

Committee: Strategic Development	Date: 30 November 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Chris Stacey	Ref No: PA/16/02249
	Ward: Blackwall and Cubitt Town

1.0 APPLICATION DETAILS

Location: Land bound by the East India Dock Basin to the west and Orchard Place to the East

Existing Use: Open space (sui generis)

Proposal: Temporary permission (3 years) for the erection of a 3 storey building comprising of a B1(a) (site office) in conjunction with the construction of the London City Island development, along with various enhancements to East India Dock Basin.

Drawings and documents: Location Plan, LCIP2-RCSL-015-1a, Rev P2
General Arrangement, LCIP2-RCSL-015-1, Rev P6
General Arrangement, LCIP2-RCSL-015-2, Rev P4
General Elevations, LCIP2-RCSL-015-3, Rev P5
General Elevations, LCIP2-RCSL-015-4, Rev P5
General Elevations, LCIP2-RCSL-015-5, Rev P5
Street Scene, LCIP2-RCSL-015-6, Rev P2
Street Scene, LCIP2-RCSL-015-7, Rev P2
Site Plan, LCIP2-RCSL-015-9, Rev P4
Design and Access Statement, Ballymore
East India Dock Improvement Works, Rolfe Judd
Flood Risk Assessment, Waterman, Dated September 2017
Logistics Plan & Access Arrangements, Ballymore
Planning Statement, Rolfe Judd, Dated 29/08/2017

Applicant: Ecoworld Ballymore London City Island Ltd

Ownership: Lea Valley Regional Park Authority

Historic Building: N/A

Conservation Area: N/A

2.0 EXECUTIVE SUMMARY

- 2.1 This application is reported to the Strategic Development Committee as the proposal involves the creation of a building on Metropolitan Open Land (MOL) with a gross floor space exceeding 100sqm.
- 2.2 This application has been considered against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (2016) and the National Planning Policy Framework and all other material considerations.
- 2.3 This report considers an application for temporary planning permission for a period of 3 years to erect a 3 storey temporary structure comprising 972sqm of Class B1 office floor space to be used as staff accommodation in relation to the adjacent London City Island development.
- 2.4 The development results in the temporary loss of MOL alongside the permanent enhancement of the EIDB which is considered on balance to be acceptable. The provision of temporary employment space in this location to support the delivery of strategic development is also considered acceptable. As such the proposal is considered to be acceptable in land use terms.
- 2.5 The proposed design of the temporary structure is considered to be acceptable in terms of its height, scale and massing, access and layout, appearance and impact on Metropolitan Open Land / the Blue Ribbon Network.
- 2.6 The proposal would not adversely impact the amenity of surrounding residents and building occupiers in accordance with policy SP10 (4) of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) and is thus acceptable in amenity terms.
- 2.7 The proposal would not have an adverse impact upon the local highway and public transport network, would provide suitable parking arrangements, and would be serviced in a manner which would not adversely impact the local highway network.
- 2.8 The proposed refuse strategy for the site has been designed to accord with the Council's waste management hierarchy of reduce, reuse and recycle, in accordance with relevant policy.
- 2.9 It is considered that the proposal is acceptable in biodiversity, contaminated land, and flood risk terms. The scheme would be liable for neither the Mayor's nor the borough's community infrastructure levy. The proposal is however considered to provide necessary and reasonable planning obligations with respect to improvements and enhancements to the East India Dock Basin.
- 2.10 Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material planning considerations which would indicate that it should be refused.

3.0 RECOMMENDATION

3.1 That the Committee resolve to:

GRANT planning permission, subject to:

- a) The prior completion of a **legal agreement** to secure the following planning obligations:

Non-Financial Obligations:

1. Improvements and enhancements to the East India Dock Basin to include:
 - i. the replacement of wildlife platforms;
 - ii. the refurbishment of the Sir Anthony Caro Salome gate;
 - iii. additional planting;
 - iv. reinvigoration of the north shore and marsh planting;
 - v. provision of shelduck boxes;
 - vi. additional seating;
 - vii. additional signage, and;
 - viii. refurbishment of the existing bird watching hides.
- b) The Corporate Director of Place's delegated authority to recommend the following conditions and informatives in relation to the following matters:

3.2 Conditions on planning permission

Compliance' Conditions

1. 3 years temporary permission
2. Development to be built in accordance with the approved plans
3. Hours of use
4. Cycle parking
5. Refuse store

3.3 Informatives on planning permission

1. Subject to S.106 agreement

4.0 LOCATION AND PROPOSAL DETAILS

Site and Surroundings

- 4.1 The application site has an area of approximately 515sqm and is an unoccupied area of hard standing which sits within the eastern corner of East India Dock Basin (EIDB). The site is broadly rectangular in shape and is bounded to the north and west by EIDB, to the south by Orchard Wharf (which is a safeguarded wharf), and to the east by Orchard Place and no's 42-44 Orchard Place, which is a 4/5 storey converted warehouse, now in residential use.

