

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Tuesday, 13 February 2007 at 7.30 p.m.

A G E N D A

VENUE

**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

Members:	Deputies (if any):
Chair: Councillor Rofique U Ahmed	
Vice-Chair: Councillor Alibor Choudhury	
Councillor Ohid Ahmed	Councillor Anwara Ali, (Designated Deputy for Councillors Ohid Ahmed, Alibor Choudhury, Ahmed Omer and Joshua Peck)
Councillor Louise Alexander	Councillor Stephanie Eaton, (Designated Deputy for Councillor Louise Alexander)
Councillor Rupert Eckhardt	Councillor Carli Harper-Penman, (Designated Deputy for Councillors Ohid Ahmed, Joshua Peck, Ahmed Omer and Alibor Choudhury)
Councillor Ahmed Hussain	Councillor Sirajul Islam, (Designated Deputy for Councillors Ohid Ahmed, Alibor Choudhury, Ahmed Omer and Joshua Peck)
Councillor Abjol Miah	Councillor Waiseul Islam, (Designated Deputy for Councillors Ahmed Hussain and Abjol Miah)
Councillor Ahmed Adam Omer	
Councillor Joshua Peck	

Councillor Rania Khan, (Designated Deputy for Councillors Ahmed Hussain and Abjol Miah)
Councillor M. Mamun Rashid, (Designated Deputy for Councillors Ahmed Hussain and Abjol Miah)
Councillor Simon Rouse, (Designated Deputy for Councillor Rupert Eckhardt)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Louise Fleming, Democratic Services, Tel: 020 7364 4878, E-mail: louise.fleming@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Tuesday, 13 February 2007

7.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992.

Note from the Chief Executive

In accordance with the Council's Code of Conduct, Members must declare any **personal interests** they have in any item on the agenda or as they arise during the course of the meeting. Members must orally indicate to which item their interest relates. If a Member has a personal interest he/she must also consider whether or not that interest is a **prejudicial personal interest** and take the necessary action. When considering whether or not they have a declarable interest, Members should consult pages 181 to 184 of the Council's Constitution. Please note that all Members present at a Committee meeting (in whatever capacity) are required to declare any personal or prejudicial interests.

A **personal interest** is, generally, one that would affect a Member (either directly or through a connection with a relevant person or organisation) more than other people in London, in respect of the item of business under consideration at the meeting. If a member of the public, knowing all the relevant facts, would view a Member's personal interest in the item under consideration as so substantial that it would appear likely to prejudice the Member's judgement of the public interest, then the Member has a **prejudicial personal interest**.

Consequences:

- If a Member has a **personal interest**: he/she must declare the interest but can stay, speak and vote.
- If the Member has **prejudicial personal interest**: he/she must declare the interest, cannot speak or vote on the item and must leave the room.

When declaring an interest, Members are requested to specify the nature of the interest, the particular agenda item to which the interest relates and to also specify whether the interest is of a personal or personal and prejudicial nature. This procedure is designed to assist the public's understanding of the meeting and is also designed to enable a full entry to be made in the Statutory Register of Interests which is kept by the Head of Democratic Renewal and Engagement on behalf of the Monitoring Officer.

	PAGE NUMBER	WARD(S) AFFECTED
3. UNRESTRICTED MINUTES		
To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 18 th January 2007.	1 - 14	
4. RECOMMENDATIONS		
4.1 To NOTE that the Chair has agreed to the submission of the Update Report of the Head of Development Decisions in accordance with the urgency provisions at Section 100B(4) of the Local Government Act 1972 to ensure Members have before them all the relevant facts and information about the planning applications set out in the agenda.		
4.2 To RESOLVE that, in the event of amendments to recommendations being made by the Committee, the task of formalising the wording of any amendments be delegated to the Head of Development Decisions along the broad lines indicated at the meeting.		
5. PROCEDURE FOR HEARING OBJECTIONS		
To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.	15 - 16	
6. PLANNING APPLICATIONS FOR DECISION		
6 .1 Delta Junction DLR, Land At Under DLR South Of Aspen Way West India Quay DLR Canary Wharf DLR, Aspen Way, London	17 - 30	Millwall

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 18 JANUARY 2007

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Rofique U Ahmed (Chair)

Councillor Ohid Ahmed

Councillor Alibor Choudhury (Vice-Chair)

Councillor Rupert Eckhardt

Councillor Ahmed Hussain

Councillor Abjol Miah

Councillor Ahmed Adam Omer

Councillor Stephanie Eaton

Other Councillors Present:

Officers Present:

Jeff Ackerman – (Affordable Housing Programmes Manager,
Housing Development)

Renee Goodwin – (Acting Applications Manager)

Stephen Irvine – (Development Control Manager, Planning)

Michael Kiely – (Service Head, Development Decisions)

Neil Weeks – (Legal Advisor)

Louise Fleming – Senior Committee Officer

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Louise Alexander and Josh Peck.
Councillor Stephanie Eaton deputised for Councillor Alexander.

2. DECLARATIONS OF INTEREST

Councillor Abjol Miah declared a personal interest in item 8.5 as the ward
member for Shadwell.

3. UNRESTRICTED MINUTES

The minutes of the meeting of the Strategic Development Committee were agreed subject to the following amendments:

- (i) Under Declarations of Interest, to amend Councillor Ohid Ahmed as an employee of Leaside Regeneration, rather than a member of the Leaside Regeneration Board;
- (ii) Under Declarations of Interest, to delete Councillor Peck and replace with Councillor Simon Rouse as the ward member for Millwall; and
- (iii) Under 6.1, which related to 33-37 The Oval, London E2 9DT, to amend the second paragraph to read:

“Councillor Stephanie Eaton addressed the Committee on behalf of her ward. She objected on the grounds that officers should follow the advice of the Health and Safety Executive in respect of proposed developments in the vicinity of gas works.”

4. RECOMMENDATIONS

4.1 The Committee NOTED that the Chair has agreed to the submission of the Update Report of the Head of Development Decisions in accordance with urgency provisions at Section 100B(4) of the Local Government Act 1972 to ensure Members had before them all relevant facts and information about the planning applications set out in the agenda.

4.2 The Committee RESOLVED that, in the event of amendments to recommendations being made by the Committee, the task of formalising the wording of any amendments be delegated to the Head of Development Decisions along the broad lines indicated at the meeting.

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections and those who had registered to speak.

6. PLANNING APPLICATIONS WITH NON-COMPLETED LEGAL AGREEMENTS

The Committee considered a report which proposed procedures to deal with old planning applications where the section 106 legal agreement had not been signed in a timely manner. Members were reminded that in recent reports, the recommendations to grant planning permission subject to the completion of a section 106 legal agreement had also included a further recommendation that authority be delegated to refuse planning permission if the legal agreement was not completed within a specified time period, usually 3 months.

The Committee received a schedule of applications which had been approved by the Committee prior to the current practice. It was proposed that, in respect of those applications, the Corporate Director of Development and Renewal be delegated power to either refuse planning permission or treat the applications as being finally disposed under the provisions of Article 25 of the General Development Procedure Order.

The Committee RESOLVED that, in respect of the applications listed in the schedule at section 5 of the agenda item, the Corporate Director of Development and Renewal be delegated power to either:

- (i) refuse planning permission; or
- (ii) treat them as being "finally disposed of" under the provisions of Article 25 of the General Permitted Development Order.

