.

13.4 Where appropriate and with LLDC's and TfL's approval, MSG may instead enter into an agreement with a relevant transport operator to pay that operator directly. As part of any such request for approval, MSG will provide a copy of this agreement (in final draft or executed form) to LLDC and TfL.

14. CONOPS AND EVENT MANAGEMENT

14.1 MSG will comply with the following documents as approved by LLDC (in consultation with relevant stakeholders):

14.1.1 A 'Concept of Operations' (CONOPS) – which will set out how the Development is intended to be managed and operated.

14.1.2 A Venue Operations Manual (VOM).

14.2 Drafts of these documents will be appended to the S106 Agreement.

14.3 The Development will not be opened to the public until the CONOPS and VOM have been approved.

15. FUTURE PERMISSIONS TO INCREASE THE CAPACITY AT THE LONDON STADIUM

15.1 If a planning application is made to increase the capacity of the London Stadium, the capacity of any events which can be held at the London Stadium, or the maximum permitted number of any events in accordance with the extant planning permission for the use of the London Stadium with reference 12/00066/FUM (as amended by the current application to increase the capacity of sports events to 62,500 persons which is awaiting final determination (ref [TBC])), there shall be a joint review by LLDC, TfL, Network Rail, Newham Council and MSG during the determination of that application in order to determine whether or not the relevant provisions of the S106 Agreement should in the interests of fairness be varied to take account of the Stadium's request to increase capacity and/or maximum permitted number of any events.

16. STRATFORD BUS STATION CONTROLLER

MSG shall pay to TfL an annual Bus Staffing Contribution of £85,541 each year during the first four years commencing on the date that the Development is first opened to the public towards ensuring that there is sufficient additional staffing in place to facilitate the continued safe and efficient operation of the Stratford City bus station on an event day.

17. CYCLE DOCKING STATION CONTRIBUTION

17.1 No later than one year prior to the anticipated opening of the Development, MSG will pay a Cycle Hire Contribution of £220,000 to TfL which will contribute towards funding the provision of additional or expanding existing cycle docking stations in the vicinity of (but not on) the Site.

17.2 MSG shall pay a contribution of £48,000 to Newham Council at least one year before the anticipated opening date for Newham Council to provide eight bicycle hire docking stations for Brompton bicycles in the vicinity of the Development (but not on the Site).

18. WAYFINDING CONTRIBUTION

18.1 Prior to commencement of development, MSG will pay £80,000 to LLDC as a contribution towards installing/updating appropriate wayfinding measures outside of Stratford Station but within the vicinity of the Development.

19. CONSTRUCTION TRANSPORT MANAGEMENT GROUP

19.1 MSG will become a member of the Construction Transport Management Group (“CTMG”) and will remain a member until the Development is opened to the public or, if earlier, the CTMG dissolves. If the CTMG dissolves, MSG will set up and join a successor group.

19.2 MSG will procure that a representative attends each meeting subject to receiving one week’s notice and subject to there being no more than 12 meetings in a year.

19.3 MSG will pay the Construction Transport Management Contribution of £50,000 to the LLDC no later than commencement of the Development towards works or measures necessary to mitigate short-term construction impacts.

20. HIGHWAY WORKS

Montfichet Road Works

20.1 Prior to the development works going beyond podium level, MSG shall enter into a highways agreement with Newham Council for the highway improvements to Montfichet Road (“Montfichet Road Works”) up to and including the junction with Penny Brookes Street.

20.2 The Montfichet Road Works must be completed before the Development is opened to the public.

Angel Lane Works

20.3 Prior to the commencement of works above podium level, MSG shall enter into a highways agreement with Newham Council for the highway improvements to Angel Lane (“Angel Lane Works”).

20.4 The Angel Lane Works must be completed before the Development is opened to the public.

21. COSTS

21.1 Subject to there being no double recovery, MSG will be required to cover all reasonable and proper internal and external costs incurred by LLDC, TfL, LUL, LBN and Network Rail in relation to the consideration, approval and involvement with any works, and attendance at meetings which are required to facilitate the construction and subsequent operation of the Development.

- 21.2 In respect of each body's costs, estimates of costs are to be provided in advance and updated where necessary.
22. **VISITOR TRAVEL PLAN ("VTP") AND STAFF TRAVEL PLAN ("STP")**
- 22.1 MSG will prepare a VTP and STP based on framework plans to be appended to the S106 Agreement and will submit them to LLDC for approval (in consultation with TfL and Network Rail) not less than nine months before the anticipated opening date of the Development.
- 22.2 MSG will comply with the approved VTP and STP at all times with effect from the opening of the Development, subject to such amendments as may be approved in writing by LLDC (in consultation with TfL) from time to time.
23. **TRAVEL PLAN CO-ORDINATOR**
- 23.1 MSG will appoint and notify LLDC of the name and contact details of a Travel Plan Co-ordinator on or before the opening of the Development.
24. **TRAVEL PLAN STEERING GROUP ("TPSG")**
- 24.1 MSG will establish a TPSG not less than nine months before the anticipated opening date of the Development and the S106 Agreement will contain provisions for the membership of that group and its terms of reference etc.
25. **TRAVEL PLAN MONITORING**
- 25.1 MSG will monitor compliance with the VTP and STP for five years from the opening of the Development and submit a monitoring report to LLDC and to Newham Council (with a copy to the TPSG) on the first, third and fifth anniversaries of the opening date.
- 25.2 Where any monitoring report states that the mode share targets are not being achieved MSG shall submit to LLDC and Newham Council (with a copy of correspondence sent to the TPSG) with that report or notice details of additional travel plan measures to be implemented by MSG in order to comply with the mode share targets in the VTP and STP for approval. Any additional measures shall be implemented as approved.
- 25.3 MSG will continue to monitor and submit a monitoring report every two years until the report demonstrates that all mode share targets are being complied with.
26. **CAR PARKING SPACES**
- 26.1 The 37 car parking spaces provided as part of the Development will not be made available for use by the general public.
- 26.2 At least 109 blue badge car parking spaces are to be made available at all times when the Main Venue is open to the public for use by visitors to the Development who are blue badge holders ("**Blue Badge Car Parking Spaces**"). MSG will aim to provide these Blue Badge Car Parking Spaces in the HS1 Car Park. If it is not possible for MSG to provide the Blue Badge Car Spaces in the HS1 Car Park then MSG may request LLDC's written consent for them to be provided instead in the Westfield Car Parks and such request must set out the reasons (with supporting information as necessary) why it has not been possible to provide them in the HS1 Car Park.
- 26.3 The Main Venue will not be opened to the public until the Blue Badge Car Parking Spaces have been provided.
- 26.4 MSG will monitor the use of the Blue Badge Car Parking Spaces following the opening date of the Development for a period of 10 years and submit a report to LLDC on each of the first, third, fifth,

seventh and tenth anniversaries of the opening date of the Development and where any report demonstrates that the results of the monitoring show that additional blue badge car parking spaces are required in order to meet the level of demand from visitors to the Development MSG shall submit to LLDC at the same time as the submission of the report an updated version of the mobility assistance operation details approved in accordance with paragraph 28.1 relating to those additional spaces for the approval of LLDC.

26.5 Where any report demonstrates that the results of the monitoring show that additional blue badge car parking spaces are required in order to meet the level of demand from visitors to the Development additional spaces shall be provided in accordance with the process set out in paragraph 26.6 below.

26.6 In the event LLDC reasonably considers that additional blue badge car parking spaces are required in order to meet the level of demand from visitors to the Development having taken into account the results of the monitoring, LLDC will notify MSG of the number of additional spaces it reasonably considers should be provided. MSG will:

26.6.1 provide these spaces in the HS1 Car Park or if that is not possible then in the Westfield Car Parks within six months of such notice from LLDC and the provisions of paragraph 26.2 shall apply in the same manner in respect of the location of additional spaces; and

26.6.2 within not more than two months of such notification submit to LLDC an updated version of the mobility assistance operation details approved in accordance with paragraph 28.1 relating to those additional spaces for the approval of LLDC.

27. **CAR TRIPS - MITIGATION**

27.1 MSG will use reasonable endeavours to provide at least one in five spaces in the MSG area of the car park at Stratford International Station as an electric car charging point.

27.2 MSG shall operate staggered entry times on pre-booked MSG car parking slots or similar measures to limit queueing on high capacity weekday evening events / multiple high capacity events in one day.

27.3 Temporary anti-idling signage (instructions to switch off engines whilst queuing) will be funded by MSG and set out for large scale events at identified traffic congestion hotspots on the route to the car park at Stratford International Station.

28. **MOBILITY ASSISTANCE**

28.1 MSG will submit details of the mobility assistance operation to LLDC for approval not less than nine months before the anticipated opening date of the Development. MSG will not open the Main Venue to the public unless the details have been approved by the LLDC in consultation with TfL and Newham Council.

28.2 Mobility assistance will be provided in accordance with the approved mobility assistance operation details before and after each event at the Main Venue (including any updated version of the mobility assistance operation details which are approved following the submission of those in accordance with paragraph 26.4 or 26.6.2 above).

29. **CYCLE PARKING SPACES**

29.1 MSG will provide at least 100 staff cycle parking spaces on the Site. The Main Venue will not be open to the public until the cycle parking spaces are available for use by staff.

29.2 MSG will provide 96 short stay cycle parking spaces in the vicinity of the Site ("Visitor Cycle Parking Spaces"). The locations are to be agreed between MSG and LLDC before the opening date. The

Main Venue will not be open to the public until the cycle parking spaces are available for use by visitors to the Development.

29.3 MSG will monitor the use of the Visitor Cycle Parking Spaces and any other cycle parking spaces in the vicinity of the Site that reasonably meets demand from visitors to the Development for a period of five years from the opening date and submit a report to LLDC no later than three months following the first anniversary of the opening date demonstrating the results of the monitoring and whether additional visitor cycle parking spaces should be provided in order to meet the level of demand from visitors to the Development.

29.4 In the event LLDC reasonably considers that further visitor cycle parking spaces are required to meet the level of demand from visitors to the Development having taken into account the results of the monitoring, LLDC will notify MSG of the number of additional spaces it reasonably considers should be provided.

29.5 Following receipt of notification under paragraph 29.4 MSG will find and secure a location for the additional cycle parking on highway land that is within a reasonable walking distance of the Site provided that Newham Council is prepared to enter into a section 278 agreement to facilitate such provision. If a location cannot be found or a section 278 agreement cannot be entered into then MSG will pay Newham Council a financial contribution in-lieu of such provision for use towards provision of cycle parking or other measures to promote cycling.

30. **TRAFFIC MANAGEMENT ORDERS (“TMO”)**

30.1 Newham Council will notify MSG of any TMOs required to be made as a direct result of the Development and an estimate of the costs. MSG will pay Newham Council’s reasonable estimated costs for making any such TMO.

31. **CONTROLLED PARKING ZONES (“CPZ”)**

31.1 MSG will monitor on-street parking in the CPZ monitoring area for one year from the opening date. MSG will submit a monitoring report to Newham Council and the London Borough of Waltham Forest (with a copy provided to the LLDC) no later than three months following the first anniversary of the opening date. The report will include the results of MSG’s monitoring and MSG’s views on whether the hours of operation of any CPZ should be extended/altered as a direct result of on-street parking generated by the Development.

31.2 In the event that Newham Council and/or the London Borough of Waltham Forest concludes that the hours of operation of any CPZ should be extended/altered, MSG will pay to Newham Council and/or London Borough of Waltham Forest their reasonable estimated costs for consulting on and implementing the required extension/amendments (as the case may be).

32. **APPROVALS**

32.1 Where there is a requirement of a document submitted to LLDC for approval in consultation with TfL and/or Network Rail any further revisions or amendments to the document submitted by MSG as a consequence of any consultation response from TfL and/or Network Rail shall be shared with TfL and Network Rail (as appropriate) for comment and the final version of the document shall not be approved by LLDC without first affording TfL and/or Network Rail (as appropriate) a reasonable opportunity to provide comments.

PART 2 – NON-TRANSPORT FINANCIAL CONTRIBUTIONS

1. EMPLOYMENT AND TRAINING CONTRIBUTION

- 1.1 MSG will pay an employment and training contribution of £2,100,000 to Newham Council on or before the commencement of the Development.

2. CARBON OFFSET CONTRIBUTION

- 2.1 MSG will pay a carbon offset contribution (currently calculated at £2,624,400) to LLDC on or before the opening date towards LLDC's carbon offset fund or if the carbon offset fund has ceased to exist then towards specified carbon reduction/sustainability projects in the London Borough of Newham.

3. AIR QUALITY

- 3.1 MSG will pay to Newham Council £25,000 per annum for five years from the second anniversary of the commencement of construction towards the cost of air quality monitoring measures.

4. ENVIRONMENTAL MONITORING CONTRIBUTIONS

- 4.1 MSG will pay a construction environmental health monitoring contribution of £280,000 to Newham Council in four equal annual instalments from the commencement of Development.
- 4.2 MSG will pay an operational environmental health monitoring contribution of £175,000 to Newham Council in five equal annual instalments from the opening date.

5. MONITORING CONTRIBUTIONS

Contribution towards construction monitoring

- 5.1 MSG will pay £100,000 to LLDC for the monitoring of the obligations and covenants in the S106 Agreement during the construction period prior to the commencement of the Development.

Contributions towards operational monitoring

- 5.2 MSG will pay the following to LLDC for the costs of monitoring the planning obligations that relate to the operation of the Development:
- 5.2.1 £25,000 - prior to the opening of the Main Venue to the public;
- 5.2.2 £25,000 - on the first, second, third and fourth anniversaries of the payment at paragraph 5.2.1 for monitoring of the planning obligations for the forthcoming year;
- 5.2.3 £25,000 - if on the fifth, sixth, seventh, eighth and ninth anniversaries of the payment at paragraph 5.2.1 LLDC is continuing to incur monitoring costs on the relevant anniversary.

6. INDEXATION

- 6.1 All financial contributions to be index linked applying the appropriate index from the date of the S106 Agreement to the date that payment of the relevant contribution is due.

7. ADDITIONAL COSTS INCURRED BY PUBLIC AUTHORITIES

- 7.1 MSG will be responsible for the reasonable costs incurred by any of the public authorities where they are required to review, determine and/or monitor the Development or any other matter related to it, including the costs of external consultants/specialists, subject to no double recovery under any other

provision of the Agreement and the agreement of an estimate of external consultants/specialists costs in advance.

8. **INTEREST**

- 8.1 If any payment due under the S106 Agreement is paid late, interest will be payable from the date payment is due to the date of payment.

PART 3 – OTHER OBLIGATIONS

1. EVENTS AND VENUE COLLABORATION

- 1.1 Prior to commencement of the Development MSG will become a member of Queen Elizabeth Olympic Park Licensing, Operational Planning & Safety Group (“QEOP LOPSG”) and will remain so for the lifetime of the Development. MSG will procure that a representative attends each meeting of QEOP LOPSG.
- 1.2 Prior to the commencement of the Development MSG will become a member of Newham Council's Safety Advisory Group (“SAG”) and will remain a member for the lifetime of the Development or until Newham Council SAG agrees that attendance is no longer required. MSG will procure that a representative attends each meeting of SAG.
- 1.3 MSG will procure that a representative attends each Stratford Transport and Rail Interface Meeting (“STRIM”) from the opening date for the lifetime of the Development, or until STRIM meetings cease to take place.
- 1.4 MSG will establish a forward planning forum not less than 24 months prior to the anticipated opening date of the Development with representatives from the London Stadium and the other venues at the Queen Elizabeth Olympic Park.
- 1.5 Prior to the operation of the Development MSG will become a member of the Stratford Original Business Crime and Reduction Partnership.

2. COMMUNITY LIAISON GROUP

- 2.1 MSG will establish and operate a Community Liaison Group (“CLG”) in accordance with approved details submitted to LLDC not later than the commencement of the Development.
- 2.2 The CLG will be established as a forum for people living or working nearby in accordance with the Community Liaison Group Framework to be attached to the S106 Agreement. The Community Liaison Group Framework shall include (but not be limited to) details of: (1) membership; (2) scope and (3) powers.
- 2.3 The CLG will meet six times per year for the lifetime of the Development with the ability for more meetings to be held at MSG’s discretion. MSG may apply to LLDC for the frequency of the CLG meetings to be changed after at least two years have elapsed following the date on which the Development is opened to the public.
- 2.4 All reasonable costs associated with the operation of the CLG will be met by MSG.

3. ROAD USER DISTRACTION ASSESSMENT

- 3.1 The Development’s digital displays will not be used for display of any illuminated content (save for when required in order to carry out assessment work) until:
 - 3.1.1 The scope of the road user distraction assessment has been submitted to and approved in writing by LLDC and Newham Council as highway authority.
 - 3.1.2 A detailed assessment, in accordance with the scope agreed, has been undertaken of the risk of road user distraction likely to be caused as a result of the use of the digital displays at agreed points on the highway network including, but not limited to, the following:
 - (a) the junction of Montfichet Road and Pool Street, northbound traffic only;
 - (b) the junction of Montfichet Road and Westfield Avenue, northbound traffic only;

- (c) the junction of Montfichet Road and the approach to the Town Centre Link Bridge, northbound traffic only;
- (d) the junction of Montfichet Road and International Way, southbound traffic only;
- (e) the pedestrian crossing on Leytonstone Road, westbound traffic only;
- (f) the junction of Pool Street and Carpenter's Road, eastbound traffic only; and
- (g) any other junctions specified by the LLDC and Newham Council.

3.1.3 A report has been submitted to LLDC and Newham Council summarising the results and identifying proposed mitigation from a range of measures to be set out in the Agreement (and the identified range of measures shall include but not be limited to works to alter or reposition road traffic signals or signage) in order to mitigate risks of road user distractions as a result of the use of the digital displays.

3.1.4 Where the report requires mitigation works to be undertaken, the identified works must be approved by Newham Council and LLDC (as appropriate) and be carried out and completed by MSG in accordance with the approved details.

3.1.5 A monitoring strategy has been submitted to and approved by LLDC and Newham Council including details of how monitoring of the impact of the digital displays on road users will be undertaken, with monitoring reports to be submitted to the Digital Display Monitoring Group.

3.2 The Development's illuminated displays will not be operated unless the monitoring strategy as approved by LLDC and Newham Council is being complied with.

4. **SITE CONNECTIONS**

4.1 MSG will not open the Main Venue to the public until Montfichet Road Bridge 1, Montfichet Road Bridge 2, Town Centre Link Bridge 3 and the Angel Lane access to the Site (the "Site Connections") have been completed and are available for public use.

4.2 MSG will maintain the Site Connections (including all new lifts incorporated in the Site Connections) in good repair and keep them open to the public in accordance with section 5 below for so long as the Main Venue is open to the public.

5. **PUBLIC ACCESS**

5.1 Subject to permitted closures MSG will allow public access to the Site Connections and the open space within the Development as follows:

5.1.1 between 05:00 – 00:00: Site Connections and open space.

5.1.2 between 00:00 – 05:00: access to the podium, Site Connections and open space limited to those visiting premises within the Development only; and

5.1.3 the North Hub will be kept open to the public and will be accessible from Angel Lane at all times.

5.2 MSG will be entitled to close the Site Connections and/or open space at any time for the specified reasons which will include the standard permitted closures (such as in the case of emergency) and for the holding of up to 10 private events per year.

6. **COMMUNITY INVOLVEMENT**

Community Involvement Programme ("CIP")

- 6.1 MSG will prepare and submit a CIP to LLDC for approval as soon as reasonably practicable following the date of the S106 Agreement and in any event not later than the commencement of the Development.
- 6.2 The CIP will set out various measures to support local community groups including providing grant funding up to a maximum of £250,000 per year for five years following the opening of the Main Venue to the public and funding eight scholarships of £5,000 per annum per scholarship for four years.
- 6.3 MSG will not open the Main Venue to the public unless the CIP has been approved by LLDC. MSG will comply with the CIP for the lifetime of the Development, subject to such amendments as may be approved by LLDC from time to time.
- 6.4 MSG's maximum financial commitment under the CIP will be £300,000 per annum for the five years following the opening of the Main Venue and £50,000 per annum for each year thereafter for so long as the Main Venue is open to the public.

Use of Smaller Music Venue

- 6.5 MSG will make the Smaller Music Venue available for rent-free hire for an evening event by local musicians and community groups for at least 10 days every year. House sound and lighting systems will be made available at no charge to the user and MSG will contribute up to £5,000 per event towards any additional direct operating costs.
- 6.6 The use will be reviewed by MSG every five years following the opening date. The number of days may reduce subject to LLDC's approval if the take-up has been less than 10 days per year on average during the preceding five-year period.

Publicity of CIP and use of Smaller Music Venue

- 6.7 Prior to the opening of the Development MSG must have submitted to LLDC, and received approval of, a strategy to publicise the obligations above relating to the CIP and use of the Smaller Music Venue. The publicity strategy must be implemented as approved.

7. EMPLOYMENT AND TRAINING - DELIVERY PLANS

- 7.1 MSG will submit a delivery plan to Newham Council setting out how it proposes to meet its employment and training commitments set out in the S106 Agreement.
- 7.2 MSG and Newham Council will establish a working group to implement, monitor and review the delivery plans which will meet on a monthly basis from the commencement of Development until the first anniversary of the opening date.

8. EMPLOYMENT TARGETS

- 8.1 MSG will use reasonable endeavours to (and will procure that its contractors/sub-contractors use reasonable endeavours to) ensure that:
 - 8.1.1 35% of the construction workforce live in Newham, Hackney, Tower Hamlets or Waltham Forest (the "Local Boroughs") with priority given to Newham residents, including six paid internships (minimum of three months) per year targeted towards young students (18-30);
 - 8.1.2 50% of operational workforce live in the Local Boroughs with priority given to Newham residents, including eight paid internships (minimum of six months) per year for four years targeted towards young people (18-30);

8.1.3 5% of the operational workforce will comprise apprentices aged 16-30 from the Local Boroughs with priority given to Newham residents; and

8.1.4 under-represented groups will be targeted for appropriate job vacancies in accordance with the following targets:

(a) construction phase: 30% BAME; 10% women; 5% people with disabilities;

(b) operational phase: 50% BAME; 50% women; 10% people with disabilities.

9. LONDON LIVING WAGE

9.1 MSG will pay all full-time and part-time staff not less than the London Living Wage and use reasonable endeavours to procure that its contractors/sub-contractors (in respect of construction jobs) and its tenants (if any) at the Development pay their staff not less than the London Living Wage.

10. OUR NEWHAM WORK

10.1 MSG will use reasonable endeavours to (and will use reasonable endeavours to procure that its contractors and sub-contractors in respect of construction jobs use reasonable endeavours to):

10.1.1 advertise and notify appropriate job vacancies arising from the Development with Our Newham Work; and

10.1.2 identify a single point of contact to work with Our Newham Work and during the construction period, establish or identify a suitable forum to enable Our Newham Work to promote their service to on-site contractors.

11. SUPPLY CHAIN OPPORTUNITIES

11.1 MSG will work with Newham Workplace to engage with local businesses to improve their ability to take advantage of supply chain opportunities arising from the Development.

11.2 MSG will use reasonable endeavours to source at least 15% (by value) of goods and services from businesses in the London Borough of Newham.

12. EDUCATION COMMITMENTS

12.1 During the construction period, MSG will contribute to work programmes with schools around careers information, education and guidance, work-related learning, enterprise education and mentoring in accordance with arrangements agreed with Newham Council.

12.2 From the opening date until the fourth anniversary of the opening date, MSG will use reasonable endeavours to build links with local schools and colleges, help young people realise the relevance of education and training, and provide an annual two-day teacher business placement workshop for up to 20 teachers.

13. EMPLOYMENT, TRAINING AND EDUCATION MONITORING

13.1 MSG will provide monitoring reports to Newham Council in relation to its employment, training and education commitments set out in the S106 Agreement.

14. MITIGATION FOR LOSS OF TELEVISION RECEPTION

14.1 MSG will not carry out any above ground works forming part of the Development until a television reception survey has been submitted to and approved by LLDC.

- 14.2 If during the period expiring on the first anniversary of completion of the Development more than 10 complaints are received regarding a deterioration in television reception, MSG will commission a second survey and submit it to LLDC for approval.
- 14.3 If the second reception survey identifies a material deterioration in television reception attributable to the Development, MSG will either deliver mitigation measures to restore the quality of reception or make an equivalent financial contribution to the owner or occupier of the affected properties.
15. **DESIGN QUALITY**
- 15.1 MSG will retain Populous (the “Architect”) or such alternative architectural practice of similar reputation as approved by LLDC for the detailed design of the Development and to oversee the delivery of the Development in accordance with the approved drawings.
- 15.2 No Development will be carried out except in accordance with the approved drawings.
16. **DISUSED URINALS**
- 16.1 MSG will retain the Disused Urinals at the Site until the time at which works to construct the Development in their location are due to begin. MSG will then be entitled to remove the Disused Urinals but must keep the Disused Urinals in off-site storage at its own cost for a minimum period of 36 months following their removal.
- 16.2 During the period of storage, MSG will use reasonable endeavours to identify a group/person to take ownership of the Disused Urinals. If no group/person is willing to take ownership within 36 months, then subject to evidence being provided to LLDC, MSG will at its own cost undertake archival recording prior to disposing of the Disused Urinals.
17. **DIGITAL DISPLAY PRECAUTIONARY MITIGATION AND MONITORING OF LIGHT IMPACTS**
- 17.1 MSG will submit to LLDC for approval (in consultation with TfL and Network Rail) and comply with the following strategies prior to the operation of the illuminated façade:
- 17.1.1 a familiarisation strategy for road and train drivers; and
- 17.1.2 a phased commissioning strategy for the digital display.
- 17.2 MSG will provide and install blackout blinds to windows of any residential and student properties with a direct view of the Sphere and which are within 150 metres of the Sphere (“Affected Property”) where the owner or occupier of an Affected Property submits a written request to MSG within the first twenty five years following the opening date subject to a review at each five year interval and this obligation and the obligation in paragraph 17.4 shall no longer be required to be complied with by MSG where no owner or occupier of an Affected Property submits a written request to MSG within the preceding five year period.
- 17.3 When installing blackout blinds in accordance with paragraph 17.2 MSG shall notify the relevant owner and/or occupier (as appropriate) that the blackout blind(s) is not to be removed if they vacate the property.
- 17.4 Any written request may only be made by the owner or occupier of an Affected Property and if an Affected Property has had blinds installed and these are removed by a previous occupier or become defective then MSG shall replace the blinds upon a further request being made to it.
- 17.5 Prior to first operation of the Development’s illuminated façade MSG shall have served written notice on the occupiers of all of the Affected Properties to notify them of their eligibility for blackout blinds.

- 17.6 MSG will establish and operate a complaints telephone line and email address by not later than the commencement of Development until the first anniversary of the opening date. In respect of complaints relating to light intrusion/nuisance (excluding vexatious complaints) and in advance of each meeting of the Digital Display Monitoring Group (“DDMG”), MSG will investigate such complaints and produce a report of all complaints received (excluding vexatious complaints) including details of what was done or not done by MSG following its investigation of each complaint. These reports will be submitted to the DDMG as soon as reasonably practicable and in advance of each DDMG meeting.
- 17.7 MSG will establish and operate a DDMG by not later than the commencement of the Development, in accordance with approved details which shall be produced by reference to terms of reference that will be attached to the S106 Agreement, to monitor impacts of the digital display on road users, rail users and highway safety and residential amenity.
- 17.8 The DDMG will consist of MSG, LLDC, Newham Council, TfL and Network Rail (in relation to railway safety) and any other relevant public authorities and independent member who are suitability qualified in the matters over which the DDMG has jurisdiction.
- 17.9 The DDMG’s main functions will include:
- 17.9.1 reviewing monitoring reports relating to the Development’s impact in terms of light emissions on the rail and road networks;
 - 17.9.2 reviewing the content of complaints received from people who claim to be adversely affected by light emissions from the Development;
 - 17.9.3 issuing recommendations which respond to the reports and complaints referred to at paragraphs 17.9.1 and 17.9.2 respectively which shall include, where appropriate, mitigation measures for MSG to carry out/provide.
- 17.10 Where any recommendation(s) referred to at paragraph 17.9.3 identifies mitigation measures that relate to the mitigation of impacts on the rail and/or road network MSG must carry out those measures within the reasonable timescales identified in the report.
- 17.11 Where any complaints made by persons claiming to be adversely affected by the Development (excluding vexatious complaints) have not been resolved by MSG to the satisfaction of the person who made the complaint (“Outstanding Complaints”), the DDMG shall consider what action, if any, MSG should take to address the Outstanding Complaints and detail the same in its next set of recommendations. MSG shall be required to consider the content of all DDMG recommendations and respond to LLDC with what action (if any) it will be taking in response. Where it is not following the recommendations of the DDMG it must explain the reasons why.
- 17.12 The DDMG shall meet at least once every three months per year for the lifetime of the Development subject to the ability to review this frequency of meetings at any time after the second anniversary of the Development being open to the public.
- 17.13 All reasonable costs associated with the operation of the DDMG will be met by MSG.
18. **DIGITAL DISPLAY MANAGEMENT STRATEGY**
- 18.1 The illuminated façade of the Development shall not be operated until a digital display management strategy (“DDMS”) has been submitted to, and approved by, LLDC (in consultation with TfL and Network Rail). The DDMS shall set out mitigation measures and operational controls related to the displays on the Development’s illuminated façade with the aim of mitigating adverse impacts on human health, road user distraction, rail driver distraction and station operation distraction and shall consider the following:

- 18.1.1 Restricting the display of flashing images;
 - 18.1.2 Determining the maximum speed of moving images;
 - 18.1.3 Determining a minimum display time for each image/display;
 - 18.1.4 Determining the intervals between each display;
 - 18.1.5 Restricting the display of phone numbers, websites or e-mail addresses;
 - 18.1.6 Restricting the display of symbols which resemble any road traffic signage or signals;
 - 18.1.7 Measures to revert the digital displays to a default display if a malfunction occurs;
 - 18.1.8 Restricting the display of symbols which resemble any rail signage or signals; and
 - 18.1.9 Zoning of display material.
- 18.2 The DDMS shall be informed by the approved Detailed Visual Display and Luminance Management Strategy. The DDMS shall be updated to include the recommendations of the Digital Display Monitoring Group on an annual basis.
- 18.3 The illuminated façade of the Development shall not be operated otherwise than in accordance with the approved DDMS as updated from time to time.
19. **DISPLAY OF PUBLIC ART STRATEGY**
- 19.1 The illuminated façade of the Development shall not be operated until a digital public art content strategy (“DPACS”) has been submitted to and approved by LLDC. The DPACS shall set out the objectives for the display of public art in the interests of amenity and public benefit.
- 19.2 The DPACS shall be reviewed no later than the first anniversary following the first operation of the Development’s illuminated façade and thereafter on each of the second, third, fourth, fifth, ninth, thirteenth, seventeenth and twenty-first anniversaries of that date. The purpose of each review shall be to assess the DPACS against the stated objectives and identify any improvement measures and a programme for their implementation thereafter.

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London Legacy of Development Corporation
Proposed Development known as MSG Sphere, land to the west of Angel Lane
Planning Obligations – Analysis of Regulation 122(2) Compliance
Application Refs: 19/00097/FUL; 19/00098/ADV

Introduction

This note has been prepared by Pinsent Masons LLP, with input from LLDC planning officers, One Source on behalf of Newham London Borough Council (“**Newham Council**”), Ashurst LLP on behalf of Transport for London (“**TfL**”) and BDB Pitmans on behalf of Network Rail.

The first table below sets out an analysis of the compliance of the planning obligations being agreed in relation to the proposed development at MSG Sphere, land to the west of Angel Lane and advertisement consent (“**Development**”) and sets out reasons why, in LLDC’s opinion, they meet the three tests set out in regulation 122(2) (“**Reg 122**”) of the Community Infrastructure Levy Regulations 2010 (the “**Regulations**”) and (in the alternative) the test set out in regulation 122(2A) (“**Reg 122(2)(A)**”) where appropriate.

The second table below sets out details of the planning obligations being agreed in relation to the Development, which are not Reg 122 compliant and therefore not be taken into account by members in determining the Application. Notwithstanding that they should not be taken into consideration in the determination of the application the obligations are still proposed to be secured as part of the section 106 agreement, and the reasoning for this is provided within the second table. Please also see the notes below in respect of Reg 122 and materiality.

A “blue pencil” or severance clause will also be included in the section 106 agreement which will provide that any obligation may be severed from the agreement without affecting the validity of the remainder of the agreement. This would mean that if non-compliant Reg 122 obligations were to be removed in consequence of some challenge to their validity (for whatever reason), it would not affect the legality, validity and enforceability of the remainder of the agreement.

The notes below set out some context in terms of how the Courts have suggested the three tests set out in Reg 122 should be applied.

Notes:

Reg 122(2) states that a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

Reg 122 (2A) states:

Paragraph (2) does not apply in relation to a planning obligation which requires a sum to be paid to a local planning authority in respect of the cost of monitoring (including reporting under these Regulations) in relation to the delivery of planning obligations in the authority’s area, provided—

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- a. the sum to be paid fairly and reasonably relates in scale and kind to the development; and
- b. the sum to be paid to the authority does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development.

In terms of legal principles that apply to the application of the above tests the following case law is relevant:

Over-arching principle

In the case of *R (Welcome Break Group Ltd) v Stroud District Council* [2012] the High Court established that the application of Reg 122 is a matter of planning judgement for the decision-maker.

Reg 122(a) – Necessity

An assessment of whether or not a planning obligation is necessary requires an assessment of what is or is not acceptable in planning terms which is a matter for the decision-maker (case of *Oxfordshire County Council v Secretary of State for Communities and Local Government* [2015]). Whilst the phrase "planning terms" is not defined in the Regulations it was established in the case of *R v Westminster City Council ex parte Monahan* [1990] that a planning purpose was one that was concerned with the development and use of land.

Reg 122(b) – Direct relationship

Regard can be had to any planning obligation with some connection to the proposed development which is not de minimis (case of *R (on the application of Hampton Bishop Parish Council v Herefordshire Council* [2014]).

Reg 122(c) - Fairly and reasonably related

In terms of scale, whilst each case is fact sensitive, measures that merely mitigated, but not obviated, a significant adverse impact caused by a development were likely to be fairly and reasonably related in scale and kind to that development. What is appropriate will vary depending on the circumstances of each case (case of *R (Tesco) v Forest of Dean District Council* [2015]). Whilst there will be some cases where some form of quantification of the impacts and benefits and their relationship to the development would be necessary because the decision-maker would have concluded that an adverse impact had to be reduced by a certain amount, or to a particular level, or in a certain way in order to be acceptable in planning terms; it does not follow however that such quantification is necessary in every case (case of *Tesco* again).

Planning Obligations SPD

The LLDC's Planning Obligations Supplementary Planning Document refers to the five objectives set out in the Local Plan (2015)¹ and the policies related to those objectives which are likely to require impacts to be addressed through section 106 agreements. These five objectives are as follows:

1. Objective 1 - Developing business growth, jobs, higher education and training
2. Objective 2 - Providing housing and neighbourhoods
3. Objective 3 - Creating a high-quality built and natural environment
4. Objective 4 - Securing the infrastructure to support growth
5. Objective 5 - Creating a sustainable place to live and work

Reg 122 Compliance and Materiality

In the case of *HJ Banks and Company Ltd v Secretary of State for Housing Communities and Local Government* [2018] EWHC 3141 (Admin) the court found that there is a distinction between the tests of Reg 122 and the tests for materiality, in accordance with the principles established in *Newbury DC v Secretary of State for the Environment* [1981] AC 578. It therefore follows that an obligation which is not Reg 122 compliant may still be a “material consideration” in planning terms.

As set out in *Newbury*, in order to be a material consideration, an obligation must meet the following criteria:

1. be for a planning purpose and not for an ulterior one;
2. be fairly and reasonably relate to the development permitted; and
3. not be so unreasonable that no reasonable planning authority could have imposed it (or have taken it into account).

¹ The relevant Local Plan at the time the SPD was adopted on 10 November 2016. The current Local Plan was adopted July 2020, and references in the tables below are to the current Local Plan.

Analysis of the planning obligations being agreed in respect of the Development and confirmation of Reg 122 compliance

Please note that the item numbering corresponds with the heads of terms.

