

Meeting of the

# STRATEGIC DEVELOPMENT COMMITTEE

---

Thursday, 27 September 2012 at 7.00 p.m.

---

## A G E N D A

---

### VENUE

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

<b>Members:</b>	<b>Deputies (if any):</b>
<b>Chair: Councillor Helal Abbas</b> <b>Vice-Chair: Councillor Bill Turner</b>	
<b>Councillor Dr. Emma Jones</b>	Councillor Tim Archer, (Designated Deputy representing Councillors Dr. Emma Jones and Zara Davis)
<b>Councillor Shahed Ali</b>	Councillor Peter Golds, (Designated Deputy representing Councillors Dr. Emma Jones and Zara Davis)
<b>Councillor Carlo Gibbs</b>	Councillor Denise Jones, (Designated Deputy representing Councillors Helal Abbas, Carlo Gibbs, Bill Turner, Helal Uddin and Judith Gardiner)
<b>Councillor Judith Gardiner</b>	Councillor Kosru Uddin, (Designated Deputy representing Councillors Helal Abbas, Carlo Gibbs, Bill Turner, Helal Uddin and Judith Gardiner)
<b>Councillor Helal Uddin</b>	Councillor Shiria Khatun, (Designated Deputy representing Councillors Helal Abbas, Carlo Gibbs, Bill Turner, Helal Uddin and Judith Gardiner)
<b>Councillor Zara Davis</b>	Councillor Craig Aston, (Designated
<b>Councillor Stephanie Eaton</b>	

Deputy representing Councillors Dr.  
Emma Jones and Zara Davis)

**[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: Zoe Folley, Democratic Services, Tel: 020 7364 4877, E-mail: [zoe.folley@towerhamlets.gov.uk](mailto:zoe.folley@towerhamlets.gov.uk)

"If the fire alarm sounds please leave the building immediately by the nearest available fire exit, to which a Fire Warden will direct you. Please do not use the lifts. Please do not deviate to collect personal belongings or vehicles parked in the complex. If you are unable to use the stairs, a member of staff will direct you to a safe area. On leaving the building, please proceed directly to the Fire Assembly Point situated by the lake on Saffron Avenue. No person must re-enter the building until instructed that it is safe to do so by the Senior Fire Marshall. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned."

**LONDON BOROUGH OF TOWER HAMLETS**  
**STRATEGIC DEVELOPMENT COMMITTEE**

**Thursday, 27 September 2012**

**7.00 p.m.**

**1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>3. UNRESTRICTED MINUTES</b>		

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 16<sup>th</sup> August 2012.

**5 - 18**

**4. RECOMMENDATIONS**

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

## **5. PROCEDURE FOR HEARING OBJECTIONS**

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee. **19 - 20**

The deadline for registering to speak at this meeting is 4pm Tuesday 25<sup>th</sup> September 2012.

## **6. DEFERRED ITEMS**

**21 - 22**

**6 .1 ASDA, 151 East Ferry Road, London, E14 3BT  
PA/12/03670**

**23 - 122**

**Blackwall &  
Cubitt Town**

**6 .2 OrchardWharf, Orchard Place, London (PA/11/03824)**

**123 - 206**

**Blackwall &  
Cubitt Town**

## **7. PLANNING APPLICATIONS FOR DECISION**

**207 - 210**

**7 .1 Site at 82 West India Dock Road and 15 Salter Street,  
London PA/12/00918**

**211 - 232**

**Limehouse**

## **8. OTHER PLANNING MATTERS**

Nil Items.

# Agenda Item 2

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

### **Interests and Disclosable Pecuniary Interests (DPIs)**

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

**Further advice**

For further advice please contact:-

Isabella Freeman, Assistant Chief Executive (Legal Services), 020 7364 4801; or  
John Williams, Service Head, Democratic Services, 020 7364 4204

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

This page is intentionally left blank



**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 5.30 P.M. ON THURSDAY, 16 AUGUST 2012**

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

**Members Present:**

Councillor Helal Abbas (Chair)

Councillor Dr. Emma Jones  
Councillor Shahed Ali  
Councillor Judith Gardiner  
Councillor Bill Turner (Vice-Chair)  
Councillor Zara Davis  
Councillor Craig Aston

Councillor Peter Golds  
Councillor Denise Jones

**Other Councillors Present:**

Nil

**Officers Present:**

Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Jerry Bell	– (Strategic Applications Manager, Development and Renewal)
Jen Pepper	– (Affordable Housing Programme Manager, Development and Renewal)
Amy Thompson	– (Strategic Applications Planner, Development and Renewal)
Pete Smith	– (Development Control Manager, Development & Renewal)
Pat Watson	– (Head of Building Control)
Mandip Dhillon	– (Planning Officer)
Alan Ingram	– (Democratic Services)

**COUNCILLOR HELAL ABBAS (CHAIR), IN THE CHAIR**

### 1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted from Councillors Stephanie Eaton, Carlo Gibbs and Helal Uddin and from Councillor Judith Gardiner for lateness.

### 2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Ms Megan Nugent, Legal Services Team Leader, clarified the new arrangements for declaration of Disclosable Pecuniary Interests.

No declarations of Disclosable Pecuniary Interests were made.

Councillor Zara Davis stated that she had been previously involved in a campaign against the proposals in the ASDA planning application (agenda item 7.3) and would withdraw from the meeting during consideration thereof, when Councillor Craig Aston would deputise for her for that item only.

### 3. UNRESTRICTED MINUTES

Councillor Bill Turner asked that the commentary regarding minute 8.2 (Orchard Wharf, Orchard Place, London [PA/11/03824]) be amended to reflect Members' decision that they had wanted to refuse the planning application.

The Committee **RESOLVED**

That, subject to the amendment shown above, the minutes of the meeting of the Committee held on 5<sup>th</sup> July 2012 be agreed as a correct record and signed by the Chair.

### 4. RECOMMENDATIONS

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

## 5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections, together with details of persons who had registered to speak at the meeting.

## 6. DEFERRED ITEMS

### 6.1 Stroudley Walk Market, Stroudley Walk, London, E3 3EW - Outline Application (PA/10/00373)

The Chair indicated that the planning applications set out in agenda items 6.1 and 6.2 would be considered concurrently, as they related to the same site, but with a separate vote on each.

Councillor Peter Golds stated that he had been a member of the Committee at the last meeting and had participated in the vote on these applications. He noted that negative comments regarding his participation had been made on a local blog and referred the matter to the Legal Officer. Ms Megan Nugent, Legal Services Team Leader, stated that she would take the matter into serious consideration. Councillor Golds added that he would be referring the issue to the Monitoring Officer. The Chair confirmed that this matter would be recorded in the minutes of the meeting.

Mr Pete Smith, Development Control Manager, briefly introduced the applications for outline and full planning permission at Stroudley Walk Market, Stroudley Walk, London, E3 3EW, which Officers had been minded to refuse, whilst Members had not been happy to accept those recommendations.

Mr Jerry Bell, Strategic Applications Manager, made a further brief presentation on the details of the applications.

The Chair commented that there had been a very detailed discussion at the last meeting, with many Members' questions on all aspects of the applications. He indicated, therefore, that the Committee should proceed to vote in the light of the supplementary reports and the recommended reasons for approval.

On a vote of 3 for and 1 against, the Committee **RESOLVED**

(1) That the Officer recommendation to refuse the application be **NOT ACCEPTED** and that outline planning permission for demolition and redevelopment works at Stroudley Walk Market, Stroudley Walk, London, E3 (PA/10/373) be **GRANTED** for the following reasons:

1. On balance, the benefits of regenerating Stroudley Walk and the proposed amount of affordable housing, replacement of existing affordable housing stock and mix of units, as demonstrated through

viability assessment is considered acceptable. As such, the proposal is in line with policies 3.8, 8.10, 3.11, 3.12, 3.13 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007); policy SP02 of the Core Strategy Development Plan Document (2010); and DM3 of the Draft Managing Development DPD 2011 which seek to ensure that new developments offer a range of housing choices.

2. Whilst the s106 package falls significantly short of the required amount for a development of this scale, the Council accept that the applicant's offer in light of the viability constraints identified in this proposal. The provision of affordable housing, alongside other regenerative benefits, the s106 package is considered to be acceptable in line with Regulation 122 of Community Infrastructure Levy 2010, saved policy DEV4 of the Council's Unitary Development Plan 1998, policies SP02 and SP13 of the Core Strategy 2010, which seek to secure contributions towards infrastructure and services required to facilitate the proposed development.

(2) That such planning permission be subject to the agreement of the S106 package as set out in the Committee report and to any direction by the Mayor of London.

(3) That the Corporate Director, Development and Renewal be delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report.

## **6.2 Stroudley Walk Market, Stroudley Walk, London, E3 3EW - Full Planning Application (PA/10/00374)**

For commentary, see previous item in these minutes.

On a vote of 3 for and 1 against, with two abstentions, the Committee **RESOLVED**

(1) That the Officer recommendation to refuse the application be **NOT ACCEPTED** and that full planning permission for redevelopment works at Stroudley Walk Market, Stroudley Walk, London, E3 (PA/10/374) be **GRANTED** for the following reasons:

1. Whilst the s106 package falls significantly short of the required amount for a development of this scale, the Council accept that the applicant's offer in light of the viability constraints identified in this proposal. The provision of affordable housing, alongside other regenerative benefits that will come forward with the side wide outline scheme, the s106 package is considered to be acceptable in line with Regulation 122 of Community Infrastructure Levy 2010, saved policy DEV4 of the Council's Unitary Development Plan 1998, policies SP02

and SP13 of the Core Strategy 2010, which seek to secure contributions towards infrastructure and services required to facilitate the proposed development.

2. The proposal provides an acceptable amount of affordable housing and mix of units, as demonstrated through viability assessment. As such, the proposal is in line with Planning Policy Statement 3, policies 3.8, 8.10, 3.11, 3.12, 3.13 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007); policy SP02 of the Core Strategy Development Plan Document (2010); and DM3 of the Managing Development DPD 2011 which seek to ensure that new developments offer a range of housing choices.

(2) That such planning permission be subject to the agreement of the S106 package as set out in the Committee report and to any direction by the Mayor of London.

(3) That the Corporate Director, Development and Renewal be delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report.

(At this point, 5.45 p.m., Councillor Denise Jones left the meeting. Councillor Peter Golds, who had been an eligible Member to vote on both Stroudley Walk Market applications as he had been a Deputy at the meeting of the Committee on 5<sup>th</sup> July 2012, took a place in the public gallery.)

## **7. PLANNING APPLICATIONS FOR DECISION**

### **7.1 Cayley Primary School, Aston Street, London, E14 7NG PA/12/00920**

Mr Pete Smith, development Control Manager, introduced the Committee report regarding the planning application for the provision of extensions at Cayley Primary School, Aston Street, London, E14 7NG (PA/12/00920).

Ms Beth Eite, Planning Officer, made a detailed presentation of the Committee report and tabled update as circulated to Members.

NOTE: Councillor Judith Gardiner joined the meeting at 5.55 p.m. and the Chair indicated that Councillor Gardiner could participate in discussion but was not eligible to vote on this item as she had arrived after the Officer introduction.

The Chair then invited Members' questions on the application, which included:

- The likely impact on the school and children if planning permission were not granted.
- The variation in design between the original Victorian school building and the proposed extensions.
- The proximity of the new extensions to a Grade II Listed Building and whether the setting of the latter would be significantly affected.
- The impact on local transport systems of 190 extra pupils, when there were already congestion problems. The situation was likely to worsen even if the school already had a transport management plan.

Officers replied that:

- If planning permission were not given and building works could not start, there would be difficulty for some 30 pupils who could not be accommodated in September 2013 and for whom alternative provision would have to be sought.
- The 4-storey extension had a flat roof to reduce mass and allow 4 floors to be provided. After discussions with the Council's agents, it had been concluded that a modern development would look better than trying to copy Victorian styling. Conditions had been applied on materials to be used and the bulk of the building was set back from the street scene.
- The listed building was about 30m. away from the school and it was felt that a modern extension, set back from the street and not visually intrusive, would not prove detrimental to the setting.
- There would be an impact on roads and the advice of the Highways Section had been sought. The travel plan would encourage people to access the school by public transport but any congestion must be balanced against the provision of desperately-needed school places. Travel plans were constantly evolving documents and would be monitored to ensure they adapted as necessary to changing circumstances.

On a vote of 4 for and nil against, with 1 abstention, the Committee **RESOLVED**

- (1) That planning permission be **GRANTED** at Cayley Primary School, Aston Street, London, E14 7NG (PA/12/00920) for a 4-storey extension to join southern side of existing primary school to provide new classroom, resource accommodation, kitchen, hall and office space. New single storey extension to front of the existing building to provide teaching accommodation.
- (2) That the Corporate Director, Development and Renewal be delegated power to impose conditions and informatives to secure the matters set out in the Committee report and tabled update report.

## **7.2 Orchard Wharf, Orchard Place, London (PA/11/03824)**

Mr Pete Smith, Development Control Manager, introduced the Committee report concerning the application for cross-boundary hybrid planning permission at Orchard Wharf, Orchard Place, London (PA/11/03824), 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 conveyer.

Mr Smith added that the application had previously been submitted to Committee on 31<sup>st</sup> May 2012, when Members had not been minded to grant planning permission. He made the point that Greater London Authority consultation had confirmed that Orchard Wharf had safeguarded status and they had taken account of matters raised by Members. In the light of additional information and clarifications, the application was now being presented to the Committee afresh.

The Chair invited registered speakers to address the Committee.

Councillor Peter Golds, speaking in objection to the application, stated that he was representing the Blackwall and Cubitt Town Ward, residents of Virginia Quay and also Jim Fitzpatrick MP, who was most concerned about the application. He expressed the view that the application would have been acceptable 50 years ago but the nature of the Borough had changed greatly and there was a large local population in the vicinity of the wharf. The site would generate a large number of vehicle movements in close proximity to Virginia Quay, which was also affected by the large Ballymore site nearby. Transport issues and environmental interests must be an absolute priority in that locality and provided excellent grounds to turn down the application. Councillor Golds added that he was concerned at the level of consultation that had taken place and local people had not been listened to by the developers. Over 200 lorries per day would have severe effects on local roads and the Canning Town flyover. The application should be refused on transport and many other reasons.

Ms Vina Walsh, speaking in support of the application, stated that the application would reactivate a derelict site. A range of environmental and other issues had been raised when the application was last considered. However, the amended scheme was now the culmination of two years' work, which now contained mitigation measures and the proposals were justified. Public consultation had been conducted through public meetings and mailshots. All objections raised had been reviewed and comments provided. Officers had put forward Members' concerns and the applicants' environmental statement addressed these in detail. It was important to recognise the policy statement and the wharf's safeguarded status. The applicants had done all they could to address Members' and residents' concerns comprehensively.

In response to questions from Members, Ms Walsh indicated that:

- There would be 30 Borough employees at the construction stage and 30 at the operational stage.
- There would be 198 lorry journeys throughout the working day, spread out at about 20 per hour. The site would be largely served by river traffic. Road traffic had been fully assessed and it was felt there would be no significant adverse effects on the locality.
- Approval to such traffic levels had been obtained on appeal after refusals in other locations based on traffic movements, etc. Mitigation was provided by the fact the traffic levels were spread evenly over the working day.

Ms Mandip Dhillon, Planning Officer, made a detailed presentation of the Committee report and tabled update, as circulated to Members. She indicated that the London Thames Gateway Development Corporation were also recommending approval of planning permission and the application would be submitted to their committee in the following week. Ms Dhillon referred to concerns on safeguarding of the wharf that had been previously raised with the GLC and which had now been resolved. Use of the land for aggregate storage had been approved by the Secretary of State and the scheme remained viable despite a reduction in demand for construction materials. Environmental measures including screening along the East India Dock Basin, to the west of the site, had also been negotiated. Officers were still recommending that planning permission should be granted.

The Chair then invited questions from Members, which included:

- Lorry movements and associated noise that would be generated by activities on the site and effects on surrounding roads.
- Responsibility for monitoring environmental impacts on the East India Dock Basin.
- As part of the site would be uncovered, what would be the likely position regarding dust impact on residents.
- Further consultation measures that had been undertaken with the GLA.
- Any possible alternative uses for the site.

Officers' responses included information including:

- Anticipated vehicle movements from the site were considered acceptable. Noise would be created near Virginia Quay but this was also felt to meet acceptable normal standards in an inner-London borough. Secondary glazing would be available to residents despite this consideration and the mitigation in place would be the same as for works that had been undertaken on the DLR and Crossrail. Road surfaces would also be treated to reduce noise levels.
- The Lea Valley Regional Park Authority was responsible for the East India Dock Basin but the Council would be seeking to access funding streams to assist them de-silt the basin.
- Buildings on the south part of the site would be linked by a conveyor to a jetty in the Thames. However, this was the furthest point away from Orchard Place. Concrete batching plants had responsibilities to



observe and had to apply for an operating permit. There would be a risk assessment and subsequent monitoring and control of site emissions. Some materials might need partial enclosure or have to be kept wet. Of three concrete batching plants in the Borough, none had been the subject of complaints regarding operations.

- Following the meeting on 31<sup>st</sup> May 2012, there had been full consultation with the relevant Cabinet Lead Member and comments had been forwarded to the GLC, which they had taken into account.
- The most recent documentation indicate that the wharf would be safeguarded for cement and aggregate storage and the scope for any other uses would be very limited.

The Chair referred to the extensive discussion that had taken place at the meeting on 31<sup>st</sup> May 2012 and commented that he had allowed Members time to clarify other queries that had arisen. He then indicated that the matter would be put to the vote.

On a vote of 1 for and 3 against, with 2 abstentions, the Committee **RESOLVED**

That the Officer recommendation to grant planning permission at Orchard Wharf, Orchard Place, London (PA/11/03824) be **NOT ACCEPTED** due to Members' concerns over:

1. The impact of the development on the FAT Walk.
2. Impact from noise and general use on the biodiversity of the site and the East India Dock Basin.
3. Impact of noise on neighbours.
4. Transportation impacts.
5. Design and impact on views.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee, setting out proposed detailed reasons for refusal, along with the implications of the decision.

### **Adjournment**

At this point (7.00 p.m.) the Chair proposed and it was

**RESOLVED** that the proceedings be adjourned for a five minutes break.

Councillor Zara Davis then left the meeting and Councillor Craig Aston deputised for her.

### **7.3 ASDA, 151 East Ferry Road, London, E14 3BT (PA/11/3670)**

The Chair confirmed that Councillor Zara Davis was not participating in this item of business and her Deputy was Councillor Craig Aston.

Mr Pete Smith, Development Control Manager, introduced the Committee report and tabled update regarding the hybrid planning application for the demolition of the existing supermarket and comprehensive redevelopment of the site for mixed-use purposes at ASDA, 151 East Ferry Road, London, E14 3BT (PA/11/3670).

The Chair invited registered speakers to address the Committee.

Ms Maggie Phillips, Chair of the St John's Tenants' & Residents' Association, spoke in objection to the application. She stated that the big objection local people had to the proposed development was that it would not include a petrol filling station, meaning that there would be no such facility on the Isle of Dogs and this was very important to residents. In addition, only 30 social housing units would be provided from a development of 850. There were 24,000 applicants on the current housing waiting list and the lack of affordable housing, given the Government cap of housing benefit, meant that people were being driven out of the East End. This was a disgrace to the community and more homes were needed. A further 750 homes were being proposed for the Skylines development and this would create problems from pressure on local schools and health facilities. She felt that more should be done for local people, who would also feel boxed in by the development.

Councillor Peter Golds, speaking in objection to the application, stated that the project had been long in gestation but was short in achievability. He queried the nature of consultation, including a questionnaire that simply asked if people wanted a new Matalan on the site. The proposal comprised extensive over-development and the school places mentioned in the terms of the S106 agreement related to the Boroughwide position, not the Isle of Dogs. The applicant's indicative outline unit and tenure mix showed 86 intermediate units, 30 social rented and 108 affordable rented units out of a total of 850. He asked how this would help Borough residents. Although the provision of a petrol filling station was not a planning requirement, it was important to local people and, additionally, there was no reference in the application to maintaining a chemist on the site. There would be massive over-development if the scheme went ahead, with lack of additional transport and only one extra bus stop.

In response to Members' questions, Councillor Golds commented that all schools on the Isle of Dogs were bursting at the seams and could not take more pupils. People were already having to bus their children to schools in Whitechapel and this was unacceptable. He asked how additional education and health facilities would be made available for children living in the new development.

The Chair indicated that one of the registered speakers, Mr Danny French, was not in attendance and he intended to use his discretion to allow another person to address the meeting in substitution.

Ms B. Elliot, a local resident, stated that there was already over-development of the area and at times it was impossible to get on the DLR. ASDA was the only large supermarket on the Isle of Dogs, with the only petrol station and such facilities should be retained. The proposed buildings were huge, unsightly and would block trees from sight, especially the hideous, large tower. The Mudchute park and farm would also be affected by construction noise and filth. She queried what would be put in place of the existing quiet setting and what benefit this would be to the local community.

Ms Lorraine Hughes, speaking in favour of the application, stated that the proposal was to create a new District centre that would be a new heart for Crossharbour and would kickstart regeneration in the area. There had been several years of consultation and 31% of the 850 new homes would be social housing with a range of tenures and early delivery. There would be over 800 jobs in the new ASDA and retail units, of which 40% were intended for local residents. There would be new community facilities and substantial improvements to the public realm. The financial contribution of almost £6.7m would enable health, education and training provision and there would also be spend on DLR and bus improvements. The scale of the scheme would step down from the Canary Wharf perspective and was properly tailored for the locality.

Mr Craig Sellen, speaking in favour of the application, stated that he had been manager of ASDA for three and a half years. The supermarket had been at the heart of the Isle of Dogs community for over 30 years and wanted to remain so. The application was an outline of what the area could become and the existing store was now tired and needed rebuilding. He added that Britannia Pharmacy were planning to have an outlet on site. Some 6,000 City and Guilds apprenticeships had been made available last year to ASDA staff and most jobs in the new store would go to local people. The Manager of the Mudchute City Farm was offering a whole range of services and would be engaging with local children. The scheme was also supported by East End Homes, local groups and hundreds of local residents.

In response to Members' questions, Mr Sellen confirmed that the legal process to achieve a Britannia Pharmacy outlet was already under way. He further confirmed that 40% of jobs in ASDA would go to local people.

Ms Marcelina Mochalska, speaking in support of the application, indicated that she represented Perimart Ltd., who had provided the Britannia Pharmacy outlet on the ASDA site for many years. She felt that the proposed redevelopment was overdue and the existing buildings were now out of character for the required facility. She supported the application but this should include a condition that a pharmacy should be provided in one of the retail units, for A1 and no other usage.

Ms Amy Thompson, Strategic Applications Planner, presented the detailed report and update, stating that the proposal was to expand and intensify the District Centre and provide community facilities. Matters of detail would be settled by further, later applications, which would be subject to public consultation. A new store would be provided before demolishing the old premises. The proposal did not include a new filling station and there were no policies to require this. The only possible option possible for this would be in the northern block of the site but the Highways Section advice was that this would not be accessible to service vehicles. The presence of a filling station would also tend to reduce housing values, and affordable housing had to be the Council's priority.

The Chair then invited questions from Members, which included:

- Allocations of child playspace and public space.
- Arrangements for the Mudchute Park and Farm lease.
- Arrangements that could be made to ensure the continuation of a pharmacy on site.
- The nature of the DLR Crossharbour upgrade and additional capacity that was needed for the bus network.
- The possibility of increasing educational capacity on the Isle of Dogs.
- Arrangements for the provision of a community facility.
- Social housing provision in the proposed scheme.
- Adequacy of residential parking provision on the site.

Officers' replies included information that:

- On-site provision of playspace for under-13s met policy requirements and discussions with the applicant and GLA had ensured that the scheme delivered all the allocation possible. Playspace for older children was within a reasonable walking distance and the S106 overall pot was higher than the viable assessment. There was one figure for an open space contribution that could also be used towards wider Borough provision.
- The lease for Mudchute Park and Farm would run in perpetuity and the cost of £35,000 per annum would be paid by ASDA.
- Ms Lorraine Hughes, for the applicant, informed the Committee that they were agreeable to a planning condition requiring provision to be made for a pharmacy on-site and Britannia Pharmacy would have first right of refusal.
- The DLR had originally requested £1.35m for Crossharbour station upgrades but, during negotiations, in establishing Tower Hamlets priorities, it had been felt that this could be reduced to increase provision for bus services to £510,000, which would be allocated by TfL to the Isle of Dogs bus network. The station works included a new canopy, step-free access and real-time bulletin boards
- There was wide awareness of the pressure on school places across the Borough and a report was to be submitted to cabinet on 15<sup>th</sup> September 2012 addressing the scale of need over the next 10 years and how to meet it. The £1.75m for primary education contribution in the S106 agreement was for school places across the Borough, to

fund overall strategy. This would not necessarily enable the provision of additional places locally, however, Arnhem Wharf School had been expanded, St. Lukes would be increased from September and Woolmore School was intended to be redeveloped in the future.

- The community facility would be provided on the basis of a shell and core activities, at a peppercorn rent and zero service charge. If there were no identifiable use for such a facility, a sum in lieu thereof would be paid to the Council to contribute towards related Borough facilities.
- The 31% of social housing units had been achieved by close working with the developer and the Council's representatives for housing and the regenerative solution for the District Centre. The scheme would be built in a phased manner to increase affordable housing provision and could be monitored as the development progressed. Much of the value of the scheme came from the residential housing provision but that would come at a later phase in the staging of the scheme. This aspect could be reviewed through further negotiations with the applicant if the financial climate improved. The principle was that the Council would not receive less than the current contribution but could get more if the market improved.

The Chair then indicated that the application would be put to the vote.

On a vote of nil for and 3 against, with 3 abstentions, the Committee **RESOLVED**

That the Officer recommendation to grant planning permission at ASDA, 151 East Ferry Road, London, E14 3BT (PA/11/3670) be **NOT ACCEPTED** for the following reasons:

1. Concerns over affordable housing provision, in particular in relation to social target tenure
2. Concerns over the impact of the development on the sustainability of educational provision on the Isle of Dogs.
3. Concerns about the building height in the proposed development, having regard to related comments in the response of the Commission for Architecture and the Built Environment, as set out in the Committee report.

**NOTE:** The Committee further agreed that a parking management strategy should be secured as part of the S106 agreement, so as to be able to negotiate parking provision with the developers and to the deletion of the words "during the construction phase" from the financial provision relating to allocation of £352,081 for Employment Skills and Training in the S106 agreement.

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee, setting out proposed detailed reasons for refusal, along with the implications of the decision.

**8. OTHER PLANNING MATTERS**

Nil items.

The meeting ended at 8.40 p.m.

Chair, Councillor Helal Abbas  
Strategic Development Committee

# Agenda Item 5

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

### PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1<sup>st</sup> class post at least five clear working days prior to the meeting.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant Committee from time to time.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 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 Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.13 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the Chair, Committee Members may ask questions of a speaker on points of clarification only.
- 6.14 In the interests of natural justice or in exceptional circumstances, at the discretion of the Chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

- 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.
- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.



# Agenda Item 6

<b>Committee:</b> Strategic Development	<b>Date:</b> 27 <sup>th</sup> September 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Deferred Items	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

## 2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
16 <sup>th</sup> August 2012	PA/12/03670	ASDA, 151 East Ferry Road, London, E14 3BT	Hybrid planning application for the demolition of existing supermarket, and comprehensive redevelopment of the site for mixed-use purposes to provide up to 30,445sq.m (GEA) of floor space (Use class A1 – A4, B1, D1-D2) and up to 850 residential units (Use class C3)	<p>Members were minded to refuse planning permission for the following reasons:</p> <p>Lack of affordable housing provision, with particular reference to social target rent provision;</p> <p>Impact of the development on the sustainability of education provision on the Isle of Dogs; and</p> <p>Building height, with particular regard to comments from CABE (Commission for Architecture and the Built Environment)</p>

---

**LOCAL GOVERNMENT ACT 2000 (Section 97)  
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6**

Brief Description of background papers:  
Application, plans, adopted UDP, Interim Planning Guidance and London Plan

Tick if copy supplied for register:

Name and telephone no. of holder:  
Eileen McGrath (020) 7364 5321

16 <sup>th</sup> August 2012	PA/11/ 03824	Orchard Wharf, Orchard Place, London	<p>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.</p> <p>1) Outline Application: All matters reserved</p> <p>Jetty; and Ship to shore conveyor.</p> <p>2) Full details</p> <p>Demolition of all existing buildings; Concrete batching plant; Cement storage terminal; Aggregate storage facilities; Associated structures and facilities; Associated highway works; Walkway; and Landscaping.</p>	<p>Members were minded to refuse planning permission for the following reasons:</p> <p>The impact of the development on the FAT Walk.</p> <p>Impact from noise and general use on the biodiversity of the site and the East India Dock Basin.</p> <p>Impact of noise on neighbours.</p> <p>Transportation impacts.</p> <p>Design and impact on views.</p>
------------------------------------	-----------------	--	---	---

### 3. CONSIDERATION OF DEFERRED ITEMS

3.1 The following deferred application is for consideration by the Committee. The original report along with any update reports are attached.

- ASDA, 151 East Ferry Road, London, E14 3BT PA/12/03670
- Orchard Wharf, Orchard Place, London PA/11/03824

3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

### 4. PUBLIC SPEAKING

4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

### 5. RECOMMENDATION

5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.

# Agenda Item 6.1

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 27 <sup>th</sup> September 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
<b>Report of:</b> Director of Development and Renewal		<b>Title:</b> Town Planning Application	
<b>Case Officer:</b> Amy Thompson		<b>Ref:</b> PA/12/03670	
		<b>Ward:</b> Blackwall and Cubitt Town	

## 1 Application Details

**Location:**

**Existing Use:**

**Proposal:**

ASDA, 151 East Ferry Road, London, E14 3BT

ASDA supermarket (A1 Retail), petrol filling station, bus stop and associated hard landscaping

Hybrid planning application for the demolition of existing supermarket, and comprehensive redevelopment of the site for mixed-use purposes to provide up to 30,445sq.m (GEA) of floor space (Use class A1 – A4, B1, D1-D2) and up to 850 residential units (Use class C3) comprising:

### 1) Full Details

- Demolition of existing supermarket;
- 14,112sqm (GEA) replacement supermarket (Use Class A1) (Ground and First Floor beneath Blocks E, F, G and K);
- 8,323sqm (GEA) flexible non-food retail (Use Class A1 – A4) (Ground and First Floor beneath Blocks I, H and J);
- 84 residential units (use class C3) (Within Block G, 8 storeys);
- Basement parking;
- New bus stop, bus layover and servicing access;
- Formation of a new vehicular and pedestrian access and means of access and circulation within the site, new private and public open space and landscaping; and
- Associated plant and servicing.

### 2. Outline – All matters reserved

- Maximum of 766 residential units (use class C3) (within blocks A, B, C, D, E, F, H, I, J, K, L, between 2 and 23 storeys);
- Up to 6,410sqm (GEA) flexible retail, financial and professional serviced, food and, drink and office floorspace (Use class A1 – A4, B1, D1-D2);
- Up to 1,600sqm (GEA) community use floorspace (Use Class D1-D2);
- Formation of a new vehicular access and means of access and circulation within the site, new private and public open space and landscaping; and

- Associated plant and servicing.

This application is accompanied by an Environmental Impact Assessment under the provisions of the Town & Country Planning (Environmental Impact Statement) Regulations 1999 (as amended).

## **Submission Documents and Drawings**

### Submission Documents

- Design & Access Statement (Broadway Malyan)
- Design Code Revision B (Broadway Malyan)
- Landscape Design Statement (Fabrik)
- Access Statement (David Bonnett Associates)
- Development Specification Revision B (GVA)
- Transport Assessment & Appendices (Royal Haskoning)
- Travel Plan (Royal Haskoning)
- Stage One Safety Audit (Acorn Projects Ltd)
- Stage One Safety Audit Designers Response (Acorn Projects Ltd)
- Transport Technical Note 1 (Royal Haskoning)
- Transport Technical Note 2 (Royal Haskoning)
- Transport Technical Note 3 (Royal Haskoning)
- Transport Technical Note 4 (Royal Haskoning)
- Transport Technical Note 6 (Royal Haskoning)
- Environmental Statement (JL Planning / Waterman)
- Low & Zero Carbon Energy Systems Appraisal Report (Hoare Lea)
- Sustainability Statement (Hoare Lea)
- Arboricultural Survey Report (Waterman)
- Ecological Mitigation Strategy (Fabrik)
- Design Stage Site Waste Management Plan (Waterman)
- Responses to the Interim Review of the Environment Statement (JL Planning / Waterman)
- Responses to the Final Review of the Environment Statement (JL Planning / Waterman)
- Planning Statement (GVA)
- Viability Report (GVA)
- Retail Capacity & Impact Study January 2012 (JL Planning)
- Statement of Community Engagement (Snapdragon)
- Construction Environment Management Plan (ADP Consultants)
- Development Phasing Revision A (ADP Consultants)
- Landscaping Mitigation Strategy

### Drawings

L100; L102; L104; L125; L201\_D; L202; L203\_D; L204; L205; L206; L207; L208; L209; L21; L211; L212; L213; L214; L215; L216; L220\_D; L222; L224; L225; SK10\_E; SK17\_E; SK18\_E; D1726; SK22\_C; SK25\_C; SK26; SK32\_A; 25878-A-01-B1-A; 25878-A-01-00-A; 25878-A-01-02-A; 25878-A-01-04-A; 25878-A-01-100-A; 25878-A-01-101-A; 25878-A-02-B1; 25878-A-EX-02-00; 25878-A-03-00-E-A; 25878-A-03-02-E-A; 25878-A-03-

04-W-A; 25878-A-03-04-E-A; 25878-A-03-TYP-W-A; 25878-A-03-TYP-E-A; 25878-A-A-03-TYP\_upper; 25878-A-G-03-04; 25878-A-G-03-05; 25878-A-G-03-06; 25878-A-G-03-07; 25878-A-G-03-08; 25878-A-G-03-09; 25878-A-EX-04-AB; 25878-A-EX-04-CD; 25878-A-04-AA; 25878-A-04-BB; 25878-A-04-CC; 25878-A-04-DD; 25878-A-04-EE; 25878-A-04-FF; 25878-A-EX-05-01; 25878-A-EX-05-02; 25878-A-05-001; 25878-A-05-002; 25878-A-05-003; 25878-A-05-004; 25878-A-05-005; 25878-A-05-006; 25878-A-05-007; 25878-A-05-008; 25878-A-05-009; 25878-A-05-010; 25878-A-05-011; 2578-A-70-DUPLEX-2b4p\_a; 2578-A-70-DUPLEX-2b4p\_b; 2578-A-70-DUPLEX-2b4p\_c-A; 2578-A-70-DUPLEX-3b5p\_a; 2578-A-70-DUPLEX-3b5p\_b-A; 2578-A-70-DUPLEX-4b6p\_a-A; 25878-A-70-PATIO-2b4p\_a; 25878-A-70-PATIO-2b4p\_b; 25878-A-70-PATIO-2b4p\_c; 25878-A-70-PATIO-2b4p\_d; 25878-A-70-MAISONETTE\_a; 25878-A-70-MAISONETTE\_b; 25878-A-70-MAISONETTE\_c; 25878-A-70-SCISSOR-3b5p; 25878-A-70-THROUGH-2b4p\_a; 25878-A-70-THROUGH-2b4p\_b; 25878-A-70-IN\_studio; 25878-A-70-IN\_1b2p; 25878-A-70-IN\_1b2p\_large; 25878-A-70-IN\_2b3p; 25878-A-70-IN\_2b4p; 25878-A-70-OUT-1b2p\_53deg; 25878-A-70-OUT-1b2p\_large\_53deg; 25878-A-70-OUT-2b3p\_53deg; 25878-A-70-OUT-2b4p\_53deg; 25878-A-70-OUT\_1b2p\_37deg; 25878-A-70-OUT\_1b2p\_large\_37deg; 25878-A-70-OUT\_1b2p\_knuckle\_37deg; 25878-A-70-OUT\_2b3p\_37deg; 25878-A-70-OUT\_2b3p\_37deg; 25878-A-70-TYP\_3b5p\_corner; 25878-A-70-TOWNHOUSE\_4b6p; 25878-A-70-TOWNHOUSE\_5b7p; 25878-A-70-TOWNHOUSE\_6b9p; 25878-A-70-OUT\_1b2p\_large\_53deg\_WAH; 25878-A-70-IN\_2b4p\_WAH; 25878-A-70-TYP\_3b5p\_corner\_WAH; 25878-A-E-70-East; 25878-A-E-70-North; 25878-A-01-B1-2-A; 25878-A-01-PP-00-2-A; 25878-A-01-PP-00-3-A; 25878-A-01-PP-00-4-A; 25878-A-01-PP-00-5-A; 25878-A-01-PP-00-6-A; 25878-A-01-PP-00-7-A; 25878-A-01-PP-02-2; 25878-A-01-PP-02-4; 25878-A-01-PP-02-5; 25878-A-01-PP-02-6; 25878-A-01-PP-02-7; 25878-A-01-PP-Z-A; 25878-A-01-PP-04-2; 25878-A-01-PP-04-4; 25878-A-01-PP-04-5; 25878-A-01-PP-04-6; 25878-A-01-PP-04-7; 25878-A-01-PP-04-E-1-A; 25878-A-01-PP-04-E-2-A; 25878-A-01-PP-04-E-3; 25878-A-01-PP-04-E-4; 25878-A-01-PP-04-E-5; 25878-A-01-PP-04-E-6; 25878-A-01-PP-04-E-7-8-A; 25878-A-01-B1; 25878-A-RMPH-01-00 and 25878-A-RMPH-01-04.

**Applicant:** ASDA Stores Limited and Ashborne Beech  
**Owner:** Various  
**Historic Building:** N/A  
**Conservation Area:** N/A

## 2. BACKGROUND

- 2.1 This application was reported to the Strategic Development Committee on 16<sup>th</sup> August 2012. The Committee resolved **NOT TO ACCEPT** officers' recommendation to GRANT planning permission (subject to conditions) for the mixed use redevelopment of the site.
- 2.2 Officers recorded that Members were minded to refuse planning permission for the following reasons:
- 2.3 1. Lack of affordable housing provision, with particular reference to social target rent

- provision;
  - 2. Impact of the development on the sustainability of education provision on the Isle of Dogs; and
  - 3. Building height, with particular regard to comments from CABE (Commission for Architecture and the Built Environment)
- 2.4 Additionally, the Committee further agreed that a parking management strategy should be secured as part of the S106 agreement, so as to be able to negotiate parking provision with the developers and to the deletion of the words “during the construction phase” from the financial provision relating to allocation of £352,081 for Employment Skills and Training in the S106 agreement. It was also suggested that the s106 Agreement incorporate an overage clause. These matters are discussed further within section 4 of this report.
- 2.5 In accordance with Rule 10.2 of the Constitution, and Rule 4.8 of the Development Procedure Rules, the application was deferred to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the potential implications of that decision.

### **3.0 PROPOSED REASONS FOR REFUSAL**

- 3.1 Officers interpreted Members’ reasons and have drafted reasons for refusal to cover the issues raised.

#### **3.2 Reason Number 1**

- 3.3 *The proposed development fails to deliver an acceptable amount affordable housing, and within that, fails to deliver a insufficient provision of social rent units. The proposal is therefore contrary to policies SP02 of the Core Strategy (2010), DM3 of the Managing Development DPD (Submission Version 2012), HSG3 and HSG 10 of the Interim Planning Guidance (2007) and 3.10, 3.11 and 3.12 of the London Plan (2012), which seek to deliver the maximum reasonable amount of affordable housing, across a defined range of tenures.*

#### **Consideration**

- 3.4 The reason given by Members has two elements to it – the first being the overall proposed provision of affordable housing (31% by habitable room), and the second being the amount of social rented housing within that provision (7% by habitable room; 30 units). These two issues have been considered by officers in turn.

#### **Overall Provision of Affordable Housing**

- 3.5 The London Plan 2011 (LP), LBTH Core Strategy 2010 (CS) and LBTH Managing Development DPD submission version 2012 (MD DPD) seek to secure the maximum reasonable amount of affordable housing. The MD DPD sets a target requirement of 35% - 50% on developments of 10 or more units, however the policy clarifies that this is subject to viability.
- 3.6 The National Planning Policy Framework 2012 (NPPF) advises that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 3.7 Throughout the consideration of the planning application officers sought to secure the greatest provision of affordable housing the scheme could viably deliver. Through this negotiation, the overall percentage of affordable housing increased from 21% by habitable room (166 units) to 31% by habitable room (224 units).
- 3.8 In order to attain the 31%, modifications were made to the phasing strategy of the development, to shorten the timeframe for delivery, thus improving cash flow and reducing

interest costs.

- 3.9 Following the meeting of the 16th of August, the applicants reviewed the financial viability of the proposal again, to determine whether the scheme could reasonably afford any increase in affordable housing.
- 3.10 Six scenarios were tested by the applicants and reviewed by the Council's consultants. It has been concluded again that the scheme cannot afford an increase in the amount of affordable housing at this stage, and to do so would impact upon the deliverability of the proposal, together with its ability to mitigate against the impacts of the development.
- 3.11 For example, if the proportion of affordable housing were to increase it would have a severe implication upon the S.106 Financial Contributions, which total £6,679,997, and are proposed to contribute towards Employment, Education, Public Open Space, Car Club, Health, DLR, London Buses and Real Time Information Boards in order to mitigate against the impacts of the proposal.
- 3.12 Table 1 below summarises the various sensitivity options carried out by the applicant, none of which are viable, and would on advice from the Councils independent consultants, result in an undeliverable scheme.

Option	Alteration Made	Revised Affordable Rent (HR%)	Revised Social Rent (HR%)	Revised Intermediate (HR%)	Total Affordable (HR%)	Viable/Deliverable ?
Planning Submission	None  (s106 £6.68M)	14%	7%	10%	31%	YES
1	Reduce s106 to nil	17%	7%	10%	34%	NO
2	Reduce s106 to nil	13.5%	9.5%	10%	33%	NO
3a	Reduce s106 to £3M	15%	7%	10%	32%	NO
3b	Reduce s106 to £3M	11.5%	9.5%	10%	31%	NO
4	Switch Social Rent to Affordable Rent	23%	0%	10%	33%	NO
5	Switch Social Rent to Affordable Rent	0%	17%	10%	27%	NO

**Table 1: Various Sensitivity Testing**

- 3.13 The Council's viability consultants have advised that to alter the proposed mix in line with

any of the alternatives put forward would worsen the scheme's ability to be delivered through a number of factors, including an increase in negative cashflows.

- 3.14 Considering this, officers remain of the view that the proposal is delivering the maximum reasonable amount of affordable housing, considering viability, and this approach is in line with London Plan and Tower Hamlets adopted policies.

**Amount of Social Rent Units**

- 3.15 Concern was raised at the Committee regarding the provision of Social Rent units, particularly when considering the number of units proposed (30 units out of 224 affordable units). Table 2 from the original officers' report (and associated update report) is repeated below.

3.16

	<b>Units</b>	<b>% of units</b>	<b>Habitable rooms</b>	<b>% Hab rooms</b>
Affordable Social Rent	30	3.53%	191	6.99%
Affordable Rent	108	12.71%	384	14.05%
Affordable Intermediate	86	10.12%	273	9.99%
<b>Total Affordable</b>	<b>224</b>	<b>26.35%</b>	<b>848</b>	<b>31.03%</b>
Market Sale	626	73.65%	1885	68.97%
<b>Total</b>	<b>850</b>	<b>100%</b>	<b>2733</b>	<b>100%</b>

**Table 2: The proposed overall indicative mix**

- 3.17 Policy DM3 of the MD DPD seeks that the delivery of Social Rent units are maximised, specifically for larger homes, and that Affordable Rent units will be supported only when this has occurred. The document notes that this approach enables the housing needs of the borough to be met.
- 3.18 All of the 30 Social Rent units are family sized in order to best meet the needs of residents of the Borough, and to meet the requirements of policy DM3 of the MD DPD. However the result of this is that in floor area (and habitable room) terms the Social Rent units are more land hungry than other tenures on a per unit basis, given there are no 1 or 2 bed sized flats.
- 3.19 By way of comparison, the Social Rent units have an average floor area of 112sqm per unit, whilst the Affordable Rent units have an average floor area of 75sqm per unit, Intermediate units 69sqm per unit, and Market Sale units 70sqm per unit.
- 3.20 Accordingly, the comparatively low percentage of Social Rent units (which includes 27 houses and 3 flats) is a symptom of the prevalence of family units within this tenure, the provision of which is a priority for the Borough. The number of Social Rent could be increased by revising the mix to one and two bedroom units, however the result of this change would be a lack of family sized housing in the scheme.
- 3.21 A significant amount of sensitivity testing has been undertaken in order to arrive at the final housing schedule, and officers remain of the view that the balance between the overall amount of affordable housing and the provision of social rent units within that is acceptable.

Additional Testing

- 3.22 Since this application was last reported to committee additional sensitivity testing has been carried out regarding the provision of overall affordable housing and Social Rent units.
- 3.23 Increasing the amount of Social Rent units (and decreasing the amount of Affordable Rent units) would have a negative effect on the overall provision of affordable housing.



### *Increase in Social Rent Units*

- 3.24 If all of the Affordable Rent units within the scheme were revised to Social Rent, the overall provision of affordable housing would fall to 27% (from 31%) (refer to Table 1, option 5, para 3.12).
- 3.25 This would deliver 185 affordable units, broken down to 77 Intermediate and 108 Social Rent. By habitable room this is 10% Intermediate and 17% Social Rent.
- 3.26 Officers do not support such a change, as it fails to deliver the maximum reasonable amount of affordable housing, and in pure planning policy terms there is no delineation between Affordable Rent and Social Rent. The GLA have also advised that such an approach would not be in conformity with the London Plan.

### Affordable Rent vs Social Rent

- 3.27 The Affordable Rent model was introduced by the Government in 2011, and is intended to be the main type of new affordable housing supply. This type of housing is let by RSL's to households who are eligible for social rented housing, and is subject to controls that require a rent of no more than 80% of the local market rent.
- 3.28 80% of market rent is not considered to be truly affordable within Tower Hamlets, and accordingly the applicant agreed to set the rent level in line with recent research undertaken by an organisation called POD, on behalf of the Council. This research concluded that to increase affordability, rents should be charged at 65% of market rents for 1 beds, 55% of market rents for 2 beds, and 50% of market rents for 3 beds and larger.
- 3.29 Market rents fluctuate in different parts of the borough and hence the POD research considers affordable rent levels by postcode.
- 3.30 For the E14 area, including the higher value Docklands area rents, affordable rents (including service charges), as identified by the POD research, should not exceed:
- 1 beds at £206.55 per week;
  - 2 beds at £231.00 per week and
  - 3 beds at £244.50 per week.
- Considering this, officers were able to negotiate rent levels of:
- 1 beds at £163 per week;
  - 2 beds at £195 per week and
  - 3 beds at £234 week.

### **Conclusion**

- 3.31 The reason for refusal recommended by Members is based on both the overall amount of affordable housing, together with the amount of Social Rent housing within that.
- 3.32 Officers are of the view that, as reported on the 16th of August 2012, the proposal is delivering the maximum reasonable amount of affordable housing possible, and any increase in the proposed 31% would have a significant impact on the scheme's ability to mitigate against its impacts through s106 financial contributions.
- 3.33 Furthermore, if the number of Social Rent units were to be increased, it would have a negative effect on the overall 31% provision of affordable housing, and would render the proposal undeliverable.
- 3.34 The proposed Affordable Rent units are at rent levels below those indicated by the POD report as genuinely affordable within the local area, and therefore considered to be truly affordable.