7. PLANNING APPLICATIONS REPORTED FOR INFORMATION

7.1 82 West India Dock Road & 15 Salter Street, London E14

Mr Michael Kiely, Head of Development Decisions, presented a report relating to an application for the demolition of existing buildings and the erection of a 7 storey and 21 storey building in connection with its use as 1442 sqm of commercial floor space within Classes A1, A2, A3 or B1 and 120 flats consisting of 65 x 1 bedroom, 24 x 2 bedroom, 25 x 3 bedroom and 6 x 4 bedroom units at 82 West India Dock Road and 15 Salter Street, London E14.

Members were informed that the application was the subject of an appeal to the Planning Inspectorate against the Council's failure to determine the application within the statutory period. The Council had to inform the Planning Inspectorate of the decision it would have taken, had it been empowered to, and that decision had been required before the meeting of the Strategic Development Committee. Therefore, the Chief Executive exercised his powers under paragraph 4.4.3 of the Budget and Policy Framework, contained in the Council's Constitution, under the Urgent Action procedures and refused the planning application on the grounds over overdevelopment and that the proposal was contrary to Council Policy.

The Committee noted that had the Strategic Development Committee been empowered to make a decision on the application for the demolition of existing buildings and the erection of a 7 storey and 21 storey building in connection with its use as 1442 sqm of commercial floor space within Classes A1, A2, A3 or B1 and 120 flats consisting of 65 x 1 bedroom, 24 x 2 bedroom, 25 x 3 bedroom and 6 x 4 bedroom units at 82 West India Dock Road and 15 Salter Street, London E14, it would have been refused for the following reason:

- 1) The proposal amounts to an undesirable overdevelopment of the site with excessive density, height, mass and bulk resulting in an inappropriate design that is not justified by the surrounding urban context. As such, the proposal is contrary to the following statutory and emerging development plan policies:

The Tower Hamlets Unitary Development Plan 1998:
Policy DEV1 (General Design and Environment Requirements)
Policy DEV3 (Mixed Use Development)
Policy DEV6 (High Buildings outside the Central Area)
Policy DEV8 (Developments which adversely affect significant local views)

The London Plan 2004:
Policy 4B.1 Design Principles for a compact city
Policy 4B.3 Maximising the potential of sites and Table 4B.3
Policy 4B.8 Tall buildings – location
Policy 4B.9 Large-scale buildings – design and impact

The Tower Hamlets Development Plan Document Core Strategy and Development Control Submission Document November 2006:
Core Policy CP4 (Good Design)
Core Policy CP48 (Tall Buildings)
Policy DEV2 (Character and Design)
Policy DEV27 (Tall Buildings Assessment)
Policy HSG1 (Determining Residential Density) and Planning Standard 4

The Committee noted that the Planning Inspectorate was advised that any grant of planning permission should be accompanied by an agreement or unilateral undertaking under section 106 of the Town and Country Planning Act 1990 to secure planning obligations under the following heads:

1. An affordable housing contribution of 35% of the residential floorspace to be provided at a ratio of 80:20 between rental and intermediate housing.
2. A £197,472 contribution to the provision of education facilities in the area.
3. A £532,977 contribution towards transport capacity improvements.
4. A 'car free' arrangement that prohibits residents from applying for a parking permit from the Council.
5. The implementation of a Travel Plan.
6. The use of Local Labour in Construction.
7. Measures to mitigate impact on telecommunication and radio transmissions to include those used by the Metropolitan Police and the Docklands Light Railway.

8. PLANNING APPLICATIONS FOR DECISION

8.1 Caspian Works and 1-3 Yeo Street (Caspian Wharf) London E3

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the redevelopment of site to provide buildings of between 4 and 9 storeys for mixed use purposes including 390 residential units, Class A1, A2, A3, B1 and D2 uses with associated car and cycle parking, roof terraces, landscaping, canalside walkway and servicing at Caspian Works and 1-3 Yeo Street (Caspian Wharf), London E3.

Ms Helen Cantalo spoke in objection on the grounds of height and density. She felt that the proposal would reduced daylight/sunlight and was contrary to London Plan policy.

Mr Hugo Marchant spoke in objection on the grounds of height and density. He felt that there was insufficient healthcare and education provision in the area to cater for additional residents.

Mr Justin Kenworthy spoke on behalf of the applicant. He attempted to address the residents concerns and gave reasons why the development should be approved. He felt that it would improve the area and provide affordable housing.

Ms Mignano AnnaMaria spoke in support of the application, on behalf of the residents of Colmans Wharf. She felt it would maximise the potential of the site and would regenerate the area. She also welcomed the affordable housing provision.

Ms Renee Goodwin, Strategic Applications Manager, presented a detailed report on the application and outlined the main planning issues for the Committee to consider when making its decision. She addressed the concerns of the residents and informed Members that the application satisfied the relevant planning policies and would have minimal impact on the neighbouring properties.

Members asked questions relating to the Environmental Impact Assessment, the scale of the buildings, the affordable housing provision, the amount of car parking provision, the comments received from the Police and the impact on transport.

Ms Goodwin advised the Committee that the Environment Agency was satisfied, subject to conditions being imposed. The Police accepted that the development complied with policy and that Transport for London was satisfied with the financial contribution to local transport.

The Committee RESOLVED that planning permission for the redevelopment of site to provide buildings of between 4 and 9 storeys for mixed use purposes

including 390 residential units, Class A1, A2, A3, B1 and D2 uses with associated car and cycle parking, roof terraces, landscaping, canalside walkway and servicing at Caspian Works and 1-3 Yeo Street (Caspian Wharf), London E3 be GRANTED subject to:

- A Any direction by the Mayor of London.
- B The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:
- a) Affordable Housing (35% of the residential floor space as affordable housing and a 70/30 ratio split between rented and intermediate units by habitable room;
 - b) £1,597,879 towards local healthcare;
 - c) £654,126 towards education provision;
 - d) £60,000 towards public art;
 - e) £40,000 funding towards improvements to bus stops in Violet Road;
 - f) Canalside and open space access in perpetuity, with the potential of providing future canalside access beneath the DLR line (subject to DLR agreement);
 - g) Highways, pedestrian and cycle improvements namely a pinch-point zebra crossing to the north of the site and a raised level zebra crossing south of the site on Violet Road (cost to be confirmed by Highways);
 - h) Preparation and approval of and compliance with a Travel Plan to demonstrate that everything is being done with reason to promote non car based travel;
 - i) 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits;
 - j) TV reception monitoring and mitigation as appropriate;
 - k) DLR radio reception monitoring and mitigation as appropriate;
 - l) Air quality monitoring during construction; and
 - m) Local labour in construction.
- C That the Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:
- 1) Permission valid for 3 years.
 - 2) Submission of details of external materials.
 - 3) Submission of details of hard and soft landscaping treatment.
 - 4) All planting, seeding or turfing.
 - 5) Submission of detailed treatment of wetland terrace and management plan.
 - 6) Submission of a tree planting schedule in respect of the replacement of the TPO trees.
 - 7) Submission of details of any proposed walls, fences, gates and railings.
 - 8) Submission of revised drawings to increase width of eastern part of canalside walkway.