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
PART 1 – TRANSPORT OBLIGATIONS		
1.	Station Modelling	<p>TfL and Network Rail have indicated that sufficient modelling works have been undertaken to enable a decision to be made about the acceptability of the likely transportation impacts of the Development. However, in order to ensure that the actual operation of the Development does not cause an unacceptable adverse transportation impact, they are of the view that additional modelling is necessary to enable an even more detailed understanding of the future baseline at time of anticipating opening and likely impact of the MSG Development on the operation of Stratford Station which will then help to inform the detailed design of New Station Entrance and updates to station congestion control and evacuation plans. Officers agree with the views expressed by TfL and Network Rail.</p> <p>The modelling will be used to:</p>
2.	Non-Station Baseline Assessment	<ol style="list-style-type: none"> 1. assist with enabling an even better understanding the current and future opening year baseline passenger flow movements against which to measure and assess future transportation impacts of the Development (it should be noted a future baseline may not be significantly below the reference case forecast background level of demand where TfL and Network Rail have every confidence that Stratford Station will continue to operate as a significant hub); 2. assist with demonstrating the impact of different MSG capacity events and coincident events; 3. assist with informing decisions concerning any additional physical and management mitigation measures; and 4. assist with informing the detailed design of the New Station Entrance. <p>The obligation is necessary as LLDC/TfL cannot rule out the possibility that additional modelling may demonstrate the need for additional physical interventions or alterations to the current proposed station entrance design and the flows of MSG customers and other Stratford Station users across the whole</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		<p>station. The obligation meets the objectives of Local Plan Policies: T.1; T.2; T.3. The obligations are considered fair and reasonable as LLDC will only require mitigation measures to be undertaken if they are necessary as a consequence of the output of the modelling.</p>
3.	New Station Entrance	<p>The majority of attendees to the Development will arrive from Stratford Station. The Development will therefore directly result in increased demands being placed upon, and use of, Stratford Station.</p> <p>The Local Plan recognises that planning obligations can be used to secure transport infrastructure delivery (Local Plan Policy SP.4). Further, the London Plan Policy T4(D) notes:</p> <p><i>“Where the ability to absorb increased travel demand through active travel modes has been exhausted, existing public transport capacity is insufficient to allow for the travel generated by proposed developments, and no firm plans and funding exist for an increase in capacity to cater for the increased demand, planning permission will be contingent on the provision of necessary public transport and active travel infrastructure.”</i></p> <p>TfL and Network Rail have audited the submitted Legion modelling. The Stratford Station modelling gives a degree of confidence that, for the modelled year and under the assumptions and scenarios tested for the weekday PM peak period, the addition of the new entrance could provide an appropriate level of mitigation (as part of a package of overall infrastructure and operational measures) against the overall net impacts of the weekday PM peak demand increase associated with the Development. Without mitigation measures, there would be a significant degradation in conditions when compared to the base and the station would not comply with the planning requirements with operational measures alone. With the demand and routing assumed in the model, the proposed new entrance would provide relief to some of the most congested station areas.</p> <p>This demonstrates that the new Stratford Station entrance is necessary in light of the increased demands that will be placed on the Station. LLDC officers accept TfL and Network Rail’s conclusion and consider that a New Station Entrance is necessary to ensure that the impact of the Development on the Station is</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		<p>mitigated (Local Plan Policy T1). LLDC officers also recognise that development should be relative to the capacity of transport infrastructure (Local Plan Policy T.4).</p> <p>LLDC officers consider the obligation to be fair and reasonable given the Development will benefit from this new entrance as the majority of its attendees will use Stratford Station and it will provide an additional entrance close to the Development.</p> <p>The costs of design, consultation, approval and delivery (including the construction) of the New Station Entrance will be borne by MSG but remain unspecified in the HoTs because they cannot be accurately quantified at this stage in the planning process.</p> <p>Safeguards will be put in place through the s106 agreement to ensure that the New Station Entrance is delivered in advance of full operational use of the Development.</p>
4.	Capacity Controls: Monday - Thursday	<p>The Legion modelling carried out (for weekday PM peak) indicates that the proposed New Station Entrance significantly increases capacity within the station. However, there remain pinch-points and there would remain potential for adverse impacts on the station in some localised areas, that may see a worsening of congestion, with particular respect to flows on the stairs from the subways to the upper level platforms, when the main venue at the Development is hosting maximum/high capacity events. The capacity restriction exists to ensure such pressure cannot be placed upon the station 365 days of the year.</p> <p>TfL and Network Rail have evidenced that concern is greatest with overall demand on Monday to Thursday evenings, overlapping with the PM peak period when station control measures such as one-way systems are in place and expected to continue. (This does not diminish the challenge of operating conditions on Friday evenings, or Saturdays and Sundays when background demand is at a different level with significant crossflows compared to a broadly tidal weekday peak operation.) MSG has carried out clarification station capacity static analysis for a particular pinchpoint on Platforms 6&8 during a weekday PM peak which demonstrates the reduced impact of platform clearance times from smaller event capacities. TfL have assessed this and concluded that for events taking place at the Development</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		<p>during the midweek (Mondays to Thursdays) mitigation measures are necessary to control the maximum number of attendees and in turn reduce the pressures / adverse impacts on Stratford Station on certain number of weekdays during the calendar year.</p> <p>The obligation is necessary to secure the requirements of Local Plan Policy T.4 to ensure that the Development is related to the capacity of existing/planned improvements to transport infrastructure and services. Further, the London Plan Policy TA(C) notes that:</p> <p><i>“Planning obligations (Section 106 agreements), including financial contributions, will be sought to mitigate impacts from development, which may be cumulative. Such obligations and contributions may include the provision of new and improved public transport services, capacity and infrastructure...”</i></p> <p>Officers consider the limits of full capacity midweek events are necessary to provide Stratford Station with adequate respite during its busiest periods (during the midweek). The respite will only be properly effective if there is regularity over the weeks/months which is why the 98 day limit is further restricted by limiting full capacity events to being held on no more than 40 days in any rolling four month period. A review provision has also been agreed as further modelling/the actual operation of the Development may, after a sufficient period of time, demonstrate that lesser capacity restrictions are permissible.</p> <p>Officers consider this obligation to be fair and reasonable based on the Transport Assessment and TfL and Network Rail analysis. In particular, the second part of the limitation (40 days in a rolling four-month period) still provides MSG with necessary commercial flexibility to operate effectively and therefore strikes a fair and reasonable balance with LLDC and TfL and Network Rail’s aim to limit adverse impacts on Stratford Station.</p>
5.	Matinee Events	<p>The impact on station crowding has been assessed by TfL and Network Rail and Officers agree with TfL and Network Rail’s conclusions that the obligation is necessary to ensure that attendees of matinee events depart the Development prior to the main transport peak period. This obligation is necessary to prevent high levels of crowding at Stratford Station during the weekday PM peak period.</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		<p>The obligation is necessary to secure the requirements of Local Plan Policy T.4 to ensure that the Development is related to the capacity of existing/planned improvements to transport infrastructure and there are measures to minimise the Development’s impact on public transport.</p> <p>Officers consider this obligation to be fair and reasonable based on the Transport Assessment and TfL and Network Rail audit of modelling.</p>
<p>6. – 10.</p>	<p>Coincident Event Controls:</p> <ul style="list-style-type: none"> - Summer Season - Coincident Event Capacity Controls - Monitoring for Adverse Impacts - Coincident Event LAMP - Coincident Event LAMP - Coincident Event Planning - Major Sporting Coincident Events 	<p>A suite of capacity control measures will be secured by the s106 agreement.</p> <p>In summary, the control measures are sought to mitigate against the adverse impacts of events taking place on the same day at both the London Stadium and the Development and where they would or may start or finish at the same or similar time. The principal proposal to address this is to ensure event times do not coincide through advance planning with the Stadium. However, where coincident events do arise, the s106 agreement secures further mitigation measures including restrictions on capacity and the potential for MSG to have an amended finish time in order to avoid a coincident finish with the Stadium. There is also a requirement for monitoring of adverse impacts to be undertaken in a variety of scenarios, including when coincident events take place at the Development and the London Stadium.</p> <p>Necessity for these obligations derives from Local Plan Policy T.4 - to ensure that the Development is related to the capacity of the existing/planned improvements to the transport infrastructure and services. Local Plan Policy T.4 also expects new developments to be designed to include measures to minimise impact on public transport.</p> <p>Further, London Plan Policy T4(E) provides:</p> <p><i>“The cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated”.</i></p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		<p>The mitigation measures are therefore considered necessary to prevent and/or address adverse effects of the Development where coincident events take place. The further monitoring is also necessary given the novel nature of the Development. On the basis of advice received from their own transport consultants, and TfL, officers have confidence that any further mitigation measures that may be recommended as a result of the monitoring will be sufficient to address any adverse impacts that may arise. The management plans are necessary to manage flows to / from and within stations and on the highway network for specific coincident events.</p> <p>The measures are considered by officers to be fair and reasonable in light of the scale of the Development and in order to reduce the direct negative impact the Development will have on the local transport network when coincident events occur.</p>
11.	Stratford Station – Operational Monitoring	<p>TfL and Network Rail have proposed (and officers agree) that operational monitoring is required at Stratford Station to establish a future baseline of operational performance prior to the anticipated opening of the Development, and to inform the assessment of adverse impacts of the Development and further physical or management mitigation measures.</p> <p>TfL and Network Rail would adopt a cautious approach to assessing and mitigating adverse transportation impacts arising from the Development. In addition to the requirement to undertake further modelling, TfL and Network Rail wish to ensure that there is a robust system in place to enable monitoring of any actual impacts on the transport network once the Development is operational and for further mitigation measures to be undertaken if it transpires that there are additional adverse impacts. The s106 agreement will contain a series of steps to be undertaken to address specific mitigation measures which could include additional signage, barriers and staffing up to a financial cap of £1.5 million. If these measures fail to address specific station adverse impacts, there are additional measures that can be undertaken including alterations to start and finish times of events and/or the implementation of further mitigation measures.</p> <p>MSG's total financial liability towards additional station mitigation measures would be capped at £3 million. TfL are of the view that this sum of money, alongside the other specific mitigation measures covered</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		<p>elsewhere in the s106 agreement, should be sufficient to address future, unspecified station adverse impacts.</p> <p>The mitigation measures are therefore considered necessary to mitigate potential adverse effects of the Development in the first three years of monitoring period. The monitoring is necessary given the novel nature of the Development. On the basis of advice received from their own transport consultants, and TfL, officers have confidence that any further mitigation measures that may be recommended as a result of the monitoring will be sufficient to manage flows to / from and within Stratford Station.</p> <p>The measures are considered by officers to be fair and reasonable in light of the scale of the Development and in order to mitigate adverse impacts the Development will have on Stratford Station.</p>
12.	Hours of Operation	<p>The finishing times are necessary to ensure sufficient time for event egress before the last scheduled trains and thus protect the safety of the attendees of the Development and background users (Local Plan Policy T.3). The measures would reduce the potential impact of “hard finishes” from high capacity events on the late evening transport network when there are lower frequencies (Local Plan Policy T.4) and for number of quarter hour periods where demand for rail services will be at 100% of capacity and a reduction in the quality of services offered to the passengers.</p> <p>Officers consider the finishing times fair and reasonable as the obligation will mitigate against overcrowding at Stratford Station and allow attendees and background users to make onward connections. TfL and Network Rail consider that, whilst very infrequent, later finish times would be detrimental to Stratford Station and other local transport networks and would mean there would be a risk that some passengers would be unable to reach their destination before the end of service.</p> <p>Officers consider it reasonable to provide MSG with the potential to hold an event that finishes later than 23:00, either on an exceptional basis or in order to avoid an otherwise coincident finish with the London Stadium, but subject to approval mechanisms and adequate justification and assessment of potential impacts.</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
13.	Financial Contribution Towards Station Staffing	<p>TfL have stated that additional staffing is required at Stratford Station, Stratford International Station (DLR), Maryland Station and Hackney Wick Station on days when an event is held at the Development’s main venue in order to assist with the increased footfall from visitors to MSG and the cumulative impact on stations. In line with station Congestion Control Evacuation Plans (CCEPs) staff will need to be in place to seek to avoid adverse impacts occurring and to implement escalating measures of station control.</p> <p>Additional staff will be required prior to the delivery of medium to long term physical station measures. This is for a period of 10 years during which time further work on medium / longer term physical station interventions will progress.</p> <p>Necessity for these obligations derives from Local Plan Policy T.4 to ensure that the Development is related to the capacity of the existing/planned improvements to the transport infrastructure and services. Local Plan Policy T.4 also expects new developments to be designed to include measures to minimise impact on public transport.</p> <p>TfL acknowledges that any charging would be on an estimated sum for a calendar year given the flexibility of number of events and the different levels of staffing by different operators required for different size events with an initial payment of £1.4m and a reconciliation provision at the end of the year and will therefore adopt an open and transparent process of accounting for actual and anticipated future staffing costs and refund any surplus (if any) thereby ensuring it is fair and reasonable. Increase in permanent station staffing will allow for staff rosters to be efficiently arranged for coverage for event days, rest days and annual leave.</p> <p>The contribution of £1.4m is based on a current estimate based on an indicative calendar of events for 300 event days per year as set out in the Transport Assessment and the staffing requirements and annual costs for increases in staffing by different operators across the stations for different capacities at the main venue.</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		<p>Officers consider this obligation to be directly related to the development proposals (based on MSG's event capacity timetable and frequency and hours of operation), proportionate (being members of staff, to cover a range of duties during hours of operation of MSG events, at locations necessary to support the event management plans and station congestion control and evacuation plans), and reasonable (the additionality of the number of events and where different levels of staffing to mitigate risk arising from larger capacity events for an initial 10 years of operation of the venue until improvements at Stratford Station are delivered and thereafter to be absorbed into the normal pattern of operation of the public transport network).</p>
14.	CONOPS/Event Management	<p>MSG will operate the Development in accordance with the Concept of Operations (CONOPS) which will set out how the Development is intended to be managed and operated. MSG must also comply with the Venue Operations Manual (VOM) which will be a more detailed document informed by and in accordance with the CONOPS. The documents will include indicative event start and finishing times, details of the approach to crowd management, proposals for coordination with local stakeholders and how coincident events will be managed with the London Stadium.</p> <p>Necessity for the obligation derives from Local Plan Policies T.3; T.4 (transport); Local Plan Policy S.1 (health and wellbeing); Local Plan Policy BN.1 (responding to place).</p> <p>The obligation is necessary to ensure that the Development is operating in accordance with the CONOPS and the VOM in order to manage the venue and monitor and adapt mitigation against unforeseen adverse impacts of the Development in accordance with the objectives of the Local Plan Policies set out above.</p> <p>It is fair and reasonable to ensure that a clear, effective management processes are in place with a programme of monitoring in place given the novel nature of the Development and to enable any unforeseen impacts of the Development to be dealt with promptly and efficiently.</p>
15.	Future Permissions to Increase the Capacity at the London Stadium	<p>LLDC officers do not consider this obligation to be Reg 122 compliant and so this is dealt with in the "Obligations Not to be Taken Into Account by Members" table below.</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
16.	Stratford Bus Station Controller	<p>The LLDC Local Plan aims to promote sustainable transport choices and minimise reliance on private cars (Local Plan Policies T.4 and T.9).</p> <p>TfL considers an additional Bus Station Controller (BSC) is required at Stratford City bus station and Montfichet Road. The role of a BSC is to help manage services and provide advice and assistance to passengers. A BSC could not be provided by an external agency and this obligation is equivalent to the applicant providing event management staff and taxi marshalls to provide assistance to MSG customers and background users in line with the CONOPS.</p> <p>The annual contribution of £85,541 is based on current staffing cost for daytime and night-time BSCs for the hours of operation of the venue and to cover event days, rest days and annual leave given the frequency of MSG events.</p> <p>Necessity for the obligation derives from Local Plan Policies T.3; T.4 (transport); Local Plan Policy S.1 (health and wellbeing); Local Plan Policy BN.1 (responding to place).</p> <p>This obligation is necessary to make the development acceptable in planning terms - as an integral part of the event management plans for performance of the highway and bus network and mitigate against unforeseen adverse impacts of the Development.</p> <p>It is fair and reasonable and is being sought for a period of four years from the date on which the Development opens. Four years is considered to be a reasonable period of time to enable the additional impacts on Stratford City bus station and Montfichet Road to be managed and thereafter to be absorbed into the normal pattern of operation of the bus station and highway network.</p>
17.	Cycle Docking Station Contribution	<p>The LLDC Local Plan aims to promote sustainable transport choices and minimise reliance on private cars (Local Plan Policies T.4 and T.9). Local Plan Policy recognises the change in Londoners' behaviour and the focus on increased cycle use.</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		<p>In order to support high levels of access by cycle, TfL consider that enhanced provision for cycle hire is necessary. This would cater for potential increased demand for trips to hotels or residential properties nearby and also for longer trips to inner east London. There is otherwise a risk that existing docking stations in Stratford may be left full or empty at peak event times.</p> <p>The contribution quantum of £220,000 is based on the established cost of the provision and maintenance of a cycle hire docking station.</p> <p>The obligation is considered to be necessary in light of Local Plan Policies (T.4 and T.9) and the objectives of the London Plan (Policy T5) as an integral part of Local Area Management Plans for alternative forms of transport in the vicinity of the Development, and promoting active travel in line with MSG Visitor Travel Plan, London Plan and LLDC policy</p> <p>It is fair and reasonable, being consistent with sizes of other docking stations and financial contributions secured from other developments in London.</p> <p>In respect of the £48,000 contribution to Newham Council, to be put towards eight bicycle hire docking stations, Newham Council's assessment is that the improvements to public realm are necessary in order to facilitate improvements to towards cycling and the network in the Borough. This is a requirement of the Newham Local Plan Policy (adopted 2018) INF2 and is reasonably required in order to make the Development acceptable.</p> <p>Newham Council has confirmed that the contribution quantum of £48,000 is a reasonable estimate of the likely costs involved.</p>
18.	Wayfinding Contribution	The necessity of this obligation is based on Local Plan Policy T.9 (providing for pedestrians and cyclists) in order to promote and support provision of safe routes for walking/cycling in the local area.

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		<p>Officers consider the financial contribution towards wayfinding measures to be fair and reasonable in order to safely direct visitors to the Development in accordance with the policy objective of Local Plan Policy T.9.</p> <p>The contribution quantum of £80,000 is based on a reasonable estimated cost of the provision of wayfinding measures.</p>
19.	<p>Construction Transport Management Group (“CTMG”)</p>	<p>LLDC officers consider this obligation to be necessary in order to ensure MSG manages and coordinates the construction transport impacts of the Development appropriately. The CTMG was established in response to the cumulative impacts of development in the local area. Paragraph 4.18 of the SPD sets out the principle for requiring such a group.</p> <p>The obligation is considered to be fair and reasonable given the construction transport impacts the Development will have on the surrounding area.</p> <p>In respect of the contribution, as noted above, the Development will directly result in increased demands upon existing transport infrastructure in the area.</p> <p>The contribution quantum of £50,000 is considered to be a reasonable estimate of the Development’s share of the costs associated with the Group in ensuring that increased transport impacts within the area are managed effectively through the provision of mitigation and meeting the other administrative costs that the Group incurs. This is a matter of planning judgment based upon previous experience of the cost of construction mitigation measures employed elsewhere recently in the LLDC LPA area. The precise quantification will vary based upon the specific measures which may be required. Officers consider the financial contribution to be fair and reasonable based upon the scale and impact of the Development.</p>
20.	<p>Highway Works</p>	<p>The highway works principally include improvements to Montfichet Road and Angel Lane and are necessary to accommodate the new bridge landings and accommodate access to the Development and create a less highway dominated road layout, including improved provision for pedestrians and cyclists,</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		<p>and continued interchange requirements for buses, coaches and taxis. The works will be secured through a highway agreement (s278/s38 agreement).</p> <p>Necessity of the provision derives from planning policy (including LLDC Local Plan Policies T.4, T.5 and T.6), further paragraph 6.5 of the LLDC Planning Obligations SPD states:</p> <p><i>“Works which are necessary in the public highway will be considered as a normal development cost and will be secured under 278 agreements”.</i></p> <p>Further, the London Plan recognises that <i>“funded proposals by applicants to improve transport access, capacity or connectivity are encouraged”.</i></p> <p>The obligation is considered to be fair and reasonable in light of the highway works required to be undertaken to provide access to the Development and consistent with the objectives of the Local Plan and London Plan to secure such works.</p>
21.	<p>Costs (to facilitate the construction and subsequent operation of the Development)</p>	<p>Reg 122 (2A) states that paragraph (2) does not apply in relation to a planning obligation which requires a sum to be paid to a local planning authority in respect of the cost of monitoring (including reporting under these Regulations) in relation to the delivery of planning obligations in the authority’s area, provided:</p> <ul style="list-style-type: none"> a. the sum to be paid fairly and reasonably relates in scale and kind to the development; and b. the sum to be paid to the authority does not exceed the authority’s estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development. <p>MSG is required to cover all reasonable and proper internal and external costs incurred by LLDC, TfL, London Underground, Newham Council and Network Rail in relation to the consideration, approval and</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		<p>involvement with any works, and attendance at meetings which are required to facilitate the construction and subsequent operation of the Development.</p> <p>The contributions to be paid are considered fair and reasonable given the complexity and scale of the Development. The actual amounts due will not exceed the relevant parties' estimates as it is specifically stated that costs should be reasonable and proper and that estimates are to be provided. Officers recognise that there are other obligations which require MSG to pay the parties' costs and so the obligation expressly provides that there will be no double recovery.</p>
22.	Visitor Travel Plan ("VTP") and Staff Travel Plan ("STP")	Travel plans are an important tool to ensure that developments implement measures to help mitigate impacts on the transport network and to promote sustainable transport choices and thereby help reduce emissions. This is reflected in Local Plan policy T.7 and London Plan paragraph 10.4.3.
23.	Travel Plan Co-Ordinator	LLDC officers consider that the travel plan is necessary to ensure that the objectives of those policies are met. The significant number of visitors expected to access the Development by car highlights the need for a successful Travel Plans to minimise car access and promote sustainable transport choices.
24.	Travel Plan Steering Group ("TPSG")	
25.	Travel Plan Monitoring	Ongoing monitoring is also required to ensure the travel plan is kept up to date and ensure compliance.
26.	Car Parking Spaces and Blue Badge Parking Spaces	<p><u>Car Parking (General)</u></p> <p>The 37 car parking spaces provided as part of the Development will not to be made available for use by the general public and instead will be used for operational purposes.</p> <p>Necessity of the obligation derives from the Local Plan. Local Plan Policy T.8 provides that the starting point for a Development is that it should be car-free where it is well connected. However, for venues which generate significant level of attendance by the public, there should be no provision for parking except parking required for operational purposes and blue badge parking (see Local Plan Policy T.8). The obligation is fair and reasonable in light of the objectives of Local Plan Policy T.8.</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		<p><u>Car Parking (Blue Badge)</u></p> <p>The necessity to provide blue badge parking is principally set out in Local Plan Policy T.8 and London Plan Policy T6.</p> <p>MSG will deliver dedicated blue badge parking off-site as it considers it impracticable to provide blue badge parking (other than for employees) on Site due to space constraints and security concerns.</p> <p>In the event the HS1 car park scheme cannot be delivered for any reason, alternative arrangement will need to be made prior to the opening of the building. Reference has already been made to Westfield Car Parks in the HoTs as this is a possible alternative for MSG. The s106 agreement will also prevent the Development from opening until the blue badge car parking spaces are made available, given their importance.</p> <p>Monitoring of the obligation is also necessary, as the London Plan notes at 10.6.23 that:</p> <p><i>“The provision of disabled persons parking bays should be regularly monitored and reviewed to ensure the level is adequate and enforcement is effective.”</i></p> <p>The amount of blue badge spaces proposed is considered fair and reasonable for a scheme of this size and the additional monitoring may result in further additional blue badge car parking where the results demonstrate that they are required to meet demand from visitors to the Development.</p>
27.	Car Trips - Mitigation	<p>Various car trip mitigation measures will be secured in the s106 agreement, including:</p> <ul style="list-style-type: none"> - Reasonable endeavours to provide at least one in five spaces in the car park as an electric car charging point; - Staggered entry times;

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		<p>- Temporary anti-idling signage for large scale events.</p> <p>Necessity of such measures derives from Local Plan Policies. Policy T.8(6) provides that Developments should “<i>Incorporate the provision of electric charging points and parking bays for electric vehicles as part of any car parking provision</i>”. Further, the London Plan provides that it is important for developments to “<i>reduce the negative impact of development on the transport network and reduce potentially harmful public health impacts</i>” (see para 10.4.3).</p> <p>The obligations are fair and reasonable in keeping with the aims of the Local Plan and London Plan in order to mitigate the negative impact of the Development on the transport network.</p>
28.	Mobility Assistance	<p>This obligation is necessary to ensure the Development is accessible to mobility impaired visitors given blue badge parking is not being provided on-site.</p> <p>The obligation is fair and reasonable to make the Development accessible for disabled persons.</p> <p>Please also see the comments re blue badge parking (set out above).</p>
29.	Cycle Parking Spaces	<p>The LLDC Local Plan aims to promote sustainable transport choices and minimise reliance on private cars (Local Plan Policies T.4 and T.9). Local Plan Policy recognises the change in Londoners’ behaviour and the focus on increased cycle use.</p> <p>The Development will provide 100 staff short stay cycle parking spaces on the Site in accordance with the London Plan (Policy T5). The Development will also provide 96 short stay cycle parking spaces for visitors in the vicinity of the Site. The London Plan is not prescriptive as to whether this amount is sufficient however it is considered that further cycling spaces may be requires given the general growth in cycling.</p> <p>Accordingly, officers have determined that it is necessary for the usage of the short stay cycle parking to be monitored and further spaces to be provided if the usage of the spaces reaches capacity or near capacity. In the event that further spaces are required, MSG will need to provide additional cycle parking</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		<p>within a reasonable walking distance to the Site or provide a contribution in-lieu if such provision is not possible.</p> <p>The obligation is considered to be necessary in light of Local Plan Policies (T.4 and T.9) and the objectives of the London Plan (Policy T5). The obligation is fair and reasonable given the scale of the Development.</p>
30.	Traffic Management Orders (“TMO”)	Newham Council has confirmed that Traffic Management Orders are required in order to properly manage the highways and traffic flows and this is a common requirement for local highway authorities in order to provide mitigation for the Development and will allow physical changes to the roads.
31.	Controlled Parking Zones (“CPZ”)	Newham Council has confirmed that monitoring of local CPZs will be required in order to identify any potential amendments to CPZ times and prohibitions in order to avoid additional parking stress for local residents caused directly from the Development. This would include event day management plan monitoring and administrations requirements.
PART 2 – NON-TRANSPORT FINANCIAL CONTRIBUTIONS		
1.	Employment and Training Contribution	<p>Newham Council has confirmed that the employment and training contribution is a part of the Newham Local Plan Policy J3. This policy relates to skills and access in employment for those resident in the Borough. This will provide a greater benefit to those seeking work in Newham. Policy B5 in the LLDC Local Plan and objective 1 of the Planning Obligations SPD also confirm that s106 agreements will be used to secure commitments for skills, training and job opportunities for local people from major development, including funding for job brokerage, apprenticeship and work placement schemes.</p> <p>Newham Council has confirmed that the contribution quantum of £2,100,000 is a reasonable estimate of the costs associated. It is officers understanding that this is derived by multiplying £3,163 (the average cost of getting someone into a job) by the number of jobs being targets for local people (roughly 664 jobs) over the construction and operational phases of the Development. This approach was confirmed during the local plan examination.</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
2.	Carbon Off-Setting Contribution	<p>The carbon offsetting contribution is sought in accordance with the Carbon Offset SPD which supports the relevant London Plan Policy. Local Plan Policy S.2 notes that where net zero-carbon cannot be met, a financial contribution will be required in accordance with the calculation detailed in the Carbon Offset SPD.</p> <p>Officers consider that these obligations are necessary to secure the requirements of Local Plan Policy S.2 (energy in new development) and are fair and reasonable in order to achieve policy requirements.</p> <p>The contribution quantum of £2,624,400 is calculated in accordance with the Carbon Offset SPD.</p>
3.	Air Quality	<p>Newham Council has confirmed that the Air Quality Action Plan for Newham is in place and the Council has declared a climate emergency. Newham Local Plan Policy SC5 relates to Newham’s adopted air quality action policy which requires that new developments should be air quality neutral.</p> <p>Any contribution would go towards measures and incentives to reduce pollution and impacts caused by the Development.</p>
4.	Environmental Contributions Monitoring	<p>Newham Council has confirmed that the contribution is required due to the special nature of the light emissions from the surface of the Sphere, in order to properly monitor the unique Development and light emissions. It is a one-of-a-kind development and the precise effects cannot be known until operational.</p> <p>This contribution will include officer attendance at safety committees and dealing with any noise complaints. The contributions will go towards this additional monitoring and duties relating to the Development.</p> <p>As this is an obligation governed by Reg 122 (2A), Newham Council has also confirmed that the obligation satisfies the following requirements:</p> <p>a. the sum to be paid fairly and reasonably relates in scale and kind to the development; and</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		<p>b. the sum to be paid to the authority does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development.</p>
5.	Monitoring Contribution	<p>Reg 122 (2A) states that paragraph (2) does not apply in relation to a planning obligation which requires a sum to be paid to a local planning authority in respect of the cost of monitoring (including reporting under these Regulations) in relation to the delivery of planning obligations in the authority's area, provided:</p> <p>a. the sum to be paid fairly and reasonably relates in scale and kind to the development; and b. the sum to be paid to the authority does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development.</p> <p>The contribution is considered fair and reasonable given the complexity and longevity of the obligations secured via the s106 agreement (in compliance with Reg 122 (2A)(a)).</p> <p>The Contribution quantum is made up of:</p> <ol style="list-style-type: none"> 1. £100,000 prior to commencement; 2. £25,000 prior to opening of the Main Venue; 3. £25,000 on the first, second, third and fourth anniversaries of the payment above at 2; 4. £25,000 - if on the fifth, sixth, seventh, eighth and ninth anniversaries of the payment at 2 LLDC is continuing to incur monitoring costs. <p>Officers note that the first instalment payment is substantially higher than other instalments. This is due to the number of obligations that require discharge prior to occupation and considered to be an accurate estimate of likely monitoring costs.</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		The contributions due on the fifth anniversary onwards, will only be payable if LLDC is continuing to incur monitoring costs and therefore seeks to ensure that the contribution does not exceed the LLDC's estimate of costs incurred due to monitoring (in compliance with Reg 122 (2A)(b)).
PART 3 – OTHER OBLIGATIONS		
1.	<p>Events and Venue Collaboration:</p> <ul style="list-style-type: none"> - Queen Elizabeth Olympic Park Licensing, Operational Planning & Safety Group (“QEOP LOPSG”); - Newham Council's Safety Advisory Group (“SAG”); - Stratford Transport and Rail Interface Meeting (“STRIM”); - Forward planning forum; - Stratford Original Business Crime and Reduction Partnership. 	<p>The Development will have operational impacts that will need to be managed on a regular basis (including impacts of coincident events) including requiring the input from specialist pre-established groups that also consider the wider area surrounding the Development.</p> <p>Necessity for the obligation derives from Local Plan Policies T.3; T.4 (transport); Local Plan Policy S.1 (health and wellbeing); Local Plan Policy BN.1 (responding to place).</p> <p>The obligation is necessary to ensure that there is effective coordination between different venues and to ensure any adverse impacts can be mitigated against more informally and collaboratively than through the s106 enforcement route.</p> <p>The obligation is fair and reasonable given the novel nature of the Development and to enable any unforeseen impacts of the Development to be dealt with promptly and efficiently with the input of other neighbouring developments to ensure the Development integrates effectively with the surrounding area.</p>
2.	<p>Community Liaison Group (“CLG”)</p>	<p>The obligation will potentially have amenity impact issues for local businesses/residents. The obligation is necessary to ensure that the local community has a forum through which issues and concerns relating to the Development can be raised does not have an adverse impact on amenity (see Local Plan Policy BN.16; BN.1). Local Plan S.1 also provides that developments should not significantly adversely affect those who live and/or work within the vicinity of proposed development.</p> <p>Officers consider that establishing the CLG is a fair and reasonable in order to ensure that any amenity impacts can be reported to MSG and other members of the CLG and dealt with accordingly.</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
3.	Road User Distraction Assessment	<p>Given the high level of visibility from certain roads and the uniqueness of the Development, the obligation is necessary to protect against any impacts that could give rise to road user distraction.</p> <p>LLDC officers have sought specialist advice on this topic and acknowledge that there is some residual uncertainty as regards highway safety and so the monitoring strategy is necessary to ensure any unexpected impacts can be dealt with effectively and efficiently (Local Plan Policy T.4).</p> <p>The principle of the obligation also reflects Local Plan Policy BN.16 (Designing Advertisements) which provides that advertisements will be considered acceptable when (amongst other things) “<i>do not have an adverse impact on public or highway safety</i>”.</p> <p>The obligation is considered fair and reasonable in light of the need to ensure highway safety.</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
4. 5.	Site Connections and Public Access	<p>The Site Connections are delivered as part of the development to make the site accessible to the public and visitors to MSG Sphere, and to improve vehicle accessibility.</p> <p>The obligation is therefore necessary to ensure proper access to the Development and in keeping with Local Plan Policy T.6 to facilitate local connectivity. Further, Policy BN.1 states that development proposals should "<i>ensure that new and existing places link to route networks and facilitate movement along direct, permeable, safe and legible pedestrian and cycle routes... Opportunities to connect areas to strategic road, rail, bus and cycle networks must be utilised</i>".</p> <p>The Local Plan also repeatedly emphasises the importance of improving the public realm surrounding developments. For example, through Policy BN.5, which provides that tall buildings will improve the public realm that surrounds them. It is also a policy objective of LLDC to create a high quality built and natural environment (see Objective 3) and to encourage the provision of new public and private open spaces (see policy SP.5).</p> <p>The need to improve the public realm is also clearly set out in London Plan Policy D8, which notes that the "<i>[d]esire lines for people walking and cycling should be a particular focus</i>".</p> <p>The obligation is necessary to ensure that the surrounding public realm and site connections are properly accessible to the public for as much time as possible (taking into account safety concerns) in order to enable individuals to cross through the Development to the Site Connections. The obligation is considered fair and reasonable to make the Development as open and accessible as possible in keeping with the Local Plan and London Plan objectives.</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
6.	<p>Community Involvement:</p> <ul style="list-style-type: none"> - Use of Smaller Music Venue; and - Publicity of use of Smaller Music Venue 	<p>Newham Council has confirmed that these obligations relate to the Council's cultural improvements within Newham. Local Plan Policy INF8 of Newham's Local Plan relates to the use of community facilities and D1 and D2, including leisure facilities for community purposes.</p> <p>Further, the obligations are considered to be necessary in complying with the aims of London Plan Policy D9, particularly D9(2)(e) which provides that:</p> <p><i>"jobs, services, facilities and economic activity that will be provided by the development and the regeneration potential this might provide should inform the design so it maximises the benefits these could bring to the area, and maximises the role of the development as a catalyst for further change in the area"</i></p> <p>The obligations are fair and reasonable in order to comply with the Newham Local Plan and London Plan objectives.</p>
7. – 13.	<p>Employment and Training:</p> <ul style="list-style-type: none"> - Delivery Plans; - Employment Targets; - London Living Wage; - Our Newham Work; - Supply Chain Opportunities; - Education Commitments; - Employment and Training Monitoring. 	<p>Newham Council has confirmed that MSG has committed to work with Our Newham Work (work force delivery vehicle for residents) in order to try and find local employees for the construction and operation of the Development. Local Plan Policy J3 of the Newham Local Plan provides policies relating to access to employment and skills, including employment targets, London living wage, and goals and aims in relation to opportunities and training for residents in the Borough. Policy B5 in the LLDC Local Plan and objective 1 of the Planning Obligations SPD also confirm that s106 agreements will be used to secure commitments for skills, training and job opportunities for local people from major development, including funding for job brokerage, apprenticeship and work placement schemes.</p> <p>The obligations are considered fair and reasonable in light of the policy objectives.</p>
14.	<p>Mitigation for Loss of Television Reception</p>	<p>Officers' assessment of the planning application has determined that due to the Development's size and massing there is the possibility that it may cast a 'digital shadow' over certain neighbouring properties and thereby result in those properties suffering a deterioration of their television signal.</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		<p>The LLDC Local Plan states that major development schemes should not significantly adversely affect those who live and work in the vicinity of the development (see policy S.1). Given the potential for adverse effects in relation to neighbouring properties' television reception officers consider that it is necessary to secure measures to provide mitigation should such adverse effects occur. Paragraph 4.16 of the Planning Obligations SPD confirms that s.106 agreements will be used to secure mitigation measures associated with development which may have an adverse impact on broadcast services.</p> <p>Officers consider that the assessment process and mitigation measures secured are fair and reasonable given the scale of the proposed Development.</p>
15.	Design Quality	<p>LLDC planning policy (BN1, BN4 and BN5) requires that development should incorporate the highest standards of design and architecture. In order to deliver upon this policy requirement officers consider that it is necessary to impose planning obligations that enable LLDC to ensure the approved architecture and design is adhered to.</p> <p>Officers consider that these obligations are fair and reasonable given the scale of the Development and the Planning Obligations SPD specifically states that "<i>Section 106 agreements will be used to ensure that design quality is carried through into the detailed design and construction of the development</i>" (see para 4.10).</p>
16.	Disused Urinals	<p>Local Plan Policy BN.17 provides that "<i>Proposals will be considered acceptable where they conserve or enhance heritage assets and their settings...</i>"</p> <p>Whilst removal of the Disused Urinals will result in non-compliance with Local Plan Policy BN.17, officers have secured measures in order to reduce the harm to the non-designated heritage asset.</p> <p>MSG must retain the Disused Urinals at the Site until the time at which works to construct the Development in their location are due to begin. This obligation is necessary to ensure that the Disused Urinals are only removed at the point that it is necessary to do so, and not earlier.</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		<p>MSG is then required to keep the Disused Urinals in off-site storage at its own cost for a minimum period of 36 months following their removal from the Development Site, and during this period, MSG must use reasonable endeavours to find individuals/groups to take ownership of the Disused Urinals.</p> <p>The obligation is necessary as it provides an opportunity to conserve the non-designated heritage asset in accordance with Local Plan Policy BN.17.</p> <p>The obligations are considered fair and reasonable in light of the objectives of Local Plan Policy BN.17.</p>
17.	<p>Digital Display Precautionary Mitigation and Monitoring of Light Impacts</p>	<p>It is accepted that the precise light impacts of the Development are subject to some residual uncertainty at this stage simply due to the novel nature of the Development. It is also the case that the perception of the light impacts will be largely subjective.</p> <p>The obligation for MSG to provide familiarisation and phased commissioning strategies for road and train drivers prior to the operation of the illuminated façade is necessary in order to minimise the Development’s impact on road and train drivers (Local Plan Policy T.4; BN.16).</p> <p>MSG will also provide blackout blinds for certain properties (described in the HoTs) on a precautionary basis. Whilst precautionary, the obligation is still considered to meet the necessity part of the Reg 122 test. The obligation is necessary to mitigate against the possibility that persons who reside in properties located in close proximity to the Development may complain of adverse light impacts (Local Plan Policies: BN.1; BN.4; BN.5; BN.16; S.1).</p> <p>The Digital Display Monitoring Group (“DDMG”) will also be set up to monitor the Development’s impact in terms of light and review complaints from people adversely affected by light emissions.</p> <p>The obligations are necessary in order to meet the objectives set out in the above Local Plan Policies. The additional monitoring of the DDMG is necessary to provide continuous review of how the</p>

HoT	Summary of Obligation	LLDC/Newham Council/TfL/Network Rail Commentary
		<p>Development is performing in terms of its light impact and secures additional mitigation where necessary to satisfy the objectives of the Local Plan Policies noted above.</p> <p>The obligations are fair and reasonable given the uncertainty of the potential impacts of the Development on residential amenity, passenger safety, rail and highway safety.</p>
18.	Digital Display Management Strategy	<p>Please see justifications above at item 17.</p> <p>The obligation is necessary in order to minimise the Development’s impact on road and train drivers (Local Plan Policy T.4; BN.16) and its impact on human health (Local Plan Policy S.1).</p> <p>The obligations are fair and reasonable given the inevitable uncertainties of the potential impacts of the Development on highway safety and human health.</p>
19.	Display of Public Art Strategy	<p>Provision of public art is material consideration and is something that is commonly secured under planning conditions or obligations.</p> <p>The obligation is sought following comments from the Quality Review Panel (“QRP”) and necessity derives from London Plan Policy D4(D) (delivering good design).</p> <p>Officers agree with QRP’s comments and consider that it is necessary for the development’s illuminated façade to display public art for a proportion of the time that the façade is in ‘active’ in order to secure planning benefits and to provide a positive contribution to local amenity. The ‘share’ of the time that the illuminated façade is used to display public art is proposed to be secured by planning condition.</p> <p>The precise detail of the public art that will be shown will be secured by a digital public art content strategy (“DPACS”). This DPACS is proposed to be secured by planning obligation because officers consider that it deals with a planning benefit, rather than mitigation.</p>

Obligations Not to be Taken Into Account by Members

Notes:

As noted above, the obligations detailed in the table below are not considered to be Reg 122 compliant and therefore cannot be a reason for granting planning permission. Officers also consider that they are not material considerations to be taken into account because they do not meet the *Newbury* criteria. It follows that the items below should not be taken into account by Members in the determination of the Application. The reasoning for still securing the obligations as part of the s106 agreement has been set out in the “Comment” column of the table below. *Please note that the item numbering corresponds with the heads of terms.*

Please note that the item numbering corresponds with the heads of terms.

