

# Hackney Marshes (North Marsh and East Marsh)

in the London Borough of Hackney

planning application no. 2014/2582

## Strategic planning application stage II referral

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

## The proposal

Demolition of existing North Marsh changing room building and the erection of a single storey pavilion building to provide changing and associated facilities, provision of cricket nets, associated car parking and landscaping at North Marsh and the reinstatement of a car park at East Marsh.

## The applicant

The applicant is **Hackney Council**, the architect is **Studio E** and the agent is **Firstplan**.

## Strategic issues

Issues with respect to **Metropolitan Open Land, urban design, transport, and climate change** have been satisfactorily addressed since Stage One. The proposal is supported in strategic planning terms.

## The Council's decision

In this instance, Hackney Council has resolved to grant permission, subject to conditions.

## Recommendation

That Hackney Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal.

## Context

1 On 9 September 2014, the Mayor of London received documents from Hackney Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 3D of the Schedule to the Order 2008:

- 3D "1. Development—(a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and (b) which would involve the construction of a building with

*a floorspace of more than 1,000 square metres or a material change in the use of such a building.”*

2 On 22 October 2014, the Mayor considered planning report D&P/2161c/01, and subsequently advised Hackney Council that whilst the application was broadly acceptable in strategic planning terms, on balance, the application did not yet comply with the London Plan for the reasons set out in paragraph 70 of that report.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised and further information provided (see below). On 3 June 2015, Hackney Council decided that it was minded to grant permission, subject to conditions, for the revised application, and on 11 June 2015 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008, the Mayor may allow the draft decision to proceed unchanged or direct the Council under Article 6 to refuse the application. The Mayor has until 24 June 2015 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA's website [www.london.gov.uk](http://www.london.gov.uk).

## Update

5 At the consultation stage, Hackney Council was advised that whilst the application was broadly acceptable in strategic planning terms, on balance, the application did not yet comply with the London Plan for the reasons set out in paragraph 70 of that report:

- **Metropolitan Open Land and urban design:** The location and design of the proposed North Marsh building and car park has been justified and is generally acceptable; however the applicant should reconsider the proposed brick colour. The location and design of the East Marsh car park is generally acceptable; however the applicant should consider further measures to reduce the proposals' impact on the MOL.
- **Transport:** The applicant has agreed to adopt additional travel plan targets, including a commitment to progressively reduce the number of car parking spaces over a period of three years; however, the applicant should provide further details to demonstrate how the reduction in car parking spaces will be practically implemented and the Council should provide further detail on how this will be secured. The split between active and passive electrical vehicle charging points and the method of securing the Travel Plan has yet to be agreed. Otherwise, the proposals meet the requirements of London Plan transport policies.
- **Climate change:** The proposals comply with London Plan policies on climate change; however discussions are continuing with the GLAs air quality team.

6 Since then, the application has been revised and further information provided as set out below.

## Metropolitan Open Land and urban design

7 At Stage One, the design of the North Marsh building and its impact on the Metropolitan Open Land was considered to be acceptable; however, a reconsideration of the use of a light cream coloured brick was suggested to further reduce the impact of the building.

8 Hackney's design review panel and design officer were also critical of the elevations, and consequently the applicant has revised the proposals. Three contrasting horizontal bands of brickwork have been introduced, the top two pixilated and incorporating windows. The bands

are broken into lengths of varying extent reflecting the plan layout behind. This, together with new trees and low shrub planting, will create a softer transition from the landscape to the building. To ensure a high standard, a condition is attached requiring details and samples on the finishes and colours of the facade. This is welcomed; however the Council should ensure that this minimises the impact of the building on the Metropolitan Open Land.

9 It was also suggested that the applicant should consider if further measures were possible to reduce the East Marsh car park impact on the Metropolitan Open Land. However, the car park, which is currently in situ, is barely visible when approaching from the Marshes, due to the existing levels. The edge of the car park will be retained by a wooden railway sleeper and wrapped with a natural soil/grass bund to visually screen the car park. Any visibility will be further reduced by new trees and shrubs to be planted along its periphery. It is therefore considered that the proposals do not compromise the openness of the Metropolitan Open Land.

## **Transport**

10 At Stage One, the provision of car parking was requested to be progressively reduced in line with travel plan targets over the 5 year life of the plan. This has been accepted by the applicant and is secured by condition through the travel plan. A commitment to provide 5 active electric vehicle charging points (EVCPs) and 14 passive EVCPs has also been secured by condition. The provision of coach, minibus and cycle parking is in conformity with the London Plan. All matters have been resolved and therefore the scheme is now in conformity with London Plan transport policies.