- 9) Submission of details of recycling and refuse.
- 10) Submission of details of any external lighting.
- 11) Investigation and remediation measures for land contamination.
- 12) Archaeological investigation.
- 13) Recording of building prior to demolition.
- 14) Submission of details of compensatory flood storage works.
- 15) Submission of details of surface water drainage works.
- 16) Submission of details of surface water control measures.
- 17) Submission of details of a scheme for renewing and maintaining flood defences.
- 18) 4 metre wide maintenance access to Limehouse Cut via the site for Environmental Agency.
- 19) No solid matter stored within 10 metres of the banks of the Limehouse Cut during construction.
- 20) Installation of adequate sewerage infrastructure.
- 21) Remediation Strategy and Method Statement of details of prevention of water pollution.
- 22) Submission of a final Remediation Validation Report to ensure against water pollution.
- 23) Submission of Water Impact Study.
- 24) Submission of details to be approved in writing by the local planning authority in consultation with the Greater London Authority of the 10% renewable energy measures, gas fired primary Combined Heat and Power system, secondary liquid biomass oil boiler, which shall be in accordance with the revised energy strategy submitted January 2007 and implemented in perpetuity.
- 25) Implementation of noise control measures as submitted.
- 26) Limit hours of construction to between measures as submitted.
- 27) Limit hours of power/hammer driven piling/breaking out to between 10.00 hours to 16.00 hours, Monday to Friday.
- 28) Details of means of fume extraction and ventilation for proposed A3 uses.
- 29) Submission of details of brown and green roof systems.
- 30) Submission of materials strategy.
- 31) All residential accommodation to be built to Lifetime Homes standard.
- 32) Submission of a study of sustainability of canal system for transfer of construction materials, household waste;
- 33) Any other condition(s) considered necessary by the Head of Development Decisions.

Informatives

- 1) This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990.
- 2) With regard to condition 11 (Decontamination), you should contact the Council's Environmental Health Department.
- 3) With regard to conditions 12 and 13 you are advised to contact English Heritage.

- 4) With regard to conditions 14 to 22 you are advised to contact the Environment Agency.
- 5) You are advised that the Council operates a Code of Construction Practice and you should discuss this with the Council's Environmental Health Department.
- 6) You are advised to consult the Council's Highways Development Department, regarding any alterations to the public highway.
- 7) With regard to condition 23 you are advised to contact Thames Water with whom you should also consult on: water pressure; water supply infrastructure; public sewer connections; sewage disposal on site; and separation of foul and surface water.
- 8) You are advised to contact Docklands Light Railway Limited with regard to details of design and construction methods to ensure safety and operating requirements of the DLR.
- 9) You are advised to contact English Nature with regard to the design of the external lighting system and its impact upon foraging bats.

The Committee confirmed that it had taken the environmental information into account, as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

The Committee agreed that, following the issue of the decision, a statement be placed on the Statutory Register confirming that the main reasons and considerations on which the Committee's decision was based were those set out in the Planning Officer's report to the Committee (as required by Regulation 21(1) (c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

That if by 1st July 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

(Councillor Ahmed Hussain arrived during the consideration of this application and therefore did not take part in the vote.)

8.2 2-10 Bow Common Lane, London E14

The Committee noted that the application had been withdrawn.

8.3 News International site at the south east junction of the Highway and Vaughan Way, London E1

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the erection of two buildings of 10 and 27 storeys to create 115,388 sq.m of floorspace for Class B1 (Offices), 1,419 sq. m A1 (Shop), 913 sq m A3 (Café and Restaurant) and 1,200 sq. m D2 (Assembly and leisure), together with new access and servicing arrangements, car parking for up to 650 cars, lorry marshalling area and landscaping works at the News

International site at the south east junction of the Highway and Vaughan Way, London E1.

Ms Renee Goodwin, Strategic Applications Manager, presented a detailed report on the application. She outlined the late objections which had been received and explained how the proposed conditions would address the concerns. She also outlined the reasons why the application had been recommended for approval.

Members expressed concern that the last full consultation period with local residents had taken place in 2003. Mr Kiely proposed that the application be deferred to a future meeting allow the Council to address the consultation issue.

The Committee RESOLVED that the application for the erection of two buildings of 10 and 27 storeys to create 115,388 sq.m of floorspace for Class B1 (Offices), 1,419 sq. m A1 (Shop), 913 sq m A3 (Café and Restaurant) and 1,200 sq. m D2 (Assembly and leisure), together with new access and servicing arrangements, car parking for up to 650 cars, lorry marshalling area and landscaping works at the News International site at the south east junction of the Highway and Vaughan Way, London E1 be DEFERRED to enable officers to carry out further consultations with local residents.

8.4 249-253 Cambridge Heath Road, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing two/three storey buildings and redevelopment of the site to provide an eleven storey building in connection with the use of the site for B1/A1/A2/A4 purposes at ground floor level and 305 student bedrooms on the upper floors with associated hard and soft landscaping at 249-253 Cambridge Heath Road.

Ms Petra Salva spoke in objection on the grounds that the proposed building was too high and the site was not suitable for student housing. She felt that there would be a loss of light; and there would be noise and traffic impact.

Ms Toni Merridew spoke in support of the application, on behalf of the women's centre. She felt that the proposal would regenerate the area and provide jobs and childcare provision.

Mr Nick Brindley spoke on behalf of the applicant. He informed the Committee that the height of the building had been reduced. The daylight/sunlight report was acceptable and there would be a Section 106 legal agreement to secure funding for transport improvements in the area.

Mr Stephen Irvine, Development Control Manager, presented a detailed report on the application. He outlined the reasons why the proposal was acceptable in planning terms and addressed the concerns of the residents. The proposal was in line with BRE guidelines on daylight/sunlight and therefore a refusal on

those grounds could not be sustained. He also advised that there was a shortage of student housing in London.

Members expressed concern that Tower Hamlets had accommodated numerous proposals for student housing in recent months and sought reassurance that other London boroughs were also providing as much student housing, as there was a need for social housing in the Borough. Members also asked questions relating the lease for the women's centre. The Committee was advised that the latter point was not a material planning consideration.

The Committee RESOLVED that planning permission for the demolition of existing two/three storey buildings and redevelopment of the site to provide an eleven storey building in connection with the use of the site for B1/A1/A2/A4 purposes at ground floor level and 305 student bedrooms on the upper floors with associated hard and soft landscaping at 249-253 Cambridge Heath Road be GRANTED subject to:

- A Any direction by the Mayor
- B The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:
 - a) Car Free Agreement
 - b) Preparation of a Green Travel Plan
 - c) Public realm improvements including footpath upgrade, signage and street furniture: £200,000
 - d) Bus improvements: £20,000
 - e) Local labour in construction: £15,000
 - f) Contributions to Bethnal Green Gardens: £100,000

That the Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:
 - Elevation treatment including samples of materials for external fascia of building
 - Ground floor public realm (detailed landscape plan for amenity courtyard as well as roof garden and ground floor public realm improvements
 - The design of lower floor elevations of commercial units including shopfronts and community space
- 3) Landscape Management Plan required
- 4) Student housing Management Plan required
- 5) Restriction on hours of use of 5th floor roof terrace: 8 am to 8 pm
- 6) 278 (Highways) agreement required

- 7) Hours of construction limits (8 am to 6 pm Mon-Fri, 8 am to 1 pm Sat)
- 8) Details of insulation of the ventilation system and any associated plant required
- 9) Hours of operation limits – hammer driven piling (10 am to 4 pm Mon-Fri)
- 10) Details required for onsite drainage works
- 11) Full particulars of the refuse/recycling storage required
- 12) Code of Construction Practice, including a Construction Traffic Management Assessment required
- 13) Details of finished floor levels required
- 14) Details of surface water source control measures required
- 15) Biomass heating and renewable energy measures to be implemented
- 16) Black redstart habitat provision required
- 17) Land contamination study required to be undertaken
- 18) Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

- 1) Environment Agency advice
- 2) Site notice specifying the details of the contractor required
- 3) Standard of fitness for human habitation, means of fire escape and relevant Building Regulations

That if by 18th July 2007 the legal agreement had not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

8.5 Land bounded by Schoolhouse Lane, Cable Street and Glasshouse Fields, London E1

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the erection of a part four/part seven storey building to provide 198 residential; 1865 sq. m of A1 floorspace; 31 car parking spaces; 118 cycle parking spaces and associated landscaping on land bounded by Schoolhouse Lane, Cable Street and Glasshouse Fields, London E1.