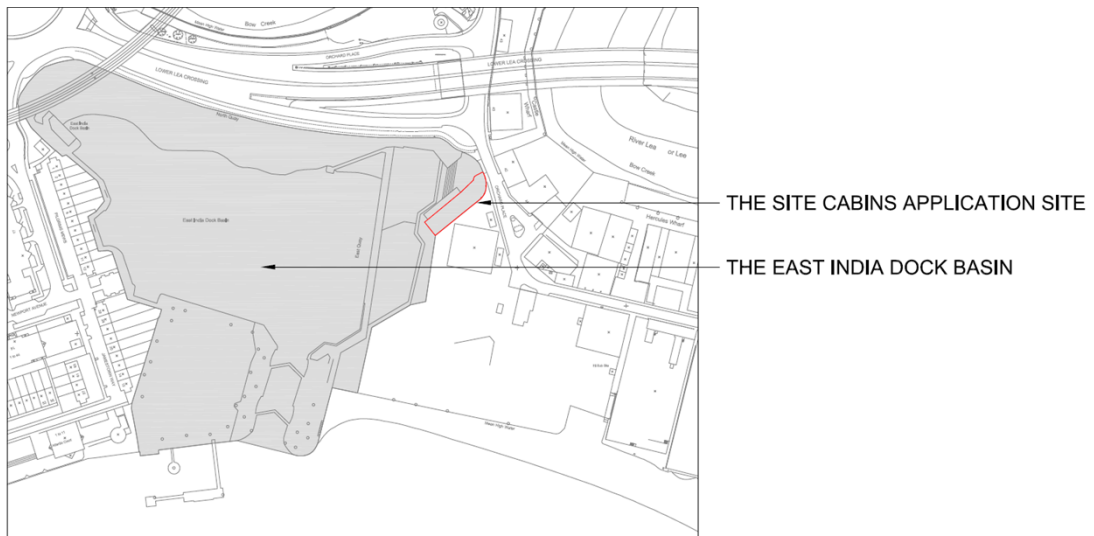


Fig.1 – Application Site Location



Fig.2 – Photograph of Application Site

- 4.2 The EIDB is designated as both Metropolitan Open Land (MOL) and publically accessible open space. The application site also sits within East India Dock Basin Site of Importance for Nature Conservation (SINC), an archaeological priority area, an area of potentially contaminated land, and Flood Risk Zone 3. The application site does not fall within a designated conservation area, and there are no statutory or locally listed buildings within the immediate context of the site.

Proposal

- 4.3 The applicant seeks temporary planning permission for a period of 3 years to erect a 3 storey temporary structure comprising 972sqm of Class B1 office floor space to be used as staff accommodation in relation to the adjacent London City Island development.

- 4.4 The proposed temporary structure would comprise of pre-fabricated cabins finished in white, and would measure 9.15m in height, 36m in length and 9.2m in width.
- 4.5 Ancillary facilities, including covered cycle parking, a smoking shelter and waste storage are also proposed, along with 2.4m high graphic hoardings which would surround the site on its north and west sides.
- 4.6 A number of permanent enhancements to East India Dock Basin (totalling £50,000), including: replacement wildlife platforms; the refurbishment of the gate; additional planting, seating and signage; as well as the refurbishment of the existing bird watching hides, are also proposed and would be secured via a S.106 legal agreement.

Relevant Planning History

Application Site:

- 4.7 PA/99/01257 – Construction of vehicular access and installation of new gates to allow access into the Sanctuary Park at East India Dock Basin. (Permission granted 07/12/1999)
- 4.8 PA/06/01375 – Provision of pedestrian ramps, paths, gates and benches. (Permission granted 28/09/2006)
- 4.9 PA/13/02376 – Removal of existing and installation of a total of five signs comprising 3 x Wall Mounted entrance signs, 1 x post mounted square sign and 1 x post mounted directional sign. (Permission granted 04/12/2013)
- 4.10 PA/17/00534 – Relocate the Grade I listed vessel SS Robin from the Royal Victoria Docks to the East India Dock Basin. The vessel will occupy an elevated position on the east side of the Lock Entrance beside the River Thames. (Permission granted 07/11/2017)
- 4.11 PA/17/00536 (Listed Building Consent) – Relocate the Grade I listed vessel SS Robin from the Royal Victoria Docks to the East India Dock Basin. The vessel will occupy an elevated position on the east side of the Lock Entrance beside the River Thames. (Permission granted 07/11/2017)

Orchard Wharf:

- 4.12 PA/10/02778 - Hybrid planning application for erection of a concrete batching plant, cement storage terminal and aggregate storage facilities, together with associated structures and facilities, walkway and landscaping, jetty and ship to shore conveyor. 1) Outline Application: All matters reserved (except for layout) - Jetty; and Ship to shore conveyor. 2) Full details - Demolition of all existing buildings; Concrete batching plant; Cement storage terminal; Aggregate storage facilities; Associated structures and facilities; Associated highway works; Walkway; and Landscaping. (Application withdrawn 15/12/2011)
- 4.13 PA/11/03824 – Cross-boundary hybrid planning application for erection of a concrete batching plant, cement storage terminal and aggregate storage facilities, together with associated structures and facilities, walkway and landscaping, jetty and ship to shore conveyor. 1) Outline Application: All matters reserved - Jetty; and Ship to shore conveyor. 2) Full details - Demolition of all existing buildings; Concrete batching plant; Cement storage terminal; Aggregate storage facilities; Associated structures

and facilities; Associated highway works; Walkway; and Landscaping. (Permission refused 02/10/2012)

Leamouth Peninsula North (London City Island) Site:

- 4.14 PA/10/01864 – Hybrid planning application for the comprehensive redevelopment of the site for mixed-use purposes to provide up to 185,077 sq.m (GEA) of new floor space and up to 1,706 residential units (use class C3) comprising:
- 1) Full planning application for development of Phase 1, at the southern end of the site, comprising buildings G, H, I, J & K, including alterations to existing building N, to provide:
- 537 residential units (use class C3)
 - 5,424sqm of office and flexible business workspace (use class B1)
 - 382sqm retail, financial and professional services, food and drink (use class A1, A2, A3, A4 A5)
 - 1,801sqm of leisure (use class D2)
 - 1,296sqm of community uses (use class D1)
 - 249sqm art gallery (use class D1)
 - 2,390sqm energy centre
 - 275 car parking spaces
- 2) Outline planning application for Phase 2, at the northern end of the site, comprising Buildings A, B, C, D E, F & M (with all matters reserved except for access and layout) and to provide:
- Maximum of 1,169 residential units (use class C3)
 - 2,424sqm of office and flexible business workspace (use class B1)
 - 1,470sqm of retail, financial and professional services, food and drink (use class A1, A2, A3, A4 A5)
 - 1,800sqm of arts and cultural uses floorspace (use class D1)
 - 4,800sqm of educational floorspace (use class D1)
 - Storage and car and cycle parking
 - Formation of a new pedestrian access (river bridge) across the River Lea
 - Formation of a new vehicular access and means of access and circulation within the site, new private and public open space and landscaping and works to the river walls. (Permission granted 28/11/2011)
- 4.15 PA/13/02683 – Application for variation of condition 3, to make minor changes to Buildings J and K, to planning permission reference PA/10/01864/LBTH dated 28/11/2011. The changes include the following:
- Revised elevations and fenestration treatment to Buildings J and K;
 - Removal of residential use at ground and first floor and creation of double height active commercial mixed use space incorporating Leisure (D2) and Management Office (B1) in Building J;
 - Reconfiguration of Leisure (D2) and Management Office (B1) within Building K;
 - Increase in the number of units provided in Building K (134 instead of 112);
 - Revised unit mix for Buildings J and K (12 x Studios, 20 x 1 bed, 34 x 2 beds and 34 x 3 beds in Building J and 20 x Studios, 50 x 1 bed, 51 x 2 beds and 13 x 3 beds in Building K);
 - Reduction in the total number of units provided in Building J (80 instead of 89); and
 - Minor amendments to height and massing of Buildings J and K. (Permission granted 09/07/2014)
- 4.16 PA/14/01655 - Variation of condition no. 3 (approved drawings) of planning permission dated 09/07/2014, ref: PA/13/02683. The changes proposed consist of the following:

Building G: Revised elevation and fenestration treatment; revised building unit mix; 22 studios, 76 one beds, 80 two beds, 26 three beds; minor amendments to the height and massing of the building, including increasing the roof parapet height by approx. 2.5m; and relocation of all affordable units to Block H. Removal of the residential (Class C3) units at the ground and first floor and creation of a double height space for 150 sqm Offices (B1), a 329 sqm Management Office (B1) and 159 sqm of Creative Industry (B1)

Building H: Revised elevation and fenestration treatment; revised building unit mix; 4 studios, 16 one beds, 46 two beds, 51 three beds, 14 four beds, twelve five beds; minor amendments to the height and massing of the building, including a minor reduction in the roof parapet height; removal of 177 sqm Creative Industry (B1) and 249 sqm Arts Gallery (D1) uses and provision of 186 sqm Offices (B1) and 259 Sqm Community Centre (D1)

Building I: Removal of 382 sqm Retail use (A1), 237 sqm Creative Industry (B1) and reduction of B1 office provision from 4,378 to 4,166. Provision of 950 sqm of leisure space (D2) and retention of 7,748 sqm Car Parking.

Building J: Removal of 325 sqm Leisure use (D2) and 229 sqm Management Office use (B1). Provision of 307 sqm of Creative Industry (B1) and 226 sqm of Arts Gallery Space (D1).

Building K: Adjustment to the layout of the ground floor reducing the provision of D2 leisure space from 941 sqm to 801 sqm. Removal of 382 sqm Management office space (B1) and provision of 382 sqm of A1 retail use.

Building N: Reduction in the provision of D1 community centre space from 1,296sqm to 1,037 sqm and retention of 2,390 sqm energy centre. (Permission granted 19/12/2014)

- 4.17 PA/15/02904 - Application for variation of condition nos. 3 (compliance with drawings and details) and 68 (submission of elevation drawings of Building N) of planning permission dated 19/12/2014, ref: PA/14/01655, as updated by planning permission PA/15/01164 dated 08/06/2015. (Permission granted 21/10/2016)
- 4.18 PA/16/01709 - Application for variation of condition nos. 3 (compliance with drawings and details) of planning permission dated 21/10/2016, ref: PA/15/02904. (Currently under determination)
- 4.19 PA/17/01830 – Application of variation of condition no's 3 (Compliance with drawings and details) and 29 (Sustainable design & construction) of Planning Permission ref: PA/15/02904, Dated 22/06/2016. (Currently under determination)

Leamouth Peninsula South (Hercules Wharf, Castle Wharf and Union Wharf) Site:

- 4.20 PA/14/03594 - Demolition of existing buildings at Hercules Wharf, Union Wharf and Castle Wharf and erection of 16 blocks (A-M) ranging in height from three-storeys up to 30 storeys (100m) (plus basement) providing 834 residential units; Retail / Employment Space (Class A1 – A4, B1, D1); Management Offices (Class B1) and Education Space (Class D1); car parking spaces; bicycle parking spaces; hard and soft landscaping works including to Orchard Dry Dock and the repair and replacement of the river wall. (Permission granted 22/09/2016)
- 4.21 PA/14/03595 - Works to listed structures including repairs to 19th century river wall in eastern section of Union Wharf; restoration of the caisson and brick piers, and alteration of the surface of the in filled Orchard Dry Dock in connection with the use of the dry docks as part of public landscaping. Works to curtilage structures including landscaping works around bollards; oil tank repaired and remodelled and section of

19th century wall on to Orchard Place to be demolished with bricks salvaged where possible to be reused in detailed landscape design. (Permission granted 22/09/2016)

4.22 PA/17/02292 – Section 73 minor material application for variation of condition 2 (approved plans) of planning permission PA/14/03594 dated 22/09/2016:

- Combined northern basement below Block A to F and reduced southern basement below Block JKL.
- Changes to housing mix in Block B
- Relocation of energy centre from Block B to Block F
- Internal change to monument office spaces
- New residential amenity spaces on floor 27 and 28
- Reduction of 1 x 3 bed unit in Block C
- Changes to housing mix and 14 additional units in Block D
- Changes in housing mix in Block E with 5 additional units
- Adjustment to warehouse style
- Changes to housing mix and 18 additional units in Block F
- Ground floor street access for lower floor removed to provide levelled access through single core.
- Internal changes in Block H and I
- 4 Additional units in Block J, K and L
- Removal of two ramps from Orchid Place to basement and replaced with 2 garages spaces for townhouses.

This application is accompanied with an Environmental Statement. (Currently under determination)

5.0 POLICY FRAMEWORK

5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of this application must be made in accordance with the development plan unless material considerations indicate otherwise.