## **Climate change**

11 At Stage One, it was noted that the carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan and that the applicant is proposing to install a biofuel boiler to serve the building. This fuel is already being used to heat the Hackney Marshes Centre and the same fuel supply will be used. The proposal is acceptable in terms of air quality impacts.

## **Response to consultation**

12 The Environment Agency made no objection, subject to suitable conditions.

13 Natural England made no objection.

14 Sport England made no objection and expressed strong support for the proposals.

15 Lee Valley Regional Park Authority responded to state that the proposed northern pavilion and car park at East Marsh will result in an unacceptable incursion into the landscape of the Marshes resulting in a loss of its open quality; with insufficient details in the application concerning the landscaping required to mitigate the adverse impact on the openness of the Marshes.

16 Thames Water made no objection subject to suitable informatives.

17 Hackney Marsh Users Group objected to the proposal due to the loss of Metropolitan Open Land green space, landscape quality and public amenity which is not justified by the reasons advanced. It would support a new northern pavilion if built on the existing footprint.

18 Hackney Council publicised the applications by sending notifications to 677 neighbouring properties, as well as issuing site and press notices. The Council received 679 letters of objection (including petitions) and 1,314 letters of support. The grounds for objection included:

- Car parking – excessive provision; will encourage car use and discourage public transport, walking and cycling; contrary to MOL policy; visually intrusive to landscape; coach parking

unnecessary; no demand for disabled parking; increased air pollution; danger of illegal vehicle access and fly-tipping; vehicles will come into conflict with cyclists and pedestrians; unnecessary to have a general drop off area adjacent to the building, as visitors without mobility difficulties can be dropped in Millfields Road.

- North Marsh Pavilion - size and location of the pavilion will obstruct the openness of the views across Hackney Marsh; inefficient design with large areas given to non-essential uses; elongated design and pale colour of the pavilion will make it highly visible; should be two storeys and located on the current site, which would enable more parking; no social space should be provided; existing building is stylish and should not be demolished.
- Object to loss of open accessible Common Land (an application for Common Land Consent has been submitted to the Planning Inspector. Impacts to Common Land do not form part of the assessment of this planning application).
- Loss of green space.
- Loss of tree.
- Detrimental impact on wildlife.
- Drainage issues.
- The pre-consultation was inadequate as only presented respondents with two options, which entailed building on green space and constructing oversized car parks.

19 Letters of support included the following comments:

- Car parking - needed for parents who bring their children to training sessions and matches – not always possible to use public transport; current provision is too small; there has to be parking for the kit required.
- North Marsh Pavilion - design will provide the best resource for the cricket, rugby and football teams that train and play matches on the Marshes; existing building is derelict, a safety hazard and not fit for purpose; the proposal provides somewhere safe, clean and accessible; current facilities not suitable for mixed gender or mixed sports; located in most sensible place, away from the SINC.
- Sport - will draw more young people to sport and encourage healthy active lifestyles; will safeguard and guarantee the future of sport on the Marshes; Hackney Marshes designation as the home of grassroots football will be in jeopardy if new appropriate facilities are not provided; local sports clubs may not be able to continue to function unless new facilities are provided; the proposal will provide a huge boost to sport in Hackney; the provision of cricket nets is vital for training and are very much needed.
- The new building represents a significant improvement in the landscape; sympathetic to the Marshes.

20 Issues raised by objectors have been considered in this report, the Mayor's Stage One report, and the Council's committee report of 3 June 2015.

## **Legal considerations**

21 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice.

## Financial considerations

22 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.

23 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

## Conclusion

24 The matters raised at consultation stage, namely those relating to Metropolitan Open Land, urban design, transport, and climate change have been satisfactorily addressed. The proposal is supported in strategic planning terms.

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

**Colin Wilson, Senior Manager – Development & Projects**

020 7983 4783 email [colin.wilson@london.gov.uk](mailto:colin.wilson@london.gov.uk)

**Justin Carr, Strategic Planning Manager (Development Decisions)**

020 7983 4895 email [justin.carr@london.gov.uk](mailto:justin.carr@london.gov.uk)

**Martin Jones, Case Officer**

020 7983 6567 email [martin.jones@london.gov.uk](mailto:martin.jones@london.gov.uk)

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# Hackney Marshes (North Marsh and East Marsh)

in the London Borough of Hackney

planning application no. 2014/2582

## Strategic planning application stage 1 referral

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

## The proposal

Demolition of existing North Marsh changing room building and the erection of a single storey pavilion building to provide changing and associated facilities, provision of cricket nets, associated car parking and landscaping at North Marsh and the reinstatement of a car park at East Marsh.