Mr Stephen Irvine, Development Control Manager, presented a detailed report on the application. He detailed the differences between the current and previously approved application and why the application had been recommended for approval.

Members asked questions relating to affordable house, parking design and room size. Mr Irvine informed the Committee that the application complied with planning policy. It was explained that the mix of affordable housing in the current scheme was more beneficial than that previously approved.

The Committee RESOLVED that planning permission for the erection of a part four/part seven storey building to provide 198 residential; 1865 sq. m of A1 floorspace; 31 car parking spaces; 118 cycle parking spaces and associated landscaping on land bounded by Schoolhouse Lane, Cable Street and Glasshouse Fields, London E1 be GRANTED subject to:

The prior completion of a legal agreement to the satisfaction of the Chief Legal Officer to secure the following:

- a) Car Free agreement
- b) Green Travel Plan
- c) Provision of affordable housing: 41 units
- d) Highway Improvement Works: £50,000
- e) Local labour in construction
- f) Upgrade of the adjacent games court on Cable Street: £100,000
- g) A contribution towards the provision of an indoor play area within the Glamis Road Adventure Playground: £100,000
- h) Contribution to London Cycle Network capital works on Cable Street: £10,000

That the Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:
 - Elevational treatment including samples of materials for external fascia of building
 - Ground floor public realm (detailed landscape plan for amenity courtyard as well as roof garden and ground floor public realm improvements)
 - Cycle parking design and location
 - The design of the lower floor elevations of commercial units including shopfronts and community space
- 3) Landscape Management Plan required
- 4) 278 agreement to be entered into for Highway works surrounding the site
- 5) S38 agreement for the construction and adoption of the new road
- 6) Hours of construction limits (8 am to 6 pm Mon-Fri and 8 am to 1 pm Sat)
- 7) Details of insulation of the ventilation system and any associated plant required
- 8) Hours of operation limits – hammer driven piling (10 am – 4 pm)
- 9) Details required for on site drainage works
- 10) Full particulars of the refuse/recycling storage required
- 11) Code of Construction Practice, including a Construction Traffic Management Assessment required
- 12) Details of finished floor levels required

- 13) Details of surface water source control measures required
- 14) Renewable energy measures to be implemented
- 15) Black redstart habitat provision required
- 16) Land contamination study required to be undertaken
- 17) Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

- 1) Environment Agency Advice
- 2) Site notice specifying the details of the contractor required
- 3) Standard of fitness for human habitation, means of fire escape and relevant Building Regulations

That if by 18th July 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

8.6 Empress Coach Works, 1 to 4 Corbridge Crescent and site at rear, Corbridge Crescent, London E2 9DS

The Committee noted that the application had been withdrawn.

8.7 Leamouth Peninsula North (Pura Foods Ltd), Orchard Place, London E14

The Committee noted that the application had been withdrawn.

8.8 Hercules Wharf, Union Wharf and Castle Wharf, Orchard Place, London E14

The Committee noted that the application had been withdrawn.

The meeting ended at 9.35 p.m.

Chair, Councillor Rofique U Ahmed
Strategic Development Committee

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Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE OLYMPICS DEVELOPMENT COMMITTEE

PROCEDURE FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 1) When a planning application is reported on the agenda as a Planning Application for Decision at one of the Council's Development Committees, objectors and the applicant/supporters will be able to address that Committee on any planning issues raised by the application, provided that they follow the procedures set out below.
- 2) For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors (ie 3 or 6 minutes).
- 3) All requests to address a Committee meeting should be confirmed in writing or by e-mail to the Committee Clerk by 4pm on the Friday prior to the meeting. This communication should confirm the details of the intended spokesperson and include contact telephone numbers. The Clerk will not accept requests before the agenda has been published. For objectors, the allocation of slots will be on a first come, first served basis. For the applicant, the clerk will advise after 4pm on the Friday prior to the meeting whether his/her slot is 3 or 6 minutes long. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 4) The order for addressing committee will be:
 - a) Objector(s)
 - b) The applicant or supporter(s)
 - c) Non-committee Member(s) wishing to address the committee (limited to 3 minutes each)
- 5) These will all be verbal presentations only. The distribution of additional material or information to Members at the Committee is not permitted.
- 6) At the close of a speaker's address the person must take no further part in the proceedings of the meeting, unless directed by the Chair of the Committee.
- 7) Committee members, at the discretion of the Chair, may ask questions of any spokesperson on points of clarification only.
- 8) Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or non-committee members registered to speak, the Chair will ask the Committee if any Member wishes to speak against the application. If no Member indicates that they wish to speak against the recommendation, then the applicant or their supporter(s) will not be expected to address the Committee.
- 9) The Chair has the ability, at his/her discretion, to vary these procedures where there are exceptional circumstances or in the interests of natural justice.

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Agenda Item 6.1

Committee: Strategic Development	Date: 13 th February 2007	Classification: Unrestricted	Agenda Item No: 6.1
Report of: Corporate Director of Development and Renewal		Title: Report on Planning Application	
Case Officer: Ila Robertson		Ref No: PA/06/02121	
		Ward(s): Millwall (February 2002 onwards)	

1. APPLICATION DETAILS

Location:	Delta Junction DLR, Land At Under DLR South Of Aspen Way West India Quay DLR Canary Wharf DLR, Aspen Way, London
Existing Use:	Light Railway, car park and vacant site
Proposal:	DLR development works, comprising of: 1. Rebuilding viaduct on existing columns. 2. Building new viaduct under the Delta Junction 3. Building new viaduct "tie-in" to the railway between West India Quay and Canary Wharf stations. 4. Demolition of existing viaduct and columns. 5. Diversion of utilities required for the construction of new columns.
Drawing Nos:	Plan 001, Plan 002 47011/WID/C960/S/PA2, 47011/WID/C960/S/PA3, 47011/WID/C960/S/PA4, 47011/WID/C960/S/PA5
Applicant:	Docklands Light Railway
Owner:	British Waterways Board, X Leisure Limited Partnership, Road Management Services (A13) PLC, Norquill Limited, Canary Wharf Partnerships Ltd, Transport for London (Street Management), West India Quay Management Company Ltd,
Historic Building:	N/A
Conservation Area:	N/A

2. BACKGROUND

- 2.1 A Transport & Works Act order (TWA) gives power for the Secretary of State for Transport to authorise by order certain types of infrastructure project that had previously been authorised by Act of Parliament. The types of project covered by the TWA include railways, tramways, inland waterways and works which interfere with rights of navigation. The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000 ("the Applications Rules") made under sections 6, 6A, 7 and 10 of the TWA set out the procedural requirements for those who wish to apply for or object to proposed orders.
- 2.2 Council officers have been negotiating a draft legal agreement with the DLR to ensure that any environmental and traffic impacts from the works resulting from the proposed DLR Transport & Works Act (TWA) (Capacity Enhancement and 2012 Games Preparation) Order are mitigated as far as possible for local residents. A decision was made by Full Council on 13 December 2006 to delegate the completion of the legal agreement to the Corporate Director of Development & Renewal.
- 2.3 However, this related planning application (PA/06/02121) has been received by the

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Ila Robertson 020 7364 5354

Council which also forms part of the above TWA Order. Therefore, the Corporate Director of Development & Renewal considers it would not be appropriate to conclude negotiations on the legal agreement with the DLR until the Council's position on this planning application is clarified and any outstanding issues resolved by the DLR to the satisfaction of this planning authority.