5.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.3 Government Planning Policy

National Planning Policy Framework 2012
National Planning Practice Guidance

5.4 London Plan 2016

2.18 – Green infrastructure: the multi-functional network of green and open spaces
4.2 – Offices
5.12 – Flood risk management
5.17 – Waste capacity
5.21 – Contaminated land
6.3 – Assessing effects of development on transport capacity
6.9 – Cycling
6.13 – Parking
7.1 – Lifetime neighbourhoods

- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.5 – Public realm
- 7.6 – Architecture
- 7.8 – Heritage assets and archaeology
- 7.17 – Metropolitan open land
- 7.18 – Protecting open space and addressing deficiency
- 7.19 – Biodiversity and access to nature
- 7.27 – Blue Ribbon Network: supporting infrastructure and recreational use
- 7.28 – Restoration of the Blue Ribbon Network
- 7.30 – London canal's and other rivers and waterspaces

5.5 Core Strategy 2010

- SP04 – Creating a green and blue grid
- SP05 – Dealing with waste
- SP06 – Delivering successful employment hubs
- SP09 – Creating attractive and safe streets and spaces
- SP10 – Creating distinct and durable places
- SP12 – Delivering placemaking
- SP13 – Planning obligations

5.6 Managing Development Document 2013

- DM10 – Delivering open space
- DM11 – Living buildings & biodiversity
- DM12 – Water spaces
- DM14 – Managing waste
- DM15 – Local job creation and investment
- DM20 – Supporting a sustainable transport network
- DM22 – Parking
- DM23 – Streets and the public realm
- DM24 – Place-sensitive design
- DM25 – Amenity
- DM27 – Heritage and the historic environment
- DM30 – Contaminated land and development and storage of hazardous substances

5.7 Supplementary Planning Documents

Planning Obligations Supplementary Planning Document (SPD), September 2016
Tower Hamlets CIL Charging Schedule (April 2015)

5.8 The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits

Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and will close on Monday 13th November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF.

Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

6.0 CONSULTATION RESPONSE

6.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

LBTH Biodiversity Officer

6.3 The application site sits within a Site of Importance for Nature Conservation (SINC), however the proposed location of the temporary offices is entirely hard surfaces with no vegetation, and as such the proposal will not have any significant impact on biodiversity. The proposed enhancements to East India Dock Basin to be secured through S.106 are supported and a substantial proportion of these works should seek to enhance biodiversity. The document setting out the proposed enhancements lacks detail, and as such I would like to be able to approve the detailed enhancements at a later stage before the S.106 agreement is approved.

Canal and River Trust

6.4 No objection.

Environment Agency

6.5 No objection.

LBTH Environmental Health – Air Quality

6.6 No objection.

LBTH Environmental Health – Contaminated Land

6.7 So long as the proposals do not disturb the ground, no further details or work in relation to contamination are required.

Greater London Authority

6.8 No objection, the application is not required to be referred at stage II.

Historic England Archaeology

6.9 The proposal is unlikely to have a significant effect on heritage assets of archaeological interest and no further assessment or conditions are therefore necessary.

Lea Valley Regional Park

6.10 The proposed introduction of the temporary accommodation on site along with the

associated improvements and enhancements to East India Dock Basin are supported.

Natural England

6.11 No objection.

LBTH Senior Arboricultural Officer

6.12 No objection.

Thames Water

6.13 No objection.

Transport for London

6.14 No objection.

LBTH Transport and Highways

6.15 No objection subject to an appropriate number of cycle parking spaces being provided.

LBTH Waste Policy and Development

6.16 No objection.

7.0 LOCAL REPRESENTATION

7.1 A total of 24 letters were sent to neighbours and interested parties. A site notice was also displayed on site and the application was advertised in the local press.

7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses:	Objecting: 0
	Supporting: 0
	Neutral: 1

No of petition responses:	Objecting: 0
	Supporting: 0

7.3 The following issues were raised neither objecting nor supporting the proposal:

- The idea of leasing land out for a longer term improvement to the nature reserve is a good one in principle.
- The 3 storey portacabin would be visually intrusive and a 2 storey structure would be far less intrusive.
- Parking/vehicle entry should be prohibited in the event planning were to be granted (other than for the construction period).

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 This application has been assessed against all relevant policies under the following report headings:

1. Land Use
2. Design
3. Amenity
4. Highways and Transportation
5. Refuse
6. Environmental Considerations
7. Planning Contributions
8. Conclusion

Land Use

Policy Context

- 8.2 Paragraphs 87 to 90 of the NPPF set out that development within the Green Belt (which Metropolitan Open Land is equivalent to) should normally be considered inappropriate and allowed only where very special circumstances dictate otherwise.
- 8.3 Policy 4.2 of the London Plan (2016) seeks to support the development of office provision in order to improve London's competitiveness. Policies 7.17 and 7.18 seek to protect London's Metropolitan Open Land, which has the same level of protection as Green Belt, and maintain its openness and state that *"the loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area"*. Policies 7.27, 7.28 and 7.30 state that development proposals should enhance the use of the Blue Ribbon Network.
- 8.4 The Council's Core Strategy policy SP04 seeks to protect and safeguard all existing open space such that there is no net loss, and improve the quality, usability and accessibility of existing accessible open spaces. Policy SP06 seeks to maximise and deliver investment and job creation in the borough.
- 8.5 The Council's Managing Development Document policy DM10 states that *"development on areas of open space will only be allowed in exceptional circumstances where as part of a wider development proposal there is an increase of open space and a higher quality open space outcome is achieved"*. Policy DM12 states that development adjacent to the Blue Ribbon Network will need to provide increased opportunities for access, public use and interaction with the water space. Policy DM15 states that the development of employment sites outside of spatial policy areas will be supported.

Impact on Metropolitan Open Land / Blue Ribbon Network

- 8.6 The application site is located on Metropolitan Open Land (MOL), a form of publically accessible open space, and also sits adjacent to the Blue Ribbon Network.
- 8.7 Whilst planning policies at a national, regional and local level affords Metropolitan Open Land the highest form of protection, they do allow for development on such space where exceptional circumstances can be demonstrated and suitably justified.