	Summary of Obligation	LLDC Commentary
PART 1 – TRANSPORT OBLIGATIONS		
15.	Future Permissions to Increase the Capacity at the London Stadium	<p>An obligation is proposed to acknowledge that should the London Stadium operator make a planning application in the future which sought to increase the capacity limits for events held at the Stadium then there will be a joint review by LLDC, TfL, Network Rail, Newham Council and MSG to determine whether a variation(s) of the Development’s s106 agreement is required in the interests of fairness. This obligation seeks to recognise that the responsibility for any impacts arising from future increases in capacity at the London Stadium (should they be proposed) should not be attributable solely to MSG. The obligation is proposed in the interests of fairness to MSG and relates to hypothetical future applications at the London Stadium.</p> <p>It is considered by officers not to meet the relevant tests set out in regulation 122 of the Community Infrastructure Levy Regulations 2010 and accordingly no weight has been attributed to it in the planning balance. For similar reasons it is not considered to be material to the determination of the application and accordingly Members should not put any weight on it in their weighing of the planning balance in the determination of the application.</p>
PART 3 – OTHER OBLIGATIONS		
6.	Community Involvement:	Part of MSG’s community involvement programme (“CIP”) is a commitment to make cash funding available for local community groups and for the provision of scholarships. Whilst this is a welcome offer

	Summary of Obligation	LLDC Commentary
	<ul style="list-style-type: none"> - Community Involvement Programme; and - Publication of the Community Involvement Programme 	<p>from the applicant this funding aspect of the CIP is considered by officers not to meet the relevant tests set out in regulation 122 of the Community Infrastructure Levy Regulations 2010 and accordingly no weight has been attributed to it in the planning balance. For similar reasons the funding aspect of the CIP is not considered to be material to the determination of the application and accordingly Members should not put any weight on it in their weighing of the planning balance in the determination of the application.</p> <p>It therefore also follows that the obligation relating to the publication of the CIP is not Reg 122 compliant nor considered to be material to the determination of the application and accordingly Members should not put any weight on it in their weighing of the planning balance in the determination of the application.</p>

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APPENDIX 3:

LLDC Equalities Impact Assessment (EqIA)

The Public Sector Equality Duty

- 8.1. Section 149 of the Equality Act 2010 ('the Equality Act') contains the Public Sector Equality Duty ("PSED"). The PSED requires public authorities (which includes LLDC as local planning authority) when exercising their functions (which includes determining an application for planning permission) to have "due regard" to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.1. The relevant protected characteristics for the purposes of the PSED are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. However, the underlying principle of the Equality Act is to advance equal access and opportunity for all people, regardless of any particular characteristics.
- 8.2. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular to the need to –
- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - b) take steps to meet the needs of the persons who share a relevant protected characteristic that are different from the needs of the persons who do not share it;
 - c) encourage persons who share a relevant protected characteristic to participate in public life or in any activity in which participation by such persons is disproportionately low.
- 8.3. The PSED does not dictate a particular substantive outcome (i.e. the grant or refusal of permission) but ensures that the decision made has been taken with "due regard" to its equality implications.
- 8.4. To assist Members in complying with the PSED, the applicant has submitted an Equality Impact Assessment (EQIA) which considers the effects on protected characteristics both during the construction phase and when the Proposed Development is operational. In respect of identified effects, the EQIA considers whether they are differential and/or disproportionate, as well as whether there any in-combination effects on groups with protected characteristics.
- 8.5. Differential effects are when people with protected characteristics are likely to be affected in a different way to other members of the general population. This may be because groups have specific needs or are more susceptible to the impact due to their protected characteristics. These effects are not dependent on the number of people affected.

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- 8.6.** Disproportionate effects occur where there is likely to be a comparatively greater effect on people from a particular protected characteristic group than on other members of the general population. Disproportionate effects may occur if the affected community comprises a higher than average proportion of people with a particular protected characteristic, or because people from a particular protected characteristic group are the primary users of an affected resource. Identifying disproportionate effects involves determining the demographic composition of the area where effects are expected to arise. It therefore requires an understanding of the numbers and proportions of people from protected characteristic groups within the four boroughs covered by the LLDC, the London and national average as whole.
- 8.7.** In-combination effects occur where a particular equality group, or different groups in a community, experience multiple effects in a specific geographic area. In-combination effects can also occur where multiple effects are experienced irrespective of geography
- 8.8.** The EQIA identifies measures that can be put in place to mitigate negative effects and maximise positive ones, as well as proposing monitoring procedures which can monitor effects going forward.
- 8.9.** The likely significant environmental effects of the Proposed Development identified in the EIA was used as the basis for applicant’s EQIA. As part of officers’ assessment, consideration was also given to whether there are any further effects of the Proposed Development, not identified in the EQIA, with the potential to impact materially on those with protected characteristics. However, having considered this issue, officers did not identify any further potential effects.]

Summary of impacts

Table 1 Significant positive in-combination effects (Taken from applicant’s EQIA dated August 2020)

Protected group	Employment & skills	Presence of construction workforce	Crime and community safety	Air quality changes	Noise exposure changes	Accessibility and active travel	Inclusive design in the entertainment venue	Provision of open space	Light effects
Age: children	✓					✓		✓	
Age: younger	✓							✓	
Age: working age									
Age: older						✓	✓	✓	
Disabled people	✓		✓			✓	✓	✓	
Ethnic minorities	✓		✓						
Religion and belief									
LGBTQ	✓		✓				✓		
Pregnancy and maternity	✓					✓	✓		
Women	✓		✓						
Long-term unemployed									

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Table 2 Significant negative in-combination effects (Taken from applicant’s EQIA dated August 2020)

Protected group	Employment & skills	Presence of construction workforce	Crime and community safety	Air quality changes	Noise exposure changes	Accessibility and active travel	Inclusive design in the entertainment venue	Provision of open space	Light effects
Age: children					✓	✓			
Age: younger									
Age: working age									
Age: older					✓	✓			
Disabled people					✓	✓			
Ethnic minorities									
Religion and belief									
LGBTQ									
Pregnancy and maternity					✓	✓			
Women									
Long-term unemployed									

Age

- 8.10.** The conclusions of the applicant’s EQIA are that the Proposed Development is likely to have significant beneficial effects on children, younger people and older people through the creation of employment and skills opportunities, enhanced connections and linkages, the provision of new open space and the design of the venue. Commitments to maximise the local economic impacts have been secured in the HoTs including programmes to support equality groups so that they have equal access to jobs.
- 8.11.** Significant adverse effects may be experienced during construction and operation by individuals who live in the New Garden Quarter, Unite Students Accommodation, Moxy Hotel, Stratford Central, the Angel Lane Tower, Manhattan Loft Gardens, Railway Tavern, residential properties along Windmill Lane, Oxford Road, Penny Brookes Street, East Village and at Holden Point as result of changes to noise exposure and severance during the construction phase and the effects of crowds when the Proposed Development is in use.
- 8.12.** Various mitigation and monitoring measures are proposed to address adverse severance and amenity related effects, construction and operational noise, crowding and impacts on the transport network. The applicant suggests the proposed mitigation would meet the needs of all individuals in this equality group minimising the potential for residual significant effects to have disproportionate impacts on individuals in this equality group. Mitigation measures are proposed to minimise adverse effects arising from the use of the digital displays and amenity and public safety.

Officer assessment

Employment and skills (Children and younger people)

- 8.13.** To maximise the beneficial effects of the proposals the applicant has committed to make a financial contribution of £2,100,00 towards employment and training initiatives, to work with Newham Council’s preferred local training and support provider, to require their contractors and subcontractors to advertise jobs with this provider and to procure 15% of goods and services by value from businesses in the London Borough of Newham. Six paid internships per year will be targeted towards younger people during the construction phase and once the Sphere is operational eight paid internships per year for will be targeted at younger people. In addition, eight scholarships funded at a rate of £5000 per annum per scholarship will be made available for students at higher education

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institutions in the LLDC Boroughs (Newham, Waltham Forest, Hackney and Tower Hamlets) over a period of four years.

- 8.14.** During the construction period there would be an estimated 1,160 direct jobs on site per year which equates to between 350-500 FTEs. The applicant has committed to target 35% of the construction workforce with local jobs to be filled by residents from the LLDC boroughs.
- 8.15.** In the completed development the proposed scheme would support an estimated 1,300 jobs which equates to 1086 FTEs. The applicant has committed to target 50% of the workforce to be from the LLDC Boroughs. The current site offers little in the way of jobs and economic benefits at present so almost all the new opportunities created would be additional.
- 8.16.** With the applicant seeking to secure 35% of the construction workforce and 50% of the operational workforce from residents of the LLDC Boroughs and committing to ensuring that its contractors and subcontractors pay their staff at least the London Living Wage levels there is, in officers' view, a realistic prospect that the employment benefits will be significant.
- 8.17.** Younger people comprise a higher than average proportion of people in Newham and the LLDC Boroughs and so, especially with these targeted measures in place, officers consider that young people in particular are likely to benefit from the employment and skills opportunities that arise from the Sphere.
- 8.18.** Further, it is reasonable to assume that the Proposed Development would support indirect and induced jobs in London. Not only will local businesses be able to take advantage of job opportunities and supply chain opportunities arising from the Sphere, but additional spending created by the Sphere should also support employment elsewhere in London.
- 8.19.** Officers consider that the employment opportunities summarised above should result in a positive impact for children since they benefit – indirectly – from having parents in work.
- 8.20.** To maximise the beneficial impacts on children and younger people the applicant's proposed education commitments plan and community involvement programme would establish formal links with local schools to provide them with careers information and work-related learning. That should enable schools to keep up to date with business practices, training requirements and industry expectations.
- 8.21.** In conclusion, officers' assessment is that the employment and skills opportunities arising from the development will have a positive impact on children and young people.
- Accessibility, active travel, provision of open space (Children and Older people)
- 8.22.** Children and young people should be affected positively by the accessibility, active travel and open space improvements brought about by the Proposed Development. This positive impact is considered particularly significant given that children comprise an above average proportion of the population in Stratford and New Town Ward where the development is situated and adjacent wards.
- 8.23.** As well as physical health benefits arising through increased exercise, improved access to and improved quality of outdoor and green space has been linked to higher self-reported levels of mental health, social interaction and happiness. These benefits are likely to be experienced by all age groups but should benefit children in particular given their need for exercise and outdoor activity.
- 8.24.** To minimise significant adverse severance and amenity effects in the construction phase, a condition requiring the submission of a Construction Logistics Plan has been secured which requires the submission and approval of details as to how, amongst other

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matters, construction traffic is to be managed in the interests of the community. In addition, the applicant has committed to becoming a member of the LLDC Construction Management Group (which assists with the management and coordination of activities at nearby construction sites) and to set up a community liaison forum so that people living or working nearby the Sphere have a forum in which to raise any amenity concerns.

- 8.25.** With these measures, the residual significant adverse effects would be minimised and are likely to be limited to a short stretch adjacent to the construction site access on the A112 Leyton Road. The effects of the mitigation are likely to be experienced by all demographics and so the applicant has minimised the likelihood of there being disproportionate adverse effects as a result of the proposed mitigation, ongoing communication, monitoring and feedback channels proposed.
- 8.26.** Once the Sphere is operational, it is acknowledged that during event ingress and egress the public realm in the vicinity of the Proposed Development will be more congested. This congestion has the potential to impact negatively on children and older people who may struggle more in crowds or congestion.
- 8.27.** Mitigation has been proposed comprising adjusted door opening, event start and finish times and event capacities. Ingress is likely to be spread over a reasonable time and consequently the impacts of this are not significant. To manage the impact on other users of the public realm after events, departures from the Sphere concourse would need to be controlled with 'hold' points on the bridges to limit the levels of crowding in external areas and, from time to time, there will be the need for temporary crowd barriers to manage congestion.
- 8.28.** To minimise the effects of crowds in the completed development, measures are proposed to manage event timings and limit capacities to avoid worse case scenarios. Local area management will be implemented on days when there are high capacity events and on days when there are planned events at the London Stadium. Those plans will be prepared in consultation with the LLDC and the Newham Safety Advisory Group which includes the Operator of the London Stadium and other public bodies for the purpose of creating a safe operation environment for visitors to the area and background users.
- 8.29.** A new entrance into Stratford Station off Montfichet Road will help support the management of crowd flows and reduce congestion in the public realm. Crowd modelling analysis indicates that the routes created around the site can support the circulation of people at peak times and that Crowd marshals will be deployed to minimise the number of guests using routes with adverse effects.
- 8.30.** The proposed mitigation measures are likely to minimise the potential for adverse amenity effects of crowding during the operational phase. It is acknowledged on-going monitoring will be required for high capacity concerts or football fixtures at the London Stadium that start and/or finish within an hour of events at the Proposed Development. The proposed monitoring of effects on these days means there where appropriate, adjustments to event timings, and where appropriate capacities, can be made to minimise the potential for adverse crowding effects on all demographics, including children and older people. Officers consider that the package of mitigation measures should neutralise any harmful impacts in this regard on children and young people or reduce them to a degree that is acceptable.

Inclusive design in the venue (Older people)

- 8.31.** Older people do not comprise a higher than average proportion of the population in any of the LLDC Boroughs and so beneficial effects as a result of the venue design are unlikely to generate disproportionate beneficial impacts on the local population not least because visitors to the Proposed Development are likely to be drawn from a wider

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catchment. However, there is a reasonable prospect that the embedded design measures will support older people in the locality to take advantage of the step-free pedestrian routes, lifts, accessible seating in the public realm and accessible features within the venue.

- 8.32.** The provision of mobility assistance enabling connections between the Blue Badge parking, drop-off areas on Montfichet Road, Stratford Station and the Proposed Development is also likely to meet the needs of older ambulant people.

Noise exposure changes (Children and older people)

- 8.33.** Children and young people may disproportionately be affected by noise exposure changes as they comprise an above average proportion of the population in Stratford and New Town Ward where the development is situated and its immediately adjacent Wards. However, it is not known whether they comprise a higher than average proportion of the population of the private properties that may experience residual significant adverse effects.
- 8.34.** To minimise residual significant adverse effects, a condition requiring the submission of a Construction and Environmental Management Plan has been secured which requires best practicable means noise and vibration controls to be deployed and appropriate training to ensure all workforce employees are aware of the procedures to reduce and mitigate impacts. The plan will include a procedure for prior notification to the LLDC, relevant statutory and non-statutory bodies and the local community of operations that are likely to cause disturbance. It would also include the expected duration and key dates when they are likely to occur. The plan should therefore ensure clear communication lines and provisions to mitigate and avoid harmful effects where possible. A single point of contact for neighbour and public relations will be established with contact details displayed on the site hoarding. Proactive communication by way of community meetings, newsletters and a Community Liaison Group alongside working within agreed hours to agreed noise limits should reduce potential for residual significant adverse effects for all demographics. Continuous noise and vibration monitoring are also proposed which would support real time management of construction noise so that, where appropriate, it can be reduced so as to ensure compliance with agreed noise limits.
- 8.35.** To minimise the likelihood of residual significant adverse noise effects during operation, noise monitoring and management of the external areas, including crowd dispersion around Windmill Lane and the deployment of staff at key locations to direct visitors to identified routes and to be neighbourly will ensure that it will be possible to identify the most prominent source of noise and deploy strategies to reduce noise emissions (for example, through active stewarding on the podium).
- 8.36.** The proposed mitigation measures are likely to minimise the potential for adverse noise effects during construction and operation on all demographics to the extent that disproportionate impacts on children and young people are unlikely.

Digital displays (Children, older people)

- 8.37.** The Proposed Development could differentially affect this equality group through glare and distraction (loss of attention), flicker and stroboscopic effects and spatial patterning effects for passers-by and nearby residential properties, as well as obtrusive light impacts on sleep and circadian rhythms for residents in nearby properties. Children and older people are more likely to be differentially affected through flicker effects and exposure to blue light. Children may disproportionately be affected by changes in light pollution as they comprise an above average proportion of the population in Stratford and New Town Ward where the development is situated. However, it is not known whether they comprise a higher than average proportion of the population of the private

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properties that will experience a change in lighting environment. None of the residential and student properties would experience significant adverse light pollution effects.

- 8.38. To minimise potential risks to human health on this equalities group, including children and older people, the applicant has committed to implement digital display controls which limit the hours of operation and luminance of the Proposed Development's media displays. Content related mitigation would also ensure that significant health effects and safety risks are minimised for all demographics. A telephone line to receive complaints and a log setting out what was done or not done following the investigation of each complaint will be established by the applicant which will assist in monitoring the effects of the mitigation measures proposed on nearby residential properties. A parallel process would be established for road users and rail drivers which would be developed prior to operation.
- 8.39. A digital display monitoring group would be established whose membership would include the applicant, the local planning authority, relevant highway and transport bodies and competent experts. The group would be a forum to help manage the uncertainty around the unprecedented sphere façade. With the benefit of information from monitoring, it would have the remit to suggest adjustments to the digital display operational controls where it is in the interests of human health, road and rail safety.
- 8.40. With these measures in place, there are appropriate controls in place to minimise the light pollution effects of the Proposed Development and a reasonable prospect that disproportionate impacts on children will be unlikely.
- 8.41. There is limited research on the amenity/psychological effects of moving images. Blackout blinds would mitigate potential adverse residential amenity effects, to the extent that they may occur and are also significant. With this mitigation, disproportionate impacts are unlikely as the pathway between source and receptor would be removed.
- 8.42. The extent to which the visual experience will be beneficial or adverse for individuals in the public realm will depend on the content of the displays, the details of which are not known at present. There is therefore uncertainty about what the impact will be. Even if the precise nature of the displays were available it is acknowledged that it would be difficult to assign an objective value to each piece of content and determine the nature of the effect given the wide range of tastes of different viewers. The overall effects on the townscape have been assessed to be positive and on the balance of probabilities it would have beneficial effects. To the extent that does not reflect the experience of individual receptors, the blackout blinds offer mitigation.

Disability

- 8.43. The conclusions of the applicant's EQIA are that the Proposed Development is likely to have significant beneficial effects on disabled people through the creation of local jobs and training opportunities, crime and community safety measures, enhanced connections, the provision of open space and the design of the venue. Commitments to support individuals in this equality group into jobs are proposed in the S106 HoTs.
- 8.44. Significant adverse effects may be experienced during construction and operation by individuals who live in the New Garden Quarter, Unite Students Accommodation, Moxy Hotel, Stratford Central, the Angel Lane Tower, Manhattan Loft Gardens, Railway Tavern, residential properties along Windmill Lane, Oxford Road, Penny Brookes Street, East Village and at Holden Point as result of changes to noise exposure and severance during the construction phase and the effects of crowds when the Proposed Development is in use.
- 8.45. Embedded design measures and mitigation measures are proposed to adverse severance and amenity related effects, construction and operational noise, crowding and active travel impacts. The applicant suggests the proposed design and mitigation

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measures would meet the differential needs of individuals in this equality group to encourage the broadest range to participate in the completed development.

- 8.46.** Disabled people may experience some adverse noise during construction and operation and significant adverse health effects due to noise from construction where they live in the affected properties. Disproportionate effects may occur should noise from construction affects resident of Holden Point. Mitigation measures and monitoring are proposed which should minimise adverse effects for all demographics.
- 8.47.** The applicant also considers that disabled people are likely to disproportionately benefit from crime and community safety measures, the enhanced connections and the design of the venue.

Officer assessment

Employment and skills (Disability)

- 8.48.** To maximise the beneficial employment effects of the jobs and training opportunities generated, minimum targets are proposed that would benefit local individuals in this equality group. Disabled people do not comprise a higher than average proportion of people in the local area and so disproportionate impacts on this equality group are unlikely.
- 8.49.** With the proposed targets and general financial contribution to assist with the delivery of training and support for all demographics there is a reasonable prospect that the Proposed Development will lead to better representation of people with a disability in the workforce during the construction phase and in the completed development improving their long term job prospects.

Crime and community safety (Disability)

- 8.50.** The applicant's EIA shows that there are no significant residual effects relating to crime and community safety during the construction period. Once operational the Proposed Development is expected to reduce crime and anti-social behavior through increased natural surveillance embedded design measures such as "secure by design" principles. It is acknowledged that people with disabilities will benefit from positive effects of the Proposed Development on crime and community safety but the effects of this are unlikely to have disproportionate impacts on this equality group.

Accessibility, active travel, provision of open space (disability)

- 8.51.** It is acknowledged that the improvements to accessibility through enhanced site connections, the provision of lifts and bridges providing virtually level access from the site to its surroundings and public realm improvements on Montfichet Road and Angel Lane will improve amenity and quality of infrastructure for disabled pedestrians and cyclists. The provision of new spaces is likely to support healthy, active travel patterns particularly where individuals in this equality group live locally to the site. These benefits effects are unlikely to have disproportionate impacts on this equality group as they do not represent an above average part of the population and would not be the primary beneficiaries of the new routes and open spaces created. The Proposed Development would encourage people from this equality group to participate in activities at the Sphere.
- 8.52.** Some reservations have been expressed about the mixing of pedestrians and cyclists on Montfichet Road and that this may differentially affect people with visual or aural impairments. Best practice guidance on inclusive mobility has been published which will inform the redesign of the highway and neutralise the impact on people with visual impairment.
- 8.53.** It is acknowledged that event ingress and egress once the Sphere is operational will inevitably make the public realm in the vicinity of the Proposed Development more congested. Mitigation has been proposed to mitigate the effects of crowds on people in

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the public realm. Ingress is likely to be spread over a reasonable time and consequently the impacts of this are not significant. To manage the impact on other users of the public realm after events, departures from the Sphere concourse will need to be controlled with 'hold' points on the bridges to limit the levels of crowding in external areas and, from time to time, there will be the need for temporary crowd barriers to manage congestion.

- 8.54.** To minimise the effects of crowds, measures are proposed to manage event timings and limit capacities to avoid worse case scenarios. Local area management will be implemented on days when there are high capacity events and on days when there are planned events at the London Stadium. Those plans will be prepared in consultation with the LLDC and the Newham Safety Advisory Group (which includes the Operator of the London Stadium and other public bodies) for the purpose of creating a safe operation environment for visitors to the area and background users.
- 8.55.** A new entrance into Stratford Station off Montfichet Road will help support the management of crowd flows and reduce congestion in the public realm. Crowd modelling analysis indicates that the routes created around the site can support the circulation of people at peak times and that Crowd marshals will be deployed to minimise the number of guests using routes with adverse effects.
- 8.56.** The proposed mitigation measures are likely to minimise the effects of crowding on people in this equality group during the operational phase. It is acknowledged on-going monitoring will be required for coincident event days where there are planned high capacity concerts/event or football fixtures at the London Stadium that start and/or finish within an hour of events at the Proposed Development. The proposed monitoring of effects on these days means there where appropriate, adjustments to event timings, and where appropriate capacities, can be made to minimise the potential for adverse crowding effects on all demographics. The mitigation is likely to neutralise differential effects. Disproportionate impacts are not likely.
- 8.57.** To minimise adverse amenity and severance effects during the construction phase, a condition requiring the submission of a Construction Logistics Plan has been secured which requires details to be provided of the measures that will be put in place to ensure the movement of construction traffic is managed in the interests of the safety of pedestrians, cyclists and highway users by ensuring appropriate separation of pedestrians and cyclists and the general public from the construction activities. The Plan also provides for affected parties to register complaints, procedures for responses and for how communication will be maintained with the local community for foreseeable operations that are likely to cause disturbance (through, for example, meetings and newsletters). The applicant's commitment to become a member of the LLDC Construction Management Group, which assists with the management and coordination of activities at nearby construction sites, is likely to help minimise the effects of construction vehicles alongside the community liaison forum the applicant proposes to set up for people living or working nearby the development to discuss any amenity issues arising from the Proposed Development.
- 8.58.** With these measures, the residual significant adverse effects would be minimised and are likely to be limited to a short stretch adjacent to the construction site access on the A112 Leyton Road. The effects of the mitigation are likely to be experienced by all demographics. Disproportionate impacts on this group are not likely.

Inclusive design in the venue (Disability)

- 8.59.** People with a disability do not comprise a higher than average proportion of the population in any of the LLDC Boroughs and so beneficial effects as a result of the venue design are unlikely to have disproportionate impacts on the local population not least because visitors to the Proposed Development who benefit from the design measures are likely to be drawn from a much wider catchment.

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- 8.60.** However, there is a reasonable prospect that the embedded design measures will support people with a disability in the locality to take advantage of the Proposed Development through the step-free pedestrian routes, lifts, accessible seating in the public realm and accessible features within the venue. The provision of mobility assistance enabling connections between the Blue Badge parking, drop-off areas on Montfichet Road, Stratford Station and the Proposed Development is also likely to meet the needs of older ambulant people.
- 8.61.** The main lifts within the building will be larger than the minimum Building Regulation requirement providing appropriate access for disabled visitors moving throughout the building. A choice of viewing location will be provided across all the range of seating levels in the auditorium and provision made so that wheelchair user spaces and companion seats can be raised on super-risers to ensure they have the same quality of sightlines as everyone during events where there is likely to be standing.
- 8.62.** To support people with sensory and cognitive disabilities, two quiet rooms are being provided which should offer an appropriate level of support for the scale of development. This will provide support for people who are neuro-diverse, including people on the autistic spectrum or people more generally who want to take a break from crowds, noise and the lively atmosphere in the building.
- 8.63.** The immersive nature of the visitor experience is predicated on sensory stimuli and the applicant has committed to explaining fully to guests what the experience will be like before they book their tickets, including the audio visual elements of the experience, so that individuals with sensory disabilities can make an informed decision. The applicant is intending to make content that is appropriate for the majority of users including people with sensory and cognitive impairments.
- 8.64.** Overall the design of the building caters for the needs of a wide range of people in this equalities group. The design, construction, fitting out and operation of the venue would actively support people from this group taking part in activities at the Sphere. Disproportionate impacts are unlikely; however, there is limited data on whether there is an above average population of people in the locality with disabilities compared with other areas.

Noise exposure changes (Disability)

- 8.65.** People with a disability do not comprise a higher than average proportion of the population in the in Stratford and New Town Ward where the development is situated. It is not known whether they comprise a higher than average proportion of the population of the private properties that may experience residual significant adverse effects.
- 8.66.** To minimise residual significant adverse effects, a condition requiring the submission of a Construction and Environmental Management Plan has been secured which requires best practicable means noise and vibration controls to be deployed and appropriate training to ensure all workforce employees are aware of the procedures to reduce and mitigate impacts. The plan will include a procedure for prior notification to the LLDC, relevant statutory and non-statutory bodies and the local community of operations that are likely to cause disturbance. It would also include the expected duration and key dates when they are likely to occur. The plan should therefore ensure clear communication lines and provisions to mitigate and avoid harmful effects where possible. A single point of contact for neighbour and public relations will be established with contact details displayed on the site hoarding. Proactive communication by way of community meetings, newsletters and a Community Liaison Group alongside working within agreed hours to agreed noise limits should reduce potential for residual significant adverse effects for all demographics. Continuous noise and vibration monitoring is also proposed which would support real time management of construction noise so that,

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where appropriate, it can be reduced so as to ensure compliance with agreed noise limits.

8.67. To minimise the likelihood of residual significant adverse noise effects during operation, noise monitoring and management of the external areas, including crowd dispersion around Windmill Lane and the deployment of staff at key locations to direct visitors to identified routes and to be neighbourly will ensure that it will be possible to identify the most prominent source of noise and deploy strategies to reduce noise emissions (for example, through active stewarding on the podium).

8.68. The proposed mitigation measures are likely to minimise the potential for adverse noise effects during construction and operation on all demographics, including people with disabilities. Disproportionate impacts are unlikely.

Digital displays (disability – people with sensory sensitivities i.e. epilepsy, autism, long term disabilities)

8.69. The Proposed Development may differentially affect this equality group through glare and distraction (loss of attention), flicker and stroboscopic effects and spatial patterning effects for passers-by and nearby residential properties; and obtrusive light impacts on sleep and circadian rhythms for residents in nearby properties. Disabled people, including those with specialist sensory and cognitive needs may be differentially affected through flicker effects and exposure to blue light. Disabled people are unlikely to be disproportionately affected by changes in light pollution as they do not comprise an above average proportion of the population in Stratford and New Town Ward where the development is situated. However, it is not known whether they comprise a higher than average proportion of the population of the private properties that will experience a change in lighting environment. None of the residential or student properties are likely to experience significant adverse light pollution effects.

8.70. To minimise potential risks to this equalities group, the applicant has committed to implement digital display controls which limit the hours of operation and luminance of the Proposed Development's media displays. Content related mitigation would also ensure that significant health effects and safety risks are minimised for all demographics. A telephone line to receive complaints and a log setting out what was done or not done following the investigation of each complaint will be established by the applicant which will assist in monitoring the effects of the mitigation measures proposed on nearby residential properties. A parallel process would be established for road users and rail drivers which would be developed prior to operation.

8.71. A digital display monitoring group would be established whose membership would include the applicant, the local planning authority, relevant highway and transport bodies and competent experts. The group would be a forum to help manage the uncertainty around the unprecedented sphere façade. With the benefit of information from monitoring, it would have the remit to suggest adjustments to the digital display operational controls where it is in the interests of human health, road and rail safety.

8.72. With these measures in place, there are appropriate controls in place to minimise the light pollution effects of the Proposed Development on this equality group and a reasonable prospect that disproportionate impacts on disabled people will be unlikely.

8.73. There is limited research on the amenity/psychological effects of moving images on this equalities group. Blackout blinds would mitigate potential adverse residential amenity effects, to the extent that they may occur and are also significant. With this mitigation, disproportionate impacts are unlikely as the pathway between source and receptor can be removed where blinds are drawn.

8.74. The extent to which the visual experience will be beneficial or adverse for individuals in the public realm will depend on the content of the displays, the details of which are not

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known at present. There is therefore uncertainty about what the impact will be. Even if the precise nature of the displays were available it is acknowledged that it would be difficult to assign an objective value to each piece of content and determine the nature of the effect given the wide range of tastes of different viewers. The overall effects on the townscape have been assessed to be positive and on the balance of probabilities that it would have beneficial effects. To the extent that does not reflect the experience of individual receptors, the blackout blinds offer mitigation.

Race

- 8.75.** The conclusion of the applicant's EQIA is that Proposed Development has the potential to have significant beneficial effects on people from an ethnic minority background through the creation of local jobs and training opportunities, crime and community safety measures, enhanced connections, the provision of open space and the design of the venue. Commitments to maximise the local economic impacts have been secured in the HoTs, including programmes to support equality groups so that they have equal access to jobs.
- 8.76.** Significant adverse effects may be experienced during construction and operation by individuals who live in the New Garden Quarter, Unite Students Accommodation, Moxy Hotel, Stratford Central, the Angel Lane Tower, Manhattan Loft Gardens, Railway Tavern, residential properties along Windmill Lane, Oxford Road, Penny Brookes Street, East Village and at Holden Point as result of changes to noise exposure and severance during the construction phase and the effects of crowds when the Proposed Development is in use.
- 8.77.** Various mitigation and monitoring measures are proposed to address adverse severance and amenity related effects, construction and operational noise, crowding and impacts on the transport network. Mitigation is proposed to meet the broadest range of needs to encourage continued participation in public life during construction and in the completed development.

Officer assessment

Employment and Skills (Race)

- 8.78.** To maximise the beneficial employment effects of job and training opportunities, the applicant is proposing to target individuals from ethnic minorities for jobs during both the construction and operation phase. Ethnic minorities comprise a higher than average proportion of people in Newham and the LLDC Boroughs and so with targeted measures in place there is, in officers' view, a realistic prospect that individuals with ethnic minority backgrounds disproportionately benefit from these employment and skills opportunities. Individuals in this group would also benefit from other parts of the broader employment package.
- 8.79.** The proposed operational workforce target for ethnic minorities is 50%. Disproportionate impacts on this group are likely as people with an ethnic minority background comprise a higher than average proportion of people in the local area and the four LLDC boroughs. This, alongside the proposed financial contribution to Newham and delivery of training and support, means there is a reasonable prospect that the Proposed Development will lead to better presentation from underrepresented ethnic minorities in the workforce and improve their long-term job prospects.

Crime and community safety (Race)

- 8.80.** The applicant's EIA shows that there are no significant residual effects relating to crime and community safety during the construction period. Once operational the Proposed Development is expected to reduce crime and anti-social behavior through increased natural surveillance embedded design measures such as "secure by design" principles. It is acknowledged that people from an ethnic minority background may benefit from

LLDC PPDT Equalities Impact Assessment

positive effects of the Proposed Development on crime and community safety but the extent to which this would have disproportionate impacts on this equality group (as opposed to the population in general) are unknown.

Religion or beliefs

- 8.81.** Differential effects on this equality group are not anticipated to arise from the residual significant environmental effects.

Pregnancy and Maternity

- 8.82.** The conclusions of the applicant's EQIA are that the Proposed Development has the potential to have significant beneficial effects on mothers and parents with young children through the creation of local jobs and training opportunities, enhanced connections and the design of the venue.
- 8.83.** Significant adverse effects may be experienced by mothers and parents with young children individuals who live or work in close proximity to the Proposed Development as a result of changes to noise exposure, severance during the construction phase and the effects of crowds when the Proposed Development is in use.
- 8.84.** Various mitigation and monitoring measures are proposed to address adverse severance and amenity related effects, construction and operational noise, crowding and impacts on the transport network. Mitigation is proposed that would meet the needs of all individuals in this equality group minimising the potential for residual significant effects to have disproportionate impacts on individuals in this equality group.

Officer assessment

Employment and skills (Pregnancy and maternity)

- 8.85.** Mothers and parents with young children comprise a higher than average proportion of people in the local area and so may disproportionately benefit from the employment and skills opportunities created. The jobs created are likely to be both full time and part-time posts and the offer of training may benefit some mothers and parents with small children who are unemployed or underemployed due to lack of relevant skills or discrimination. The proposed operational workforce target for women is 50% and so the employment benefits of the Proposed Development may disproportionately benefit mothers and parents with small children, particularly in Newham as these residents will be prioritised for jobs. This is likely to lead to better presentation from individuals belonging to this group in the workforce and the potential to improve their long-term job prospects.

Accessibility and active travel (Pregnancy and maternity)

- 8.86.** Mothers and parents with small children may disproportionately benefit from the accessibility, active travel and open space improvements brought about by the Proposed Development as they comprise an above average proportion of the population in Wards neighbouring Stratford and New Town Ward where the development is situated.
- 8.87.** The beneficial effects are likely to be experienced by all demographics supporting healthy and active travel patterns and movement. As well as physical health benefits arising through increased exercise, improved access to and quality of outdoor and green space has been linked to higher self-reported levels of mental health, social interaction and happiness. These benefits are likely to be experienced to a lesser or greater degree by all demographics who live in and around the Site and may be of particular benefit to this equality group. This especially the case given the importance of exercise and wellbeing for pregnant women and young children.
- 8.88.** It is acknowledged during event ingress and egress in the completed development it will inevitably make the public realm in the vicinity of the Proposed Development more congested. Mitigation has been proposed to mitigate crowding in the public realm. Ingress is likely to be spread over a reasonable time and consequently the impacts of

LLDC PPDT Equalities Impact Assessment

this are not significant. To manage the impact on other users of the public realm after events, departures from the Sphere concourse will need to be controlled with 'hold' points on the bridges to limit the levels of crowding in external areas and, from time to time, there will be the need for temporary crowd barriers to manage congestion.

- 8.89.** To minimise the effects of crowds in the completed development, measures are proposed to manage event timings and limit capacities to avoid worse case scenarios. Local area management will be implemented on days when there are high capacity events and on days when there are planned events at the London Stadium. Those plans will be prepared in consultation with the LLDC and the Newham Safety Advisory Group (which includes the Operator of the London Stadium and other public bodies) for the purpose of creating a safe operation environment for visitors to the area and background users.
- 8.90.** A new entrance into Stratford Station off Montfichet Road will help support the management of crowd flows and reduce congestion in the public realm. Crowd modelling analysis indicates that the routes created around the site can support the circulation of people at peak times and that Crowd marshals will be deployed to minimise the number of guests using routes with adverse effects.
- 8.91.** The proposed mitigation measures are likely to minimise the potential for adverse amenity effects of crowding during the operational phase. It is acknowledged on-going monitoring will be required for coincident event days where there are planned high capacity concerts/events or football fixtures at the London Stadium that start and/or finish within an hour of events at the Proposed Development. The proposed monitoring of effects on these days mean that where appropriate, adjustments to event timings, and where appropriate capacities can be made to minimise the potential for adverse crowding effects on all demographics. The mitigation is likely to reduce effects to that the extent that harm to this particular equality group is unlikely.
- 8.92.** To minimise significant adverse severance and amenity effects in the construction phase the applicant has committed to the submission of a Construction Logistics Plan, to become a member of the LLDC Construction Management Group and to establish a community liaison forum. With these mitigation measures is likely that appropriate measures will be put in place to ensure the movement of construction traffic is managed in the interests of the safety of pedestrians, cyclists and highway users and that appropriate separation of pedestrians and cyclists and the general public from the construction activities is maintained. The measures will reduce adverse effects for all who traverse affected routes in the vicinity of the Proposed Development, including this equality group.

Inclusive design (Pregnancy and maternity)

- 8.93.** The design of the building incorporates step-free pedestrian routes with suitable gradients, lifts, and six accessible baby change facilities across different levels of the auditorium. These measures will benefit visitors to the venue and workers. To the extent that the effects that the effects on this group are disproportionate, there are not, in officers view likely to be significant.
- 8.94.** Mothers and parents with small children comprise a higher than average proportion of the population in all of the LLDC Boroughs. There is a reasonable prospect that they will be able to take advantage of the embedded design measures such as step free routes, accessible seating in the public realm and accessible features in the venue including baby change facilities. However, the design features of the venue are likely to be visitors to the Proposed Development who are most likely to be drawn from a much wider catchment. It is therefore unclear and possibly unlikely that the design of the venue will have disproportionate beneficial impacts on this equality group.