## The applicant

The applicant is **Hackney Council**, the architect is **Studio E** and the agent is **Firstplan**.

## Strategic issues

Strategic issues with respect to **sports and recreation, Metropolitan Open Land, biodiversity, urban design, inclusive design, transport** and **climate change** are relevant to this application. Issues with respect to Metropolitan Open Land, urban design, transport and climate change should be addressed before the application is referred back to the Mayor at his decision making stage.

## Recommendation

That Hackney Council, be advised that whilst the application is broadly acceptable in strategic planning terms, on balance, the application does not yet comply with the London Plan for the reasons set out in paragraph 70 of this report. The application does not need to be referred back to the Mayor if the Council resolves to refuse permission, but it must be referred back if the Council resolves to grant permission.

## Context

1 On 9 September 2014, the Mayor of London received documents from Hackney Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor has to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 3D of the Schedule to the Order 2008:

- *3D “1. Development—(a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and (b) which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.”*

3 Once Hackney Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision, as to whether to direct refusal or allow the Council to determine it itself, unless otherwise advised. In this instance, if the Council resolves to refuse permission it need not refer the application back to the Mayor.

4 The Mayor of London’s statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## **Site description**

5 Hackney Marshes are a large area of open recreational land with the greatest concentration of football pitches in Europe, used by local leagues, clubs and schools. The site is within an area of Metropolitan Open Land (MOL). It also forms an area of Common Land and as such will be subject to Common Land Consent, administered by the Planning Inspectorate.

6 Hackney Marshes are bordered by the River Lea and the Temple Mills Depot to the north and east, the B112 Homerton Road to the south and the Lea Navigation to the west. The nearest part of the Transport for London Road Network (TLRN) is the A12 at the Lea Interchange, approximately 50 metres to the south and the nearest Strategic Road Network (SRN) is the A104 Lea Bridge, 1.4 kilometres from North Marsh. North Marsh can be accessed using the 242 and 308 bus services and East Marsh using the W15. The public transport accessibility level (PTAL) ranges from 1-2, where 1 is very poor and 6 is excellent.

7 The proposals include a site at North Marsh and another at East Marsh.

### North Marsh

8 The North Marsh site currently comprises an existing 1,049 sq.m. single storey changing room facility, which is dilapidated and does not meet England and Wales Cricket Board or Football Foundation standards. Adjacent to the building, to the east, is a hard surfaced car park with 54 spaces. To the south-west of the building is the River Lea Navigation and a site of importance for nature conservation (SINC). Trees and shrubs encircle the building on the west, south and east sides, including a line of Poplars to the east; with open views towards the cricket show pitch and playing fields to the north. Access to the facility is over the Lea Navigation via Cow Bridge, which connects to Mandeville Street across the Lea. More widely, the North Marsh playing fields are set out with cricket, rugby and football pitches.

### East Marsh

9 Until recently, the whole of East Marsh comprised a hard surfaced area laid out as a car/coach park for the 2012 Olympics. Prior to this it was laid out as football pitches, changing facilities and a 143 space car park. The majority of East Marsh has now been re-turfed to return it to its pre-Olympics state, comprising Common Land with eleven adult football pitches, while the application site, at the far east of the Marsh, has been left as hard surfacing for the car park

(2,746 sq.m.). A landscaped area lies to the east of the car park site, planted with trees and shrubs. The River Lea and a SINC lies to the west of East Marsh.

## **Details of the proposal**

### North Marsh

10 The application proposes the demolition of the existing North Marsh changing rooms and the erection of a single storey pavilion building of 1,262 sq.m. (GIA) to the east of the present site, providing changing and associated facilities. Sixteen team changing rooms will be provided to meet Football Foundation standards, including six that also meet England and Wales Cricket Board standards. There will also be a kitchen, WCs, stores and a social/viewing area. Only on completion of the new building will the existing changing room building be demolished, providing a constant facility for the public whilst the works are taking place.

