Strategic planning application stage 1 referral (new powers)


The proposal

This application proposes a temporary events facility on the Marble Arch traffic islands to promote the 2014 Russian Winter Olympics. The facility would be operational from May 2012 to October 2012. It includes an ice-rink arena with seating for up to 725 spectators, an arts and culture pavilion and linked hospitality pavilion with a bridge link over Tyburn Way.

The applicant

The applicant is the Sochi 2014 Organising Committee for the 2014 Winter Olympics, and the architect is Eventica.

Strategic issues

The application site is located on Metropolitan Open Land (MOL). The proposal is for a temporary (5 month) facility. One of the main issues is whether ‘inappropriate development’ on MOL for purposes of a temporary facility for the duration of the Olympics is acceptable in strategic planning policy terms; whether ‘very special circumstances’ have been identified; and whether the new development would harm the open character of the MOL.

In addition, there are significant transport concerns that have not been addressed and may be very difficult to resolve. The design of the proposed building is broadly acceptable, however, it does raise some specific design concerns. The proposal does not raise any energy concerns.

Recommendation

That Westminster City Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 80 of this report; but that the possible remedies set out in paragraph 82 of this report could address these deficiencies. Please note that the transport concerns are so serious that it may not be possible to bring the application into compliance with London Plan policy.

Context

1 On 15 July 2011 the Mayor of London received documents from Westminster City 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 until 25 August 2011 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:
   • “Development 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 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 Westminster City 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 Westminster City 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.

Site description

5 The site is located at the junction of Park Lane and Bayswater at the corner of Hyde Park. It is comprised of two traffic islands. The site is 0.99 hectares in size and is bisected by Tyburn Way which north-south through the site. The eastern traffic island is 0.37 hectares and the western island is 0.50 hectares. The two traffic islands currently operate as public open space and as a crossing point from Oxford Street to Hyde Park.

6 The site is part of Royal Parks Conservation Area and the site is surrounded by three adjacent conservation areas. Marble Arch is a registered Grade I monument, which is within the application boundary. There are a number of statutory and locally listed buildings in the surrounding area.

Details of the proposal

7 The application proposes two temporary pavilions. The buildings would be 11.5 metres in height. The first building, the Visit Russia pavilion, is 1,050 sqm of floorspace, including 85 sqm of retail space. The second building in the Hospitality Pavilion and is 750 sqm. Alongside this pavilion is an open space terrace with ice-rink and seating, which is located at the base of the Marble Arch monument. A covered bridge connects the two pavilions. The development is expected to accommodate up to 8,150 visitors a day with approximately 200 staff.

Case history

8 A temporary public ice-rink was permitted on this site in 2004 and was operational between December 2004 and January 2005.
Strategic planning issues and relevant policies and guidance

9 The relevant issues and corresponding policies are as follows:

- Green Belt/MOL London Plan; PPG2
- Urban design London Plan; PPG2
- Transport London Plan; the Mayor’s Transport Strategy; PPG13; Land for Transport Functions SPG
- Energy and climate change London Plan; PPG13; PPS1, PPS1 supplement; PPS3; PPS22; draft PPS Planning for a Low Carbon Future in a Changing Climate; the Mayor’s Energy Strategy; Mayor’s draft Climate Change Mitigation and Adaptation Strategies; Mayor’s draft Water Strategy; Sustainable Design and Construction SPG

10 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 2011 Westminster City Council Core Strategy and the London Plan.

Metropolitan Open Land

11 The proposal is for a temporary facility including a recreation ice rink and visitors facility. The site at Marble Arch is designated as Metropolitan Open Land and is also located within the Royal Parks Conservation Area. The proposal is to erect a temporary outdoor ice-skating rink with two associated pavilions on the lawned gardens on the two islands.

12 Westminster City Council’s Core Strategy designates the entire site as metropolitan open land. London Plan policy 7.17 “Metropolitan Open Land” notes that MOL should be afforded the same level of protection as the Green Belt of which “there is a general presumption against inappropriate development in the Green Belt, and such development should not be approved except in very special circumstances.”

13 Planning Policy Guidance 2, ‘Green Belts’ (PPG2) states that the purpose of a Green Belt designation is to check unrestricted sprawl and towns merging into one another; safeguard the countryside from encroachment; preserve the setting and special character of historic towns; and assist in urban regeneration, by encouraging the recycling of derelict and urban land.