- 8.8 The proposal would result in the loss of 515sqm of open space, however this would only be for a temporary duration of 3 years, and the area of open space affected would be returned to its existing condition at the end of this period.
- 8.9 It should be noted that the area of open space that would be lost on a temporary basis is an area of hardstanding within the eastern corner of the East India Dock Basin (EIDB) which is poorly connected to the remaining park, and that the application site area comprises circa 1% of the overall EIDB.
- 8.10 In order to mitigate the impact of the temporary loss of open space, the applicant has proposed to make a number of physical improvements to the EIDB which would result in the permanent enhancement of this area of open space, as well as access to the Blue Ribbon Network. These improvements would include: the replacement of existing wildlife platforms which are in a poor state of repair; the refurbishment of the Sir Anthony Caro Salome gate; additional planting throughout the basin; the reinvigoration of the north shore and marsh planting; the provision of shelduck boxes; additional seating; additional signage, and; the refurbishment of the existing bird watching hides. The applicant has estimated that such works would cost circa £50,000, and such improvements would be secured via a S.106 legal agreement.
- 8.11 Whilst the proposal would result in the temporary loss of open space, it is considered that taking into account the quality of this space, and the fact that permanent enhancements to the entirety of the EIDB are proposed, exceptional circumstances exist in this instance to allow for a development on MOL to take place.
- 8.12 When assessing the proposal against national planning policy it is considered that very special circumstances do exist in this instance as the harm caused by the proposal (the temporary loss of open space) would be outweighed by other considerations (the permanent enhancement of the open space) and as such the proposal can be seen to be in conformity with the NPPF.
- 8.13 As the proposal would ultimately result in the provision of better quality open space within the local area, and would also improve the quality, usability and accessibility of existing accessible open space, officers are content that it conforms with the aspirations of both London Plan and Tower Hamlets Core Strategy planning policies.
- 8.14 Finally as an exceptional circumstance is considered to exist in this instance, and the proposal would result in a higher quality open space outcome along with no permanent loss of open space, the proposal can also be considered to conform with the aspirations of the Tower Hamlets Managing Development Document planning policies.

Principle of Office Use

- 8.15 The proposed development would result in the creation of 972sqm of Class B1 office floor space across 3 levels to house the staff accommodation relating to the construction of the neighbouring London City Island development for a temporary duration of 3 years.
- 8.16 Whilst the proposal would not result in the creation of additional employment, due to the fact that it relocates existing employment facilities generated by the construction of the additional London City Island development, officers are content to support the principle of an office use in this location, given that the proposal's impact on MOL and the Blue Ribbon Network is deemed acceptable, and the fact that the proposed staff accommodation would enable the delivery of a strategically important site.

Conclusion

- 8.17 Officers consider that the temporary loss of MOL alongside the permanent enhancement of the EIDB and the provision of temporary employment space can be considered to be acceptable in land use terms.

Design

Policy Context

- 8.18 Policies 7.1 to 7.6 of the London Plan (2016) seek to ensure that the design of new buildings reinforces or enhances the character of an area, incorporate the principles of inclusive design, reduce opportunities for criminal behaviour, has regard to the pattern and grain of existing spaces and streets, should enhance public realm (including increasing greening), and be of the highest architectural quality. Policy 7.8 states that “development should incorporate measures that identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.
- 8.19 The Council’s Core Strategy policy SP10 seeks to *“ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds”*.
- 8.20 The Council’s Managing Development Document policy DM23 states that *“development should be well-connected with the surrounding area and should be easily accessible for all people”*. DM24 states that *“development will be required to be designed to the highest quality standards, incorporating principles of good design”*. Policy DM27 states that *“development will be required to protect and enhance the borough’s heritage assets, their setting and their significance as key elements of developing the sense of place of the borough’s distinctive ‘Places’”*.

Height, Scale and Massing

- 8.21 The proposed temporary building is to be 3 storeys in height, extending to a height of 9.15m, and comprises of stacked pre-fabricated cabins. The structure would be 36m in length and 9.2m in width.



Fig.3 – Proposed Street Elevation From Orchard Place

- 8.22 The proposed structure would sit on the eastern side of the basin at a point where the ground level is lower (by 1.5m) than the remainder of the EIDB, in close proximity to a derelict warehouse on the adjacent Orchard Wharf site which has a ridge height 1.3m

higher than the proposed structure. It should also be noted that the proposed structure would also be notably lower than 42-44 Orchard Place which sits on the east side of Orchard Place.

- 8.23 Given the temporary nature of the proposed structure, its location on a portion of the EIDB which has a lower ground level, and the fact that it would be of a smaller scale than the immediately surrounding buildings, officers are content that the proposed height, scale and massing of the proposed structure would be acceptable as it would respect the character and setting of the application site.

Access and Layout

- 8.24 The proposed structure would sit within a rectangular enclosure surrounded by 2.4m high hoardings along its west and north boundaries. Within this enclosure, cycle parking and bin storage would also be provided, at its eastern end.