- 3.35 It is therefore considered by officers that the proposed scheme is compliant with policy in terms of the provision of affordable housing, in that it delivers the maximum reasonable amount of affordable housing to ensure the viability of the proposal, as well as a tenure split which meets the provisions of policy DM3 of the MD DPD.
- 3.36 Furthermore, a review mechanism has been agreed with the applications, whereby the financial viability of the proposal would be reviewed after Phase 4, and if the scheme is better off financially than original forecast, the increased profit would be captured for the delivery of affordable housing. This is further discussed within para's 4.5 – 4.9 of this report.

### **Reason Number 2 – Education provision**

- 3.37 The second reason for refusal suggested by Members relates to concerns that the proposed development would have a detrimental impact upon the sustainability of education provision on the Isle of Dogs. The main concern of the Committee related to an existing shortfall of school places on the Isle of Dogs, and concern that the proposed development would further exacerbate this existing issue.
- 3.38 Officers have interrogated policy in order to draft a reason for refusal on this basis, however officers are of the view that there is no policy basis upon which to defend a reason for refusal of this nature. Accordingly, it is recommended that this reason is not included, and no wording has been provided as it would be very difficult for officers to defend at appeal, and in the opinion of officers would likely result in the award of costs against the Council.

### **Consideration**

- 3.39 The thrust of education-related policies within the CS, UDP, MD DPD and IPG encourage the growth, provision and protection of school places within the Borough. As the scheme being considered does not propose the loss of school places, these policies are not applicable to the application at hand.
- 3.40 Infrastructure delivery policy SP13 of the CS requires the provision of planning obligations in relation to proposed developments, and a contribution towards Education is noted as a priority within this policy. The applicant has agreed to a financial contribution of £3,142,971 towards the provision of additional primary and secondary school places in the Borough in order to mitigate against the impacts associated with the proposed development. This is the full s106 contribution required by the Council's adopted s106 SPD (2012), and accordingly there are no planning grounds to seek the applicant to increase this obligation.
- 3.41 It is a statutory duty of the Council to ensure sufficient primary and secondary school places for residents of the Borough. LBTH Children, Schools & Families Directorate has confirmed that the proposed s. 106 contributions from this scheme are acceptable. Where s. 106 contributions are received, their use is pooled to assist meeting the costs of the programme of creating additional school places across the borough.
- 3.42 There is a continuing need for additional school places to respond to the projected rising school age population. Some existing primary school sites have been expanded but many do not have capacity to do so. The Council is seeking to secure new sites for schools through the Core Strategy and Managing Development DPD.
- 3.43 In the Isle of Dogs area, Arnhem Wharf School has been expanded by 30 places a year and St Luke's School has an extra 30 places a year from September 2012. Proposals are in development for expansion of Woolmore School as part of the Blackwall Reach redevelopment which, although not in this immediate area, will contribute to the overall supply of places for local residents. Further school sites across the borough are being investigated for expansion potential and these will be brought forward where suitable.
- 3.44 As the applicant has agreed to pay the full s106 SPD ask towards education, it is likely that the Council would face costs in the event that this scheme were to go to Public Inquiry.

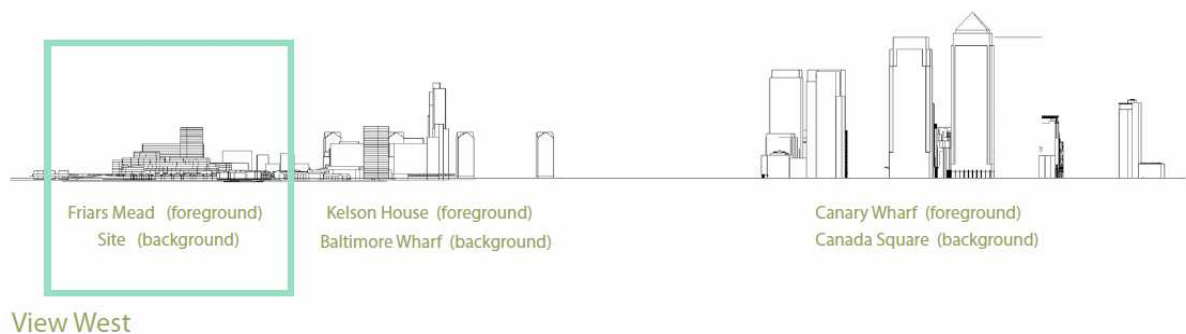
Considering this, it is recommended by officers that, if minded to refuse the planning application, a delivery of Education places is not used as a reason for refusal.

### Reason Number 3 – Height of Building with relation to CABE comments

- 3.45 *The proposed development, by virtue of the 23 storey tower building in the NW quadrant of the site would appear as an over-dominant feature, out of character with the surrounding pattern of development. Furthermore, the application submission in outline form fails to give sufficient comfort that the scheme will deliver the necessary quality of living environment and architecture. The proposal is therefore contrary to policies DEV1 of the Unitary Development Plan (1998), DEV2 and DEV27 of the Interim Planning Guidance (2007), SP10 of the Core Strategy (2010) and DM24 and DM26 of the Managing Development DPD (submission version 2012).*

#### Consideration

- 3.46 At the meeting on the 16th of August specific mention was made of the tower element of the proposal, and as such this has formed the basis of the reason for refusal outlined within para 3.45 of this report.
- 3.47 Officers have liaised further with CABE in this respect. They have advised that they support the principle of redevelopment, however did not have the necessary assurances regarding the quality of both its architecture and living environment and its potential local and long distance impact. Nevertheless, they confirmed that they did not consider the proposal would harm the view from the Greenwich World Heritage site.
- 3.48 CABE have confirmed that they would not attend a Public Inquiry in support of the Council if the planning application is refused for this reason.
- 3.49 Officers remain of the view that the scheme is acceptable in respect of the tall building.



**Figure 1 – Western view of key buildings, Isle of Dogs**

- 3.50 Figure 1 illustrates the relationship of the proposed development with other key existing and consented schemes on the Isle of Dogs. This demonstrates that the proposal steps down in height appropriately from One Canada Square as required by policy.
- 3.51 Throughout pre-application negotiations for several, the height and massing of the proposal has changed significantly. Initially the proposal included a circa 40 storey tower in the SW quadrant of the site, adjacent to Mudchute Park. However, following negotiation with officers and consultation with Mudchute Park and Farm, the massing was reduced substantially to a maximum of 23 storeys, and moved away from the sensitive edge of the Park.
- 3.52 Officers remain of the view that the height of the tower is acceptable, in that it provides a transition down the Island from One Canada Square, to the extant 43 storey Baltimore Wharf (London Arena Site), to the development site, and onward further south and east to the more residential scale of the Isle of Dogs.

- 3.53 Additionally, whilst the tower element of the proposal is to be considered in outline, the proposal includes the necessary safeguards to ensure a high quality of architectural design. The proposed parameter plans set out allowable massing envelopes, defined in terms of the maximum and minimum for each block, and these must be adhered to in conjunction with the massing principles set out within the design code. The design code sets further guiding principles regarding massing, design details, materials, public realm and open space, amenity space, and residential layouts through the use of 'codes' which must be adhered to, 'advisories' for guidance and 'illustrative' diagrams.
- 3.54 The applicants submitted material samples with the application, and the Borough's Urban design officer visited sites to see full-scale examples of some of the materials. Accordingly, officers are satisfied that the quality of materials will be seen through to the detailed design of the outline phase of development.
- 3.55 In terms of the environmental impacts of the tower, the report presented on the 16th of August adequately demonstrated that the proposal did not result in poor environmental conditions such as microclimate and daylight/sunlight impacts.
- 3.56 Accordingly, officers remain satisfied that the height of the maximum 23 storey tower is appropriate within the context of the surrounding area, and the parameter plans together with design code will serve to ensure that a high quality, environmentally sensitive development would be delivered.

#### 4.0 Further Comments

##### Parking Management Strategy

- 4.1 At the meeting of the 16<sup>th</sup> of August, the Committee noted that a parking management strategy should be secured as part of the S106 agreement, so as to be able to negotiate parking provision.
- 4.2 A car Parking Management Strategy is required under Part B of the Decision Notice as specified in the original officer's report. The condition could be drafted to seek to maximise the provision of parking spaces for family Affordable Rent and Social Rented units.

##### Employment Skills and Training Financial Contribution

- 4.3 It was suggested by the Committee that the words "during the construction phase" be deleted from the financial provision relating to allocation of £352,081 for Employment Skills and Training within the s106 Agreement, should planning permission be granted.
- 4.4 It was confirmed at the Meeting that this would be acceptable.

##### Overage (Review Mechanism)

- 4.5 The principle of the incorporation of an overage clause was also discussed by the Committee.
- 4.6 "Overage" is the term normally used in the context of a property transaction, to mean a sum which the vendor may be entitled to receive after completion, if a specified condition is satisfied. The condition may be the grant of a new planning permission, or the grant of planning permission for a new (perhaps more valuable) use of the site.
- 4.7 With relation to the planning application being considered, it is considered appropriate to incorporate a review mechanism which officers believe will achieve the intended aspiration of the committee. This means that within the s106 Agreement there will be the requirement after phase 4 of development for the proposal to be re-appraised, and any uplift in profit is captured, and used for the delivery of affordable housing.

4.8 In the first instance, these funds would be used to convert the tenure in Block D from private to Social Rent, and following that, a cash in-lieu payment would be made to the Council for the delivery of affordable housing.

4.9 The applicant has confirmed they agree to the incorporation of a review mechanism at phase 4 of development.

#### Pharmacy

4.10 At the committee meeting of the 16<sup>th</sup> of August 2012 it was confirmed that the applicant agrees to a clause within the s106 Agreement to offer first right of refusal to Britannia Pharmacy, to occupy one of the A1 retail units within the new District Centre.

### **5.0 ADDITIONAL REPRESENTATIONS**

5.1 Since the decision of the Committee on the 16<sup>th</sup> of August 2012, the Council has received one additional representation from a local resident of Glengall Grove, suggesting that the applicants liaise with residents on Glengall Grove should they intend on revising the proposal.

*(Officer Comment: The committee did not raise concern regarding impacts on Glengall Grove, and as such the proposal is considered acceptable in this respect)*

### **6.0 IMPLICATIONS OF DECISION**

6.1 Should Members decide to re-affirm their previous resolution and refuse planning permission there are a number of possibilities open to the Applicant. These would include (though not limited to):-

- The Mayor of London has the right to call in the application for determination. It is possible that the Mayor of London would renegotiate the s106 and affordable housing package.
- Resubmit an amended scheme to attempt to overcome the reasons for refusal.
- Lodge an appeal against the refusal of the scheme.

### **7.0 CONCLUSION**

7.1 Officers consider that reason for refusal no. 1 - Affordable Housing - is unlikely to be successfully defended at appeal, given that officers are satisfied that the scheme is delivering the maximum reasonable amount of affordable housing, with a tenure split which is compliant with national and local policy. However, the risks of an award of costs against the Council remains low,

7.2 Officers consider that a reason for refusal based upon – Education Provision – is unlikely to be successfully defended at appeal.

7.3 The onus is on the Council to deliver school places, and the Councils' education department has confirmed that they are supportive of the proposal. The proposed scheme sits within the acceptable density matrix of the London Plan, and accordingly it is considered that the applicant has fulfilled their obligations in this respect.

7.4 Given that there is no policy basis upon which to base such a reason for refusal, officers are of the view that the Council would be liable to have costs awarded against it, for seeking to defend such a reason for refusal at appeal.

- 7.5 Officers consider that reason for refusal no. 3 – Building Height – is unlikely to be successfully defended at appeal, given that there is a clear transition in height from the taller elements of Canary Wharf down to the lower-rise scale and more residential character of the areas surrounding the site. Once again, the risks of an award of costs against the Council remains low.

## 8.0 OFFICER RECOMMENDATION

- 8.1 Notwithstanding the above, there has been no change in circumstances of policy since the referral of the appended report to Members on the 16<sup>th</sup> of August 2012. Officers consider that on balance the proposal is acceptable for the reasons set out in paragraph 2 of the appended report and therefore the **officer's recommendation remains APPROVAL**, in accordance with section 3 of the original officers report, together with the following additions:

### Legal Agreement

- a) First right of refusal to Britannia Pharmacy for occupancy within new District Centre
- b) Review Mechanism
  - o Review at end of Phase 4
  - o Block D amended from Private to Social Rent
  - o Further uplift to the Council as cash in lieu payment
- c) Employment Skills and Training
  - o £352,081 *Employment and training during the construction phase*
  - o £263,435 *End use phase training*

### Conditions

- a) Car Parking Management Strategy as required under Part B of the Decision Notice extrapolated to require maximisation of parking spaces for Social Rent and Affordable Rent family sized units.
- 8.2 Officers have proposed two reasons for refusal based on the resolution of Members at the meeting on the 16<sup>th</sup> of August 2012 and these are set out at paragraphs 3.3 and 3.45 of this report.
- 8.3 If, despite officer recommendation, Members vote to refuse planning permission, it is recommended that two reasons for refusal are agreed, relating to affordable housing provision and height of the tall building.

1. *The proposed development fails to deliver an acceptable amount affordable housing, and within that, fails to deliver a insufficient provision of social rent units. The proposal is therefore contrary to policies SP02 of the Core Strategy (2010), DM3 of the Managing Development DPD (Submission Version 2012), HSG3 and HSG 10 of the Interim Planning Guidance (2007) and 3.10, 3.11 and 3.12 of the London Plan (2012), which seek to deliver the maximum reasonable amount of affordable housing, across a defined range of tenures.*
2. *The proposed development, by virtue of the 23 storey tower building in the NW quadrant of the site would appear as an over-dominant feature, out of character with the surrounding pattern of development. Furthermore, the application submission in outline form fails to give sufficient comfort that the scheme will deliver the necessary quality of living environment and architecture. The proposal is therefore contrary to policies DEV1 of the Unitary Development Plan (1998), DEV2 and DEV27 of the Interim Planning Guidance (2007), SP10 of the Core Strategy (2010) and DM24 and DM26 of the Managing Development DPD (submission version 2012).*

## 9.0 APPENDICIES

- 9.1 Appendix One – Report to Strategic Development Committee 16<sup>th</sup> August 2012

<b>Committee:</b> Strategic Development	<b>Date:</b> 16 <sup>th</sup> August 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Amy Thompson		<b>Ref No:</b> PA/11/3670	
		<b>Ward(s):</b> Blackwall and Cubitt Town	

**1. APPLICATION DETAILS**

**Location:** ASDA, 151 East Ferry Road, London, E14 3BT  
**Existing Use:** ASDA supermarket (A1 Retail), petrol filling station, bus stop and associated hard landscaping

**Proposal:** Hybrid planning application for the demolition of existing supermarket, and comprehensive redevelopment of the site for mixed-use purposes to provide up to 30,445sq.m (GEA) of floor space (Use class A1 – A4, B1, D1-D2) and up to 850 residential units (Use class C3) comprising:

1) Full Details

- Demolition of existing supermarket;
- 14,112sqm (GEA) replacement supermarket (Use Class A1) (Ground and First Floor beneath Blocks E, F, G and K);
- 8,323sqm (GEA) flexible non-food retail (Use Class A1 – A4) (Ground and First Floor beneath Blocks I, H and J);
- 84 residential units (use class C3) (Within Block G, 8 storeys);
- Basement parking;
- New bus stop, bus layover and servicing access;
- Formation of a new vehicular and pedestrian access and means of access and circulation within the site, new private and public open space and landscaping; and
- Associated plant and servicing.

2. Outline – All matters reserved

- Maximum of 766 residential units (use class C3) (within blocks A, B, C, D, E, F, H, I, J, K, L, between 2 and 23 storeys);
- Up to 6,410sqm (GEA) flexible retail, financial and professional serviced, food and, drink and office floorspace (Use class A1 – A4, B1, D1-D2);
- Up to 1,600sqm (GEA) community use floorspace (Use Class D1-D2);
- Formation of a new vehicular access and means of access and circulation within the site, new private and public open space and landscaping; and
- Associated plant and servicing.

This application is accompanied by an Environmental Impact Assessment under the provisions of the Town & Country Planning

(Environmental Impact Statement) Regulations 1999 (as amended).

**Drawing Nos:**

Submission Documents

- Design & Access Statement (Broadway Malyan)
- Design Code Revision B (Broadway Malyan)
- Landscape Design Statement (Fabrik)
- Access Statement (David Bonnett Associates)
- Development Specification Revision B (GVA)
- Transport Assessment & Appendices (Royal Haskoning)
- Travel Plan (Royal Haskoning)
- Stage One Safety Audit (Acorn Projects Ltd)
- Stage One Safety Audit Designers Response (Acorn Projects Ltd)
- Transport Technical Note 1 (Royal Haskoning)
- Transport Technical Note 2 (Royal Haskoning)
- Transport Technical Note 3 (Royal Haskoning)
- Transport Technical Note 4 (Royal Haskoning)
- Transport Technical Note 6 (Royal Haskoning)
- Environmental Statement (JL Planning / Waterman)
- Low & Zero Carbon Energy Systems Appraisal Report (Hoare Lea)
- Sustainability Statement (Hoare Lea)
- Arboricultural Survey Report (Waterman)
- Ecological Mitigation Strategy (Fabrik)
- Design Stage Site Waste Management Plan (Waterman)
- Responses to the Interim Review of the Environment Statement (JL Planning / Waterman)
- Responses to the Final Review of the Environment Statement (JL Planning / Waterman)
- Planning Statement (GVA)
- Viability Report (GVA)
- Retail Capacity & Impact Study January 2012 (JL Planning)
- Statement of Community Engagement (Snapdragon)
- Construction Environment Management Plan (ADP Consultants)
- Development Phasing Revision A (ADP Consultants)
- Landscaping Mitigation Strategy

Drawings

L100; L102; L104; L125; L201\_D; L202; L203\_D; L204; L205; L206; L207; L208; L209; L21; L211; L212; L213; L214; L215; L216; L220\_D; L222; L224; L225; SK10\_E; SK17\_E; SK18\_E; D1726; SK22\_C; SK25\_C; SK26; SK32\_A; 25878-A-01-B1-A; 25878-A-01-00-A; 25878-A-01-02-A; 25878-A-01-04-A; 25878-A-01-100-A; 25878-A-01-101-A; 25878-A-02-B1; 25878-A-EX-02-00; 25878-A-03-00-E-A; 25878-A-03-02-E-A; 25878-A-03-04-W-A; 25878-A-03-04-E-A; 25878-A-03-TYP-W-A; 25878-A-03-TYP-E-A; 25878-A-A-03-TYP\_upper; 25878-A-G-03-04; 25878-A-G-03-05; 25878-A-G-03-06; 25878-A-G-03-07; 25878-A-G-03-08; 25878-A-G-03-09; 25878-A-EX-04-AB; 25878-A-EX-04-CD; 25878-A-04-AA; 25878-A-04-BB; 25878-A-04-CC; 25878-A-04-DD; 25878-A-04-EE; 25878-A-04-FF; 25878-A-EX-05-01; 25878-A-EX-05-02; 25878-A-05-001; 25878-A-05-002; 25878-A-05-003; 25878-A-05-004; 25878-A-05-005; 25878-A-05-006; 25878-A-05-007; 25878-A-05-008; 25878-A-05-009; 25878-A-05-010; 25878-A-05-011; 2578-A-70-DUPLEX-2b4p\_a; 2578-A-70-DUPLEX-2b4p\_b; 2578-A-70-DUPLEX-2b4p\_c-A; 2578-A-70-DUPLEX-3b5p\_a; 2578-A-70-



DUPLEX-3b5p\_b-A; 2578-A-70-DUPLEX-4b6p\_a-A; 25878-A-70-PATIO-2b4p\_a; 25878-A-70-PATIO-2b4p\_b; 25878-A-70-PATIO-2b4p\_c; 25878-A-70-PATIO-2b4p\_d; 25878-A-70-MAISONETTE\_a; 25878-A-70-MAISONETTE\_b; 25878-A-70-MAISONETTE\_c; 25878-A-70-SCISSOR-3b5p; 25878-A-70-THROUGH-2b4p\_a; 25878-A-70-THROUGH-2b4p\_b; 25878-A-70-IN\_studio; 25878-A-70-IN\_1b2p; 25878-A-70-IN\_1b2p\_large; 25878-A-70-IN\_2b3p; 25878-A-70-IN\_2b4p; 25878-A-70-OUT-1b2p\_53deg; 25878-A-70-OUT-1b2p\_large\_53deg; 25878-A-70-OUT-2b3p\_53deg; 25878-A-70-OUT-2b4p\_53deg; 25878-A-70-OUT\_1b2p\_37deg; 25878-A-70-OUT\_1b2p\_large\_37deg; 25878-A-70-OUT\_1b2p\_knuckle\_37deg; 25878-A-70-OUT\_2b3p\_37deg; 25878-A-70-OUT\_2b3p\_37deg; 25878-A-70-TYP\_3b5p\_corner; 25878-A-70-TOWNHOUSE\_4b6p; 25878-A-70-TOWNHOUSE\_5b7p; 25878-A-70-TOWNHOUSE\_6b9p; 25878-A-70-OUT\_1b2p\_large\_53deg\_WAH; 25878-A-70-IN\_2b4p\_WAH; 25878-A-70-TYP\_3b5p\_corner\_WAH; 25878-A-E-70-East; 25878-A-E-70-North; 25878-A-01-B1-2-A; 25878-A-01-PP-00-2-A; 25878-A-01-PP-00-3-A; 25878-A-01-PP-00-4-A; 25878-A-01-PP-00-5-A; 25878-A-01-PP-00-6-A; 25878-A-01-PP-00-7-A; 25878-A-01-PP-02-2; 25878-A-01-PP-02-4; 25878-A-01-PP-02-5; 25878-A-01-PP-02-6; 25878-A-01-PP-02-7; 25878-A-01-PP-Z-A; 25878-A-01-PP-04-2; 25878-A-01-PP-04-4; 25878-A-01-PP-04-5; 25878-A-01-PP-04-6; 25878-A-01-PP-04-7; 25878-A-01-PP-04-E-1-A; 25878-A-01-PP-04-E-2-A; 25878-A-01-PP-04-E-3; 25878-A-01-PP-04-E-4; 25878-A-01-PP-04-E-5; 25878-A-01-PP-04-E-6; 25878-A-01-PP-04-E-7-8-A; 25878-A-01-B1; 25878-A-RMPH-01-00 and 25878-A-RMPH-01-04.

**Applicant:** ASDA Stores Limited and Ashborne Beech  
**Owner:** Various  
**Historic Building:** N/A  
**Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Submission Version 2012); as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:
- 2.2 o The principle of redeveloping the site to provide a new District Centre comprising a relocated supermarket and associated car park, flexible retail and commercial use, community centre, housing and open space is acceptable in land use terms, and is consistent with adopted and emerging national and local planning policy, in accordance with policies ID9, IOD11 and IOD12 of the Interim Planning Guidance (2007), SP01, SP03 and the Cubitt Town Vision of the Core Strategy (2010) and DM8 together with the aspirations of site allocation No. 19 of the Managing Development DPD (Submission Version 2012).
- 2.3 o The scheme proposes an appropriate amount and type of flexible retail floorspace, and relocated and expanded supermarket, meeting an identified demand for such activity within the Crossharbour area. It has been demonstrated that the proposal will not result in an unacceptable impact upon the vitality of existing nearby centres, and as such the proposal is in accordance with policy RT3 of the Interim Planning Guidance (2007), policy SP01 of the Core Strategy (2010) and the NPPF (2012).
- 2.4 o The proposal makes efficient use of the site with a mixed use redevelopment and as such accords with policy 3.3 and 3.4 of the London Plan (2011), policies S07 and SP01 of the Core Strategy (2010), saved policy DEV3 of the Unitary Development Plan (1998), policy

DM1 of the Managing Development DPD (Submission Version 2012) and HSG1 of the Council's Interim Planning Guidance (2007) which seek the maximum intensity of use compatible with local context.

- 2.5 o The density of the scheme does not result in any of the significant adverse impacts typically associated with overdevelopment, and is therefore acceptable in terms of policy 3.4 of the London Plan (2011), policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy (2010), policy DM24 and DM25 of the Managing Development DPD (Submission Version 2012) and policies HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity.
- 2.6 o Impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental and as such the proposal accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy (2010), policy DM25 of the Managing Development DPD (Submission Version 2012) and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.
- 2.7 o On balance the quantity and quality of housing amenity space, communal space, child play space and open space are acceptable given the urban nature of the site and accords with policy 3.6 of the London Plan (2011), policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development DPD (Submission Version 2012) and policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) which seek to improve amenity and liveability for residents.
- 2.8 o The building height, scale, bulk, design and relationship of the proposed development with relation to the surrounding context including the site of Metropolitan Open Land, being Mudchute Park and Farm are acceptable, and accord with, policies 3.5 and 7.17 of the London Plan (2011), policies DEV1, DEV2 of the Council's Unitary Development Plan (1998), policies SP04 and SP10 of the Core Strategy 2010, policies DM24 and DM27 of the Managing Development DPD (Submission Version 2012) and policies DEV1, DEV2, DEV3, DEV4 and CON2 of the Council's Interim Planning Guidance (2007) which seek to ensure buildings are of a high quality design, sensitive to the nearby by Conservation Areas.
- 2.9 o The scheme would deliver improved permeability and accessibility through the scheme whilst being designed to provide a safe and secure environment for residents. The development accords with policy DEV1 of the Council's Unitary Development Plan (1998), policies SP09 and SP10 of the Core Strategy (2010), policies DM23 and DM24 of the Managing Development DPD (Submission Version 2012) and policy DEV4 of the Council's Interim Planning Guidance (2007), which require all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.10 o Transport matters, including parking, access, servicing and reconfigured bus layout are acceptable and accord with policy 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policies T16 and T18 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010), policies DM20 and DM22 of the Managing Development DPD (Submission Version 2012) and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.11 o Sustainability matters, including energy, are acceptable and accord with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010), policy DM29 of the Managing Development DPD (Submission Version 2012) and policies DEV5 to DEV9 of

the Council's Interim Planning Guidance (2007), which seek to promote sustainable development practices.

- 2.12 o The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents, in line with the NPPF, policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007) and the Council's Planning Obligations SPD (Adopted 2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.

### 3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

A. Any **direction** by **The London Mayor**

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

#### Financial Obligations

- d) Employment Skills and Training
  - o *£352,081 Employment and training during the construction phase*
  - o *£263,435 End use phase training*
- e) Education
  - o *£1,735,110 primary school places in the borough*
  - o *£1,407,861 secondary school places in the borough*
- f) Public Open Space
  - o *£881,275 towards the delivery of public open space in the Borough*
- g) Car Club
  - o *£35,913 towards the provision of car club on the site, including 1 year membership for residents*
- h) Health
  - o *£923,342 towards the NHS Primary Care Trust*
- i) Dockland Light Railway station improvements
  - o *£400,000 Contribution towards upgrade of Crossharbour DLR station*
- j) London Buses
  - o *£510,000 towards Increased capacity of a local bus service*
- k) Real Time Information Boards
  - o *£40,000 towards provision of boards within the site*
- l) S106 monitoring at 2% of sub total (£130,980)

Total Financial Contribution **£6,679,997**

#### Non-Financial Obligations

- m) 31% affordable housing by habitable room
  - 7% Social Rent
  - 14% Affordable Rent (POD Level)

- 10% Intermediate
- n) Family Housing secured by percentage floor space
  - 100% Social Rent
  - 37.9% Affordable Rent
  - 23.2% Intermediate
  - 24.4% Private
- o) Affordable Housing delivered across phases as follows:
  - Phase 1 = 62.2%
  - Phase 2 = 79.9%
  - Phase 3 = 0%
  - Phase 4 = 11.9%
  - Phase 5 = 0%
- p) Obligations on completion - no more than 60% market housing to be completed until 50% affordable housing completed; no more than 80% market housing to be completed until 70% affordable housing completed; no more than 90% market housing to be completed until 100% affordable housing completed, per phase
- q) Affordable business unit strategy and marketing strategy
- r) Shop mobility scheme for accessibility to the District Centre
- s) Community Centre
  - to Shell and Core (estimated at £3.7M)
  - Peppercorn rent in perpetuity (25 years)
  - £0 service charge
  - Fallback to commuted sum
- t) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- u) 40% jobs to local people in ASDA
- v) Car club, operation for three years minimum, and one years free membership per household
- w) On Street Parking Permit-free development
- x) Travel Plan
- y) Code of Construction Practice
- z) Agreements with London buses to be completed prior to implementation
- aa) Parking strategy including Variable Message Signing 'VMS'
- bb) Public Art – on-site details to be secured
- cc) Lease Agreement with Mudchute Park and Farm
- dd) Off-site Highways Works (estimated at £1.2M)
  - Remodelling to Marsh Wall/Limeharbour Junction
  - New raised table, pedestrian crossing and associated works on East Ferry Road
- ee) Relocated Cycle Hire Docking Station (£70,000)
- ff) 24 hour access to public open space
- gg) Travel Plan
- hh) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **CONDITIONS & INFORMATIVES**

3.4 **A. Time Limits, approved drawings / documents and content of development**

Commencement within 3 years

Submission of reserved matters applications (Timing)

Implementation in accordance with Phasing Plan

Implementation of Phasing Plan

- Development in accordance with Design Code
- Development in accordance with Approved Plans
- Quantum of floorspace Phase 1
- Quantum of floorspace Phase 2
- Quantum of floorspace Phase 3
- Quantum of floorspace Phase 4
- Quantum of floorspace Phase 5
- Quantum affordable housing by Phase
- Quantum Family Housing
- Sale of comparison goods supermarket capped at 49.6%
- Quantum of Built Floorspace across the Development
- Quantum of individual retail units by Phase
- Minimum Areas of Amenity Space
- Maximum No.s of parking spaces
- Minimum No.s cycle parking spaces
- Hours of trading, supermarket
- Hours of demolition/construction
- Hours of hammer driven piling
- Lifetime Homes
- 10% Wheelchair
- Minimum BREEAM Excellent for non residential floorspace
- No blocking of footway and carriageway
- No infiltration of surface water drainage into the ground

3.5 **B. Site-Wide Pre-commencement Conditions**

- Details of bus facilities
- Construction Management Plan
- Basement Plan including 20% charging points
- Biodiversity mitigation measures (15 bird boxes, 10 bat boxes, 315 new trees and length of native hedgerow), in accordance with approved biodiversity plan
- Biodiversity surveys to be undertaken and submitted prior to demolition
- Car Parking Strategy
- Details of East Ferry Road and Lime Harbour/Marsh Wall works (s278)
- No occupation until interim arrangements for Bus layover implemented
- No impact piling shall take place until a piling method statement has been approved
- TV/Broadband reception study

3.6 **C. Phase 1 – New supermarket, Southern Retail, Block G, Public Square, Relocated Bus Stop, Basement Parking**

- Archaeology
- Full details including samples of all new materials
- Landscape design statement and plan
- Access statement
- Security management scheme - secure by design and CCTV
- Interim vehicular and pedestrian arrangements
- Highway design and necessary safety audits
- Deliveries and servicing plan
- Construction Management Plan
- Noise attenuation
- Waste Management Strategy
- Recycling facilities
- Energy Strategy considering up to date policies and guidance
- Sustainability statement considering up to date policies and guidance
- Impact study - water supply infrastructure
- Foul and surface water drainage details
- Compliance with plan submitted to London Fire and Emergency Planning Authority
- Details of Brown and Green Roofs
- Site remediation and Investigation

Scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels (Env Agency)  
Fire Strategy  
No occupation until details of ventilation associated with A3, A4.  
Full details of each retail unit including hours of operation  
Details of boundary treatment to secure phase

3.7 **D. Phase 2 – Blocks E, F, K and L, southern pedestrian route from public square to Mudchute Park, Northern Access Road, Eastern Mews**

Reserved Matters - details of (i) Layout, (ii) Scale, (iii) Access, (iv) Appearance, (v) Landscaping.  
Affordable Housing Delivery Strategy  
Play Space Strategy  
Archaeology  
Full details including samples of all new materials  
Highways - detailed design of all site accesses (including general arrangement and visibility splay drawings);  
Detailed design of: high street, northern servicing road, landscaping including playspace and inclusive play, lighting, pedestrian bridge, amenity areas  
Details of boundary treatment to secure phase  
Access statement  
Security management scheme - secure by design and CCTV  
Interim vehicular and pedestrian arrangements  
Highway design and necessary safety audits  
Deliveries and servicing plan  
Construction Management Plan  
Noise attenuation  
Waste Management Strategy  
Energy Strategy considering up to date policies and guidance  
Sustainability statement considering up to date policies and guidance  
Impact study - water supply infrastructure  
Foul and surface water drainage details  
Compliance with plan submitted to London Fire and Emergency Planning Authority.  
Details of Brown and Green Roofs  
Site remediation and Investigation  
Scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels (Env Agency)  
Fire Strategy  
No occupation of the development until highway improvements have been completed at Marsh Wall/Lime Harbour junction

3.8 **E. Phase 3 - Residential blocks H, I & J over retail (south)**

Reserved Matters - details of (i) Layout, (ii) Scale, (iii) Access, (iv) Appearance, (v) Landscaping.  
Affordable Housing Delivery Strategy  
Play Space Strategy  
Full details including samples of all new materials  
Detailed design of: Southern amenity areas, landscaping including playspace and inclusive play, lighting  
Highways - detailed design of all site accesses (basement car parks, etc, including general arrangement and visibility splay drawings);  
Details of boundary treatment to secure development zone  
Access statement  
Security management scheme - secure by design and CCTV  
Interim vehicular and pedestrian arrangements  
Highway design and necessary safety audits  
Deliveries and servicing plan  
Construction Management Plan

Noise attenuation  
 No occupation until details of ventilation associated with A3, A4.  
 Full details of each retail unit including hours of operation  
 Waste Management Strategy  
 Energy Strategy considering up to date policies and guidance  
 Sustainability statement considering up to date policies and guidance  
 Impact study - water supply infrastructure  
 Foul and surface water drainage details  
 Compliance with plan submitted to London Fire and Emergency Planning Authority.  
 Basement Layout including details and location of 20% charging points  
 Details of Brown and Green Roofs  
 Site remediation and Investigation  
 Scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels (Env Agency)  
 Fire Strategy

3.9 **F. Phase 4 - Retail (north) and residential blocks A, B & C, Northern diagonal route, Taxi stand**

Reserved Matters - details of (i) Layout, (ii) Scale, (iii) Access, (iv) Appearance, (v) Landscaping.  
 Affordable Housing Delivery Strategy  
 Play Space Strategy  
 Archaeology  
 Full details including samples of all new materials  
 Detailed design of: High street, landscaping including playspace and inclusive play, lighting  
 Highways - detailed design of all site accesses (basement car parks, etc, including general arrangement and visibility splay drawings);  
 Details of boundary treatment to secure phase  
 Access statement  
 Security management scheme - secure by design and CCTV  
 Interim vehicular and pedestrian arrangements  
 Highway design and necessary safety audits  
 Deliveries and servicing plan  
 Construction Management Plan  
 Noise attenuation  
 No occupation until details of ventilation associated with A3, A4.  
 Full details of each retail unit including hours of operation  
 Waste Management Strategy  
 Energy Strategy considering up to date policies and guidance  
 Sustainability statement considering up to date policies and guidance  
 Impact study - water supply infrastructure  
 Foul and surface water drainage details  
 Compliance with plan submitted to London Fire and Emergency Planning Authority.  
 Basement Layout including details and location of 20% charging points  
 Details of Brown and Green Roofs  
 Site remediation and Investigation  
 Scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels (Env Agency)  
 Fire Strategy

3.10 **G. Phase 5 – Block D, residential between ASDA and Friars Mead, Eastern Mews**

Reserved Matters - details of (i) Layout, (ii) Scale, (iii) Access, (iv) Appearance, (v) Landscaping.  
 Affordable Housing Delivery Strategy  
 Play Space Strategy  
 Full details including samples of all new materials  
 Detailed design of: Northern amenity areas, landscaping including playspace and inclusive play, lighting

Archaeology  
 Highways - detailed design of all site accesses (basement car parks, etc, including general arrangement and visibility splay drawings);  
 Details of boundary treatment to secure phase  
 Access statement  
 Security management scheme - secure by design and CCTV  
 Interim vehicular and pedestrian arrangements  
 Highway design and necessary safety audits  
 Deliveries and servicing plan  
 Construction Management Plan  
 Noise attenuation  
 Waste Management Strategy  
 Energy Strategy considering up to date policies and guidance  
 Sustainability statement considering up to date policies and guidance  
 Impact study - water supply infrastructure  
 Foul and surface water drainage details  
 Compliance with plan submitted to London Fire and Emergency Planning Authority.  
 Basement Layout including details and location of 20% charging points  
 Details of Brown and Green Roofs  
 Site remediation and Investigation  
 Scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels (Env Agency)  
 Fire Strategy

3.11 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

3.12 **Informatives:**

- S106 required
- S278 required
- Consultation with Building Control
- Thames Water Advice
- London City Airport Advice

3.13 Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.14 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

**4. PROPOSAL AND LOCATION DETAILS**

**Site and Surroundings**

The application site

4.1 The subject site comprises an area of 4.5 hectares and comprises the existing ASDA supermarket site, together with a parcel of land extending onto Mudchute Park. The application site is bounded by East Ferry Road to the west, Island Health and the rear of predominantly 4 storey residential properties along Glengall Grove, with lower-scale community buildings to the north, the rear gardens of two storey residential properties on Friars Mead to the east, and Mudchute Park and Farm to the south which is designated as Metropolitan Open Land.

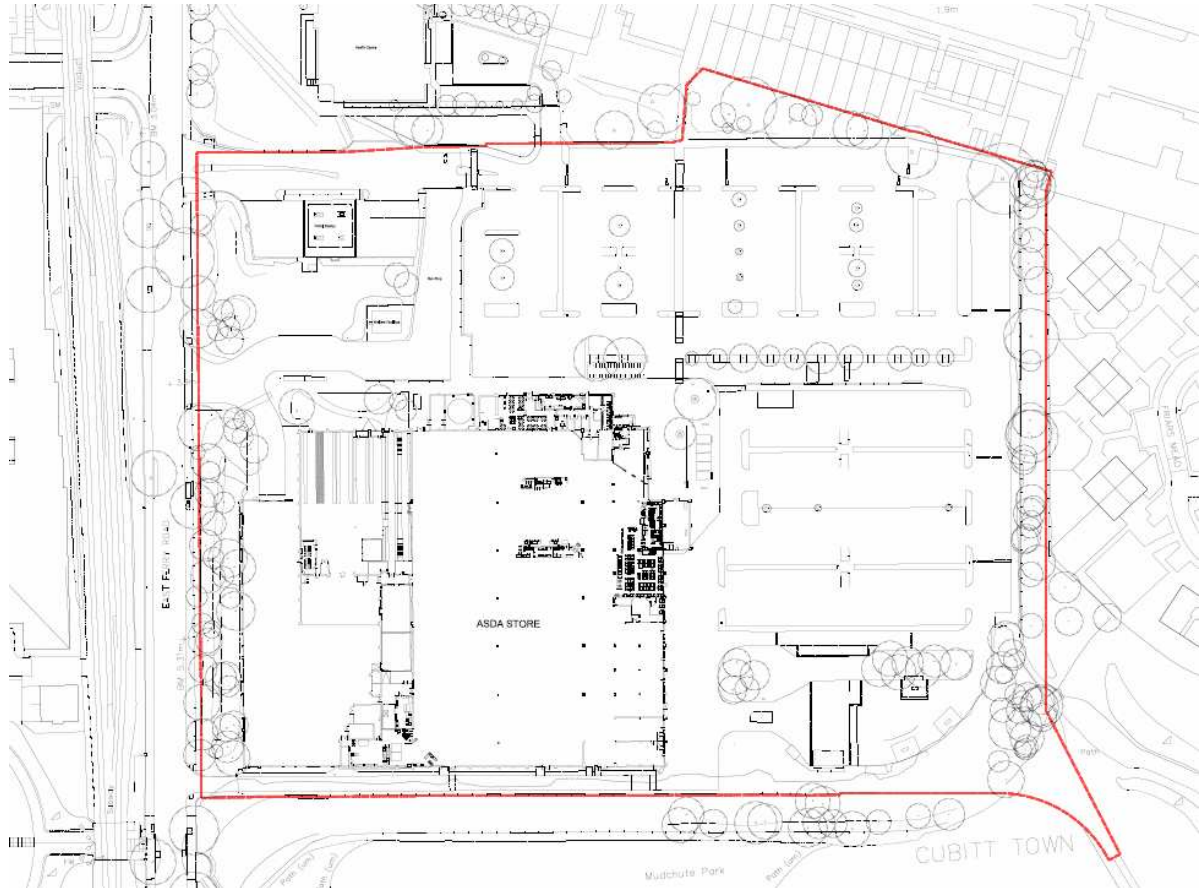
4.2 The site does not lie within a conservation area, nor does it contain any listed buildings. The



closest conservation areas are Coldharbour (approx 750m to the northeast), Chapel House (approx 400m to the south) and Island Gardens (approx 650m to the south).

- 4.3 The site itself is currently occupied by an ASDA supermarket dating back to the 1980s which includes a café and opticians, an ASDA petrol filling station, bus interchange and approximately 600 parking spaces.

4.4



**Figure 1: The application site (as existing)**

#### Transport infrastructure and connectivity

- 4.5 Vehicular access is provided from East Ferry Road, with pedestrian access from East Ferry Road, Glengall Grove, Friars Mead and Mudchute Park. The site has a Public Transport Accessibility Level (PTAL) of 4, indicating good accessibility to public transport. The Crossharbour DLR station is situated approximately 200m from the centre of the site, and the bus interchange within the site serves 4 bus routes. The D3, D6, D8 and 135 connect with Canary Wharf, Bethnal Green, Hackney, Stratford and Liverpool Street.

#### **Proposal**

- 4.6 The proposal is a hybrid application, for the demolition of existing supermarket, and comprehensive redevelopment of the site for mixed-use purposes to provide up to 30,445sq.m (GEA) of floor space (Use class A1 – A4, B1, D1-D2) and up to 850 residential units (Use class C3).
- 4.7 Full planning permission is therefore being sought for the following:
- Demolition of existing supermarket;

- 14,112sqm (GEA) replacement supermarket (Use Class A1) (Ground and First Floor beneath Blocks E, F, G and K);
- 8,323sqm (GEA) flexible non-food retail (Use Class A1 – A4) (Ground and First Floor beneath Blocks I, H and J);
- 84 residential units (use class C3) (Within Block G, 8 storeys);
- Basement parking;
- New bus stop, bus layover and servicing access;
- Formation of a new vehicular and pedestrian access and means of access and circulation within the site, new private and public open space and landscaping; and
- Associated plant and servicing.

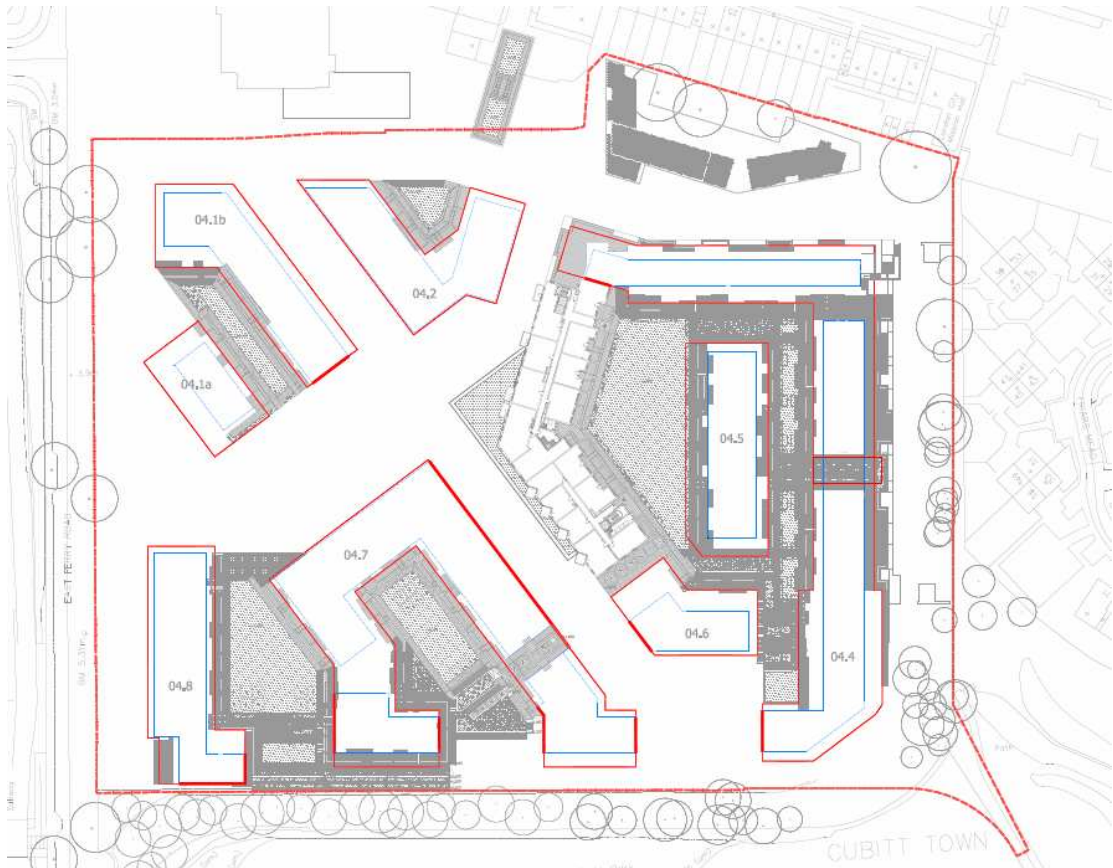
4.8 And outline planning permission is sought for:

- Maximum of 766 residential units (use class C3) (within blocks A, B, C, D, E, F, H, I, J, K, L, between 2 and 23 storeys);
- Up to 6,410sqm (GEA) flexible retail, financial and professional serviced, food and, drink and office floorspace (Use class A1 – A4, B1, D1 and D2);
- Up to 1,600sqm (GEA) community use floorspace (Use Class D1-D2);
- Formation of a new vehicular access and means of access and circulation within the site, new private and public open space and landscaping; and
- Associated plant and servicing.

4.9 All matters associated with details of appearance, landscaping, layout and scale and access are reserved for future determination.

#### Application Documents

4.10 With regard to the outline planning application, the applicant has submitted three 'control' documents, together with a number of supporting documents containing information, analysis and evidence to support the regeneration proposal.



**Figure 2: The blocks as presented in the parameter plans (Podium)**

4.11 The proposal will be controlled through the use of the three control documents, as follows:

- Parameter Plans – these define the extent of the streets, spaces and buildings across the site against a series of minimum and maximum dimensions. Due to level changes across the site, together with the horizontal division of some buildings between outline and detailed consent, the parameter plans are divided horizontally into Ground Floor Level 00, Transition Level 02 and Podium Level 04. **Figure 2** above shows one of the submitted parameter plans, which identifies the building parcels at podium level. The parameter plans also control the broad arrangement of blocks, land uses, open spaces, transport routes and building heights and the respective limits of deviation.
- The Development Specification – this document sets out a written account of the parameter plans and details the description of the proposed development and the quantity of development that could arrive within each development parcel
- The Design Code – this document provides a further level of detail beyond the parameter plans such as architectural detail and key design objectives and standards. Any future reserved matters applications for the development of any of the parcels defined in the parameter plans will need to comply with the design code if they are to be considered acceptable.

### **Relevant Planning History**

4.12 ID/80/0001 – Planning permission granted for superstore, petrol station, car park, library and health centre, 2 May 1980.

Numerous additional planning and advertisement consent applications since this original approval.