- 2.4 The TWA inquiry is set for the 20th February 2007 and the Council needs to determine its position in relation to this inquiry. This undetermined application creates a problem in that by adopting a particular position at the inquiry the Council could be seen to be fettering its position as the Local Planning Authority.
- 2.5 The planning application is subject to an EIA and the procedures associated with that means that the Council are not yet in a position to determine the application. Moreover, there is enough clarity around the substantive issues to enable this report to be presented to Members to enable them to delegate the determination of the application by the Corporate Director of Development and Renewal.
- 2.6 This decision would enable officers to prepare for the inquiry.

3. RECOMMENDATION

- 3.1 That the **Corporate Director of Development and Renewal** be given **delegated powers** to determine this application.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Application is made for full planning permission for DLR development works at Delta Junction. The development would consist of:
 1. Rebuilding viaduct on existing columns.
 2. Building new viaduct under the Delta Junction
 3. Building new viaduct "tie-in" to the railway between West India Quay and Canary Wharf stations.
 4. Demolition of existing viaduct and columns.
 5. Diversion of utilities required for the construction of new columns.
- 4.2 Currently, the Delta Junction is an at grade junction, thereby the tracks used by the Lewisham to Bank services must cross a track used by the Stratford bound services. The existing crossover arrangement means that the capacity of the junction limits the service provision to these destinations.
- 4.3 The new proposed viaduct structure would be constructed on the northern side of the existing viaduct adjacent to West India Dock Road it would then extend over the existing Beckton tracks before passing beneath the structure to the north of the West India Quay Station. It would then run on the eastern side of the existing tracks before rising to rejoin the existing tracks just before Canary Wharf Station.
- 4.4 The proposal would be constructed at the same time as the 'DLR Three Car Capacity Enhancement Scheme' which will extend all platforms to three car length from Bank to Lewisham. The three car scheme was approved under a Transport Works Act (TWA) Order by the Secretary of State in November 2005.
- 4.5 The main construction works site for the proposal would be the Shed 35 site. The applicant has advised that the construction works for the Delta Junction would need to take place over

a period of 70 weeks. With a proposed start from mid 2007 to summer 2008 to coincide with the works required for the Three Car Enhancement scheme.

- 4.6 The proposed hours of construction would generally be 0800am to 1800pm Monday to Friday and 0800am to 1300pm Saturdays. However, the applicant has advised that some works would need to be undertaken at night time given the operational restraints of the railway. The applicant has advised that these works would be restricted to five nights.
- 4.7 An Environment Statement (here after referred to as the ES) dated 21st November 2006 and prepared by ERM has been submitted by DLR.

Site and surroundings

- 4.8 The application site is approximately 1.80 ha including both the area of works and the adjacent construction site at Shed 35 and parts of the viaduct above West India Dock North. The surrounding area comprises a mix of commercial, residential, community and dock uses.
- 4.9 The application site is bounded by Aspen Way, Limehouse Link and West India Dock Road to the north, Hertsmere Road and West India and Millwall Docks to the west, a vacant site known as Shed 35 to the east and Fisherman's Walk, West India Quay and Canary Wharf DLR Stations and The North Colonnade to the south. Aspen Way, Limehouse Link and West India Dock Road are identified as strategic routes into central London from the east.
- 4.10 To the north, on the opposite side of Aspen Way, Limehouse Link and West India Dock Road are three to four storeys of low rise residential blocks. Further northeast of the residential uses are community uses comprising playing courts, a leisure centre and the Tower Hamlets College.
- 4.11 West of the site adjacent to the West India Quay DLR station are a number of buildings comprising of both commercial and residential uses. The two properties in direct proximity to the junction are the Horizon Building which comprises residential units and the Marriott Hotel and North Quay which comprises both hotel and residential apartment accommodation. A row of Grade II listed warehouse buildings known as the Port East Apartments are located to the west of the Marriott Hotel and the North Quay Apartments. Directly south of the site is the West India Dock and then the commercial office blocks of Canary Wharf.
- 4.12 To the east of the proposed site is a large vacant site known as Shed 35 which is proposed to be a temporary construction site. Further west, to this site is the Billingsgate markets.

Planning History

- 4.13 The following planning history is relevant to the application:

The proposal forms part of a wider three car extension strategy currently being determined by the Secretary of State within a TWA Order. The inquiry for this Order is set down for the end of February 2007, with a decision by the Secretary of State anticipated by September 2007.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Decision" agenda items. The following policies are relevant to the application:

Unitary Development Plan 1998

Proposals: FPA Flood Protection Area
 CAZ Central Area Zones

- Policy 3C.5 London's International, National and Regional Transport Links
- Policy 3C.9 Increasing Capacity and Quality of Public Transport
- Policy 3C.10 Phasing of Transport Infrastructure
- Policy 3C.12 Improved Underground and DLR Services
- Policy 3D.12 Biodiversity and Nature Conservation
- Policy 4C.1 The Strategic Importance of the Blue Ribbon Network
- Policy 4C.3 The Natural Value of Blue Ribbon Network
- Policy 4C.22 Structures over and into the Blue Ribbon Network

Community Plan The following Community Plan objectives relate to the application:

- A better place for living well
- A better place for excellent public services

6. CONSULTATION RESPONSE

- 6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

LBTH Environmental Health

- 6.2 No objection, subject to conditions included to ensure that night works are limited, measures are undertaken to prevent lighting and noise effects.

(OFFICER COMMENT: It is recommended that a condition is included on the scheme to ensure that a Code of Construction Practice is approved by Council for the site prior to works commencing to ensure that construction effects are adequately mitigated).

LBTH Transportation and Highways

- 6.3 No objection, subject to conditions being included to ensure that a traffic management plan is submitted and that the height of the viaduct is no less than 5.415m over Hertsmere Road.

LBTH Strategic Transport Development

- 6.4 No objection, considers that the scheme would provide wider benefits to the Borough in terms of increased passenger capacity and services. They recommend that this planning application should be supported as a key element to assist in improving overall DLR services across the entire network in East London.

Greater London Authority (Statutory Consultee (includes LDA and TFL))

- 6.5 No comments received.

British Waterways (Statutory Consultee)

- 6.6 No objection, however recommends a number of informatives to ensure the dock wall and other British water way assets are protected during construction.

Environment Agency (Statutory Consultee)

- 6.7 No comments received.