11 Four practice cricket nets will be provided to the south of the proposed building. A replacement car park will be provided to the west of the proposed building, with 60 standard spaces, eight blue badge spaces, and space for five mini-buses, five coaches and 26 bicycles. The car park will be constructed predominantly with permeable materials, including cellular reinforced grass, with some tree and shrub planting.

12 One Poplar tree will be removed to enable the new building to be accessed. A new shrub and tree belt is proposed as an extension to the SINC, which is intended to screen the new building when viewed across the playing fields.

### East Marsh

13 Permission is sought for the reinstated East Marsh car park (approximately 2,746 sq.m.) in the eastern corner of the East Marsh. The car park is intended to complement the existing Hackney Marshes Centre car park (184 spaces) and the proposed North Marsh car park, acting as a satellite parking facility. The car park includes 53 standard spaces and four blue badge spaces, with space for five mini buses and thirty bicycles. It is constructed from permeable hard paving, delineated by wooden railway sleepers, and wrapped with a natural soil/grass bund, apart from an area with drop-down bollards for emergency access. Vehicular access to the sunken car park will be via a junction with Eastway (A106). The car park will only be accessible when booked by customers using the East Marsh facilities, with access barriers remaining locked at all other times.

## **Case history**

14 There have been a number of planning permissions relating to Hackney Marshes in recent years, including consents relating to the Olympic and Paralympic Games and Legacy Transformation and consents relating to the 'Remaking the Marshes' programme.

### North and South Marsh

15 Planning permission was granted in July 2008 for new facilities at Hackney Marshes (North and South) and Mabley Green (LPA ref: 2008/0294). The application included a replacement changing room building at North Marsh with a footprint of 1,447 sq.m. and provision for approximately 200 car parking spaces. The Mabley Green element of this provision has been implemented, therefore the permission is extant; however the North Marsh changing room building was not realised.

16 Planning permission was granted in August 2009 for a part one, part two storey building at South Marsh to provide changing room facilities with associated cafe, office and education room and associated car parking and landscaping (LPA ref: 2009/1052). This consent has been built out and is known as the Hackney Marshes Centre.

17 Planning permission was granted in April 2011 for refurbishment of the existing road bridge and creation of an adjacent pedestrian bridge at North Marsh (LPA ref: 2010/2392). This consent has been built out and the bridge, known as Cow Bridge, forms the access into the North Marsh application site.

18 On 8 July 2013, a pre-application meeting was held at City Hall for a planning application for the demolition of the existing North Marsh changing rooms and the erection of a single storey building to comprise cricket pavilion and changing rooms, with ancillary works including cricket nets and car parking. The GLA's Pre-application Advice Report of 26 July 2013 concluded that the principle of the proposal was supported; however concerns were raised in relation to biodiversity, urban design, inclusive access, sustainable development, and transport.

### East Marsh

19 Planning permission was granted on 28 September 2007 for The Olympic and Legacy Transformation Planning Application (LPA ref: 07/90010/OU DMA) for development in connection with the 2012 Olympic Games and Paralympic Games and Legacy Transformation. This application intended for East Marsh to provide a temporary coach drop-off facility and disabled parking during the Olympic and Paralympic Games. The Olympic Delivery Authority (ODA) then granted planning permission (LPA ref: 09/90359/REMODA and 09/90360/REMODA) in February 2010 for a footbridge on the site of the existing East Marsh car park and part of East Marsh was used for stockpiling of fill associated with the construction of the footbridge. This resulted in the existing car park that served East Marsh becoming unavailable and on 28 August 2010 the ODA granted planning permission (LPA ref: 10/90257/FULODA) for construction of a temporary car park on East Marsh.

20 In May 2013, a planning application was submitted for the reinstatement of the football pitches and a car park on East Marsh to include provision for 60 car spaces (LPA ref: 2013/1788). This application was withdrawn so that the car parking provision for the Marshes could be considered comprehensively as part of the current larger planning application.

## **Strategic planning issues and relevant policies and guidance**

21 The relevant issues and corresponding policies are as follows:

- Sports facilities *London Plan; Social Infrastructure draft SPG*
- Metropolitan Open Land *London Plan*
- Biodiversity *London Plan; the Mayor's Biodiversity Strategy*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG*
- Inclusive design *London Plan; Shaping Neighbourhoods: Accessible London: Achieving an Inclusive Environment SPG*
- Transport *London Plan; the Mayor's Transport Strategy*
- Crossrail *London Plan; Mayoral Community Infrastructure Levy; Crossrail SPG*
- Parking *London Plan; the Mayor's Transport Strategy*

- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change Mitigation and Energy Strategy; Mayor's Water Strategy*

22 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Hackney Core Strategy (2010), saved policies in the Hackney Unitary Development Plan Adopted (1995) and the 2011 London Plan (with 2013 Alterations).