## 5. POLICY FRAMEWORK

- 5.1 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:

### Unitary Development Plan 1998 (as saved September 2007) (UDP)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV15	Tree Retention
	DEV17	Siting and Design of Street Furniture
	DEV43	Archaeology
	DEV44	Preservation of Archaeological Remains
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV57	Nature Conservation and Ecology
	DEV63	Green Chains
	DEV69	Efficient Use of Water
	EMP1	Promoting Economic Growth & Employment Opportunities
	EMP3	Change of use of office floorspace
	EMP6	Employing Local People
	EMP7	Enhancing the Work Environment & Employment Issues
	EMP8	Encouraging Small Business Growth
	EMP10	Development Elsewhere in the Borough
	HSG4	Loss of Housing
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG15	Residential Amenity
	HSG16	Housing Amenity Space
	T3	Extension of Bus Services
	T7	Road Hierarchy
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development
	S4	Local Shopping Parades
	S10	Shopfronts
	OSN3	Blue Ribbon Network
	OS9	Children’s Playspace
	SCF8	Encouraging Shared Use of Community Facilities
	SCF11	Meeting Places
	U2	Development in Areas at Risk from Flooding
	U3	Flood Protection Measures

### Interim Planning Guidance (2007) for the purposes of Development Control (IPG)

Proposals:	Area of Archaeological Importance or Potential Flood Risk Area - Combined Flood Zone 3 Isle of Dogs Area Action Plan
Policies:	DEV1 Amenity DEV2 Character and Design

DEV3	Accessibility and Inclusive Design
DEV4	Safety and Security
DEV5	Sustainable Design
DEV6	Energy Efficiency
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV14	Public Art
DEV15	Waste and Recyclables
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV23	Hazardous Dev & Storage of Hazardous Substances
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE2	Redevelopment/Change of Use of Employment Sites
HSG1	Determining Housing Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG5	Estate Regeneration Schemes
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
SCF1	Social and Community Facilities
OSN2	Open Space
CON1	Listed Building
CON3	Protection of WHS's, London Squares, Historic Parks and Gardens
CON4	Archaeology and Ancient Monuments
CON5	Protection and Management of Important Views

### **Interim Planning Guidance – Isle of Dogs Area Action Plan 2007 (IOD AAP)**

Development Sites:	ID9	Crossharbour District Centre
Policies:	IOD1	Spatial strategy
	IOD2	Transport
	IOD3	Health
	IOD4	Education
	IOD5	Open Space
	IOD6	Water Space
	IOD7	Flooding
	IOD8	Infrastructure Capacity
	IOD9	Waste
	IOD10	Infrastructure and Services
	IOD11	A new District Centre for the Isle of Dogs
	IOD12	Site allocations in the Crossharbour District Centre

### **Core Strategy Development Plan Document 2010 (CS)**

Policies:	SP01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Placemaking
	SP13	Planning Obligations
Annexe 9:		Cubitt Town Vision, Priorities and Principles

### **Managing Development Plan Document - Submission Version May 2012 (MD DPD)**

Allocations:	19	Crossharbour Town Centre
Proposals:		Zone 2 (water space)
Policies:	DM2	Protecting Local Shops
	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM26	Building Heights
	DM27	Heritage and Historic Environment
	DM28	World Heritage Sites
	DM29	Zero-Carbon & Climate Change
	DM30	Contaminated Land

### **Supplementary Planning Guidance/Documents**

Planning Obligations SPD 2012

### **Spatial Development Strategy for Greater London (London Plan 2011)**

- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential

- and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.17 Metropolitan Open Land
- 7.19 Biodiversity and Access to Nature

#### **London Plan Supplementary Planning Guidance/Documents**

- London Housing Design Guide 2010
- Interim Housing SPG
- London View Management Framework 2010
- Draft London View Management Framework 2011
- Housing
- Land for Transport Functions 2007
- East London Green Grid Framework 2008
- Sustainable Design & Construction 2006
- Accessible London: Achieving an Inclusive Environment 2004
- Providing for Children and Young People's Play and Informal Recreation 2008
- Draft Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012
- Draft All London Green Grid 2011
- Draft Housing 2011
- Draft London World Heritage Sites – Guidance on Settings 2011

#### **Government Planning Policy Guidance/Statements**

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

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

## **6. CONSULTATION RESPONSE**

6.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

### **LBTH Accessibility Officer**

6.3 Following the confirmation of 10% wheelchair residential units, 10% of parking bays to be wheelchair accessible, lighting, street furniture, accessible cycle parking, inclusive play, surface treatments and gradients, fire escape and lifetime homes criteria, the proposal is considered acceptable in accessibility terms, subject to conditions.

6.4 (OFFICER COMMENT: Conditions have been attached to secure further details of the above, as well as a compliance condition for the provision of min 10% wheelchair housing and parking bays)

### **LBTH Arboricultural Officer**

6.5 No objections to proposal, although concern raised regarding the level of tree planting. Requested a tree-planting scheme, to reflect the density of development, and/or a financial contribution toward tree planting in nearby parks and highways sites.

6.6 (OFFICER COMMENT: A landscaping condition including details of tree planting has been attached which includes the planting of 315 new trees, and a s106 financial contribution towards public realm improvements has been secured)

### **LBTH Biodiversity**

6.7 The proposed link through to Mudchute Park, which is a Site of Metropolitan Importance for Nature Conservation (SMINC) is acceptable in principle, provided that the Council secure details of the landscaping of that part of the site which shows wildlife of sufficient quality to justify its inclusion in a SMINC, together with the retention of the remaining woodland strip along the southern boundary of the site.

6.8 Lighting might be an issue for foraging bats, both during construction and operation. A condition should ensure that lighting near the southern and eastern perimeter of the site is directed inwards to minimise spillage beyond the site.

6.9 Green roofs on the residential blocks, ideally brownfield-style or other bio-diverse green roofs, should be secured by condition if possible.

6.10 The Ecology Chapter of the Environmental Statement (ES) lists a number of biodiversity enhancements which will be provided on the site as mitigation for the adverse impacts. These include new trees and native hedges and provision of bird and bat boxes. The provision of at least 15 bird boxes, 10 bat boxes, 315 new trees and length of native hedgerow indicated on the plans, should be secured by condition.



- 6.11 Trees and scrub within the application site are likely to support nesting birds. A condition should be imposed that clearance of such vegetation should be undertaken between September and February inclusive (i.e. outside the nesting season) or, if this is not possible, vegetation to be cleared should be surveyed for nesting birds by a suitably-qualified ecologist and, if nests are found, the vegetation left undisturbed until the young birds have fledged.
- 6.12 (OFFICER COMMENT: Conditions have been attached as requested)

#### **LBTH Communities, Localities & Culture**

- 6.13 Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the Borough's Idea Stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. The proposed development of 850 units is calculated to result in 1,745 residents and an employee yield of 1559. Accordingly, following review by the Council's Planning Contributions Overview Panel, the following financial contributions are requested:

- Open space: £881,275
- Delivery of Community Facility

- 6.14 (OFFICER COMMENT: The contribution noted above has been agreed with the applicant, as detailed in section 3 of this report)

#### **LBTH Children, Schools & Families**

- 6.15 The Children, Schools and Families section continue to develop proposals for more school places to respond to increasing need. They will do this by identifying school sites with the potential to expand. In the E14 area they have already identified a proposal to expand Woolmore Primary School. In the longer term the Council will be identifying additional sites for school use through the ongoing LDF process.
- 6.16 The funding that is received towards additional school places from s106 contributions is pooled and the funding used with other resources to fund the overall programme of providing school places across the borough, contributing to creating a sustainable local community
- 6.17 The following financial obligations are sought:
- £1,735,110 towards 117 primary school places in the borough
  - £1,407,861 towards 63 secondary school places in the borough

- 6.18 Total contribution request: £3,142,971

- 6.19 (OFFICER COMMENT: The above financial contributions have been agreed with the applicant, as detailed in section 3 of this report)

#### **LBTH Enterprise & Employment**

- 6.20 No objection, subject to the following obligations:

##### Construction Phase

- The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The Council will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services;
- To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by

businesses in Tower Hamlets. We will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place;

- A financial contribution of £352,081 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created. In exceptional circumstances and with the prior agreement of the Council, the developer may deliver their own in-house training programme where appropriate. The appropriateness of the in-house training will be assessed by the Council on a case by case basis.

### End Phase

- The Council seeks a monetary contribution of £263,435 towards the training and development of unemployed residents in Tower Hamlets to access either:
  - i) jobs within the A1-A4, and B1 uses in the end-phase
  - ii) jobs or training within employment sectors in the final development
- Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

(OFFICER COMMENT: These obligations have been secured, together with confirmation of 40% of end user jobs in the ASDA store to be offered to local people)

### **LBTH Environmental Health**

#### 6.9 Contamination

No objections, subject to a condition to secure a site investigation and remediation.

(OFFICER COMMENT: A contamination and remediation condition has been included within section 3 of this report)

#### Noise and Vibration

No objection to the proposal, subject to conditions to secure the following:

- Internal noise level for bedrooms and living rooms to meet the "good standard" of BS8233;
- Details of noise insulation between any residential and commercial premises;
- Hours of construction;
- Noise management plan during demolition/construction;
- Details of any mechanical and electrical plant to be used and any associated noise and vibration to be at least 10 dB below the normal background noise at the times required to operate. Guidance can be sought from BS4142;
- Details of any kitchen extraction plant for A1 – A4 use.

(OFFICER COMMENT: Conditions have been attached as requested, as well as conditions to restrict the hours of operation of the commercial units and their associated delivery and servicing times)

#### Health & Housing

No objections subject to the proposed units satisfying the GLA's London Housing Design Guide.

(OFFICER COMMENT: The Design Code will ensure that the standards of the GLA's Housing Design are adhered to)

## **LBTH Housing**

- 6.10 The scheme proposes 31% affordable housing by habitable rooms across the scheme, through a blended provision of affordable rent, social rent and shared ownership housing.

Overall the housing section is supportive of the proposal.

(OFFICER COMMENT: Matters relating to the proposed housing are discussed in detail within the Material Considerations section of this report)

## **LBTH Sustainability & Renewable Energy**

### **6.11 Energy**

The information provided in the energy strategy is principally in accordance with adopted climate change policies and follows the revised “Energy Hierarchy”. The detailed element of the scheme proposes BREEAM ‘Excellent’ and Code for Sustainable Homes Level 4. However, the energy strategy will need to respond to the emerging Managing Development DPD Policy DM29. The applicant will need to detail how the new targets can be delivered for the relevant phases and subsequent planning applications. An appropriately worded Condition should be applied to ensure a detailed energy strategy and sustainability strategy are submitted to demonstrate the design is in accordance with the policies at the time of any subsequent application.

#### Sustainability

The sustainability strategy should include the appropriate Code for Sustainable Homes and BREEAM pre-assessments to demonstrate how the development achieves the highest levels of sustainable design and construction and appropriate rating in accordance with the policies at the time of the subsequent submission.

(OFFICER COMMENT: Conditions have been attached as requested)

## **LBTH Transportation & Highways**

- 6.12 The applicants submitted a Transport Assessment as part of their proposals, which was interrogated by the Council’s Highways section. Further information and amendments were requested.

#### Transport Assessment

LBTH Highways had concerns over the impact of the development proposals on the surrounding highway network. The Transport Assessment that has been produced in support of the planning application concludes that the additional traffic generated by the proposal could be accommodated within the existing highway network, although an upgrade to the junction between Marsh Wall and Lime Harbour would be necessary.

(Officer comment: This upgrade has been secured through the s106 Agreement)

#### Parking and Highway Capacity

The highways section requested a reduction the level of parking in order to reduce the impact on the local highway network. This was subsequently reduced by 30 spaces from 785 to 755 (604 retail and 151 residential spaces). This reduction is supported by LBTH Highways and together with a Car Parking Management Plan and improvements to the Marsh Wall/Limeharbour junction, the proposal is considered acceptable in parking and highway capacity terms.

#### London Buses

The scheme proposes the reconfiguration of bus services within the site. London Buses (through TfL) instigated a redesign of the proposed bus layover, and are

supportive of the proposed arrangement. LBTH Highways are also supportive of the proposed layout for buses, which is explained fully within the Transport section of this report.

If planning permission is granted for this hybrid application, there are a number of aspects which will need to be dealt with by future detailed/reserved matter applications (outline phase). These include:

- Detailed design of parking areas, including ramp gradients, head height clearances, etc;
- Detailed design of all site accesses not included within the detailed element of the proposal;
- Detailed design of cycle parking areas;
- Detailed design of refuse and recycling collection;
- Detailed design of servicing areas (including Delivery & Servicing Management Plans);
- Travel Plans;
- Detailed design of highway layout within the site boundary (including relocation of existing cycle hire docking station on East Ferry Road – to be agreed with LBTH and TfL respectively);
- Detailed design of on-street parking layouts.

#### S106 Obligations

Following review at the Planning Contribution Overview Panel, obligations should be secured towards the following local improvements:

1. Lime harbour/Marsh Wall Junction
2. Car Club

The following non-financial obligations should also be secured:

4. Permit free agreement
5. All highways works to be undertaken by the Council at the applicant's cost

#### Conditions & Informatives

The following conditions should be imposed upon any planning permission:

- No occupation of Phase 1 of the development until highway improvements for the junction of Marsh Wall/Lime Harbour have been designed in detail, and no occupation of Phase 2 until these works have been completed
- No occupation until interim arrangements for Bus layover implemented
- Section 278 Highways Agreement
- No blocking of footway and carriageway during construction

(OFFICER COMMENT: Highways and transportation matters are discussed within the Material Planning Considerations section of the report. The requested s106 obligations and conditions/informatives have also been recommended, as detailed within section 3 of this report).

#### **LBTH Waste Management**

- 6.13 No objections to the servicing strategy proposed, although full details of capacity for refuse and recycling to be secured by condition. Requested feasibility of URS to be considered.

(OFFICER COMMENT: A condition has been attached requiring the submission of full details of the refuse and recycling facilities)

#### **English Heritage (Statutory Consultee)**

- 6.14 English Heritage has raised concern with regard to the lack of information submitted with regard to aspects of this application. They note that the development would form an important component of views from Greenwich, rising immediately above the trees of Island Gardens which themselves appear immediately above the distinctive silhouette of the historic buildings of the Old Royal Naval College complex.

In particular, English Heritage raised concern regarding the outline form of the application, noting that *“the Council must satisfy itself that it has the necessary level of information and degree of certainty with regard to matters including the visual qualities of external finishes which potentially could have a considerable impact on the setting of the World Heritage Site (including the impact on the London Panorama from Greenwich Park towards Canary Wharf, from assessment point 5A.1)”*

(OFFICER COMMENT: The Heritage impacts of the proposal are discussed in greater detail below, within the material planning considerations section of this report. In summary, it is considered that sufficient detail has been submitted and assessed through the applicant’s Environmental Statement, to allow full consideration of the visual and heritage impacts of the proposal)

#### **Environment Agency (Statutory Consultee)**

- 6.15 No objections subject to the following conditions being imposed:
- Development to be carried out in accordance with the submitted Flood Risk Assessment
  - Contamination and verification reports to be approved prior to commencement/occupation
  - No commencement of development until such time as a scheme to ensure finished floor levels are set no lower than 3.65m above the predicted flood levels has been approved
  - No commencement of development until such time as the submission of a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development have been submitted and approved
  - No infiltration of surface water drainage into the ground

(OFFICER COMMENT: The requested conditions have been attached as detailed above in section 3 of this report)

#### **Greater London Authority (GLA - Statutory Consultee)**

- 6.16 In summary, the GLA advised that the proposal (as original submitted) did not comply with the London Plan, but that there were possible remedies. In particular, the GLA made the following comments:

##### Principle of development

The principle of a mixed-use development with an enhanced retail offer is acceptable.

The community land uses proposed, along with other retail and commercial uses such as cafes, gym and smaller local shops will create a holistic district centre and will enhance local facilities and services.

##### Urban design, heritage impacts and access

The overall principles of the scheme considered acceptable, and it is of high design quality. Further information sought regarding tightening of the design code, parameters and phasing.

##### Housing

Unit mix should be revised to provide an increase in the proportion of family-sized

units, with further information regarding the family units within the affordable element of the scheme. Further information required regarding density calculations.

Climate change mitigation and adaptation

Further details requested regarding regulated savings at each tier of the energy hierarchy.

Child play space

Clarification regarding child yield figures and associated play space requested.

Inclusive design and access

Information regarding key accessible routes through the scheme requested.

Amenity

Information regarding single aspect units requested.

Noise and air quality

The proposal is acceptable in this respect.

Biodiversity

No significant species identified on site however there is opportunity to improve conditions through the use of rooftops – green and brown roofs.

Transport

Further work is required regarding arrangements for buses, the pedestrian/passenger interchange experience, reduction in car parking, cycle hire and legible London schemes.

Community Infrastructure Levy

The applicant will need to include appropriate contributions relating to CIL.

(OFFICER COMMENT: Following these comments from the GLA, the applicant has submitted further clarification details with relation to the design code, density, parameters and phasing, re-designed the bus layover, density calculations and reduced the level of parking. The proposed indicative unit mix is considered acceptable in relation to local planning policy, and it is recommended that a s106 Agreement secure the minimum amount of family units across tenures. The submitted design code provides further detail regarding the quality of accommodation, which is considered acceptable. Further discussion regarding the final details are outlined within section 8 of this report.)

**Royal Borough of Greenwich (Statutory Consultee)**

6.17 No objections.

**London City Airport (Statutory Consultee)**

No safeguarding objection, subject to the following conditions:

- Any alterations to the maximum parameter will require a fresh consultation with London City Airport.
- Given the proximity of the development to the airport, all relevant insulation in building fabric including glazing and ventilation elements will be supplied and fitted in compliance with current noise attenuation regulations and tested

(OFFICER COMMENT: Conditions are attached relating to noise attenuation as requested)

**National Air Traffic Services Ltd (Statutory Consultee)**

6.18 No safeguarding objections.

## **NHS Tower Hamlets PCT (Statutory Consultee)**

6.19 Tower Hamlets PCT requested the following contributions based on the proposed mix:

- Total capital planning contribution: £1,190,995
- Total revenue planning contribution: £4,567,020

(OFFICER COMMENT: Only the capital contribution is sought in line with standard practice. In light of the viability constraints of the proposed development, the s106 package has been reviewed by the Council's Planning Contribution and Overview Panel and a contribution of £923,342 has been apportioned. This is further discussed in section 8 of this report, below)

## **Transport for London (Statutory Consultee)**

### 6.20 Parking

TfL sought a reduction in car parking numbers, in order to ensure that the development minimised its impacts upon the Transport for London Road Network. A parking strategy and variable message signing at the entrance to the car park are also sought.

Cycle parking levels are supported, although the scheme proposes insufficient electrical charging points.

6.21 (OFFICER COMMENT: The number of parking spaces has been reduced, and conditions are attached securing a parking strategy and electrical charging points)

### 6.22 Trip Generation

The trip generation methodology is accepted.

### 6.23 London Buses

TfL liaised with the applicant post-submission, in order to re-design the proposed bus stop area in order to ensure it is technically operational and safe.

A financial contribution of £510,000 is sought toward bus network capacity.

### 6.24 Dockland Light Railway (DLR)

The greatest proportion of trips to/from the District Centre will be undertaken on the DLR. Accordingly, works are necessary to improve the public realm around the station and provide a legible access route. A contribution of £1,350,000 toward these works is therefore sought.

### 6.25 Cycle Hire Scheme

A financial contribution of £70,000 is sought for the relocation of a cycle hire docking station on East Ferry Road. A contribution is also sought toward the provision of a new cycle hire docking station at Crossharbour DLR station, at a cost of £30,000.

### 6.26 Legible London

A financial contribution of £22,500 is sought towards the Legible London wayfinding strategy to allow easy navigation of routes within the site and to surrounding centres and public transport nodes.

### 6.27 Real Time Information Boards

A financial contribution of £40,000 is sought for the relocation of a cycle hire docking station on East Ferry Road.

### 6.28 Travel Planning

The objectives of the submitted Travel Plan are robust, and monitoring should be secured through a Legal Agreement.

- 6.29 A construction logistics plan should be secured by condition, and the delivery and servicing plan is considered robust.
- 6.30 (OFFICER COMMENT: The applicant has agreed to meet some of the financial contributions initially requested by TfL. TfL have agreed with the negotiated position as outlined within paragraphs 8.349 – 8.353 of this report)

#### **British Broadcasting Corporation – Reception Advice**

- 6.31 No comments received.

#### **Commission for Architecture and the Built Environment (CABE – part of the Design Council)**

- 6.32 CABE are supportive of the principle of redeveloping the site to form the focal point of a new District Centre for the Isle of Dogs. They note that the distinction between the schemes' urban and parkside character has strength as a concept and has resulted in a logical site plan and approach to the built form and landscape.

- 6.33 However, they are not convinced that that the buildings will achieve the necessary quality of living environment and architecture. The CABE response points out matters which the Council should have regard to in the determination of the application:

- Residential access and flat layouts should be reviewed;
- Whilst the diagonal pedestrian desire line is supported, a less direct, stepped alignment could have added benefits;
- The tall building and residential wrapping of the store should be shown in detail;
- An extended timeline between phases could undermine the quality of the environment created;
- Welcome definition of a street frontage to East Ferry Road, although consider that more commercial units are needed to create an active frontage;
- Community square is welcomed, as is the gently rising high street, although success will depend upon animated frontages;
- Northern section of the high street may have benefitted from a shift towards East Ferry Road;
- Park square to the south supported, although the application should make it clear how public the pedestrian routes will be beyond this;
- The outline proposals suggest a calm approach to the massing of the parkside blocks, and a coherent composition overall;
- Concern raised regarding the quality of accommodation – in particular successful podium blocks, in terms of quality landscaped space, access for residents and services.
- Eastern residential street supported, however concern regarding the quantum of single aspect units;
- Insufficient assurances regarding the final design quality (due to outline nature of the proposal);
- Microclimate at base of buildings a concern, due to lack of detail;
- Long distance views suggest the proposal would not harm the view from the Greenwich World Heritage Site;
- Concern regarding phasing and prospect of the District Centre being left unfinished for a number of years. As such, consider that the tall building, supermarket and residential wrapping/above it are considered at detailed application stage.

- 6.34 (OFFICER COMMENT: Matters relating to design are discussed within section 8 of this report. Following a review of the submitted financial viability assessment, officers are satisfied that the proposal is deliverable as set out in the proposed phasing strategy. The number of single aspect units has been considered in the overall context of the proposal, and



is considered acceptable.)

### **London Fire and Emergency Planning Authority**

- 6.35 Private fire hydrants may be required within the site; a fire strategy should be supplied as soon as possible; concern raised regarding access for fire personnel to podium level, and detailed layouts of streets requires careful thought to ensure access.

(OFFICER COMMENT – Pre-commencement conditions attached accordingly)

### **Thames Water**

- 6.36 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following conditions be imposed:

- The development should not be commenced until impact studies of the existing water supply infrastructure have been approved; and
- No impact piling shall take place until a piling method statement has been approved

- 6.37 Thames Water also state that the Environmental Statement has information on aspirations of surface water attenuation and foul flows however requests an informative advising that the drainage strategy for the whole development be submitted to indicate:

- Points of connection to the public sewer.
- Existing foul and surface water flows off site compared against proposed/anticipated volumes of discharge during storm conditions (e.g. 1 in 10, 30 & 100 storm + climate change).

- 6.38 (OFFICER COMMENT: The requested conditions have been attached as well as an informative relating to the drainage strategy)

## **7. LOCAL REPRESENTATION**

- 7.1 A total of 5889 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 236      Objecting: 132      Supporting: 97      Neither: 7  
No of petitions received: 4 (3 in objection, 1 in support)

- 7.2 The following local groups/societies made representations:

- Mudchute Park and Farm (Support)
- Island Health Trust (Object)
- London City Mission (Support)

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

### **7.4 In objection**

#### **Land Use**

- A new District Centre is not needed/There is no demand for more shops  
(Officer comment: The Council has identified the need for a new District Centre, which is imbedded in adopted and emerging policy. The submitted retail impact assessment identifies a need for a new retail offer on the Isle of Dogs)

- Viability of existing shops threatened;  
(Officer comment: An impact assessment has been carried out in order to ensure that the vitality and viability of nearby shopping centres will not be unduly detrimentally affected)
- Asda is busy at peak times, and this will be worsened;  
(Officer comment: The Asda store is proposed to be expanded in order to meet the demand)
- Excessive density;  
(Officer comment: The proposed density is in compliance with the London Plan)
- Britannia Pharmacy within the ASDA will be displaced, and there is no re-provision for them;  
(Officer comment: Asda will have convenience outlets within the store, and there are opportunities within the other retail uses of the District Centre for a pharmacy)

#### Design & Heritage

- Loss of views and change in relationship between Mudchute Park and Farm, and Canary Wharf, Christ Church and Greenwich;  
(Officer Comment: As discussed within section 8 of this report, the relationship of the proposal with Mudchute Park and Farm, Canary Wharf, Christ Church and view from Greenwich is considered appropriate)
- Development fails to step down from commercial area to the north (Canary Wharf) in accordance with development plan;  
(Officer comment: As discussed within section 8 of this report, it is considered by officers that the development steps down appropriately)
- Impact of buildings on enjoyment of Mudchute Park and Farm;  
(Officer comment: The impacts upon Mudchute Park and Farm have been considered in the assessment of the application. It is considered that the proposal steps down appropriately to achieve a positive transition between the park and farm, and the new development)
- Scale of development not in keeping with surrounding;  
(Officer comment: It is considered that the proposal steps down appropriately to the surrounding lower scale development. In addition, it is considered there is adequate justification for a tall building on this site)
- Over-development – Isle of Dogs already densely populated;  
(Officer comment: The density of the site is considered acceptable given the site's PTAL and lack of overdevelopment symptoms)
- Impact upon Greenwich landmarks;  
(Officer comment: It is considered that the proposal sits comfortably within the backdrop of the Greenwich World Heritage Site, and other landmarks)

#### Amenity

- Overshadowing impacts upon Island Health and nearby residential properties;  
(Officer comment: Overshadowing impacts to Island Health have been considered by officers, and whilst this building was not assessed within the ES, given that it is a multi-aspect community building, the impacts are not considered unduly detrimental. The Amenity section of this report considers the impacts to residential properties, and concludes that they are acceptable on balance)
- Noise pollution;  
(Officer comment: This is discussed within the amenity section of this report, and with appropriate conditions, it is not considered that the proposal would result in unduly

detrimental noise impacts)

- Loss of privacy;

(Officer comment: As discussed within the Amenity section of this report, design mechanisms boundary treatments and appropriate separation distances would ensure that neither existing neighbouring occupiers nor future residents would be unacceptably overlooked)

- Construction impacts – noise, air pollution and associated health risks;

(Officer comment: If planning permission is granted, a construction management plan would be secured in order to ensure that impacts during construction are appropriately controlled)

- Detrimental impact upon enjoyment of Mudchute Park and Farm;

(Officer comment: It is not considered by officers that the proposal would have an unduly detrimental impact upon the enjoyment of Mudchute Park and Farm. The proposal would alter the view from the farm, and overlooking would be improved. This could improve security for users.)

- Provision of certain mainstream retail stores will make area unsafe;

- Increased crime, social, health and wellbeing problems;

(Officer comment: A condition has been attached to secure CCTV and security details, as well as secure by design details)

- Lack of leisure and sporting facilities;

(Officer comment: The proposal includes a community centre and new public open space, and it is considered that there are sufficient leisure and sporting facilities to assist with meeting the needs of new residents)

- Inadequate youth services;

(Officer comment: A new community centre is proposed within the development, although the end user will be determined at a later stage in the development)

- Solar glare impacts from proposed development;

(Officer comment: The element of the proposal submitted for detailed approval does not contain extensive areas of glazing at high levels. The final design of the outline scheme including tower would not be finalised until reserved matters stage, at which point material selection and orientation would be assessed to ensure solar glare was not unduly detrimental)

## Housing

- The proposal does not take into account the additional infrastructure required for the increase in housing, such as school provision, recreation, environmental services; health facilities, dentists, and transport provision; An impact study was requested relating to the effect on GP's and schools;

(Officer comment: Officers consider that the s106 package agreed with the applicant appropriately mitigates against the additional demand associated with the proposed development)

- The proposal should deliver 75% affordable housing;

(Officer comment: Policy seeks the maximum reasonable amount of affordable housing, with a target for 35%. The scheme proposes 31% by habitable room, which is the maximum reasonable amount the scheme can deliver)

- There is no demonstrable need for private flats in the locality; There are vacant new build flats within the vicinity of the site;

(Officer comment: The Core Strategy identifies the need to deliver 43,275 new homes from 2010 to 2025 in line with targets set out in the London Plan, and the Cubitt Town 'place' is identified as an area for this be delivered)

- Social housing not proposed;  
(Officer comment: 31% affordable housing is proposed, of which 23% is Social Rent, 45% Affordable Rent and 32% Intermediate)

- The proposal should include more larger family properties;  
(Officer comment: The housing section has considered the amount of family housing proposed, in that 51% of the rented units within the affordable tenure are family sized, and considers it to be acceptable)

#### Highways & Transportation

- The proposal would create traffic congestion (during construction and implementation);
- Construction works in the area are impacting upon the state of local roads;  
(Officer comment: As discussed within the Transportation section of this report, it is not considered that the proposal would have an unduly detrimental impact upon the safe and free flow of the highway network, subject to conditions and s106 obligations)

- The proposal would result in an increase in parking congestion, with potential overspill parking into Island Health Trust;  
(Officer comment: The parking provision on-site at present is under-utilised, and the provision has been increased to accommodate the proposed development. The applicants have agreed to fund the cost of the installation of a barrier arm at Island Health if overspill is an issue, and an assessment of this within 6 months of full operation has been attached via condition)

- DLR, Jubilee Line and buses cannot accommodate additional capacity;  
(Officer comment: Subject to financial contributions, TfL are satisfied that the public transport network can accommodate the additional demand)

- Access for Emergency services restricted;  
(Officer comment: An engineered solution to emergency access has been proposed. A condition has been imposed requiring a full assessment to approved by the LFEPA)

- Underground car park not accessible to taller vehicles;  
(Officer comment: The underground car park has been designed to accommodate large servicing lorries, and engineered to meet the specific needs of larger vehicles to deliver to the site)

- Level of cycle parking spaces is excessive;  
(Officer comment: Policies support the promotion of non-car modes of transportation, and the amount of cycle parking is considered appropriate for the proposed development)

- Car-free developments are unsuccessful;
- Too much parking proposed;
- Not enough parking proposed;  
(Officer comment: The proposal accommodates a 0.18 residential parking provision. It is important to accommodate vehicles where necessary, however providing too much can have a detrimental impact upon the free-flow of traffic. Car-free developments are considered an appropriate tool for ensuring this)

#### Other

- The proposal implies that the pedestrian path will extend over land outside of the application boundary (Island Health Land);  
(Officer comment: The proposal indicates that a pedestrian path could extend over Island Health Land, however this is indicative only, and does not make a presumption in favour of future development)

- Increased risk of flooding and water pollution;  
(Officer comment: The material considerations section of this report assesses flood risk and outlines conditions to ensure appropriate flood mitigation and surface water drainage. Thames Water and the Environment Agency have commented on the application, and support the proposal subject to conditions)
- Cubitt Town Library not the same as Idea Stores – implication that both could be accommodated;
- No provision for an Idea Store – which is needed;
- Provision of Idea Store not supported;  
(Officer comment: This scheme does not propose the closure of Cubitt Town Library, nor does it propose the inclusion of an Idea Store. A community space is proposed which could be used by a number of end-users)
- Loss of petrol station – no other station on the Isle of Dogs, and provides the best rate;  
(Officer comment: The proposal does not include the re-provision of the existing Asda petrol station. There are no local policies which either restrict the loss of petrol stations, or support provision of them)
- Worsening of Broadband and television connections;  
(Officer comment: A condition to secure details of reception feasibility attached)
- The proposal will not attract families, but young professionals;  
(Officer comment: As discussed within the Housing section of this report, there is the need within the Borough to cater for a range of unit sizes. The mix proposed is broadly in line with policy, and provides a large number of family sized units)
- Health and safety implications associated with demolition, including petrol station;  
(Officer comment: health and safety will be considered in the code for construction practice and construction management plan)
- Isle of Dogs needs small specialist shops, services, nurseries;  
(Officer comment: The mix of retail units has been assessed within the submitted retail impact assessment. The s106 Agreement secures an Affordable business unit strategy and marketing strategy to seek to provide affordable workspace. The proposal includes floorspace which could accommodate a nursery)
- Scheme proposes 25/26 storey building, when applicant representatives have indicated maximum of 21/23 storeys;  
(Officer comment: The scheme proposes a 23 storey building up to a maximum height of 86.65m AOD, including all associated plant and lift overruns. This is clear within the application documents and agreed description of development)
- Supermarket to be made smaller, and will be more expensive;  
(Officer comment: The supermarket is expanding. There is no indication within the submitted documentation that it would be more expensive)
- Carcinogens in the soil – impacts on health;  
(Officer comment: Conditions have been attached to ensure appropriate contamination and remediation)

## 7.5

### In Support

- The proposal would create jobs;
- The proposal would result in aesthetic improvements and regeneration;
- Additional housing supported;
- New facilities and retail space supported;

- Improvements to local public transport;
- Additional affordable housing;
- Improved trade for existing businesses;
- More public open space and community amenity.

#### 7.6 Mudchute Park and Farm

The trustees of Mudchute Association support the proposal, noting that they have had dialogue with the developer, resulting in the redesign of the scheme which went some way to mitigating the impacts of views from the public space. Their support is subject to a lease agreement with the Association (or the Council as Landowner), of £35,000 per annum in perpetuity, until one day prior to the expiry of that lease.

Whilst the Agreement of the terms of this lease agreement can be secured through the s106 Legal Agreement, this would sit outside of the planning Heads of Terms, and Members should be aware that this Agreement is not considered necessary to grant Planning Permission.

The Association also has an interest in the flexible D1/D2 space proposed within the development and have agreed with the developer that they would get first right of refusal on some of this space if planning permission is granted.

#### 7.7 The following issues were raised in representations, but it is considered that they should be not be attributed substantial weight in the determination of the application:

- Only representations from those living on East Ferry Road, Glengall Grove, Friars Mead should be given weight (with relation to petition in favour of the development);
- When the site was sold to ASDA it was on the basis that only low-rise buildings could be built;
- Everyone on the Isle of Dogs should have been consulted;
- Loss in value of properties;
- There are other sites which could be redeveloped;
- Misleading photos within the submission;
- The proposal is to facilitate Council Tax payments;
- Proposal does not include relocation of Island Health  
(Officer comment: Island Health is not being relocated or demolished. It remains in its existing location)
- The proposal would block views to Greenwich from properties at 122 East Ferry Road  
(Officer comment: The loss of an unprotected view is not considered to be a material planning consideration)

### 8. **MATERIAL PLANNING CONSIDERATIONS**

#### 8.1 The main planning issues raised by this application that the committee are requested to consider are:

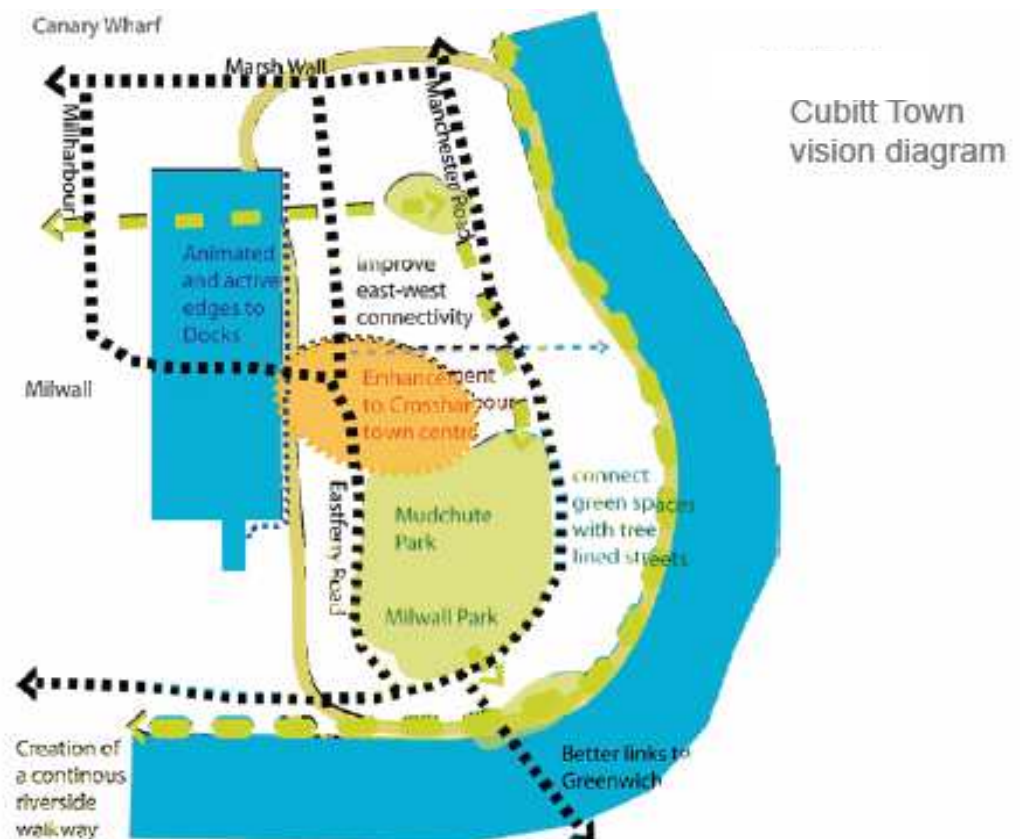
- Principle of Development and Land Uses
- Density
- Transport, Connectivity & Accessibility
- Design
- Heritage & Conservation
- Housing
- Amenity
- Energy & Sustainability
- Contamination
- Flood Risk
- Environmental Impact Assessment
- Health

- Biodiversity
- Section 106 Planning Obligations
- Human Rights Considerations
- Equalities Act Considerations

### Principle of Development and Land Uses

- 8.2 At national level, the NPPF (2012) promotes a presumption in favour of sustainable development, through the effective use of land through a plan-led system, driving sustainable economic, social and environmental benefits.
- 8.3 The regeneration of sites such as this within East London is also a strategic target of the London Plan (2011). Policy 1.1 states “the development of East London will be a particular priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs”.
- 8.4 At the local level, the Council’s Retail and Leisure Capacity Study 2009 undertook a survey of residents in the Borough to determine the current shopping patterns and to act as a base for predicting future needs. According to this study, aside from the high end offer available at Canary Wharf, the bulk of comparison expenditure by residents takes place outside of the Borough. Notwithstanding the comparison goods on offer within the ASDA store, there remains a distinct lack of value comparison offer on the Isle of Dogs.
- 8.5 This study fed into the Council’s Core Strategy 2010, within which Cubitt Town is identified as an area where there will be residential growth, supported by a revitalised and expanded Crossharbour Town Centre. CS policy SP01(4) identifies Crossharbour as a key project in the delivery of additional comparison and convenience retail floorspace in the Borough. Core Strategy Annexe 9 “Delivering Placemaking” sets out the vision for Crossharbour, as depicted by figure 2 below.

8.6



**Figure 3: Cubitt Town Vision diagram (Source: LBTH Core Strategy 2010, figure 2)**

- 8.7 The Vision provides guiding principles including:
- New development focussed in the north of Cubitt Town;
  - Housing types suitable for families promoted south of Cubitt Town and around Millwall Park;
  - New public square framed by active retail and leisure uses at Crossharbour Town Centre to animate the area;
  - Development should protect the setting of Mudchute and Millwall Park and protect general views from these parks towards Canary Wharf,
  - Development should provide a transition between higher rise commercial area to the north and low-rise residential to the south and east.
- 8.8 The site allocation for Crossharbour Town Centre as detailed within the emerging MD DPD supports the Core Strategy's Vision of a comprehensive mixed-use development. In particular, the site allocation requires:
- District centre on a new public square;
  - Housing;
  - Community Centre;
  - Retail floorspace;
  - Other town centre compatible uses.
- 8.9 The principle of the delivery of a retail-led mixed-use development is therefore supported at strategic and local level. With regard to the Core Strategy's vision for Cubitt Town, the proposed hybrid planning application provides for a new District Centre with additional comparison and convenience retail floorspace, up to 850 residential units as well as community floorspace. The new retail space will be located on a new high street, and surrounding a public square, and the proposal includes a new route into Mudchute Park together with a re-provided transport interchange for buses.
- 8.10 With particular regard to the proposed provision of up to 28,845sq.m of retail floorspace (Use Classes A1-A4) including an expanded ASDA superstore (14,114sqm), the applicant has submitted a Retail Capacity and Impact Study in support of the planning application.
- 8.11 The submitted Study considered the impact of the proposal on surrounding retail centres, these being:
- Major Centre
- Canary Wharf
- Neighbourhood Centres
- Quarterdeck
  - Manchester Road
  - Westferry
- Local shopping provision outside of Neighbourhood Centres on the Isle of Dogs
- Pepper Street
  - Castalia Square
  - Amsterdam Road
  - Claude Street
  - East Ferry Road
  - Samuda Estate
- 8.12 From the submitted study, it is evident that the convenience stores in nearby centres and parades have been trading alongside the existing ASDA store for many years. As the bulk of additional retail floorspace proposed is for comparison goods (non-food retail), the important day to day role of convenience stores is expected to remain unchanged.



- 8.13 The fact that there remains such high leakage of comparison spend outside of the Borough, indicates that higher order centres such as Canary Wharf do not address many of the comparison goods needs of local residents. The comparison floorspace proposed is intended to deliver a 'value' offer for residents.
- 8.14 This study submitted accordingly concludes that there is capacity in the market to accommodate the uplift in retail floorspace, and the proposal will not unduly detrimentally affect the vitality of existing centres, including local centres and shopping parades. This is on the basis that there is a site-specific need for additional retail floorspace on the Isle of Dogs, to serve both existing and future residents of the island.
- 8.15 Policy SP03 of the Core Strategy seeks the creation of "healthy and liveable" neighbourhoods. The proposal includes a new public square and link through to Mudchute Park, and a new community centre. The proposed community use is therefore considered to accord with policy SP03, which encourages provision of "high quality social and community facilities".

Petrol Filling Station

- 8.16 A significant number of the letters of representation received from residents raised concern over the loss of the petrol filling station.
- 8.17 Whilst there are no local or national policies which either protect or promote petrol stations, officers requested that the applicant investigate whether it would be feasible to re-provide a petrol filling station as part of the current proposals. The applicants subsequently carried out an options appraisal to determine the feasibility and deliverability of a petrol filling station on site.
- 8.18 The only reasonable site for a new petrol filling station was identified along the northern access road, beneath the residential element of Block C, although the Council's Highways section advised that it is unlikely that a petrol tanker would be able to service the facility. Other sites would not have been feasible in terms of health and safety, and would have seriously impacted upon the regenerative potential of the site.
- 8.19 Furthermore, it is clear that providing a petrol filling station within the scheme would have an impact upon the values of the residential properties located in the vicinity of the station. The viability information in this respect was interrogated on the Council's behalf, and it was agreed that the inclusion of a petrol filling station within the scheme would have a substantial impact upon the affordable housing provision delivered, reducing it by approximately 14%.
- 8.20 An additional consideration is the fact that the applicants could close down the petrol filling station at any time, and would not require planning permission to demolish it.
- 8.21 For those travelling off the Island, whether heading east, west or north, there are existing petrol stations located within the Borough, on the logical routes off the Island. If heading East, there is an ESSO by the Lower Lea Crossing; heading North there is a Texaco near All Saints DLR station, and another on Burdett Road; and heading West on The Highway are a BP and another Texaco.
- 8.22 There is no policy basis to require the retention of a petrol station within the site, and the inclusion of a new petrol station would have significant implications upon the ability to deliver affordable housing within the Borough, and to realise the full regenerative potential of the site.
- 8.23 It is considered that the proposal will deliver a new high quality District Centre for the Isle of Dogs, with improved accessibility, community facilities, retail shops, public open space and housing, and accordingly the broad principles of the proposal are therefore in accordance with the London Plan, Core Strategy and MD DPD.

## **Density**

- 8.24 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.25 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4.
- 8.26 In terms of density characteristics, the GLA's stage 1 refers to the site as having a largely urban character. Table 3.2 of the London Plan sets out that where accessibility to public transport is highest, densities in urban settings can reach up to 700 habitable rooms per hectare. The applicant has provided an indicative accommodation schedule which states that the density of the proposal will be circa 606 habitable rooms per hectare, thus complying with the guidance within Table 3.2.
- 8.27 The scheme incorporates new pedestrian routes through the application site, as well as s106 obligations towards public realm and connectivity and improvements towards the Lime Harbour/Marsh Wall intersection.
- 8.28 The development does not present any symptoms of overdevelopment nor have any significantly adverse impacts on the amenity of existing and future residential occupiers as discussed further on within this report. As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan (2011) and Policy SP02 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

## **Transport, Connectivity and Accessibility**

- 8.29 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.30 Saved UDP policies T16, T18, T19 and T21, CS Policy SP08 & SP09 and Policy DM20 of the MD DPD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.31 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4 (1 being poor and 6 being excellent). The site sits to the east of East Ferry Road. Crossharbour DLR station is located across East Ferry Road immediately to the north-west of the subject site. The existing bus interchange within the site serves 4 bus routes. The D3, D6, D8 and 135 connect with Canary Wharf, Bethnal Green, Hackney, Stratford and Liverpool Street.

## **Highways**

- 8.32 The application proposes two entrances to the subject site – the main vehicular entrance is along the southern boundary of the site, providing access to underground car park and bus waiting area. The second vehicular access is via the existing dropped curb to the north of the site which provides current access for visitors to ASDA and Island Health. This entrance is proposed to be used by servicing vehicles and a lesser number of private vehicles associated with residential units which are proposed to wrap around the relocated ASDA

supermarket.

### Servicing and Deliveries

- 8.33 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in IPG CS Policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes.
- 8.34 The supermarket and larger non-food retail units will be serviced from the main site access, situated at the southern end of the site. Servicing for the ASDA store would comprise the following:
- 5 fresh deliveries between 22:00 and 08:00
  - 3 ambient deliveries between 08:00 and 14:00
  - 2 ambient deliveries between 14:00 and 21:00
  - 2 chill/frozen deliveries between 12:00 and 21:00
  - 1 George (clothing) delivery around 08:00 (6 per week)
  - 3 direct deliveries (bread/milk, etc) usually AM
- 8.35 The proposed non-food retail is expected to generate 7 service vehicle movements two-way daily. Additional servicing access is proposed for the other uses from the secondary vehicular route at the north of the site.
- 8.36 Servicing and deliveries would be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of the detailed scheme and further phases.

### Waste, Refuse & Recycling

- 8.37 Full details of the waste, refuse and recycling would also be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of both the detailed scheme and further phases.
- 8.38 Notwithstanding the above, the indicative scheme shows that within the southern residential blocks, residents have access to communal refuse chutes on each floor which direct refuse to storage points at ground and podium levels. The inclusion of refuse lifts allows waste to be transferred from podium to ground levels, where refuse vehicles using the southern access road collect the waste.

The northern and eastern residential blocks are situated on driveable streets, hence refuse is collected directly from street level via communal refuse stores.

As the majority of development considered within this proposal is in outline, the submitted Design Code sets out the principles to guide future reserved matters applications.

### Car Parking

- 8.39 Policies 6.13 of the London Plan, Saved Policy T16 of the UDP, Policy SP09 of the CS and Policy DM22 of the MD DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.40 IPG Planning Standard 2 sets a policy maximum car parking ratio of 0.5 spaces per residential unit, where it can be shown that the proposed level would not result in a detrimental impact on the safe and free flow of traffic on the surrounding highway network. MD DPD Parking Standards sets specific parking levels for the Isle of Dogs. These levels are 0 parking for units of less than 3 bedrooms, and 0.1 for 3 bedrooms plus.
- 8.41 The site currently has 600 parking spaces associated with the existing supermarket use.