14 PPG2 also states that construction of new buildings in the Green Belt is inappropriate except for the following purposes: agriculture and forestry; essential facilities for outdoor sport and recreation; for cemeteries and other uses of land that preserve the openness of the Green Belt; limited extension, alteration or replacement of existing dwellings; limited infilling of existing villages; and the limited infilling or redevelopment of major existing development sites identified in the adopted development plan.

15 As the proposed use does not meet these criteria, the applicant is required to justify why inappropriate development should be allowed by demonstrating ‘very special circumstances’. There is no definition of ‘very special circumstances’ and each planning application must be judged on its own merits.

16 The applicant has not provided a detailed assessment of why this application would constitute ‘very special circumstances’, and as such the applicant is requested to provide this justification as required by PPG2.
In spite of the lack of information provided with regards establishing a robust 'very special circumstances' argument, in line with the requirements of PPG2, there are two obvious site specific circumstances that could contribute to justifying this proposal, including:

- the application is for a temporary ice rink and related hospitality facility that would be operational from May 2012 to October 2012
- a temporary ice rink was permitted and operational on this site from December 2004 to January 2005.

As part of this proposal the applicant would need to provide a commitment to restore, and enhance, the Marble Arch site and monument once the temporary facility ceased. This commitment has not been provided and should permission be granted this would have to be secured via an appropriate legal agreement.

The proposed building design, height and quantum does impact on the of the MOL area. However, as set out above due the short-term temporary nature of this facility this proposed impact is acceptable. A more detailed design assessment is set out below.

Transport

Marble Arch and the surrounding road network of Park Lane, Cumberland Gate, Edgware Road, Bayswater Road, and Oxford Street and form part of the Transport for London Road Network (TLRN). Tyburn Way is the responsibility of Westminster City Council (WCC). A pedestrian subway entrance is located on the eastern island which provides a direct link to Marble Arch London Underground (LU) station. Both the eastern and western islands are connected by surface pedestrian crossings, with those on the eastern island well used by pedestrians and cyclists travelling between Marble Arch station and Hyde Park. The eastern island serves as the evacuation point in the event of an emergency at Marble Arch LU station. A bus standing area is located on Tyburn Way, which is also the routeing for a number of bus routes.

24 bus routes can be accessed within walking distance of the site. The nearest LU station is Marble Arch on the Central Line located in the north eastern corner of the site. Hence the Public Transport Accessibility Level (PTAL) of the site is 6b (from a scale of 1-6 where 1 is low and 6 is high). This figure equates to the site having an excellent level of accessibility to public transport. There are also several cycle hire docking stations within 200m of the site.

TfL strongly opposes the application as it is not acceptable in transport terms for the reasons set out in this report. During Games time the surrounding road network will form part of the Olympic Route Network (ORN), which will play a key part in the transportation of the Games family. The operation of the ORN is fundamental to the successful delivery of the Games in 2012. There will be substantially increased pedestrian flows as well as significant changes to existing vehicle movements. Despite their temporary nature, the Sochi World plans are proposed within an extremely congested area, at a time when they would have the greatest possible impact on the surrounding transport network.

Having reviewed the submission documents, TfL believes that the combination of the impact of the proposal, coupled with its timing will seriously compromise its own and its partners’ abilities to deliver a safe, reliable and effective transport network, and meet its journey time commitments during the period of the Games.

A number of changes have been made to the proposal since pre-application discussions commenced several months ago, however fundamental issues still remain. In summary, these are:

- maintaining journey time reliability on the ORN;
crowd safety and the ability to accommodate expected pedestrian movement;
- maintaining the safe operation of Marble Arch LU station;
- vehicle interaction with pedestrians and impact on the surrounding road network;
- impact on bus operations; and
- site security

Furthermore, based on the information that has been submitted to date TfL does not consider that these issues can be resolved to the extent that the proposal can be deemed acceptable.

**Operation of the Olympic Route Network and journey time reliability**

As stated above, ensuring the safe and reliable operation of the ORN and meeting the legally committed journey times to the International Olympic Committee are key priorities for TfL during Games time. To achieve this, a number of complex pedestrian and vehicular movements will need to be carefully managed in the area.