LLDC PPDT Equalities Impact Assessment

Noise exposure changes (Pregnancy and maternity)

- 8.95.** Mothers and parents with small children may be disproportionately affected by noise exposure changes as they comprise an above average proportion of the population in Stratford and New Town Ward where the development is situated. There is limited data available to establish whether this equality group comprises a higher than average proportion of the population of the private properties that may experience residual significant adverse effects.
- 8.96.** To minimise residual significant adverse effects, a condition requiring the submission of a Construction and Environmental Management Plan has been secured which requires best practicable means noise and vibration controls to be deployed and appropriate training to ensure all workforce employees are aware of the procedures to reduce and mitigate impacts. The plan will include a procedure for prior notification to the LLDC, relevant statutory and non-statutory bodies and the local community of operations that are likely to cause disturbance. It would also include the expected duration and key dates when they are likely to occur. The plan should therefore ensure clear communication lines and provisions to mitigate and avoid harmful effects where possible. A single point of contact for neighbour and public relations will be established with contact details displayed on the site hoarding. Proactive communication by way of community meetings, newsletters and a Community Liaison Group alongside working within agreed hours to agreed noise limits should reduce potential for residual significant adverse effects for all demographics. Continuous noise and vibration monitoring is also proposed which would support real time management of construction noise so that, where appropriate, it can be reduced so as to ensure compliance with agreed noise limits.
- 8.97.** To minimise the likelihood of residual significant adverse noise effects during operation, noise monitoring and management of the external areas, including crowd dispersion around Windmill Lane and the deployment of staff at key locations to direct visitors to identified routes and to be neighbourly will ensure that it will be possible to identify the most prominent source of noise and deploy strategies to reduce noise emissions (for example, through active stewarding on the podium).
- 8.98.** The proposed mitigation measures are likely to minimise the potential for adverse noise effects during construction and operation on all demographics to the extent that pregnant women and parents with young children are unlikely to experience any particularly negative impact.

Sex

- 8.99.** The conclusions of the applicant's EQIA are that the Proposed Development has the potential to have beneficial effects on women through the creation of local jobs and training opportunities and crime and community safety measures. No significant effects are reported to for this equality group during the construction or operational phase.

Officer assessment

Employment and Skills

- 8.100.** Women do not comprise a higher than average proportion of people in the local area and so disproportionate impacts are unlikely to be brought about by the Proposed Development on this equality group. Positive actions are proposed, by way of employment targets, that would encourage women to join the construction workforce and the operational workforce, particularly those who have been unemployed through discrimination or lack of relevant skills prevent access to job opportunities. The proposed employment and skills programme and training support is likely to increase the representation of women in the workforce, particularly in the completed development.

Crime and community safety

LLDC PPDT Equalities Impact Assessment

- 8.101.** The applicant has pledged to sign up to the Mayor's Women's Safety Charter which will require them to put in place measures that tackle violence against women. The initiative sets out practical steps to make women safer and empower people to play their part in creating positive change. The effects are likely to have positive consequences for this equality group, but are likely to benefit people more generally
- 8.102.** In addition, the applicant has committed to achieving "secure by design" standards in the design of the building and creating a safe environment. That includes the deployment of a 24/7 safety and security team to maintain vigilance and provide a deterrent to crime and anti-social behaviour. The personnel will be supported by other security technology, including CCTV as well as a cyber security strategy.
- 8.103.** The applicant has committed to be part of the Business and Community Crime Reduction Partnership. This commitment will be secured by section 106.

Sexual Orientation (LGBTQA)

- 8.104.** The conclusions of the applicant's EQIA are that the Proposed Development has the potential to have beneficial effects on LGBTQA individuals through the creation of local jobs and training opportunities, crime and community safety measures and the design of the venue. No significant effects are reported to for this equality group as there is no data available for this equality group and so the applicant was unable to quantify the presence of LGBTQA individuals in the local area and therefore whether they are disproportionately represented. It is acknowledged that individuals in this group can experience differential effects and so an assessment of the type of differential effects that might be experienced was undertaken was based on literature review.

Officer assessment

Employment and skills

- 8.105.** LGBTQA individuals are likely to benefit from employment and skills opportunities. However, it is not known whether this equality group would experience disproportionate impacts as there is limited data on their presence as a proportion of the local population.

Crime and community safety

- 8.106.** This group is differentially more likely to experience hate crime than non LGBTQA individuals. Measures to increase natural surveillance and deploy a safety and security team in the completed development will support the creation of a safe environment and is likely to be a deterrent to crime or anti-social behavior. This will be benefit those living around the site and visitors to the venue. Accordingly, this group should gain particular benefit from this aspect of the Proposed Development.

Inclusive design

- 8.107.** Measures to meet the differential needs of this group have been proposed, such as the provision of some gender-neutral toilets in the venue, to encourage people who identify as LGBTQA to participate in the completed development. This will have beneficial impacts on this equality group., however it is recognised that may not be universally received as a beneficial effect of the scheme.

Gender reassignment

- 8.108.** The conclusions of the EQIA is that the Proposed Development has the potential to have beneficial effects on people in this equality group through the creation of local jobs and training opportunities, crime and community safety measures and the design of the venue. No significant effects are reported for this equality group during the construction or operational phase and the applicant was unable to quantify the population of people undergoing gender reassignment and whether they are disproportionately represented in the local population. It is acknowledged that individuals in this group can experience

LLDC PPDT Equalities Impact Assessment

differential effects and so an assessment of the type of differential effects that might be experienced was undertaken was based on literature review.

Officer assessment

- 8.109.** Gender neutral toilets and facilities are a part of the scheme design and will promote inclusivity and encourage people who are undergoing transition to participate in the completed development. It is recognised that this may not be universally be received by all people as a beneficial effect.

Marriage and Civil Partnership

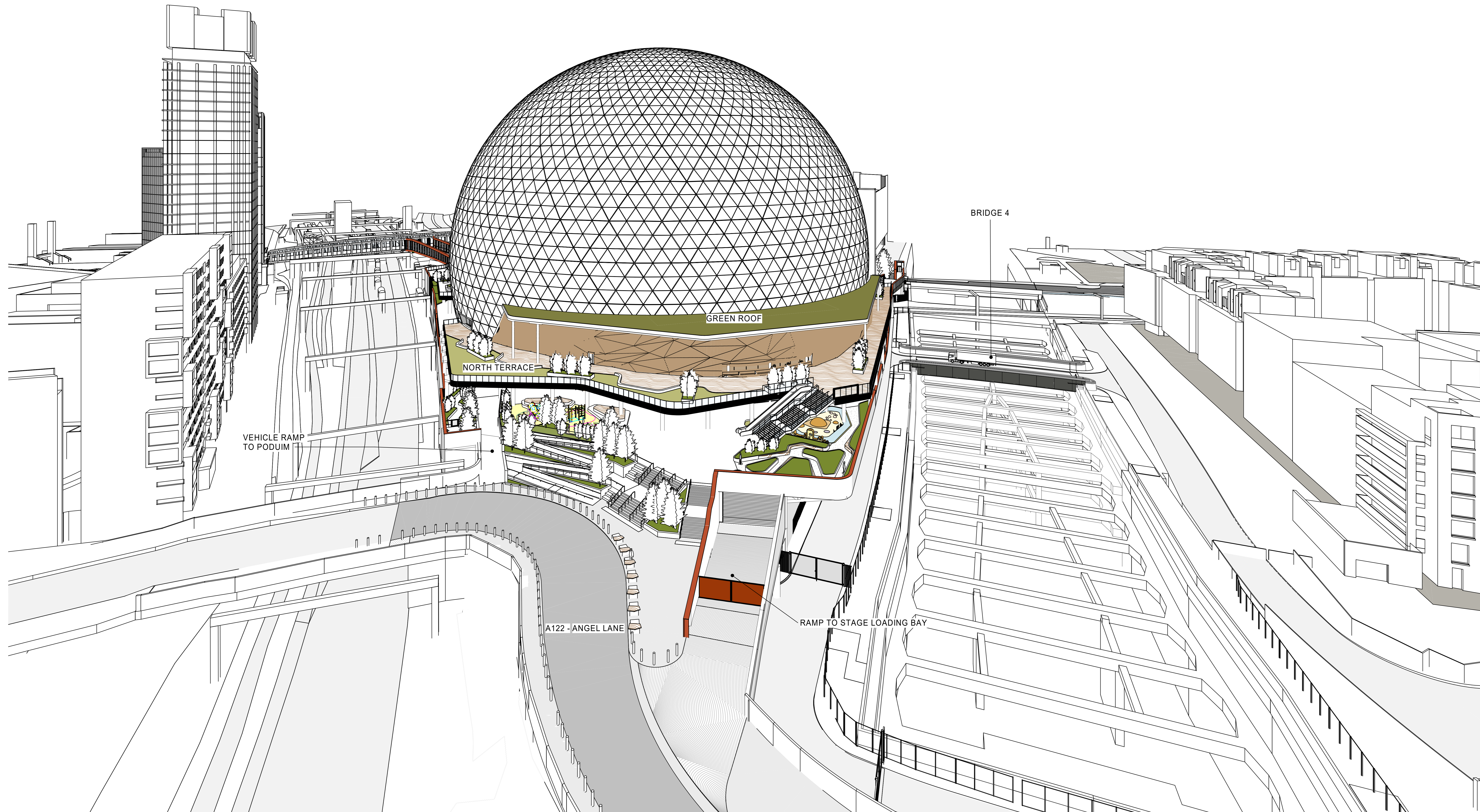
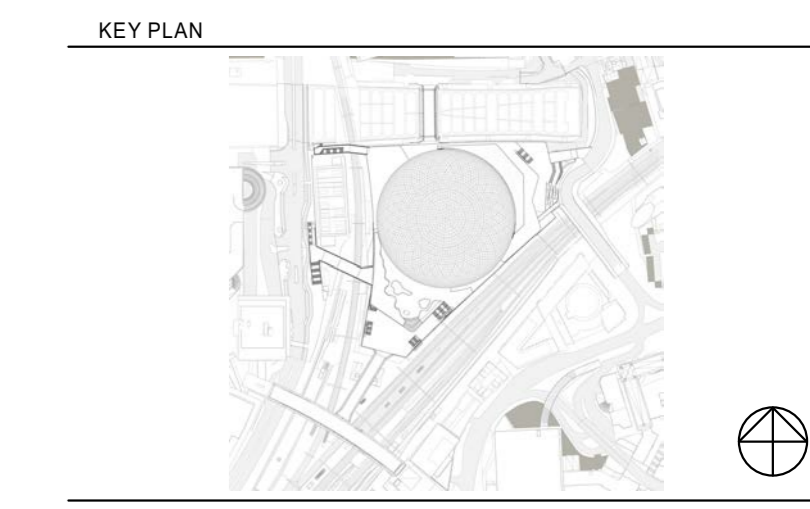
- 8.110.** This is not a protected characteristic for the purposes of the PSED (as per s.149(7) of the Equality Act 2010). Nonetheless, officers have considered it for completeness but do not consider that the Proposed Development would result in either positive or negative impacts for this group.

Conclusions

- 8.111.** The Proposed Development has been designed and developed in such a way that it advances equality of opportunity and minimises adverse effects on groups where they are likely to experience differential effects. Appropriate steps have also been taken to distribute the beneficial effects of the Proposed Development across almost all equality groups through employment opportunities, accessible design, and the inclusive nature of the proposals. Whilst there are groups that could experience adverse effects, the mitigation measures proposed neutralise these effects or reduce them to the extent that any negative impact is minor.
- 8.112.** Officers are mindful that it will be necessary to monitor the effects of the Proposed Development, particularly where impacts are uncertain. Monitoring has been proposed so that these impacts can be better understood, and where unanticipated adverse impacts occur, these can be identified as quickly as possible to allow mitigation measures to be put in place. Subject to conditions and obligations proposed in the S106, officers consider that the equalities implications of the Proposed Development are acceptable. Indeed, the Proposed Development should have a positive impact on protected characteristics.
- 8.113.** Members will also need to give due regard to the equalities implications of the Proposed Development in determining the application to ensure that the PSED is discharged. It is hoped that this document will assist Members with this exercise.

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REVISIONS		
REV	DATE	DESCRIPTION
01	31.10.19	1 additional groups of trees added on level 03 North Terrace



1. 3D VIEW FROM NORTH WEST

CLIENT

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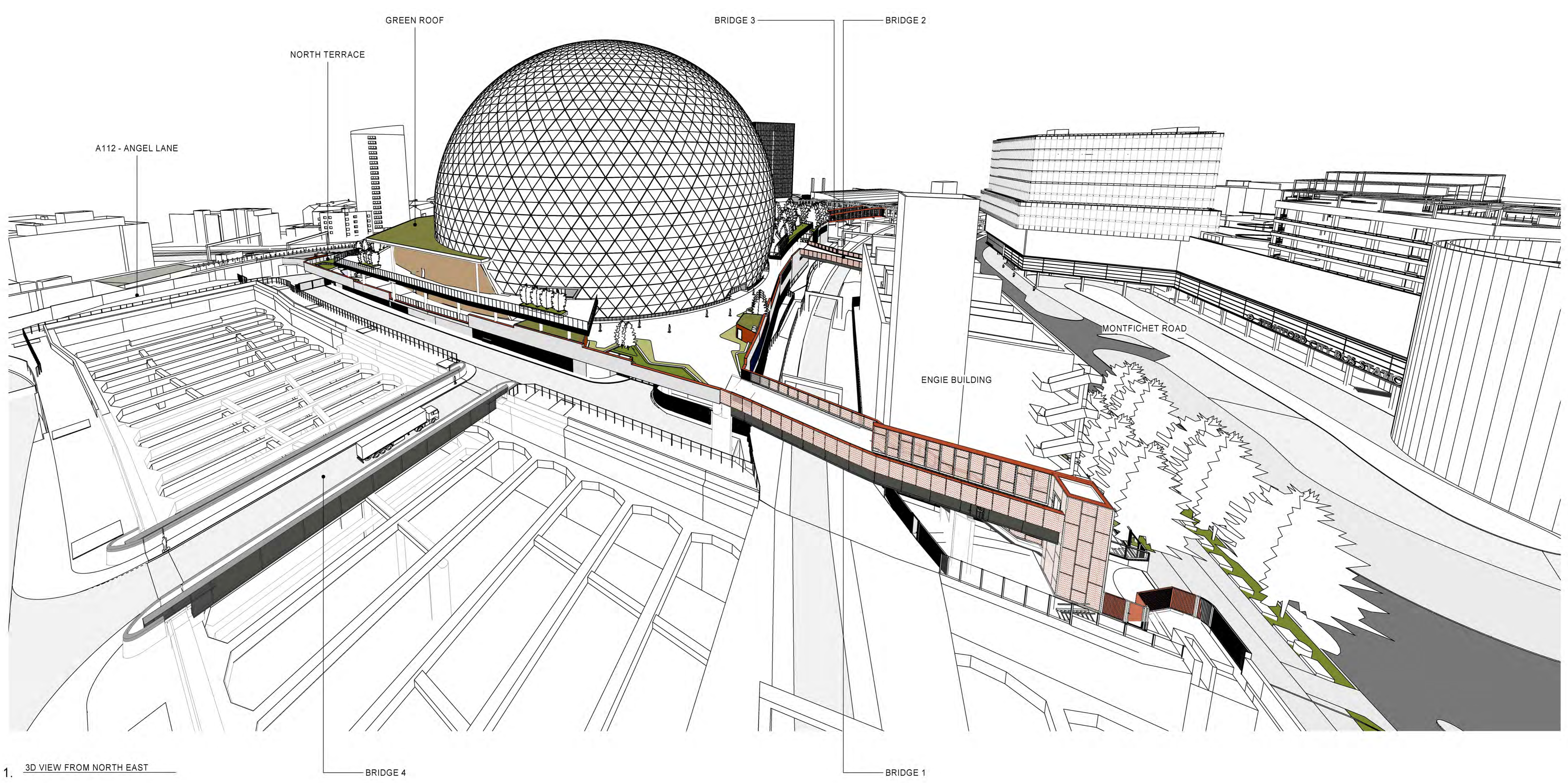
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PROJECT NAME
MSG SPHERE
 DRAWING TITLE
3D VIEW FROM NORTH WEST

STATUS	PROJECT NO.						
S4 - For Planning	3845						
DATE	SCALE						
15/02/2019	A0						
DRAWN	CHECKED	APPROVED					
MC	GR	GR					
PROJECT	ORIGIN	ZONE	LEVEL	TYPE	ROLE	DRAWING	REV
MSG-POP-	00-	ZZ-	DR-	A-	0900	01	

REVISIONS		
REV	DATE	DESCRIPTION
01	31.10.19	Bridge cladding updated



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1. 3D VIEW FROM NORTH EAST



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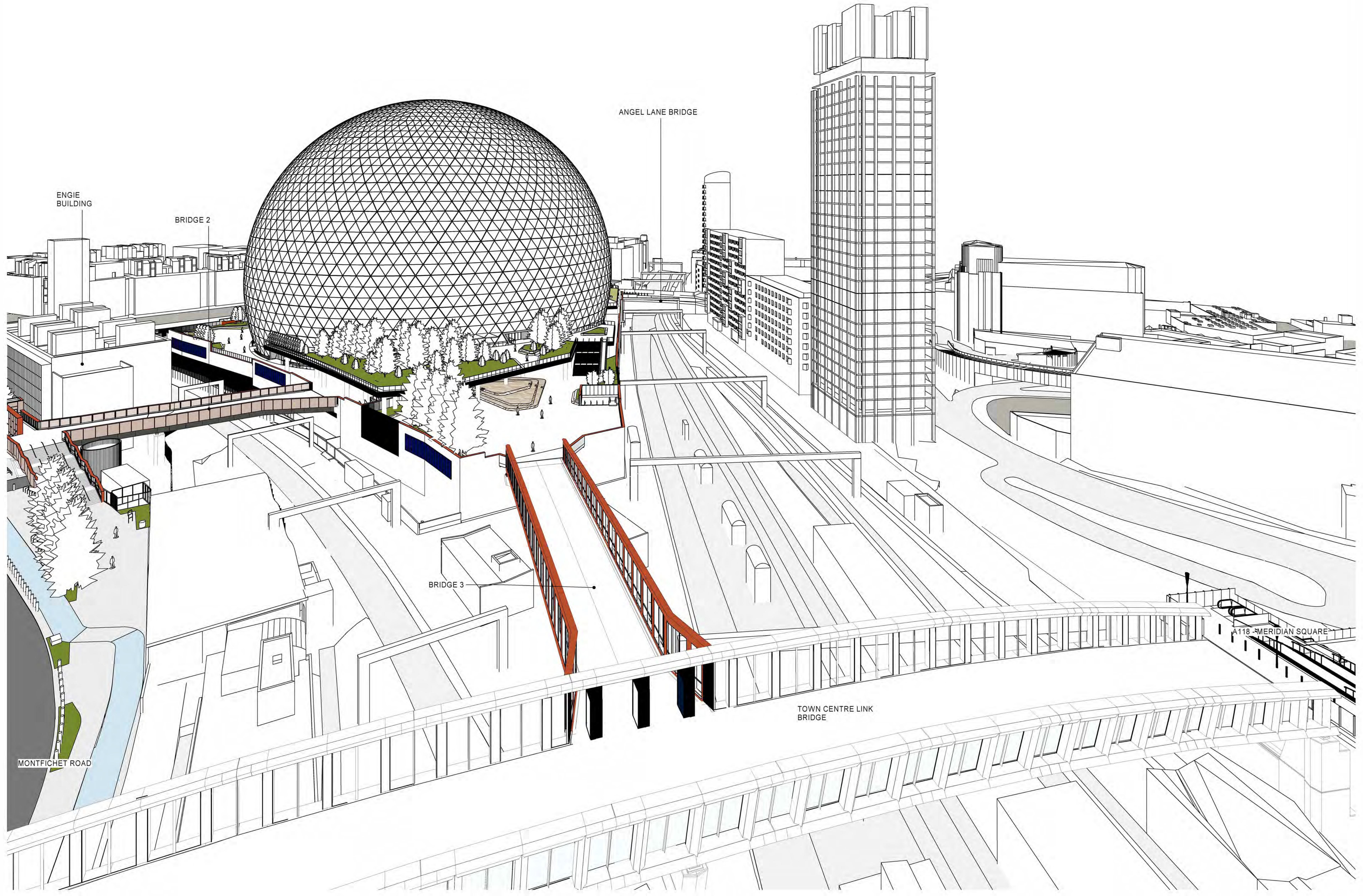
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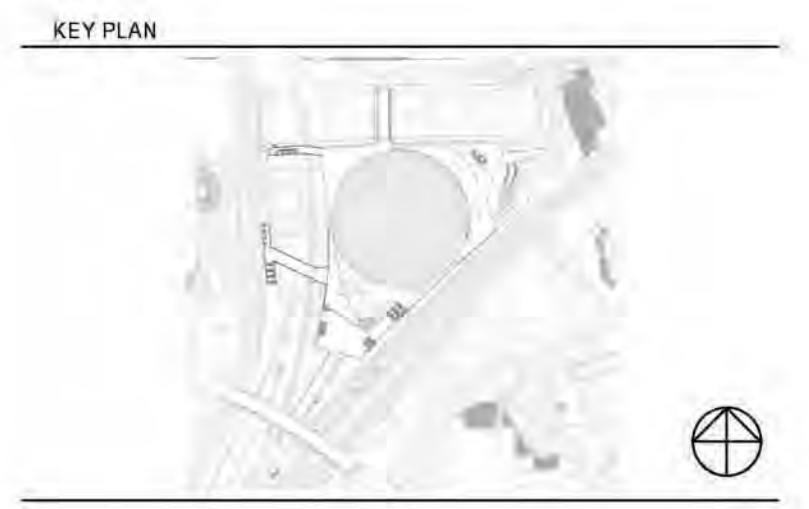
PROJECT NAME
MSG SPHERE

DRAWING TITLE
3D VIEW FROM NORTH EAST

STATUS	PROJECT NO.						
S4 - For Planning	3845						
DATE	SCALE						
15/02/2019	A0						
DRAWN	CHECKED	APPROVED					
MC	GR	GR					
PROJECT	ORIGIN	ZONE	LEVEL	TYPE	ROLE	DRAWING	REV
MSG-POP-	00-	ZZ-	DR-	A-	0901	01	



REVISIONS		
REV	DATE	DESCRIPTION
01	31.10.18	Bridge Crossing Location: New entrance to Stratford Station off Montfichet Road about 7.1km North West from the southern side of the Sphere



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1. 3D VIEW FROM SOUTH WEST

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PROJECT NAME
MSG SPHERE
 DRAWING TITLE
3D VIEW FROM SOUTH WEST

STATUS	PROJECT NO.						
S4 - For Planning	3845						
DATE	SCALE						
15/02/2019	A0						
DRAWN	CHECKED	APPROVED					
MC	GR	GR					
PROJECT	ORIGIN	ZONE	LEVEL	TYPE	ROLE	DRAWING	REV
MSG-POP-00-	ZZ-	DR-A-	0902	01			

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APPENDIX 5 – Extracts from Design and Access Statement (DAS)

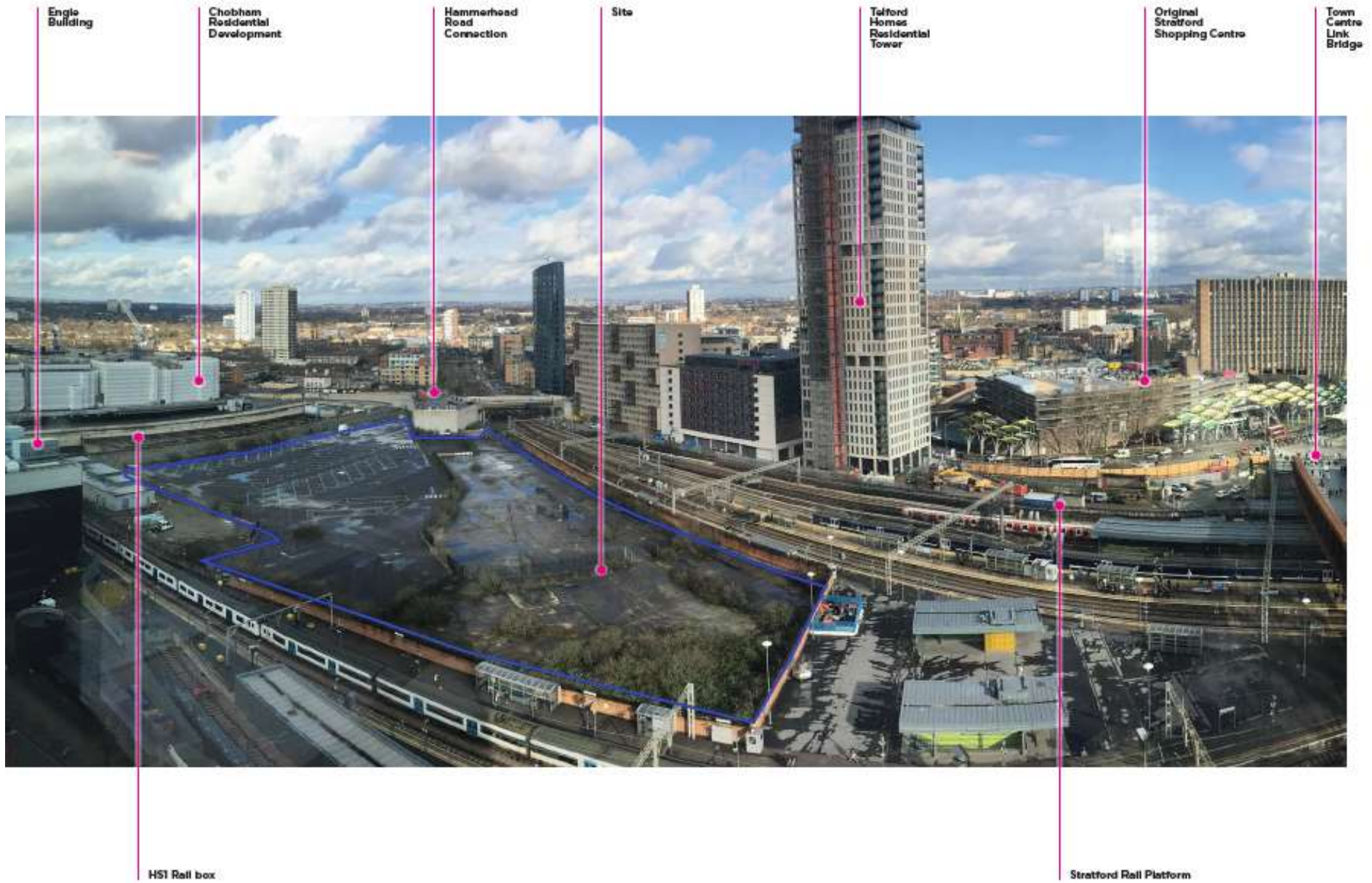
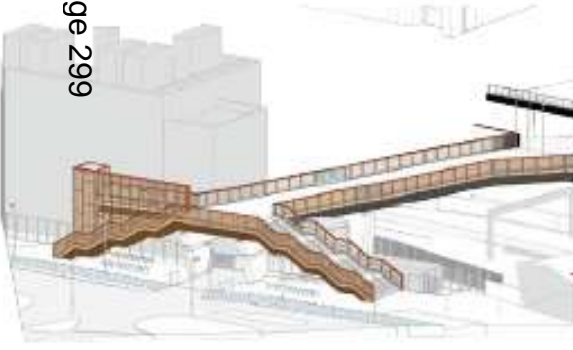


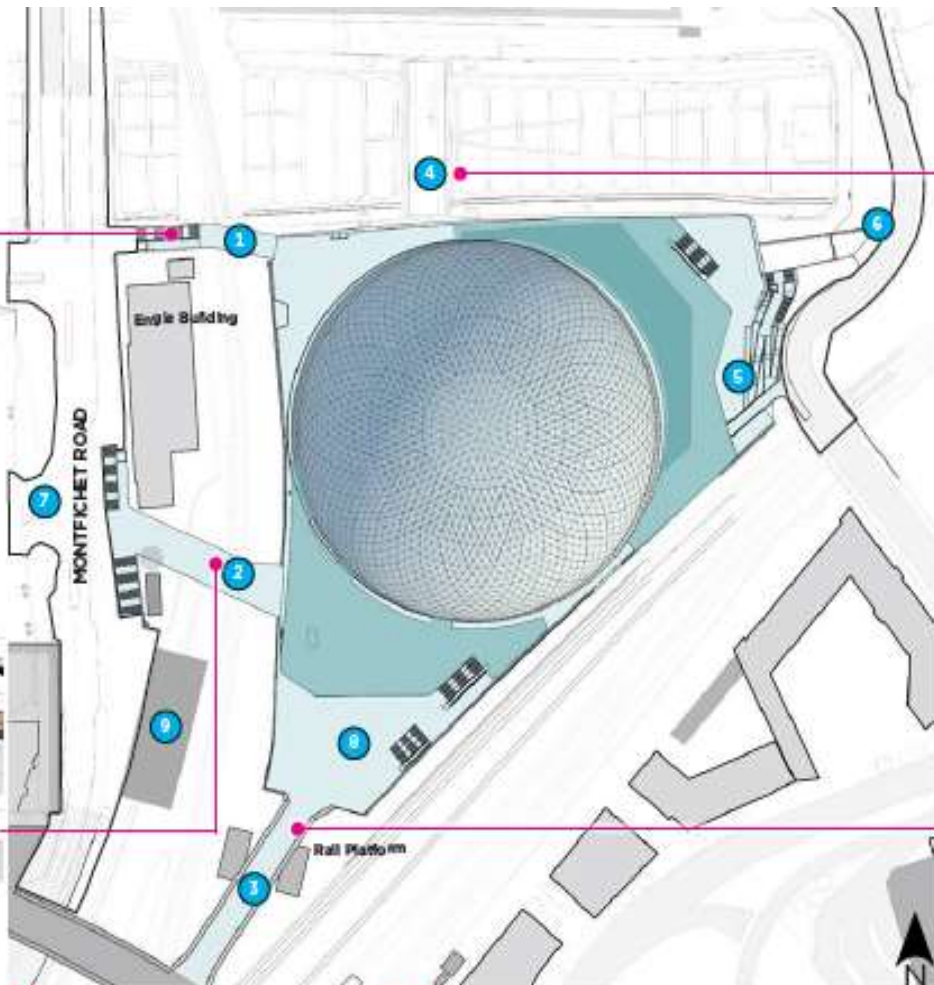
Figure 1:
Site Context



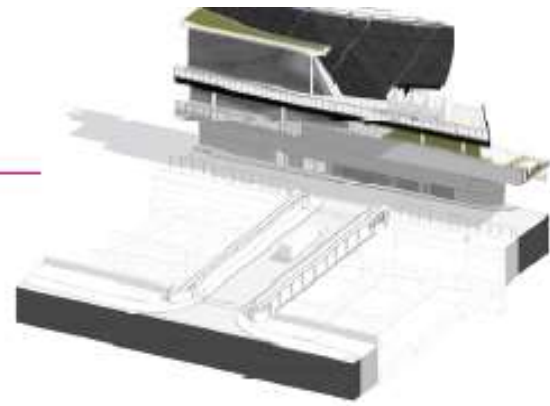
Bridge 1 - Montfichet Road North pedestrian bridge



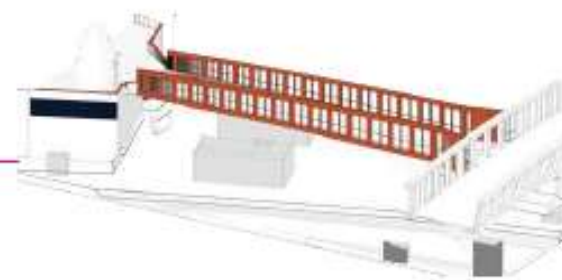
Bridge 2 - Montfichet Road South pedestrian bridge



- 1 Bridge 1
- 2 Bridge 2
- 3 Bridge 3
- 4 Bridge 4
- 5 Entrance from Angel Lane
- 6 Works to Angel Lane
- 7 Works to Montfichet Road
- 8 Podium
- 9 New Entrance to Stratford Rail and Underground Station



Bridge 4 - Construction access & venue servicing over HSI rail box



Bridge 3 - Town Centre Link Bridge extension, pedestrian bridge

Figure 2:
Bridges

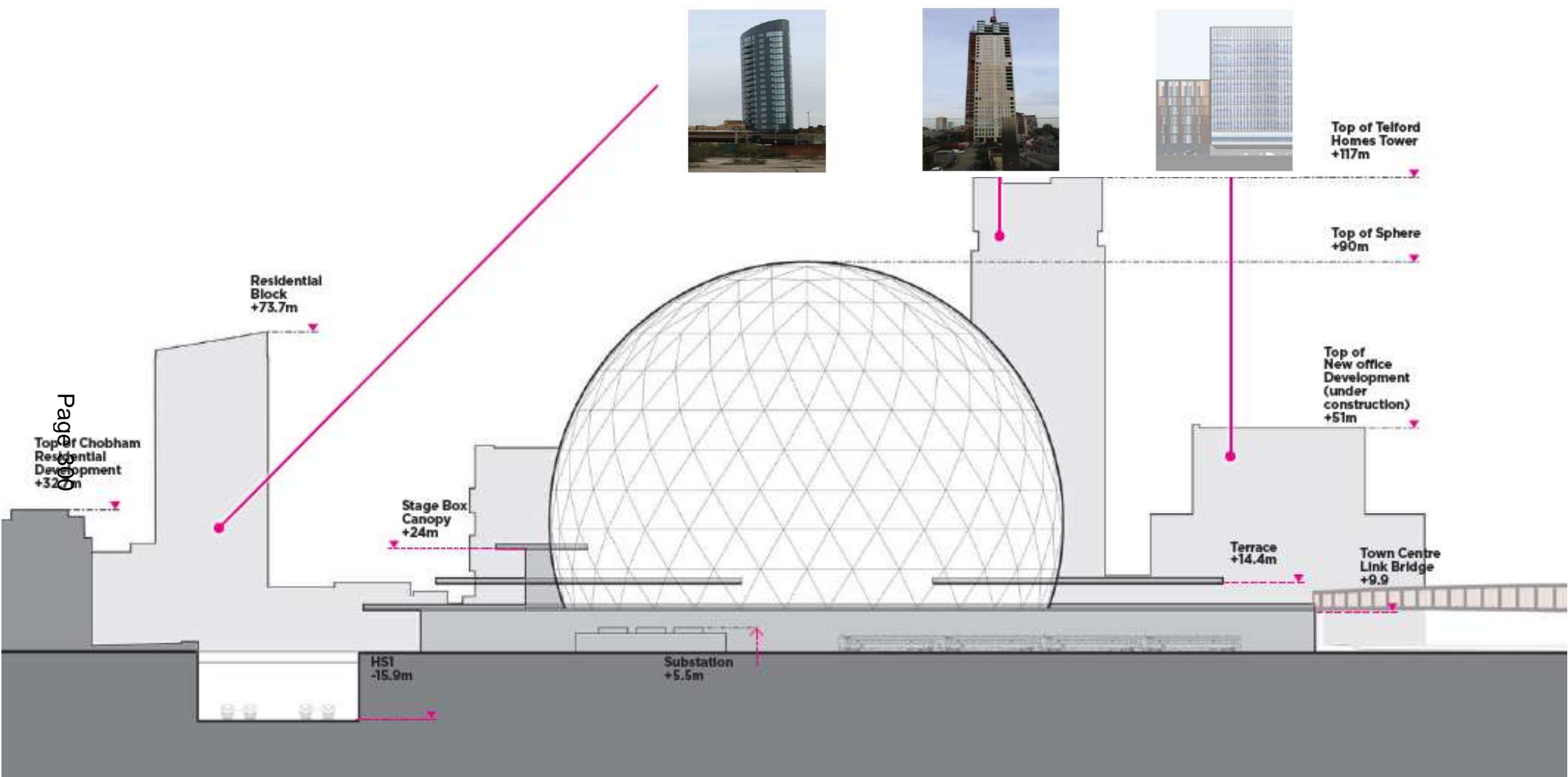
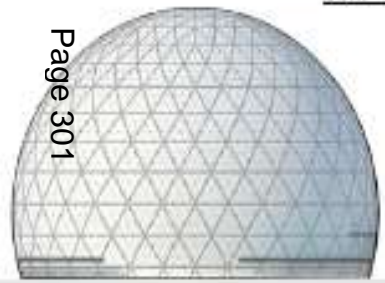