- 8.42 The scheme proposes a maximum of 755 car parking spaces within a basement and at surface level. 604 of these spaces are allocated for retail (556 standard spaces, 28 disabled and 20 parent & child), and 151 for residential use (126 standard, 25 disabled). 21 of these spaces are allocated for affordable housing units. The overall parking provision reflects a ratio of 0.18 spaces per residential unit.
- 8.43 The residential parking is in accordance with LBTH IPG Planning Standard 2, which sets a policy maximum car parking ratio of 0.5 spaces per residential unit. However is in excess of the MD DPD Planning Standard 1 which allows for 0.1 spaces per family unit (3 bed plus), and no parking for smaller units.
- 8.44 The proposed commercial/retail parking is to serve the existing ASDA supermarket as well as the wider District Centre. The proposal sees an uplift of 4 spaces beyond the existing arrangement on site, which is vastly under-utilised at present. IPG and MD DPD policies seek zero parking for retail uses.
- 8.45 The applicant has submitted a Transport Assessment which considers the impact of the development upon the highway network. This assessment was based upon the initial proposal which included a total of 785 parking spaces, with the results indicating that Preston's Road roundabout is currently operating at capacity and will be over capacity in future years. The proposed development would result in a small impact in the PM peak on Aspen Way (East) and Preston's Road, which would experience a change of +1% and +2% respectively. In addition, the results suggest that the development would result in the need for remodelling to the junction of Lime Harbour and Marsh Wall.
- 8.46 Considering the above, the Borough's Highways department support the proposed parking levels, subject to remodelling of the Lime Harbour/Marsh Wall Junction and East Ferry Road adjacent to the site.
- 8.47 Accordingly, and as supported by LBTH Highways, the applicant has agreed to fund remodelling work to the Lime Harbour/Marsh Wall junction as well as works to East Ferry Road which include a new raised table and pedestrian crossing as part of s278 highways works. Highways have also requested that an on street parking permit-free agreement be secured through the S106 restricting new residents from securing parking permits (other than those qualifying for the Permit Transfer Scheme).
- 8.48 In addition to the above, further measures to discourage car use in this development proposal include 1255 cycle parking spaces, 2 car club spaces together membership for residents for a three year period, improved pedestrian access and permeability within the site, together with financial obligations towards bus and DLR services and public realm improvements beyond the site boundary.
- 8.49 Accordingly, it is the view of officers that subject to securing the provisions outlined above, the proposed car parking on site is considered acceptable. It will serve to meet the demands of the proposed District Centre, whilst ensuring the free flow of traffic on the surrounding highway network.

#### Provision for Cyclists

- 8.50 The proposal includes improvements to the local cycle network through the inclusion of cycle routes through the development. In addition, a total of 1,255 cycle parking spaces are proposed within the development for all land uses, which complies with London Plan policy 6.13. Provision is proposed to be within a mixture of basement, courtyard and secure communal areas. Furthermore, the provision of Sheffield stand visitor spaces within the public square is welcomed. Full details of the cycle parking are secured via condition for each phase.

- 8.51 Opposite the application site on East Ferry Road lies a 17-point Cycle Hire docking station. The scheme proposes a reconfigured bus layout, resulting in the need to relocate this station within the site boundary. This is at a cost of £70,000 – a sum which is requested by TfL, and agreed by the applicant as a development cost, and would be secured as such within a s106 Legal Agreement.

#### Public Transport Improvements

- 8.52 CS policy SP08 seeks to promote the good design of public transport interchanges to ensure they are integrated with the surrounding urban fabric, offer inclusive access for all members of the community, and provide a high-quality, safe and comfortable pedestrian environment.

#### *Buses*

- 8.53 Four bus services terminate at the site (D3, D6, D8 and 135). To enable the development of the site as a District Centre, a reconfiguration of these facilities is proposed. This involves the creation of a layby on East Ferry Road and a bus layover within the service access area along the site's southern boundary.
- 8.54 Throughout the application process the applicant has worked with London Buses and the Borough's Highways section to redesign the proposed interchange. The final iteration of the bus stop has the support of TfL, allowing the D routes to drop off and pick up within the subject site. The 135 will drop off and pick up just south of the District Centre.
- 8.55 A stage 1 road safety audit has been carried out on the revised design, and several recommendations were made regarding the layout, which have been incorporated into the detailed design.
- 8.56 TfL have confirmed that they are satisfied that the proposed arrangements can operate safely, and do not raise objection to the proposed approach for buses.
- 8.57 TfL have requested a financial contribution of £510,000 towards London Buses. Currently routes 135, D3 and D7 all have high loadings, particularly in the AM peak northbound, and it is expected that bus trips generated from the proposal would increase bus loadings. Upon receipt of the funds, TfL would agree with the Borough on the nature of the improvements once the funds are forthcoming, but have advised that these would be within the Isle of Dogs area.

#### *Docklands Light Railway*

- 8.58 TfL considers that it is likely that most trips to the District Centre via the DLR will be made from Crossharbour station. A programme of works has already been identified to improve this station, relating to overall quality, safety and ease of access and egress. TfL and the applicants have agreed to a financial contribution of £400,000 for improvements to Crossharbour DLR station.

#### Pedestrian Environment

- 8.59 The development will undoubtedly result in an increase in the number of walking trips, mainly due to the improved accessibility of the site and the draw of new and improved local shopping and community facilities. The proposal incorporates a new diagonal north-south high street route linking East Ferry Road and Mudchute Park. The design code seeks to ensure active retail frontages and residential overlooking to this route, ensuring a high level of passive surveillance.
- 8.60 The design code seeks to secure high quality public realm within the site, with high quality materials, the use of natural stone paving, high quality integrated lighting and timber street furniture. The applicants have also agreed to a financial contribution of £873,903 towards

public realm/open space improvements within the vicinity of the site. It is expected that this will contribute towards:

- Improvements within Mudchute Park including the refurbishment and maintenance of existing routes;
- 'Legible London' directional signage is also proposed to assist the pedestrian environment and general wayfinding.

8.61 In addition, remodelling works to East Ferry Road through the introduction of a raised table and new pedestrian crossing via a s278 highways agreement would further serve to improve the pedestrian experience along East Ferry Road.

8.62 Conditions are recommended seeking full details of the improvement works to be delivered as a result of the above agreed financial obligations towards public realm improvements.

#### Inclusive Access

8.63 Policy 7.2 of the London Plan (2011), Saved UDP Policy DEV1, Policy SP10 of the CS and Policy DM23 of the MD DPD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.

8.64 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind.

8.65 The submitted design and access statement details that the scheme is fully inclusive, with access to amenity areas and public transport via integrated pedestrian routes rather than through segregated accessible circulation. The new pedestrian route through to Mudchute Park is fully accessible to all with DDA compliant ramped approach.

8.66 The principles of inclusive design are enshrined within design code, ensuring that the development adheres to inclusive access design policy.

#### Other

8.67 A contribution of £40,000 has been secured for the provision of real-time information which supports DLR' within the vicinity of the subject site.

#### **Design**

8.68 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.

8.69 CABE's guidance, By Design (Urban Design in the Planning System: Towards Better Practice) (2000) lists seven criteria by which to assess urban design principles, as follows: character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity. In 2010 CABE released a guidance document for supermarket-led regeneration (Supermarket-led Development: Asset or Liability), which sets out principles of good supermarket-led design.

8.70 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that compliment the local character, quality adaptable space and optimising the potential of the site.

8.71 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are

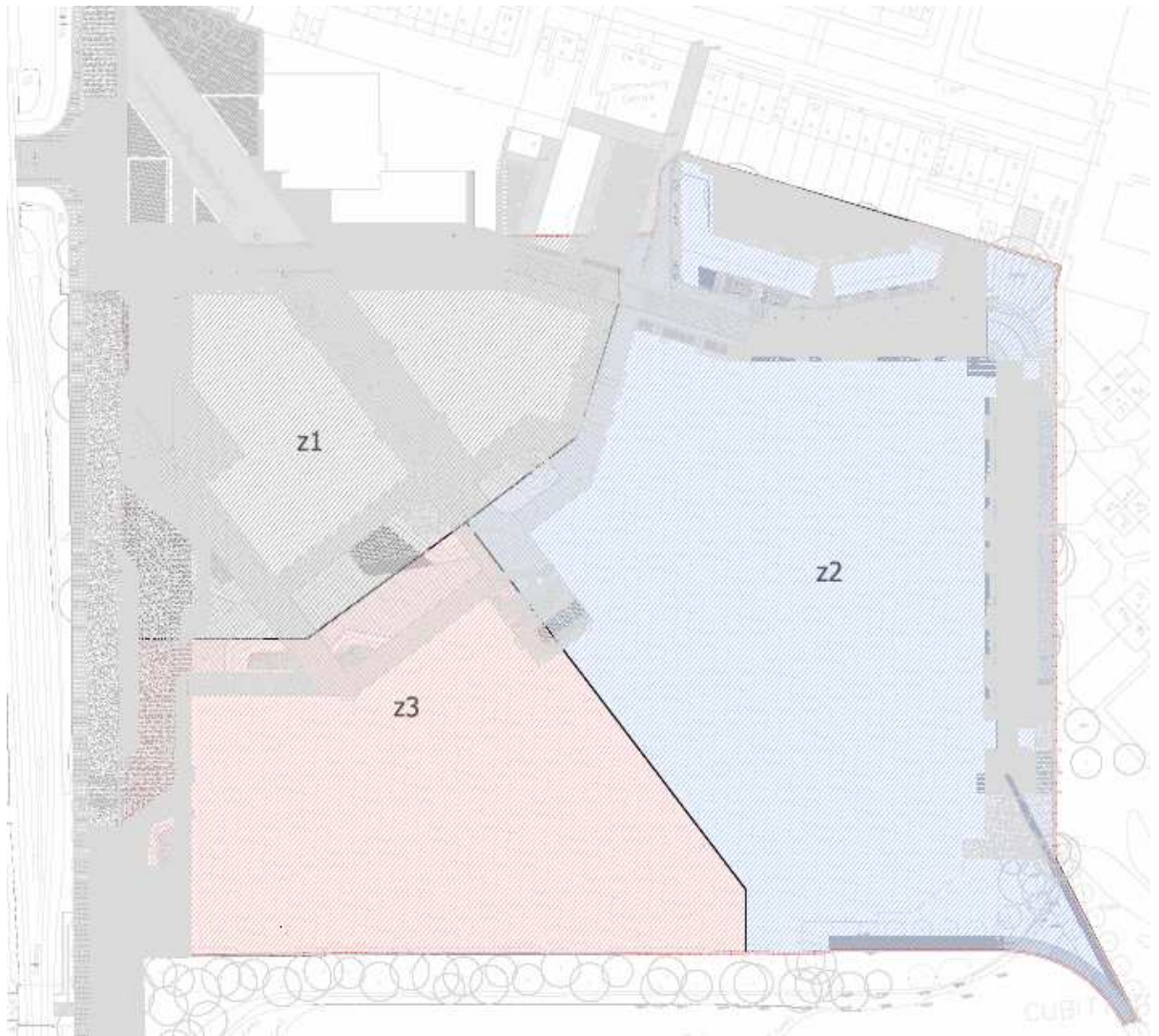
sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. CS policy SP10 and Policy DM23 and DM24 of the MD DPD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

8.72 The planning application is in hybrid form, with phase 1 (84 residential units, retail space, replacement supermarket, basement and relocated bus stop) in detail for determination, and the remainder of the development in outline with all matters reserved. Details of layout and external appearance are therefore reserved until a later date. However, the planning application includes parameter plans, which set a framework within which the layout of buildings and spaces will arrive. A Design Code has also been submitted, which sets out mandatory requirements that reserved matters applications must accord with, as well as promoting further design aspirations. The application is supported by a Design and Access Statement, which includes an indicative masterplan, illustrating how the scheme parameters may be interpreted. The indicative layout is shown below.



**Figure 4: the indicative masterplan**

8.73 The proposal incorporates three development zones, which are subdivided further into building parcels. The development zones are shown below.



**Figure 5: The development zones**

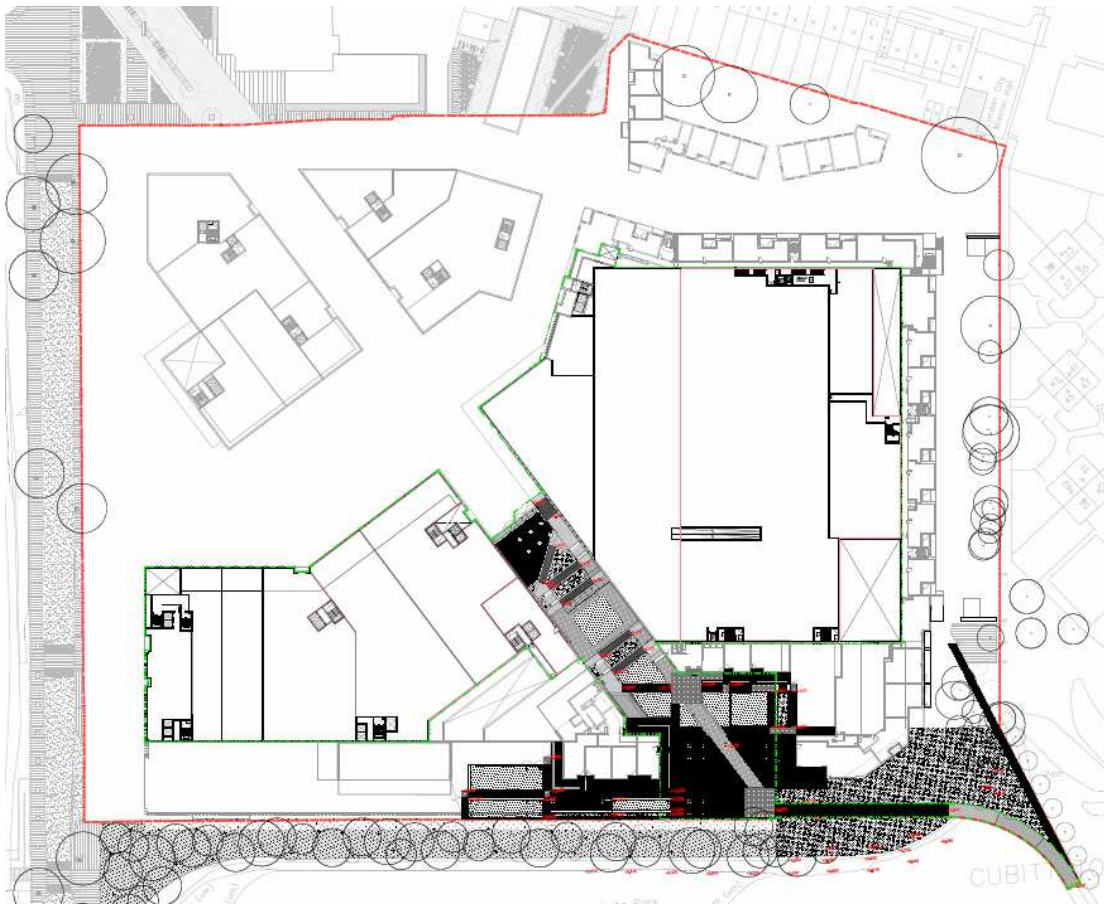
- 8.74 The proposal is split into three Development Zones, although the delivery of the proposal will come forward in accordance with the Phasing strategy outlined in paragraphs 8.355 – 8.363 of this report, which would be secured within a s106 Legal Agreement. Development can arrive subject to the rules in the Design Code and on submitted parameter plans. The development zones are as follows:
- 8.75 Zone 1: Blocks A, B and C, including flexible retail space, community space, residential units, public open space and routes through the site.
- 8.76 Zone 2: Blocks D, E, F, G, K and L including new supermarket, flexible retail space, residential units, public open space, bus stops, basement and route through to Mudchute Park.
- 8.77 Zone 3: Blocks H, I and J including new flexible retail space, residential units, public open space, basement and bus stops.
- 8.78 Within the overall outline boundary sits the detailed application. The detailed part of the application is spread across basement, ground level and residential Block G which sits above the relocated supermarket, and comprises 84 residential units.





**Figure 6: Ground Floor Plan - Detail**

- 8.79 The ground floor plan above illustrates those elements being proposed in detail at ground level, which include the relocated superstore, flexible retail space, bus layover and servicing area, together with access to basement parking and new public square.
- 8.80 The two following plans set out the detailed layouts at 'transition' level and 'podium' level.
- 8.81 At 'transition' level it can be seen that the diagonal pedestrian route through to Mudchute Park is also secured in detail, together with the new pedestrian bridge.
- 8.82 At 'podium' level Block G above the supermarket together with associated amenity space for residents is also secured.



**Figure 7: Transition Level Plan - Detail**



**Figure 8: Podium Level Plan - Detail**

8.83 The proposal covers an area of 4.5 hectares, and proposes development within Blocks

labelled A to L, as shown on the indicative masterplan.

*Development Zone 1 (Northern Area, Blocks A, B and C)*

- 8.84 Development Zone 1 is located to the north-east of the site, to the south of Island Health and east of East Ferry Road. A new square is the focus for community and civic activities as it is surrounded and defined by Block's A, B and C to the north. This zone contains the northern part of the diagonal high street.



**Figure 9: Blocks A, B and C – Zone 1**

- 8.85 Block A is the tallest building within the proposal, with a rectangular floorplate up to a maximum height of 86.65m AOD, or 23 storeys as shown on the indicative scheme. This block contains flexible retail space at ground and first, with residential above, and is linked with Block B by a 2 storey podium level which has amenity space on its roof.
- 8.86 Block B is proposed to a maximum of 37.65m AOD, and is shown on the indicative scheme as approximately 7 storeys as shown on the indicative scheme, and also contains flexible retail space at lower levels with residential above.
- 8.87 Block C is proposed to a maximum height of 34.65m AOD, and is shown on the indicative scheme as approximately 7 storeys. This block contains flexible commercial space at lower levels, the proposed community facility and a shop mobility unit. This block frames the diagonal high street, pedestrian route from Glengall Grove and public open space.

*Development Zone 2 (Eastern Area, Blocks D, E, F, G, K and L )*

- 8.88 Development Zone 2 is located on the eastern side of the site, adjoining the rear of properties on Glengall Grove, as well as Mudchute Park. This zone contains the southern part of the diagonal high street, new supermarket, residential blocks and public and private

amenity space.



**Figure 10: Blocks E, F, G, K and L – Zone 2**

8.89 The supermarket sits underneath Blocks E, F, G, K and L.

Block D comprises a linear residential block with houses with front doors onto a northern mews street. This block reaches a maximum height of 18.4m AOD, and shown on the indicative scheme as reaching 4 storeys.

8.90 Block E wraps the supermarket in residential development along its northern and eastern perimeter. Again, front doors are proposed onto the northern and eastern mews streets, and cores provide access to upper-level units. Block E is proposed to a maximum height of 29.1m AOD and is shown on the parameter plans as being 7 storeys, stepping back at upper floors.

8.91 Block F is also a residential block, sitting above the western extent of the supermarket, defining semi-private pedestrian routes at podium level. The maximum height proposed for this building is also 29.1m AOD, with a height of 4 storeys above podium.

8.92 Block G is proposed in detail, providing 84 residential units in a building 35.1m AOD, 6 storeys above podium. This building overlooks the new public square and transition high street as it climbs up to podium level. This block falls within the detailed part of the proposal.

8.93 Block K sits to the south of Block G, providing residential units accessible from the new high street. This block is proposed to a maximum height of 35.01m AOD, shown as 5 storeys above podium in the indicative scheme.

8.94 Finally Block L adjoins the southern extent of Block E at the south-west boundary of the site. This block includes a café at podium level providing views over Mudchute Park, together with residential units to a maximum height of 29.1m AOD, with a height of 4 storeys above podium shown in the indicative scheme.

*Development Zone 3 (Western Area – Blocks H, I and J)*

- 8.95 The western area is bound by East Ferry Road to the west and Mudchute Park to the south. This zone contains the larger format retail stores within the southern block, main entrance into the basement car park together with bus stand area below podium, public square and rising high street, together with the new bus stop.



**Figure 11: Blocks I, H and J – Zone 3**

- 8.96 The new public square is proposed to be defined on its southern edge by larger retail format stores, with residential development above. Between the blocks semi-private communal space is proposed.
- 8.97 Block I is situated on the western boundary of the site, proposed to a maximum height of 40.65m AOD at its northern end, and stepping down to a maximum of 28.65m AOD at its southern end adjoining Mudchute Park (4 – 8 storeys above podium in indicative scheme). This is represented as 4 – 8 storeys above podium within the indicative scheme. It is proposed as a residential block accessible from both East Ferry Road and the central courtyard area.
- 8.98 Block H is arranged in a U-shape above the larger format retail which faces onto the public square. The eastern wing which aligns the rising high street is proposed to a maximum height of 37.65m AOD, stepping down to 25.65m at its southern extent where it becomes Block J. Adjoining the public square maximum heights vary between 31.65m and 43.65m AOD (7 – 9 storeys above podium in indicative scheme), and stepping down to 28.65m (3 storeys above podium in indicative scheme) at the southern tip of the western wing.

This zone provides areas of semi-private amenity space between blocks, meeting Mudchute Park at a similar level allowing for landscaping and views over the park.

## Assessment

- 8.99 Whilst the majority of the application is in outline form, it is considered that the overall design strategy (secured via requirements in the Design Code) and proposed layout parameters and development specification carefully balances all of the site constraints and opportunities and provides an acceptable option for the redevelopment of the subject site to secure the delivery of a new District Centre.
- 8.100 The general bulk, scale and mass of the building blocks proposed are considered acceptable as the overall massing steps down from the taller buildings to the north (Canary Wharf), following an established pattern of development set by developments such as Baltimore Wharf and Kelson House as one moves south down the Isle of Dogs. The tallest element of the proposal is situated at the north-western corner of the site, providing a marker for the District Centre and assisting with wayfinding, with scale stepping down toward the lower scale developments to the east of the site at Friars Mead, and north of the site along Glengall Grove. The distribution of heights is considered to be appropriate and conducive to successful placemaking.
- 8.101 The overall improvement to the site's permeability is welcomed as this will greatly enhance connectivity and permeability through the site, providing step-free access through to Mudchute Park. The location of pedestrian routes, open spaces and play space is considered to be acceptable, as the building layout ensures that they will be well surveillanced and legible.
- 8.102 It is considered that the location of retail frontages aligning the new high street and public square will create activity, and a new hub is appropriate and in accordance with CS and MD DPD policies, which seek the delivery of a new District Centre at Crossharbour.
- 8.103 Whilst the majority of the application is in outline, the visual appearance of the buildings and the overall palette of materials outlined in the Design Statement and Design Code are considered to be sympathetic to the site's context within a protected view, introducing elements of brick, glass, timber, render and pre-cast concrete. It will be for the reserved matters stage to confirm the quality of this detail and suitable conditions are recommended.
- 8.104 The proposal is therefore considered to provide a high standard of urban design, having regard to the pattern and grain of the existing spaces and streets in the Crossharbour area. The proposal appears sensitive to the character of their surroundings in terms of overall layout, bulk, scale and use of materials. However the detailed reserved matters will confirm this further.

## *Detailed*

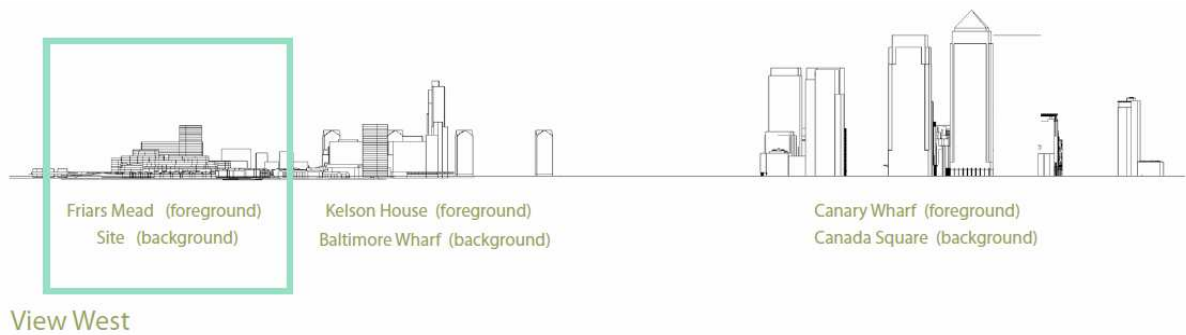
- 8.105 The detailed element of the scheme includes the larger retail format stores and bus layover/servicing area within development zone 3, the supermarket and residential block G within development zone 2, and areas of public open space including the new square and rising high street to podium level with new pedestrian bridge access to Mudchute Park, and new bus stop.
- 8.106 Block G is constructed of pre-cast concrete on its elevation which faces the public square, along with all other blocks with this orientation within the outline scheme. At podium level the internal courtyard areas have a softer, more natural palette, introducing a mix of brick and timber, giving the podium level a more residential feel for future residents.
- 8.107 The elevational detail is simple yet strong, with deep window reveals and a mixture of projecting and inset balconies serving to break up the façade and provide interest.
- 8.108 The proposed supermarket and retail stores are more contemporary in design, with double height glazed shopfronts. Residential entrances are expressed through recesses in the

façade.

- 8.109 The detailed elements of the scheme are able to be delivered as the first phase of development, providing a mix of retail and residential uses, with appropriate areas of open space and communal amenity to serve the new population.
- 8.110 As such, the scheme accords with Chapter 7 of the London Plan (2011), saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the MD DPD (submission version 2012) which seek to ensure buildings and places are of a high quality of design and suitably located.

#### Building Heights and Tall Buildings

- 8.111 With regards to appropriateness of the development for tall buildings, this has been considered in the context of London Plan and local plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2011) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 8.112 The tall buildings guidance paper prepared by CABI and English Heritage (EH), 'Guidance on Tall Buildings' (2007) recognises that in the right place, tall buildings can make a positive contribution to city life. Tall buildings can be included as part of outline planning applications however the CABI / EH guidance notes that "outline planning applications for tall buildings will need to include a comprehensive assessment of the site context and a visual impact assessment based on maximum and minimum scale parameters as part of the EIA".
- 8.113 SP10 of the Core Strategy also provides guidance on the appropriate location for tall buildings requiring them to relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate. Policy DM26 of the MD DPD reinforces the Core Strategy and states that for buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings. The policy also states that development will need to provide a transition between taller buildings in Canary Wharf and the lower heights of the surrounding areas.
- 8.114 The proposed development provides a transition in scale between the high rise office buildings of Canary Wharf, and residential scale of the area around Crossharbour. Of particular note is an extant consent for a 43 storey tower on the former London Arena site, now known as 'Baltimore Wharf'. This development sits north-west of the subject site, providing a marker by which to signalise a reduction in scale from Canary Wharf to the proposed scheme. Figure 12 provides a western view of the Isle of Dogs, demonstrating this transition, and subject to localised impacts concerning amenity and heritage as discussed below, the principle of a tall building within the north-west corner of the site is considered acceptable in principle.



**Figure 12 – Western view of key buildings, Isle of Dogs**

- 8.115 The taller buildings have a higher proportion of private for sale accommodation and smaller unit sizes, hence Development Zones 1 and 3 have the majority of private residential accommodation, and Development Zone 2 has a higher proportion of affordable accommodation. The scale of buildings reduces towards the eastern and southern boundaries towards Glengall Grove, Friars Mead and Mudchute Park.
- 8.116 As detailed above, the application proposes a tall building at the northwest corner of the site within Development Zone 1. English Heritage has raised concern regarding the principle of a tall building of up to 23 storeys in outline form, given it is situated within an LVMF viewpoint, and suggested that the maximum parameters should be shown from this viewpoint. This is discussed below.
- 8.117 Submitted parameter plans set out allowable massing envelopes, defined in terms of the maximum and minimum, for each block. These must be adhered to in conjunction with the massing principles set out within the design code. These set rules on how the mass within the parameters should be designed and sets build-to lines, maximum heights in set locations, maximum and minimum storey differences between buildings as well as locations where steps and offsets must take place. Through applying the design codes, the maximum parameter can be sculpted to result in an almost infinite number of options totalling the maximum development area set within the planning application. Consequently assessing the maximum model would represent an undeliverable massing. The indicative scheme has been tested to provide a representative example of how the design codes can be applied to the parameter plans, and visualisations of the indicative scheme have been produced from various locations.
- 8.118 In terms of local views, the application is accompanied by a number of verified views and a full townscape analysis in the ES which, following consideration, indicates that the proposal will relate positively to the surrounding site context. The development is considered to form a positive addition to London's skyline, without causing detriment to local or long distant views. This is further discussed below in the heritage and conservation section of this report.

### The Design Code

- 8.119 To ensure the principles identified above are delivered through the detailed design of each phase of the development, a Design Code has been developed by the applicant in consultation with officers. The design code provides the design approach to be taken with each development zone and the various individual blocks within.
- 8.120 The Design Code sets principles regarding massing, design, access, public realm and open space, amenity space, residential layouts and relationships through the use of 'codes' which must be adhered to, 'advisories' for guidance, and 'illustrative' diagrams.
- 8.121 This Design Code is a fundamental instrument in establishing the design principles for outline proposals, and ensures that the reserved matters applications will deliver a high quality scheme.



## **Heritage & Conservation**

- 8.122 The NPPF sets out the Government's objectives in respect of conserving and enhancing the historic environments.
- 8.123 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011), saved policies DEV1 and DEV34 of the UDP, policies DEV2, CON1 and CON2 of the IPG, policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MD DPD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 8.124 London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development DPD (Submission Version May 2012) seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

### Strategic Views

- 8.125 Assessment point 5A.1 of the Draft Revised London View Management Framework is relevant to the application (relating to the General Wolfe Statue in Greenwich Park overlooking Maritime Greenwich World Heritage Site). The townscape conclusions suggest that the proposed development would be visible but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the World Heritage Site. The GLA does not raise any objections in this respect. English Heritage suggested that the Borough satisfy itself with regard to matters including the visual qualities of external finishes which potentially could have a considerable impact on the setting of the World Heritage Site.
- 8.126 A view from assessment point 5A.1 was submitted with the proposal, and viewed in detail by officers of the Council and English Heritage. From this viewpoint the development is difficult to identify. The taller elements of the development would be visible, however they blend in with the existing cluster of tall buildings within the area. The distinctive pyramidal peak of One Canada Square remains.

### Local Views and Impacts

- 8.127 Views surrounding the site have been considered and assessed, although there are no protected local views.

#### *Glengall Grove*

- 8.128 Properties that back onto the site along Glengall Grove would have clear views of the proposed development, visible above the island Health Centre. For other properties along Glengall Grove and in its vicinity the majority of built form within the site would be screened although taller elements would be visible above existing properties.

#### *East Ferry Road*

- 8.129 The completed development would create a landmark building within the streetscene of East Ferry Road, creating an edge to the road and a more vibrant streetscene. Long views of East Ferry Road are screened by intervening built form, and from Mudchute DLR station only the tall building is visible.

#### *Friars Mead*

- 8.130 The middle and upper storeys of the completed development would be visible from Friars Mead. The setback of tower elements from the eastern boundary would minimise views of the proposal in close proximity so that taller elements would not dominate properties on Friars Mead and the general composition of views would remain. However, it is noted that

due to the suburban feel of Friars Mead the views of the completed development would alter the largely open and vegetated skyline, bringing the 'the City' closer to views from this area.

#### *Millwall Dock*

- 8.131 Block A and taller elements of the proposal would be visible from views across Millwall Dock, which would be seen above the built form and eastern boundary of vegetation which surrounds the dock.

#### *Mudchute Park and Millwall Park (Metropolitan Open Land -MOL)*

- 8.132 Policy 7.17 of the London Plan (2011) affords the strongest protection to London's MOL. The loss of MOL is not supported, although appropriate development can include small scale structures to support outdoor open space uses and minimise any adverse impacts on the openness of MOL. Policy SP04 of the Council's Core Strategy (2010) seeks to protect and safeguard all existing open space such that there is no net loss, and improve access to MOL in the Borough, with specific mention to Mudchute Park and Millwall Park.
- 8.133 The proposed development including the proposed tower, would be visible from within Metropolitan Open Land (MOL) immediately to the south of the site.
- 8.134 The design of the proposal seeks to respond sensitively to Mudchute Park, hence the tall building (Block A) has been set back from the boundary, and there is a distinct step up in mass from Mudchute Park to the tower. Views through to the Canary Wharf cluster would be maintained, albeit in an altered form with the introduction of built form within the foreground.
- 8.135 Nevertheless, whilst the views would be altered, it is considered the sensitive palette of materials and stepping down nature of the mass would serve to provide an appropriate transition to the park level. The development's design is considered to be a sympathetic response to the setting and character of the MOL, given the urban nature of the surroundings, in which existing tall buildings provide an existing backdrop. The creation of a new urban edge on to the MOL of Mudchute Park would be handled appropriately through the proposed scale and appearance, and is therefore the views through to the north are considered acceptable.

#### *Mudchute Farm*

- 8.136 Views within Mudchute Farm will remain relatively uninterrupted due to the screening effect of trees.

#### *Christ Church*

- 8.137 An objection was raised on the basis of the relationship of the proposal with Christ Church. This church sits to the south east of the development site, and it is not considered that the proposal would have detrimental impacts upon views to or from this heritage asset.
- 8.138 On balance it is considered that the proposed development safeguards local and strategic views, conserving and enhancing the setting of the Greenwich Naval College (World Heritage Site), as well as nearby Chapel House and Island Gardens Conservation Areas. Importantly the proposed massing steps away from Mudchute Park, ensuring that the impacts upon this Metropolitan Open Land are not unduly affected.

#### Archaeology

- 8.139 In accordance with English Heritage's advice, archaeology conditions have been attached.

#### **Housing**

- 8.140 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.

- 8.141 Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan.
- 8.142 The application proposal will deliver up to 850 residential units, 84 of those coming forward as part of the detailed application.

#### Affordable Housing

- 8.143 As detailed in table 1 below, the overall indicative proposal includes 31% affordable housing provision by habitable room, or 224 units.

	Units	% of units	Habitable rooms	% Hab rooms
Affordable Social Rent	30	3.53%	191	7.02%
Affordable Rent	108	12.71%	384	14.11%
Affordable Intermediate	86	10.12%	273	10.03%
<b>Total Affordable</b>	<b>224</b>	<b>26.35%</b>	<b>848</b>	<b>31.17%</b>
Market Sale	626	73.65%	1873	68.83%
Total	850	100%	2721	100%

**Table 1: The proposed indicative overall tenure mix**

- 8.144 The detailed proposal (Phase 1) includes a 62% affordable housing provision by habitable room, or 59.5% by units.

	Units	% of units	Habitable rooms	% Hab rooms
Affordable Social Rent	0	0.00%	0	0.00%
Affordable Rent	50	59.52%	173	62.23%
Affordable Intermediate	0	0.00%	0	0.00%
<b>Total Affordable</b>	<b>50</b>	<b>59.52%</b>	<b>173</b>	<b>62.23%</b>
Market Sale	34	40.48%	105	37.77%
Total	84	100%	278	100%

**Table 2: The proposed detailed tenure mix**

- 8.145 The proposed overall delivery of 31% affordable housing by habitable is below the Council's minimum requirement of 35%, however policy allows for the financial viability to be considered in this respect. The proposed amount of affordable housing has been scrutinised through the assessment of a viability appraisal, and it has been determined that this is the maximum reasonable amount of affordable housing which the scheme can deliver.

#### Housing Type and Tenure Mix

- 8.146 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 8.147 Further to this, Saved Policy HSG7 of the UDP requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3

and 6 bedrooms.

8.148 Policy SP02 of the CS also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of *all* new housing to be of a size suitable for families (three-bed plus), including 45% of new rented homes to be for families.

8.149 Policy DM3 (part 7) of the MD DPD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).

8.150 Table 3 shows the applicant's indicative outline unit and tenure mix:

	studio	1 bed	2 bed	3 bed	4 bed	5 bed	TOTAL
Market Sale	38	223	218	147			626
Intermediate		33	33	12	8		86
Social Rent		0	0	3	18	9	30
Affordable Rent		22	45	41			108
	38	278	296	203	26	9	<b>850</b>

**Table 3: Summary of indicative Outline tenure unit mix**

8.151 Table 4 shows the applicant's detailed unit and tenure mix

	Studio	1 Bed	2 Bed	3 Bed	4 bed	5 bed	TOTAL
Market Sate		13	13	8			34
Intermediate							0
Social Rent							0
Affordable Rent		7	28	15			50
							<b>84</b>

**Table 4: Summary of Detailed tenure unit mix**

8.152 In order to assess the acceptability of the indicative mix against the Council's preferred mix as set out in the Policy SP02 of the Core Strategy, the table below describes the proposed overall mix in the context of the Borough's preferred dwelling mix:

\*Table over Page\*

	<b>Affordable Housing</b>	<b>Private Housing</b>
	<b>Social Rent/Affordable Intermediate</b>	<b>Market Sale</b>

		Rent								
Unit size	Total Units	Unit	%	LBTH target %	Unit	%	LBTH target %	Unit	%	LBTH target %
Studio/1bed	316	22	16%	30%	33	38%	25%	261	42%	50%
2bed	296	45	33%	25%	33	38%	50%	218	35%	30%
3bed	203	44	32%	30%	12	23%	25%	147	23%	20%
4bed	26	18	20%	15%	8			0		
5bed	9	9			0			0		
<b>Total</b>	<b>850</b>	<b>138</b>	100%	100	<b>86</b>	100%	100	<b>626</b>	100%	100

**Table 5: Indicative overall unit and tenure mix**

8.153 The table below describes the proposed detailed mix in the context of the Borough's preferred dwelling mix:

		Affordable Housing						Private Housing		
		Social Rent/Affordable Rent			Intermediate			Market Sale		
Unit size	Total Units	Unit	%	LBTH target %	Unit	%	LBTH target %	Unit	%	LBTH target %
Studio/1bed	20	7	14%	30%	0	0%	25%	13	38%	50%
2bed	41	28	56%	25%	0	0%	50%	13	38%	30%
3bed	23	15	30%	30%	0	0%	25%	8	24%	20%
4bed	0	0	0%	15%	0			0		
5bed	0	0			0			0		
<b>Total</b>	<b>84</b>	<b>50</b>	100%	100	<b>0</b>	0%	100	<b>34</b>	100%	100

**Table 6: Detailed unit and tenure mix**

8.154 Within the Affordable Housing tenure, the application proposes social rented, affordable rented and Intermediate housing.

8.155 Social rented housing is defined as: Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.

8.156 Affordable rented housing is defined as: Rented housing let by registered providers of social

housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.

- 8.157 Intermediate affordable housing is defined as: Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.
- 8.158 The Council's Housing team are supportive to the provision of affordable housing.
- 8.159 The affordable element is split 68:32 in favour of rented, this is broadly in line with the Council's policy target of 70:30.
- 8.160 The scheme proposes to deliver the one, two and a proportion of the three bed homes at Affordable Rents, with rent levels in line with research POD undertook for the Council to ensure affordability. The proposed rent levels of £163 for 1 beds, 195 for 2 beds and £234 for three beds are below the POD ceilings for this area and therefore acceptable in terms of affordability. The larger family sized four and five bed homes are proposed at social rents. This blended approach to the rented tenure is supported by officers.
- 8.161 Though there is an under provision of one beds within the rented tenure, this is considered acceptable as it would lead to an above target provision of much needed family accommodation, providing a 52% provision against a 45% target, including 4 and 5 bed homes for social rent.
- 8.162 There is an over provision of one beds and an under provision of two beds within the Intermediate tenure, and the housing section has suggested some of the one beds be converted into two beds so that the provision is closer to the Council's targets. However, given that the proportion of family housing within the rented and private tenures exceeds targets, officers consider the Intermediate mix acceptable.
- 8.163 If planning permission is granted it is recommended that a condition be attached to ensure that a minimum of 10% of units are wheelchair accessible, details of which to be submitted and approved.
- 8.164 On balance, it is considered that the proposal would provide an acceptable mix of housing and contributes towards delivering mixed and balanced communities across the wider area. Furthermore, the emphasis on the provision of family housing within the social rented tenure is welcomed. Therefore it is considered that the application provides an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the CS and Policy DM3 of the MD DPD which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

#### Internal Space Standards

- 8.165 The submitted planning application is in hybrid form. The internal arrangements of the outline elements of the proposal are therefore yet to be designed in detail. However, the applicant is committed to meeting the internal space standards set out within both the Housing Design Guide and London Plan. The accompanying Design Code, requires that detailed reserve matters applications accord with the internal space standards in accordance with the Housing Design Guide and London Plan.
- 8.166 The proposed detailed residential units within Block G (the detailed scheme) are designed to the Housing Design Guide standards and therefore are acceptable in terms of internal space standards.

#### Private and Communal Amenity Space

- 8.167 Policy DM4 of the MD DPD sets out standards for new housing developments with relation to private and communal amenity space. These standards are in line with the Mayor's Housing Design Guide (2010), recommending that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq. m is provided for each additional occupant.
- 8.168 The overall indicative scheme should provide 890sqm of communal amenity space to accord with policy DM4 of the MD DPD. Overall, the proposal delivers 6,155sqm of communal amenity space, which exceeds policy and is therefore considered acceptable.
- 8.169 Within this, the detailed scheme should provide 124sqm of communal amenity space to accord with policy DM4 of the MD DPD. The detailed element delivers approximately 1000sqm of communal amenity area at podium level. This area includes approx 575sqm of defined playspace, meaning that when Phase 1 is delivered, residents will have access to appropriate amenity areas.
- 8.170 The private amenity space of the outline indicative scheme has not been worked up in detail, although indicative floorplans show the use of balconies and terraces to provide private amenity space. Nevertheless, the submitted Design Code requires that the reserved matters applications accord with the private amenity space standards as set out by the London Mayor's Housing Design Guide (2010) and therefore the MD DPD, i.e. a minimum of 5 sq. m for 1-2 person dwellings and an extra 1 sq. m for each additional occupant. The Design Code details that this will largely be provided by a mixture of balconies and roof terraces.
- 8.171 Within the detailed element of the proposed, all residential units within Block G have private amenity space, in the form of terraces or balconies, which is considered acceptable.

#### Child Play Space

- 8.172 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the MD DPD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Providing for Children and Young People's Play and Informal Recreation' (which sets a benchmark of 10 sq.m of useable child play space per child).
- 8.173 Using LBTH child yield calculations and based on the overall submitted indicative unit mix, the overall development is anticipated to accommodate 381 children and accordingly the development should provide a minimum of 3,810sq.m of play space in accordance with the London Plan and the emerging MD DPD's standard of 10sq.m per child. The submitted public realm strategy details that the development proposes to deliver 2660sq.m of play space, resulting in a shortfall of 1150sqm.
- 8.174 The child yield for the detailed scheme is expected to be 53.7 children, thus the detailed element of the proposal should provide a minimum of 537sqm of child play space. The detailed proposed includes 575sqm of child playspace within a communal amenity area at podium level, thus compliant with policy.
- 8.175 The proposed approach to play overall is to deliver facilities for children aged 0 – 11 on site. The GLA's 'Providing for children and young people's play and informal recreation' SPG (2008) sets out targets for proportions of playspace by age group. This proportional approach to the child yield results in the need for 1489sqm of playspace for children aged 0 – 4, and 1413sqm of playspace for children aged 5 – 10. The scheme delivers 1420sqm of playspace for children aged 0 – 4 and 1240sqm of playspace for children aged 5 – 11. Combined, this delivers 2,660sqm of playspace onsite for children aged 0 – 11, thus meeting the policy for children aged under 11.

- 8.176 Nevertheless, there is an obvious shortfall in provision for children aged 12 and over, where the scheme should provide 917sqm. The Mayor's SPG identifies maximum walking distances to play areas for different age groups, this being 400m for those aged 5 to 11, and 800m for 12 and over. Within 400 metres of the site lies St Johns Park to the northeast, which is equipped for children aged 5 and above. Within 800 metres lies the Millwall Park MUGA for all ages, adventure playground for 5 – 11 years olds, football pitches for 12 and over and an equipped playground.
- 8.177 It is therefore considered that there is sufficient provision within walking distance of the site to meet the needs of older children. Additionally, a financial contribution of £879,903 has been secured to be used toward the deliver of open space within the Borough. These funds can also be used for the delivery of play equipment.
- 8.178 A condition has been attached requiring the submission of details of the play space strategy for each phase, including details of accessible play equipment.
- 8.179 Importantly, the submitted Design Code provides the indicative layout, and sets out the figures noted above for play provision for children aged 0 – 11. It also sets out a specific code requiring play for children aged 12+ to be delivered within 15 minutes walking time.
- 8.180 Accordingly, the Design Code gives officers an assurance that the level of playspace proposed according with the figures noted above, would be secured on site. On balance the proposal is therefore considered to comply with the aforementioned policies.

#### Wheelchair Housing and Lifetime Homes Standards

- 8.181 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 8.182 The accompanying Design Code ensures that the detailed design of units will accord with the above London Plan and LBTH requirements in terms of wheelchair accessibility and Lifetime Homes Standards.

#### Open Space

- 8.183 Policy 7.18 of the London Plan supports the creation of new open space in London to ensure satisfactory levels of local provision to address areas of deficiency. London Plan Policy 7.5 seeks to ensure that London's public spaces are secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces and the development proposals will accord with the objectives of this policy.
- 8.184 Policies DEV12 and HSG16 of the UDP, Policy DEV13 of the IPG, and policies SP02, SP04 and SP12 of the CS promote the good design of public spaces and the provision of green spaces.
- 8.185 Based on the occupant and employee yield of the development, the proposal should deliver approximately 24,000sqm of public open space. However the scheme delivers 7,030sqm of public open space (excluding playspace).
- 8.186 The proposed amount of open space provided within the development falls below LBTH's standard of 12 sq. m per one occupant (in order to achieve 1.2 ha per 1,000 residents as set out in the LBTH 2006 Open Space Strategy), and would provide approximately 3.5sq.m per person. Accordingly, the Council's CLC department have agreed to a financial contribution of £879,903 to mitigate this impact, which would be used to provide and improve public open spaces in the borough.



- 8.187 On balance, it is considered that the scheme benefits outweigh the shortfall in open space per capita. The submitted public realm strategy and Design Code have provided officers with sufficient comfort that the quality of open space that would be provided within the development would be of a high standard, and a financial contribution toward public open space serves to mitigate against this shortfall. Accordingly, it is considered that the proposal is acceptable in this regard.

## **Amenity**

### Daylight, Sunlight and Overshadowing

- 8.188 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.189 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the draft Managing Development DPD (2012) seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.
- 8.190 Section 9 of the Environmental Statement considers the impacts of the development with respect to daylight and sunlight.

### Daylight

- 8.191 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 8.192 British Standard 8206 recommends ADF values for new residential dwellings, these being:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 8.193 The submitted daylight and sunlight report assesses the impact of the proposed development upon neighbouring properties, as well as its impact upon itself.

### *Proposed Development*

- 8.194 The daylight assessment for the new blocks to be constructed has been carried out by testing regular points on the elevations of the proposed buildings.
- 8.195 Of the outline element of the proposal, the windows tested experience VSC which would allow reasonable daylighting of the interior given suitable window design. This assessment did not include the inclusion of balconies, which could impact outcomes where the VSC results were in the low ranges. Such windows include the courtyard corners of Block H.
- 8.196 Of the rooms assessed within Block G (detailed element of the proposal), four fall considerably below the minimum recommended ADF factor (0.2 versus a requirement of 1; 1.04, 1.05 and 0.86 versus a requirement of 1.5), and all of these rooms are situated at the lowest floor, level 4. Rooms analysed were on levels 4, 7 and 9, and it is therefore likely that rooms in similar positions on floors 5 and 6 would also fail.
- 8.197 Nevertheless, considering the worst case, that the four rooms which fail on floor 4 could also fail on 5 and 6, this indicates a total failure of 12 rooms in total, equating to approximately 5% of all the rooms within Block G. In a development such as that proposed – a new retail-led

mixed use development, these figures are considered by officers to be acceptable.