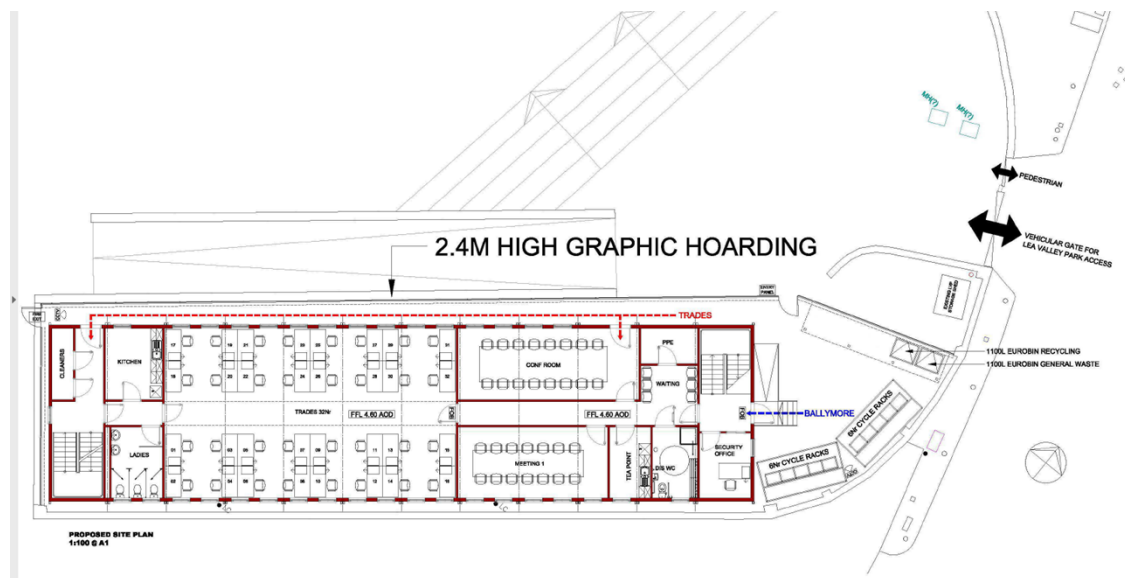


Fig.4 – Proposed Site Layout Plan

- 8.25 The portion of the EIDB occupied by the proposal is an area of unoccupied hardstanding which is poorly connected to the rest of the park, and as such access to the remaining portion of EIDB would be unaffected by the proposals.
- 8.26 Access to the enclosure would be via an entry controlled access door close to the main entrance to the EIDB and both level and stepped access would be afforded to the proposed structure, with separate entrances to the structure for both Ballymore and Trades representatives.
- 8.27 Given the temporary nature of the proposed structure, the fact that it would not affect access to the remainder of the EIDB, and the proposed access arrangements, the access and layout of the proposals would be acceptable.

Appearance

- 8.28 The proposed temporary building would consist of stacked pre-fabricated cabins finished in white, with a repeating fenestration pattern throughout.

- 8.29 Whilst such a structure would not be acceptable in design terms as a permanent building, the proposal would be temporary and it would be removed within 3 years from the date of consent. Therefore the proposed appearance of the structure is acceptable on a temporary basis.
- 8.30 In order to further soften the appearance of the proposals the 2.4m hoardings which surround the boundary of the site will feature a graphic finish illustrating trees (similar to the hoardings used on the adjacent London City Island site), an approach which is welcomed by officers.

Impact on Metropolitan Open Land / Blue Ribbon Network

- 8.31 In considering the impact of the proposals on MOL and the Blue Ribbon Network from a design perspective, officers have assessed the proposals impact on the open character of the MOL as well as the proposals relationship with the nearby water space.
- 8.32 As outlined under the 'height, scale and massing' heading within this section, the proposal would sit at a point in the basin where the ground level is lower (by 1.5m) than the remainder of the EIDB, and would also sit adjacent to the taller derelict warehouse on the adjacent Orchard Wharf site. Given this context and the site's location in the eastern corner of the EIDB, officers are content that the proposal would not unduly adversely impact upon the open character of the EIDB for its temporary duration.
- 8.33 The application site is located 30m away from the water space within the EIDB at a lower level, and would also be partially obscured by vegetation. As such the temporary siting of the proposed structure in this location is not considered to have a detrimental impact upon the Blue Ribbon Network as it would have an acceptable relationship with the nearby water space.

Conclusion

- 8.34 Officers consider that the design of the temporary proposed structure would be acceptable in terms of its height, scale and massing, access and layout, appearance and impact on Metropolitan Open Land / the Blue Ribbon Network.

Amenity

Policy Context

- 8.35 According to paragraph 17 of the NPPF local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.36 The Council's Core Strategy policy SP10 (4) seeks to ensure that development *"protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight)"*.
- 8.37 The Council's Managing Development Document policy DM25 states that *"development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm"*.

Assessment

- 8.38 The majority of surrounding buildings and land are in use for either non-residential uses, such as light industrial, office and recreation uses. The only residential properties within close proximity to the application site are those contained within 42-44 Orchard Place which sits to the east of the application site.
- 8.39 The eastern edge of the proposed 3 storey building sits 20m from the closest part of 42-44 Orchard Place. Given the scale of the proposed building, its temporary nature, and the distance between it and these residential properties, it is not considered that the proposal would result in adverse amenity impacts for existing neighbouring residents, in terms of daylight and sunlight impacts, nor privacy, outlook or enclosure impacts.
- 8.40 The proposed B1 office use is considered to be compatible with the existing surrounding uses in terms of its amenity implications (i.e. noise, vibration, light, odour, fume or pollution impacts), and the proposed hours of operation, being 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturdays are considered to be appropriate for this location. A condition restricting the hours of use to these hours would be imposed in the event that planning permission were to be granted.
- 8.41 Subject to the necessary conditions the proposed temporary development is acceptable in amenity terms.

Highways and Transportation

Policy Context

- 8.42 Policy 6.3 of the London Plan (2016) states that development proposals should not adversely affect the safety of the transport network. Policy 6.9 states that development proposals should provide cycle parking facilities in line with minimum standards. Policy 6.13 states that the maximum parking standards should generally not be exceeded and that electrical charging points and parking for disabled people should also be provided.
- 8.43 The Council's Core Strategy policy SP09 states that new development should not adversely impact either the safety or capacity of the road network, and that car-free developments will also be promoted.
- 8.44 The Council's Managing Development Document policy DM20 states that development should be located appropriately depending on its type and scale. Policy DM22 states that development proposals will be required to meet and exceed where possible parking standards, and also be permit-free in areas of good public transport accessibility.

Assessment

- 8.45 The proposed development seeks to re-provide the existing staff accommodation relating to the construction of the neighbouring London City Island development to the application site due to space constraints on the development site itself. Therefore the proposals would not generate any additional trips on either the local highway or public transport network, as it only seeks to relocate a pre-existing facility.
- 8.46 The measures contained within the approved construction and logistics plan for the London City Island development would continue to apply to the proposed relocated

staff accommodation offices in the event that planning permission were to be granted for this proposal.