Figure 3: Sphere in its Site Context



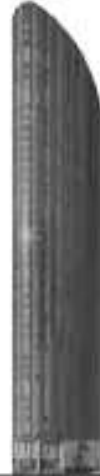
90m



114m



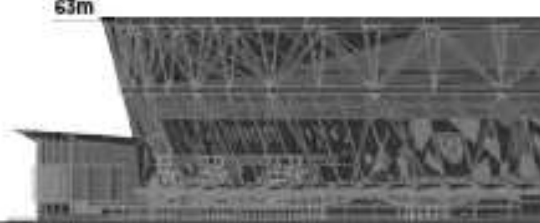
103m



133m



142m



63m

MSG Sphere
Stratford, London

ArcelorMittal Orbit

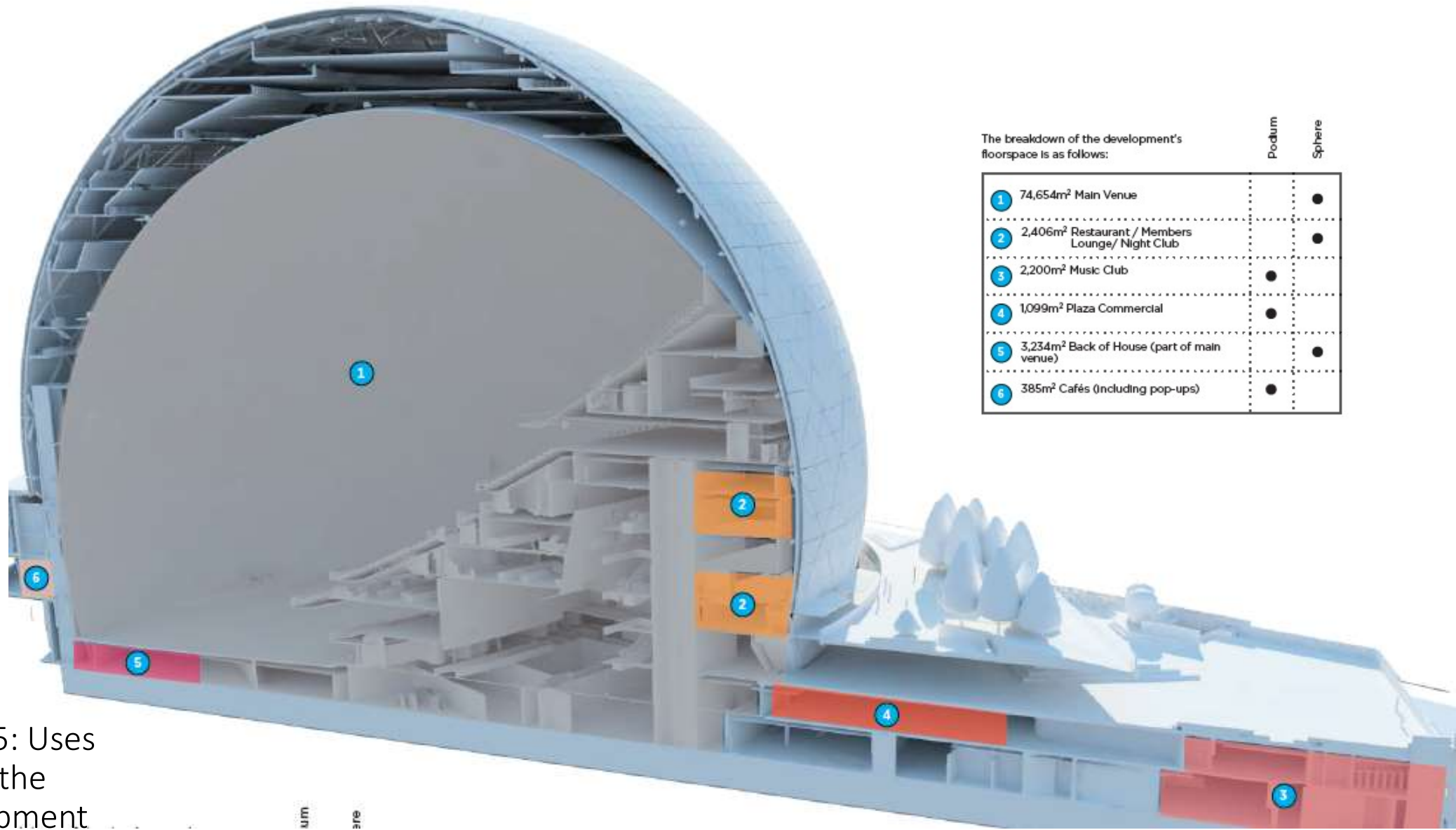
Stratford Central,
Telford Homes

Halo Stratford
150 High Street

Manhattan Loft
Gardens

London Stadium

Figure 4: Sphere in a Wider Site Context

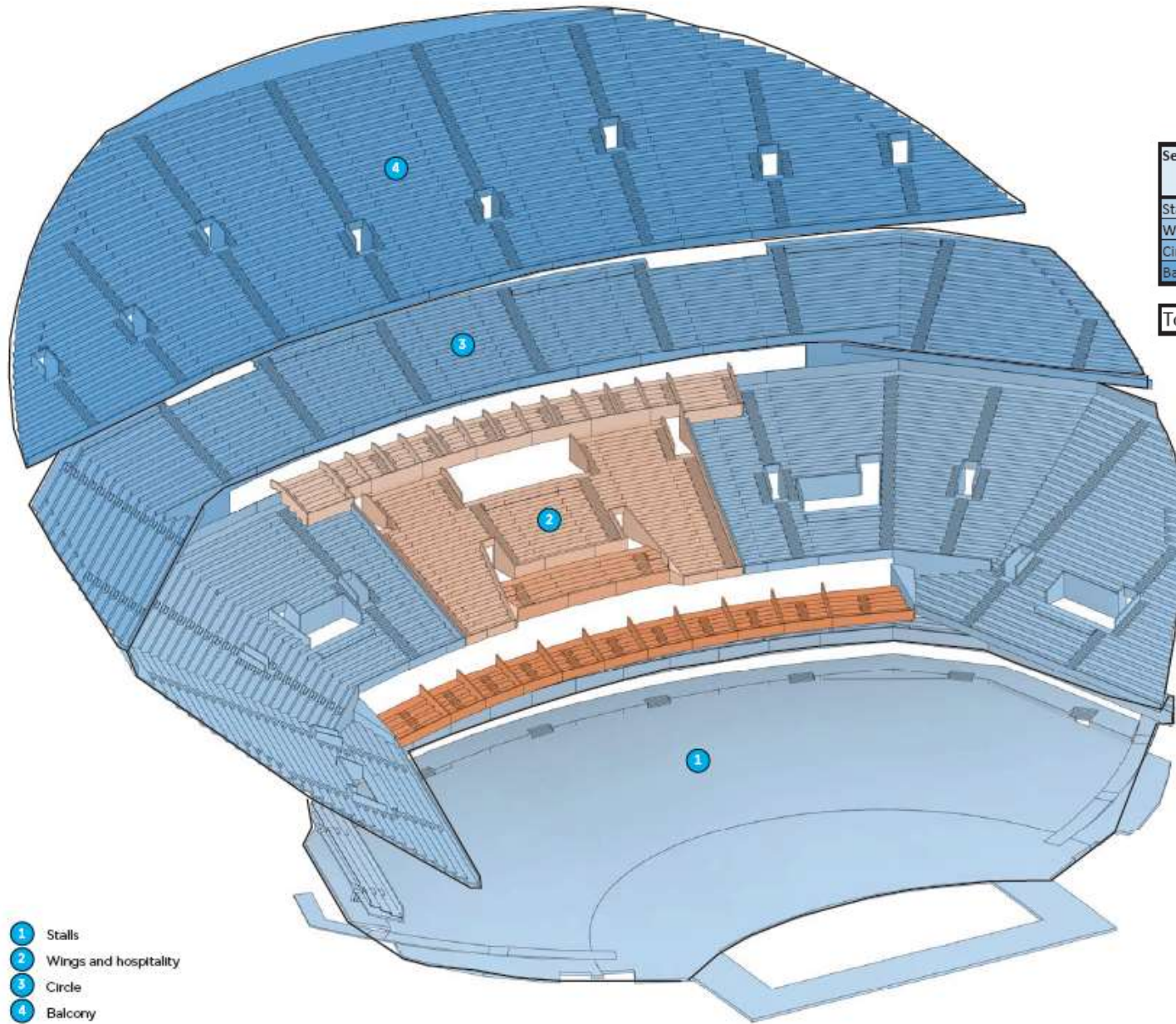


The breakdown of the development's floorspace is as follows:

		Podium	Sphere
1	74,654m ² Main Venue		●
2	2,406m ² Restaurant / Members Lounge/ Night Club		●
3	2,200m ² Music Club	●	
4	1,099m ² Plaza Commercial	●	
5	3,234m ² Back of House (part of main venue)		●
6	385m ² Cafés (including pop-ups)	●	

Figure 5: Uses Within the Development

mm
are



Seating Area	Seated	Standing
	Gross Capacity	Gross Capacity
Stalls	6,134	10,068
Wings & Hospitality	5,255	5,255
Circle	2,515	2,515
Balcony	3,662	3,662
Totals	17,566	21,500

- 1 Stalls
- 2 Wings and hospitality
- 3 Circle
- 4 Balcony

Figure 6:
Auditorium
Capacities

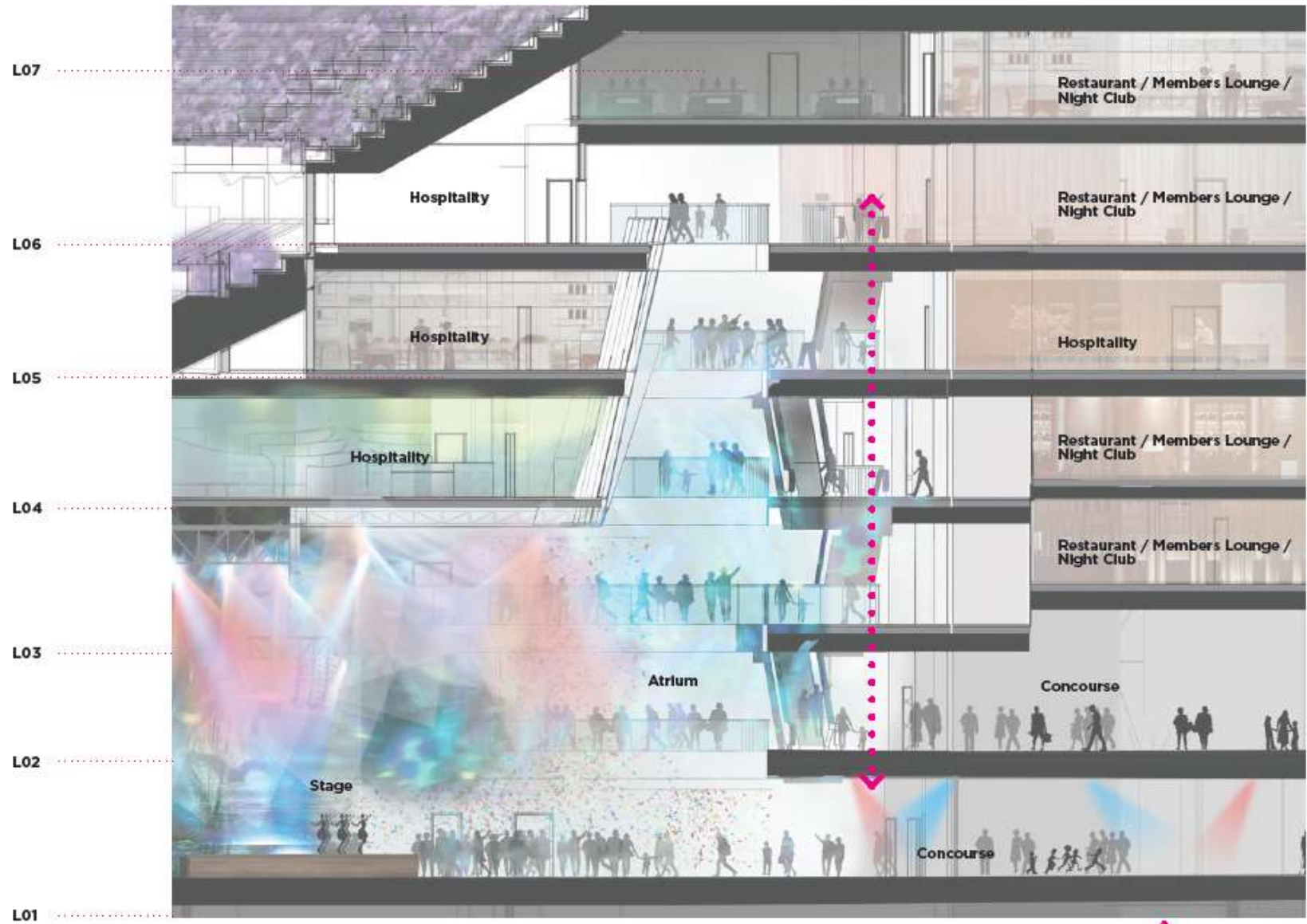


Figure 7:
Sphere
Atrium

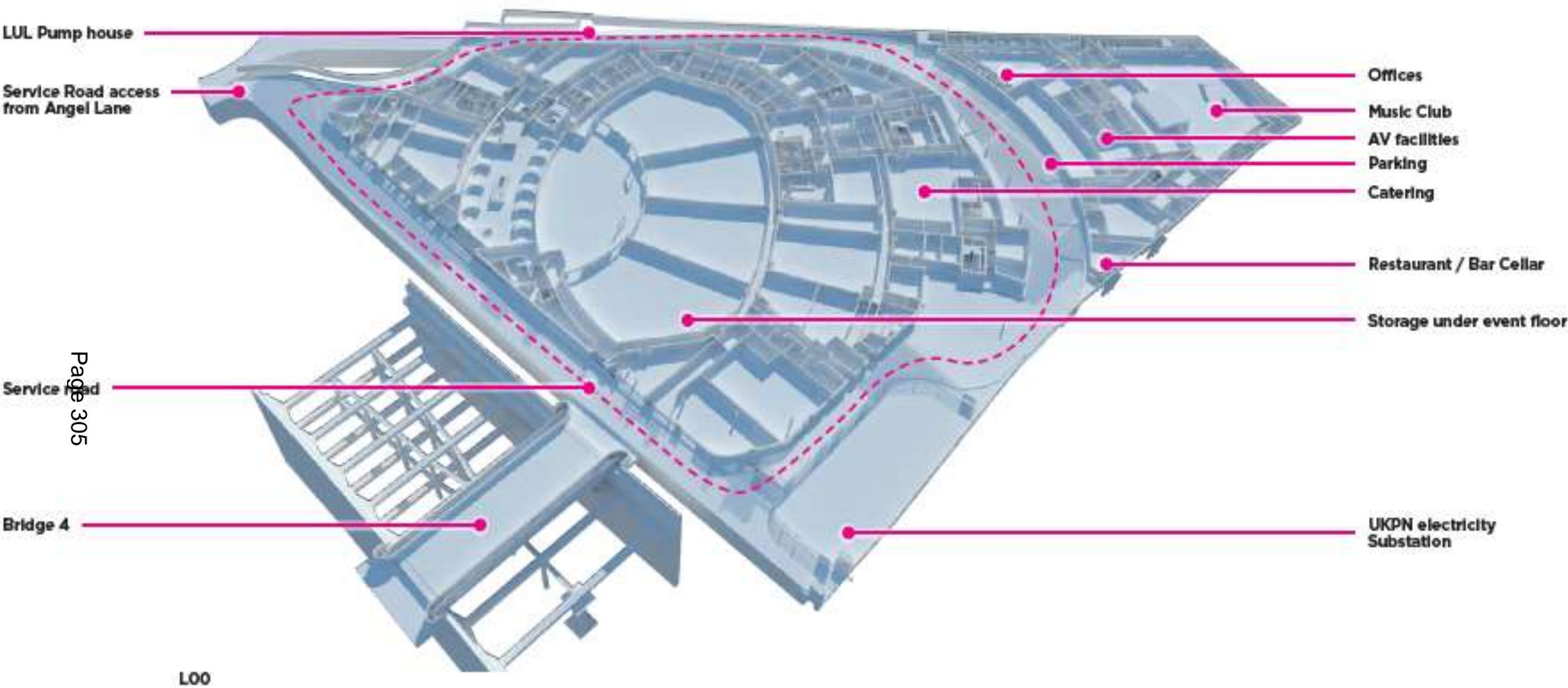


Figure 8: The Podium – Level 00

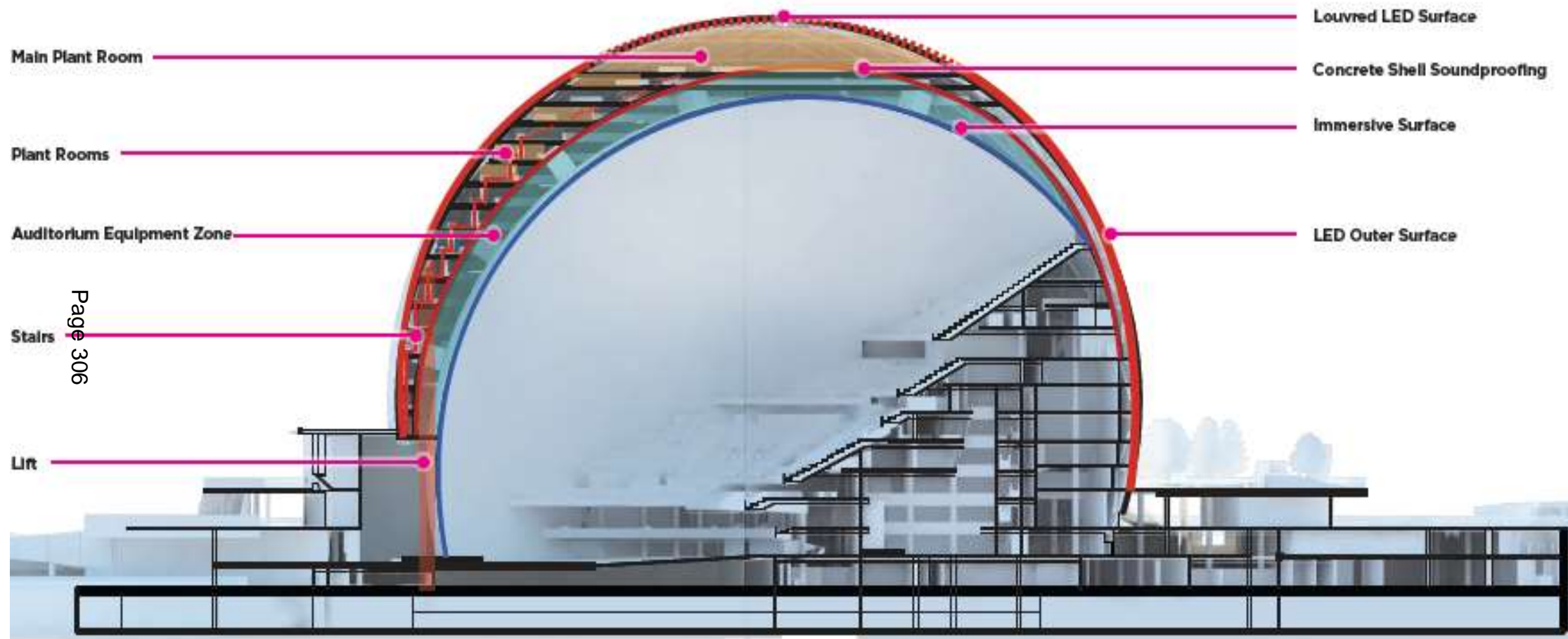
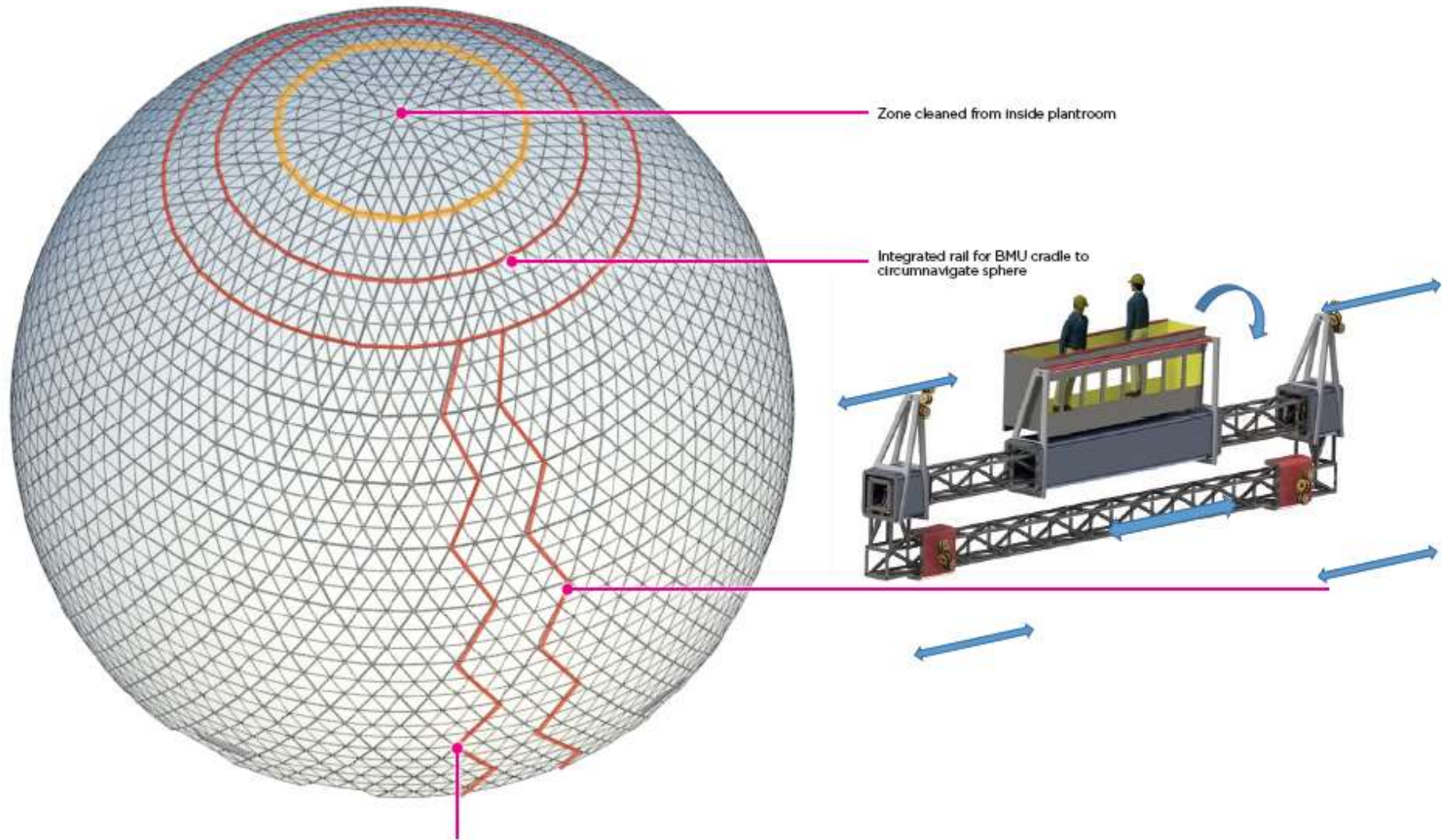


Figure 9:
Sphere Plant
Rooms



- 1 The Square
- 2 South Terrace
- 3 Montfichet Corner
- 4 North Hub
- 5 North Terrace
- 6 Stage Box Green Roof

Figure 10:
Landscape



Integrated rail for BMU cradle to rise and fall around the sphere. Please note that: only two rails are highlighted. Rails are located between every mega panel

Figure 11:
Sphere
Cleaning and
maintenance

APPENDIX 6 – Extracts from Advertisement Consent application

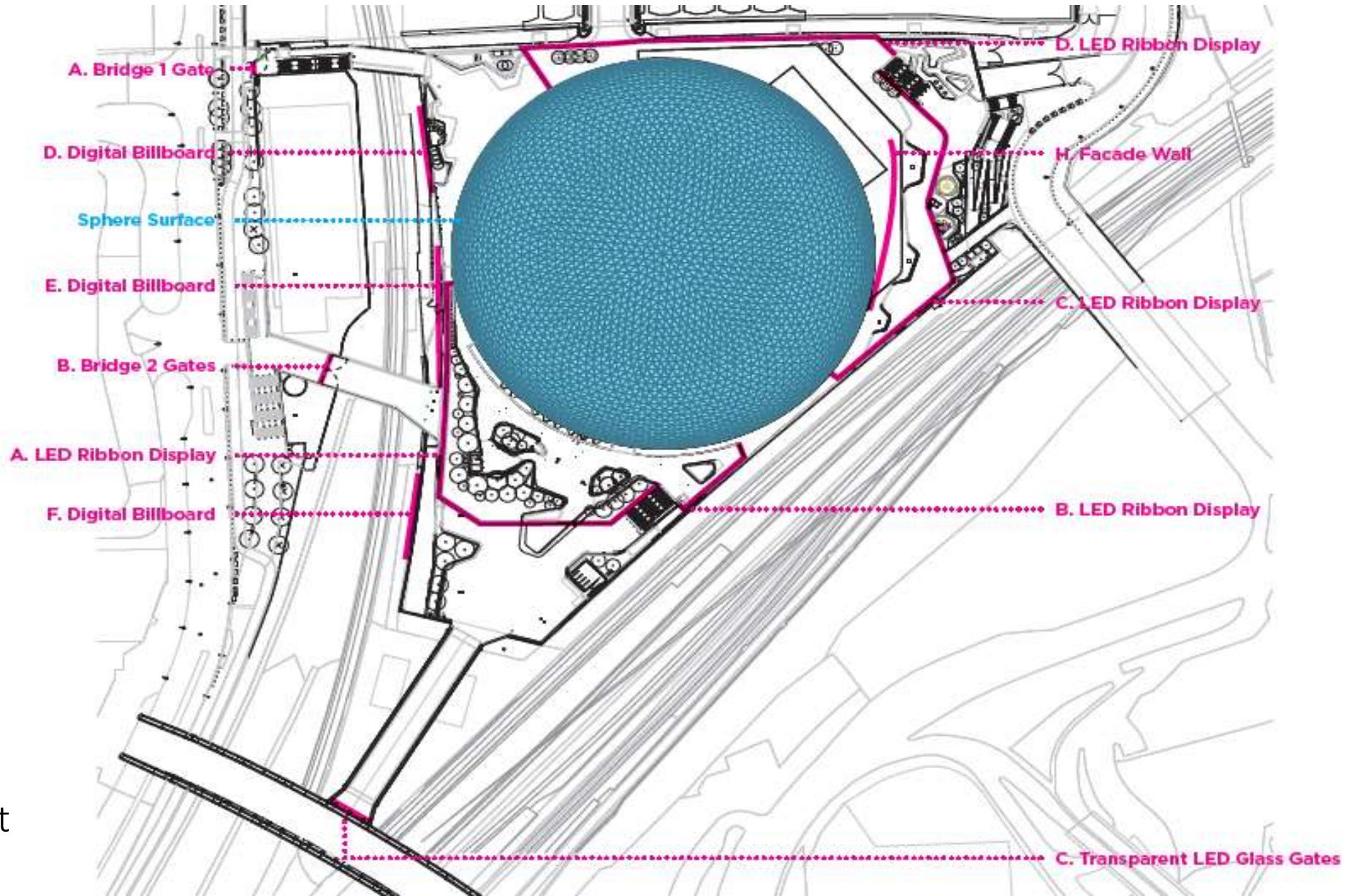


Figure 1:
Advertisement
Site Plan

This diagram shows how the LED Ribbon Display, Digital Billboards and the entrance Gates to the site will relate to the Sphere façade.



Figure 2:
Advertisement
relationship to
the Sphere

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APPENDIX 7 –
Proposed Mobility Assistance
Service from Stratford International
(HS1) Car Park

PENNY BROOKES STREET

INTERNATIONAL WAY

MONTFICHET ROAD

HITCHCOCK LANE

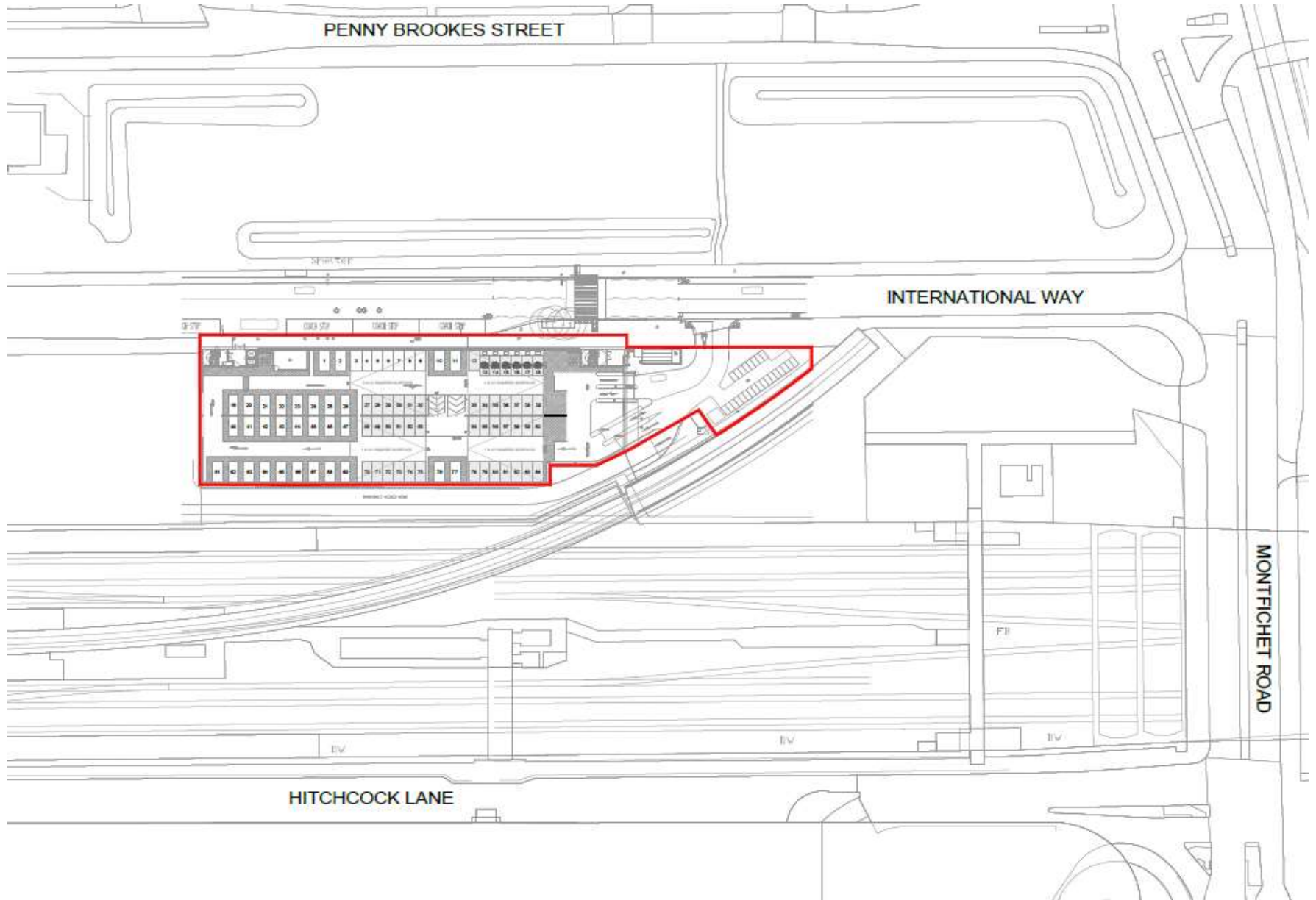


Figure 1:
Site Plan

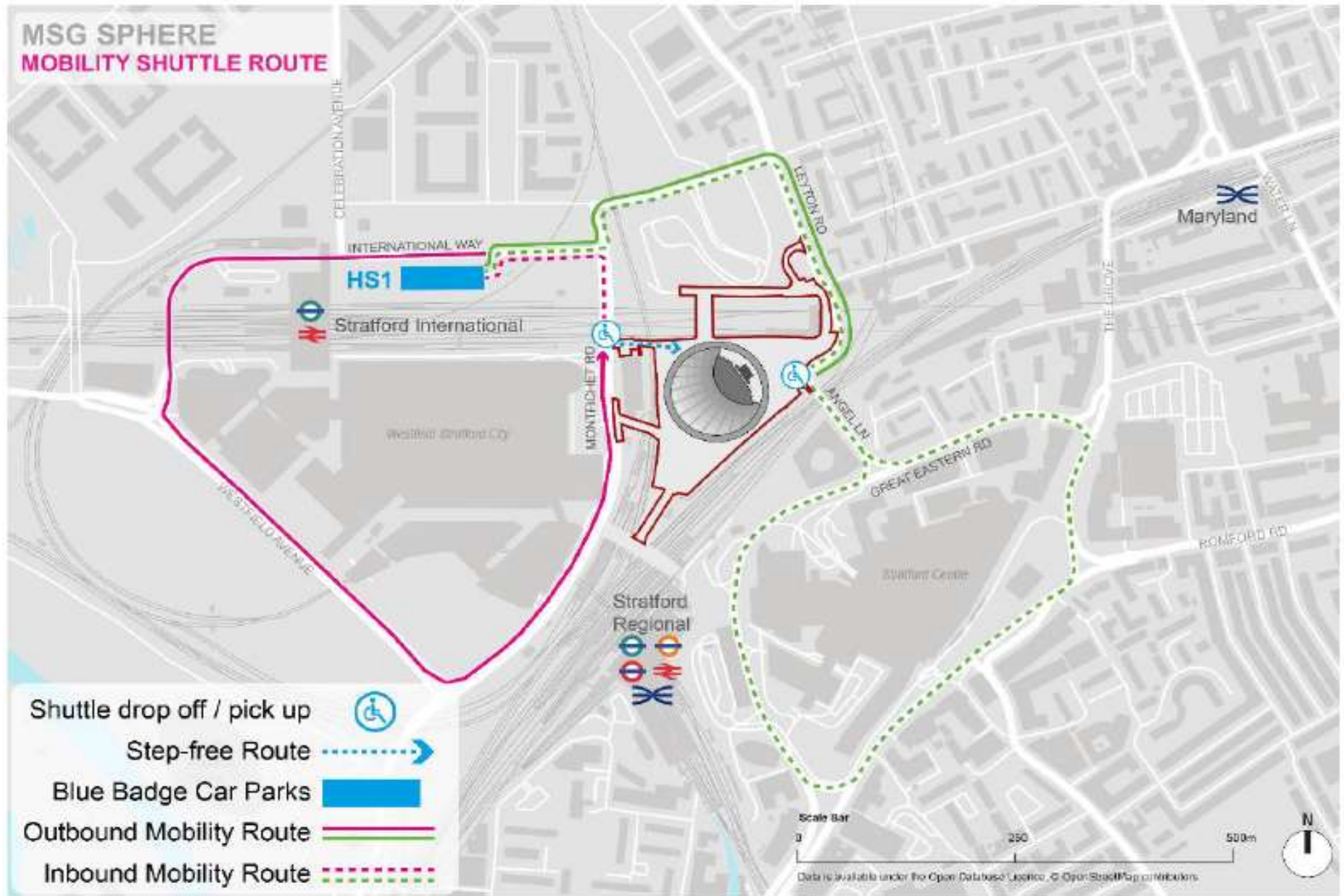


Figure 2:
Proposed
Mobility
Shuttle
route

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Appendix 8 - PPDT Consultation Summary

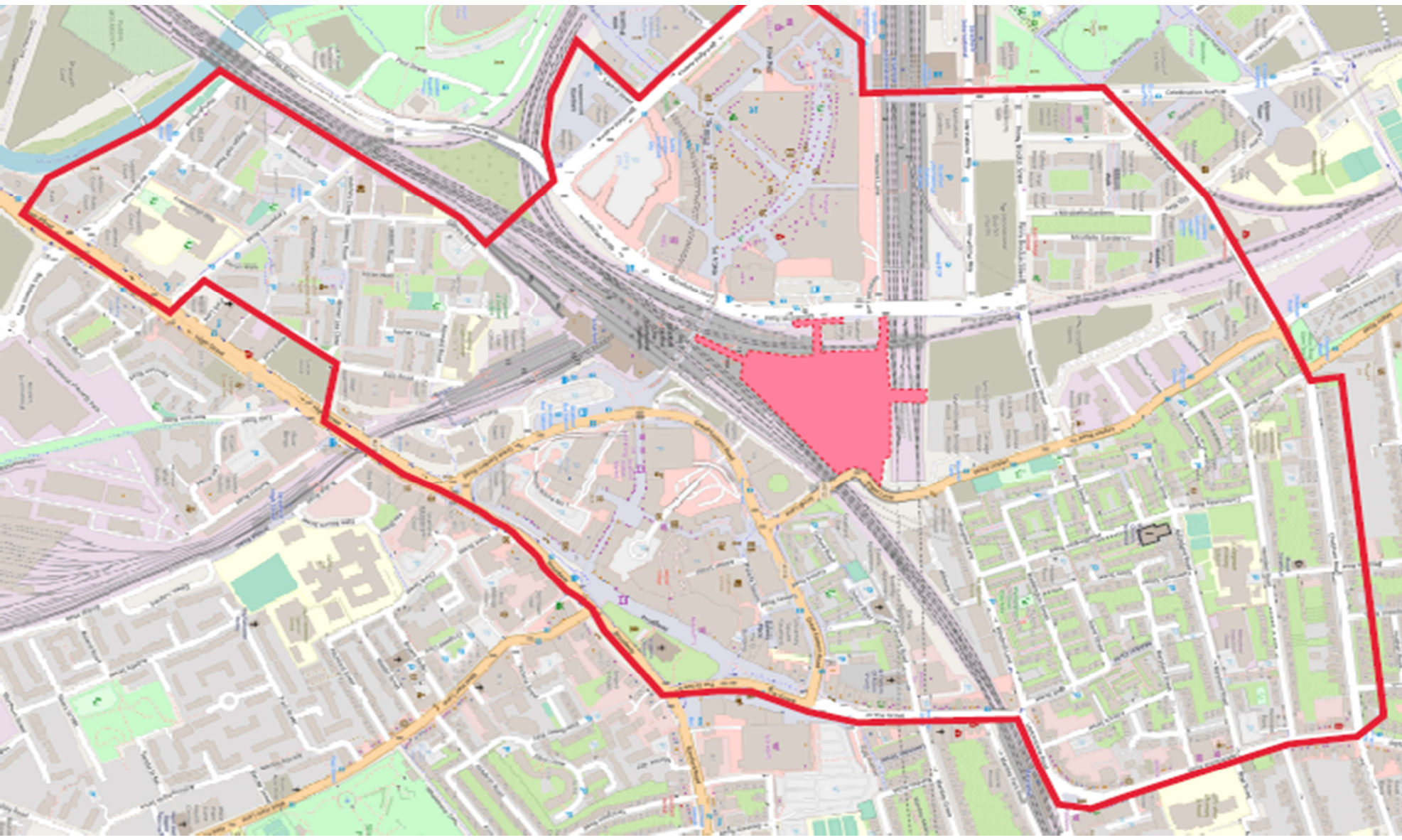


Figure 1:
Neighbour
letter
consultation
area

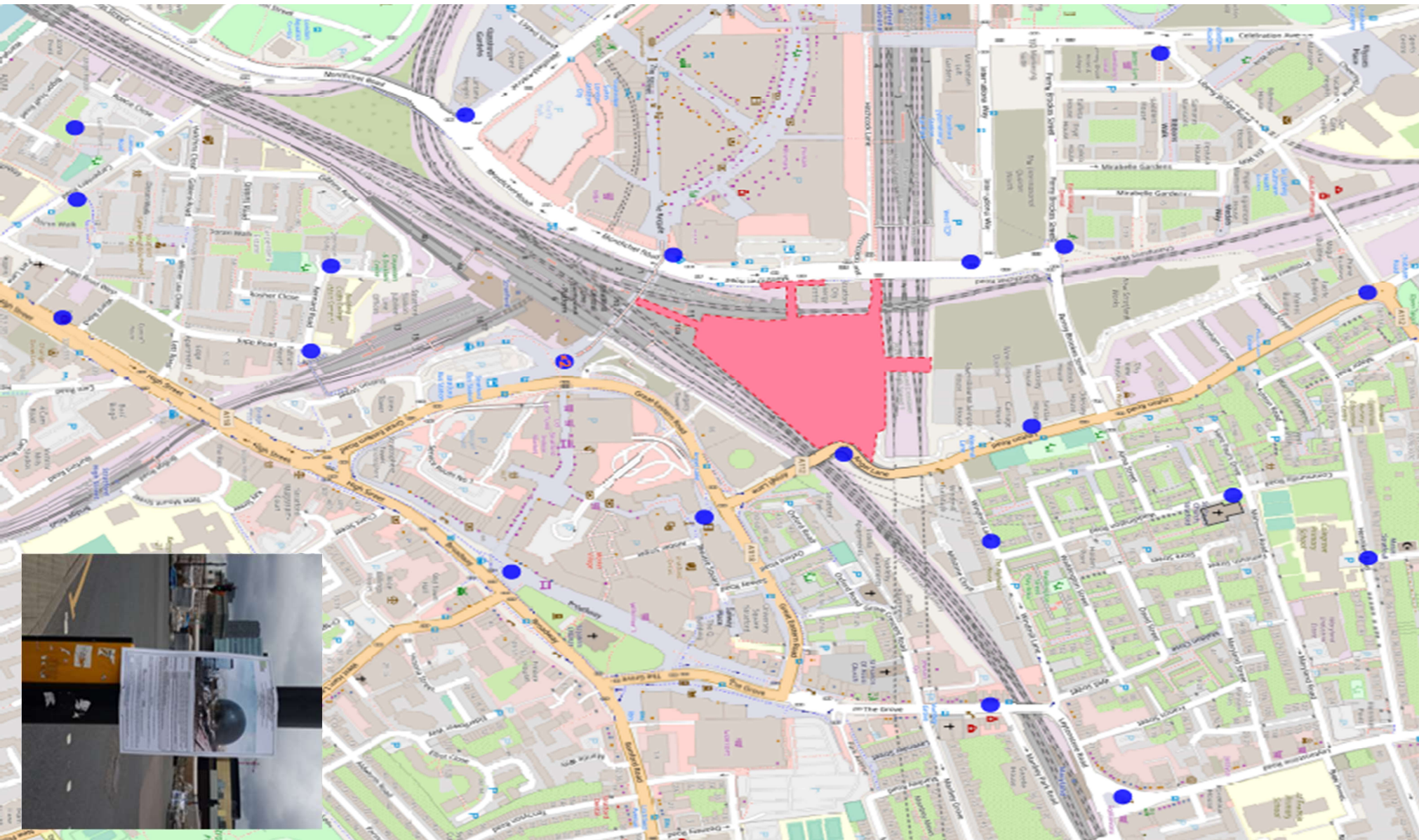


Figure 2:
Site Notice
locations

HAVE YOUR SAY ON THE MSG SPHERE

The London Legacy Development Corporation (LLDC) wants your thoughts on the planning application that can be found online by searching: **“MSG SPHERE PLANNING APPLICATION LLDC”**

The deadline for responses is **28 June 2019.**

LLDC will be hosting a drop-in session where you can share your thoughts and understand more about the proposal and planning application process.