English Heritage (Statutory Consultee)

- 6.8 No comments received.

Transport for London - Street Management

- 6.9 TFL is the highway authority for the A13 West India Dock Road / Aspen Way / East India Dock Road, which forms part of the TLRN (Transport for London Road Network).

The proposal is fronting the TLRN mentioned above. It is not considered that the proposal would result in a significant overall increase in daily traffic to the site.

TFL Streets supports the construction of a new viaduct as this would allow additional DLR services to operate from the Royal Docks to Canary Wharf in the future, also improving journey times between City Airport and the Isle of Dogs and between Bank and Canary Wharf. Therefore, it would encourage more commuters to use public transport and, hence, have a positive effect to the neighbouring highway.

TFL Streets recommends a number of informatives regarding s278 agreements, oversailing licenses and traffic management during construction.

Cross Rail

- 6.10 No comments received.

English Nature (Statutory Consultee)

- 6.11 No comments received.

Countryside Agency (Statutory Consultee)

- 6.12 No comments received.

7. LOCAL REPRESENTATION

- 7.1 A total of 292 neighbouring properties within the area shown on the map appended to this report were notified of the original application on 21 December 2006. The application has also been publicised in East End Life and via seven notices located around the site.

- 7.2 The total number of representations received from neighbours in response to notification and publicity of the application were as follows:

No of individual responses: 5 Objecting: 3 Supporting: 2

- 7.3 The following local groups/societies made representations:

- West India Quay Residents Association
- Port East Apartments Residents' Association
- Olympic Delivery Authority (In support)
- Canary Wharf Limited (In support)

- 7.4 The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

- Partial loss of Service to West India Quay Station
(OFFICER COMMENT: A response to the above is provided in section 8.21 to 8.25 of this report)
- Construction and noise effects from night works, piling works, dust

(OFFICER COMMENT: A response to the above is provided in section 8.28 to 8.36 of this report)

- Closure of parts of Hertsmere Road/ Aspen Way during construction
(OFFICER COMMENT: A response is provided in section 8.29 to 8.31 of this report)

7.5 The following issues were raised in representations, but they are not material to the determination of the application:

- Compensation from Council/ DLR for construction effects
(OFFICER COMMENT: A response to the above is provided in section 8.46 of this report)
- Economic effects to West India Quay due to reduced services
(OFFICER COMMENT: A response to the above is provided in section 8.41 to 8.45 of this report)
- Phasing of Transportation projects (i.e. Crossrail and DLR three car extension).
(OFFICER COMMENT: A response to the above is provided in section 8.47 of this report)

8. MATERIAL PLANNING CONSIDERATIONS

Environmental Impact Assessment

8.1 The Council's consultants, Bureau Veritas, are currently undertaking a review of the Environmental Statement. In summary, the review considers the following:

- Land use;
- Socio-economics;
- Traffic and transport;
- Operational noise and vibration impacts
- Construction noise and vibration;
- Landscape and visual;
- Ecology;
- Water Resources;
- Archaeology and cultural heritage;
- Air quality and dust;
- Contaminated land and waste;

The ES is subject to verification from the Councils ES Consultant. The review will not be finalised until the 8th February 2007.

8.2 The main planning issues raised by the application that the Committee must consider are:

1. Land Use
2. Design and Heritage
3. Public Transport Network
4. Construction and Noise
5. Biodiversity and Water Resources

Land Use

- 8.3 The proposal seeks to further develop the existing DLR infrastructure around the Delta Junction by rebuilding a viaduct on the existing columns, constructing a new viaduct under the Delta Junction, and with a new viaduct "tie-in" to the railway between West India Quay and Canary Wharf stations.
- 8.4 The site encompasses a large area of existing DLR infrastructure, car parking land, airspace above the West India North Dock and a vacant site. The only portion of the site allocated for a specific use is the site known as Shed 35 and this is identified in the scheme as a temporary construction site. The construction site is identified for employment, retail/ leisure and public open space. However, given the proposal seeks to only utilise this vacant site for temporary construction means it is not considered that any further regard needs to be given to the matter of allocation. The remainder of the site comprises land directly adjacent or beneath existing DLR viaducts and a small section of car park.
- 8.5 Policy ST27 of the Adopted Unitary Development Plan (1998) states that Council will support the improvement of the public transport within the Borough. This is carried into the Emerging Local Development Framework (2005) with policy CP43 stating that Council will seek to expand, improve the quality, capacity and extent of public infrastructure by supporting planned transport schemes to allow for improvement accessibility in the Borough. However, such improvement schemes should ensure that the construction and operation of such schemes is minimised as far as possible.
- 8.6 In addition, the site falls within the Isle of Dogs Area Action Plan (AAP) which states within Policy IOD2 that Council would strongly support the substantial upgrade of the public transport network including the Docklands Light Railway.
- 8.7 Policy 3C.9 of the London Plan 2004 provides further support for the improvement of the capacity public transport in London as a sustainable means of travelling. In particular, network extensions play a key role in fostering new development and regeneration. Furthermore, the Plan states that one of the key strategic priorities for East London is providing the necessary development infrastructure for a successful bid Olympic Bid.
- 8.8 As demonstrated above the improvement of public transport services are supported by both Borough and Regional Policies. The proposal seeks to make improvements to the existing DLR network to allow for increased capacity and to improve operational flexibility. The increases in capacity are vital to the provision of essential infrastructure services required for the 2012 Olympics and as part of the anticipated increase in passenger numbers on the DLR services.
- 8.9 In particular, the DLR train passenger capacity would be increased by up to 50% as the result of this improvement work and the proposal relating to phase 2 capacity enhancements to Stratford. This increase capacity and frequency would be of benefit to citizens of Tower Hamlets as a whole and the wider East London public transport network. Furthermore, the proposals would contribute to Council's and London's efforts to tackle climate change by encouraging increased use of public transport services, integrated with the promotion of better walking and cycling measures.
- 8.10 The DLR has undertaken a full economic appraisal for the project as a whole and it is concluded that the relatively minor disbenefit to such a small proportion (0.5%) of DLR passengers would be far outweighed by the benefits that the project would bring for the vast majority of users of DLR and the enhanced access it would help to deliver to London's wider public transport system.
- 8.11 Overall, in land use terms the proposed extensions to the DLR network at Delta Junction are considered to provide a vital role in providing increased capacity on the DLR services and are essential to the success of the 2012 London Olympics. The extensions would therefore provide both improvements to public transport services within the Borough and wider London

area. It is therefore considered that the proposal would be consistent with both the adopted UDP and the emerging policy in the LDF, the AAP and the London Plan.