- 8.47 In order to comply with the London Plan (2016) cycle parking standards a minimum of 12 cycle parking spaces are required to be provided for the proposed development, in the form of 10 long stay cycle parking spaces and 2 short stay cycle parking spaces. The applicant has proposed to provide 12 cycle parking spaces on the eastern side of the site which would be under cover, secure and easily accessible, thus conforming with relevant policy and guidance. A condition requiring the cycle parking spaces to be available prior to first occupation and for the lifetime of the development would be imposed in the event that planning permission were to be granted.
- 8.48 With the exception of refuse collections which will take place from Orchard Place utilising existing servicing operations to the adjacent London City Island site, the proposed development would not generate any servicing traffic. With respect to the refuse collections, it is considered that both the width and layout of Orchard Place is appropriate for such movements.
- 8.49 Subject to the necessary conditions officers are content that the proposed temporary development is acceptable in highways and transportation terms.

Refuse

Policy Context

- 8.50 Policy 5.17 of the London Plan (2016) states that development proposals should be *"minimising waste and achieving high reuse and recycling performance"*.
- 8.51 The Council's Core Strategy policy SP05 (1) states that development should *"implement the waste management hierarchy of reduce, reuse and recycle"*.
- 8.52 The Council's Managing Development Document policy DM14 (2) states that *"development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle"*.

Assessment

- 8.53 The proposed development includes a dedicated bin store at the eastern edge of the site closest to Orchard Place. This bin store incorporates 1 x 1100l Eurobin for general refuse and 1 x 1100l Eurobin for recycling. Given the nature of the proposed use, waste generation is expected to be low and as such the quantum of waste storage proposed is considered to be acceptable.
- 8.54 Waste collection from site will be undertaken by a private contractor and would take place from Orchard Place utilising existing servicing operations to the adjacent London City Island site. The proposed collection point on Orchard Place would be within 10m wheeling distance of the bin store and would also be free from kerbs or steps (due to the presence of a dropped kerb area).
- 8.55 Subject to a condition requiring the refuse store to be available prior to first occupation and for the lifetime of the development, officers are content that the proposed temporary development is acceptable in refuse terms.

Environmental Considerations

Policy Context

- 8.56 Policy 5.12 of the London Plan (2016) states that proposals *“must comply with the flood risk assessment and management requirements set out in the NPPF”*. Policy 5.21 states that *“appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination”*. Policy 7.19 states that *“development proposals should wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity”*.
- 8.57 The Council’s Core Strategy policy SP04 states that proposals should protect and enhance biodiversity value and reduce the risk and impact of flooding.
- 8.58 The Council’s Managing Development Document policy DM11 states that *“existing elements of biodiversity value should be protected or replaced within the development and additional habitat provision made to increase biodiversity value”*. Policy DM30 states that a site investigation and remediation proposals will need to be agreed where development is on potentially contaminated land.

Biodiversity

- 8.59 The application site sits within the East India Dock Basin Site of Importance for Nature Conservation (SINC) on an area of hardstanding on the eastern side of the basin which features no vegetation. The Council’s biodiversity officer has assessed the application and has concluded that the proposed temporary building would not have any significant adverse impacts upon biodiversity and the SINC.
- 8.60 In order to mitigate the temporary loss of open space, the applicant has proposed to make a number of physical enhancements to the EIDB, which would include biodiversity enhancements. As such the proposal would result in an increase in biodiversity value within the EIDB in line with policy DM11 of the Tower Hamlets Managing Development Document (2013) and this is in principle supported by the Council’s biodiversity officer.
- 8.61 To ensure that the proposed enhancements are carried out in an appropriate manner, as part of the S.106 agreement, officers would require the applicant to submit full details of the proposed enhancements (further to the document already submitted which merely outlines the scope of proposed enhancements) which would need to first be agreed by the Council’s biodiversity officer before the enhancement works within the EIDB could commence.

Contaminated Land

- 8.62 The application site sits on land which is at risk from potential land contamination, however as the proposals involve the siting of temporary pre-fabricated cabins atop the existing concrete and would not disturb the ground, the proposals are not considered to raise any contaminated land risks, which has been confirmed by the Council’s contaminated land officer.

Flood Risk

- 8.63 The application site is located within Flood Zone 3 which indicates that the site is located within an area which is at a ‘high probability’ of flooding. It should be noted

however that the site is located in an area which benefits from defences (the Thames Barrier), and is protected up to the 1000 year standard of protection, meaning that the development would not be at risk of flooding assuming normal operation of the flood defences.

- 8.64 To ensure that the proposal is protected from a breach of the Thames Barrier, the finished floor level has been set at a minimum level of 5.15m AOD (the same level as the 2065 breach flood level), and safe refuge could take place above the breach flood level (i.e. within the site cabins), in the absence of a safe escape route off-site.
- 8.65 The submitted flood risk assessment has been reviewed by the Environment Agency who have concluded that given the short duration of the temporary proposal (3 years) and the fact that finished floor levels are at the same level of the 2065 breach flood level, the proposals are sufficiently conservative to take into account the flood risk of the site. Safe refuge within the development, given the site's location in a low lying area, can also be considered to be acceptable.

Conclusion

- 8.66 The proposal is acceptable in biodiversity, contaminated land and flood risk terms and can thus be considered to be in acceptable in environmental terms.

Planning Contributions

- 8.67 The Council's Core Strategy policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's recently adopted 'Planning Obligations' SPD (2016) sets out in more detail how these impacts can be assessed and appropriate mitigation secured.
- 8.68 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and,
 - Are fairly and reasonably related in scale and kind to the development.
- 8.69 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.70 This is further supported by policy SP13 of the Core Strategy (2010) which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.71 The Council's current Supplementary Planning Document on Planning Obligations was adopted in September 2016. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the Core Strategy (2010).
- 8.72 The general purpose of S.106 contributions are to ensure that development is appropriately mitigated in terms of impacts.
- 8.73 The development proposed results in the creation of new B1 office floor space outside of the City Fringe area and as such is not liable for Tower Hamlets CIL payments.