The Sochi World proposal presents a number of additional movements that have the potential to negatively interfere with the road network flows and subsequently cause delays. This would have a detrimental impact on the operation of the gyratory and Park Lane and hence threatens TfL’s ability to ensure the integrity of the Games Lanes and meet journey time reliability. Modelling results of the highway movements and pedestrian crossings in this area indicate that it is an extremely sensitive location and flows on the pedestrian crossings cannot be increased without a negative impact on the ORN. Furthermore, on road event days during the Games, Marble Arch is an essential element of the ORN as it replaces Hyde Park Corner as the central gyratory, providing access to the remainder of the network and the Alternative ORN (AORN).

Implementation of the ORN is supported by Mayor’s Transport Strategy, the sixth goal of which is focussed on the Mayor’s commitment to support delivery of the Olympic and Paralympic Games.

**Pedestrian movement**

Generation of pedestrian movement - the pedestrian flow analysis set out in the Transport Assessment is not considered to be sufficiently robust, potentially underplaying the impact of the proposal on pedestrian movement for the reasons set out below. TfL does not agree with the assertion within the TA that the pedestrian movement impact generated by the proposed development will be negligible due to the relatively short duration of the attraction and the likelihood that most visitors will already be in Central London for other Olympic-related events.

Firstly, the short duration of visits will generate a higher number of pedestrian trips to/from the site than if visitors remained for a longer duration. Secondly, whilst some trips may well be considered as linked, they will actually have an acute impact on the Marble Arch area which will already be an extremely busy environment. Given that all events will be operated as ‘ticket only’ and that tickets cannot be obtained at the venue, most trips will in fact be trips specifically to Sochi World running counter to the assumptions made in the TA.

Restriction in space available for pedestrians - The Sochi World proposal significantly reduces the amount of space that is available for pedestrian movement, with the footprint sitting directly on top of the two main pedestrian routes linking Oxford Street / Bayswater Road with Hyde Park. High volumes of pedestrians are present in this area under normal circumstances and significant additional pedestrian movements are expected during Games time. The proposals will also sever all existing east-west pedestrian movements across the site. TfL does not believe that
the alternative pedestrian routeings suggested in the proposal have sufficient capacity to cope with the Games related crowd movement flows.

32 On the eastern island the ‘temporary pathway’ around the edge of the site presents concerns including the need for management of large crowds adjacent to the carriageway. This, combined with the restriction of movement across the ‘pedestrian square’, means that the Sochi proposal will introduce additional pedestrian flow conflicts over and above what would otherwise be expected.

33 It is not clear from the documents submitted how crowds seeking to watch the display on the ice rink from the eastern side (i.e. non-ticketed visitors) will be managed, if at all. Partial blocking of the area that remains of the pedestrian square by those watching the ice display would further restrict pedestrian movement across the island.

34 Pedestrian safety and comfort - TfL believes that the extent to which the proposal would constrain pedestrian movement would encourage unsafe pedestrian movements which in turn would have an adverse impact on road safety. The large number of people expected to attend the Olympic related sporting and cultural events in the area during the Games (including the proposed Live Site) significantly increases the risk of inappropriate and unsafe behaviour by pedestrians and this risk has not been adequately acknowledged and mitigated. The development footprint will adversely impact on the choice of pedestrian routes on the island and in turn will impact on crowd management measures being prepared for the area.

35 Although TfL’s pedestrian comfort guidance (PCG) tool is referenced within the TA, it is unclear if the tool has actually been used to assess the level of service both at present and with the proposal in place. Furthermore, there is no indication of any Pedestrian Environment Review System (PERS) analysis being undertaken around the site and TfL would expect this to be provided in support of the proposal.

36 For the above reasons, the proposal does not comply with London Plan 2011 policies 6.3 and 6.10.

Vehicular access and movement

37 Construction phase - The proposals for the construction of Sochi World present concerns regarding road safety and bus operations. The site boundary lines, treatments and proposed site office have the potential to block sight lines for all traffic using the gyratory as well as obstruct the views of traffic signals for drivers using the southern side of the gyratory. No evidence has been presented in the TA to demonstrate this would not be the case.

38 Operational phase - It is estimated that during normal operation vehicle movements to the site will be in the order of 44 trips per hour, rising to around 90 trips during dinner events. The interactions between these vehicles and the existing road network present an area of serious concern at this critical point on the ORN.

39 As for the construction phase, the proposed boundary treatment of the site, shown abutting the highway boundary for parts of its length, has the potential to compromise highway safety for users of the gyratory itself, including the proposed access and egress points for site-related traffic.