#### *Neighbouring Properties*

- 8.198 The daylight, sunlight and overshadowing assessment for the neighbouring properties has been carried out by testing regular points on the elevations of the buildings surrounding the development site, those being:

To the north of the site

- Marina Point;
- Aegon House
- Finwhale House
- 47 – 65 Glengall Grove
- 45 Glengall Grove
- Community Centre at 37 – 43 Glengall Grove
- 5 – 35 Glengall Grove
- London City Mission School
- Cubitt Town School

To the east of the site

- 37, 47, 49 and 51 – 57 Friars Mead

- 8.199 A letter of objection was received on the basis that Island Health was not assessed. The BRE guidance suggests that residential buildings are assessed, and in some cases non-residential buildings where there is a particular requirement for sunlight. The daylight and sunlight assessment was reviewed on behalf of the Council by the BRE (who wrote the guidance by which assessments are carried out), who did a site visit as part of their assessment. They conclude that the methodology is appropriate, and accordingly officers consider that given this is a non-residential multi-aspect building, it is not required for this building to be assessed.
- 8.200 Of the residential windows analysed on Glengall Grove and Friars Mead, windows serving the ground floor at 29 and 35 Glengall Grove fail to achieve the BRE guidelines for loss of daylight. It can also be reasonably inferred that ground floor windows at 31 and 33 Glengall Grove would also fail to achieve the guidelines.
- 8.201 The failure of the VSC test for these windows is marginal, with No.35 achieving a ratio of 0.76 and No.29 achieving 0.74 – both against a target of 0.8. It can be reasonably inferred that failures at No.s 31 and 33 would be similar.
- 8.202 Considering the low overall proportion of failures, with just 4 potential window failures of the residential properties surrounding the subject site, on balance it is considered that the daylight impacts of the proposal upon surrounding existing residential properties is acceptable.
- 8.203 The failure of one window within the community centre on Glengall Grove is considered acceptable on balance, given that the centre is dual aspect, receiving acceptable levels of daylight from alternative facades.

#### *Sunlight*

##### *Proposed Development*

- 8.204 The BRE Report (2011) recommends that where possible all dwellings should have at least one living room which can receive a reasonable amount of sunlight. A reasonable amount of sunlight is defined in BS 8206:2008 as follows:
- 8.205 *“Interiors in which the occupants have a reasonable expectation of direct sunlight should receive at least 25% of probable sunlight hours. At least 5% of probably sunlight hours*

*should be received in the winter months, between 21 September and 21 March. The degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing or if the building is in a densely built urban area, the absence of sunlight is more acceptable than when its exclusion seem arbitrary”*

- 8.206 The applicants’ submission contends that an acceptable level of sunlight for the proposed development would be 10%, as opposed to the 25% set out in the BRE guidance.
- 8.207 Assessed against the 25% of probably sunlight hours, approximately 50% pass, and 50% fail within the outline scheme. Assessed against the 10% threshold the result is 86% pass, 14% fail.
- 8.208 Within Block G (detailed phase), of the 5 windows analysed on level 4 which face within 90 degrees of due south, 3 fail to achieve the guidance. These are all angled, recessed windows on the elevation facing south west, and the rooms they serve are those which also fail the guidelines for ADF and daylight distribution.
- 8.209 With the exception of one window which received 1% of annual probably sunlight hours and no winter sunlight, all of the living rooms do receive some sunlight, and those that do not achieve the guidelines have a balcony where they can receive sunlight outdoors.
- 8.210 On balance, the sunlight for the proposed development is considered acceptable.

#### *Neighbouring Properties*

- 8.211 The BRE report recommends that for existing buildings, sunlight should be checked for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probably sunlight hours, including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.
- 8.212 All of the windows analysed for sunlight achieve the minimum BRE guideline.

#### Overshadowing

- 8.213 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *“it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should received at least 2 hours of sunlight of 21 March”*.

#### *Proposed Development*

- 8.214 On the whole, the majority of the overshadowing results for the proposed amenity areas are acceptable, aside from 6 out of 10 private gardens to Block D. This is a linear block with private gardens which sit north of the building.
- 8.215 The rest of the areas of open space have been designed to utilise areas of sun, particularly the areas of play space which have mostly been positioned in the sunniest areas of the development. 19 out of the 21 areas of play space receive acceptable levels of sunlight.

#### *Neighbouring Properties*

- 8.216 Of the neighbouring properties tested, three gardens on Glengall Grove fail to achieve the BRE guideline for permanent overshadowing, two of which serve the same set of dwellings which have ground floor windows failing the daylight test. The third property is No. 13 Glengall Grove which to some extent is a victim of its own layout, being long and thin compared to the neighbour properties.

- 8.217 No. 35 Glengall Grove exhibits a ratio of 0.54, or a loss of 46% of the area receiving at least 2 hours of sunlight prior to development (moderate adverse impact). No. 33 has a ratio of 0.70, and No. 13 of 0.66 (both minor adverse impact).
- 8.218 At present there are no substantial obstructions to the south of the affected properties on Glengall Grove, aside from the ASDA carpark, and beyond that Mudchute Park. Accordingly, these properties currently experience levels of sunlight which are atypical of that expected in an urban part of London such as the subject area. The ASDA site is identified as a development site in adopted and emerging policy, and the three affected properties will retain acceptable levels of sunlight to their garden, albeit at a reduced ratio. On balance, the impacts are therefore considered acceptable.
- 8.219 Overall, the daylight and sunlight results for both the proposed and existing residential units and public spaces indicate that the scheme will deliver good levels of amenity for new residents, whilst ensuring the amenity of neighbouring properties is not unduly detrimentally affected.

#### Air Quality

- 8.220 Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP, Policy SP02 and SP10 of the CS and Policy DM9 of the MD DPD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 8.221 The Air Quality assessment (chapter 11 of the Environmental Statement) suggests there are two key distinct elements regarding changes to air quality – during construction and the development itself. During construction it is intended that the construction process will be managed in accordance with the Council's Code of Construction Practice, which clarifies a number of obligations to mitigate against potential air quality deterioration.
- 8.222 Regarding the air quality in the completed development, the assessment focuses on traffic-related emissions to air, as such emissions are identified as the main source of air pollution within the Borough. An assessment of other elements of the scheme is also carried out, including the energy centre and supermarket. The new supermarket itself would incorporate modern plant and facilities with improved efficiencies and lower emissions than the current store.
- 8.223 The report concludes that the operational impacts of the completed development would be at worst minor adverse, and at best minor beneficial. A number of measures to encourage non-car modes of travel would be championed within a Travel Plan (secured via legal agreement) which would also further minimise the predicted effects.
- 8.224 The effect of operational traffic and the heating plant at existing receptors are predicted to result in minor adverse impacts at worst, to minor beneficial at best, and the effect of introducing new residential units to the site is considered negligible.
- 8.225 On balance and subject to the imposition of appropriate conditions, it is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area. The Borough's Environmental Health Officer has confirmed acceptance of the assessment, subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction Environmental Management Plan.
- 8.226 As such, the proposal is generally in keeping Policy 7.14 of the London Plan, policy DEV2 of the UDP, CS policy SP02, policy DM9 of the MD DPD and the objectives of Tower Hamlets Air Quality Action Plan (2003).

## Noise and Vibration

- 8.227 Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.228 Policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the CS and policy DM25 of the MD DPD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.229 The Council's Noise officer has considered the submitted noise report, and is of the view that the proposal is acceptable in noise terms, subject to conditions to secure adequate noise attenuation measures. Conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Environmental Management Plan which will further assist in ensuring noise reductions for future and existing neighbouring occupiers.
- 8.230 Conditions requiring the submission for approval of hours of operation for any A3/A4 uses has been included within section 3 of this report.
- 8.231 As such, it is considered that the proposals are in keeping with the NPPF, policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the CS and policy DM25 of the MD DPD.

## Sense of Enclosure, Outlook and Privacy

- 8.232 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MD DPD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook. These policies are further supported by policies DEV1 of the IPG and DEV2 of the UDP.
- 8.233 In terms of impacts upon neighbouring properties, those which are the most sensitive are to the north fronting Glengall Grove, and the east fronting Friars Mead. In accordance with policy DM25 of the MD DPD, a reasonably acceptable separation distance between directly facing habitable rooms windows to ensure privacy is maintained is 18 metres.
- 8.234 Along Glengall Grove separation distances between directly facing habitable rooms windows exceeds 18 metres in all but one case, where the distance is 17 metres. However the window in question is a secondary north-facing living room window within the proposed scheme, which if developed out at reserved matters stage, would be able to be designed to be obscurely glazed and non-opening. This would allow light for occupants, but avoid overlooking.
- 8.235 Along the eastern boundary with Friars Mead, there are no directly facing habitable room windows within 18 metres of each other. The properties on Friars Mead are arranged obliquely to the development, and the narrowest separation distance between a habitable room window of the proposed development and the footprint of a property on Friars Mead is more than 25 metres.
- 8.236 Accordingly the separation distances between the proposed development and directly facing neighbouring properties is considered acceptable given the urban context of the site.
- 8.237 With relation to overlooking to existing residential properties, it is not considered that levels of overlooking will be any different from that normally experienced from neighbouring

properties, where a first floor window typically overlooks neighbouring gardens. Boundary treatments have been designed following consultation with residents of Friars Mead. Measures incorporated include the provision for each property to have level access to an individual gate with individual keys, existing wall continued as opposed to a fence to ensure separation, play area closest to Friars Mead to be created as a natural play area avoiding excessive equipment, cycle store location to be moved, and tree retention and new planting along the boundary. The details of the boundary treatment are in outline, and thus would be designed in detail at reserved matters and condition stages, in order to appropriately treat inter-relationships between properties. The affected residents would be consulted at that stage.

- 8.238 In terms of impacts on itself the indicative scheme has been designed to avoid directly facing habitable rooms within 18 metres. The design code which would inform the development of the reserved matters applications specifies that the minimum separation distances between directly facing habitable rooms must be at least 18 metres.
- 8.239 The proposals are therefore generally in keeping with the abovementioned policies.

### **Energy & Sustainability**

- 8.240 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 8.241 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green)

The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO<sub>2</sub> emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

- 8.242 The information provided in the submitted energy strategy is principally in accordance with adopted the climate change policies. Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. The Council's Sustainability & Renewable Energy Team have commented that the proposed development will need to ensure it complies with draft Policy DM29 of the draft Managing Development DPD (2012) which requires:
- 2011-2013 = 35% CO<sub>2</sub> emissions reduction;
  - 2013-2016 = 50% CO<sub>2</sub> emissions reduction; and
  - 2016-2031 = Zero Carbon
- 8.243 The Low and Zero Carbon Energy Appraisal Report, submitted in support of the planning application, follows the Mayor's energy hierarchy and sets out that the development seeks to make use of energy efficiency and passive measures to reduce energy demand (Be Lean), integrate a communal heating scheme incorporating a Combined Heat and Power engine to supply the space heating and hotwater requirements (Be Clean) and utilise photovoltaic panels (Be Green) to reduce overall CO<sub>2</sub> emissions. The CO<sub>2</sub> emissions achievable from this approach are noted as circa 30%. Whilst this falls short of the emerging DM29 policy requirements it exceeds the London Plan Policy 5.2 requirements and is considered acceptable for the first phase of the development proposals.

- 8.244 The current proposals for delivering the space heating and hotwater for the site are considered acceptable and propose a single onsite energy centre with heat distribution in the form of a single community heating network serving all the residential and commercial uses on the development. However, the size of the proposed system needs to be detailed and appropriate calculations submitted to demonstrate the plant has been sized appropriately. The supplementary information (see attached email) notes that a ~750kWth CHP would be required to achieve the 30% reduction
- 8.245 BREEAM (Excellent) and Code (Level 4) ratings are currently proposed as minimum levels, and considered acceptable. However, as the proposal are for an hybrid application, it is recommended that a condition is attached to ensure a detailed energy strategy and sustainability strategy per phase are submitted to demonstrate the design is in accordance with the policies at the time of reserved matters applications. This would relate to both the overall carbon savings and Code for Sustainable Homes/BREEAM ratings.

### **Contamination**

- 8.246 In accordance with the requirements of the NPPF, saved UDP policy DEV51 and policy DM30 of the MD DPD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 8.247 The Councils Environmental Health Officer has reviewed the documentation, and noted that further characterisation of the risks are necessary via a detailed site investigation. A condition to secure further exploratory works and remediation has been requested, and is attached in part 3 of this report.

### **Microclimate - Wind**

- 8.248 Wind microclimate is an important factor in achieving quality developments, with appropriate levels of comfort relative to the area being assessed.
- 8.249 Wind tunnel testing is the most well established and robust means of assessing the pedestrian wind environment. The wind tunnel tests enable the pedestrian level wind microclimate of a site to be quantified and classified in accordance with the widely accepted Lawson Comfort Criteria. The wind tunnel tests deliver a detailed assessment of the wind conditions around a site for all wind directions in terms of both pedestrian comfort and strong winds.
- 8.250 The submitted Environmental Statement assessed the microclimate of the proposed development, and found that the majority of testing points were suitable for the purpose of the use (for example, amenity areas were suitable for sitting out and walking) during the summer season, with windier results for the worst case winter season. Appropriate mitigation can ensure that entrances to buildings are appropriate in microclimate terms, and accordingly these would be considered in detail at the reserved matters stage of the proposal. The results for the detailed element of the proposal are acceptable.

### **Flood Risk**

- 8.251 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process.
- 8.252 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment and describes various potential flood mitigation options.
- 8.253 These options include setting all habitable (sleeping accommodation) finished floor levels above the 1 in 200 year breach level, with the majority of residential development above ground floor at 14.5m AOD and above.

- 8.254 In terms of surface water flooding, Thames Water has confirmed that there are no particular capacity issues in the area, however they require that the development mirrors the current situation with respect to the rate at which flows discharge to the sewer system. Accordingly, SuDs would be incorporated into the completed development as living roofs, rainwater harvesting and attenuation tanks, and rain gardens would also be incorporated amongst the living roofs. This would assist in achieving runoff discharge restricted to 51 l/s up to an including the 1 in 100 year rainfall event including for impacts of climate change for the lifetime of the event.
- 8.255 Subject to the inclusion of conditions as per the recommendation of the Environment Agency, it is considered that the proposed development by virtue of the proposed flood mitigation strategy complies with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the CS.

### **Environmental Impact Assessment**

- 8.256 The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) regulations 2011.
- 8.257 As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.
- 8.258 The ES addresses the following areas of impact (in the order they appear in the ES):
- Socio-Economics
  - Archaeology and Built Heritage
  - Transport
  - Acoustics
  - Air Quality
  - Water Resources and Flood Risk
  - Ground Conditions and Contamination
  - Ecology and Nature Conservation
  - Telecommunications
  - Daylight, Sunlight and Overshadowing
  - Microclimate – Wind
  - Reflected Solar Glare
  - Night-Time Lighting
  - Cumulative Effect

- 8.259 As the majority of the application is in outline, for the purposes of the assessment of environmental impacts and to comply with the requirements of the EIA Regulations and associated European directive, the applicant has submitted parameter plans and other information to prescribe key aspects of the development. These include, for example, quantum of floorspace and heights, widths and lengths of building to create 'building parcels'. Should the scheme be approved, the parameters will be fixed in order to keep the development within those assessed in the Environmental Statement and ensure that the scheme does not give rise to significant environmental impacts which have not been assessed through the EIA process. Should the applicant then bring forward proposals which alter the impacts identified and assessed in the Environmental Statement and further information on which this current application has been determined they may need to be



reassessed and/or a new application submitted.

- 8.260 The Council appointed consultants, Land Use Consultants (LUC) to examine the applicant's ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, LUC confirmed their view that whilst a Regulation 22 request was not required, further clarification was sought in respect of a number of issues. These issues have been satisfactorily addressed by the applicant and accordingly the ES has adequately addressed all the requirements of the EIA regulations.
- 8.261 The various sections of the ES have been reviewed by officers. The various environmental impacts are dealt with in relevant sections of this report above with conclusions given, proposals for mitigation of impacts by way of conditions, and/or planning obligations as appropriate.
- 8.262 In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental impacts are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

### **Health Considerations**

- 8.263 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 8.264 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.265 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - Promoting and supporting local food-growing and urban agriculture.
- 8.266 The applicant has agreed to a financial contribution of £923,342 to be pooled to allow for expenditure on health care provision within the Borough.
- 8.267 The application will also propose public open spaces within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby. This new open space will complement the surrounding area by introducing a new public square and route through to Muchure Park.
- 8.268 The proposal also includes retail spaces (Use Class A1–A4) which does not include take-aways, but does include restaurants. As the use is flexible, the details and allocation of the retail floor space would be secured through a planning condition to ensure that there is no over-concentration of any particular use types which could detract from the healthy and attractive life styles in line with policy SP03 of the Core Strategy.
- 8.269 It is therefore considered that the financial contribution towards healthcare and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

## **Biodiversity**

- 8.270 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MD DPD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MD DPD also requires elements of living buildings.
- 8.271 Mudchute Park is classed as Metropolitan Open Land.
- 8.272 Policy 7.17 of the London Plan (2011) affords the strongest protection to London's MOL. The loss of MOL is not supported, although appropriate development can include small scale structures to support outdoor open space uses and minimise any adverse impacts on the openness of MOL. Policy SP04 of the Council's Core Strategy (2010) seeks to protect and safeguard all existing open space such that there is no net loss, and improve access to MOL in the Borough, with specific mention to Mudchute Park and Millwall Park.
- 8.273 The south east corner of the application site overlaps with the Mudchute Site of Metropolitan Importance for Nature Conservation (SMINC) (the highest grade of non-statutory wildlife site in London and one of only 2 such sites that are entirely within Tower Hamlets) and Local Nature Reserve (LNR).
- 8.274 Within the area of the overlap, there will initially be a negative impact on the SMINC due to the removal of trees, clearance of vegetation and some earthworks for the construction of the new level access route through to Mudchute Park.
- 8.275 However, the applicant has submitted details of key areas of ecological mitigation, and the Council's Biodiversity officer is satisfied that with appropriate conditions the Council can ensure that once restored and re-landscaped, the part of the application site within the SMINC is of sufficient value for biodiversity to warrant continued inclusion within the SMINC. Accordingly, the proposal will serve to improve accessibility as sought by policy SP04 of the Core Strategy, whilst ensuring that the development will not result in the permanent reduction in the area of a SMINC, which is contrary to regional and local planning policies.
- 8.276 The Council's Biodiversity officer is supportive of the proposal subject to conditions to secure the following:
- details of the landscaping for that part of the site where the new pedestrian path to Mudchute is proposed. The details would be required to demonstrate that the landscaping would provide wildlife of sufficient quality to justify its inclusion in a Site of Metropolitan Importance for Nature Conservation;
  - the retention of the rest of the woodland strip along the southern edge of the site be secured by condition, however this is outside of the application boundary and therefore its removal is not proposed by this development;
  - condition to ensure that lighting near the southern and eastern perimeter of the site is directed inwards to minimise spillage beyond the site, in order to ensure foraging bats are not disturbed;
  - details of green/brown roofs within the development;
  - landscaping details, including the provision of at least 15 bird boxes, 10 bat boxes, 315 new trees and length of native hedgerow indicated on the plans;
  - clearance of on-site vegetation should be undertaken between September and February inclusive (i.e. outside the nesting season) or, if this is not possible, vegetation to be cleared should be surveyed for nesting birds by a suitably-qualified ecologist, and if nests are found, the vegetation left undisturbed until the young birds have fledged.
- 8.277 Through planning conditions any impact to the existing biodiversity and ecology value can be

minimised, and the proposed development is not considered to have adverse impacts in terms of biodiversity. The development will ultimately provide an enhancement for biodiversity for the local area in accordance with the above mentioned policies.

### **Section 106 Agreement**

- 8.278 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.279 Regulation 122 of 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.
- 8.280 Securing appropriate planning contributions is further supported by saved policy DEV4 of the UDP and Policy IMP1 of the Council's IPG and policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.281 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:
- Affordable Housing
  - Employment, Skills, Training and Enterprise
  - Community Facilities
  - Education
- The Borough's other priorities include:
- Public Realm
  - Health
  - Sustainable Transport
  - Environmental Sustainability
- 8.282 In order to ensure that the proposed development was deliverable and viable, a financial appraisal was submitted by the applicants. This was independently assessed on behalf of the Council, and through the course of negotiations the proportion of affordable housing has risen from a maximum of 24% to 31%.
- 8.283 Within the submitted viability assessment the scheme was considered deliverable and viable with a 31% affordable housing provision with a mix of affordable rent, social rent and shared ownership units. Also factored into this was a maximum s106 package of **£6,272,000**, and in addition to this the application would be liable for a CIL charge of approximately **£3.7 million**. This was not factored into the financial appraisal.
- 8.284 Based on the Council's s106 SPD, the viability of the proposal and the need to mitigate against the impacts of the development, LBTH Officers have negotiated a contribution request of **£6,679,997**.
- 8.285 This can be summarised as follows:
- Education: £3,142,971
  - Enterprise & Employment: £615,516
  - Community Facilities: On-site in kind facility, built to shell and core and provided to

the Borough at peppercorn rent in perpetuity with £0 service charge (cost to applicant of approximately £3.7 million)

- Public Realm: £881,275
- Health: £923,342
- Highways: £35,912 (car club for residents)
- Transport for London: £950,000
- Monitoring & Implementation 2% of total

- 8.286 Additionally, the scheme delivers improvements to the Marsh Wall/Limeharbour junction which are expected to cost circa £1,200,000, as well as a relocated cycle hire docking station at a cost of £70,000 and s278 highways improvements to East Ferry Road.
- 8.287 The applicant has demonstrated through the submission of a viability assessment that there is no additional provision for S106 contributions beyond the amounts specified above. The Council has independently reviewed the submitted viability assessment and concludes that the maximum reasonable amount of affordable housing which can be delivered on this site is 31% by habitable room. The developer has agreed to the additional s106 contributions beyond the output of the financial appraisal, to ensure the development mitigate against its impacts.
- 8.288 The development also provides wider regeneration improvements, such as improved public realm, legibility, accessibility and retail offer for residents, which whilst not contributing to the Council's priorities as set out in the Planning Obligations SPD, are material in considering its acceptability.

#### Affordable Housing

- 8.289 As described in previous sections of this report, a minimum of 31% (hab room) of the overall resulting scheme will be for affordable housing.
- 8.290 Based on the supporting viability report and the site constraints, officers accept the site circumstances and it is recommended that the proposed quantum of affordable housing is supported.
- 8.291 It is important to note that the amount of affordable housing permitted will be monitored, controlled and apportioned through phasing conditions to ensure these obligations are fulfilled throughout the lifetime of the developments implementation.

#### Education

- 8.292 The proposed increase in residential development on the site will generate an increased child yield and therefore an increase in demand for primary and secondary school places in the Borough.
- 8.293 As such, based on the adopted Planning Obligations SPD, the increase in units results in the need for 117 additional primary school places. This amounts to a requested contribution of £1,735,110.
- 8.294 Regarding secondary school provision the SPD calculates that the development will result in a need for 63 additional spaces which equates to a requested £1,407,861 contribution.
- 8.295 The applicant has offered to meet both these financial contribution requests totalling £3,142,971 for education and this is welcomed by officers.
- 8.296 The LBTH Education department has advised that it is continuing to develop proposals for more school places to respond to the rising need. This is done by identifying school sites with the potential to expand. An example of this in the E14 area is a proposal to expand Woolmore Primary School.

- 8.297 The funding that is received towards additional school places from s106 funds is pooled, and the funding used with other resources to fund the overall programme of providing school places across the Borough.
- 8.298 Within the MD DPD Site Allocations, a site on the Isle of Dogs has been identified to potentially deliver a school – this being Westferry Printworks. Two options are suggested within the DPD, for the provision of either a secondary school or primary school as part of a wider mixed-use development.

#### Enterprise and Employment

- 8.299 The SPD requires developments to exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be for local residents of Tower Hamlets, to be supported through the Skillsmatch Construction Services. In addition, the SPD requires that 20% of the goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 8.300 The SPD also seeks a financial contribution towards the training and skills needs of local residents in accessing job opportunities created through the construction phase of all new development and a contribution towards end use phase of commercial developments.
- 8.301 A financial contribution of £352,081 has been agreed with applicant towards skills and training at construction phase. In addition, a further £263,435 is sought towards jobs within the end-phase of the development.
- 8.302 The applicant has agreed to participate in the Skillsmatch programme and meet the financial contribution requests for skills and training, as well as a commitment to use best endeavours to ensure that 40% of employees within the ASDA store are local residents. This is welcomed by officers.

#### Community Facilities

- 8.303 The SPD identifies Idea Store, Libraries, Archives, Leisure, Multi-Use Community Facilities within the Community priority.
- 8.304 A £254,010 contribution towards community facilities, together with £667,302 for Leisure Facilities is calculated based on the SPD.
- 8.305 However the applicant has agreed to deliver a new community facility within the site, to shell and core and peppercorn rent in perpetuity (25 years), together with £0 service charge. The value of this facility is circa £3.7 million. This facility is considered an in-kind contribution and it is therefore appropriate to off-set this facility against the Community Facilities contribution within the SPD.
- 8.306 At this stage of the process officers do not know the detailed nature of the community use, access or management arrangements of the proposed facility, however this will be explored at reserved matters stage in order to secure benefits for all Borough residents and is subject to on going negotiations with the applicant

#### Public Realm

- 8.307 Public Realm in the SPD includes Public Open Space, Streetscene and Built Environment, Highways and Public Art.

#### *Public Open Space*

- 8.308 The development is proposing 7,030sqm of new and refurbished Public Open Space. By

applying the SPD against population uplift the development remains deficient in providing on site open space and therefore a contribution of £1,147,556 is calculated to mitigate against the impacts of the proposal. The applicants and officers have agreed to a contribution of £881,275.

- 8.309 The viability toolkit indicates that the scheme cannot provide any further financial contributions towards open space. Officers do however have regard to the *quality* of the open space proposed despite the shortfall in quantitative terms.
- 8.310 The proposed development would introduce a new public square on an area which is currently used as a car park, as well as step-free access via a new high street from East Ferry Road to Mudchute Park. It is considered that these benefits would greatly improve open space quality and provision within the area. As a result the quality of life for existing and future residents will be enhanced and therefore it is considered that to some extent the quality of the open space proposed should be considered in the context of the overall shortfall.
- 8.311 Officers also recognise the significant benefit of refurbished and new open spaces across the site and will seek to ensure through the S106 and conditions that a fully detailed landscape masterplan plan is produced for the site as a whole, and also per phase.
- 8.312 In light of the above, officers accept the viability constraints of this site and welcome the applicants agreement to the £881,275 contribution requested. Overall, officers consider the proposal mitigates its impact upon open space within the locality of the development.

#### *Streetscene, Built Environment Improvements, Highways*

- 8.313 Based on the SPD, an obligation of £208,728 is sought towards Street scene and Built Environment Improvements.
- 8.314 However, it is considered that this contribution can be off-set by public realm improvement works which will be delivered through the s278 highways agreement. This includes a new raised table and pedestrian crossing along East Ferry Road. Additionally, the applicant has agreed to fund the remodelling of the Marsh Wall/Lime Harbour junction. These works would serve to improve the pedestrian environment for existing and future residents.
- 8.315 In summary officers welcome the applicant's commitment to delivering public realm and highways improvements in the immediate surrounding areas to benefit of local residents in the borough. It is therefore considered that the development adequately mitigates its impact in this respect.

#### Sustainable Transport

- 8.316 Officers have secured a contribution of £35,913 towards the provision of a car club on the site. Residents will be given one year free membership, and there will be space for three car club cars within the development.
- 8.317 This contribution has been off-set against the SPD calculated of £26,175.

#### Health

- 8.318 The SPD requests that the borough also prioritise health facilities to mitigate the increasing future population of the borough.
- 8.319 The Tower Hamlets NHS sought a sum of £5,758,015 towards capital costs of delivering new health facilities and revenue costs within the borough as result of the developments impact. In accordance with CIL regulations officers consider that revenue costs should not be secured by new development. However the capital costs for new facilities is considered

reasonable to secure from new development and regarding this contribution type the NHS requests a total of £1,190,995.

- 8.320 In response to this request, the applicant submitted a viability assessment that states the scheme can only afford a £923,342 for health facilities.
- 8.321 Officers can verify that the applicants viability assessment is sound in that the scheme can only afford a maximum sum of £923,342 towards health facilities. This sum together with significant improvements to open spaces, environment and accommodation at the site and within the wider area are considered to not only improve the health of residents but mitigate impact on health facilities resulting from the development. Therefore the applicants proposed financial contribution is considered acceptable.

#### TfL Transport

- 8.322 TfL have noted that the development is likely to generate demand for additional bus capacity and request a sum of £510,000 towards a new service to improve residents' access to public transport. The applicant has agreed to this request which is welcomed by officers
- 8.323 TfL originally sought a contribution of £1,350,000 towards improvements to the Crossharbour DLR station by installing a new accesses and canopy to cover the platforms. The applicant has agreed to contribute £400,000 and TfL have agreed this sum in principle.
- 8.324 TfL have also requested £70,000 for the relocation of an existing cycle hire docking station on East Ferry Road, to move within the development site. The applicants have agreed to this as a development cost of the proposal, and it is included within Section 3 of this report. A contribution of £30,000 was also sought to provide a new cycle hire docking station adjacent to the Crossharbour DLR station. This contribution is not considered necessary to mitigate against the impacts of the development, particularly given the docking station which would be re-provided within the site, and viability concerns. Accordingly, TfL have agreed to remove this request.
- 8.325 A contribution of £22,500 was sought by TfL towards Legible London signage. Due to viability constraints, TfL have agreed to forgo this request, however the public realm contribution of £881,275 could be used to deliver signage within the site.
- 8.326 TfL have also requested a financial contribution of £40,000 towards Real Time Information Boards. These boards advise passengers of expected bus times, and can be provided within the public realm. The applicants have agreed to this contribution, which is supported.

#### Monitoring & Implementation

- 8.327 The SPD requires a contribution towards the monitoring and implementation of the S106 agreement of 2%.

#### Delivery

- 8.328 The proposed development would come forward over five phases, as secured through the s106 Agreement:



Figure 13: Ground Floor Phasing Plan

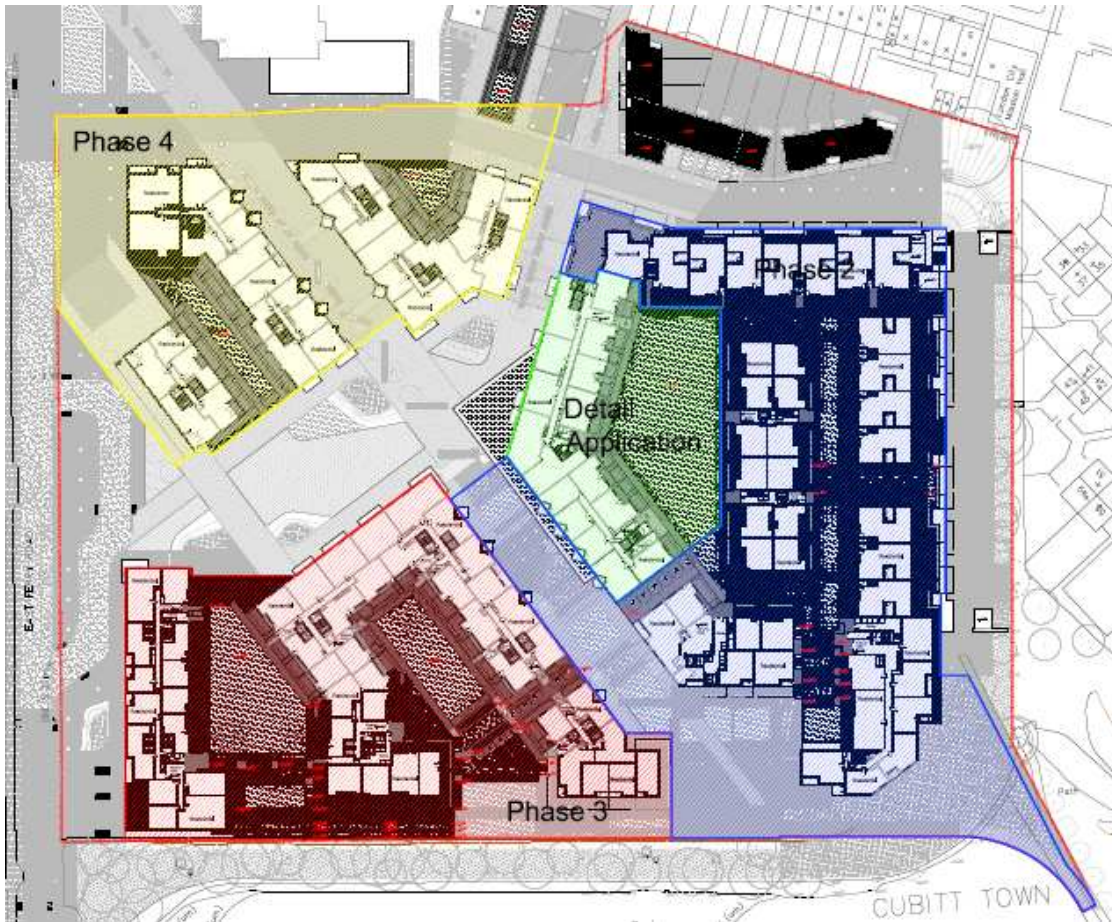


Figure 14: Podium Level Phasing Plan

8.329 The two phasing plans above show how the different phases come forward over ground and  
 Page 108



podium level.

8.330 Phase 1 comprises the detailed part of the application being considered, including:

Ground Level

- Demolition of existing store
- Construction of new store
- Construction of basement
- Closure of petrol filling station
- Bus stop relocation
- Southern retail constructed

Podium Level and above

- Construction of Block G (Residential – 34 private units, 50 affordable units)

8.331 Phase 2 comprises:

Ground Level

- Northern access road completed

Podium Level and above

- Residential blocks E, F, K and L (Residential – up to 40 private units, 47 affordable units)
- Pedestrian route to Mudchute Park completed

8.332 Phase 3 comprises:

Podium Level and above

- Residential blocks H, I and J (Residential – up to 305 private units)

8.333 Phase 4 comprises the detailed part of the application being considered, including:

Ground Level

- Northern retail
- Northern diagonal route

Podium Level and above

- Residential blocks A, B and C (Residential – up to 214 private units, 30 affordable units)
- Taxi stand

8.334 Phase 5 comprises:

Ground Level

- Residential block D, and residential between store and Friars Mead (Residential – 30 private units)

Podium Level and above

- Construction of Block G (Residential – up to 34 private units, 50 affordable units)

8.335 In terms of the delivery of affordable housing, the phasing above ensures that the affordable housing is delivered in tandem with the private. Further constraints will be introduced into the s106 Agreement if Members are minded to approve planning permission, securing the following:

- The proportion of social rent (7%), affordable rent (14%) and intermediate (10%) housing units;
- The proportion of family units within each tenure, this being social rent (100%), affordable rent (37.9%), intermediate (23.2%) and market (24.4%);
- Amount of affordable housing per phase, by habitable room (Phase 1 = 62.2%; Phase 2 = 79.9%; Phase 3 – 0%; Phase 4 = 11.9%; Phase 5 = 0%);
- Obligations on occupation – no more than 60% market housing to be completed until 50% affordable housing completed; no more than 80% market housing to be completed until 70% affordable housing completed; no more than 90% market housing to be completed until 100% affordable housing completed, per phase

8.336 Through the above phasing and s106 mechanisms, officers are satisfied that the development could be delivered in a logical way, ensuring that the appropriate infrastructure and amenity provisions are in place for each stage of development. Additionally, the affordable housing will be delivered alongside the private housing, delivering mixed and balanced communities throughout the delivery period.

### **Human Rights Considerations**

8.337 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:-

8.338 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"*.

8.339 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.

8.340 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

8.341 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.

8.342 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

8.343 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.

8.344 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

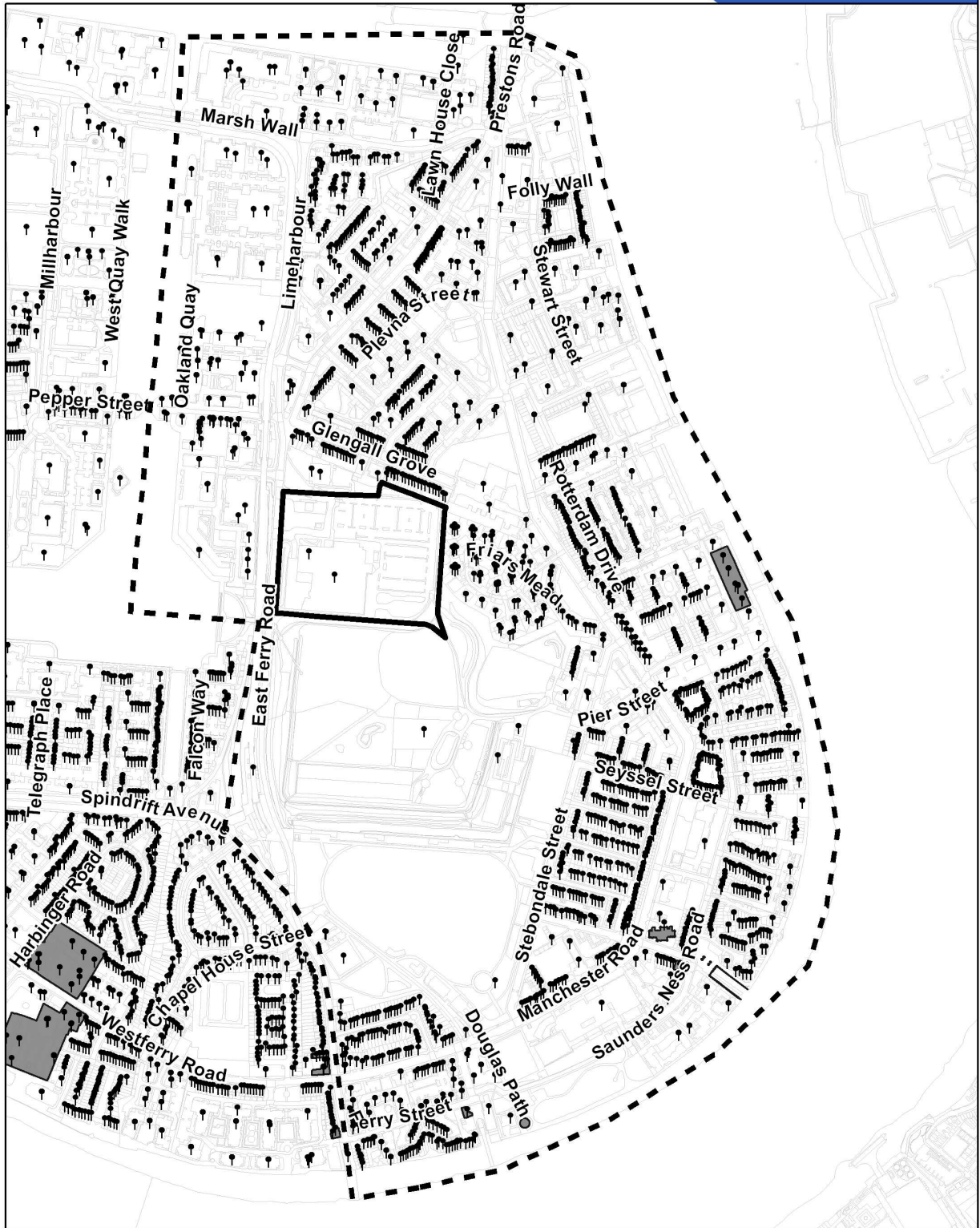
## **Equalities Act Considerations**

- 8.345 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 and sex 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:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.346 The contributions towards various community assets/improvements and infrastructure improvements (such as access to open space and contributions to transport improvements and education) addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 8.347 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 8.348 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces and play areas, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 8.349 The contributions to affordable housing support community wellbeing and social cohesion.

## **Conclusions**

- 9.0 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.


# Planning Application Site Map



 Planning Application Site Boundary

 Locally Listed Buildings

 Land Parcel Address

 Consultation Area

 Statutory Listed Buildings

0 150 m



1:7,885

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

© Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288

**LONDON BOROUGH OF TOWER HAMLETS**

**STRATEGIC DEVELOPMENT COMMITTEE**

16<sup>th</sup> August 2012

**UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL**

Index

<b>Agenda item no</b>	<b>Reference no</b>	<b>Location</b>	<b>Proposal</b>
7.1	PA/12/00920	Cayley Primary School, Aston Street, E14 7NG	4-storey extension to adjoin southern side of existing primary school to provide new classroom, resource accommodation, kitchen, hall and office space. New single storey extension to front of the existing building to provide teaching accommodation.
7.2	PA/11/03824	Orchard Wharf, Orchard Place, London	<p>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.</p> <p>1) Outline Application: All matters reserved Jetty; and Ship to shore conveyor.</p> <p>2) Full details</p> <p>Demolition of all existing buildings; Concrete batching plant; Cement storage terminal; Aggregate storage facilities; Associated structures and facilities; Associated highway works; Walkway; and Landscaping.</p>
7.3	PA/11/3670	ASDA, 151 East Ferry Road	Hybrid planning application for demolition and comprehensive redevelopment

<b>Agenda Item number:</b>	7.1
<b>Reference number:</b>	PA/12/00920
<b>Location:</b>	Cayley Primary School, Aston Street, London, E14 7NG
<b>Proposal:</b>	4-storey extension to adjoin southern side of existing primary school to provide new classroom, resource accommodation, kitchen, hall and office space. New single storey extension to front of the existing building to provide teaching accommodation.

## **1.0 FURTHER REPRESENTATIONS**

- 1.1 Since the writing of the main report, one additional representation has been received from a local resident who has noted that construction works have started on site and often before the standard 8am hours of permitted construction.
- 1.2 *(Officer response: The education department have confirmed that the works on the proposed extension have not commenced and the any construction noise has come from preparing the site for the temporary classrooms. The contractors have been made aware of the requirement to not undertake works before 8am in the morning and the particularly early start referred to by the resident was due to the contractor arriving from outside London and anticipating delays due to the Olympic Road restrictions. There were no delays so the vehicle arrived before the anticipated time.)*
- 1.3 The resident has also reiterated the concern regarding the impact upon traffic and congestion caused by the additional pupils and staff and consideration should be given to all of the Borough's residents rather than just the need to provide additional school places.
- 1.4 *(Officer response: There is a need for new school places within the Borough and this site has been identified by the education as having the potential to be expanded. The second entrance on Repton Street has been opened up as a pupil entrance to alleviate some of the congestion on Aston Street, a pedestrian crossing is also proposed on Aston Street to aid the safety of pupils, staff and local residents. It is considered that these measures sufficiently mitigate the impact the additional pupils and staff would have on the local highway network.)*
- 1.5 Concerns have also been raised about the installation of a pedestrian crossing in front of 29 Aston Street.
- 1.6 *(Officer response: This is considered necessary for the safety of pupils, parents and staff. It is not considered that the installation of the pedestrian crossing would have a significant impact upon the residents of no. 29. The main habitable windows face Matlock Street with only a door facing onto Aston Street.)*

## **2.0 CLARIFICATION AND CORRECTIONS**

- 2.1 The hours of construction are reported incorrectly within the report. Condition 4 should read as follows: Hours of construction 8am – 6pm Monday to Friday and 8am – 1pm Saturday.

## **3.0 RECOMMENDATION**

- 3.1 Officer's recommendation remains Approval.

<b>Agenda Item number:</b>	7.2
<b>Reference number:</b>	PA/11/03824
<b>Location:</b>	Orchard Wharf, Orchard Place, London
<b>Proposal:</b>	<p>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.</p> <p>1) Outline Application: All matters reserved Jetty; and Ship to shore conveyor.</p> <p>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.</p>

## 1.0 FURTHER REPRESENTATIONS

- 1.1 Since the writing of the main report, further representations have received from existing objectors to the proposals, principally re-iterating the objections raised within the May and August committee reports. These objections and comments are not therefore repeated as they have been noted in the reports before the Strategic Development Committee. A copy of these comments are available to view.
- 1.2 New objections raised have been set out below:
- 1.3 Members should be made aware that the Safeguarded Wharves Review is still under consultation and has not been finalised.

*(Officer comment: The committee report highlights that the Safeguarded Wharves Review July 2012 is a further consultation draft to which the GLA are inviting comments on only the changes highlighted within the document. There are no changes proposed to the Orchard Wharf site and therefore it is not considered that the designation of the site will be altered.)*

- 1.4 Further comments are invited on the Safeguarded Wharves Review July 2012 document until August 28<sup>th</sup> 2012.

*(Officer comment: as stated above, further comments are invited, but only to the changes which have been made to this document and no changes have been proposed to the designation of Orchard wharf.)*

- 1.5 No details of the GLA response to the Grafton Group's representations are provided within the August committee report. The Grafton Group comments stated that the site had the potential to be released if the capacity could be replicated on an alternative site. In summary, the GLA advise there is no in principle objection to consolidation of Orchard Wharf, however the full response reads as follows:

*"No in principle objection to consolidation, however there are a number of substantial issues that would have to be resolved before this could be considered as a serious proposition and continued designation is appropriate-particularly as there is operator interest in using the wharf."*

*(Officer comment: Members are required to assess the application before them.*

*There has been no information presented with regard to the possibility of consolidation.)*

- 1.6 The committee report does not advise that the Safeguarded Wharves Review July 2012 has revised and reduced the demand figures for aggregates.

*(Officer comment: The demand figures within the Safeguarded Wharves document have been revised to show a reduction in demand from 0.9 million tonnes of constructions material to 0.8 million tonnes to the period up to 2031. This demand is still proposed to be met through the allocation of Orchard wharf to serve the north east sub region.)*

- 1.7 The GLA analysis of economic demand is not considered to be robust and further objections are proposed to be issued to the GLA.

*(Officer comment: This is highlighted as a comment only)*

- 1.8 The Safeguarded Wharves Review July 2012 is only a material consideration for the members concerns regarding the safeguarding of the Wharf, not the other environmental, transport and visual effects arising from this development.

*(Officer comment: This application is being presented afresh to members and is recommended for approval as the application is not considered to cause environmental, transport and visual impacts and Committee Members are asked to consider the application and all issues afresh.)*

- 1.9 The applicants have also responded to the above comments raised, a copy of the letter is available to view.

- 1.10 The GLA have also issued further comments which respond to the comments raised above. A copy of this letter is available to view.

## **2.0 RECOMMENDATION**

- 2.1 Officer's recommendation remains Approval.



<b>Agenda Item number:</b>	7.3
<b>Reference number:</b>	PA/11/3670
<b>Location:</b>	ASDA, 151 East Ferry Road
<b>Proposal:</b>	Hybrid planning application for demolition and comprehensive redevelopment






## 1.0 FURTHER REPRESENTATIONS

### 1.1 Friars Mead Boundary

1.2 Following the publication of the main report, a resident of Friars Mead contacted the case officer seeking confirmation that the proposal included boundary treatment along the eastern edge, which the developers had designed in response to consultation with residents whose rear gardens adjoin the development site.