23 The following are also relevant material considerations:

- The National Planning Policy Framework and accompanying Planning Practice Guidance.
- The draft Further Alterations to the London Plan (2014).

## **Principle of development**

### Sports and recreation

24 London Plan Policy 3.19 'Sports Facilities' supports development proposals that increase or enhance the provision of sports and recreation facilities; however it also states that they will need to be considered carefully in light of policies on the Green Belt, and therefore on MOL. Furthermore, it resists proposals that result in a net loss of sports and recreation facilities.

25 The applicant states that the existing North Marsh changing rooms are outdated, poorly maintained, prone to vandalism, and do not meet Sport England, England and Wales Cricket Board (ECB) or Football Foundation requirements. There is a clear need to update the facilities and the provision of new and much improved facilities is therefore supported.

26 The provision of car parking facilities at both North Marsh and East Marsh can be considered ancillary to the recreational use of the Marshes and is therefore acceptable in principle; subject to further requirements as discussed under 'transport' below.

## **Metropolitan Open Land**

27 The North Marsh site is within an area of Metropolitan Open Land (MOL) as identified in Hackney's Core Strategy (2010). London Plan Policy 7.17 states that MOL should be afforded the same level of protection as the Green Belt and that inappropriate development should be refused except in very special circumstances. Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt (and therefore Metropolitan Open Land), with a stated list of exceptions, including "*provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*". According to this definition, the building and car parks would be of an appropriate type of facility; they do not conflict with the purpose of including the land within MOL for sports and recreation purposes; and they will contribute to the land's designation as MOL by enhancing its use for sports and recreation. However, some consideration should also be given to the appropriateness of the *size* of the facilities, as well as their *location* and *design*, as this will affect the openness of the MOL.

### Size of facilities

28 The proposed 1,262 sq.m. North Marsh building is slightly larger than the existing 1,049 sq.m. building; however the applicant states that enhanced provision is required to meet current standards and has provided a full schedule of the uses within the building, which demonstrates

that these have been optimised during design development, with floorspace reductions where possible. A social space and bar is included, of approximately 90 sq.m., which will encourage opportunities for social interaction, which is acceptable. Neither the overall size of the building, nor the facilities it provides, are considered to be excessive and GLA officers are content that these are appropriate.

29 Concerning the size of the car parking, the applicant has demonstrated that there has been a considerable reduction in car parking spaces since 2008, with East Marsh reducing from 143 to the proposed 57, and North Marsh reducing from 240 to 68. It is recognised that there is a slight increase in the current level of parking at North Marsh, from 54 spaces to 68; however this is considered to be reasonable in the short term due to the enhancement of facilities. As discussed under 'Transport' below, the overall level of car parking is considered to be acceptable, subject to a commitment by the applicant to progressively reduce the number of car parking spaces over a period of three years, and further details to demonstrate how the reduction in car parking spaces will be practically implemented and secured.

#### Location and design – North Marsh

30 During pre-application discussions with GLA and Council planning officers, several options for the location of the new North Marsh building were discussed. In particular, these discussions focussed on the option of a replacement facility on the site of the current building and car park, which is encircled by trees apart from an open outlook to the north. This area amounts to a developable area of 2,864 sq.m. taking account of tree root protection zones, SINC boundaries and mains services. The applicant has demonstrated that the area available for a single storey building is insufficient to meet the facility floorspace (requiring 1,395 sq.m. of land) together with other requirements, including building access, vehicular access, and disabled parking (requiring 1,649 sq.m. of land). Although this leaves a shortage of only 180 sq.m. of developable land, as stated above the applicant has demonstrated that the floorspace of the building has been reduced where possible during design development.

31 Locating the proposed building on the site of the current building/car park would also require the new car park to be located to the east, beyond the line of Poplars. This option would also require temporary changing room accommodation to be constructed. A two storey building was also considered; however this would have a significantly greater impact on the openness of the Marshes and it would be appropriate in terms of access and practical operation. The application materials fully detail the various options that have been considered by the applicant. GLA officers accept that the required facilities cannot be located on the site of the current building.