40 TfL opposes the proposed access road on the western island on road safety grounds. It is located a short distance east of the stop line for westbound traffic approaching the signalled junction on the south-west corner and presents a serious road safety hazard. It is at a location where other drivers would not expect a vehicle to slow down to perform a turning manoeuvre and,
as a consequence, there is an unacceptable risk of accidents arising from this situation. TfL would normally expect a combined stage 1 and 2 road safety audit to be completed for a proposal of this nature.

41 TfL has serious concerns relating to the proposed vehicle security check point on the western island. The check point is positioned such that non-authorised vehicles can be rejected via a short length of temporary road which connects with the main carriageway of the western side of the gyratory. This proposal raises a number of concerns as follows.

42 The time taken to check a vehicle is critical to the operation of this entry point. The time taken to process each vehicle through the check point, including a security check, is assumed to last approximately six seconds. TfL does not consider that this assumption is sufficiently robust to give confidence that no excessive queuing of vehicles will occur. With no spare space for vehicles to by-pass at this point in the access road, any delay to the processing of vehicles could quickly lead to a backing up of vehicles on to Cumberland Gate, causing delay on the ORN.

43 The proposal does not provide a designated taxi drop off and TfL considers this unacceptable for a venue of this nature. It is unrealistic to assume that taxis will not try to use the access road and subsequently be rejected by Sochi World security marshals (at which point passengers may attempt to alight and pay). This process is likely to take considerably longer than six seconds, again increasing the potential for queuing traffic to adversely impact the ORN. The assumption that no (non-VIP) visitors will travel to the site by taxi adds further to this scenario not being accurately reflected in the TA.

44 Furthermore vehicles that are rejected by security marshals at the check point would be required to cross the pedestrian route that runs parallel to, and to the west of, the access road before rejoining the gyratory system. This presents the potential for conflict between pedestrians and vehicles making sharp turn across this pedestrian route. Having crossed the pedestrian route, the rejected drivers will then have to re-enter the carriageway at a point where visibility of circulating traffic would be obstructed by the boundary treatment that runs along the south side of the site.

45 The access road for Sochi World terminates at its junction with Tyburn Way. At this point there is a potential conflict between emerging vehicles and moving buses if emerging vehicles are not afforded adequate sight-lines due to the positioning of the site boundary treatment. On exiting Tyburn Way, buses have to give way to circulating traffic on the gyratory. The opportunity for buses to exit is largely dictated by gaps in the traffic flow and, given the high volume of flows within the gyratory these opportunities are limited in number. Poor visibility of oncoming traffic arising from the site boundary would adversely affect the ability to safely manoeuvre into gaps, resulting in delays. It follows that any additional traffic flow leaving via Tyburn Way will lessen the opportunity for buses to exit and cause delays to bus operations, which may also lead to tailbacks that have a negative impact on the operation of the gyratory.

46 The Transport Assessment states that “Sochi World and IOC vehicles may be expected to both drop off and collect at the same time for many of their journeys, thereby reducing the total volume of trips”. This raises questions about how the drop off and pick up activities will be managed on a single lane access road, and whether delays resulting from these arrangements might lead to unmanageable queues adversely impacting on the ORN. There is not sufficient understanding of how VIPs are allocated to vehicles within the overall Olympic operation to be confident that a particular class of vehicle would be able to pick up the assigned passenger within the very short time available for this operation to take place.
The above serious concerns with this proposal mean that application is not considered to comply with London Plan policy 6.11.

**Site servicing**

The proposed servicing route via Tyburn Way raises concerns over how the interaction with other vehicles. The TA states that servicing period would be limited to between 0500 – 0800 hours and 2200 – 0000 hours. This goes against advice given at pre-application that servicing should be completed well before 0800 hours in advance of the Games fleet starting operations. It is proposed that vehicles will reverse under management on Tyburn Way which TfL does not consider acceptable as it is likely to conflict with bus operations.

**London Underground operations and emergency evacuation**

Evacuation of Marble Arch LU station - The applicant was alerted in pre-application discussions that the eastern island of Marble Arch is the designated LU evacuation point for Marble Arch station. It is absolutely essential that the safe operation of the station can be maintained during the period of the Games, and the arrangements for evacuation have a significant role in achieving this.

The space constraints created by the proposal would be such that TfL does not believe there would be sufficient capacity to safely evacuate the station in case of emergency, without having a detrimental impact on crowd safety and the surrounding road network, including the possibility for evacuees to be forced out into the carriageway.