1.3 The revised Design Code (Rev B) which is reference on Page 196 of the planning report includes the layout which was worked up with residents, as shown below:

#### Eastern Mews/Friars Mead Boundary Works

-  The following criteria for the Eastern Mews/ Friaras Mead boundary should be developed, in conjunction with the Friars Mead residents:
-  The existing flood protection bund is to be retained or replaced to provide the same level of protection as existing.
-  Trees should be retained wherever possible, though weaker specimens should be removed to make way for additional planting, with the inclusion of evergreen species to provide year round cover. The timing of bund works and its planting should occur early on in the construction programme to benefit Friars Mead residents as early as possible.
-  Adjacent and west of the bund a boundary wall, with acoustic performance, must be constructed and include individual gates linking as closely as possible to the location of gates from rear gardens at Friars Mead. Any paths between these gates should be kept as level as possible and their surface material to be of a quality in keeping with the rest of the development.
-  West of the boundary wall, and additional line of trees is to be provided by spacing car parking bays and allowing for areas of planting at their ends, to ensure that a distinct avenue of trees is visible when looking north or south along the Mews; a dual benefit for Mews and Friars Mead residents.



These principles are illustrated in the adjacent plan.

1. Play area: The play areas are to be developed as a natural play area, with a connection to the London City Mission Hall. The existing flood protection bund in this area is retained or replaced to provide the same level of flood protection.

2. The proposed wall is extends north.

3. Wall adjacent to cycle store in line with wall further south.

4. Trees will be retained where possible.

5. Consideration should be given to minimising the risk of children climbing on the roof of bike store.

6. Tree planting between the line of parking bays to provide an 'additional layer' of tree planting and shade parking bays

7. The wall includes individual gates linking as closely possible to locations of gates from rear gardens of Friars Mead. Any paths connecting to the gates are to be kept as level as possible.



1.4 The purpose of the Design Code is to inform how the reserved matters applications would be designed, and set out principles for development. The Design Code it specifies that the boundary should be developed in conjunction with Friars Mead residents. The indicative plan and accompanying notes are 'Illustrative' - setting out how matters could be addressed, but the final detail would be worked up at a later date.

1.5 Additionally, the Council is statutorily required to carry out public consultation upon the submission of a reserved matters application for this part of the site. Page 203, point 3.10 lists the conditions for Phase 5 of the development, and if planning permission were approved the first condition under this phase could read:

- 1.6 *"The details of reserved matters of the layout, scale, design and appearance of the buildings, the means of access thereto and the **landscaping as well as details of boundary treatments** and vehicular and cycle parking provisions shall be submitted to an approved in writing by the Local Planning Authority prior to the commencement of Development within Phase 5 **in consultation with residents**"*

*Reason: To ensure that the Local Planning Authority has control of those matters that have been reserved from the grant of outline planning permission and in accordance with DEV1 of the UDP, SPO1 of the CS and policies 7.6 and 7.7 of the London Plan.*

1.7 Brittania Pharmacy

- 1.8 A further representation has been received on behalf of Brittania Pharmacy, which currently sits within the existing ASDA store. The pharmacy is not satisfied with the officers response to their concern within the planning report (Page 222, point 7.4), and seeks confirmation that the Council would secure either by condition or Legal Agreement that a pharmacy would be secured within the scheme.

- 1.9 It is not appropriate to secure end users within the proposal beyond floorspace for the standard use classes (a pharmacy falls within Use Class A1 - Retail). Nevertheless, the proposal secures a significant amount of retail floorspace which could be used as a pharmacy if interest were shown. ASDA have confirmed that they are currently in discussions with Brittania Pharmacy regarding the renewal of their lease.

1.10 One Housing/Island Homes

- 1.11 The Council did not write to Island Homes/One Housing Group specifically as part of the notification exercise. Nevertheless, consultation letters were sent to every property along Glengall Grove (which would include One Housing/Island Homes tenants), addressed to owner/occupier in accordance with the statutory duty to consult and also in accordance with the Statement of Community Involvement which requires notification of neighbouring occupiers. Details of the proposal were also published in East End Life on two occasions within the last 8 months, and displayed site notices around the site on two occasions.

- 1.12 One Housing contacted the case officer raising concern regarding development taking place on land in their ownership, and the fact they had not been consulted.

- 1.13 Case officer confirmed that the proposal is only for development within the red-line site plan, and any development outside of this is indicative only. Accordingly, the scheme does not propose development on land owned by One Housing.

1.14 7 Letters from members of the public requesting the item be deferred

Requests received seeking this item be deferred as insufficient preparation time had been allowed, and the date falls within the holiday period.

- 1.15 The date and time of this meeting have been published, together with the calendar of Council meetings for this municipal year since the Council's Annual General Meeting on the 16<sup>th</sup> May.

- 1.16 Given the volume of planning applications that need to be considered by either the Development or Strategic Development Committees, the Council has determined that these Committees should continue to meet during the summer months.

- 1.17 Specific agenda items for each meeting are put together some time before the

meeting date itself and the final agenda is published and made publicly available a week before the meeting. In this instance the agenda was published and made available on the Council's web site on Wednesday the 8<sup>th</sup> August. This was in accordance with the Council's normal procedures. When a planning application is included on a Committee agenda, those who have made representations on the application are notified by the Council of the Committee date by letter despatched by 1<sup>st</sup> class post. In this instance these 236 letters dated the 9<sup>th</sup> August, were despatched on the morning of Friday 10<sup>th</sup> August and so should have been received by recipients the following day.

1.18 Accordingly, the decision has been taken to maintain the scheduled date and time.

1.19 1 additional letter of objection, re-iterating previous reasons for objection

1.20 No further comments.

1.21 1 additional letter of support

1.22 No further comments.

## 2.0 CLARIFICATION AND CORRECTIONS

2.1 Table 1, para 8.143, page 248 is amended as follows:

	Units	% of units	Habitable rooms	% Hab rooms
Affordable Social Rent	30	3.53%	191	<del>7.02%</del> 6.99%
Affordable Rent	108	12.71%	384	<del>14.11%</del> 14.05%
Affordable Intermediate	86	10.12%	273	<del>10.03%</del> 9.99%
<b>Total Affordable</b>	<b>224</b>	<b>26.35%</b>	<b>848</b>	<b><del>31.17%</del> 31.03%</b>
Market Sale	626	73.65%	<del>1873</del> 1885	<del>68.83%</del> 68.97%
<b>Total</b>	<b>850</b>	<b>100%</b>	<b><del>2721</del> 2733</b>	<b>100%</b>

2.2 The error in the report has minor implications upon the final percentages in this table, however the officers conclusion in para 8.145 remain unchanged.

2.3 Paragraph 8.316, page 268 refers to 3 carclub spaces, however this should read 2 car club spaces

2.4 Paragraph 8.334, page 271. Reference is made to 'Podium Level and above – Construction of Block G (Residential – up to 34 private units, 50 affordable units). This should be taken as deleted as this element of the scheme could come forward in phase 1 (Paragraph 8.330, page 270).

2.5 Paragraph 8.335, page 271.

- First bullet point: The proportion of 7%, 14% and 10% affordable housing by tenure should refer to habitable rooms, not housing units.

2.6 Paragraph 8.335, page 271, fourth bullet point and paragraph 3.1 (m), page 200.

- A varied obligation has been agreed for Phase 2, this being: no more than 70% market housing to be completed until 30% affordable housing completed;

no more than 80% market housing to be completed until 60% affordable housing completed; no more than 90% market housing to be completed until 100% affordable housing completed.

- 2.7 Paragraph 8.48, page 233 Clarification: The agreed funding would provide 1 year membership and a commitment by the operator to run the scheme for a minimum of 2 years.
- 2.8 Paragraph 8.60, page 234 states £873,903 agreed towards public realm improvements. This should be amended to read £881,275 as quoted elsewhere in the report.
- 2.9 Paragraph 8.173, page 252. The final figure of 1150sqm should be amended to read 1159sqm.
- 2.10 Paragraph 8.175, page 253. This paragraph is amended to read as follows:
- 2.11 The proposed approach to play overall is to deliver facilities for children aged 0 – 11 on site. The GLA's 'Providing for children and young people's play and informal recreation' SPG (2008) sets out targets for proportions of playspace by age group. This proportional approach to the child yield results in the need for 1489sqm of playspace for children aged 0 – 4, and 1413sqm of playspace for children aged 5 – 10. The scheme delivers 1420sqm of playspace for children aged 0 – 4 and 1240sqm of playspace for children aged 5 – 11. Combined, this delivers 2,660sqm of playspace onsite for children aged 0 – 11, thus providing a shortfall of 242sqm for children aged under 12.
- 2.12 Paragraph 8.176, page 253. The shortfall for children aged under 12 should read 1159sqm.

### **3.0 RECOMMENDATION**

- 3.1 Officer's recommendation remains Approval.



This page is intentionally left blank

# Agenda Item 6.2

<b>Committee:</b> Strategic Development	<b>Date:</b> 27th September 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development & Renewal <b>Case Officer:</b> Mandip Dhillon		<b>Title:</b> Planning Application for Decision <b>Ref No:</b> PA/11/03824 <b>Ward(s):</b> Blackwall and CubittTown	

## 1. APPLICATION DETAILS

**Location:** OrchardWharf, Orchard Place, London

**Existing Use:** Vacant/Brownfield Site

**Proposal:** 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.

**Drawing Nos:** Drawings:  
Figure 2.1 rev C  
Figure 2.2 rev D  
Figure 2.3 rev D  
Figure 2.4 rev D  
Figure 2.5 rev D  
Figure 2.6 rev C  
Figure 2.7 rev B  
Drawing 2565/20 rev B  
Figure 3

Documents:  
Design and Access Statement dated December 2011  
Energy Report (Planning Stage) dated December 2011  
Sustainable Design and construction Statement dated December 2011  
Non-Technical Summary (Environmental Statement) dated December 2011  
Lighting Assessment dated December 2011  
Statement of Community Involvement dated December 2011  
Planning Statement dated December 2011  
Environmental Statement dated December 2011

**Applicant:** Aggregate Industries UK Ltd & London Concrete Ltd

**Owner:** Port of London Authority and Grafton Group.

**Historic Building:** None

**Conservation Area:** None

## **2.0 RECOMMENDATION**

- 2.1 That the Committee notes the details of this report and officers' advice regarding the appropriate form of the suggested reasons for refusal when resolving to refuse this planning application.

## **3.0 BACKGROUND**

- 3.1 This application for planning permission was first reported to Strategic Development Committee on 31<sup>st</sup> May 2012 with an officer recommendation for approval. A copy of the case officers' report and update report containing the summary of material planning considerations, site and surroundings, policy framework, planning history and material planning considerations is attached at Appendices 1 & 2 to this item.

- 3.2 After consideration of the report and the update report, the committee resolved not to accept the officers' recommendation and was minded to refuse planning permission because of concerns over:

- The safeguarded status of OrchardWharf.
- The impact of the development on the FAT walk.
- Impact from noise and general use on the biodiversity of the site and the EastIndiaDockBasin.
- Impact of Noise on Neighbours.
- Transportation impacts.
- Design and Impact on Views.

- 3.3 In accordance with Rule 10.2 of the Constitution, and Rule 4.8 of the Development Procedure Rules, the application was deferred to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision.

- 3.4 An Information Report was issued to the Strategic Development Committee on 5<sup>th</sup> July 2012 (Appendix 3) to advise Members that a formal letter of objection had been submitted on behalf of the Council to the GLA Safeguarded Wharves Review 2011/2012 Consultation Draft document. The letter of objection raised formal objections to the safeguarding status of OrchardWharf due to the changing nature of the area around the application site. A copy of the Comments submitted is provided at Appendix 4.

- 3.5 On the 16<sup>th</sup> July 2012, the GLA released a further consultation draft of the Safeguarded Wharves Review 2011/2012 and provided a formal response to the objections lodged with regard to the safeguarded status of OrchardWharf. A copy (extracts only) of the formal response received from the GLA to the LBTH comments/representations is provided at Appendix 5. As a result of the release of this document alongside the formal response from the GLA, it was considered that these were fresh material considerations in the determination of the proposed development which warranted consideration of the application by the Strategic Development Committee. As such, the application was presented afresh on August 16<sup>th</sup> 2012 in light of the additional information and clarification, with an Officer recommendation for Approval (Appendix 6). The committee resolved not to accept the officers' recommendation and were minded to refuse planning permission for the same reasons given previously with the exception of the first reason relating to the safeguarded wharf status.



- 3.6 In accordance with Rule 10.2 of the Constitution, and Rule 4.8 of the Development Procedure Rules, the application was deferred to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision. The proposed reasons for refusal and implications are set out at Section 5.0 of this report.

#### **4.0 INFORMATION UPDATE**

##### London Thames Gateway Development Corporation (LTGDC)

- 4.1 As a cross boundary planning application, an identical application was submitted to the LTGDC for determination. On the 23<sup>rd</sup> August 2012, the LTGDC resolved to accept the officers' recommendation and grant planning permission for the proposed works within the LTGDC boundary area.
- 4.2 During the committee discussions, LTGDC Members resolved to add further conditions and Heads of Terms to the S106 agreement. The details agreed included a strengthened condition restricting the hours of operation to specific noise levels which should not be exceeded at the site. A further condition included an overall limit to the level of aggregate and cement imported into the site, this condition limits the production at the application site to prevent further intensification and impact on local residents. A condition requiring details of the ongoing maintenance of the buildings and structures at the site has also been imposed to ensure that the external appearance of the site is acceptable at all times and maintained by the Applicant. An additional provision has also been secured within the S106 to ensure that the Orchard Place (from Orchard Wharf to the eastern boundary of the site up to A1020) is to be cleaned on a daily basis at or around 12 noon.
- 4.3 Officers at LTGDC will be issuing the decision notice and S106 prior to the 26<sup>th</sup> September 2012, when the Corporation are dissolved at the functions return to LB Tower Hamlets. The planning decision notice of the LTGDC includes a Grampian condition preventing implementation of all works within the LTGDC area until approval is given for the works within the LBTH. This Grampian condition is imposed in order to deliver the key London Plan objective of providing a sustainable development and ensuring the delivery of the Jetty and Ship to Shore Conveyor.

##### GLA – Stage II Report

- 4.4 On the 11<sup>th</sup> September 2012, the GLA issued their Stage II report to the LTGDC, advising that they were content to allow the Corporation to determine the case, subject to any action the Secretary of State may take, and do not therefore wish to direct refusal. The GLA comments further identified how the revision made to the scheme and the financial and non-financial contributions secured had overcome all of the concerns raised within the Stage I report, issued on 29<sup>th</sup> February 2012.

#### **5 CONSIDERATION OF REASONS**

- 5.1 Members have raised 5 matters of concern on which they resolved that they were minded to refuse this application. The following are suggested reasons for refusal based on these concerns, followed by officer's comments and advice pertaining to each of the proposed reasons.
- 5.2 Officers are recommending that only Reason 1 and 5 should be carried forward by Members when refusing the application, and do not consider that Reasons 2, 3 or 4 are appropriate or able to be defended at appeal. Reasons 1 and 5 have been consolidated at paragraph 6.1 of this Report, which sets out the reason for refusal which officers recommend in respect of this application.

## Suggested reasons for refusal & officer comments

### Reason 1

- 5.3 By reason of the introduction of a use which would fail to complement the setting of East India Dock Basin, the proposal would fail to enhance the quality and usability of the FAT Walk as it terminates at the East India Dock Basin. As such the scheme is contrary to policies SP04 and SP10 of the Core Strategy Development Plan Document 2010 and policy DM10 of the Managing Development DPD Proposed Submission Version 2012, which seek to protect and improve access to publicly accessible open spaces which include the FAT Walk.

### Officer's Comments

- 5.4 Members indicated that as the FAT Walk terminates at the East India Dock Basin, it is not considered that the proposed concrete batching plant and aggregate storage depot, which would be located at the end of the walkway, would enhance the quality and usability of the FAT Walk. A further condition was imposed by Members of the LTGDC Board, which is proposed to be issued by the LTGDC which requests a strategy for the ongoing maintenance of the buildings and structures within the site.

Whilst LTGDC have imposed a further condition with regard to the future appearance of the structures and buildings on site, Officers consider on balance that this is an acceptable reason for refusal.

### Reason 2

- 5.5 The proposal fails to protect biodiversity in terms of both enjoyment of Biodiversity assets by visitors, and impacts on habitat and birds. It causes significant harm to habitat within the application site, which is used by breeding birds including shelduck and the protected Black Redstart. It could also cause significant disturbance to birds, particularly Teal, at East India Dock Basin as well as resulting in significant impacts relating to the enjoyment of biodiversity of visitors to this Site of Nature Conservation Importance, by reason of the noise disturbance associated with the proposed use. The proposal therefore fails to accord with policies 7.14, 7.15 and 7.19 of the London Plan 2011, policies DEV2 and DEV50 of the Unitary Development Plan 1998, policies DM11 and DM25 of the Managing Development DPD (Submission Version May 2012) and Policies SP03 and SP04 of the Core Strategy 2010 and the National Planning Policy Framework 2012.

### Officer's Comments

- 5.6 The applicants included a full Biodiversity Survey within their Environmental Statement which considered the impacts of the development on both the application site and the East India Dock Basin. In addition to the findings of the survey work, the Local Planning authority in consultation with the Lea Valley Regional Park Authority sought off-site mitigation to provide enhancements and de-silting works for the East India Dock Basin to encourage an environment at the East India Dock Basin which was more favourable to less noise sensitive birds.
- 5.7 The LTGDC have assessed the Biodiversity matters within this planning application and have resolved to grant planning permission as it is considered that the measures proposed coupled with the obligations secured mitigate against the impact of the proposed development.
- 5.8 Considering this, Officers do not consider that impacts on biodiversity constitute a defensible reason for refusal on this planning application.

### Reason 3

- 5.9 The proposed industrial development is situated in an emerging residential led mixed use area and its proposed use would detrimentally affect the amenity enjoyed by existing and future occupants and visitors by virtue of noise generation from the use and its associated vehicular movements. As such the scheme is contrary to 7.15 of the London Plan 2011, saved policies DEV2 and DEV50 of the Unitary Development Plan 1998, policies SP03 and SP10 of the core Strategy 2010 and policy DM25 of the Managing Development DPD Submission Version 2012.

Officer's Comments

- 5.10 The application included a Noise Assessment which formed part of the Environmental Assessment. Members raised concerns at the planning committee with regard to the increased noise levels on local roads arising from increased vehicular movements. The Councils Environmental Health Officer has advised that road traffic noise arising from the increased vehicular movements are not considered in noise assessments for proposed developments.
- 5.11 The proposed industrial use also has associated noise levels which potentially impact upon local residential amenity. Officers would however note that it has been demonstrated within the application that the impacts of the proposed noise can be appropriately mitigated.
- 5.12 The LTGDC have assessed the Noise impacts of this planning application and have resolved to grant planning permission as it is considered that the measures proposed coupled with the obligations secured mitigate against the impact of the proposed development.
- 5.13 While the above reason has been derived on the basis of the Members' concerns, given the ability to mitigate the concerns of the noise impact through the imposition of conditions and planning obligations, officers do not consider that this is an appropriate reason for refusal.
- 5.14 Considering this, Officers do not consider that impacts of noise generation constitute a defensible reason for refusal on this planning application.

Reason 4

- 5.15 The proposal will increase vehicular movements along Orchard Place resulting in an unacceptable vehicular and pedestrian conflict within the immediate locality to the detriment of highway safety and adversely affecting the freeflow of traffic, contrary to policy 6.7 of the London Plan (2011), policies SP09 and SP10 of the Core Strategy Local Development Framework (2010), saved policies DEV2, T16 and T19 of the Council's Unitary Development Plan (1998), policies DEV1 and DEV17 of the Council's Interim Planning Guidance (October 2007) and policies DM20, DM21 and DM25 of the Managing Development DPD (Submission Version May 2012).

Officer's Comments

- 5.16 Members indicated that they considered that the number of vehicular movements arising from this development was excessive and would cause an unacceptable impact on the vehicular and pedestrian movements on Orchard Place. It was also considered that as a high number of people use Orchard Place to access Trinity Buoy Wharf, there was the potential to cause conflict on the road. Officers wish to advise that the application has been through substantial discussion and negotiation with both the Council and TfL's Highway engineers, and the impacts of the proposal are not considered to cause transportation impacts. As such, it is not considered that this reason is an appropriate reason for refusal.
- 5.17 The LTGDC have assessed the Transportation matters within this planning

application and have resolved to grant planning permission as it is considered that the proposal does not give rise to a substantial increase in vehicular movements or cause a concern for highway safety in the area. In addition, the LTGDC have imposed an additional condition restricting the total quantity of aggregates and cement imported to the site to prevent intensification of the site.

- 5.18 As such, Officers do not consider that impacts on transportation constitute a defensible reason for refusal on this planning application.

#### Reason 5

- 5.19 The proposal, in terms of its design, bulk, elevational treatment and impact upon views represents an inappropriate form of development and fails to preserve or enhance the character, appearance and townscape setting of this prominent riverfront location. As such, the proposal fails to accord with policies DEV1 and DEV8 of the Unitary Development Plan 1998, policies SO20, SO21, SO22, SO23 and SP10 of the Core Strategy 2010, policies CON5 and DEV2 of the Interim Planning Guidance 2007 and policies DM24 of the Managing Development DPD (Submission Version 2012).

#### Officer's Comments

- 5.20 Members indicated that they considered that the proposal failed to provide an appropriate design solution in this prominent riverfront location. Whilst the design is typical of an industrial site and building, it is not considered by Members that this is appropriate in this location.
- 5.21 This is considered to be an appropriate reason for refusal.

#### **Implications of the decision**

- 5.22 Following the refusal of the application the following options are open to the Applicant. These would include (though not be limited to):

1. The applicant could appeal the decision and submit an award of costs application against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

*"Planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council".*

2. There are two financial implications arising from appeals against the Council's decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of "unreasonable behaviour". Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests of CIL Regulations 2010 (Regulation 122).
3. The Council would vigorously defend any appeal.

#### **6.0 SUGGESTED REASONS FOR REFUSAL**

- 6.1 If the Committee is still minded to refuse the application, subject to any **direction** by **The Mayor of London**, officers consider that the appropriate reasons for refusal should read:
- 6.2 1. The proposal, in terms of its design, bulk, elevational treatment and impact upon views represents an inappropriate form of development and fails to preserve or

enhance the character, appearance and townscape setting of this prominent riverfront location. The scheme would also fail to enhance the quality and usability of the FAT Walk as it terminates at the East India Dock Basin. As such, the proposal fails to accord with policies DEV1 and DEV8 of the Unitary Development Plan 1998, policies SO20, SO21, SO22, SO23, SP04 and SP10 of the Core Strategy 2010, policies CON5 and DEV2 of the Interim Planning Guidance 2007 and policies DM10 and DM24 of the Managing Development DPD (Submission Version 2012).

## **7.0 CONCLUSION**

7.1 All relevant policies and considerations have been taken into account. It is recommended that Members consider the draft reason for refusal and officers comments alongside the previous reports and addendum reports presented to the Strategic Development Committee on 31<sup>st</sup> May 2012, the Information Report presented on the 5<sup>th</sup> July 2012 and the Committee Report of the 16<sup>th</sup> August 2012 (see Appendix one, two and five) and determine the planning application as they see fit.

## **8.0 APPENDICES**

- 8.1 Appendix One - Committee Report to Members on 31<sup>st</sup> May 2012
- 8.2 Appendix Two – Addendum Report to Members on 31<sup>st</sup> May 2012
- 8.3 Appendix Three – Information Report to Members on 5<sup>th</sup> July 2012
- 8.4 Appendix Four – Objections Raised to Safeguarded wharves Review 2011/2012
- 8.5 Appendix Five - Safeguarded Wharves 2011/2012- GLA Response to representations submitted (Extract only)
- 8.6 Appendix Six – Committee Report to Members on 16<sup>th</sup> August 2012

This page is intentionally left blank

# Agenda Item 9.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 31 <sup>st</sup> May 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 9. 1
<b>Report of:</b> Corporate Director Development & Renewal  <b>Case Officer:</b> Mandip Dhillon		<b>Title:</b> Planning Application for Decision  <b>Ref No:</b> PA/11/03824  <b>Ward(s):</b> Blackwall and Cubitt Town	

## 1. APPLICATION DETAILS

**Location:** Orchard Wharf, Orchard Place, London

**Existing Use:** Vacant/Brownfield Site

**Proposal:** 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.

**Drawing Nos:** Drawings:  
Figure 2.1 rev C  
Figure 2.2 rev D  
Figure 2.3 rev D  
Figure 2.4 rev D  
Figure 2.5 rev D  
Figure 2.6 rev C  
Figure 2.7 rev B  
Drawing 2565/20 rev B  
Figure 3

### Documents:

Design and Access Statement dated December 2011  
Energy Report (Planning Stage) dated December 2011  
Sustainable Design and construction Statement dated December 2011  
Non-Technical Summary (Environmental Statement) dated December 2011  
Lighting Assessment dated December 2011  
Statement of Community Involvement dated December 2011  
Planning Statement dated December 2011  
Environmental Statement dated December 2011

**Applicant:** Aggregate Industries UK Ltd & London Concrete Ltd

**Owner:** Port of London Authority and Grafton Group.

**Historic Building:** None

**Conservation Area:** None

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Development Management DPD (Proposed Submission Version 2012); as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:

- In land use terms, the national safeguarding of the application site supports the principle of re-activating the site for aggregate storage and concrete batching. The proposal therefore accords with policies 7.24, 7.26 and 7.30 of the London Plan 2011, policy SP12 of the Core Strategy 2010 and site allocation LS22 of the Leaside Area Action Plan 2007.
- Given the safeguarded wharf status of the site, the proposed development is considered appropriate in terms of design, bulk and scale and massing. The design and scale of the new building is in keeping with the surrounding properties in terms of general building line and height. This accords with saved policy DEV1 of the Unitary Development Plan 1998; strategic objectives and policies SO20, SO21, SO22, SO23 and SP10 of the Core Strategy 2010, policies DM23 and DM34 of the Managing Development DPD Submission Version May 2012 and DEV2 of the Interim Planning Guidance 2007.
- Given the safeguarded wharf status of the site, the proposals are considered to be acceptable in relation to local views and value of the East India Dock Basin nature reserve and riverfront views into the site. The proposal therefore accords with DEV8 of the Unitary Development Plan 1998, CON5 of the Interim Planning Guidance 2007 and SP10 of the Core Strategy 2010.
- Given the location of the surrounding listed buildings and structures which are not within the immediate vicinity of the site, it is considered that the proposals would not detrimentally impact upon the setting of the adjoining heritage assets. The proposal is considered to be in accordance with policies CON1 and CON2 of the Interim Planning Guidance 2007, SP10 of the Core Strategy 2010 and DM27 of the Managing Development DPD Submission Version May 2012.
- On balance, the buffer zone and noise mitigation measures proposed are considered to provide adequate measures to ensure the amenity of existing and future adjoining occupiers. The proposal is therefore considered to accord with policies 7.14 and 7.15 of the London Plan 2011, saved policies DEV2 and DEV50 of the Unitary Development Plan 1998, policies SP02, SP03 and SP10 of the Core Strategy 2010 and policies DM9 and DM25 of the Managing Development DPD Submission Version May 2012 which seek to ensure that development proposals reduce noise minimising the potential adverse impact on amenity.
- The proposed development, by virtue of its scale, design and massing is not considered to result in the loss of daylight and sunlight surrounding the site. In addition the distance and orientation of the proposed office building is unlikely to cause any loss of privacy to the live work units at Orchard Place or adjoining occupiers. The proposals are considered to accord with policy SP10 of the Core Strategy 2010, saved policy DEV2 of the Unitary Development Plan and policy DM25 of the Managing Development DPD Submission Version May 2012 which seek to protect the amenity of existing a future occupiers.
- On balance, it is considered that the proposed works both on-site and off-site



sufficiently seek to protect the biodiversity of the site and enhance the biodiversity of the adjacent East India Dock Basin (EIDB). If all the proposed on-site mitigation and the de-silting of EIDB are carried out successfully, this should result in a net gain in Biodiversity which results in a neutral impact on its recreational amenity value in accordance with the National Planning Policy Framework. The works are therefore considered to accord with policy 7.19 of the London Plan 2011 and policy SP04 of the Core Strategy 2010 and the National Planning Policy Framework.

- Subject to the imposition of conditions, the proposal is considered to reduce the impact and risk of flooding. The proposal therefore accords with policy 5.12 of the London Plan 2011, saved policy U2 of the Unitary Development Plan 1998, policy DEV21 of the Interim Planning Guidance 2007 and policy SP04 of the Core Strategy 2010.
- On balance, it is considered that sustainability matters, including energy are acceptable and accord with policies 5.2 to 5.7 of the London Plan 2011, policy SP11 of the Core Strategy 2010, policy DM29 of the Managing Development DPD Submission Version May 2012 and policies DEV5 to DEV9 of the Interim Planning Guidance 2007, which seek to promote sustainable development practices.
- On balance, transport matters, including parking, access and servicing, are considered acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy 2010 and DM20 and DM22 of the Managing Development DPD Submission Version May 2012, which seek to ensure developments minimise parking and promote sustainable transport options.
- The proposed development will provide appropriate contributions towards the provision of biodiversity enhancements, noise insulation works, highway improvement works, the extension of the Thames Path and employment and enterprise initiatives in line with policy DEV4 of the Council's Unitary Development Plan 1998, policy IMP1 of the Council's Interim Planning Guidance 2007 and the Planning Obligations SPD 2012, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATIONS

#### RECOMMENDATION 1

3.1 That the Committee resolve to **GRANT** planning permission subject to:

A. Any **direction** by **The Mayor of London**

B The decision of **London Thames Gateway Development Corporation** to grant planning permission

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

#### Financial Obligations

- a) £250,000 towards biodiversity enhancements at the East India Dock Basin
- b) £14,768 towards Employment and Enterprise

Total Financial Contribution **£264,768**

#### Non-Financial Obligations

- a) Noise Insulation Works and Ventilation scheme for 42-44 Orchard Place;
- b) Highway Works including the resurfacing of Orchard Place;
- c) Travel Plan;
- d) Employment and Training;
- e) Thames Path extension through the application site; and
- f) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **CONDITIONS & INFORMATIVES**

- Submission of reserved matters within 3 years
- Commencement of development no later than 2 years from final approval of reserved matters
- Development not to be implemented without LTGDC planning permission also granted
- Approved plans
- No works carried out until S106 agreement entered into
- Details of materials
- Details of landscaping
- Strategy to maximise the use of the River Thames for construction and waste
- All aggregates (including sand) and cement to enter the site by river
- Cycle storage
- Staff and visitor parking
- All parking relating to operation, servicing, delivery, visitation and/or staffing to be within the site boundaries
- Hours of operation
- Noise management strategy
- Dust management strategy
- Programme of archaeological work
- Four stage contamination assessment
- Contamination verification report
- Actions if contamination not previously identified is found
- Report into the condition of river wall/flood defences
- Safe flood refuge area
- Hydraulic engineering reports to inform jetty design
- Surface water drainage scheme
- Details of roof runoff
- Development to be carried out in accordance with the Flood Risk Assessment
- Piling or other foundation designs to be submitted and approved
- Ecological management plan
- Minimisation of light spill onto the River Thames
- Working method statement for all works on the river side of the site
- Details of refuse storage area
- Construction environmental management plan
- Deliveries and servicing plan
- Energy strategy

3.4 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

### 3.5 **Informatives:**

- 1) S106 agreement
- 2) S278 agreement
- 3) Thames Water will aim to provide customers with a minimum pressure of 10m (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4) London City Airport informative: It should be noted that this informative applies to the completed structure at a maximum of 23.5m AOD. In the event that during construction, carnage or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation to London City Airport. It is advised that the attention of crane operators be brought to the British Standard Code of Practice for the same use of cranes, British Standard Institute 7121: Part 1:1989 (as amended).
- 5) Applicant is advised to contact LBTH Building Control to ensure the development meets Building Regulation Approval.

3.6 Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.7 That the Corporate Director Development & Renewal is delegated power to engage with LTGDC and the applicant to negotiate the legal agreement indicated above.

3.8 That, if within 3 months of the date of this committee, the LTGDC committee or any direction by the Mayor of London (whichever is later) the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

### **RECOMMENDATION 2**

3.9 The London Borough of Tower Hamlets has received a request for Observations from LTGDC for the duplicate application submitted within its boundary area.

3.10 Should Members be resolved to grant planning permission for the development, it is recommended that the Council writes to the LTGDC to **formally support** the duplicate application submitted in respect of the LTGDC boundary area.

## **4. PROPOSAL AND LOCATION DETAILS**

### **Site and Surroundings**

#### The application site

4.1 The site is a 1.72ha parcel of land located on the southern side of Orchard Place. The application straddles two planning boundaries, located partly within the LB of Tower Hamlets and partly within the London Thames Gateway Development Corporation (LTGDC). Identical planning applications have been submitted to both planning authorities for determination, and both authorities are to determine the application as a whole, regardless of their respective boundaries. Any consent granted at the site would be subject to the imposition of Grampian condition which requires both authorities, LB Tower Hamlets and LTGDC issuing planning consent before the development can proceed.

4.2 Part of the site is currently in the ownership of the Port of London Authority and part of the site is in the ownership of the Grafton Group. To date the Grafton Group have objected to the proposed works at the application site. The Port of London Authority have therefore

advised that should the objection be retained, following the grant of any consent issued at the site, they will invoke their statutory powers to re-activate the wharf through Compulsory Purchase of the site (CPO).

- 4.3 The site is unoccupied and mostly cleared of structures with the exception of a few buildings. The first comprises a large industrial building of brick and sheet metal construction roughly two storeys in height located in the northern corner of the site. A second brick built industrial building (of roughly the same size as the first) is located in the north eastern corner of the site, and a single storey brick building is located along the northern boundary of the site fronting Orchard Place.
- 4.4 The site was safeguarded as a wharf by Direction of the Secretary of State in 1997. Whilst the site has been safeguarded since 1997, the use of the site for aggregate storage and handling ceased in 1993 and the site has been vacant since then.
- 4.5 Along the southern boundary of the site run flood defence walls alongside the River Thames. These have recently been upgraded by the Environment Agency and occupy the entire length of the southern boundary. Beyond these defences are the inter-tidal mudflats of the River Thames and the River Lea.
- 4.6 Directly adjacent to the west of the site is East India Dock Basin (EIDB), which was converted by the London Docklands Development Corporation in the 1990s from a disused dock into an area of parkland and natural habitat now designated as Metropolitan Open Land (MOL). The works to the Basin have resulted in its designation as a Site of Interest for Nature Conservation (SINC). The Basin also features Grade II listed lock structures and the entire space is managed by the Lea Valley Regional Park Authority.
- 4.7 Beyond the EIDB, approximately 100 metres to the west of the site is the Virginia Quay development. Virginia Quay is characterised by circa 1990s residential buildings ranging from terraced housing to flatted development between four and 12 storeys in height.
- 4.8 To the east of the site, the areas are predominantly industrial and business use in character. Directly adjacent is a large industrial shed that occupies the site's entire eastern boundary. Other uses to the east include open yards for vehicle storage, bespoke office accommodation, gallery space, a day care centre, café uses and ferry maintenance and storage. At the eastern end of Orchard Place is Trinity Buoy Wharf which contains two Grade II listed buildings and a school.
- 4.9 To the north of the site is a converted live work development, known as 42-44 Orchard Place. The building is located on the northern side of Orchard Place and sits opposite the application site. Originally intended as a live/work scheme, it is understood to now be in full residential occupation. The building is part four, part five storeys containing 20 residential units. Planning permission for this scheme was granted on 7<sup>th</sup> October 1999 (LBTH reference: PA/09/00170).
- 4.10 Further to the north of the site is the Leamouth Peninsula, formerly the Pura Foods site. This site has outline planning permission for up to 1,706 residential units as well as office, leisure, retail and community uses which was granted planning permission by LTGDC on 28<sup>th</sup> November 2011 (LBTH reference PA/10/01864).
- 4.11 The site is connected to the surrounding area via the junction of Orchard Place with the A1020 Lower Lea Crossing. This route provides links into Central London to the west, the Royal Docks and Essex to the east, north London via connections to the A12 and south London via the Blackwall Tunnel.
- 4.12 The nearest public transport facilities are the East India DLR station, roughly 500 metres to the west and the bus services associated with the residential developments around Virginia

Quay and the Tower Hamlets Civic Centre. In future, an additional bus route will serve the Leamouth Peninsula site to the north, once this development has been implemented.

- 4.13 Whilst pedestrian and cycle routes are provided along the Lower Lea Crossing the pedestrian environment is poor due to the high volume of vehicular traffic.

### **Proposal**

- 4.14 The application is submitted on behalf of Aggregate Industries UK and London Concrete Ltd and seeks planning consent for a cross boundary, part outline, part full planning permission for the 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.
- 4.15 The full detail of this planning application relates to landside activities including the batching plant, cement storage and aggregate storage. The outline element of the scheme relates to all riverside structures including the jetty and ship to shore conveyor.
- 4.16 The layout of the site is arranged with the concrete batching plant on the western boundary and the cement storage structure occupying the eastern third of the site. The aggregate storage facilities are positioned along the southern site boundary and the office accommodate in the northern corner of the site.
- 4.17 The concrete batching plant is proposed to be contained within two primary buildings linked by enclosed conveyors to a feed hopper.
- 4.18 The cement storage facilities comprise six cement storage silos. The building is flanked on its eastern and western sides by cement loading stations with weighbridges. An additional weighbridge with an office and wheel washing facilities is located to the west of the cement storage facilities.
- 4.19 The aggregate storage facilities are positioned on the southern boundary of the site in order to receive imported aggregates arriving to the site from the River Thames.
- 4.20 The office accommodation in the northern corner of the site comprises a two storey building including toilets, catering facilities and a brown roof. The northern area of the site also comprises of a covered parking area with a brown roof, cycle parking facilities are also provided on-site.
- 4.21 The outline element of the proposal allows for a 63 metre jetty arm to extend out into the River Thames to an unloading area capable of handling a 90 metre aggregate barge. The jetty element envisages a mobile grab unloader, discharge hopper, cement pipeline and ship to shore conveyor. The specific details of these facilities do not form part of this application and will be the subject of related reserved matters.
- 4.22 The proposed operating hours for the development varies for the different facilities/operations and are set out below:
- Concrete batching plant: 0700-1900 Monday to Friday and 0700-1300 Saturday;
  - Shovel loaders associated with the aggregate storage facility: 0700-1800 Monday to Friday and 0700-1300 Saturday;
  - Cement terminal: 0600-1800 Monday to Friday and 0600-1300 Saturday;
  - Loading and unloading of barges and ships: 0700-2300 Monday to Saturday.

No operation shall occur on Sundays or Bank Holidays.

- 4.23 The proposal intends to utilise the existing site entrance for access to the aggregate and

cement storage facilities. A second, new access is to be provided to the west of the existing entrance for access to the concrete batching plant and site office.

4.24 The application also proposes a 10 metre wide extension of the Thames Path from East India Dock Basin to Orchard Place along the southern and eastern boundaries of the site.

4.25 In addition the proposals include landscaping and buffer zones to the northern, western and southern boundaries of the site. Provision of boundary treatments which preserve habitat and species which exist on the site are also incorporated into the design.

## **Relevant Planning History**

### Application Site

4.26 PA/10/2788 In 2010, the LTGDC received an application similar to the current proposals 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.

The planning application was withdrawn on 15<sup>th</sup> December 2011 because the planning application boundary did not fall wholly within LTDGC's jurisdiction, part of the site was also with the LB Tower Hamlets.

### Adjoining sites

#### **42-44 Orchard Place, London**

4.27 ID/89/00109 Planning permission was granted on 21<sup>st</sup> September 1989 for the conversion of the existing warehouse to an arts centre and entertainment facility with public bar.

4.28 PA/99/00170 Planning permission was granted on 7<sup>th</sup> October 1999 for the renovation, extension and conversion of existing warehouse buildings into mixed use B1 office (360 sq.m) and 20 no. live/work units with ancillary car parking.

#### **Leamouth Peninsula North, Orchard Place**

4.29 PA/10/1864 Consent was granted by the LTGDC on 28<sup>th</sup> November 2011 for a 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.

4.30 PA/07/1730 Planning permission was granted on 11<sup>th</sup> April 2008 for the erection of a building (25.5m) in the south-western part of the Leamouth Peninsula North to accommodate the proposed community centre (with a temporary interim use as a marketing suite) and electrical sub-station. 22 temporary car parking spaces and associated temporary and part permanent landscaping.

## 5. POLICY FRAMEWORK

5.1 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:

### **Spatial Development Strategy for Greater London (London Plan 2011)**

- 2.9 Inner London
- 2.18 Green Infrastructure: the network of open and green spaces
- 3.2 Improving health and addressing health inequalities
- 4.1 Developing London’s economy
- 4.4 Managing Industrial Land and Premises
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management

- 5.13 Sustainable drainage
- 5.14 Water quality and waste infrastructure
- 5.15 Water use and supplies
- 5.20 Aggregates
- 5.21 Contaminated land
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.7 Better streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 6.14 Freight
- 7.1 Building London's neighbourhoods and communities
- 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
- 7.9 Heritage-led regeneration
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.17 Metropolitan Open Land
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands
- 7.24 Blue Ribbon Network
- 7.26 Increasing the use of the Blue Ribbon Network for Freight Transport
- 7.27 Blue Ribbon Network: Supporting Infrastructure and Recreational Use
- 7.29 The River Thames
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

### **Unitary Development Plan 1998 (as saved September 2007)**

Proposals: Industrial Employment Area  
Archaeological Priority Area  
Flood Risk Zone

Policies: DEV1 Design Requirements  
DEV2 Environmental Requirements  
DEV4 Planning Obligations  
DEV8 Protection of Local Views  
DEV12 Provision of Landscaping in Development  
DEV15 Retention/Replacement of Mature Trees  
DEV43 Protection of Archaeological Heritage  
DEV44 Preservation of Archaeological Remains  
DEV46 Protection of Waterway Corridors



DEV48	Strategic Riverside Walkways and New Development
DEV49	Moored Vessels and Structures
DEV50	Noise
DEV51	Soil Tests
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Development Affecting Nature Conservation Areas
DEV63	Designation of Green Chains
DEV64	Strategic Riverside Walkways
DEV65	Protection of Existing Walkways
DEV66	Creation of New Walkways
DEV69	Efficient Use of Water
EMP1	Encouraging New Employment Uses
T7	The Road Hierarchy
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T19	Priorities for Pedestrian Initiatives
T21	Pedestrian Needs in New Development
T26	Use of the Waterways for Freight
T27	New Aggregate Handling Facilities
OS1	Reservation of Sites
OS6	Designation of Metropolitan Open Land
OS14	Lee Valley Regional Park
U2	Tidal and Flood Defences

### **Core Strategy Development Plan Document (September 2010)**

Policies:	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Placemaking – Leamouth (LAP 7&8)
	SP13	Delivering and implementation

### **Managing Development Development Plan Document – Proposed Submission Version May 2012**

Proposals:	Archaeological Priority Area
	Flood Risk Zone
	Safeguarded Wharf
	Thames Policy Area

Policies:	DM9	Improving air quality
	DM10	Delivering open space
	DM11	Living buildings and biodiversity
	DM12	Water spaces
	DM13	Sustainable drainage
	DM14	Managing waste
	DM15	Local job creation and investment
	DM20	Supporting a sustainable transport network
	DM21	Sustainable Transport of Freight

DM22	Parking
DM23	Streets and public realm
DM24	Place-sensitive design
DM25	Amenity
DM26	Building heights
DM27	Heritage and the historic environment
DM29	Achieving a zero-carbon borough and addressing climate change
DM30	Contaminated land

### **Interim Planning Guidance (2007) for the purposes of Development Control**

Proposals: Archaeological Priority Area  
Leaside Area Action Plan  
Flood Risk Zone

Policies:

IMP1	Planning Obligations
DEV1	Amenity
DEV2	Character and Design
DEV3	Accessibility and Inclusive Design
DEV4	Safety and Security
DEV5	Sustainable Design
DEV6	Energy Efficiency and Renewable Energy
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV25	Social Impact Assessment
OSN1	Metropolitan Open Land
OSN3	Blue Ribbon Network and the Thames Policy Area
CON1	Listed Buildings
CON4	Archaeology and Ancient Monuments
CON5	Protection and Management of Important Views
U1	Utilities

### **Interim Planning Guidance – Other Leaside Area Action Plan, November 2007**

Site Allocation : LS22 Orchard Wharf

Policies:

L1	Leaside Spatial Strategy (partially retained – parts 1, 2, 3a, 3c, 3d and 5)
L2	Transport
L3	Connectivity
L4	Water Space
L5	Open Space

L6	Flooding
L9	Infrastructure and services
L10	Waste
L38	Employment Uses in Leamouth sub-area
L41	Local Connectivity in Leamouth sub-area
L42	Design and Built form in Leamouth sub-area
L43	Site Allocations in Leamouth sub-area

### **Supplementary Planning Guidance/Documents**

#### **London Plan**

London View Management Framework (LVMF) Supplementary Planning Guidance (July 2011)

Safeguarded Wharves on the River Thames- Jan 2005

Sub Regional Development Framework: East London- May 2005

Lower Lea Valley Opportunity Area Planning Framework – Jan 2007

Safeguarded Wharves Review 2011/2012- Consultation draft October 2011

#### **LBTH**

Planning Obligations SPD 2012

#### **English Heritage**

The Setting of Heritage Assets: English Heritage Guidance (May 2011)

### **Government Planning Policy Guidance/Statements**

NPPF	National Planning Policy Framework
PPS10	Planning for Sustainable Waste
MPG14	Environment Act 1995: Review of Mineral Planning Permissions
	National and regional guidelines for aggregates provision in England 2005-2020

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

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

## **6. CONSULTATION RESPONSE**

6.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

#### **LBTH Transport and Highways**

6.3 Highways have no objection to the scheme, subject to the imposition of conditions to secure:

- Construction Management Plan
- All private forecourt areas to be drained within the site and not onto the public highway
- A scheme of highway improvement works
- S278 agreement to be secured

*(Officer comment: Conditions and informatives will be imposed on any planning consent issued)*

### **LBTH Biodiversity**

6.4 The Ecology chapter of the Environmental Statement is considered to be a fair and accurate assessment of importance and impacts.

The ES conclusion that the proposal will not have a significant residual ecological impact if all mitigation is implemented relies on all the proposed habitat creation being successful, and noise reduction measures preventing disturbance to birds on East India Dock Basin. The reaction of birds to disturbance is unpredictable so the potential for significant adverse impacts cannot be totally ruled out.

A further impact upon East India Dock Basin is envisaged to people's enjoyment of the nature of the area.

The Biodiversity Officer recommends that further mitigation is required if planning permission is to be granted. Paragraph 6.8.6 of the ES is referred to where it states that all possible measures to reduce impacts and create new habitat within the application site are included in the proposal. Therefore, an off site contribution toward the de-silting of East India Dock Basin is recommended as a way of compensating the loss of enjoyment of nature and to ensure an overall gain in biodiversity.

*(Officer Comment: Biodiversity Enhancement and mitigation have been secured through off-site enhancements at the East India Dock Basin.)*

### **LBTH Energy**

6.5 Whilst the development is not achieving the policy DM29 requirement of 35% reduction in CO2 emissions, it is acknowledged that this target is not achievable due to the type of development and constraints of the site. Therefore, the 6% reduction in CO2 emissions proposed through the use of PV cells is considered to be acceptable.

*(Officer Comment: A condition will be imposed to secure the energy strategy at the site.)*

### **LBTH Environmental Health**

6.6 Contaminated Land

The Phase 1 desk study report has been reviewed and a contamination condition recommended.

*(Officer Comment: A condition to secure further survey work is proposed to be imposed on any consent issued.)*

### Noise/Acoustics

Following a review of Sharps Acoustic report, if the proposed mitigation (road resurfacing

and provision of noise insulation); no objections are raised.