32 Consequently, the North Marsh building is proposed to the east of the existing line of Poplars. The north end of the building incorporates a social space, with views and access onto the show cricket pitch to the north, for spectators and players. The need for this connectivity to the show pitch has influenced the building's northern extent; however the rest of the building runs southwards, back along the western edge of the Marsh, taking into account existing tree root protection zones and the SINC area. The cricket nets are located to the south of the proposed building. The applicant has provided a landscape visual impact assessment, which illustrates a series of views on completion of the building and fifteen years later. Setting the new building against the mature Poplars will mean that the building is not silhouetted against the skyline and a new belt of screening trees and shrubs will be established to the east of the new building. Upon completion, the screening effect of this planting will be limited; however as the planting matures, the screening effect will increase, which will reduce the visual impact of the low-lying building on the openness of the Marshes. The visual impact of the building will also be moderated by planting bays spaced along the elevations of the building and by a brown roof, which will cover approximately half of the roof area. However, the visualisations indicate that the use of a light cream coloured brick does give some prominence to the building. The applicant should provide

further justification for this brick colour or consider a colour that would further reduce the impact of the building.

33 It is also noted that the existing building is partially two storey, so its replacement with a single storey building will be beneficial to the openness of the Marsh in this respect.

34 The majority of the North Marsh car park will be surfaced with a cellular reinforced grass system, with some tree and shrub planting, which will reduce its impact on the openness of the MOL when not in use, particularly in comparison to the existing car park.

35 To summarise, the location and design of the North Marsh proposals will have some impact on the openness of the MOL, mainly due to the siting of the building to the east of the line of Poplars. However, GLA officers consider that this impact is very limited considering the extent of the MOL, the location of the proposal on the western edge of the MOL, and the design of the proposals. Overall, the openness of the MOL will be preserved, and clearly the proposal does not conflict with the purposes of including the land within MOL.

#### Location and design – East Marsh

36 The East Marsh car park site is located to the eastern edge of the Marsh, against a landscaped area with trees and shrub planting. The 57 space car park is intended to replace a 143 space car park that existed on East Marsh prior to the use of the site for parking associated with the 2012 Olympics. The applicant states that the car park will provide easier access to East Marsh for sports and recreation purposes, including disabled parking and cycle parking; ease congestion at the existing Hackney Marshes Centre car park (184 spaces); and provide access to the pitches for emergency vehicles.

37 Clearly, the reinstatement of the playing fields on the majority of East Marsh, while retaining only a small part for the new car park, will improve the openness of the MOL. The location of the car park on the eastern edge of the Marsh, surrounded by a soil/grass bund, will also minimise its impact on the openness of the MOL. The use of a cellular reinforced grass system, as proposed for the North Marsh car park, and tree and shrub planting around and within the car park would also help to integrate it with the tree and shrub planted area to the east, further reducing its impact, particularly when cars are present. It is recognised that the car park surface is already in place as it is making use of the pre-existing surface for the Olympics car park; however the applicant should consider if further measures are possible to reduce the proposals' impact on the MOL.

### **Biodiversity**

38 London Plan Policy 7.19 'Biodiversity and Access to Nature' provides a hierarchy of protection that should be applied when considering proposals that affect SINC and Policy 7.21 'Trees and Woodlands' seeks to retain trees and plant additional trees where appropriate.

39 The applicant has provided an Ecology Report, which identifies that part of the Lea Valley Metropolitan SINC lies within the North Marsh site. The proposals have been designed so that the only works within this designation are the provision of a footpath between existing trees. The proposals also include sensitive new planting that complements the surrounding landscape and native-species planting of Lea Valley SINC. The Ecology Report includes recommendations to mitigate any potential impacts on protected species, which should be secured by condition.

40 The proposal retains all existing trees on the North Marsh site, with the exception of one Poplar, which will be removed in order to allow access to the proposed building for emergency and delivery vehicles. The applicant has provided an Arboriculture Report, which states that the loss of

this tree in a wooded area is rated as a low impact, with no significant effect on the visual character of the local area, and that the proposed planting will amply mitigate the loss. An additional 28 trees will be planted.

41 The proposals at East Marsh will have no impact on biodiversity since the site is currently laid out as a car park.

42 GLA officers are content that the proposals will have a minimal impact on biodiversity and the mitigation and enhancement measures proposed are acceptable. The proposals therefore comply with London Plan Policies 7.19 and 7.21.