Design and Heritage

- 8.12 The proposal would require the demolition of several viaducts, bridge spans and columns. However, the main works involve the construction of new viaducts and track beneath the Delta Junction and adjacent the existing elevated tracks, including a new viaduct "tie-in" to the railway between West India Quay and Canary Wharf stations.
- 8.13 Council policies DEV 1 of the UDP and DEV2 of the emerging LDF require new development to respect and take account of the local character in terms of scale, massing, bulk and form. It is considered that the new viaducts, elevated tracks and associated structures have been well integrated with the existing structures these allows the bulk and massing to be largely contained within the existing envelope.
- 8.14 The applicant has provided photomontages illustrating the addition of the new structures to the existing infrastructure. These images clearly indicate that the proposed extension would not adversely impact on the street scene or wider townscape but would instead be viewed against the backdrop provided by the existing DLR structures. In particular, the key view of the elevated viaduct between the West India Quay and Canary Wharf Stations confirms that the proposed 'tie in' structure would run almost parallel to the existing structure and would continue to read as one built element across the dock. Consequently, it is not considered that the structures would adversely affect any views of local significance or the character of the West India Quay area given the scale and massing of the proposed extensions.
- 8.15 It is not considered that any of the temporary construction equipment necessary to build the proposal would adversely affect the street scene or townscape given they would only be on site for a temporary period.
- 8.16 The ES submitted by DLR mentions that an area of land directly beneath the junction adjacent to Aspen Way has been identified as an area requiring public realm improvements. It is considered that such improvements would improve the streetscape and public realm in the locality and improve the pedestrian connections between West India Quay and Poplar Stations. It is recommended that conditions be included on any permission to ensure that these public realm improvements are undertaken.
- 8.17 The new viaduct and associated supporting columns are located over and in proximity (approx 2-3.5m) to the Grade I listed Banana Wall. The wall has been identified as a structure of very high national importance. The ES submitted identifies that the works would avoid the structure and that any vibrations are not predicted to give rise to any significant structural effects. It is recommended that conditions be included on any permission to confirm that the structure is adequately protected from the proposed works.
- 8.18 Overall, it is considered that the proposed scale & design of the new viaducts is considered appropriate and in accordance with the Council's adopted and emerging policies for new development and protection of listed structures. The scheme is well integrated into the existing DLR infrastructure and would not adversely affect the appearance of townscape in this location.

Public Transport Network

- 8.19 As mentioned in paragraphs 8.4-8.6 of the 'Land use' section of this report both Council and Regional policies support the expansion and improvement of the quality, capacity and extent of public transport infrastructure subject to any mitigation or enhancement measures.

- 8.20 The proposed alterations and extensions to the Delta Junction would enable increased passenger capacity to/ from Canary Wharf, on the Bank, Stratford, Lewisham, London City and Woolwich Arsenal DLR Lines. The existing capacity at the Junction allows for average flows of 25.5 trains per hour in either direction through Canary Wharf, allowing for approximately 17 trains in either direction on the Bank to Lewisham branch and approximately nine trains on the Lewisham to Stratford route. The improvements would allow for 35 trains in either direction
- 8.21 The alterations at Delta Junction would affect the service pattern arrangements at West India Quay station, as trains from Bank to Lewisham would not be able to stop at the station in the Monday to Friday morning and evening peaks (7am to 10am and 4pm to 7pm). Therefore passengers travelling from Bank to Lewisham in would need to walk from Westferry or Poplar Stations, or alternatively change at Poplar to board or alight at Canary Wharf and travel back to West India Quay station. Except for this peak time southbound Bank to Lewisham services, the DLR confirms that all other southbound and northbound services would continue to stop at West India Quay station. This equates to approximately 50 trains per hour (in both directions) still servicing the West India Quay station during peak hours.
- 8.22 The DLR Environmental Statement shows that 90% of Canary Wharf employees use DLR alighting at Canary Wharf and Heron Quays stations and only 1% at West India Quay. Therefore, it is considered that the amount of users affected by the loss of service is small, with the majority of users to remain unaffected. In addition, journey times for passengers from Bank to Lewisham during peak hours would be reduced by approximately 90 seconds as a result of not stopping at West India Quay Station.
- 8.23 Given the restriction on southbound Bank to Lewisham services passengers that currently travel on trains from Bank to alight at West India Quay would need to use Westferry, Poplar or Canary Wharf stations as alternatives to travel to the area around West India Quay station during peak times. All three of these stations are in close proximity to West India Quay, for example Poplar and Canary Wharf are only approximately 250 metres away from West India Quay.
- 8.24 A number of objectors have raised concerns regarding the loss of service to West India Quay as a result of the proposal. However, the new service arrangements would only affect the southbound services to Lewisham from Bank with all other services unchanged and given the proximity of the station to the Westferry, Poplar and Canary Wharf stations it is considered that this change in service arrangement is acceptable.
- 8.25 On balance, it is considered that only a small number of users would be affected by the change in service arrangements to West India Quay Station. Furthermore, it is considered that the improvements to Delta Junction would allow for increased capacity and frequency of services to the majority of the lines and stations in accordance with both Borough and Regional Policies.

Construction and Noise

- 8.26 The UDP policies HSG15, DEV2 and DEV50 place a particular emphasis on protecting the amenity of existing and prospective surrounding residential occupier's from new development. In terms, of the proposed scheme the main amenity effects are considered to take place during the construction period.
- 8.27 As mentioned in section 4.4 of the above report the works proposed to the Delta Junction would be undertaken in conjunction with the 'Three Car' extensions to the Bank to Lewisham service. The submitted ES has assessed the cumulative nature of the construction effects.
- 8.28 The main construction site is proposed to be located at the vacant site to the east of the West India Quay Station known as Shed 35. The construction site is proposed to be

accessed via Hertsmere Road. The cumulative number of construction vehicles needing to access the site for both the Delta Junction and the phase 1 extension works is anticipated to be 38 vehicles (76 trips).

- 8.29 The submitted ES has provided a Transport Assessment which states that where the construction works require the temporary closure of roads traffic management measures and route diversions would provide alternatives for users. The assessment identifies that the greatest traffic impacts would be experienced on the diversionary routes being East India Dock Road and Westferry Junction. However, given the temporary nature of these diversions and the construction phases these increases are considered acceptable.
- 8.30 Furthermore, the Transport Assessment has been reviewed by TFL (street management) and Council Highways Officers who advise that they support the proposed public transport upgrades and that suitable conditions can be included to ensure that the traffic management is undertaken in an acceptable manner.
- 8.31 A number of objectors raised concerns regarding the complete closure of Hertsmere Road. The submitted ES and associated Transport assessment confirms that access to Hertsmere Road would be available via Westferry Road whilst the closures between Hertsmere Road and Aspen Way are in place during construction.
- 8.32 The applicant has advised that works to construct the viaducts and associated works at the site would need to take place over 70 weeks. The hours of construction would generally be 8am to 6pm Monday to Friday and 8am to 1pm Saturdays. However, given the DLR services would continue to run during construction there are some works that would need to be undertaken in the evening. The DLR have identified that these night time works would be limited to five evenings.
- 8.33 The proximity of the site to a number of dense residential areas necessitates careful consideration of the potential effects on residential occupants. However, given the temporary nature of the evening works, the constraints posed by the proximity of the site to the strategic roads and the need to continue the operation of the DLR services these works would be considered acceptable. It is recommended that suitable mitigation measures should be implemented to ensure the evening works are limited.
- 8.34 In addition, the noise and vibration effects from the daytime works have the potential affect to the adjoining occupiers at both the Horizon Building and the Port East Apartments above the Marriott Hotel. The DLR have advised that the vibration impacts from piling and other associated works for both the 'Three Car' and Delta Junction extensions would occur over 11 days over the 70 week construction period.
- 8.35 It is considered that the construction effects can be adequately mitigated and controlled by a Code of Construction Practice (CoCP). It is therefore recommended that a condition be included on the permission to ensure that the CoCP is implemented to Council's satisfaction prior to works commencing on site.
- 8.36 Whilst it is accepted that there would be disruption to the adjacent residents in terms of noise, construction traffic and vibration. It is considered that these adverse effects are acceptable given the temporary nature of the works, that the majority of works would occur during limited daytime hours and that the process would be controlled by a CoCP document.