*(Officer Comment: The mitigation measures proposed will be secured through the S106 agreement.)*

### **LBTH Employment and Enterprise**

- 6.7 Due to the unique nature of the site and its employment density the council will consider an alternative to financial contributions. The alternative provision should produce suitable outputs that exceed that of the financial investment. It is proposed that as an alternative to the £14,768 contribution (this includes construction phase £10,459K and end-phase £4,309K), the council will be seeking the following in-kind offer:

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.

To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list (Construction Line), and the East London Business Place.

Suggested in-kind offer:

The developer offers an employment training package/apprenticeship which enables 6 local LBTH residents to undertake construction pre-employment training which would include obtaining a CSCS card. As well as this, they receive plant operative specific training (CPCS) and complete an on-site assessment to achieve a NVQ level 2 qualification.

The developer commits to employing 6 local LBTH residents (20% of the 30 FTE positions) within the operation phase of the development. Lastly, we request that all 30 vacancies are advertised via the council's Access to Employment service Skillsmatch.

*(Officer Comment: The applicants have agreed to provide a financial contribution of £14,768 and all non financial commitments.)*

### **LBTH Access Officer**

- 6.8 Comments query the level of information provided by the applicant. The proposal mentions DDA compliant parking spaces however the applicant should note that where there are no standards in place, Tower Hamlets will require compliance with Part M of the Building Regulations.

The use of tactile paving has been noted. Where this is used the paving should be correctly designed and installed. Further, all surface treatments should be compacted to ensure they are suitable for all users.

No details have been provided on the specific location of the WC facilities or the mess room.

All stairs, doors and corridors of the office accommodation need to comply with Part M of the Building Regulations.

*(Officer comment: Further drawings have been received to show the DDA compliant facilities*

*at the site and an informative will be imposed requiring the applicants to contact the Councils Building Control team to ensure the development meets the Building Regulation standards. Site entrance widths and geometry, and tactile positioning on the public footpath adjoining the site were developed in conjunction with the LBTH Access Officer.)*

#### **Crime Prevention Officer**

6.9 In principle, no objection has been received to the proposal, however the following comments were provided:

- Planting to the front of the site should be of a defensive variety such as Pyracantha.
- Light levels, CCTV and monitored alarms are all recommended.
- The Thames side pathway has been identified as a particularly vulnerable part of the site. CCTV, lighting and potentially closing at dusk has been recommended.

*(Officer Comment: The landscaping, lighting and CCTV details would be the subject of a condition for approval at a later date. With regard to the Thames Path, whilst the comments are noted, the current proposals to provide unrestricted access are compliant with planning policy.)*

#### **LBTH Waste Officer**

6.10 As this is a non-residential development with no impact on municipal waste collections, there are no objections to the application.

#### **Greater London Authority – Mayor of London**

6.11 The London Mayor's Stage 1 response was received on the 29<sup>th</sup> of February 2012. The overall conclusion of the response is that the scheme does not comply with the London Plan. However the stage 1 letter advises that these deficiencies could potentially be resolved.

#### Land Use

6.12 The Stage 1 report highlights the site's allocation as a safeguarded wharf and states that the principle of the proposal is strongly supported in terms of the London Plan's policies regarding safeguarded wharves (7.24) and freight transport (7.26). The report goes on to identify the support for this land use in connection to the safeguarded wharf contained within the Lower Lea Valley Opportunity Planning Framework and Tower Hamlet's Core Strategy.

#### Biodiversity

6.13 The report turns to biodiversity, acknowledging that although the site is not of strategic nature conservation value, the proposed use is likely to have an impact upon the adjacent East India Dock Basin nature reserve. In particular, the proposed use is considered to be detrimental to both birds and invertebrates that utilise the Basin and would reduce the amenity value of the site to local residents. In order to remedy this situation, it has been recommended that off site mitigation is secured to minimise the negative impact upon East India Dock Basin.

#### Noise and Vibration

6.14 In terms of noise and vibration, the construction impact of the proposal has been noted to be in line with BS5228 and that the construction contractor will be required to enter into a Section 61 consent with the Local Authority for the construction works.

- 6.15 The operational noise impact of the development have been considered and are noted to be 'minor negative' at 42-44 Orchard Place and negligible at Virginia Quays. In terms of vibration, the movement of vehicles has been identified as a potential source of disturbance for residents of 42-44 Orchard Place. It has been suggested that the application proposal include the resurfacing of the road to mitigate this potential vibration issue.

#### Urban Design

- 6.16 In urban design terms, the location of the structures are considered to be appropriate, particularly as the River Thames is a limiting factoring in locating structures on site.
- 6.17 The proposals vehicular access arrangements are noted and it is suggested that sufficient design measures are implemented to ensure a good pedestrian environment for those accessing facilities at the eastern end of Orchard Place.
- 6.18 The Thames Path proposals are supported, particularly the inclusion of an ecology habitat. As the specific design proposals are not clear, it has been recommended that further detail is submitted to coordinate this path with other public realm improvements in the area.
- 6.19 The scale and massing of the buildings are considered to be appropriate to the context of the surrounding area. However, further detail of the materials has been requested.
- 6.20 Boundary treatments are identified as being critical for the successful integration of the scheme with the surrounding area and should be considered in the context of the boundary environment, i.e. green elements along the western edge and brick to the northern and eastern edge.
- 6.21 In terms of access, a lift and disabled toilet has been requested for the office accommodation.

#### Energy

- 6.22 The energy statement has been reviewed and is considered to be in line with London Plan requirements. The use of 420sqm of photovoltaic cells is supported by the GLA and is estimated to reduce carbon emissions by 24 tonnes per year.
- 6.23 The approach to surface water drainage is accepted and it has been suggested that residual water overflow is discussed with Thames Water.

#### Legal Agreement and Obligations

- 6.24 Construction training has been requested and is suggested to be secured in a S106 agreement.
- 6.25 The GLA advise of the scheme liability to pay Crossrail CIL, which equates to £35 per square metre of floor area.

#### Transport and Access

- 6.26 Transport for London have provided comments through the Stage 1 report. The 14 car parking spaces are considered to be acceptable however cycle parking facilities have been requested for staff.
- 6.27 TfL encourage the developer to use reasonable endeavours through a Delivery and Servicing Plan to encourage off-peak journeys. This is intended to assist in preventing queuing onto the A13 or A1216.

6.28 TfL have also commented that they support the commitment to using water based transport.

*(Officer Comment: The applicant has responded to all of the points raised and all issues are addressed with the body of the report.)*

### **Environment Agency**

6.29 The Environment Agency confirm that the scheme will be acceptable if conditions are imposed to secure:

- 6.30
- Engineering reports to establish the condition of the river wall/flood defences;
  - A safe refuge area for workers above 4.75 metres AOD;
  - Hydraulic engineering reports to establish the impact on river flows, bed sediment conditions;
  - A surface water drainage scheme
  - Details of roof runoff in separate sealed systems
  - Demonstration that the surface water drainage scheme will not require pumping;
  - Development to be carried out in accordance with the approved flood risk assessment;
  - A drainage scheme detailing the layout of foul and surface water drains.
  - A four stage contamination strategy;
  - Verification report following the contamination strategy;
  - Actions if contamination previously not identified is found;
  - No piling or other foundation designs without permission;
  - Provision and management of a landscaped buffer zone along the Thames foreshore;
  - An ecological management plan;
  - A plan for minimising light spill onto the Thames;
  - A scheme to prevent riverward pollution;
  - A working method statement to cover all river works;
  - Provision and management of compensatory habitat

*(Officer Comment: All of the above recommended conditions are to be imposed, however some conditions have been amalgamated with others to avoid overlap and repetition.)*

### **English Heritage Archaeology**

6.31 In light of the Cultural Heritage chapter of the Environmental Statement, English Heritage do not consider that any further archaeological work needs to be undertaken prior to the determination of the planning application. A condition has been recommended to secure a written scheme of investigation for a programme of archaeological mitigation.

*(Officer Comment: The requested condition is proposed to be imposed on the planning approval.)*

### **Lee Valley Regional Park Authority**

- 6.32 The Park Authority objects to the proposal on the following grounds:
- There would be unacceptable noise impact from the proposed facility and from large numbers of heavy goods vehicle movements per day on access to the East India Dock Basin;
  - The adverse impact of 280 heavy good vehicles movements per day on access to the East India Dock Basin;
  - Although the provision of more brown roofs in the revised submission is acknowledged, it remains the Authority's position that the ecological mitigation measures proposed would not be sufficient to compensate for the habitat that will



be lost on the application site;

- Although the provision of a wider landscaping strip in the revised submission is acknowledged, it remains the Authority's position that the landscaping proposed along the boundary of the site with East India Dock Basin is not of sufficient width to provide a meaningful landscape buffer to soften the considerable visual impact of the development upon East India Dock Basin.

6.33 However, the Park Authority has requested that if the Local Planning Authority are minded to approve the application despite the objection raised, mitigation should be secured as follows:

- The provision of a 10 metre landscape buffer strip along the whole length of the boundary with East India Dock Basin;
- Funding to contribute to the cost of habitat enhancement works at East India Dock Basin by de-silting the basin, or other enhancement projects at East India Dock Basin deemed appropriate following discussions between the applicants, the Local Planning Authority and the Park Authority, in the region of £250,000;
- Mitigation measures in relation to air quality, noise and vibration as set out in the Environmental Statement, and any other necessary measures to the satisfaction of the local Environmental Health Officer;
- Highway improvement works including provision of new riverside path, two metre wide footway at Orchard Place and see-through railings adjacent to site entrances;
- Funding for a new pedestrian crossing on Orchard Place, adjacent to the entrance to East India Dock Basin.

6.34 The Park Authority conclude by stating that if a resolution to grant planning permission occurs without significant changes which adequately address the concerns, the Park Authority will refer the application to the Secretary of State for his consideration under the provisions of S14 of the Lee Valley Regional Park Act 1966.

*(Officer Comment: The applicant has agreed to provide a contribution of £250,000 towards the biodiversity enhancements at the East India Dock Basin, by virtue of the de-silting of the dock to enhance the value of the basin. In principle the LVRPA are happy with the enhancements proposals achieved, the application is due to be heard before LVRPA board members shortly and an update of comments from this meeting will be issued at the committee meeting if they are available. )*

#### **LB of Greenwich**

6.35 No objections raised.

#### **Natural England**

6.36 No detailed comments have been provided in support or objection to the proposals. The following general comments have been provided:

- Natural England (NE) welcomes the proposed landscape and ecology zones; and
- Works to secure Biodiversity enhancement should be secured.

*(Officer comment: The applicants are unable to provide further on-site biodiversity enhancements, therefore off-site planning obligations have been secured to provide biodiversity enhancements at the adjoining East India Dock Basin.)*

#### **National Air Traffic Services (NATS)**

6.37 No objections raised.

#### **Port of London Authority**

6.38 The Port of London Authority (PLA) support the current proposal. In turn the proposal is supported by policy 7.26 of the London Plan which seeks to secure the protection of existing facilities for waterbourne freight traffic and increase the use of safeguarded wharves for waterbourne freight transport. The consultation draft of the Safeguarded Wharves Review 2011/2012 is also relevant as it highlights Orchard Wharf as a viable location for aggregate storage.

*(Officer Comment: The Port of London Authority own part of the application site and will therefore be party to any legal agreement secured at the site.)*

#### **London Fire and Emergency Planning Authority**

6.39 No objections raised.

#### **British Waterways**

6.40 The application site falls outside of the British Waterways consultation area, therefore no comments received.

#### **Transport for London**

6.41 In principle, the proposal which will re-instate the use of waterbourne freight movements is supported subject to the following:

- Provision of adequate cycle parking spaces on site

*(Officer comment: ground floor layout plans have been updated to show the location of cycle stands)*

- The applicants Delivery and Servicing Plan should seek to encourage off-peak journeys to ensure the smooth operation of the Leamouth Roundabout;

*(Officer comment: A condition requiring the submission of a delivery and servicing plan has been attached to the decision notice)*

- Details of the design of the ship to shore conveyor require further consideration to ensure they do not compromise the safety of users of the extended pathway.

*(Officer comment: The design of the ship to shore conveyor is to be considered as part of the reserved matters and therefore is not a matter for consideration under the current scheme.)*

#### **Thames Water**

6.42 No objection raised. It has been requested that an informative regarding water pressure is imposed on any consent issued.

*(Officer comment: The requested informative is proposed to be imposed on the planning approval.)*

#### **London City Airport**

6.43 No objection raised. An informative has been requested regarding the maximum AOD heights of structures at the site.

*(Officer comment: The requested informative is proposed to be imposed on the planning approval.)*

#### **Olympic Delivery Authority**

6.44 No objections received.

## **LB Newham**

6.45 No comments received to date.

6.46 A full copy of all comments received will be available to view by Members prior to the committee meeting.

### **7. LOCAL REPRESENTATION**

7.1 A total of 102 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life, the Evening Standard and on site.

7.2 The application was consulted on in January 2012 and a re-consultation was undertaken in February 2012. In February 2012 the applicants sought to amend the scheme by proposing to seek outline consent with all matters reserved (previously the layout had been detailed) for the Jetty and Ship to Shore Conveyor.

7.3 The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	50	Objecting:	50	Supporting:	0	Neither:	0
No of petitions received:	0						

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

#### Objections

##### Land Use

- Area is zoned for residential development
- Inappropriate land use adjoining a school and a nature reserve
- The proposal is not considered to complement the Lower Lea Valley regeneration
- This decision should await the GLA review of Safeguarded Wharves/Development is premature
- Risk of failures at the plant causing increased odour and chemical releases
- The proposal puts at risk future investment and regeneration in the area
- Potential impact on employment generation at local regeneration sites
- Overconcentration of use proposed at the Site

*(Officer comment: The above issues are addressed in paragraphs 8.2-8.14 of this report.)*

##### Design

- Obstruction of views from the East India Dock Basin
- Visual blight
- Impact on Metropolitan Open Land

*(Officer comment: The above issues are addressed in paragraphs 8.15-8.33 of this report.)*

##### Amenity

- Noise generation
- Increased pollution (general)
- Increased smell
- Long hours of operation
- Dust generation
- Impact on Health and Safety of School children
- Existing noise from London City Airport is a concern for the area
- Vibrations from vehicle movements

*(Officer comment: The above issues are addressed in paragraphs 8.34-8.49 of this report.)*

#### Transport

- Traffic generation
- Narrow streets of Orchard Place unable to cope with site vehicles
- Impact of public footpath used by children to access local school
- Safety of pedestrians and cyclists
- Cumulative impact on local road network

*(Officer comment: The above issues are addressed in paragraphs 8.63-8.83 of this report.)*

#### Biodiversity

- Impact of noise on nature reserve
- The proposal impacts upon the likely use of the FAT walk
- Impact of the development on the Lea River Park

*(Officer comment: The above issues are addressed in paragraphs 8.84-8.87 and 8.50-8.62 of this report.)*

#### Other

- Details of the Jetty should not be provided in outline, but should be put forward in detail

*(Officer comment: The Jetty details are submitted in outline at the request of the Environment Agency.)*

A full copy of all comments received will be available to view by Members prior to the committee meeting.

7.5 The following issues were raised in representations, but should not be given any weight in the determination of the application:

- Impact on the view from the local residential properties;
- Reduction in property prices.

## **8. MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by this application that the committee are requested to consider are:

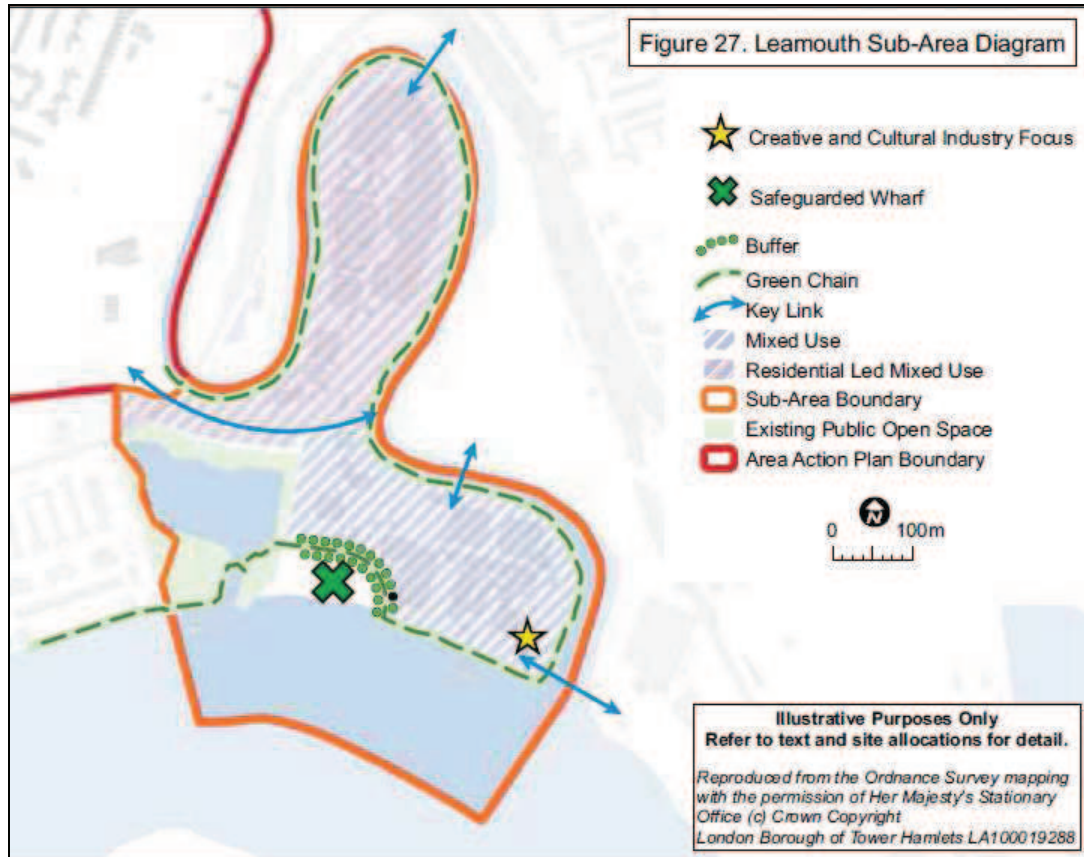
- Principle of Development and Land Uses
- Design, Views, Heritage & Conservation
- Amenity
- Biodiversity
- Transport, Connectivity & Accessibility
- Energy & Sustainability
- Contamination
- Flood Risk
- Environmental Impact Assessment
- Health
- Section 106 Planning Obligations
- Human Rights Considerations
- Equalities Act Considerations

### **Principle of Development and Land Uses**

8.2 The application site was last used for aggregate storage and handling, with this previous use having ceased in 1993. The site has subsequently been vacant for 19 years. Historically the Leamouth area has been characterised by industrial uses, of which the former aggregate storage and handling facility formed a key part.

8.3 In more recent years, the industrial uses across the wider Leamouth Peninsula have come to an end and there have been changes to the character and land use of the wider Leamouth Peninsula area. Most notably Leamouth North is the focus for residential led mixed-use development and the area immediately around the application site is the focus of future mixed use developments. This is illustrated in Diagram 1 which is taken from the Leaside Area Action Plan 2007. It is also noted that this document highlights the application site as a safeguarded wharf.

Diagram 1



8.4 In accordance with the Leaside Area Action Plan and the changing characteristics of the Leamouth Peninsula area, a number of consents have been issued around the application site which reflect the changing character of the area from industrial mixed uses including residential. The Leamouth North development which is also known as the Pura Food site, recently gained consent for 1,706 residential units and 185,077sq.m of mixed use commercial floorspace (ref: PA/10/01864 dated 28<sup>th</sup> November 2011). This proposal will lead to a significant change to the character and vibrancy of the Leamouth Peninsula area.

8.5 The Leaside Area Action Plan also identifies Trinity Buoy Wharf for its Creative and Cultural focus within the Leamouth Peninsula (yellow star). It is evident that the once industrial area is moving away from this land use, although there are some remaining industrial and employment uses along Orchard Place, adjoining the application site.

8.6 The application site was designated as a safeguarded wharf following the recommendations of the Thames Strategy of 1995. The Thames Strategy recommended that all remaining commercial wharves along the Thames should be retained and any development proposals resulting in their loss should be referred to the Secretary of State for the Environment. The referral of proposals is now the role of the Mayor of London by way of Part IV of the Town and Country Planning (Mayor of London) Order 2000.

8.7 Policy 7.24 of the London Plan 2011 seeks to prioritise the use of London's water spaces for

the transportation of freight. Policy 7.26 specifically deals with safeguarded wharves in supporting their reactivation and resisting their loss unless the wharf is no longer viable or capable for waterborne freight handling. Policy 7.30 goes further to state that sites alongside canals and rivers should activate water spaces, particularly for transport.

- 8.8 In 2005, a London Plan Implementation Report reviewed all safeguarded wharves on the River Thames and recommended that Orchard Wharf's safeguarding status remain in place. The report identified Orchard Wharf as being capable of being made viable for cargo handling, particularly for transhipped aggregates.
- 8.9 Policy 7.26 of the London Plan 2011 states that the Mayor will review the designation of safeguarded wharves prior to 2012. The GLA are currently undertaking a further safeguarded wharves review. The consultation draft was released in October and consultation closed in January 2012. Within this consultation draft, Orchard Wharf had been retained as a safeguarded wharf. The site was considered to be viable and well located to serve London and satisfy the forecast shortfall of aggregate supply in the sub-region. Officers have therefore given weight to the retention of the safeguarding of Orchard Wharf within the Review document.
- 8.10 The draft Safeguarded Wharves 2011 document is currently being reviewed in light of comments received during the consultation period. The final safeguarded wharves document will now be produced and was expected to be sent to the Secretary of State with recommendations in early Spring 2012. The draft document has therefore been afforded some weight due to the retention of the safeguarded wharf status of the site and is a material consideration in the determination of this planning application.
- 8.11 The Lower Lea Valley Opportunity Area Planning Framework 2007 identifies the application site as a safeguarded wharf and protects its use for cargo-handling uses, including waste and aggregates in line with national and strategic policy.
- 8.12 At a local level, the safeguarded wharf status of the application site is identified within policy SP12 of the Core Strategy 2012 and site allocation LS22 of the Leaside Area Action Plan which seeks to protect the safeguarded status of Orchard Wharf for cargo handling operations and states that development which may prejudice these operations will not be supported. The Core Strategy goes on to state that effective buffers are needed to protect the amenity of nearby residential uses.
- 8.13 In land use terms, the national safeguarding of the application site has informed the regional and local policy documents of the Leamouth Peninsula area. Whilst the area in general is moving away from a principally industrial use, the safeguarding direction has been retained and therefore the principle of re-activating the site for aggregate storage and concrete batching on balance accords with planning policies.
- 8.14 Representations have been received raising concerns regarding the impact of the development on the regeneration of the Lower Lea Valley, future investment in the local area and the impact on employment generation at local regeneration sites. On balance, it is considered that the safeguarded status of the site outweighs the potential future impacts on the surrounding area.

### **Design, Views, Heritage & Conservation**

- 8.15 Good design is central to the objectives of national, regional and local planning policy. Policy 3.5 of the London Plan provides guidance on the quality and design of housing developments and specifies a number criterion aimed at achieving good design. These criterion are reflected in saved policies DEV1, DEV2 and DEV3 of the UDP; strategic objectives and policies SO20, SO21, SO22, SO23 and SP10 of the CS, policies DM23 and DM34 of the emerging MD DPD and IPG policies DEV1 and DEV2.

- 8.16 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.
- 8.17 Furthermore, policy DEV2 of the IPG, supported by policy SP10 of the CS and DM24 of the MD DPD (proposed submission version January 2012) also seeks to ensure new development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings.

### Design

- 8.18 The approach to the design of the development has taken account of the industrial context of the existing site and the history of the surrounding area. Consideration has also been given to the sites prominent location on the River Thames and adjacent to the EIDB. The buildings are designed simply for function and enclose the machinery and storage areas associated with the proposed use. More traditional features that would be associated with the historic warehouse buildings have also been incorporated into the design, such as dual pitched roofs and earthen colours. A condition is to be imposed to ensure the final materials used on the building facades are agreed prior to the commencement of development.
- 8.19 The layout, bulk and scale of the development is considered to relate to the existing buildings located to the north and east of the site. Whilst the EIDB does not comprise any buildings, the proposal has been set away from the western boundary and a landscaped buffer zone provided to minimise the visual impact of the proposal from the EIDB. The image below shows an artists impression of the proposal juxtaposed against the EIDB.



- 8.20 On balance due to the safeguarding of the Wharf, the proposed development is considered acceptable in terms of design, bulk and scale and massing. The design and scale of the new building is in keeping with the surrounding properties in terms of general building line and height. This is in line with saved policy DEV1 of the UDP; strategic objectives and policies SO20, SO21, SO22, SO23 and SP10 of the CS, policies DM23 and DM34 of the emerging MD DPD and IPG policy DEV2.
- 8.21 In respect of the outline part of this development, the detailed design and appearance of the jetty and ship to shore conveyor will be a reserved matter. The quality of design secured as part of the detailed development will act a benchmark to ensure that the remaining development is in keeping with the appearance of the landward development in order to

ensure an appropriate design solution for the site.

#### Views Assessment

- 8.22 A townscape and visual assessment of the proposed development has been undertaken and forms part of the Environmental Statement. This has analysed both the landscape and visual effects of the development compared to the existing situation.
- 8.23 The landscape character areas most likely to be effected by the development are the areas around the River Lea and River Thames.
- 8.24 The River Thames is considered to be a high sensitivity landscape area and will be directly affected by the jetty, conveyor and aggregate storage building. However, the buildings and jetty are considered to be appropriate in their scale and function given the type of other industrial infrastructure along the River Thames.
- 8.25 The visual affects of the proposal on surrounding areas has been assessed from 15 separate vantage points, including the East India Dock Basin, the Canning Town DLR station and also views from the LB Greenwich. The Environmental Statement concludes that three points are considered to be effected by a moderate to substantial degree but to a positive extent. These views are from the east side of the Virginia Quay development and from two points within East India Dock Basin.
- 8.26 The proposed development is of a larger scale than the buildings which exist on the site at present. However, on balance it is not considered that the proposals cause an adverse impact on the setting of the site within the local views afforded to the site. Whilst the site is within a prominent riverfront location, views from the LB Greenwich and the EIDB are considered to provide a vista which is not altered to a degree that it overrides the safeguarding status of the Wharf.
- 8.27 On balance, the proposals are considered to be acceptable in relation to the local views and value of the East India Dock Basin nature reserve and riverfront views into the site. The proposal therefore accords with DEV8 of the UDP 1998, CON5 of the IPG 2007 and SP10 of the Core Strategy 2010.

#### Heritage Assessment

- 8.28 Policies CON1 and CON2 of the IPG 2007, policy SP10 of the Core Strategy 2010 and DM27 of the MD DPD 2012 seek to ensure that development preserves or enhances the distinctive character or appearance of an areas heritage assets in terms of scale, form, height, materials, architectural detail and design.
- 8.29 The applicant has submitted a Cultural Heritage Desk Based Assessment in support of the application and Environmental Statement. The Assessment analyses surrounding statutory listed structures, the unlisted structures on site for historic interest and archaeological assessments of the site
- 8.30 The closest listed structures to the site are the Grade II listed Blackwall Pier and entrance lock to East India Dock Basin. These are located to the west of the application site and its setting primarily relates to the River Thames, as most of its landside dock setting has been removed and surrounded by modern residential development, road infrastructure and open space. The proposed development is not considered to impact on the setting of these listed structures due to the distance from the site and the orientation of the structures.
- 8.31 Further to the east of the site, further Grade II structures are present at Trinity Buoy Wharf. These are the Trinity House Buoy Wharf and Orchard Dry Dock, and Trinity House Chain Locker and Lighthouse Block. The distance from the site coupled with the obstruction of



direction sight lines between the two locations mean that the development of Orchard Wharf will have little to no impact upon these listed structures at Trinity Buoy Wharf.

- 8.32 Given the location of the surrounding listed buildings and structures which are not within the immediate vicinity of the site, it is considered that the proposals would not detrimentally impact upon the setting of the adjoining heritage assets. The proposal is considered to be in accordance with policies CON1 and CON2 of the IPG, SP10 of the CS and DM27 of the MD DPD.
- 8.33 In terms of archaeological remains on the site, the assessment has indicated that there remains a high potential for post-medieval and palaeo-environmental remains to be on site. There is also considered to be a moderate potential for Neolithic and Bronze Age evidence remaining within the site. English Heritage has reviewed the assessment and has recommended a condition to secure archaeological investigations on site.

## **Amenity**

### Noise and Vibration

- 8.34 Policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the Core strategy and policy DM25 of the MD DPD seek to ensure that development proposals reduce noise, minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.35 The application site is located opposite 42-44 Orchard Place which comprises live work units, which face directly onto the application site. The Virginia Quays residential area is located approximately 100 metres to the west of the site. Directly adjoining the western boundary of the site is the EIDB nature reserve and other sensitive receptors within the area include commercial premises along Orchard Place. A full noise and vibration assessment has been undertaken by Sharps Acoustic and is submitted within the Environmental Statement.
- 8.36 The Environmental Statement reviews the impact of the proposed construction phase of the development alongside the operational phase of the development which includes the aggregate handling facility, concrete batching plant and cement terminal.
- 8.37 The demolition and construction phase of the development is anticipated to be approximately 6-9 months and the hours of working during the construction phase will be conditioned to minimise a nuisance to local residents. It has been identified within the Environmental Statement that only works of piling within the landward part of the site (excluding piling works proposed at the quay wall/riverside) could exceed the LBTH noise and vibration limits and impact on local residents. At the time of submission, it was not known the extent of piling required within the landward part of the site, therefore a condition has been imposed which requires the applicants to submit and have approved details of any piling works within the landward area of the site. The applicants also propose to use localised screening to mitigate noise impacts in the event that piling is required.
- 8.38 A detailed assessment of the noise and vibration levels for the proposed development during the operation phases are contained within the Environmental Statement submitted. The assessment reviews the impact of the proposed works throughout the proposed operating hours of the development. The proposed works are identified as having a minor adverse impact on the live work units at 42-44 Orchard Place. On site mitigation measures proposed include the enclosure of the concrete and cement plants, ancillary equipment and conveyors, screening and road re-surfacing at Orchard Place. The on-site mitigation measures are considered to minimise the impacts on adjoining occupiers of Virginia Quay and Trinity Buoy Wharf. Full details of the proposed impact on the East India Dock Basin are set out within the 'Biodiversity' section below.

- 8.39 As a result of the identified minor adverse impact on residents of the live work units at 42-44 Orchard Place, the Local Planning Authority sought mitigation measures for residents within the live work units most affected, on the south east and south west facades. As a result, the applicants propose to provide a scheme of works for all residents of the live works units which have a habitable room (bedrooms and living rooms/kitchen dining areas) of the south east and south west façade, to install secondary glazing and passive ventilation at the property. This will enable residents to install glazing and ventilation to provide adequate mitigation against the impacts of the development. The scheme of works will be secured through a legal agreement and the applicants are required to approach all residents of the live work unit as part of the legal agreement. In addition, the potential vibration impacts from the vehicular traffic entering and leaving the site is proposed to be mitigated through the re-surfacing of Orchard Place.
- 8.40 The Local Planning Authority has also been made aware that the London City Airport proposals include mitigation measures to provide all properties at 42-44 Orchard Place with double glazing and passive ventilation. Residents who already have double glazing would not however benefit from the upgrade works to glazing, but could receive the passive ventilation proposed through the London City Airport proposals. Nevertheless, residents would remain entitled to the Noise Insulation Works fund proposed by the applicants to provide a secondary glazing installation at the affected rooms on the south east and south west facade.
- 8.41 A Noise Management Strategy condition is also proposed as part of any consent issued at the site in order to monitor the noise levels following the implementation of the aggregate storage and concrete batching plant.
- 8.42 The measures proposed seek to provide reasonable mitigation to address the impacts on the amenity of existing and future adjoining occupiers. The proposal is therefore considered to accord with policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the Core strategy and policy DM25 of the MD DPD which seek to ensure that development proposals reduce noise minimising the existing and potential adverse impact.

#### Air Quality

- 8.43 Policy 7.14 of the London Plan 2011 seeks to ensure that design solutions are incorporated into the new development to minimise exposure to poor air quality. Saved policy DEV2 of the UDP, policy SP02 of the Core strategy and policy DM9 of the MD DPD seek to protect the Borough from the effect of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent air pollution in line with the Clear Zone objectives.
- 8.44 The development is located within the Tower Hamlets Air Quality Management Area (AQMA). The main sources of pollution impacting air quality are traffic emissions and dust and fine particulates from the proposed use. The submitted Environmental Statement advises that as a result of the enclosure of much of the site, including the aggregates depot which is enclosed except above the loading apron and through the provision of fixed water sprays, the development seeks to ensure that cement dust is not released at any stage of the process. Much of the requirements for ensuring the air quality in and around the site are imposed through separate conditions under the Environmental Permit, which the site is required to apply for.
- 8.45 Departing aggregates and cement lorries will pass through the wheel-wash and departing aggregate lorries will be covered prior to leaving the site to seek to prevent dust leaving the site. A road sweeper will also be deployed on a weekly basis and duties may also include the cleaning of Orchard Place if it considered necessary. The anticipated impact from exhaust emissions is assessed as a 'slight adverse' impact.
- 8.46 Whilst a number of mitigation measures are incorporated into the design proposal at

application stage, under the requirements of the Environmental Permit for the site, should dust emissions occur or appear likely to occur, the operators would be required to be modified, reduced or suspended. Whilst the Environmental Permit falls outside of the application processes, the checks and balances imposed by the Environmental Permit seek to prevent an adverse impact on surrounding air pollution.

- 8.47 An Air Quality and Dust Management condition is proposed to be imposed as part of any consent issued at the site in order to monitor the air quality in and around the site following the implementation of the aggregate storage and concrete batching plant.

#### Daylight, Sunlight and Overlooking

- 8.48 Saved policy DEV2 of the UDP and SP10 of the CS seek to ensure that adjoining buildings are not adversely affected by a material deterioration in their daylighting and sunlighting conditions, overlooking/loss of privacy and sense of enclosure. Policy DEV1 of the IPG states that development should not result in a material deterioration of residential amenity for surrounding occupants.
- 8.49 The proposed development, by virtue of its scale, design and massing is not considered to result in the loss of daylight and sunlight surrounding the site. In addition the distance and orientation of the proposed office building is unlikely to cause any loss of privacy to the live work units at Orchard Place or adjoining occupiers. The proposals are considered to accord with policy SP10 of the Core Strategy 2010, saved policy DEV2 of the UDP and policy DM25 of the MD DPD which seek to protect the amenity of existing a future occupiers.

#### **Biodiversity**

- 8.50 National policy guidance contained within the National Planning Policy Framework (NPPF) states that planning policies (Local Plan policies) should minimise impacts on biodiversity and geodiversity and promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and the recovery of priority species populations, linked to national and local targets. The Local Planning Authority Biodiversity Action Plan (BAP) provides the background information which informed the adopted Core Strategy 2010 with regard to the policy formulation for Biodiversity promotion and preservation.
- 8.51 The NPPF also states that local authorities should aim to conserve and enhance biodiversity when determining planning applications. The NPPF goes on to set out that where significant harm results from a development, adequate mitigation should be provided and as a last resort, compensated for, through opportunities to incorporate biodiversity in and around a development. (paragraph 118).
- 8.52 The NPPF states that planning decisions should aim to protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational amenity value. The East India Dock basin which adjoins the site is a nature reserve which is designated as a Site of Nature Conservation Importance and an Area of Metropolitan Open Land. The Dock Basin was converted to a bird reserve in 1996.
- 8.53 Policy 7.19 of the London Plan 2011 primarily reiterates the guidance of the NPPF and seeks a hierarchical approach to the protection, enhancement, creation, promotion and management of biodiversity. In the first instance development should seek to avoid any adverse impact on biodiversity. If an impact cannot be avoided, the impact should be minimised and mitigated and in exceptional circumstances, compensation can be sought where the benefits of the proposal outweigh the biodiversity impacts.
- 8.54 Policy SP04 of the Core Strategy 2010 seeks to protect and enhance biodiversity value in order to achieve a net gain in biodiversity. The Planning Obligations SPD also highlights the need for a net gain in biodiversity, but recognises that where it is unfeasible for a

development to provide on-site biodiversity enhancements, the Council will seek financial contributions to off-site projects of Biodiversity enhancement.

- 8.55 The application site comprises a brownfield site. The site has been vacant for a number of years and as a result the site now presents a brownfield habitat. The site is located adjacent to the River Thames which is a designated Site of Metropolitan Importance for its Nature Conservation value. The adjoining East India Dock Basin is a Site of Borough Importance: Grade I for its nature conservation value.
- 8.56 Brownfield habitats are Priority Habitats in the UK, London and Tower Hamlets Biodiversity Action Plans. The habitat within such sites often supports many species and habitat types that are a priority for nature conservation. A detailed assessment of the value and potential impact upon a number of habitats and species has been undertaken by URS Scott Wilson and is detailed within the submitted Environmental Statement. An assessment of the adjoining River Thames and East India Dock Basin is also contained within the Environmental Statement. The survey work assessed the existing habitats, and species including black redstarts, breeding and wintering birds, bats, terrestrial invertebrates, reptiles, aquatic invertebrates and fish.
- 8.57 The application proposes to clear the site which will result in the loss of all existing habitats within the boundary of the site. The proposals include a range of mitigation measures to seek to ensure the translocation of species including kidney vetch, hares-foot clover and common storks-bill plants and the provision of black redstart boxes, bat roosting boxes and invertebrate boxes. Alongside this are a variety of measures to secure biodiversity at the site such as a brownfield habitat zone between the river wall and the development, provision of a landscape zone on the western boundary adjoining the East India Dock Basin, timber fendering along the side and rear walls of the aggregate bays, brownfield vegetation within the northern area of the site (fronting Orchard Place) and the provision of brown roofs on all available buildings within the site boundary including the concrete plant feed hoppers, weighbridge office, covered car parking spaces and the office building.
- 8.58 The area of brownfield habitat proposed within the application site is 1,886sq.m, which results in a net loss of brownfield habitat of 90sq.m. The proposal, as a result of the biodiversity enhancements provided on site is considered to result in a neutral impact on Biodiversity within the application site boundary. The neutral impact on Biodiversity at the site is reliant upon all Biodiversity measures proposed being successful. The proposed works are unable to deliver a biodiversity enhancement within the application site boundary.
- 8.59 The proposed works, by virtue of the type of noise generation from the use of the site (sudden noises), could impact on the biodiversity of the East India Dock Basin (EIDB). The sudden noises from the proposed works may deter use of the EIDB by noise sensitive birds, such as Teal. Off-site mitigation measures are proposed through the de-silting of the EIDB which would allow for the habitat within the Basin to be available to less noise sensitive birds which have been known to use the Basin in previous years. These works would provide a biodiversity enhancement at the Basin whilst accommodating for the proposed use adjacent to the EIDB. These measures seek to enhance the Biodiversity value of the EIDB and therefore mitigate against any residual impact upon the visitor experience and enjoyment of the Basin. The applicant has agreed to provide a planning obligation to seek to secure these works.
- 8.60 On balance, it is considered that the proposed works both on-site and off-site sufficiently seek to protect the biodiversity of the site and enhance the biodiversity of the adjacent EIDB. If all the proposed on-site mitigation and the de-silting of EIDB are carried out successfully, this should result in a net gain in Biodiversity which results in a neutral impact on its recreational amenity value in accordance with the NPPF. The works are therefore considered to accord with policy 7.19 of the London Plan 2011 and policy SP04 of the Core Strategy 2010 and the National Planning Policy Framework.

- 8.61 Conditions are recommended to ensure the biodiversity enhancements are secured and all necessary works for the translocation of species and habitats are implemented.
- 8.62 A full assessment of the impacts of the proposed development on the River Thames is provided within the URS Scott Wilson report. It should however be noted that all works for the jetty (and ship to shore conveyor) which are proposed to be located 74 metres into the River Thames have been submitted in outline, therefore all matters with regard to location will be a consideration under the reserved matters application. As such, further mitigation measures specifically designed to reduce the impact on the River Thames will be secured if necessary at the reserved matters stage in consultation with the Environment Agency.

### **Transport, Connectivity & Accessibility**

- 8.63 Policy 6.3 of the London Plan seeks that transport demands generated by development proposals are within capacity. Such assessment is to be in accordance with TfL's *Transport Assessment Best Practice Guidance*. The London Plan also emphasises the desire to maximise the movement of freight by water in line with policies 7.24, 7.26 and 7.30. These policies are reinforced through the Mayor's Transport Strategy which highlights that water transport is particularly suited to bulky movements of relatively low value cargoes for which speed is less critical, aggregates and waste being prime examples.
- 8.64 Saved UDP policies T16, T18, T19 and T21, Core Strategy Policy SP08 & SP09 and Policy DM20 of the draft Managing Development DPD (2012) together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.65 The site's location on the southern limb of Orchard Place means that traffic serving the site has no alternative other than to use the A1020 Lower Lea Crossing in order to access the wider London road network. The A1020 crosses Orchard Place as a raised flyover. Slip roads to and from this flyover are only located on the western side of Orchard Place. There the entry onto the A1020 from Orchard Place is in a westerly direction only, and access from the A1020 to Orchard Place is from an easterly direction only. This arrangement means that all traffic either accessing or egressing the site are required to use the Leamouth roundabout to the west of the site.
- 8.66 Orchard Place is a historic industrial road, narrow with 1.5 metre footways either side. Between the application site and the A1020 the carriageway width varies from 6.1 metres to 7 metres. Although narrow, the applicant has demonstrated on site to officers that the types of concrete vehicles using the site can pass one another in opposite directions.
- 8.67 The intention of the operation is that all bulky deliveries of aggregates (including sand) and cement materials will be imported by river, involving no road transport. The onward deliveries of aggregate, cement and concrete to the market place (sites) will occur by road.
- 8.68 The total import of aggregates by barge to the site is expected to be 350,000 tonnes per annum. The total import of cement is intended to be 260,000 tonnes per annum by barge. The production of concrete from the batching plant is expected to be 100,000m<sup>3</sup> per annum, using 35,000 tonnes of cement and 200,000 tonnes of aggregate.

### Freight Movements

- 8.69 Saved policy T26, policy SP08 of the Core Strategy, policy DM21 of the MD DPD 2012 and policy 6.14 of the London Plan 2011 seek to maximise the use of the waterways for the movement of freight and bulky goods to take movements off the strategic road network.

- 8.70 As set out above, the principle delivery of aggregates (including sand) and cement materials is to be via the River Thames. A condition is proposed to be imposed which requires all such materials to be delivered by river to prevent an exacerbation of vehicular movements. As such the development maximises the use of the waterways and complies with strategic and local policies.
- 8.71 A condition has been imposed which restricts unloading of ships and barges between the hours of 7am and 11pm, Monday to Saturday. No operation to unload ship and barges is permitted on Sundays and Bank Holidays. Unloading of ships and barges can take up to 36 hours and as there is no overnight working, ships may be docked for longer than 36 hour periods.

#### Vehicular Traffic Impact

- 8.72 The Transport Statement provides a detailed breakdown of the estimated vehicle movements per day on an hourly basis. From 7am to 1pm the site is expected to generate between 19 and 21 vehicle movements per hour. In the afternoon and evenings this figure is expected to decrease from 18 movements from 2pm to 3pm, then 13, 10, 8, 3 and 3 in the hours following.
- 8.73 The Transport Statement has also considered vehicle movements generated by the 30 staff members using the site. The first consideration is that staff members are likely to arrive at the site before the morning traffic peak and leave after the evening peak. Although it is difficult to predict the transport modal split for staff members, the Transport Statement has allowed for 35 movements per day.
- 8.74 Adding all vehicle movements together, a total of 198 HGV movements plus 35 car movements are anticipated.
- 8.75 Given a (rounded) figure of 200 HGV movements per day on Orchard Place, the increase in traffic is expected to be 25% on top of existing flows in Orchard Place. Although the proportional increase in vehicle numbers is high, this is largely due to the existing low vehicle flows experienced in Orchard Place. The resultant total vehicle flow for Orchard Place is expected to be 989 movements per day.
- 8.76 Following discussion with TfL and Tower Hamlets Highways officers, further analysis of the traffic impact on Orchard Place has been undertaken with the context of the approved mixed use residential scheme on Leamouth Peninsula and the consented Leamouth Wharf scheme on the Leamouth roundabout. The impact of traffic generated by the scheme and assessed cumulatively with the Leamouth Peninsula scheme to the north is considered to be acceptable. Tower Hamlets Highways Officers have confirmed they are satisfied with the analysis and are content with the conclusions, and accordingly it is considered that the proposed use will not have an unduly detrimental impact upon the freeflow of traffic.

#### Highway Safety

- 8.77 The Transport Statement has considered data obtained from the London Accident Analysis Unit of TfL from the past three years to 31<sup>st</sup> May 2011. This reveals that no injury accidents have occurred in Orchard Place or on either slip roads connecting to the A1020.
- 8.78 The entrance is located on the outer bend of Orchard Place and emerges through the boundary wall. The development proposal retains the existing access and removes three metres of the boundary wall either side of the entrance to be replaced with wire mesh to create greater visibility between drivers and pedestrians.
- 8.79 The second access to be created on Orchard Place will serve all movements associated with

the concrete batching plant. The site boundary fence will be set back from the back edge of the footpath to create a two metre wide pedestrian pavement and 2.4m x 56m visibility splays for drivers.

- 8.80 Both site accesses have been designed so that HGVs leaving the site are able to turn onto Orchard Place without crossing the road centreline. Track plots have been provided that demonstrates these vehicle manoeuvres.
- 8.81 As part of the S278 works at the site, a pedestrian refuge is proposed to be provided in the centre of the carriageway at Orchard Place to provide safe crossing. These measures coupled with footpath widening seek to provide highway safety measures along Orchard Place.

#### Parking

- 8.82 Fourteen staff and visitor parking bays are to be provided adjacent to the site office. Cycle parking facilities are also to be provided. Both the car and cycle parking details are to be secured by condition to ensure they are maintained in perpetuity.
- 8.83 Parking of all vehicles when not in use, for example overnight or in non-operational periods, will be parked within the application site. A condition is also to be imposed to secure that the parking of all vehicles associated with the operation, servicing, delivery, staffing and/or visitation of the site will be contained within the site confines. This will ensure no parking of HGVs on the public highway.

#### Thames Path

- 8.84 In addition to the widened pedestrian pathways surrounding the site entrances, the scheme also proposes an extension to the Thames Path along the site's river frontage. This path is to extend from East India Dock Basin, along the edge of the flood defence wall to the site's eastern boundary where it will turn 90 degrees north to link back to Orchard Place. The path is to be five metres wide with an additional five metre wide landscape strip between the path and the southern site boundary.
- 8.85 As well as providing an additional area of accessible riverside, the extension to the Thames Path gives pedestrians an option for by passing the site entrances on Orchard Place when heading east to Trinity Buoy Wharf. Pedestrians approaching from the north of the site would enter East India Dock Basin and use the Thames Path extension to loop around the south of the site, although this would add time and distance to a walking journey. Alternatively, pedestrians could bypass the Leamouth Roundabout and Lower Lea Crossing altogether by using the Thames Path along the Virginia Quay development, across the locks and East India Dock Basin and then utilise the Thames Path extension along the proposal site to link to Orchard Place. This may be a desirable route for people using East India DLR station to the west.
- 8.86 It is noted that objections have been received relating to the impact of the proposal on the FAT walk which extends to the EIDB. The application proposes an extension of the existing Thames Path Walkway which currently only extends to the EIDB and will therefore improve the extent of the overall FAT walk and will allow for the creation and extension to this walkway through the development site. It is not considered that the development proposals will on balance detrimentally impact on the FAT walk. The creation and provision of the extension to this walkway accords with policy SP04 of the Core Strategy 2010.
- 8.87 On balance, transport matters, including parking, access and servicing, are considered acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy (2010) and DM20 and DM22 of the Draft Managing Development DPD (2012), which seek to ensure developments minimise parking

and promote sustainable transport options.