## **Urban design**

43 London Plan Policy 7.5 'Public Realm' seeks the highest quality public realm. At pre-application stage, concerns were raised about the treatment of the new North Marsh car park, as it was felt that it should be designed to act as an extension to the surrounding green space when not in use. As discussed above, the introduction of a cellular reinforced grass system to the majority of the parking area, together with tree and shrub planting, will help to mediate the car park with the SINC and the open playing fields. This approach provides a more sensitive treatment of the car park area and is welcomed.

44 London Plan Policy 7.6 'Architecture' seeks the highest architectural quality and Policy 7.3 'Designing out crime' encourages appropriate material and design responses in response to safety and security issues. At pre-application stage, some concerns were expressed at the meeting about the danger of vandalism on the isolated North Marsh site, with limited hours of use during the week. In response, the application includes anti-vandalism measures for the new North Marsh building, such as materials that reduce the impact of graffiti, deter it, and allow its easy removal; anti-vandalism coatings; protective planting; and security, including 24 hour alarm monitoring and CCTV. These responses are welcomed; however the applicant should consider amending the brick colour suggested above is also likely to be beneficial in terms of deterring graffiti and vandalism.

## **Inclusive design**

45 The aim of London Plan Policy 7.2 'An Inclusive Environment' is to ensure that proposals achieve the highest standards of accessibility and inclusion, not just the minimum. The design of the landscaping and the public realm is crucial to how inclusive the development is for many people.

46 The applicant states that an aspiration has been to develop and enhance access to the Marsh for the wider community, with special attention to disabled people, older people, parents with small children, teenagers and female users, whilst conserving the established principle of recreational and sports use.

47 The proposed North Marsh building is single storey without steps or ramps, with minimal falls away from the building (1:60 to 1:40), to allow for rainwater drainage and allowing for an accessible approach to all entries and exits. The newly refurbished Cow Bridge incorporates a separate, less steep, pedestrian bridge, accessible via both ramps and steps. The car park includes a drop off point within fifty metres of the entrance to the building and eight blue badge parking spaces are located closest to the building entrance. All surface finishes are suitable for wheelchair users and the internal layouts meet inclusive design requirements. The entrance is also located within visual sight of the car park and from Cow Bridge. The pedestrian approach to the building is separated from vehicular traffic.

48 The East Marsh car park proposal site is predominantly flat and the four blue badge bays are located adjacent to the East Marsh show pitch, accessed via a dropped kerb.

49 The proposals fully meet the requirements of Policy 7.2.

## **Transport**

50 The applicant proposes 113 standard car parking spaces across East Marsh and North Marsh, plus a 10% provision of Blue Badge parking (12 spaces). Initially, TfL requested additional information regarding Blue Badge and coach parking, and a reduction in the number of car parking spaces. Since then, the applicant has agreed to adopt additional travel plan targets, including a commitment to progressively reduce the number of car parking spaces, in line with mode share targets, over a period of three years. This is considered reasonable, in accordance with London Plan Policy 6.13 'Parking', as the London Plan does not specify maximum car parking standards for playing fields. However, the applicant should provide further details to demonstrate how the reduction in car parking spaces will be practically implemented and the Council should provide further detail on how this will be secured.

51 Furthermore, the applicant has confirmed that at least 20% of the spaces will have electrical vehicle charging points (EVCPs); however, the split between active and passive has yet to be agreed.

52 The applicant proposes five coach and five minibus spaces at North Marsh and five minibus spaces at East Marsh, which is acceptable.

53 The site will have 56 cycle spaces, also split between North Marsh and East Marsh. TfL considers the provision and their location acceptable and in accordance with London Plan Policy 6.9 'Cycling'.

54 The Travel Plan was assessed using ATTrBuTe and passed. TfL therefore supports its content but the final method of securing it will need to be agreed.

### Community infrastructure levy

55 The Mayor has introduced a London-wide community infrastructure levy (CIL) to help implement the London Plan, particularly Policies 6.5 and 8.3. The Mayoral CIL will be paid on commencement of most new development in Greater London granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail.

56 The Mayor has arranged boroughs into three charging bands. The rate for the Hackney is £35 per sq.m. The required CIL should be confirmed by the applicant and Hackney Council once the components of the development, or phases thereof, have themselves been finalised. Further details can be found at: <http://www.london.gov.uk/publication/mayoral-community-infrastructure-levy> .

57 The applicant should note that London borough councils are also able to introduce CIL charges, which are payable in addition to the Mayor's CIL. Hackney has yet to adopt a CIL, but the Council has consulted on a draft charging schedule. Further details are available on Hackney's website.