This event will take place on:
5 June 2019 (4 - 8.30pm)

at: **St Paul and St James Church
65 Maryland Road, E15 1JL**

The event will be structured as follows:

- **4 - 6pm - Drop-in session**
- **6.30 - 8.30pm - Presentation and questions/group discussions**



These images have been provided by the applicant as part of the planning application. LLDC has not been involved in the creation or is responsible for the content therein.



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LONDON LEGACY DEVELOPMENT CORPORATION



London Legacy Development Corporation @Londo... · 16 Nov 2020

The latest consultation on the MSG Sphere planning applications has been extended until Friday 4 December

Submit any new comments here: bit.ly/3kGbYwP



Figure 4:
Social
Media post



MADISON SQUARE GARDEN CONSULTATION

Join us for a presentation by the London Legacy Development Corporation and share your thoughts on the venue proposal submitted by the Madison Square Garden Company.

4PM – 5:30PM

UNIVERSITY EAST LONDON, ROOM US2.12

[RSVP](#)

Figure 5:
Consultation
presentations



Source: Newham Recorder

Figure 6:
Public
consultation
events



Figure 7:
Public
consultation
event
materials

APPENDIX 9: Extracts from Townscape, Built Heritage and Visual Impact (TBHVIA) Assessment



Figure 1: West Ham Lane – existing (daytime)



Figure 2: West Ham Lane – proposed (daytime) architectural mode



Cumulative Development 2031 | Active Mode

Figure 3: West Ham Lane – proposed (daytime) active mode

Figure 4: West Ham Lane – proposed (night time) architectural mode



Cumulative Development 2031 | Architectural Mode



Cumulative Development 2031 | Active Mode

Figure 5: West Ham Lane – proposed (night time) active mode



Figure 6: West Ham Lane – proposed (night time)

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Appendix 10

Quality Review Panel

25 July 2019



London Legacy Development Corporation Quality Review Panel

Report of Planning Application Review Meeting: Madison Square Garden Sphere

Thursday 25 July 2019

Level 10, 1 Stratford Place, Montfichet Road, London E20 1EJ

Panel

Peter Studdert (chair)

David Bonnett

Russell Curtis

Mike Martin

Attendees

Catherine Smyth	LLDC Planning Policy and Decisions Team
Daniel Davies	LLDC Planning Policy and Decisions Team
William de Cani	LLDC Planning Policy and Decisions Team
Richard McFerran	LLDC Planning Policy and Decisions Team
Steve Tomlinson	London Legacy Development Corporation
Ruth Holmes	London Legacy Development Corporation
Hannah Lambert	London Legacy Development Corporation
Matthew Halsall	London Legacy Development Corporation
Rajvinder Kaur	London Borough of Newham
Tessa Kordeczka	Frame Projects

Apologies / report copied to

Anthony Hollingsworth	LLDC Planning Policy and Decisions Team
Ben Hull	London Borough of Newham

Note on process

The Quality Review Panel comments below follow on from two pre-application reviews of the Madison Square Garden Sphere. Panel members who attended the previous meetings were: Peter Studdert (chair); David Bonnett; Jane Briginshaw; Russell Curtis; David Gilpin; Mike Martin; and Sue Rowlands.

1. Project name and site address

Madison Square Garden Sphere, land off Angel Lane, Stratford

Planning application reference: 19/00097/FUL; 19/00098/ADV

2. Presenting team

Garry Reeves	Populous
Chris Goddard	DP9
Paul Hillier	ME Engineers
Michael Rivers	Momentum Transport
Lois Weller	Tavernor Consultancy
Andy Young	MP3D
Juliette Callaghan	Trium
Nicola Hensey	Point 2

3. Planning authority's views

The planning application for the Madison Square Garden Sphere was submitted in March 2019. A significant number of responses were received during the public consultation period. The planning authority continues to pursue a number of issues with the applicant including: external appearance and visual impact, including when illuminated; extent of advertising; design of the proposed bridge connections; and public realm strategy, including permeability and accessibility.

4. Quality Review Panel's views

Summary

The Quality Review Panel repeats its support in principle for the Madison Square Garden Sphere. This is a hugely complex project and many details remain to be fully addressed. One of the Sphere's most significant benefits will be improved connectivity and permeability. Providing safe, accessible routes through the site for the maximum amount of time should be a priority – and secured through the planning permission. The design of the Sphere is compelling – but meticulous detailed design and execution will be critical to ensuring its quality. Illumination of the Sphere – and luminance levels – must be effectively controlled. A major concern is the extent to which the Sphere will be exploited for commercial advertising: stringent controls over the duration and content of advertising must be put in place. Some uncertainty remains about how inviting and accessible routes through the site will be and how well public spaces will be used. The panel recommends further thought to accessibility, including adequate provision of Blue Badge parking. The panel considers that the Sphere has the potential to meet the requirements of Local Plan Policy BN.10 on tall buildings, including for 'outstanding architecture'; this will, however, depend on effective responses to its comments.



These comments are expanded below and those made at previous reviews that remain relevant are repeated for clarity.

Strategic approach

- The panel repeats its support in principle for the Sphere – which it considers appropriate for this currently unused, but pivotal, site.
- Public benefit has to be an overarching consideration in assessing the quality of the Sphere. One of its most significant potential benefits is unlocking an inaccessible site and establishing new connections, notably between Leyton and Stratford.
- Creating accessible, safe routes through the site, for as many hours of the day as possible, should be a priority. The planning authority needs to be confident that this will be achieved – and the panel recommends that this be secured through a mechanism included in the planning permission.

Plan and layout

- In the context of connectivity and permeability, concern remains about the narrowness of ‘pinch points’ on level 02, which are shown as 4.7 metres wide. The panel recommends continuing attention to both how this might inhibit movement through the site and also how it might be managed, especially when major events are taking place.

Architectural expression

- The panel repeats its support for the form and overall concept of the Sphere – as a spectacle, the geodesic dome is compelling. The panel also considers the proposed scale of the Sphere to be appropriate for its location, given the large space within which it will sit surrounded by railway cuttings and the established scale of the surrounding buildings.
- Meticulous detailed design and execution will be paramount to ensuring quality – including over the long term. There needs to be confidence that this complex piece of geometry can be successfully realised and maintained. It is essential for planning officers to again see samples of proposed materials, including for the panels that will form the Sphere.
- The panel stresses the technical complexity of the design, the details of which will require rigorous scrutiny by those with appropriate expertise.



Illumination of the Sphere / advertising

- The illumination of the Sphere – including luminance levels – must be effectively controlled in order to avoid both a negative impact on the surrounding environment and also nuisance to neighbouring residents.
- There is a considerable amount of residential accommodation close to the Sphere and exceptional care will be needed to ensure that residents are not disturbed by light levels. The panel suggests that a strong argument could be made for precluding any illumination of the Sphere after 23:00 hours.
- A principal concern is the extent to which the Sphere will be exploited for commercial advertising and the impact of this on the surrounding environment. The panel would regret an outcome where the Sphere itself becomes largely anonymous, animated only by advertising. Rather than being perceived as an object of beautiful simplicity, there is a risk that the Sphere could become a canvas for brash advertising.
- It is critical for the quality of the Sphere – and for the wider public benefit that it should bring – that there is stringent oversight of both the duration and content of commercial advertising. It is incumbent on the applicant to ensure that these are acceptable and remain so over the long term.
- The panel strongly advises the planning authority to exercise caution in relation to permitted commercial advertising. It recommends serious consideration of the amount of time that the Sphere will be used for commercial advertising, for this to be restricted initially and then subsequently reviewed.
- The Sphere is an architecturally unique building and, to maintain its particular quality and attraction, there must be an equally innovative control mechanism.

Public realm and landscape design strategy

- As stressed above, delivering public benefit should be at the heart of the Sphere – and this will depend enormously on the extent to which the Sphere is open and accessible to all.
- Large numbers of people are expected to be attracted to the Sphere during peak times. Further clarification of how visitors to events and the wider public taking advantage of the connections created by the Sphere might interact would be helpful.



- Some uncertainty remains about how inviting and accessible routes through the site might be, and also how well the public spaces created at each level – the Plaza at level 01; the Square and the North Hub at level 02; and the South and North Terraces at level 03 – might be used. How far will spaces be used as routes through the site and how far as places to linger and enjoy? The objective should be to create destinations for those not necessarily attending events.
- The panel suggests that the design of the North Hub could be over complex – and that a simpler, more pared back approach might increase its value as a community asset.

Environmental sustainability

- No information has been provided to the panel on how much energy will be used for the external illumination of the Sphere. An indication of anticipated energy use – both when fully illuminated and when simply ‘glowing’ – would be helpful.

Accessibility and inclusive design

- The panel considers the proposed Blue Badge parking provision to be inadequate and recommends that this be looked at seriously again. It supports the intention to introduce a shuttle service from car parks to the Sphere but would welcome clarification of how the shuttle service aligns with lifts at street level.
- The panel points out that there is no lift access to the North Hub on level 02. It also raises a question about access if breakdowns occur where there is a single lift.
- Continuing cooperation with access consultants is recommended.

Next steps

- The Quality Review Panel repeats its support in principle for the Madison Square Garden Sphere, but encourages continuing refinement to the design in response to its comments, in consultation with planning officers.
- The panel again stresses the importance of stringent controls to ensure that the design quality and public benefit anticipated for the Sphere are effectively delivered.
- Subject to further refinement to the design, and effective control mechanisms, the panel considers that the Madison Square Garden Sphere has the potential to meet the provisions of Local Plan Policy BN.10.



Appendix 11

Quality Review Panel
19 November 2020

London Legacy Development Corporation Quality Review Panel

Report of Planning Application Review Meeting: Madison Square Garden Sphere

Thursday 19 November 2020

Video conference

Panel

Peter Studdert (chair)

Julia Barfield

Neil Deely

Andrew Harland

Sue Rowlands

Attendees

William de Cani	LLDC Planning Policy and Decisions Team
Daniel Davies	LLDC Planning Policy and Decisions Team
Catherine Smyth	LLDC Planning Policy and Decisions Team
Rita Adeoye	London Legacy Development Corporation
Kaiyil Gnanakumaran	London Legacy Development Corporation
Rachel Hearn	London Legacy Development Corporation
Ruth Holmes	London Legacy Development Corporation
Peter Maxwell	London Legacy Development Corporation
Hanako Littleworth	Frame Projects
Cindy Reriti	Frame Projects

Apologies / report copied to

Anthony Hollingsworth	LLDC Planning Policy and Decisions Team
Ben Hull	London Borough of Newham

Note on process

The Quality Review Panel comments below follow on from two pre-application reviews and a one planning application review of the Madison Square Garden Sphere. Panel members who attended the previous meetings were: Peter Studdert (chair); David Bonnett; Jane Briginshaw; Russell Curtis; David Gilpin; Mike Martin; and Sue Rowlands.

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1. Project name and site address

Madison Square Garden Sphere, land off Angel Lane, Stratford

Planning application reference: 19/00097/FUL; 19/00098/ADV

2. Presenting team

Garry Reeves	Populous
Nicholas Reynolds	Populous
Chris Goddard	DP9
Joe Stockton	DP9
Nigel Lang	Miller Hare Limited
Will Durden	Momentum Transport
Andy Young	MP3D
Nicola Hensey	Point 2

3. Planning authority's views

The planning application for the Madison Square Garden Sphere was submitted in March 2019. Public consultation will finish in December 2020.

The planning authority continues to pursue a number of issues with the applicant, including: external appearance and visual impact, including when illuminated; residential amenity impact; extent of advertising; design of proposed bridge connections; public realm strategy, including permeability and accessibility, connectivity to and impact on the surrounding area; and benefits to the local area.

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4. Quality Review Panel's views

Summary

The panel is supportive in principle of the Madison Square Garden Sphere, and believes that the proposed scale of the building and the nature of the use are appropriate for this highly accessible town centre location. However, it is a hugely complex project and will be unique for London, and some panel members are concerned that it is a high risk project for a relatively tight urban area. It is essential that the Sphere provides a new piece of public realm that facilitates connectivity and permeability for the maximum amount of time possible throughout the day. Further activation of spaces and routes around the Sphere is essential, to ensure that this is a destination for all, not only those attending events. Pinch points still exist in the design and Montfichet Road needs further consideration to ease congestion and improve safety. The design of the base could be further developed, including enhanced landscaping, to provide a high quality piece of design in its own right.

Some panel members are concerned that the Sphere relies too heavily on its illumination and that it does not hold sufficient architectural merit in itself. The impact of the illumination on local residents within their homes is of concern, as well as the impact on train drivers and local road users. A degree of independent oversight of the brightness and movement of the illumination of the Sphere is recommended, together with carefully defined hours of operation, to provide a level of assurance for local residents. This should be subject to periodic review, to assess the actual performance of the illumination in practice. There should also ideally be independent oversight and curation of content, to minimise the amount of commercial advertising and maximise the time that the Sphere can be viewed as a free-standing contemporary work of art.

The panel expresses concern about the high levels of embodied carbon within the scheme, together with potentially high ongoing energy use associated with the illumination. A whole life carbon assessment should be provided. These concerns, taken with the outstanding concerns regarding the public realm surrounding the Sphere, may affect the scheme's ability to meet the provisions of policy BN.5 for tall buildings.

These comments are expanded below and those made at previous reviews that remain relevant are repeated for clarity.

Strategic approach

- The panel supports the principle of the Sphere, which it considers appropriate for this well-connected town centre site. However, some panel members have significant concerns for what they consider to be a high risk experiment in a relatively tight urban area.

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- As noted at previous reviews, public benefit has to be an overarching consideration in assessing the quality of the Sphere. One of its most significant potential benefits is unlocking an inaccessible site and establishing new connections, notably between Leyton and Stratford.
- Creating accessible, safe routes through the site, for as many hours of the day as possible, should be a priority. The planning authority needs to be confident that this will be achieved and the panel recommends that this be secured through a Section 106 Agreement.
- There are still many details to resolve in regard to the illumination, yet the Sphere is dependent on advertising as well as on the accommodation of physical events, which raises questions about its viability in light of the uncertain economic climate.

Plan and layout

- In terms of connectivity and permeability, the panel remains concerned by the narrowness of 'pinch points' created by the scheme's layout. Beyond the modelling of numbers that can be accommodated, the panel is concerned that the quality of the spaces, in particular around the edges, will be poor.
- It recommends that the pinch points be reconsidered, to determine if they can be made more generous. For example, the east route connecting Angel Lane to Stratford could potentially become a well-used route.

Public realm and landscape design strategy

- The panel is disappointed that the design team has not taken on board its previous comments regarding the public realm. As noted above, delivering public benefit should be at the heart of the Sphere and will depend enormously on the extent to which the Sphere is open and accessible to all.
- Uncertainty still remains about how inviting and accessible the routes through the site might be, and also how well-used each of the public spaces created might be. The objective should be to create a new piece of public realm that stitches together the different sides of the railway tracks and provides a destination for those not necessarily attending events.
- Further design development of the base of the Sphere is needed, to ensure that it constitutes a high quality piece of design in its own right. Enhanced landscape design with carefully detailed layers of greening – canopy, shrub, ground layers, and green walls – would help to establish the base as 'a piece of ground'.

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- There is currently insufficient activation of spaces and routes to make the public realm safe and inviting outside of the operating hours of the auditorium. The majority of the existing activation appears to be predominantly focused on visitors to the auditorium itself and activation through pop-ups cannot be guaranteed and could result in 'hostile' spaces when there are no people moving around.
- Further detailed drawings are required to clarify movement along Montfichet Road. There is concern that the proposed layout – incorporating pedestrians, a dual cycleway, stairs and lifts to the Sphere – is confused and potentially dangerous.

Architectural expression

- The panel supports the overall form and concept of the Sphere and feels that the proposed scale is appropriate for its location.
- It welcomes the design team's investigation into a full size panel mock-up. It urges continued research, to give confidence that this complex piece of geometry can be successfully realised and maintained.
- However, the panel is concerned that the Sphere relies too heavily on its illumination and that it does not hold sufficient architectural merit on its own to be successful when not illuminated.
- As noted in an earlier report, meticulous detailed design and execution will be paramount to ensuring quality, especially over the long term.
- The technical complexity of the scheme will require rigorous scrutiny by those with appropriate expertise.
- Confirmation is required that the height and the materiality of the parapet and railing complies with the requirements for a barrier adjacent to rail tracks.
- Amendments to the design, materiality or illumination that result from mitigations requested following the TRL assessments on driver distraction and rail hazard would warrant a further review, to consider both the resulting architectural expression and the impact on existing residents' quality of life.

Illumination of the Sphere / advertising

- The illumination of the Sphere – including luminance levels – must be effectively controlled in order to avoid a negative impact on the surrounding environment and neighbouring residents.

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- The effect of the illumination on train drivers and road users is a notable concern, but of greater concern is the impact on local residents within their homes. In addition to the duration of illumination, the movement and distraction of images could have a very detrimental effect on individuals, inducing the potential to lead to health issues.
- The panel questions the extent of mitigation needed at this stage, to ensure a high quality of life for existing residents who will have a direct view of the Sphere from their windows – to create dark spots on the globe; provide blackout blinds for students living in the Unite building; and the reduction in lux levels. The panel recommends that a detailed residential amenity impact assessment be carried out.
- As noted in an earlier report, a principal concern is the extent to which the Sphere will be exploited for commercial advertising and the impact of this on the surrounding environment. The panel would regret an outcome where the Sphere itself becomes largely anonymous, animated only by advertising. Rather than being perceived as an object of beautiful simplicity, there is a risk that the Sphere could simply become a canvas for advertising.
- It is critical for the quality of the Sphere – and for the wider public benefit that it brings – that there is stringent oversight of both the duration and content of commercial advertising. It is incumbent on the applicant to ensure that these are acceptable and remain so over the long term. In addition, a degree of independent oversight is crucial, to provide a level of assurance that the content can be controlled on an object whose viability is dependent on advertising, when there are still many outstanding details regarding illumination.
- The panel strongly advises the planning authority to apply the precautionary principle in relation to permitted commercial advertising. It recommends serious consideration of the amount of time that the Sphere will be used for commercial advertising, and for this to be initially restricted and then subsequently reviewed.
- The Sphere is an architecturally unique building and, to maintain its particular quality and attraction, there must be an equally innovative control mechanism.
- Beyond the control of the illumination levels, duration and the extent of the surface that is controllable, it is crucial that a legally binding measure of control is in place should the illumination be more intrusive and distracting than anticipated.

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Environmental sustainability

- The complex nature of the structure of the Sphere will inevitably entail a high level of embodied carbon. In addition, significant amounts of energy will be used for the illumination of the Sphere. It is crucial that a whole life carbon assessment is carried out to show how the carbon impact of the development will be minimised and mitigated.
- The panel would like to see consideration given to the onsite generation of renewable energy as part of the scheme.

Accessibility and inclusive design

- The Blue Badge parking provision in the HS1 carpark and the intention for a shuttle service between the car park and the Sphere is welcomed. Further consultation with the Built Environment Access Panel (BEAP) is required, to assess the journey between the shuttle drop-off / collection point and the venue.

Next steps

- Although the Quality Review Panel offers broad support for the proposal in principle, it has detailed concerns regarding the public realm, illumination control mechanisms and sustainability. It therefore considers that the requirements of Policy BN5 for tall buildings have yet to be met. It encourages continuing refinement to the design in response to its comments and in consultation with planning officers.
- The panel stresses the importance of stringent controls to ensure that the design quality and public benefit anticipated for the Sphere are effectively delivered.
- The panel is available to review the proposals again, should planning officers, consider it beneficial.

APPENDIX 12 – LED Mock-up demonstration



Figure 1: Close-up
day time view
(architectural
mode)

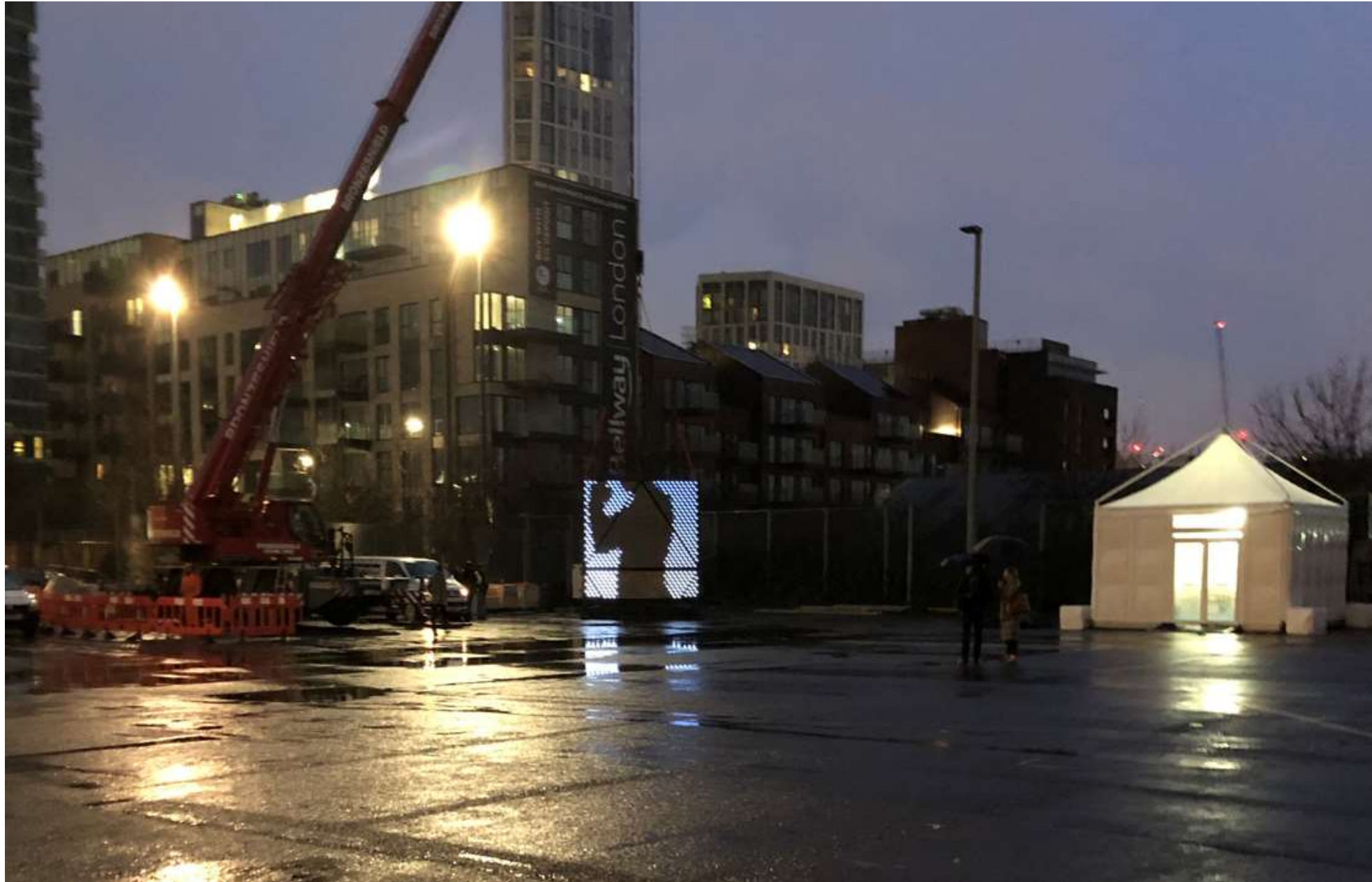


Figure 2:
Night time
view (active
mode)

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APPENDIX 13 –Residential Visual Amenity Assessment (RVAA) Officer analysis

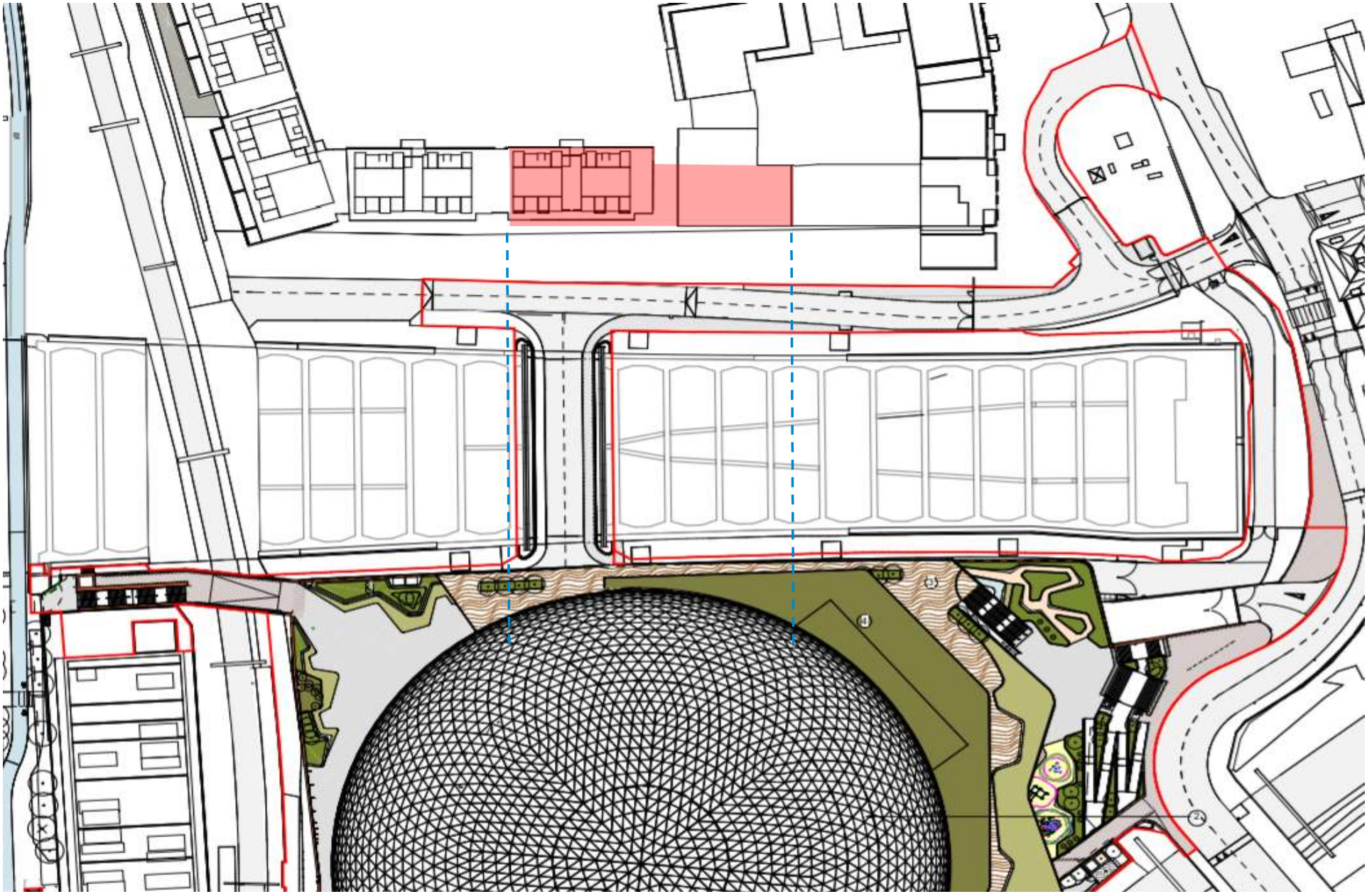



Figure 1:
New
Garden
Quarter

Key

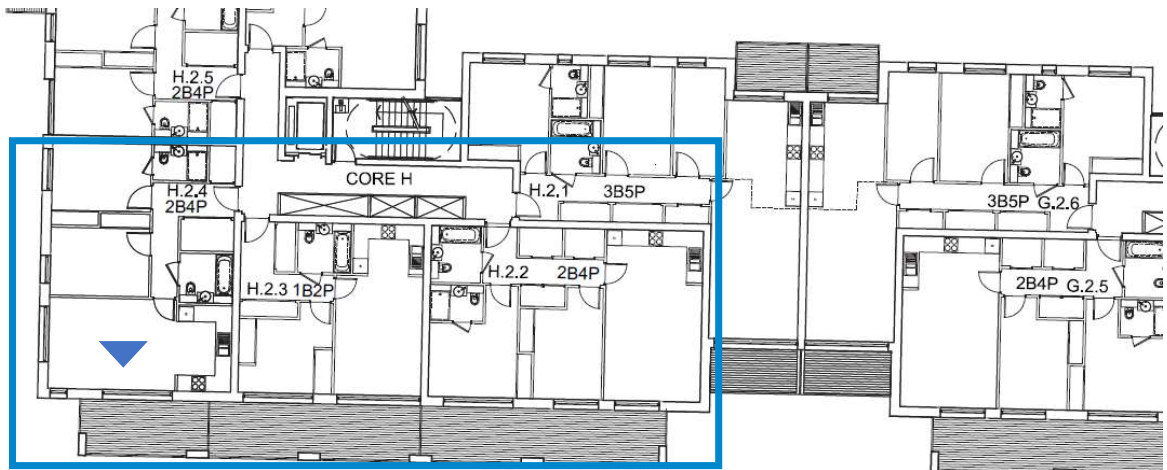
 - Potential to meet threshold

Level	Block J	Block H
Ground	0	4 maisonnettes
1	3 maisonnettes & 2 flats	3 flats
2		
3	3	3 flats
4	3	3 flats
5	3	3 flats
6	2 maisonnettes	1 flat
7		n/a
TOTAL = 33	16	17

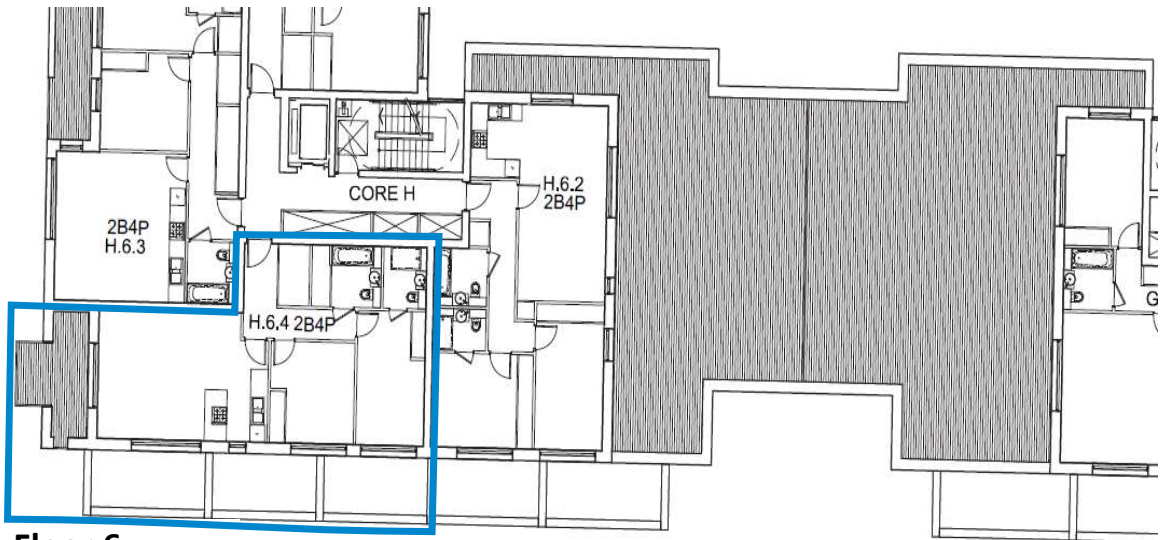


Figure 2:
New
Garden
Quarter

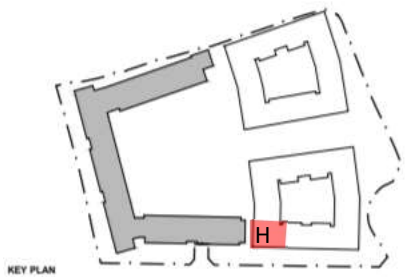
Block H – 2nd – 6th floor (flats)



Floor 2,3,4,5



Floor 6



KEY PLAN

Figure 3:
New
Garden
Quarter



Block H – 4th floor view

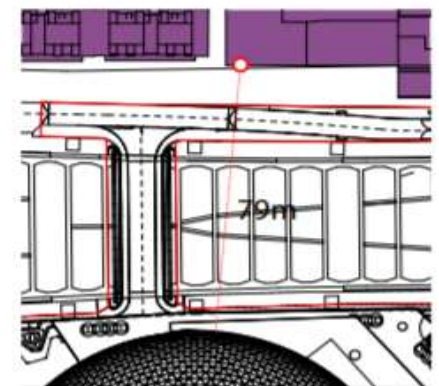
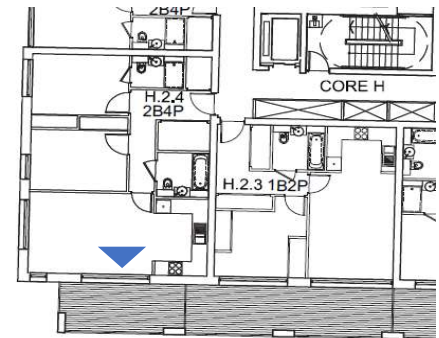
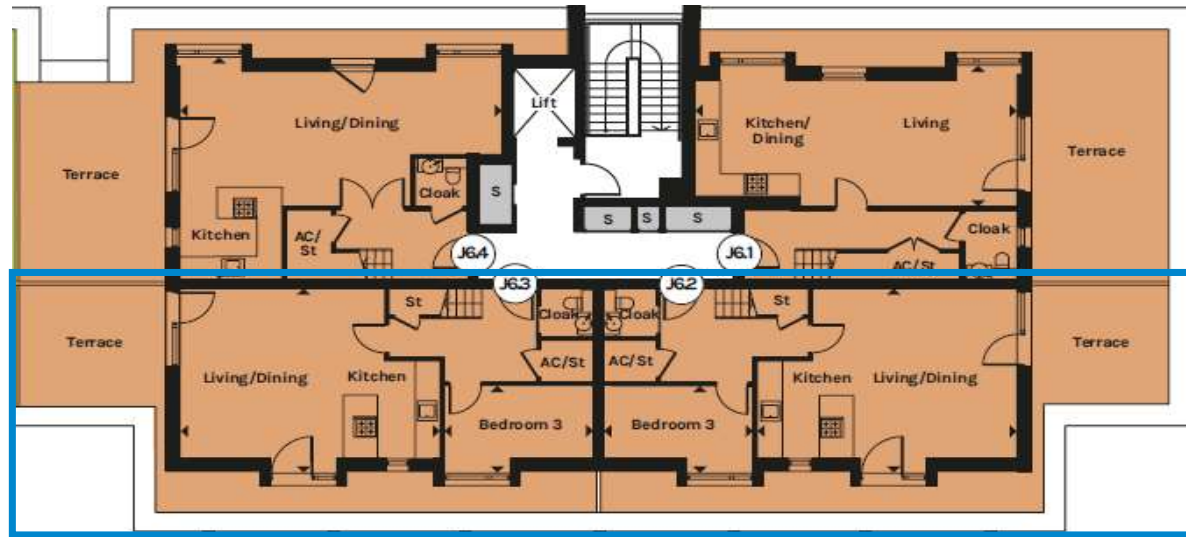
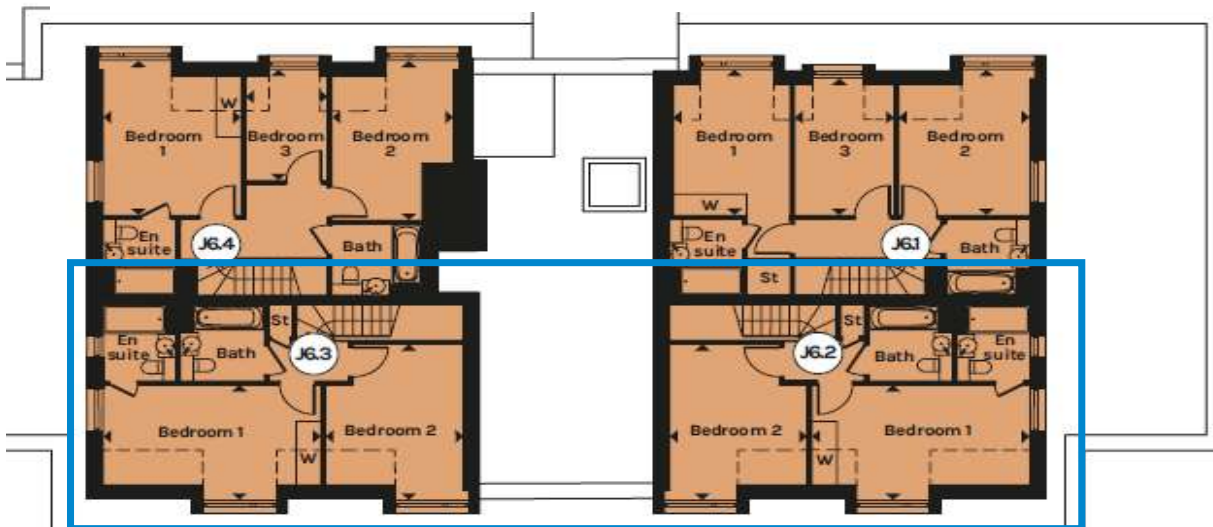