Biodiversity and Water Resources

- 8.37 Parts of the site fall within areas identified as being of nature conservation importance and

designated for water protection. Council policies DEV57 of the UDP and CP31, CP33 of the emerging LDF of the state that Council would seek to ensure that biodiversity and sites of natural importance are enhanced and protected.

- 8.38 The submitted ES outlines that acceptable mitigation measures can be implemented to ensure that no adverse effects result on the adjacent watercourses or local ecology and that any affected ecology is only of low local significance.
- 8.39 In addition, the site is identified as falling within a Flood Protection Zone. The submitted ES provides a Flood Risk Assessment which concludes that the new structures would not adversely affect the Flood Plain or adjoining properties. It is considered that the policy accords with U2 of the UDP and DEV21 of the emerging LDF.
- 8.40 Overall, it is considered that given the scale of the works involved that any adverse effects on the local biodiversity and water resources would be minimal and that suitable mitigation measures are recommended to be conditioned to ensure these areas of the site are protected in accordance with Council policies.

Other Planning Issues

- 8.41 Given the restriction of southbound services on the Bank to Lewisham Services concerns have been raised from objectors regarding the potential economic implications of this reduction in service to West India Quay businesses.
- 8.42 The DLR undertook a survey of people alighting and boarding the DLR at West India Quay during the peak hours. This survey found that the total number of alighters in the am peak was 372 from all destinations compared to 12,309 at the Canary Wharf Station and 1,286 at Westferry Station. The evening peak saw an increase in people alighting from all destinations at West India Quay to 627 compared to 4,055 at Canary Wharf. It is therefore considered that the current users of the West India Station represent a small percentage of total passengers to the local area.
- 8.43 A key finding of the DLR surveys was that the activity through the West India Quay Station appeared to not correlate with commuting activity with the peaks in passenger numbers being within the evening at 8pm and then 11pm. It is reasonable to therefore contend that given the concentration of restaurant, bar and cinema uses within the West India Quay that these peaks correlate to late night users.
- 8.44 Furthermore, additional user surveys undertaken by the DLR found that of the 626 passengers that alight from the southbound train Bank to Lewisham train during peak hours over two days only 9% of these passengers actually continued their journey to the street level. The remainder of passengers alighted to interchange to another DLR service from the other platforms at the Station.
- 8.45 The results of the abovementioned surveys demonstrate that the loss of service to West India Quay by the southbound Bank to Lewisham trains during peak hours would have minimal impact on the economy of the West India Quay. As the actual percentage of people alighting that travel down to street level are so low during peak hours and given the peaks in passenger numbers at the station are during the non peak evening which may well relate to the concentration of night time activities within the Quay area.

Other Matters

- 8.46 The objectors have raised concerns about whether they are entitled to compensation from

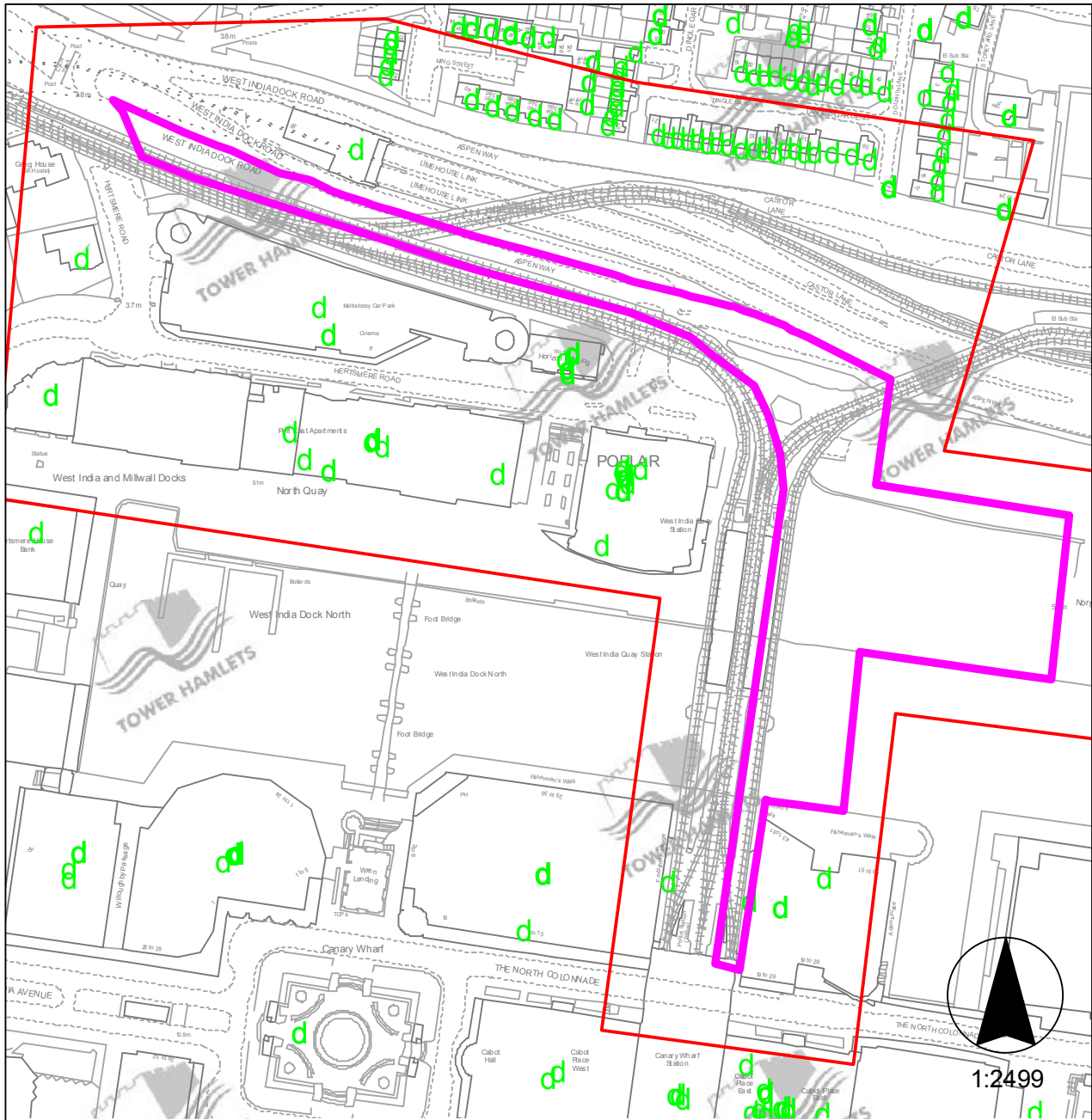
the Council or DLR from construction effects on themselves and their properties. This is not a material planning consideration.

8.47 Additional concerns have been raised by objectors regarding the phasing of large transportation projects. That is not a matter material to this planning permission.

9. CONCLUSIONS

9.1 The Council is not yet in a position to determine this application. However the extra ordinary circumstances outlined in the BACKGROUND section of the report means that the Council needs to be in a position to enable it to engage with a TWA appeal. The decision that Members are being asked to make is to delegate the final determination to the Corporate Director of Development and Renewal.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568