## **Climate change**

### Energy strategy

58 A range of passive design features and demand reduction measures are proposed for the North Marsh changing room building in order to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy lighting and controls.

59 The development is estimated to achieve a reduction of 7 tonnes per annum (5%) in regulated CO<sub>2</sub> emissions compared to a 2010 Building Regulations compliant development, for this first stage of the energy hierarchy ('Be Lean').

60 The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development.

61 The applicant is proposing to serve the building via a communal heating system served by a single plant room, which is acceptable in this instance.

62 The applicant has investigated the feasibility of Combined Heat and Power (CHP); however due to the intermittent nature of the heat load, CHP is not proposed, which is accepted in this instance.

63 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install a biofuel boiler to serve the building. This fuel is already being used to heat the Hackney Marshes Centre and the same fuel supply will be used. The applicant has provided some information on air quality impacts and discussions are ongoing with the GLA air quality team.

64 A reduction in regulated CO<sub>2</sub> emissions of 104 tonnes per annum (75%) will be achieved through this third element of the energy hierarchy ('Be Green').

65 Based on the energy assessment submitted, a reduction of 111 tonnes of CO<sub>2</sub> per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected, equivalent to an overall saving of 77%. The carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan.

### Climate change adaptation

66 London Plan Policies 5.9 to 5.15 state the requirements in relation to climate change adaptation. The inclusion of a brown roof, plant covered walls, permeable surfacing, and extensive areas of new planting is welcomed in line with these policies. In line with Policy 5.12 and the NPPF a site specific flood risk assessment has been provided for both North Marsh and East Marsh. This demonstrates that the proposals are water compatible land uses that will not increase the probability of flood risk. The proposals meet the requirements of London Plan policy in these respects.

## **Local planning authority's position**

67 The local planning authority's position has not yet been decided.

## Legal considerations

68 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged or direct the Council under Article 6 of the Order to refuse the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

## Financial considerations

69 There are no financial considerations at this stage.

## Conclusion

70 London Plan policies on sports and recreation facilities, Metropolitan Open Land, biodiversity, urban design, inclusive design, transport and climate change are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Sports and recreation:** The principle of improved sports and recreation facilities and ancillary car parking is acceptable in strategic planning terms.
- **Metropolitan Open Land:** The proposals are of an appropriate type of facilitate within MOL as defined by the NPPF and the London Plan; they do not conflict with the purpose of including the land within MOL for sports and recreation purposes; and they will contribute to the land's designation as MOL by enhancing its use for sports and recreation. The size of the proposed North Marsh building is appropriate. The amount of car parking at North Marsh and East Marsh is considered to be acceptable, subject to commitments as stated under 'transport' below. The location and design of the proposed North Marsh building and car park has been justified and is generally acceptable; however the applicant should reconsider the proposed brick colour. The location and design of the East Marsh car park is generally acceptable; however the applicant should consider further measures to reduce the proposals' impact on the MOL.
- **Biodiversity:** The proposals comply with London Plan Policies 7.19 and 7.21.
- **Urban design:** The proposals are generally acceptable; however the applicant should reconsider the proposed brick colour for the North Marsh building.
- **Inclusive design:** The proposals fully meet the requirements of Policy 7.2.
- **Transport:** The applicant has agreed to adopt additional travel plan targets, including a commitment to progressively reduce the number of car parking spaces over a period of three years; however, the applicant should provide further details to demonstrate how the reduction in car parking spaces will be practically implemented and the Council should provide further detail on how this will be secured. The split between active and passive electrical vehicle charging points and the method of securing the Travel Plan has yet to be agreed. Otherwise, the proposals meet the requirements of London Plan transport policies.
- **Climate change:** The proposals comply with London Plan policies on climate change; however discussions are continuing with the GLAs air quality team.

71 Whilst the application is broadly acceptable in strategic planning terms, on balance, the application does not yet comply with the London Plan.

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

**Colin Wilson, Senior Manager – Development & Projects**

020 7983 4783 email [colin.wilson@london.gov.uk](mailto:colin.wilson@london.gov.uk)

**Justin Carr, Strategic Planning Manager (Development Decisions)**

020 7983 4895 email [justin.carr@london.gov.uk](mailto:justin.carr@london.gov.uk)

**Martin Jones, Case Officer**

020 7983 6567 email [martin.jones@london.gov.uk](mailto:martin.jones@london.gov.uk)

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