Figure 4:
New
Garden
Quarter



Floor 6

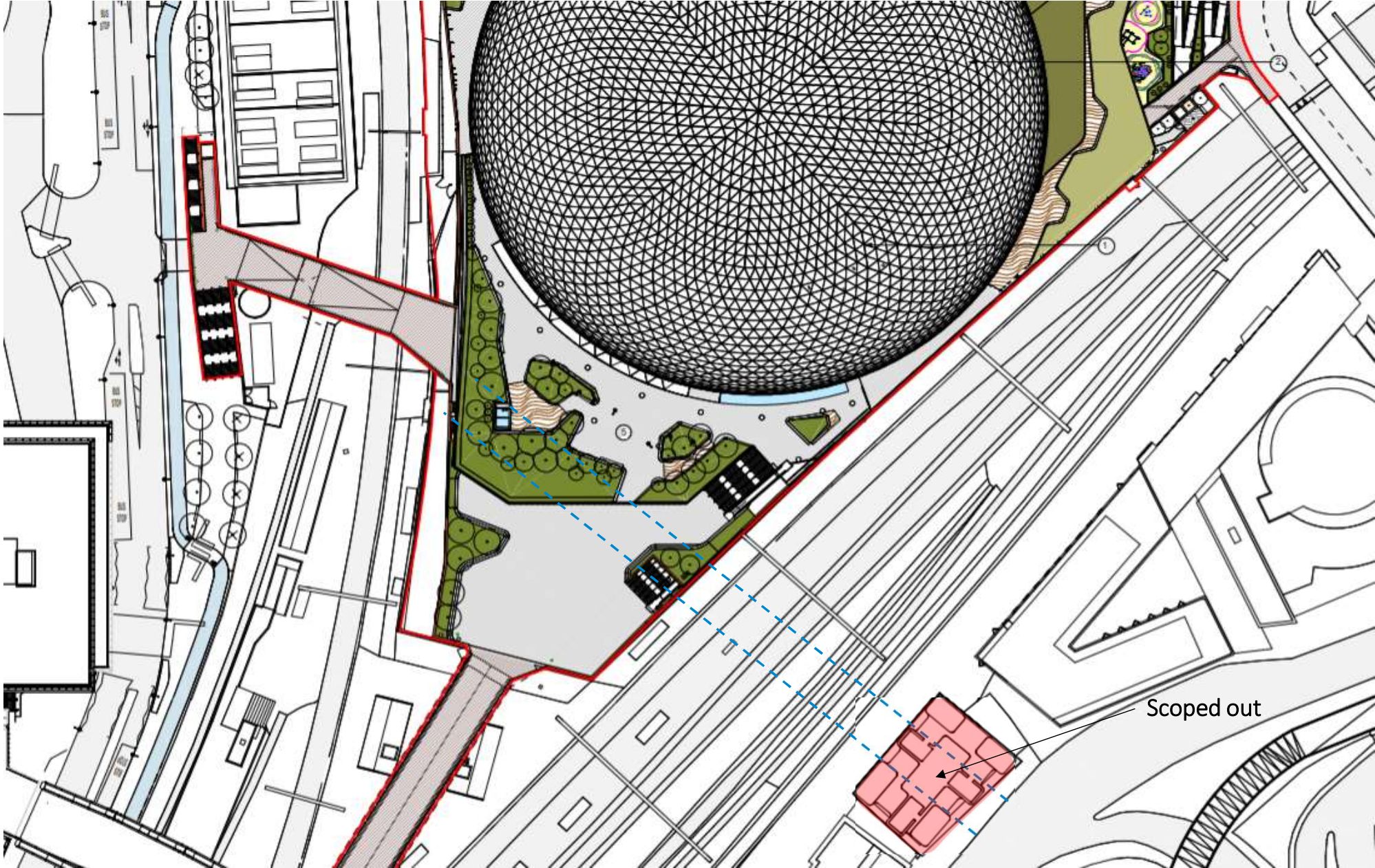


Floor 7

Block J – 6th & 7th floor (maisonettes)



Figure 5:
New
Garden
Quarter



Scoped out

Figure 6:
Legacy
Tower

Key



- potential to meet threshold

Level	Properties meeting threshold
Ground	0
1	0
2	0
3-31	28 (27 flats & 1 maisonette)
TOTAL	28

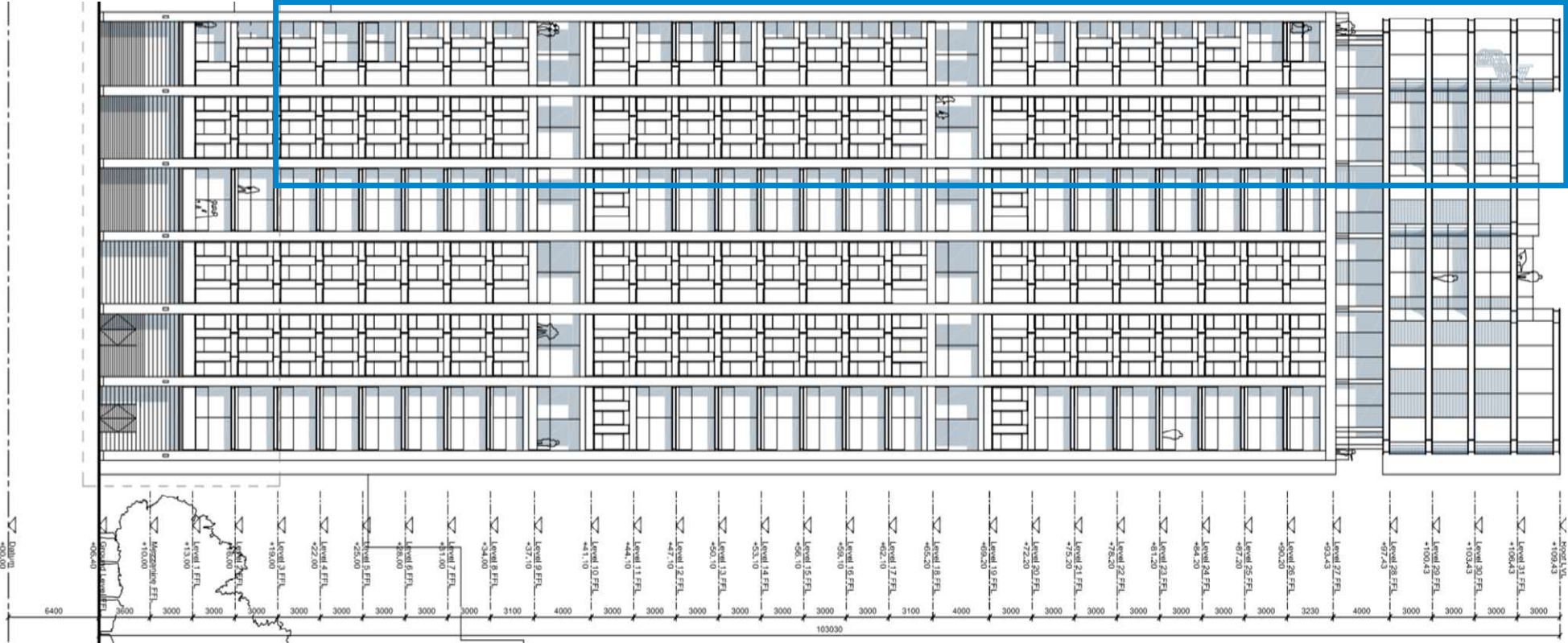
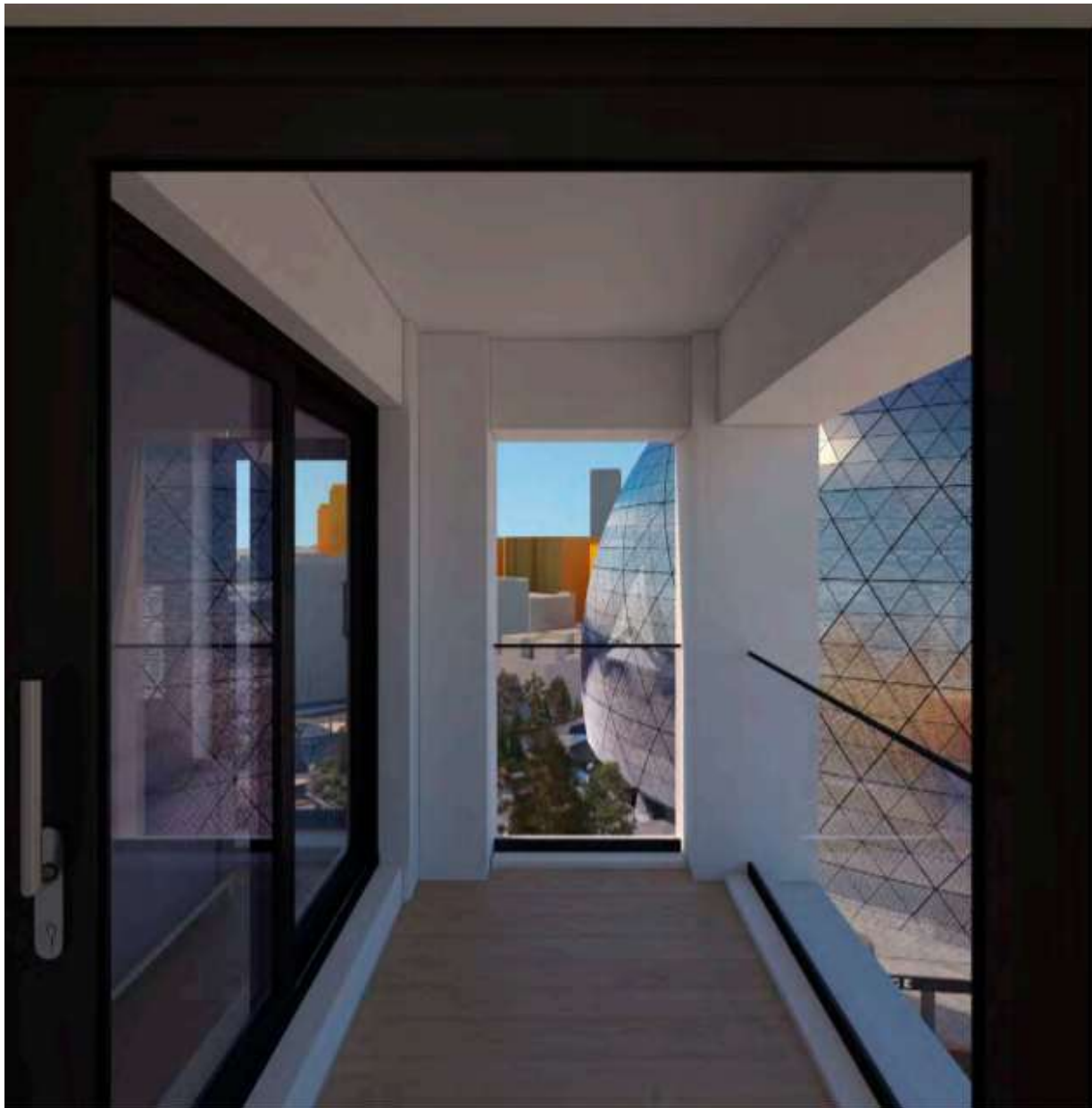
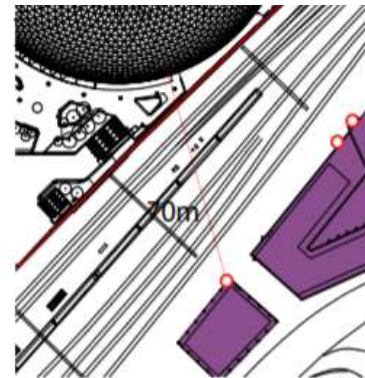
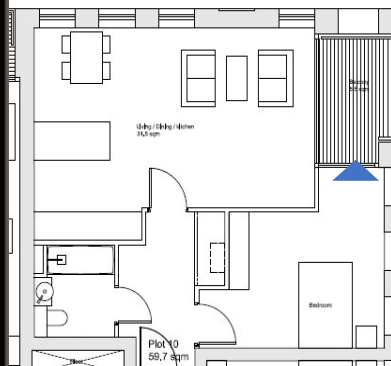


Figure 7:
Legacy
Tower

Figure 8:
Legacy
Tower



14th floor view



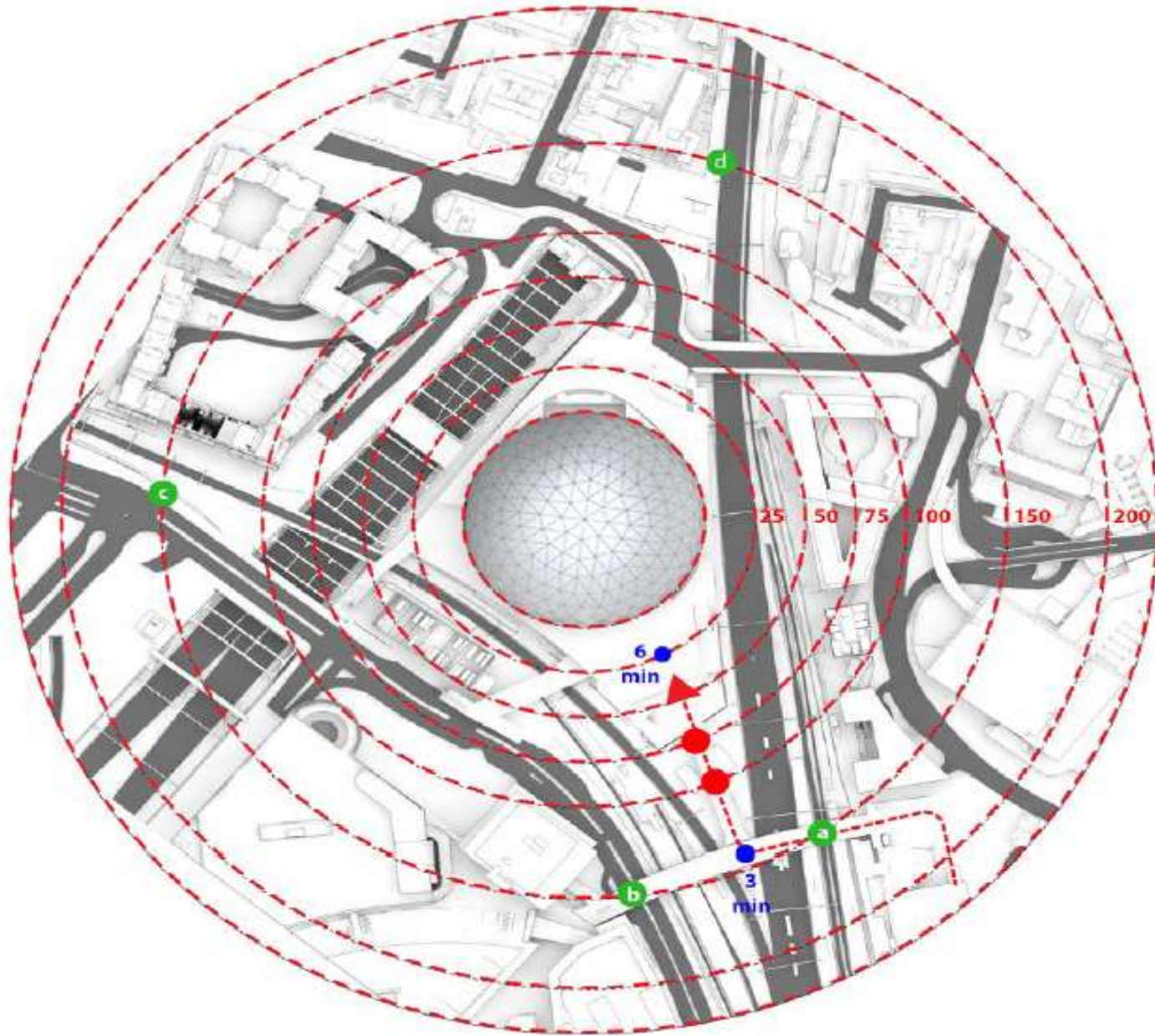


Figure 9:
Properties within
150 metres

APPENDIX 14 – Built Heritage

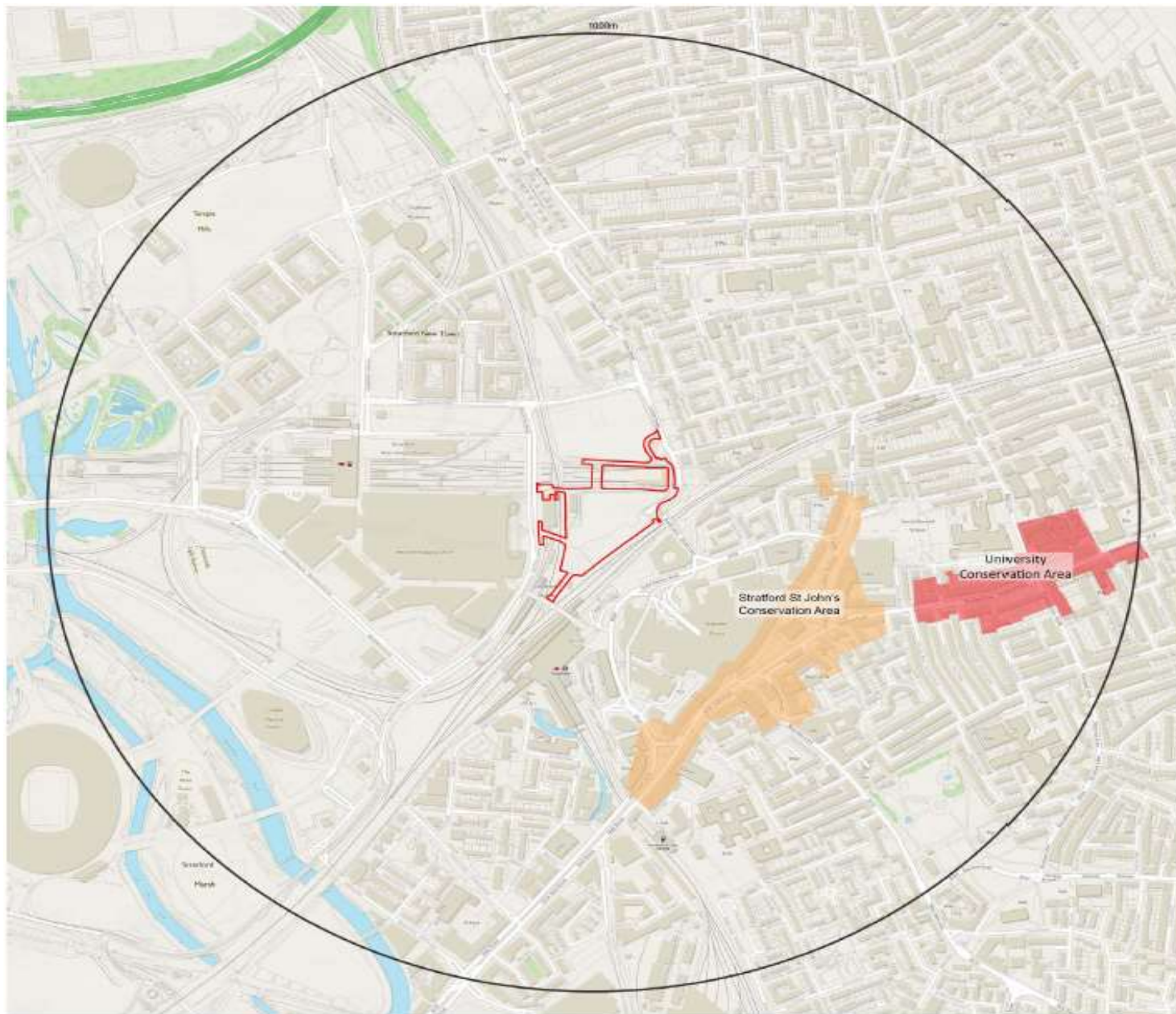


Figure 1:
Conservation Area
(CA) location map

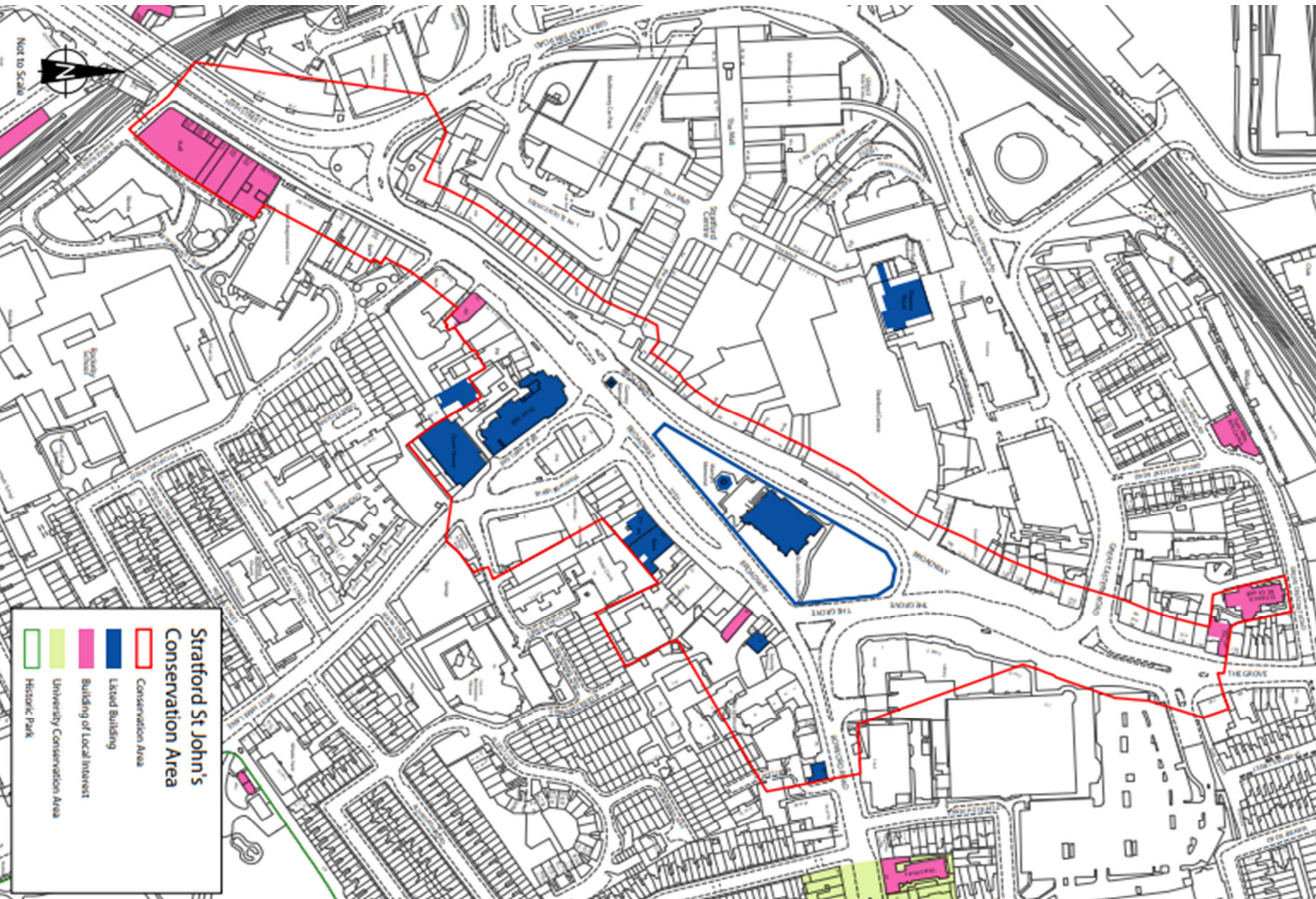


Figure 2: Listed, locally listed, non-designated heritage assets location map (St John's CA)



Figure 3:
Listed, locally
listed, non-
designated
heritage assets
location map
(University CA)



external east facing elevation of the Angel Lane urinals. July 2018



Figure 4: Former Public Urinals at Angel Lane, Stratford

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APPENDIX 15:

Planning Application Drawings for Approval

MSG Architectural Project Deliverables
Planning Application

Issued

31.10.19

Drawing Package	Drawing Number	Name (Line 1)	Name (Line 2)	Name (Line 3)	Format	Scale	Author	Check By	Approved By	Revision
SITE (0000-Series)	MSG-POP-00-XX-DR-A-0000	LOCATION SITE PLAN	DRAWING SHOWING APPLICATION BOUNDARY		A0	1:1250	MC	CC	GR	
	MSG-POP-00-XX-DR-A-0001	EXISTING SITE PLAN	+6.50m		A0	1:500	MC	CC	GR	
	MSG-POP-00-02-DR-A-0002	PROPOSED SITE PLAN	ROOF LEVEL	+96.50 m	A0	1:500	MC	CC	GR	01
	MSG-POP-ZZ-02-DR-A-0003	PROPOSED SITE PLAN	LEVEL 02 - PODIUM	+16.40 m	A0	1:500	MC	CC	GR	01
	MSG-POP-00-01-DR-A-0004	PROPOSED SITE PLAN	LEVEL 01 - CONCOURSE	+11.90 m	A0	1:500	MC	CC	GR	01
	MSG-POP-00-ZZ-DR-A-0005	PROPOSED SITE PLAN	SERVICE LEVEL - LO	+6.50 m	A0	1:500	MC	CC	GR	01
	MSG-POP-00-ZZ-DR-A-0006	EXISTING SITE SECTIONS	NORTH / SOUTH		A0	1:500	MC	CC	GR	
	MSG-POP-00-XX-DR-A-0007	EXISTING SITE SECTIONS	EAST / WEST		A0	1:500	MC	CC	GR	
	MSG-POP-00-XX-DR-A-0008	SITE SECTION	NORTH / SOUTH	ORIENTATION WEST	A0	1:500	MC	CC	GR	
	MSG-POP-00-XX-DR-A-0009	SITE SECTION	SOUTH / EAST	ORIENTATION SOUTH EAST	A0	1:500	MC	CC	GR	
	MSG-POP-00-XX-DR-A-0010	SITE SECTION	EAST / WEST	ORIENTATION NORTH	A0	1:500	MC	CC	GR	
MSG-POP-00-XX-DR-A-0011	SITE SECTION	EAST / WEST	ORIENTATION SOUTH	A0	1:500	MC	CC	GR		
DEMOLITION WORKS (0000-Series)	MSG-POP-00-XX-DR-A-0012	DEMOLITION WORKS	MONTFICHET ROAD		A0	1:250	ML	CC	GR	
	MSG-POP-00-XX-DR-A-0013	DEMOLITION WORKS	MONTFICHET ROAD		A0	1:250	MJ	CC	GR	01
	MSG-POP-00-XX-DR-A-0014	DEMOLITION WORKS	BRICKWORK BOUNDARY WALL TO ANGEL LANE		A0	1:500	MC	CC	GR	
	MSG-POP-00-XX-DR-A-0015	DEMOLITION WORKS	BOUNDARY WALL AND HAMMERHEAD ANGEL LANE		A0	1:500	FDM	CC	GR	
	MSG-POP-00-XX-DR-A-0016	DEMOLITION WORKS	MONTFICHET ROAD		A0	1:250	ML	CC	GR	
MSG-POP-00-XX-DR-A-0017	DEMOLITION WORKS	BOUNDARY WITH NETWORK RAIL PLATFORM		A0	1:500	MC	CC	GR		
3D'S (0900-Series)	MSG-POP-00-ZZ-DR-A-0900	3D VIEW FROM NORTH WEST			A0		MC	CC	GR	01
	MSG-POP-00-ZZ-DR-A-0901	3D VIEW FROM NORTH EAST			A0		MC	CC	GR	01
	MSG-POP-00-ZZ-DR-A-0902	3D VIEW FROM SOUTH WEST			A0		MC	CC	GR	01
	MSG-POP-00-ZZ-DR-A-0903	3D VIEW FROM SOUTH EAST			A0		MC	CC	GR	01
BRIDGES (0000-Series)	MSG-POP-00-XX-DR-A-0030	BRIDGES	KEY PLAN	3D VIEWS AND ROOF PLAN	A0	1:500	FDM	CC	CC	01
	MSG-POP-00-XX-DR-A-0031	BRIDGES 1 AND 2	APPROACH VIEW		A0	1:250	FDM	CC	CC	01
	MSG-POP-00-XX-DR-A-0032	BRIDGE 1	PLANS	LEVEL 00+02	A0	1:100	FDM	CC	CC	
	MSG-POP-00-XX-DR-A-0033	BRIDGE 1	ELEVATIONS & VIEWS		A0	1:100	FDM	CC	CC	01
	MSG-POP-00-XX-DR-A-0034	BRIDGE 1	SECTIONS		A0	1:50	FDM	CC	CC	01
	MSG-POP-00-XX-DR-A-0035	BRIDGE 2	PLAN LEVEL 00		A0	1:100	FDM	CC	CC	01
	MSG-POP-00-XX-DR-A-0036	BRIDGE 2	LEVEL 02		A0	1:100	FDM	CC	CC	01
	MSG-POP-00-XX-DR-A-0037	BRIDGE 2	ELEVATIONS		A0	varies	FDM	CC	CC	01
	MSG-POP-00-XX-DR-A-0038	BRIDGE 3	PLAN AND SECTION		A0	varies	FDM	CC	CC	01
	MSG-POP-00-XX-DR-A-0039	BRIDGE 3	SECTIONS AND ELEVATION		A0	varies	FDM	CC	CC	01
	MSG-POP-00-XX-DR-A-0040	BRIDGE 4	PLAN LEVEL 02		A0	1:100	FDM	CC	CC	
MSG-POP-00-XX-DR-A-0041	BRIDGE 4	ELEVATION, SECTIONS & VIEWS		A0	varies	FDM	CC	CC		
GENERAL ARRANGEMENT PLANS (1000-Series)	MSG-POP-00-B1-DR-A-1000	PLAN LEVEL B1	GENERAL ARRANGEMENT	+2.50m	A0	1:250	MC	CC	GR	
	MSG-POP-00-00-DR-A-1001	PLAN LEVEL 00	GENERAL ARRANGEMENT	+6.50m	A0	1:250	MC	CC	GR	01
	MSG-POP-00-01-DR-A-1002	PLAN LEVEL 01	GENERAL ARRANGEMENT	+11.90m	A0	1:250	MC	CC	GR	
	MSG-POP-00-02-DR-A-1003	PLAN LEVEL 02	GENERAL ARRANGEMENT	+16.4m	A0	1:250	MC	CC	GR	01
	MSG-POP-00-03-DR-A-1004	PLAN LEVEL 03	GENERAL ARRANGEMENT	+20.9m	A0	1:250	MC	CC	GR	01
	MSG-POP-00-04-DR-A-1005	PLAN LEVEL 04	GENERAL ARRANGEMENT	+26.15m	A0	1:250	MC	CC	GR	
	MSG-POP-00-05-DR-A-1006	PLAN LEVEL 05	GENERAL ARRANGEMENT	+29.9m	A0	1:250	MC	CC	GR	
	MSG-POP-00-06-DR-A-1007	PLAN LEVEL 06	GENERAL ARRANGEMENT	+34.4m	A0	1:250	MC	CC	GR	
	MSG-POP-00-07-DR-A-1008	PLAN LEVEL 07	GENERAL ARRANGEMENT	+38.9m	A0	1:250	MC	CC	GR	
	MSG-POP-00-08-DR-A-1009	PLAN LEVEL 08	GENERAL ARRANGEMENT	+42.9m	A0	1:250	MC	CC	GR	
	MSG-POP-00-09-DR-A-1010	PLAN LEVEL 09	GENERAL ARRANGEMENT	+47.7m	A0	1:250	MC	CC	GR	
	MSG-POP-00-10-DR-A-1011	PLAN LEVEL 10	GENERAL ARRANGEMENT	+51.30m	A0	1:250	MC	CC	GR	
	MSG-POP-00-11-DR-A-1012	PLAN LEVEL 11	GENERAL ARRANGEMENT	+60.45m	A0	1:250	MC	CC	GR	
	MSG-POP-00-12-DR-A-1013	PLAN LEVEL 12	GENERAL ARRANGEMENT	+63.03m	A0	1:250	MC	CC	GR	
	MSG-POP-00-13-DR-A-1014	PLAN LEVEL 13	GENERAL ARRANGEMENT	+66.85m	A0	1:250	MC	CC	GR	
	MSG-POP-00-14-DR-A-1015	PLAN LEVEL 14	GENERAL ARRANGEMENT	+70.33m	A0	1:250	MC	CC	GR	
MSG-POP-00-15-DR-A-1016	PLAN LEVEL 15	GENERAL ARRANGEMENT	+73.82m	A0	1:250	MC	CC	GR		
MSG-POP-00-16-DR-A-1017	PLAN LEVEL 16	GENERAL ARRANGEMENT	+76.90m	A0	1:250	MC	CC	GR		

	MSG-POP-00-17-DR-A-1018	PLAN LEVEL 17	GENERAL ARRANGEMENT	+79.99m	A0	1:250	MC	CC	GR	
	MSG-POP-00-18-DR-A-1019	PLAN LEVEL 18	GENERAL ARRANGEMENT	+82.61m	A0	1:250	MC	CC	GR	
	MSG-POP-00-19-DR-A-1020	PLAN LEVEL 19	GENERAL ARRANGEMENT	+85.23m	A0	1:250	MC	CC	GR	
	MSG-POP-00-20-DR-A-1021	PLAN LEVEL 20	GENERAL ARRANGEMENT	+87.33m	A0	1:250	MC	CC	GR	
BUILDING SECTIONS	MSG-POP-00-ZZ-DR-A-0200	PROPOSED NORTH/SOUTH SECTION	ORIENTATION NORTH		A0	1:200	MC	CC	GR	
(0200-Series)	MSG-POP-00-ZZ-DR-A-0201	PROPOSED NORTH/SOUTH SECTION	ORIENTATION SOUTH EAST		A0	1:200	MC	CC	GR	
	MSG-POP-00-ZZ-DR-A-0202	PROPOSED NORTH/SOUTH SECTION	ORIENTATION NORTH		A0	1:100	MC	CC	GR	
	MSG-POP-00-ZZ-DR-A-0203	PROPOSED EAST / WEST SECTION	ORIENTATION EAST		A0	1:100	MC	CC	GR	
	MSG-POP-00-ZZ-DR-A-0204	PROPOSED NORTH / SOUTH SECTION	ORIENTATION NORTH		A0	1:100	MC	CC	GR	
	MSG-POP-00-ZZ-DR-A-0205	PROPOSED EAST / WEST SECTION	ORIENTATION WEST		A0	1:100	MC	CC	GR	
ELEVATIONS	MSG-POP-00-ZZ-DR-A-0300	NORTH ELEVATION	GENERAL ARRANGEMENT		A0	1:250	EC/RS	CC	GR	01
(0300-Series)	MSG-POP-00-ZZ-DR-A-0301	EAST ELEVATION	GENERAL ARRANGEMENT		A0	1:250	EC/RS	CC	GR	01
	MSG-POP-00-ZZ-DR-A-0302	WEST ELEVATION	GENERAL ARRANGEMENT		A0	1:250	EC/RS	CC	GR	
	MSG-POP-00-ZZ-DR-A-0303	SOUTH ELEVATION	GENERAL ARRANGEMENT		A0	1:250	EC/RS	CC	GR	01
DESIGN DETAILS	MSG-POP-00-ZZ-DR-A-4223	FAÇADE TYPES	FAÇADE MATERIALS	FINISHES TYPES	A0		EC/RS	CC	GR	
(4000-Series)	MSG-POP-00-XX-DR-A-4028	SPHERICAL CURTAIN WALLING	LED PANELS	DETAILS STUDY	A0	1:20	AS	CC	GR	
	MSG-POP-00-XX-DR-A-4029	SPHERICAL CURTAIN WALLING	LOUVRES	DETAIL STUDY	A0	1:20	AS	CC	GR	
	MSG-POP-ZZ-02-DR-A-4031	STAGE BOX FAÇADE EXTENT	PLAN AND ELEVATION	DETAILED STUDY	A0	1:125	TK	CC	GR	
	MSG-POP-00-ZZ-DR-A-4032	STAGE BOX FAÇADE EXTENT	DETAIL STUDY		A0	1:50	TK	CC	GR	
	MSG-POP-00-02-DR-A-4033	STAGE BOX	DETAIL STUDY		A0	1:50	TK	CC	GR	
	MSG-POP-00-01-DR-A-4035	ENTRANCE DOORS	SCOPE PLAN LEVEL 01	DETAIL STUDY	A0	1:250	AS	CC	CC	01
	MSG-POP-00-02-DR-A-4036	ENTRANCE DOORS	SCOPE PLAN LEVEL 02	DETAIL STUDY	A0	1:250	MC	CC	CC	01
	MSG-POP-00-03-DR-A-4037	ENTRANCE DOORS	SCOPE PLAN LEVEL 03	DETAIL STUDY	A0	1:250	MC	CC	CC	01
	MSG-POP-00-XX-DR-A-4038	EXTERNAL SPHERE	ENTRANCE DOOR TYPES	DETAIL STUDY	A0	varies	AS	CC	CC	01
	MSG-POP-01-XX-DR-A-4039	EXTERNAL SPHERE	ENTRANCE DOOR TYPES	DETAIL STUDY	A0	1:100	AS	CC	CC	01
	MSG-POP-00-02-DR-A-4041	ROOF GLAZING	SCOPE PLAN AND SECTION	DETAIL STUDY	A0	varies	TK	CC	CC	
	MSG-POP-00-ZZ-DR-A-4050	PART ELEVATION	NORTH		A0	1.50	AS / TK	CC	GR	
	MSG-POP-00-ZZ-DR-A-4051	PART ELEVATION	SOUTH		A0	1.50	AS / TK	CC	GR	
	MSG-POP-00-ZZ-DR-A-4052	PART ELEVATION	EAST		A0	1.50	AS / TK	CC	GR	01
	MSG-POP-00-ZZ-DR-A-4053	PART ELEVATION	WEST		A0	1.50	AS / TK	CC	GR	
LANDSCAPE	MSG-POP-ZZ-02-DR-L-0603	LANDSCAPE SITE PLAN	GENERAL ARRANGEMENT	PLAN LEVEL 02	A0	1 . 250	ML	KS	GR	
(6000-Series)	MSG-POP-ZZ-03-DR-L-0604	LANDSCAPE SITE PLAN	GENERAL ARRANGEMENT	PLAN LEVEL 03	A0	1 . 250	ML	KS	GR	01
	MSG-POP-ZZ-XX-DR-L-0605	LANDSCAPE SITE PLAN	GENERAL ARRANGEMENT	ROOF LEVEL	A0	1 . 250	ML	KS	GR	01
	MSG-POP-ZZ-02-DR-L-0608	LANDSCAPE HARDSCAPE PLAN	PODIUM FINISHES AND FURNITURE	PLAN LEVEL 02	A0	1.250	ML	KS	GR	
	MSG-POP-ZZ-03-DR-L-0609	LANDSCAPE HARDSCAPE PLAN	TERRACE LEVEL	LEVEL 03	A0	1.250	ML	KS	GR	01
	MSG-POP-ZZ-XX-DR-L-0610	LANDSCAPE HARDSCAPE PLAN	MONTFICHET ROAD	LEVEL 00	A0	1.250	ML	KS	GR	01
	MSG-POP-ZZ-XX-DR-L-0611	LANDSCAPE HARDSCAPE PLAN	ANGEL LANE AND LAYTON ROAD	LEVEL 02	A0	1.250	ML	KS	GR	01
	MSG-POP-ZZ-XX-DR-L-0612	LANDSCAPE HARDSCAPE PLAN	MONTFICHET ROAD	LEVEL 00	A0	1.250	ML	CC	GR	
	MSG-POP-ZZ-XX-DR-L-0613	LANDSCAPE HARDSCAPE PLAN	MONTFICHET ROAD	LEVEL 00	A0	1.250	ML	CC	GR	
	MSG-POP-ZZ-02-DR-L-0625	LANDSCAPE SOFTSCAPE PLAN	PODIUM PLANTING	LEVEL 02	A0	1.250	ML	KS	GR	
	MSG-POP-ZZ-03-DR-L-0626	LANDSCAPE SOFTSCAPE PLAN	TERRACE LEVEL	LEVEL 03	A0	1.250	ML	KS	GR	01
	MSG-POP-ZZ-05-DR-L-0627	LANDSCAPE SOFTSCAPE PLAN	STAGE BOX GREEN ROOF PLANTING	PLAN LEVEL 05	A0	varies	ML	KS	GR	
	MSG-POP-ZZ-XX-DR-L-0665	LANDSCAPE	SITE SECTIONS		A0	1.100	XW	CC	GR	



Agenda Item 5

Subject: Stratford International Car Park, International Way,
Stratford, E20 1BN - 20/00362/FUL

Meeting date: 22nd March 2022

Report to: Planning Decisions Committee

Report of: Daniel Davies, Principal Planning Development Manager

Borough: London Borough of Newham

FOR DECISION

This report will be considered in Public

1. EXECUTIVE SUMMARY

- 1.1 This report considers an application for full planning permission that would grant planning permission with amendments to the current restrictions on who can park at Stratford International multi-storey car park. Current restrictions limit the use of car parking spaces to passengers and staff using or working at the Stratford International Railway Station. The condition was imposed to ensure that the development retained enough car parking to serve the travelling public using Stratford International Railway Station. If approved, this application would enable guests attending events at the MSG Sphere venue, and MSG Sphere staff, to use a number of the existing spaces on the ground floor and at levels 4,5 and 6 of the multi-storey car park. An application for the MSG Sphere venue is being considered alongside this proposal which, if approved, would permit a multi-use entertainment and leisure venue (capacity for up to 21,500 people), a smaller music venue, nightclub, members lounge, restaurants, bars, and other ancillary works to support these uses.
- 1.2 This application would result in the conversion of 406 existing standard car parking spaces to 348 dedicated spaces for MSG Sphere visitors and staff. 111 of these spaces are proposed as Blue Badge spaces and 237 as standard sized car parking spaces. A mobility assistance plan has been submitted as part of the MSG Sphere application (19/00097/FUL) which shows an indicative route that will be used to shuttle visitors and guests from Stratford International Car Park to the MSG Sphere.
- 1.3 The principle of allocating specific car parking spaces for nearby developments is supported and considered to comply with LLDC Local Plan policies. The proposed provision of blue badge spaces would meet the London Plan Policy T.8 in light of the requirement generated by the MSG Sphere proposal.
- 1.4 In addition to the blue badge provision, it is envisaged that the inclusion of standard parking spaces (237) would enable other guests requiring varying degrees of accessibility support to be catered for. For example, the applicant identifies guests with short-term accessibility requirements, families with young children and elderly people as amongst those that would potentially benefit from this provision. It should be recognised that the estimated requirement for 111 Blue Badge spaces could prove to be an under-

estimate but the provision of additional, standard spaces provides flexibility to convert those spaces into Blue Badge spaces in order to meet demand. Planning obligations secured under the venue application require the applicant to monitor the use of blue badge car parking spaces and to submit monitoring reports.