During an evacuation of both Sochi World and Marble Arch station, there would be 5.3 people per square metre in the evacuation area. This is not acceptable to TfL. In the event of an evacuation, customers would need to be marshalled off of the eastern island, as noted in the TA. With crowding levels as described, this would be crucial and would require a permanent resource on standby to undertake such an activity. LU staff would not be in a position to undertake this activity.

The ice rink and ‘back of house’ facilities are proposed as possible evacuation areas. TfL does not consider these to be suitable options as it is counter intuitive to allow people ‘in’ to the site for evacuation purposes, the aim being to withdraw people to a place of greater safety. Furthermore, the feasibility of covering and effectively utilising the ice rink in the event of an evacuation within the necessary timescale is questionable and this is not acceptable to TfL.

Use of further evacuation facilities on the west island is not considered suitable either as it would involve using the temporary, five metre high footbridge over Tyburn Way. In an evacuation scenario unnecessary use of steps increases the potential for accidents and is therefore not supported.

The TA considers the event of both Sochi World and Marble Arch station evacuating concurrently. However, TfL believes that there are other, more likely, scenarios which have not been assessed. This is required due to their potential impact on pedestrian flows and their ensuing scope for significant negative impacts on the transport network. These are:

- The degraded operation of Marble Arch station and/ or the Central line, or excessive crowding on Central line trains passing through the station: this may force temporary closure of the station, forcing customers to wait outside, seek further information, or disperse in unusual patterns;
• The implications of Marble Arch station operating as exit-only. This is considered highly likely, and therefore will result in unusual travel patterns, additional pedestrian traffic on the island, possible stationary, seeking further information or guidance; and

• Any evacuation or closure of Marble Arch will have an adverse impact on local buses, due to either pedestrian movements or travel demand. Also, experience shows that, at peak times, closure of one of the stations on Oxford Street can lead to adjacent stations closing due to overcrowding.

55 TFL does not support the assertion that during an evacuation scenario Sochi World visitors are unlikely to be additional to LU flows; by definition the two groups would be separate and distinct at this stage and moreover they would also be managed differently.

56 For the above reasons, this application does not comply with London Plan 2011 policy 7.13.

Operation of bus services

57 Use of Tyburn Way - It is imperative that Tyburn Way remains open for buses during the Games. It is used for both routeing and curtailment by a total of 24 routes. The closure of this key link or any delay to the free passage of bus services would have a significant negative impact on bus operations, both in terms of journey times and running costs, and would not be acceptable to TFL.

58 Bus standing space - Bus standing space is critical to effective bus operations. During the Games demand for bus standing space in this area will be very high, compounded by the bus stand on Cumberland Gate not being available due to ORN measures. Consequently, TFL remains concerned that the proposed access road and servicing arrangements will effectively reduce the amount of kerb space that could be used for bus standing. Furthermore, the proposals preclude the option for bus services to stand on what would be the service access for the western island, which is sometimes used in times of high bus demand. TFL cannot accept any adverse impact on the bus network resulting from this proposal and any impact on standing space would inevitably impact on the quality of service provided.

59 Impact of construction - The Construction Plan requires the closure of Tyburn Way, and mention is made to materials being ‘craned over’ the bridge from the eastern to the western island. Furthermore, use of the carriageway is required (5 days at 2-3 hours each) to off-load materials to the site. The health and safety implications do not appear to have been considered, nor has the impact of decommissioning the site. TFL is thus not reassured that the construction impact would be as minimal as indicated and is subsequently concerned that the proposed carriageway closure and the craning of materials between the two islands will have an adverse impact on bus operations.

60 For the above reasons, this application is not considered to comply with London Plan 2011 policy 6.7.

Site security

61 TFL considers the site to be ‘open’ in the sense that it is dissected by Tyburn Way which has no physical access restriction. This dramatically increases the potential of it being perceived as a target, in the heart of central London at a time when the security risk is likely to be higher than normal. The function of the site is, first and foremost, as a very busy and important traffic island that facilitates a significant number of pedestrian and vehicular trips each day.
The proposal also raises security questions about how vehicles will be assessed and managed through the access road on the western side, which is further exacerbated by the assumption that the time to process each vehicle would be only around six seconds. Insufficient details have been provided as to how vehicles will be processed and the type, and nature, of the security checks. TfL understands that the Metropolitan Police shares similar concerns, both in terms of vehicle processing and the potential of the site being a target.