- 8.74 The following table lists the non-financial obligations to be secured in accordance with LBTH and GLA guidance:

Heads of Terms	Planning Obligations
Improvements and enhancements to the East India Dock Basin.	<ul style="list-style-type: none">• the refurbishment of wildlife platforms;• the refurbishment of the Sir Anthony Caro Salome gate;• additional planting;• reinvigoration of the north shore and marsh planting;• provision of shelduck boxes;• additional seating;• additional signage, and;• refurbishment of the existing bird watching hides.

- 8.75 The applicant has stated that the estimated total of the proposed works to be secured through the S.106 would total circa £50,000.
- 8.76 All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and Regulation 122 and 123 tests.

9.0 FINANCIAL CONSIDERATIONS

Localism Act (amendment to S70(2) of the TCPA 1990)

- 9.1 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:
- The provisions of the development plan, so far as material to the application;
 - Any local finance considerations, so far as material to the application; and,
 - Any other material consideration.
- 9.2 Section 70(4) defines “local finance consideration” as:
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy
- 9.3 In this context “grants” might include New Homes Bonus. This is not applicable to this application.
- 9.4 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012. As this proposal is for temporary planning permission however, this development is exempt from London mayoral CIL.
- 9.5 The Borough’s Community Infrastructure Levy came into force from 1st April 2015. As discussed previously, in this instance the proposal would not be liable for Borough

CIL as the proposed development includes the creation of new B1 office floor space outside of the City Fringe area which is afforded a nil rate in the borough's CIL charging schedule.

10.0 EQUALITIES ACT CONSIDERATIONS

10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.0 HUMAN RIGHTS CONSIDERATIONS

11.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:

11.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

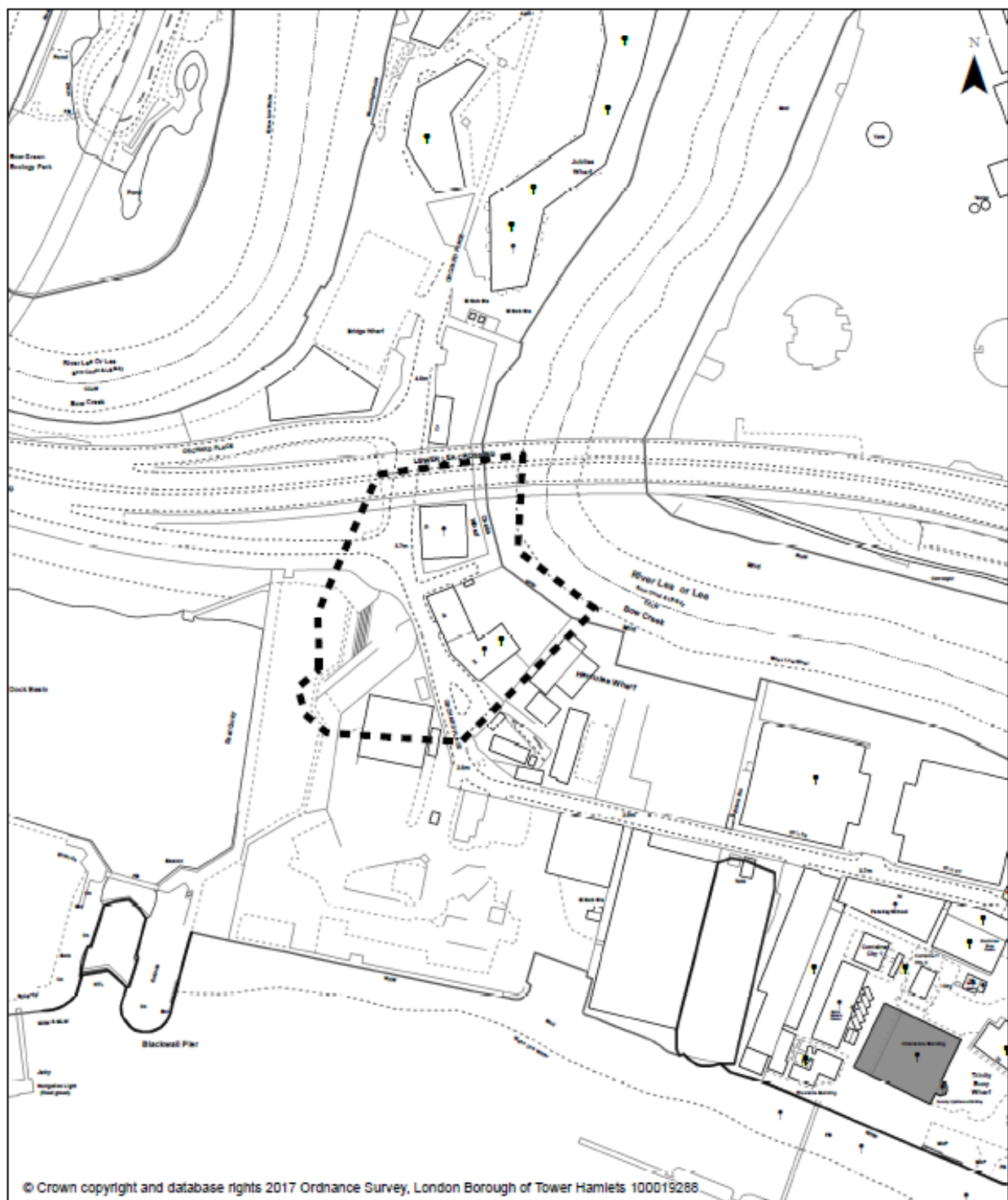
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 11.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 11.4 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 11.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 11.6 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

12.0 CONCLUSION

- 12.1 All other relevant policies and considerations have been taken into account. Planning permission should be GRANTED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.

13.0 SITE MAP



Scale @ 1:2,100
 0 15 30 60 90 Meters

Planning Application Site Map PA/16/02249

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.



GIS for
 Place Directorate
 LONDON BOROUGH OF TOWER HAMLETS
 Date: 07/11/2017