- 1.5 The proposal to allocate the spaces to MSG Sphere visitors is in principle supported by High Speed 1 ('HS1') (which services Stratford International Railway Station). Forecasts suggest that even with the proposed spaces allocated to MSG Sphere visitors and staff there would typically remain some 120-180 spare spaces available and therefore sufficient capacity for increased use by HS1 passengers and staff should demand increase in the future.
- 1.6 In relation to the provision of standard spaces for use by MSG Sphere visitors and staff, the forecasts undertaken as part of the MSG Sphere application (ref. 19/00097/FUL) show that, these could all be accommodated within the Westfield car park (i.e. without recourse to Stratford International car park and the HS1 spaces within it). The issue is therefore not so much one of providing additional car parking spaces but rather of which car park (Westfield or the HS1 car park) MSG Sphere visitors would use and of whether priority should be given to MSG Sphere visitors in the use of the existing HS1 car park.
- 1.7 In light of the above, in officers' view the proposal to amend current restrictions at the Stratford International Car Park and permit the provision of additional Blue Badge Parking is considered to be acceptable.

2. RECOMMENDATIONS

2.1 That the Planning Decisions Committee agree the recommendation to:

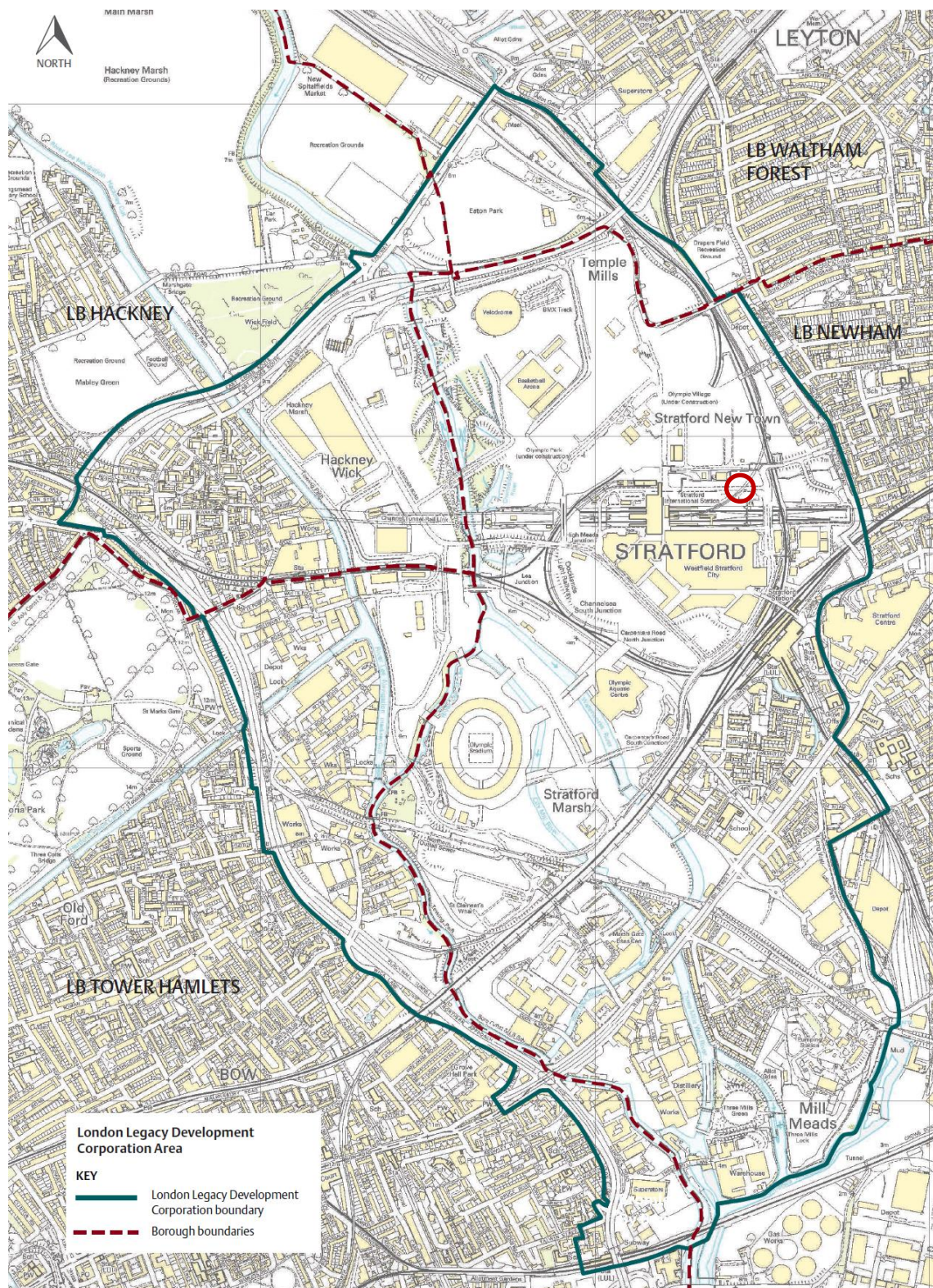
1. Subject to the approval of application 19/00097/FUL, **APPROVE** the full application to the change of use of 406 existing car parking spaces on the ground floor, and levels 4, 5 and 6 of the multi-storey car park from the existing use to use associated with MSG Sphere (19/00097/FUL) and grant planning permission; and
2. The conditions and informatives set out in section 12 of this report.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications as a result of this planning application.

4. LEGAL IMPLICATIONS

- 4.1 None.



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Location: Stratford International Car Park, International Way, Stratford, E20 1BN

London Borough: London Borough of Newham

Proposal: The change of use of 406 existing car parking spaces on the ground floor, and levels 4, 5 and 6 of the multi-storey car park from the existing use to use associated with MSG Sphere (19/00097/FUL).

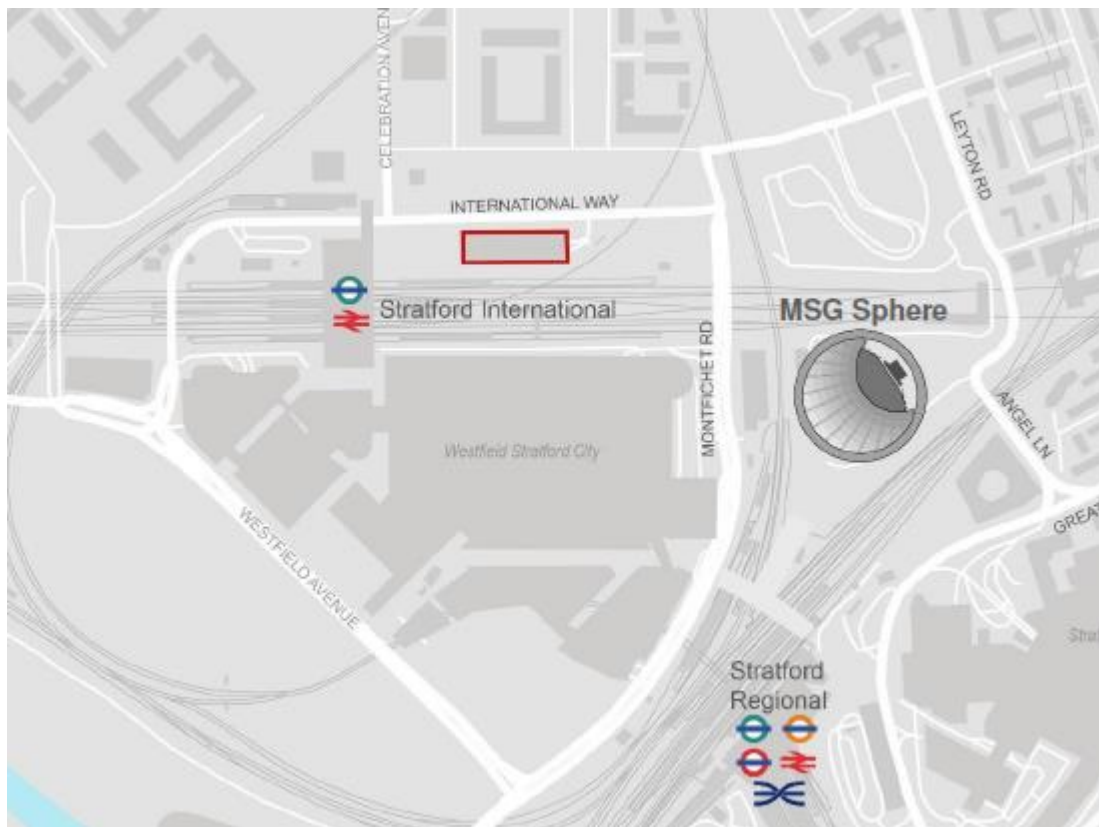
Applicant: Stratford Garden Development Limited

Agent: DP9 Ltd

5. SITE & SURROUNDINGS

- 5.1 The application site relates to the Stratford International multi-storey car park. Of the seven-storey car park comprising 850 car parking spaces, this application relates to 406 existing car parking spaces situated at ground floor and levels 4, 5 and 6 of the multi-storey car park.
- 5.2 The car park is situated immediately east of Stratford International Railway Station and is bound by International Way to the north. The application site is located approximately 400m to the west of the MSG Sphere site which comprises a vacant 2.93 hectare triangular piece of land immediately north of Stratford Station.
- 5.3 The application site is currently operated by HS1 Limited (the operators of High Speed 1). The application site is outlined in Figure 1 below.

Figure 1: Location (outlined in red) in the context of the MSG Sphere site



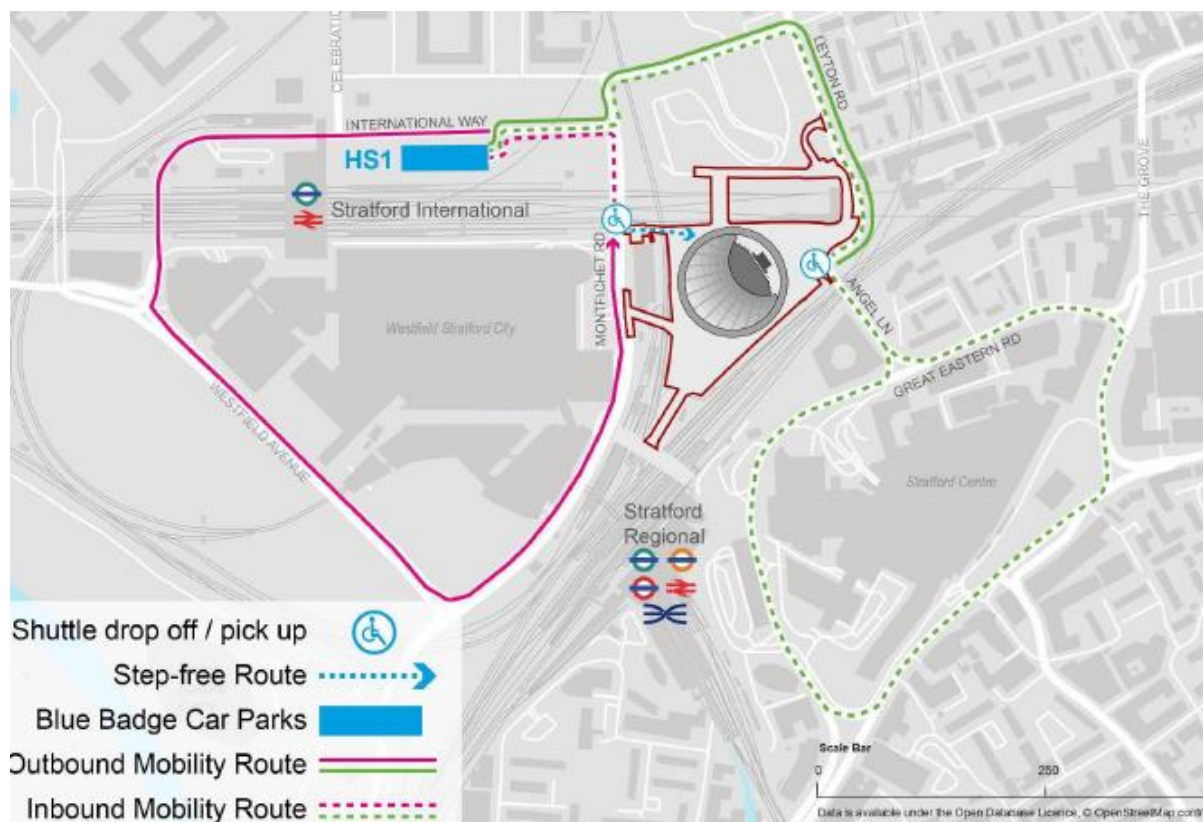
6. PROPOSED DEVELOPMENT

- 6.1 The application seeks planning consent for the change of use of 406 existing car park spaces to provide 348 dedicated car parking spaces for visitors and staff of the proposed Madison Square Garden (MSG) Sphere development ('MSG Sphere') submitted under planning application reference 19/00097/FUL. The proposed MSG Sphere development

involves comprehensive redevelopment of the MSG Sphere site (identified in Figure 1) to create a multi-use entertainment and leisure venue, capable of hosting a wide range of events alongside ancillary uses with a site-wide capacity of up to 25,000.

- 6.2 A portion of existing standard parking bays would be converted to use as larger Blue Badge spaces. Therefore, the overall number of resultant spaces (348) would be lower than the existing number of spaces (406). Of the proposed 348 dedicated spaces, 111 are proposed as Blue Badge spaces and 237 as standard spaces.
- 6.3 The majority of the 850 existing car parking spaces within the car park are restricted for parking of vehicles used by passengers and staff using or working at Stratford International Station. Therefore, the applicant has submitted this change of use application for the spaces to be used as dedicated spaces associated with the proposed MSG Sphere.
- 6.4 The proposed 348 spaces would be broken down across the car park as follows:
 - Level 0: 38 spaces (31 Blue Badge spaces, 7 standard spaces)
 - Level 4: 110 spaces (30 Blue Badge spaces, 80 standard spaces)
 - Level 5: 90 spaces (20 Blue Badge spaces, 70 standard spaces)
 - Level 6: 110 spaces (30 Blue Badge spaces, 80 standard spaces)
- 6.5 The applicant has confirmed that the 31 Blue Badge spaces proposed at ground level will be reserved for vehicles with greater headroom requirements.
- 6.6 The applicant proposes to provide a mobility assistance service to transfer visitors to and from the application site (car park) to the MSG Sphere site. Mobility shuttle buses would be provided to transfer guests to and from the MSG Sphere site via two routes (outlined in Figure 2 below). Guests would also have the option to walk or make their own way to and from the MSG Sphere site.

Figure 2: Proposed mobility assistance service from the Stratford International (HS1) car park to the MSG Sphere site.



7. RELEVANT PLANNING HISTORY

Stratford City Outline Planning Permission

- 7.1 P/03/0607 (as varied by ref. 06/90017//VARODA & 07/90023//VARODA) – Outline permission was granted by the London Borough of Newham on 17.02.05 for:

“comprehensive mixed use development of rail lands site comprising B1 offices, residential, retail development in the full range of Class A1, A2 and A3 uses, commercial leisure uses, hotels and conference facilities, community, health and education facilities, open space, landscaping, water features, parking transport interchanges, associated infrastructure and a town centre link.”

Stratford International Car Park

- 7.2 09/90270//REMODA – Reserved Matters permission was GRANTED by the Olympic Delivery Authority (ODA) on 08.12.09 for:

“the approval of an 850 space seven storey car park (21,334 sq.m. GEA floorspace) together with associated access/egress road from North Loop Road (East); ancillary hardstanding for the provision of 25 motorcycle spaces and the siting of an electricity substation to serve the facility; and area for landscaping, pursuant to conditions B1 and B8 of the outline planning permission 07/90023//VARODA, being details of layout, scale, appearance, access and landscaping, together with approval in writing to locate the building outside the limits of deviation of the boundary of plot N25 as approved in the Masterplan for Zones 3-6, pursuant to condition A4 of the outline planning permission.”

- 7.3 The above reserved matters planning permission was issued with the attached condition restricting the use of the car park:

“2. The primary use of the car park building hereby permitted shall be for the parking of vehicles used by passengers and staff using or working at the Stratford International Railway Station and for no other purpose.

Reason: To ensure that the development is retained to serve the travelling public and in accordance with the notes on interpretation of Condition D2 of outline planning permission 07/90023/VARODA.”

- 7.4 Since the above permission was issued, there have been various applications that obtained permission to amend the above condition or use car parking spaces within the Stratford International Car Park for specific developments, including:

- 7.5 11/90244/COUODA – Change of use application was APPROVED on 05.10.11 for:

“Change of use of 20 parking spaces on level 5 of the car park from exclusively station user car parking to car parking associated with visitors and occupiers of the proposed development on the adjoining Plot N24.”

- 7.6 13/00480/106 - Approved the details submitted pursuant to section 2 (blue badge parking), part 4 of schedule 1 of planning agreement dated 15 July 2011 10/90285/FULODA in relation to Plot N24 (Manhattan Loft Gardens). The details related to the provision of at least 20 (8 (minimum) – residential & 12 (minimum) – hotel) blue badge spaces.

- 7.7 14/00327/FUL – Full planning permission was GRANTED on 28.10.14 for:

“Change of use of 40 car parking spaces on level 5 of the car park from use exclusively by passengers and others associated with Stratford International Station, to car parking associated with occupiers of the adjacent development Plot N24 (Manhattan loft Gardens, land adjacent to International Way).”

8. RELEVANT PLANNING POLICY

The Development Plan

- 8.1 For the purposes of S.38(6) of the Planning and Compulsory Purchase Act 2004 the adopted ‘Development Plan’ for this site is The London Legacy Development Corporation’s Local Plan 2020-2036 (July 2020) and The London Plan (2021).

The London Plan (adopted March 2021)

- 8.2 The most relevant policies of the London Plan are listed below:

Policy Number	Policy Name
SD1	Opportunity areas
SD6	Town centres and high streets
SD7	Town centres: development principles and Development Plan
SD8	Town centres network
SD10	Strategic and local regeneration
D5	Inclusive design
HC5	Supporting London’s culture and creative industries
HC6	Supporting the night-time economy
SI 1	Improving air quality
SI 2	Minimising greenhouse gas emissions
T1	Strategic approach to transport
T2	Healthy streets
T3	Transport capacity, connectivity and safeguarding

T5	Cycling
T6	Car parking
T6.4	Hotel and leisure uses parking
T6.5	Non-residential disabled persons parking
T9	Funding transport infrastructure through planning
DF1	Planning obligations

London Legacy Development Corporation Local Plan 2020-2036 (July 2020)

8.3 The Legacy Corporation Local Plan (adopted July 2020) is the relevant Local Plan for the Legacy Corporation area.

8.4 The most relevant policies of the existing Local Plan are:

Policy Number	Policy Name
SD.1	Sustainable development
SP.1	A strong and diverse economy
B.2	Thriving town, neighbourhood and local centres
BN.6	Requiring inclusive design
BN.11	Air quality
SP.4	Planning for and securing transport infrastructure to support growth and convergence
T.1	Strategic transport improvements
T.2	Transport improvements
T.3	Supporting transport improvements
T.4	Managing development and its transport impacts
T.5	Street network
T.6	Facilitating local connectivity
T.7	Transport assessments and travel plans
T.8	Parking and parking standards in new development
T.9	Providing for pedestrians and cyclists
Site Allocation SA3.1	Stratford Town Centre West
3.1	Stratford Metropolitan Centre
3.3	Improving connections around central Stratford

National Planning Policy Framework (February 2021)

8.5 The National Planning Policy Framework (July 2021) sets out the Government's planning policies for England including the presumption in favour of sustainable development. It is a material consideration in the determination of all applications. The Planning Practice Guidance (PPG) supports the implementation of the policies in the NPPF and sets out good practice. The guidance in the PPG is therefore also a material consideration.

8.6 The following sections of the NPPF are considered relevant to this planning application:

- 4. Decision making
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land

Other relevant Material considerations

Mayor of London – Olympic Legacy SPG (2012)
Mayor of London – Accessible London: Achieving an Inclusive Environment (2014)
LLDC Planning Obligations SPD (2016)
LLDC Night-time Economy SPD (Draft) (2019/21)
LLDC Inclusive Design Standards 2019

9. CONSULTATION RESPONSES:

9.1 The following were consulted on the application:

C2C	No response received.
Crossrail	No response received.
Arriva Rail London	No response received.
South Eastern	No response received.
Abellio	No response received.
High Speed 1 (HS1)	No response received.
Network Rail	No specific comments in relation to the application proposals.
Transport for London (TfL)	Acknowledged that the MSG Sphere site does not provide for on-site visitor or blue badge parking and recognised that the Stratford International Car Park provides for efficient access for a high-quality mobility service. TfL accepted the level of blue badge provision and confirmed that it would meet the relevant demand for the new venue. . Whilst the provision of blue badge spaces is supported, the provision of 237 non-blue badge spaces for other visitors is not supported by TfL and it is suggested that the applicant should increase the level of blue badge spaces or remove the provision of non-blue badge spaces.
GLA	No response received.
Met Police	Raised concerns that if the new designated parking areas are not regularly used, legitimate use and activity within the Car Park will fall. This may encourage criminal misuse and put current users' vehicles and proposed users at a higher risk from theft and criminal damage. To deter criminal activity and ensure regular risk assessments (including the monitoring of any spikes in crime or ASB issues in the car park), the Met Police request that the applicant register the car park with the police approved 'Car Park Scheme'. This scheme is managed by the British Parking

	<p>Association (BPA) on behalf of Secured by Design and is supported by the Home Office. The scheme is able to offer appropriate recommendations for improved security including crime prevention advice and mitigation measures to reduce risk to users, their property and vehicles.</p> <p>Officer comment: The comments from The Met Police are noted and a “Secured by Design” car park condition is included.</p>
British Transport Police	No response received.
LB Newham Planning	<p>Having regard to the below, the LBN objects to the Car Park application.</p> <p>Acknowledged that the MSG Sphere application does not propose any on-site car parking except for staff blue badge spaces. LBN are of the view that blue badge spaces should be provided on-site to comply with London Plan standards. However, an arrangement/facility of the proposed type is supported in principle providing that that the blue badge provision is safeguarded for event attendees, along with the shuttle arrangements to facilitate travel by car to and from the MSG Sphere venue by car.</p> <p>It still remains unclear as to the methodology by which Blue Badge users are able to get to the venue from new proposed car parking location (Stratford International car park). It seems it would be difficult in any case to arrive at a satisfactory methodology for a shuttle to take people from the proposed car parking location to the venue unless people can be dropped and picked-up at the front entrance.</p> <p>There is no particular rationale behind the 237 standard car parking spaces being required or proposed. The site has the highest PTAL rating possible, and allocation of hundreds of parking spaces to the venue which would be advertised and publicised, would encourage visitors to come by car, including those that we would expect to travel by alternate sustainable modes to the private car. LBN are not supportive of this component of the application.</p>
LB Newham Transport and Highways	Objection on the basis of the above response submitted by LBN Planning.
LB Hackney Planning	No response received.

LB Hackney Transport and Highways	No response received.
LB Tower Hamlets Planning	No comments.
LB Tower Hamlets Transport and Highways	No response received.
LB Tower Hamlets Environmental Health	No adverse comments on the application proposals.
LB Waltham Forest Planning	No response received.
LB Waltham Forest Transport and Highways	No response received.
LBH Floods and Suds	The site is located outside of the LBH catchment, therefore no comments on the application proposals.
Environment Agency	No specific comments in relation to the application proposals.
Natural England	No specific comments in relation to the application proposals.
Sport England	No comments.
LLFA	No response received.
LLDC (POV & Security)	No response received.
E20	No response received.
Lee Valley Park Authority	No response received.
West Ham FC	No response received.

Dentons (Neighbour #449)	Objection but no specific comments received in relation to the application proposals.
Stop MSG (Neighbour #009)	No response received.
Neighbour responses	<p>Nine (9) neighbour responses were received in relation to this application. A high-level summary of the key issues that were raised by neighbours during the consultation process is provided below:</p> <ul style="list-style-type: none"> - Increased usage of Stratford International Car Park spaces for MSG Sphere purposes would decrease availability for local residents and visitors to park for personal / work requirements, in an area that already has insufficient and affordable parking. - The 406 car parking spaces proposed for MSG Sphere purposes are insufficient to mitigate transport concerns. - The car parking required to support the proposed MSG Sphere venue should be provided for on-site. - Increased traffic on the local road network before and after events resulting in increased congestion and subsequent adverse amenity and air quality impacts. - Additional noise impacts on the local area as a result of more cars and people in the area before and after the MSG Sphere events

10. ASSESSMENT OF PLANNING ISSUES

- 10.1 This planning application has been submitted on behalf of Madison Square Gardens (MSG) in connection with their proposals for the 'MSG Sphere'. The MSG Sphere is a proposed development at land lying to the west of Angel Lane, Stratford for a 21,500 capacity multi-use entertainment venue. That is the subject of a separate planning application (ref. 19/00097/FUL) currently with the LLDC for determination.
- 10.2 The MSG Sphere venue would generate a requirement of at least 111 blue badge spaces to be provided to meet London Plan standards. This application proposes the change of use of 406 existing car parking spaces on the ground floor and, levels 4, 5 and 6 of the Stratford International Car Park to provide 111 blue badge spaces and 237 standard (non blue badge) spaces dedicated to MSG Sphere visitors and staff.
- 10.3 The car parking that is the subject of this application is currently subject to restrictions on use for HS1 passengers and staff. The proposal seeks to change this to permit use of part of the HS1 car park for dedicated use by MSG visitors and staff. In relation to the existing use, restrictions on use for HS1 passengers and staff are not routinely monitored and enforced and it is used to an extent as additional parking for nearby developments. It should also be noted that, due to the conversion of standard parking spaces to larger accessible spaces for Blue Badge users, there will be a reduction in

total spaces available of 58 spaces (348 spaces including 111 Blue Badge replacing the existing 406 standard spaces).

- 10.4 This application raises three key questions. The first is whether the reduction in the spaces available to HS1 compromises the future viability of additional rail services to Stratford International station. The second is whether allocation of dedicated spaces to MSG visitors and staff is appropriate, while the third is whether the loss of these spaces for use by non-HS1 passengers and staff raises concerns.
- 10.5 In relation to current use of the HS1 car park by non HS1 users (excluding spaces allocated to Manhattan Lofts), decisions by the LLDC, ODA and LB Newham to set generally restrictive car parking limits on nearby developments were determined based upon policy to seek to limit car use. Consequently, although it is reported that use by non HS1 car parking users represents the majority of existing use, this is circumventing those policy restrictions. Dedicating the proposed spaces to use by MSG visitors and staff with effective enforcement to restrict other uses would be in line with LLDC Local Plan policy.
- 10.6 The proposal to allocate the spaces to MSG visitors and staff is implicitly supported by HS1 in agreeing to the proposed use by the applicant. It should therefore be assumed that HS1 does not anticipate that the allocation to MSG visitors and staff is either seen to compromise current demand for Stratford International services or the potential for future service enhancements. The forecasts suggest that even with the proposed spaces allocated to MSG visitors and staff there would typically remain some 120-180 spare spaces available in the HS1 car park, providing capacity for increased use by HS1 passengers and staff. In any case, it should be noted that if HS1 were a new proposal it would be unlikely that the level of parking available in the HS1 car park would be supported in policy terms. As a comparison, the HS2 station at Old Oak Common will include no long-term parking and only limited short-term pick-up and drop-off facilities.
- 10.7 Policy T.8 of the LLDC Local Plan seeks to restrict any additional parking for venues other than Blue Badge or operational parking. In this context the provision of the dedicated 111 Blue Badge spaces, even if they were entirely new spaces, is in accordance with Local Plan policy. The estimate of 111 Blue Badge spaces is based upon the number of wheelchair spaces within the MSG Sphere. While this is an appropriate initial basis, there is inevitable uncertainty regarding need since a proportion of Blue Badge users would not require wheelchair spaces. The location of the Blue Badge provision in the HS1 car park creates the opportunity to have an effective and efficient mobility assistance service between the Blue Badge parking and the MSG Sphere. While the ideal might be to provide Blue Badge parking for the MSG Sphere on-site, the HS1 car park together with a high-quality mobility service offers a good alternative.
- 10.8 It is envisaged that the inclusion of standard parking spaces would enable other guests requiring varying degrees of accessibility support to be catered for. The applicant identifies visitors with short-term accessibility requirements, families with young children and elderly people as amongst those potentially requiring accessibility support. It should also be recognised that the estimated requirement for 111 Blue Badge spaces could prove to be an under-estimate and the provision of additional, standard spaces provides the opportunity to convert spaces to enhance the level of Blue Badge spaces available.
- 10.9 In relation to the provision of standard spaces for use by MSG Sphere visitors and staff, the forecasts undertaken as part of the MSG Sphere application (ref. 19/00097/FUL) indicate that these could be accommodated within the Westfield car park (i.e. without having to rely on the HS1 car park at Stratford International). Consequently, in relation to Policy T.8, the issue is not so much one of providing additional car parking spaces but rather of which car park (Westfield or the HS1 car park) MSG visitors and staff would

use and of whether priority should be given to MSG visitors in the use of the existing HS1 car park.

- 10.10 From this perspective, it is not considered that the proposal is in conflict with Policy T.8 and offers a number of potential opportunities. It provides for future flexibility to expand Blue Badge parking provision if this is found to be needed, with an appropriate car park management strategy, including priority booking for those requiring mobility assistance, and it provides an enhanced level of accessibility for those groups needing assistance and which could not realistically be provided from general parking in the Westfield car park. These opportunities are supportive of ensuring visitors requiring mobility assistance are fully supported. There is also support for parking provision to be reduced on existing sites which this application would achieve. The proposals would overall reduce parking spaces in the area which is consistent with the substantive aims of the policy and for these reasons officers are consider that in these circumstances there is no conflict with policy T.8.

11. CONCLUSION

- 11.1 In light of the above, Officers consider the proposal for the change of use of 406 existing car parking spaces on the ground floor, and levels 4, 5 and 6 of the Stratford Internaitonal multi-storey car park from the existing use to use associated with MSG Sphere to be consistent with Local Plan and London Plan policies.
- 11.2 The reduction in spaces available to Stratford International passengers would not compromise the future viability of additional rail services to Stratford International station. The allocation of dedicated spaces to MSG visitors and staff is considered appropriate and would support the MSG Sphere scheme in terms of delivering an acceptable accessibility and mobility plan.
- 11.3 It is recommended that the Planning Decisions Committee resolve to grant planning permission for the development proposed, subject to conditions (set out below)

CONDITIONS:

1. Standard time limit

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. Works in accordance with approved details

The development shall be carried out and retained thereafter in accordance with the following drawings and documents:

Drawing Number	Drawing Name	Rev
M000261-HS1-001	HS1 Car Park Ground Floor Plan	G
M000261-HS1-002	HS1 Car Park 4th Floor Plan	E
M000261-HS1-003	HS1 Car Park 5th Floor Plan	E
M000261-HS1-004	HS1 Car Park 6th Floor Plan	E
M000261-HS1-005	Existing Site Plan	D
M000261-HS1-006	Existing Ground Floor Plan	C
M000261-HS1-007	Existing 4th Floor Plan	C
M000261-HS1-008	Existing 5th Floor Plan	C
M000261-HS1-009	Existing 6th Floor Plan	C

Reason: To ensure that the development is undertaken in accordance with the approved details.

3. Notice of Commencement

Prior to commencement of the development, written notice of intention to commence the development shall be given to the Local Planning Authority. The notice required by this Condition shall only be given in circumstances where there is a genuine prospect of development being commenced within 28 days of the notice, and the notice shall confirm and provide evidence that this is the case.

Reason: To ensure the Local Planning Authority is aware of when the change of use has come into effect.

4. Secured by Design – Car Park Mark

Prior to the first use of the application site in association with the MSG Sphere venue (application ref. 19/00097/FUL), a letter from Metropolitan Police Designing Out Crime Office or British Parking Association (BPA) stating that appropriate 'Park Mark' scheme crime prevention measures, maintenance and security provisions are in place shall be submitted to and approved by the Local Planning Authority, in consultation with The Metropolitan Police.

Thereafter, the application site is to be regularly reviewed in accordance with achieving full compliance with the Park Mark scheme, for as long as the site is or likely to be used in association with 'The Sphere' or associated Venues.

The development shall be completed and operated only in accordance with the approved details.

Reason: In order to deter crime and to ensure the safety of the users of the car park in accordance with policies T.4 and T.8 of the LLDC Local Plan (2020).

5. Restriction on use by MSG guests only

The use of the car parking spaces shown on the approved drawings shall be for the parking of vehicles used by visitors attending or working at MSG Sphere venues (as approved by ref. 19/00097/FUL) and for no other purpose.

The use shall not commence until the MSG Sphere is operational.

Reason: To ensure that the car parking spaces associated with the MSG Sphere development are retained, used and made available for MSG visitors only.

6. Minimum Blue Badge provision

A minimum of 111 Blue Badge car parking spaces shall be made available at all times the Main Venue is open to the public for use by visitors and retained for the lifetime of the development.

Reason: To ensure the MSG Sphere development (ref. 19/00097/FUL) is delivered in accordance with the minimum blue badge parking requirements and London Plan (2021) Policy T6.5 (Non-residential disabled persons parking).

7. Car Park Management Plan

Prior to the first operation of the MSG Sphere development (ref. 19/00097/FUL), a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should describe how parking will be distributed and managed on the site, how visitors with mobility requirements will be prioritised and include details of the provision, management and access to electric vehicle charging points.

The development shall be operated in accordance with the approved Car Park Management Plan.

Reason: To ensure suitable arrangements for car parking in support of the MSG Sphere development (ref. 19/00097/FUL) provide a high level of access, EV charging points and prioritise visitors with mobility requirements and are delivered and maintained in accordance with Development Plan policies.