For the reasons this application does not comply with London Plan 2011 policy 7.13.

Cycling

It is not clear from the information submitted what provision has been made for those cycling to the site. The TA states that cycling on the islands will be discouraged but cycle parking provision is made to the north of the access road on the western island. No details are provided as to whether this provision is intended to be exclusively for staff use, and if not, how visitors will be advised that cycle parking is available and where it can be found. At present, inadequate provision is proposed for cyclists and therefore the application does not comply with London Plan 2011 policy 6.9.

Parking

Within the TA it is assumed that 0.5% of all anticipated visitors travelling to the site will arrive via disabled vehicles. However, no designated parking to cater for this is proposed on site, just a drop off area. Suitably designed and located designated disabled car parking bays and drop off points are required to ensure compliance with London Plan 2011 policy 6.13.

Summary

TfL considers that there are a number of critical issues which make the proposal unacceptable in transport terms and non-compliant with London Plan policies 6.3, 6.7, 6.9, 6.10, 6.11, 6.13 and 7.13.

Urban Design

The location of the open space ice rink at the base of the Marble Arch monument is acceptable and helps to focus views and attention on this important structure.

The introduction of two pavilions with the associated servicing space and ice-rink will severely decrease the quantum of public space in this area. It will impact on public movement from Oxford Street to Hyde Park and this does raise some concerns about the ability of people to continue to move freely around this area during the Olympic Games.

The quality and form of the building is critical. This is a highly prominent location in central London that will form a backdrop to the Olympic Games. The proposed architectural approach appears interesting in the aerial views provided. The feasibility, cost and ability of the applicant to deliver this built form, roof style and materials as illustrated is questioned. The applicant should provide further detail demonstrating this feasibility and that the proposed style and form can be delivered.

There is a concern with the treatment of the ground level, which results in large areas of blank facades and dead areas. This will impact on peoples perception of the area as they move around the island during the Games. The applicant should seek to improve and enliven the ground
and lower levels of the building. Additional glazing, animation and overlooking could help deliver this.

**Energy and climate change**

71 The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole. The proposals are acceptable.

**Energy efficiency standards**

72 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of this temporary development. Inverter driven fans, controls and energy efficient lighting systems will be adopted and energy efficient refrigeration systems will be specified for the ice rink.

**District heating**

73 Given the type of facilities proposed, the heat demand of the development will be minimal and intermittent. Taking this and the temporary nature of the development into account, there is no opportunity for connecting to district heating.

**Combined Heat and Power**

74 Similarly, taking into account the minimal and intermittent nature of the heat demand, there is no opportunity for combined heat and power.

**Cooling**

75 The facilities will incorporate passive design measures, including shading devices, to minimise the need for active cooling systems.

**Renewable energy technologies**

76 No renewable energy technologies are proposed. Taking into account the temporary nature of the development, it is accepted that renewable technologies will not be applicable in this case.

**Local planning authority’s position**

77 The view of the local planning authority is not known at the time of writing this report.

**Legal considerations**

78 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

79 There are no financial considerations at this stage.

Conclusion

80 London Plan policies on Metropolitan Open Land, design, transport and energy are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Metropolitan Open Land:** The applicant has not provided a detailed and robust 'very special circumstances' argument that meets the requirements of PPG 2. However, it is accepted that the proposed temporary nature of this facility on MOL and the case history of the site would contribute to this argument. The applicant has not provided a commitment to restore and enhance the site and the Marble Arch monument once the facility has ceased.

- **Urban design:** The scheme will impact on the openness of the MOL, however, the proposed temporary nature of the application, this is acceptable. The proposal, however, does raise some design concerns about the ground level treatment of the building, the impacts on permeability and movement, and the ability to deliver the proposed roof and building envelope as set out in the design and access.

- **Transport:** There are a number of significant transport concerns that may not be resolvable.

- **Energy and climate change:** The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole. The proposals are acceptable.

81 On balance, the application does not comply with the London Plan.

82 The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- **Metropolitan Open Land:** The applicant is required to provide a detailed 'very special circumstances argument', and is also requested to provide a commitment that the site and Marble Arch to the acceptable monument would be restored and enhanced once the facility had ceased.

- **Urban design:** further information on movement, ground level treatment and the quality and deliverability of the roof and building envelope structure.

- **Transport:** for the application the applicant would need to address all of the significant transport concerns as set out in this report.

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