### **Energy & Sustainability**

- 8.88 London Plan policies contained within chapter 5 and policy SP11 of the Core strategy 2010 collectively require development to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.89 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use lean Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 8.90 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 8.91 Policy SO3 of the Core Strategy seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The LB Tower Hamlets Core Strategy policy SP11 requires all new development to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.92 Policy DM29 of the draft MD DPD requires sustainable design assessment tools to be used to ensure that development has maximised use of climate change mitigation measures. At present the current interpretation of this policy requires commercial or non-residential schemes to achieve an excellent BREEAM rating.
- 8.93 Through Officer discussion it has been established that due to the constraints of the site and the type of development proposed, it is not possible to achieve the reduction in carbon emissions required by London Plan or Local planning policies. The proposed development will deliver a 6% reduction in carbon emissions which are proposed through Photovoltaic panels on the roof of the buildings on the site. On balance the reduction of carbon emissions identified and the acceptable in this instance. The strategy to secure energy efficiency measures as proposed will be secured by condition to be delivered in accordance with the strategy submitted.

### **Contamination**

- 8.94 In accordance saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by an assessment of land contamination to assess whether the site is likely to be contaminated. The study has been reviewed by the Council's Environmental Health Officer who has recommended conditions ensuring the submission of further details.

### **Flood Risk**

- 8.95 Policy 5.12 of the London Plan (2011), Policy SP04 of LBTH Core Strategy (2010) relate to the need to consider flood risk at all stages in the planning process.
- 8.96 The site lies within Flood Risk Zone 3 and a sequential test has been undertaken. The Environment Agency has reviewed the sequential test and have accepted the details submitted.
- 8.97 The Flood Risk Assessment on the current scheme concludes that the risk of flooding to the development is most likely to come from the River Thames, rather than overland flooding, fluvial flooding or other types of flooding from drainage systems. The site is protected from tidal flooding by the Thames Barrier and on site flood defence walls.



- 8.98 The development has the potential to increase the risk of flooding to the surrounding area by increasing the impermeable area, thereby increasing surface water runoff. However, the site plans include a 'wash out' area where all surface water runoff will be collected for use in the concrete batching plant and for washing vehicles. The re-use of water on site will reduce the volume of surface water runoff leaving the site and it is anticipated that under normal operating conditions the need for water will outstrip the supply provided by runoff.
- 8.99 In an extreme rainfall event, underground storage for 1,134m<sup>3</sup> will mean that runoff rates connecting to the Thames Water combined sewer can be limited to Greenfield runoff rates.
- 8.100 Subject to the imposition of conditions, the proposal is considered to reduce the impact and risk of flooding. The proposal therefore accords with policy 5.12 of the London Plan 2011, saved policy U2 of the UDP 1998, policy DEV21 of the IPG 2007 and policy SP04 of the Core Strategy 2010.
- 8.101 In respect of the outline phases, the applicant is required to undertake further survey work prior to the final layout and detail of the jetty. These details will also be required to ensure they reduce the impact and risk of flooding. All details at reserved matters stage will be issued to the Environment Agency for consultation.

### **Environmental Impact Assessment**

- 8.102 The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) regulations 2011.
- 8.103 As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.
- 8.104 The ES addresses the following areas of impact (in the order they appear in the ES):
- Townscape and Visual
  - Ecology and Nature Conservation
  - Cultural Heritage
  - Land Quality
  - Transport and Access
  - Noise and Vibration
  - Air Quality
  - Water Resources
  - Marine Navigation Risk
  - Social and Community Effects
  - Mitigation and Monitoring
- 8.105 The Council appointed consultants, Land Use Consultants (LUC) to examine the applicant's ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, LUC confirmed their view that whilst a Regulation 22 request was not required, further clarification was sought in respect of a number of issues. These issues have been satisfactorily addressed by the applicant and further review concluded that the ES have adequately addressed all the requirements of the EIA regulations.

- 8.106 The various sections of the ES have been reviewed by officers. The various environmental impacts are dealt with in relevant sections of this report above with conclusions given, proposals for mitigation of impacts by way of conditions, and/or planning obligations as appropriate.
- 8.107 In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental impacts are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

### **Health Considerations**

- 8.108 Policy 3.2 of the London Plan (2011) seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 8.109 Policy SP03 of the Core Strategy (2010) seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.110 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - Promoting and supporting local food-growing and urban agriculture.
- 8.111 As part of the planning application, works to provide an extension to the Thames Pathway, from the adjoining EIDB through the development site are considered facilitate healthy and active lifestyles for users of the Thames Pathway. It is therefore considered that the proposal meets the objectives of London Plan policy 3.2 and policy SP03 of the Core Strategy 2010 which seek to secure opportunities for healthy and active lifestyles.

### **Section 106 Agreement**

- 8.112 Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet they are:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.113 This is further supported by Saved Policy DEV4 of the UDP (1998) and Policy IMP1 of the Council's IPG (2007) policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.114 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012; this SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Energy and Biodiversity

Some of the above priority areas are not relevant to commercial developments, such as affordable housing.

8.115 LBTH and LTGDC are the determining authorities on the development site.

8.116 Based on the SPD, LBTH Officers have identified a contribution request of:  
 a) £250,000 towards biodiversity enhancements at the adjoining East India Dock Basin and  
 b) £14,768 towards Employment and Enterprise.

A financial contribution of £264,768 has been agreed with the applicants.

Non financial contributions are also proposed to be secured, these obligations comprise:

- Noise Insulation Works and Ventilation scheme for 42-44 Orchard Place;
- Highway Works;
- Travel Plan;
- Employment and Training; and
- Thames Path extension through the application site.

The non-financial obligations proposed are principally site specific requirements which seek to mitigate the impact of the proposed development and discussed within the relevant sections of the report. Details of Employment and Enterprise are provided below.

#### Employment and Enterprise

8.117 The SPD requires developments to exercise reasonable endeavours to ensure 20% of the construction phase workforce will be for local residents of Tower Hamlets, to be supported through the Skillsmatch Construction Services. In addition the SPD requires that 20% of the goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.

8.118 The SPD also seeks a financial contribution towards the training and skills need of local residents in accessing job opportunities created through the construction phase of all new development and a contribution towards end use phase of commercial developments. In addition the SPD states that in-house training programmes may be considered in lieu of the construction phase skills and training contribution; however this is assessed on a case by case basis.

8.119 The SPD also seeks a financial contribution to support and provide training for local residents new job opportunities created by the development. In addition best endeavours are sought to ensure a proportion of jobs are secured for local residents and apprenticeship schemes and work experience is provided to local residents.

8.120 The applicants are committed to supporting local employment and enterprise through the construction phase of the development and the end user phase. A financial contribution of £14,768 towards providing skills and training to local residents during the construction and

end user phase of the development have been secured. In addition the applicants have agreed to work with the Local Authority to ensure 20% of the construction and end user phase employees are LB Tower Hamlets residents. Measures to secure 20% of goods and services during the construction phase from local LBTH businesses has also been secured. The applicants have also agreed to all end user phase vacancies being exclusively advertised via the Councils Access to Employment service, Skillsmatch to enable as many local residents the opportunity to access the jobs created by the development. These measures also secure the construction training requirements requested by the GLA.

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

8.121 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

8.122 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

8.123 Section 70(4) defines "*local finance consideration*" as:

- a) 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
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

8.124 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

8.125 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor's Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The likely CIL payment associated with this development would be approximately £5,950.

### **Human Rights Considerations**

8.126 The application potentially raises some Human Rights Act 1998 implications. These are summarised in this section. In terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-

8.127 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"*.

- 8.128 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.
- 8.129 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 8.130 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.
- 8.131 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.132 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.
- 8.133 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

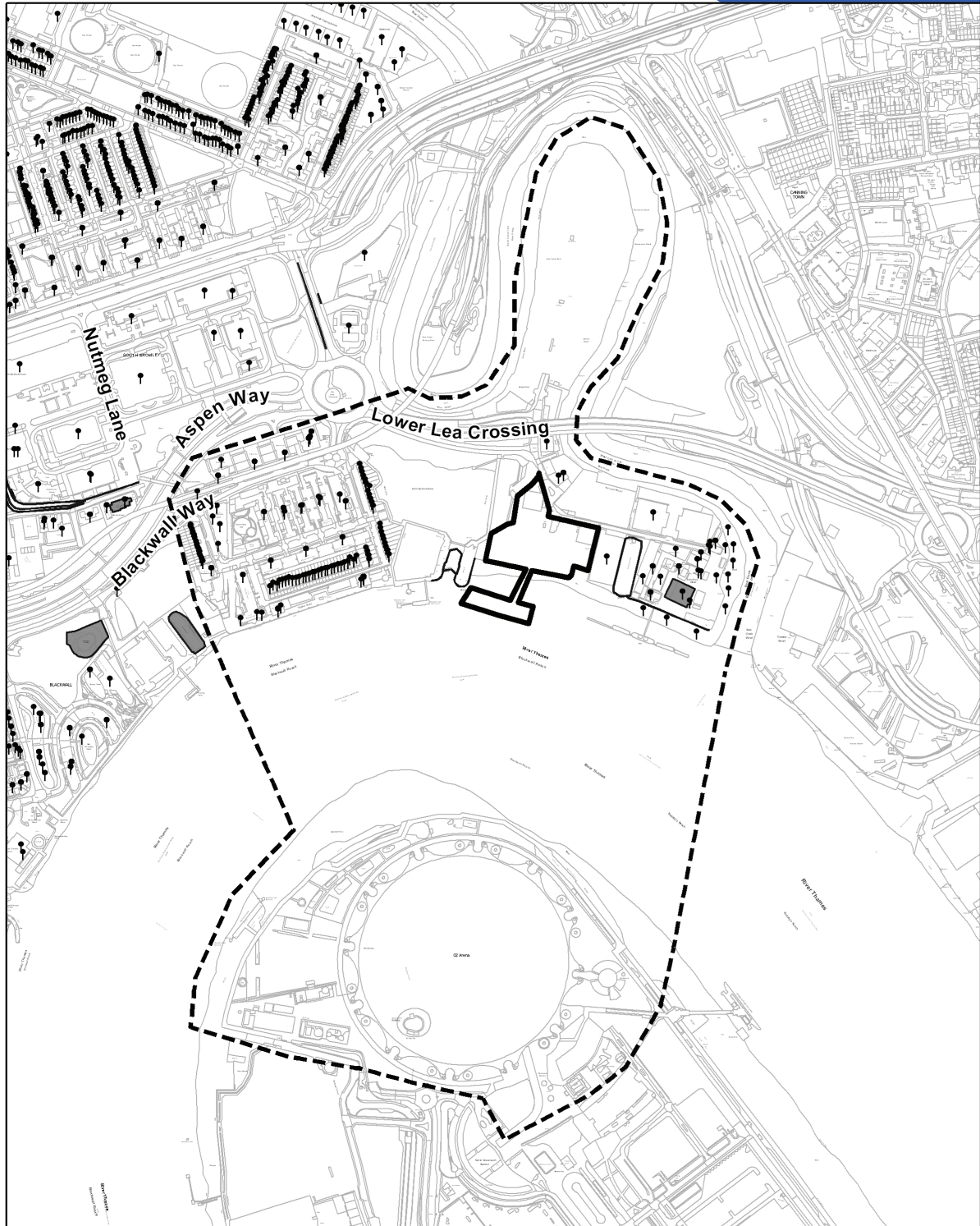
### **Equalities Act Considerations**








- 8.134 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 and sex 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:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.135 The contributions towards various biodiversity enhancements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support biodiversity enhancement at the East India Dock Basin and provide noise insulation works for residents at 42-44 Orchard Place.
- 8.136 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

## **Conclusions**

- 9.0 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

# Planning Application Site Map



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	 0 30 m  1:8,000
 Consultation Area	 Statutory Listed Buildings		

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

© Crown copyright and database rights 2011 Ordnance Survey, London Borough of Tower Hamlets 100019288

This page is intentionally left blank





Meeting of the

# STRATEGIC DEVELOPMENT COMMITTEE

---

Thursday, 31 May 2012 at 7.00 p.m.

---

## UPDATE REPORT

---

	PAGE NUMBER	WARD(S) AFFECTED
9.3 Update Report	1 - 10	

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:

Zoe Folley, Democratic Services  
Tel: 020 7364 4877, E-mail: [zoe.folley@towerhamlets.gov.uk](mailto:zoe.folley@towerhamlets.gov.uk)

This page is intentionally left blank

## LONDON BOROUGH OF TOWER HAMLETS

### STRATEGIC DEVELOPMENT COMMITTEE

31<sup>st</sup> May 2012 at 7.00 pm

---

#### ADDENDUM REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

---

#### INDEX

Agenda item no	Reference no	Location	Proposal
8.1	PA/11/02220 and PA/11/2221	London Fruit and Wool Exchange (LFWE)	Demolition of Whites Row Multi-Storey Car Park, 99-101 Commercial Street (The Bank), 54 Brushfield Street (The Gun Public House), and partial demolition of the London Fruit & Wool Exchange behind the retained Brushfield Street facade and the erection of a six storey building with a basement, for business, employment and retail use (Use Classes B1/A1/A2/A3 & A4) with landscaping and associated works, together with a new pavilion building for retail accommodation (Use Class A1).
9.1	PA/11/03824	Orchard Wharf, Orchard Place	<p>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.</p> <p>1) Outline Application: All matters reserved Jetty; and Ship to shore conveyor.</p> <p>2) Full details</p> <p>Demolition of all existing buildings; Concrete batching plant; Cement storage terminal; Aggregate storage facilities; Associated structures and facilities; Associated highway works; Walkway; and Landscaping.</p>

---

## LONDON BOROUGH OF TOWER HAMLETS

<b>Agenda Item number:</b>	6.1
<b>Reference number:</b>	PA/11/2220 & PA/11/2221
<b>Location:</b>	London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield Street & Whites Row Car Park, London
<b>Proposal:</b>	Demolition of Whites Row Multi Storey Car Park, 99-101 Commercial Street (The Bank), 54 Brushfield Street (The Gun Public House), and partial demolition of the London Fruit & Wool Exchange behind the retained Brushfield Street façade and the erection of a six storey building with a basement, for business, employment and retail use (Use Classes B1/A1/A2/A3 & A4) with landscaping and associated works together with a new pavilion building for retail accommodation (Use Class A1).

### 1. CLARIFICATIONS

- 1.1 Paragraph 6.2 of the report, sixth bullet point should read Contribution to borough indoor leisure facilities £101,147

### 2. ADDITIONAL REPRESENTATIONS

- 2.1 Since publication of the update report, the Council has received the following additional representations:
- 2.2 One letter local resident withdrawing their previous objections to the proposals and citing the regeneration benefits of the scheme.
- 2.3 One letter from a local resident citing regeneration benefits of the scheme and stating that the views of the Spitalfields Community Group views are not representative of the entire local community.
- 2.4 Three letters of support for the scheme citing design, regeneration benefits and employment opportunities.
- 2.5 Letter from Spitalfields Society re-confirming their support and noting additional benefits from increased SME space, provision of the employment and skills centre and other initiatives to promote local employment and training.
- 2.6 Letter from potential future tenant of the main office space confirming their interest in occupying the scheme if permitted.
- 2.7 Letter from proprietor of the Gun Public House confirming their support for the scheme.
- 2.8 Two letters from local residents raising the following points:
- Environmental Statement has not correctly identified the proposed conversion of 1 Whites Row from commercial to seven residential

apartments as “sensitive residential properties). Planning permission was granted in 2010 (PA/10/01842) and the flats are due for occupation in August 2012. This property and other residential properties would overlook the proposed public space on the south west corner of the site. The impact has therefore not been properly assessed.

- The officer recommendation has not properly assessed the historic significance of the site and the relationship to heritage assets including listed buildings.

2.9 Letter from Spitalfields Community Group confirming that their objections stand and raise the following points:

- no integration of housing of any kind within the development,
- no attempt to address the issues raised by the demolition of the Gun pub, the subsequent impact on the character and appearance of the Conservation Area and the loss of Dorset Street continues to be ignored.
- Proposals in relation to jobs are mainly promises and targets, which may or may not prove capable of fulfilment.

### **3. ADDITIONAL MATERIAL FROM THE APPLICANT**

3.1 The applicant and their agent have provided the following comments which seek to respond to issues raised through community consultation and made at the previous SDC meeting:

3.2 Exemplar has serious concerns with regard to the general principles and design approach of the alternative scheme. Exemplar consider the scheme to be a wholly unrealistic and undeliverable proposition which cannot be given any credible weight in the decision making process.

3.3 Comments were made at the previous SDC committee regarding the enclosure of the south/west corner of the scheme. Exemplar would be prepared to accept a condition or clause in the legal agreement, requiring a detailed design solution for enclosure of the space to be submitted and agreed with the Council as part of the planning permission.

3.4 Comments were made at the previous SDC committee regarding the single large A3 unit on the south/west corner. A preference was expressed for smaller units in this location with a greater mix of commercial formats. Exemplar would be prepared to accept a condition or clause requiring detailed subdivision plans to be submitted and agreed with the Council and limiting the extent of A3 use in this location (thus allowing for a greater increase in A1 and A2 use classes).

3.5 At recent consultation meetings, issues surrounding public toilet facilities have been raised. It has been asked whether part of the public realm contribution could be put toward the refurbishment of public toilet facilities

close to the site. Exemplar would be happy for S106 monies to be directed toward this.

- 3.6 To assist in the management any issues arising from anti-social behaviour Exemplar are prepared to commit to covering the cost of an 'Enforcement officer' for 5 years with a budget of £250,000. The cost would be borne out through the service charge to the scheme but Exemplar are prepared for this commitment to be subject to a clause within the legal agreement.
- 3.7 Proposal for further consultation on the detailed architectural treatment of the Commercial Street elevation, the design and management of the public space and on commemorating the history of Dorset Street and the use of the basement of the LFWE as a World War II air raid shelter.

#### **4. OBSERVATIONS**

##### Third party representations

- 4.1 The Strategic Development Committee should note the additional comments and objections.

##### The alternative scheme

- 4.2 As stated in the report on tonight's agenda, weight cannot be attached to the alternative scheme as this has not been the subject of any public or statutory consultation and has not been submitted to the authority as a planning application.

##### The environmental statement

- 4.3 Advice has been sought from the Council's retained EIA consultants. The advice is summarized below.
- 4.4 The point to be addressed is that of the issue of the 'sensitive receptors' (7 residential apartments) at 1 White's Row not being identified within the EIA and whether this would have affected the outcomes of the EIA. The local resident has raised overlooking of the public space, location of restaurant units and security as comments on the overall design and operation of the proposals.
- 4.5 In terms of potential impacts upon the missed 'sensitive receptors', the following environmental aspects are relevant:
- 4.6 1 Whites Row lies between two residential receptors – one either side – that have been identified in the Environmental Statement.
- 4.7 Daylight and sunlight impacts – sensitive receptors are identified on either side of the residential block in question and the impacts upon all are likely to be similar. Whilst the impact might now affect another 7 units, however, this increase in numbers is unlikely to be enough to lead to a change in the overall assessment of significance as reported within the current EIA relevant to D&S.
- 4.8 Construction impacts (noise/vibration/dust/local air quality) – These temporary impacts have been adjudged to be acceptable for neighbouring

sensitive receptors with appropriate mitigation, and therefore there is no reason why the same wouldn't apply to the residential block in question.

- 4.9 Views – the impact would be the same as surrounding properties and it is concluded that the conclusion is that it wouldn't be any worse than existing at this location in any case.
- 4.10 Lighting impacts – sensitive receptors are identified on either side of the proposed residential block in question and the impacts upon all are likely to be similar. Any impact might now affect another 7 units, however, this increase in receptor numbers is unlikely to be enough to lead to a change in the overall assessment of significance as reported within the current EIA relevant to lighting.
- 4.11 Socio-economic impacts Changes to baseline in terms of capacity of local facilities may be changed to a very slight extent, but again, taking into account another 7 units is unlikely to be enough to lead to a change in the overall assessment of significance as reported within the current EIA relevant to Socio-economic impact.
- 4.12 In conclusion, the omission of the application for residential development from the EIA has not materially altered the outcome of the EIA or the assessment of the application.

#### Enclosure of the public space

- 4.13 The proposed space at the south west corner of the site should be designed to encourage public access and support the key permeability of the site. Detailed design, lighting, landscape and boundary treatment would be the subject of planning conditions. Officers would not however support enclosure of this space as this would run contrary to the design strategy for the proposed development and to policies contained within the Core Strategy and Managing Development DPD. The concern relating to potential anti-social behaviour could be sufficiently addressed through the location of adjoining uses and management of the space, detailed below.

#### Location of restaurants

- 4.14 The ultimate distribution of Class A uses across the site can be dealt with via a planning condition, taking into account the most appropriate location for Class A3 restaurants. Furthermore officers recommend that a condition be included to restrict the use of the proposed unit on the south west corner of the site, overlooking the proposed public space to uses falling within Classes A1 (shops) and A2 (financial and professional services), in order to ensure that the space is sufficiently animated without resulting in potential harm through noise and disturbance to nearby occupiers.

#### Public toilets

- 4.15 The Council's Planning Obligations SPD does not include provision for improvement to local toilet facilities, The proposed heads of terms of the Section 106 Legal Agreement are set out in the update report., which include contributions relating to community facilities and heritage initiatives. Such contributions could be directed towards public toilet facilities if deemed appropriate.

Enforcement officer

- 4.16 The proposal could be controlled through a suitable obligation in the Section 106 legal agreement.

Further consultation on the detailed design matters

- 4.17 The Council will undertake further consultation on the submission of details of facing materials to be submitted to discharge planning conditions and take into account local representation prior to discharging such conditions.
- 4.18 Proposals for commemoration and interpretation of the historic use of the site as part of the on-going design development process are welcomed, could be incorporated into the landscape or building design and could be controlled through appropriate conditions.

**5. RECOMMENDATION**

- 5.1 As per the addendum report, subject to the following additional conditions and planning obligations:

1. Condition to restrict the use of units facing the proposed public space (south west corner) to uses within Classes A1 and A2 of the Use Classes Order.
2. Condition requiring detailed proposals to be submitted and agreed for the commemoration and interpretation of the historic development of the site, including Dorset Street and former air raid shelter.
3. Additional clause within the Section 106 legal agreement requiring the developer to fund provision of a dedicated “enforcement officer” to oversee the management of public spaces within the development.



<b>Agenda Item number:</b>	9.1
<b>Reference number:</b>	PA/11/03824
<b>Location:</b>	Orchard Wharf, Orchard Place
<b>Proposal:</b>	<p>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.</p> <p>1) Outline Application: All matters reserved Jetty; and Ship to shore conveyor.</p> <p>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.</p>

## **1.0 FURTHER LOCAL REPRESENTATIONS**

- 1.1 Since the writing of the main report, four additional letters of representation have been received, objecting to the proposed works. Officers consider the majority of comments raised which relate to neighbouring amenity, noise impacts and the impact of the proposal on the East India Dock Basin are addressed within the committee report and a copy of the additional representations are available to view this evening.
- 1.2 Concern has been raised with regard to the Committee report format. Principally this relates to the Hours of Operation condition which is proposed in paragraph 3.3, but no detail is provided in this particular section of the report. This is a standard approach taken to the listing of planning conditions. However the full restrictive hours of operation have been set out in paragraph 4.22 (Proposal) as Officers were aware of the sensitively around the operating hours.
- 1.3 Additionally it has been queried what measures will be imposed to control the times at which vehicles can access the site. Officers are aware that the HGVs/Cement mixers must be stored on-site overnight in accordance with the applicants Environmental Permit requirements. However in order to ensure there is no ambiguity with regard to vehicular access to the site outside of operation hours, it is proposed to restrict vehicular movements in accordance with the hours of operation at the site. These matters will be controlled by condition.

## **2.0 FURTHER STATUTORY CONSULTATIONS**

- 2.1 On 24<sup>th</sup> May 2012, the Lee Valley Regional Park Authority (LVRPA) held a Committee Meeting to discuss the Orchard Wharf proposal. The LVRPA comments are outlined in paragraph 6.32 of the planning committee report. The LVRPA had initially concluded that any resolution to grant planning permission would be referred to the Secretary of State for his consideration under the Lee Valley Regional Park Act 1994.
- 2.2 Following the meeting with the Executive Committee at the LVRPA it was resolved that whilst the Park Authority would retain their objection, as the mitigation measures have now been secured for the East India Dock Basin, the Park Authority will not be referring the application, if granted consent, to the Secretary of State for consideration.

### **3.0 CLARIFICATIONS**

- 3.1 Paragraph 7.1, Local Representation, has incorrectly stated that the application was publicised in the Evening Standard newspaper. The application was not publicised in the Evening Standard, the application was only publicised in East End Life newspaper in accordance with the requirements of the Statement of Community Involvement.
- 3.2 Some references have been made to the Managing Development DPD Proposed Submission Version January 2012. This was an error and all reference to the Managing Development DPD should be referenced as 'Managing Development DPD Submission Version May 2012'.



This page is intentionally left blank

<b>Committee:</b> Strategic Development	<b>Date:</b> 5 <sup>th</sup> July 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Director of Development and Renewal		<b>Title:</b> Town Planning Application	
<b>Case Officer:</b> Mandip Dhillon		<b>Ref No:</b> PA/11/03824	
		<b>Ward:</b> Blackwall and Cubitt Town	

1. **APPLICATION DETAILS**

**Location:** Orchard Wharf, Orchard Place, London

**Existing Use:** Vacant/Brownfield Site

**Proposal:** 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.

**Drawing Nos/Documents:** Drawings:  
Figure 2.1 rev C  
Figure 2.2 rev D  
Figure 2.3 rev D  
Figure 2.4 rev D  
Figure 2.5 rev D  
Figure 2.6 rev C  
Figure 2.7 rev B  
Drawing 2565/20 rev B  
Figure 3

Documents:  
Design and Access Statement dated December 2011  
Energy Report (Planning Stage) dated December 2011  
Sustainable Design and construction Statement dated December 2011  
Non-Technical Summary (Environmental Statement) dated December 2011  
Lighting Assessment dated December 2011  
Statement of Community Involvement dated December 2011  
Planning Statement dated December 2011  
Environmental Statement dated December 2011

**Applicant:** Aggregate Industries UK Ltd & London Concrete Ltd

**Ownership:** Port of London Authority and Grafton Group.

**Historic Building:** None  
**Conservation Area:** None

## **2. RECOMMENDATION**

- 2.1 Members are not required to make any decision. The purpose of this report is to update Member's on the progress of this application.

## **3 Background**

- 3.1 An Application for planning permission was reported to Strategic Development Committee on 31<sup>st</sup> May 2012 with an Officer recommendation for approval.
- 3.2 Member's expressed concern over the safeguarding status of the Orchard Wharf site, the impact of the development on the FAT walk, the impact from noise and general use on the biodiversity of the site and the East India Dock Basin, the impact of noise on neighbours, transportation impacts and design and impact on views. Member's voted to defer making a decision to allow Officer's to prepare a supplemental report setting out the reasons for refusal and the implications of the decision.

## **4 Safeguarded Wharves Review 2011/2012 Consultation Draft**

- 4.1 Officers reported at the Strategic Development Committee that the GLA have recently reviewed the status of the safeguarded wharves within the London area through their Safeguarded Wharves Review 2011/2012 consultation draft document. Whilst the safeguarding of Orchard Wharf was not objected to at the time of the consultation, Members expressed that due to the changing nature of the area, objections should have been raised. In light of the comments received, Officers have submitted formal objections to the safeguarding status of Orchard Wharf and we await the GLA's view on our objection issued.
- 4.2 Officers anticipate an update on the status of the Safeguarded Wharves Review 2011/2012 document in July 2012. As such, Officers will be in a position to report this information back to Members, alongside the full reasons for refusal in August.

## **5 London Thames Gateway Development Corporation Planning Committee**

- 5.1 Following the Committee Meeting of 31<sup>st</sup> May 2012, Officers have provided observations to the Corporation based on the concerns raised by Members. A copy of these representations is attached as an appendix to this report.
- 5.2 The LTGDC are therefore timetabling to take the Orchard Wharf application to their planning committee on the 9<sup>th</sup> August 2012.

## **6 LBTH Strategic Development Committee**

- 6.1 Officers will present a full update of the Safeguarded Wharves Review 2011/2012 document at the August Strategic Development Committee.
- 6.2 Officers will also present full reasons for refusal for the Orchard Wharf application, for Members consideration at the August Strategic Development Committee.

## **7.0 APPENDICIES**

- 7.1 Appendix One – Observations Issued to LTGDC

## Development & Renewal

My Ref PA/11/03824  
Your Ref

Jorn Peters  
Senior Strategic Planner  
Development and Environment  
Greater London Authority  
City Hall  
The Queens Walk  
London  
SE1 2AA

Town Hall (AH)  
PO Box 55739  
5 Clove Crescent  
London E14 1BY

Tel (020) 7364 6614  
Fax (020) 7364 5412  
Email  
[Mandip.dhillon@towerhamlets.gov.uk](mailto:Mandip.dhillon@towerhamlets.gov.uk)

26 June 2012

Dear Mr Peters

**RE: GLA; SAFEGUARDED WHARVES REVIEW 2011/2012**

**SITE: ORCHARD WHARF; SITE REF 27.**

Further to our initial representations for the Safeguarded Wharves Review 2011/2012 document (issued 15<sup>th</sup> December 2011), the London Borough of Tower Hamlets wish to raise objection to the ongoing safeguarding of the Orchard Wharf site (site reference 27) for aggregate storage and cement batching proposals.

The GLA may be aware that there have been ongoing applications at this site for the reactivation of Orchard Wharf, these discussions have been ongoing since March 2010 with the submission of formal pre-application documentation. As a result of these ongoing discussions between the applicants, the LTGDC and the LB Tower Hamlets, it was not considered appropriate to object to the safeguarded status of this site when the Safeguarded Review Consultation Draft 2011/2012 was released.

The Orchard Wharf planning application was recently presented to our Strategic Development Committee with a recommendation for approval. Following much debate amongst Members, the recommendation was overturned and Members were minded to refuse the planning application. The application will shortly be presented back to Committee with formal reasons for refusal for Members to approve.

The principal reason for raising an objection against the safeguarded status of this site relates to the changing nature of the Leamouth area. The Council consider that the Leamouth area, which was once industrial in character is moving away from this land use, albeit there are some remaining industrial and employment uses along Orchard Place adjoining the application site. This changing nature of the Leamouth area is evident in the existing land uses which include the predominantly residential units at Orchard Place and the development at Trinity Buoy Wharf which forms a cultural enterprise hub and also has a school within the complex.

In accordance with the changing nature of the land uses in the area, the Leamouth North development, which is also known as the Pura Foods site recently gained consent for 1,706 residential units and 185,077sqm of mixed use commercial floorspace (planning ref PA/10/01864 dated 28<sup>th</sup> November 2011). This development alone will lead to a significant change to the character and vibrancy of the Leamouth Peninsula area.

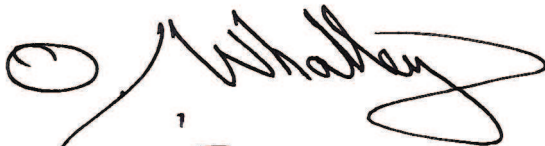
The last known use of the site for aggregate storage and handling ceased in 1993 and the site has been vacant since this date. In 1994, the London Docklands Development Corporation converted the disused dock adjoining the Orchard Wharf site into an area of parkland and natural habitat, now known as the East India Dock Basin. On transfer of the site to the Lea Valley Regional Park Authority the site was designated as a Site of Nature Conservation Importance and is now a well know bird sanctuary and nature reserve. It is notable that the designation of the East India Dock Basin pre-dates the formal safeguarding of the Orchard Wharf site in 1997. The years in which the East India Dock Basin has established itself as a site of nature importance further justify the inappropriate juxtaposition of this industrial use in this particular location.

Accordingly, this site is no longer considered to be suitable for an aggregate storage and handling use, an industrial use which is no longer considered to accord with the emerging and consented land uses within the immediate area.

The Council would ask that these representations and objection to the ongoing safeguarded status of this site is taken into consideration prior to finalising the review of the Safeguarded Wharves Review 2011/2012 document.

Should you require clarification on any of the details set out within this letter, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Owen Whalley', with a stylized flourish at the end.

**Owen Whalley**  
Head of Planning and Building Control



		Cremorne Wharf - planning	No objection to the safeguarding, however, will require access in the future maintenance process both to existing combined sewer discharging from pumping station and proposed Thames Tunnel works. Important to note that that combined sewer is wholly within the wharf site and are aware of the landowners' wish to promote commercial development on site. This could severely impact on the necessary interception of the existing CSO. Thames Tunnel does not believe that their own current proposals will affect the future use of the site as a safeguarded wharf. The Review does not advise on the road access which is a viability criterion (para 7.77 of London Plan 2011) but does state RBKC's advice. It is suggested that the Review advises that there is suitable access, given that the wharf is currently operated under a planning permission that permits up to 150 HGV movements per day.	Surrounding Land Use section of site assessment addresses the access issue. As set out in the Implementation section of the site assessment, the long term viability of the wharf for the time after the completion of Thames Tunnel should be ensured.
42	Tower Hamlets	Flexibility - alternative uses	Suggest that long-term flexibility is embedded within the safeguarded wharves guidance to assess the potential for additional and/or alternative uses to be located.	The review process itself provides an appropriate level of flexibility; the outcome has to be sufficiently clear to form the basis of regulations.
		Northumberland Wharf - operation	LBTH confirm that wharf will no longer be used by the Council for the transfer of its municipal waste for the remainder of its current waste contract. As the site is safeguarded the Council intends to lease the site on a short-term to a private waste provider.	Noted. This does not affect the designation.
		Northumberland Wharf - future review	In preparation of LBTH's Managing Development DPD, the Council is working closely with the GLA to ensure it is able to meet its London Plan waste apportionment target in the most suitable way. If having agreed with the GLA the best means of meeting its waste apportionment target, it can be demonstrated that Northumberland Wharf is not required for the transfer or processing of waste, then LBTH would request a review of its safeguarded status, in respect of the surrounding areas residential status.	Any change to the current situation can only be pick up in future reviews
		Northumberland Wharf - future review	Suggested amendments to line 26, Table 7.1 - Safeguarding status/justification column - add "(transfer of additional waste)" Under 'proposed implementation actions' add "if needed for the transfer of waste. If it can be demonstrated that the site is not needed to meet the Council's London Plan Waste apportionment target then a review of the safeguarded status of the site will be undertaken with the potential for alternative uses much more compatible with the residential character of the surrounding areas."	Any change to the current situation can only be pick up in future reviews
43	Treasury Holdings	Cringle Dock and Kirtling Wharf - implementation	Does not suggest that wharves should no longer be safeguarded, but the Review should acknowledge the potential of redeveloping Cringle Dock and Kirtling Wharf to deliver more modern facilities, that better fit a world class regeneration project. Therefore, an additional bullet point should be added to Table 7.1, sites 6 and 7: "The Wharf owners and operators are encouraged to continue discussions with the Council, GLA and adjoining land owners to consider potential redevelopment options to achieve modern wharf facilities, potentially as part of a mixed use redevelopment of the wharves." Positive consequences as a result of development of modern facilities would include; state of the art facilities for the operators, increasing efficiency in handling of waste and aggregates. The enclosure of operations would result in the achievement of far higher environmental standards, reducing risk of noise, dust and odor, and they would also more attractive in the context of a major regeneration zone.	Planning policy and should ensure this through mitigation measures that would be required as part of redevelopment. We consider continued safeguarding to be appropriate
44	Una Hodgkins	Thames Tunnel	Important not to leave the fate of the wharves in the hands of developers, especially in context of Thames Tunnel.	Review promotes that water transport of construction/excavation material when Thames Tunnel is built - see Implementation section of relevant wharves
45	Wandsworth - Officer	Wandsworth wharves	Agrees that all wharves in Wandsworth should be safeguarded, as per review.	Noted
		Middle Wharf - future review	The Council supports the current safeguarding of the wharf during the construction of the Thames Tunnel to maximise the wharf's use for enabling waterborne transportation of construction and excavation materials, and supports its de-designation to support increased access to the riverside and support the regeneration objectives of the VNEB OA.	Any change to the current situation can only be pick up in future reviews
		Hurlingham Wharf - operation	Supports continued safeguarding, in context of Thames Water's proposed Carnwarth Road Riverside Thames Tunnel main shaft site. Use of Carnwarth Road would require the continued use of Hurlingham Wharf for removal of spoil and for importing of construction materials.	Noted
46	Western Riverside Waste Authority	Smugglers Way, Cringle Dock and Middleton Jetty	Support the continued safeguarding of these wharves. However, the transfer stations are becoming increasingly surrounded by uses that are not industrial or freight related.	Noted
		Consolidation opportunities and mechanisms	Supports safeguarding and promoting use of the Thames, but the Review also needs to include clear policy mechanisms whereby a consolidation, rationalisation or relocation of wharves can be permissible. - Consolidation of small wharves to allow the shared use of infrastructure and more flexible interim storage arrangements together with space for better vehicle utilisation would seem to be a strategy more likely to increase use of the river in the Western region.	Not principally against consolidation, and paragraph 8.2.4 sets out underlying approach
		Cringle Dock - future review	Lies within the VNEB regeneration area and it could be in everyone's interests to consider a future relocation of the wharf so as to mitigate potential conflicts with neighbours, stimulate capital investment in the site and maintain or increase its throughput potential.	Any change to the current situation can only be pick up in future reviews
		Hurlingham Wharf - consolidation	Constraint by the fact that two of its potential access routes go through residential areas and have six foot six inch width restrictions. - Consolidation opportunities exist to the east of Wandsworth Bridge which would retain capacity and make the prospect of sites becoming operational more realistic as they would enjoy better access to the strategic road network whilst simultaneously releasing redundant sites of regeneration.	No in principle objection to consolidation, however there are a number of substantial issues that would have to be resolved before this could be considered as a serious proposition, and continued designation is appropriate.
		Waste demand forecast	Questions report's waste demand and capacity estimates for the Western region and accuracy of some of the non-operational site assessments in relation to supply and demand in the Western region. In WRWA's view there has been little or no positive change in the eight years since the Authority responded to the last consultation and believes it is a result of the policy being too rigid and is attempting to safeguard wharves for historic rather than pragmatic reasons. Waste tonnages have fallen by 38 % between 2005 and 2010, a reduction that began prior to the 2008 downturn in the economy. This mirrors Authority's experience particularly marked drop in residual tonnage although this still represents around 70 % of the overall waste stream.	Section 3.3 sets out a robust approach to the forecasting of waste by water, which is also informed by policy drivers and stakeholder consultation

This page is intentionally left blank

	Waste demand forecast	Remaining 30 % of waste stream is made up of a very large number of diverse materials, generally recyclates, which means that the prospects of them having the economies of scale necessary to absorb the additional handling costs of a river transport operation are remote. Also, these products are traded actively within wide and diverse market place and long term fixed point-to-point river transport solutions are unlikely to be attractive. There is some recognition of this in the consultation document at para 3.3.4 but it is overlooked in the subsequent analysis.	Paragraphs 3.3.6 - 3.3.8 consistently build on paragraph 3.3.4 providing an estimate on recyclates by water
	Waste demand forecast	Similarly, no allowance has been made for the governance arrangements surrounding municipal waste. The Authority will, under statute, process all the municipal waste in its area and the residual waste element will be transferred via its two existing river transfer stations. Consequently, it is unlikely to ever need additional wharf capacity. Commercial waste streams would be smaller and suffer from the same economy of scale problems faced by the recyclates. Construction waste is now generally recycled by developers for use on-site or it is distributed so widely that a point-to-point river solution is unlikely to be a realistic option.	Whilst the waste demand forecast is quite broad in spatial terms it has to be considered moderate as it does only cover municipal waste and construction waste but not commercial and industrial waste. The scale of the latter is significant but the proportion that could be transported by water is very difficult to predict. This has to be taken into account. Also, wharves are not necessarily safeguarded for waste - its safeguarded for waterborne freight handling.
	Mayor projects	One-off major tunnelling projects should not define the underlying safeguarding policy.	However, their scale is significant and indicative of major future projects that could create increased demand.
<b>Late submissions</b>			
Tower Hamlets - supplement - 26 June 2012	Orchard Wharf - planning and land use context	Objection against its safeguarding status in the light of Members refusal against officer recommendation of planning application for site reactivation. Principal reason is the changing nature towards mixed uses of the Leamouth area	The safeguarding designation is different from an individual planning application. The comment does not in itself raise grounds for de-designation in terms of London Plan policy, which focuses on a test of wharf viability. - The Council's own Core Strategy (adopted in September 2010) protects Orchard Wharf for cargo-handling within the vision of regeneration and mixed-use development at Leamouth. It further notes that 'effective buffers are needed to protect the residential amenity and the future operation of Orchard Wharf'.
	Orchard Wharf - environmental impact	Proximity to East India Dock Basin SNCI	Mitigation measures would be required in accordance with national, London and local planning policy. This is not in itself a reason for de-designation
John Gordon - 14 May 2012	Orchard Wharf - planning and land use context	A concrete plant in the heart of a new mixed use seems inappropriate to the recent evolution in the area's fortunes. This plant is likely to reverse the positive urbanisation of this quarter.	The safeguarding designation is different from an individual planning application for a concrete plant. The comment does not in itself raise grounds for de-designation in terms of London Plan policy, which focuses on a test of wharf viability. - A planning application would assess impacts and mitigation would be put forward where required.
	Orchard Wharf - road access	The road access from the A1020 is along a narrow road which cannot be widened. This road is used by school children attending a primary school recently established at nearby Trinity Buoy Wharf, a place that also attracts many visitors by foot to its artistic installations. The frequent use of large aggregate lorries, estimated at one every 3 minutes during the plant's working hours, to access the plant does not seem compatible with these new uses. The exit for lorries will be onto a roundabout which already often gets congested. Your report makes no mention of these aspects.	Mitigation measures would be required in accordance with national, London and local planning policy. This is not in itself a reason for de-designation.
	Orchard Wharf - environmental impact	Proximity to East India Dock Basin SNCI and opportunity for development of visitor attraction on part of wharf site in conjunction with it. A wharf would also be highly visible in front of the otherwise attractive bird reserve when viewed from the new Emirates Air Line cable car running close by. Passengers views of the reserve are likely to be negatively impacted, possibly impacting negatively on the repeat use of the cable car by tourists.	Comment does not in itself raise grounds for de-designation in terms of London Plan policy, which focuses on a test of wharf viability. - A planning application would assess impacts and mitigation would be put forward where required.
	Orchard Wharf - alternative	There seems to be much empty land fronting the river to the east of the Lower Lee River Crossing as Tower Hamlets turns into the Borough of Newham that could make a viable alternative location for this plant.	No in principle objection to consolidation, however there are a number of substantial issues that would have to be resolved before this could be considered as a serious proposition, and continued designation is appropriate - particularly as there is operator interest in using the wharf.
Colpy Ltd - DP9 - 21 May 2012	Demand forecast	Long term downward trend in cargo handled on the Thames (see AMR 2012) is not adequately reflected	The historic demand section (3.1) has been updated to reflect most recent figures. Section 2.2 sets out the methodology for the demand forecast, of which historic trends is one aspect
	Peruvian Wharf - planning and land use context	There has been significant change in the physical character of the area since 2007 and planning policy promoting the mixed use regeneration of the area. It is also benefiting from significantly enhanced transport links including direct links to a DLR station.	Comment does not in itself raise grounds for de-designation in terms of London Plan policy, which focuses on a test of wharf viability.
	Peruvian Wharf - planning and land use context	The NPPF advises against long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. LB Newham Core Strategy and Employment Land Review in particular promote release of employment land and a flexible approach	Site assessment demonstrates that wharf is viable and has potential. Consolidation opportunities within Thameside West are also highlighted.
	Peruvian Wharf - road access	Wharf has no road or rail access	The required investment is being addressed through the ongoing reactivation process
	Peruvian Wharf - navigation	Physical characteristics of the wharf are such that only low-value bulk commodities such as aggregates can be accommodated	For the North East sub region a shortfall in wharf capacity to handle aggregates has been identified
	Peruvian Wharf - market interest	There are already several aggregates operators in the immediate vicinity and there must be some doubt as to whether there is real market demand for another operator. Brett Aggregates has kept the site vacant on account of there being insufficient demand to justify their setting up on the site	For the North East sub region a shortfall in wharf capacity to handle aggregates has been identified, and there is interest from operators to use this site

This page is intentionally left blank

<b>Committee:</b> Strategic Development	<b>Date:</b> 16 <sup>th</sup> August 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Mandip Dhillon		<b>Ref No:</b> PA/11/03824	
		<b>Ward(s):</b> Blackwall and Cubitt Town	

## 1. APPLICATION DETAILS

**Location:** Orchard Wharf, Orchard Place, London

**Existing Use:** Vacant/Brownfield Site

**Proposal:** 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.

**Drawing Nos:** Drawings:  
Figure 2.1 rev C  
Figure 2.2 rev D  
Figure 2.3 rev D  
Figure 2.4 rev D  
Figure 2.5 rev D  
Figure 2.6 rev C  
Figure 2.7 rev B  
Drawing 2565/20 rev B  
Figure 3

Documents:  
Design and Access Statement dated December 2011  
Energy Report (Planning Stage) dated December 2011  
Sustainable Design and construction Statement dated December 2011  
Non-Technical Summary (Environmental Statement) dated December 2011  
Lighting Assessment dated December 2011  
Statement of Community Involvement dated December 2011  
Planning Statement dated December 2011  
Environmental Statement dated December 2011

**Applicant:** Aggregate Industries UK Ltd & London Concrete Ltd

**Owner:** Port of London Authority and Grafton Group.

**Historic Building:** None

**Conservation Area:** None

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Development Management DPD (Proposed Submission Version 2012); as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:

- In land use terms, the national safeguarding of the application site supports the principle of re-activating the site for aggregate storage and concrete batching. The proposal therefore accords with policies 7.24, 7.26 and 7.30 of the London Plan 2011, Safeguarded Wharves Review 2011/2012 Consultation Draft July 2012, policy SP12 of the Core Strategy 2010 and site allocation LS22 of the Leaside Area Action Plan 2007.
- Given the safeguarded wharf status of the site, the proposed development is considered appropriate in terms of design, bulk and scale and massing. The design and scale of the new building is in keeping with the surrounding properties in terms of general building line and height. This accords with saved policy DEV1 of the Unitary Development Plan 1998; strategic objectives and policies SO20, SO21, SO22, SO23 and SP10 of the Core Strategy 2010, policies DM23 and DM34 of the Managing Development DPD Submission Version May 2012 and DEV2 of the Interim Planning Guidance 2007.
- Given the safeguarded wharf status of the site, the proposals are considered to be acceptable in relation to local views and value of the East India Dock Basin nature reserve and riverfront views into the site. The proposal therefore accords with DEV8 of the Unitary Development Plan 1998, CON5 of the Interim Planning Guidance 2007 and SP10 of the Core Strategy 2010.
- Given the location of the surrounding listed buildings and structures which are not within the immediate vicinity of the site, it is considered that the proposals would not detrimentally impact upon the setting of the adjoining heritage assets. The proposal is considered to be in accordance with policies CON1 and CON2 of the Interim Planning Guidance 2007, SP10 of the Core Strategy 2010 and DM27 of the Managing Development DPD Submission Version May 2012.
- On balance, the buffer zone and noise mitigation measures proposed are considered to provide adequate measures to ensure the amenity of existing and future adjoining occupiers. The proposal is therefore considered to accord with policies 7.14 and 7.15 of the London Plan 2011, saved policies DEV2 and DEV50 of the Unitary Development Plan 1998, policies SP02, SP03 and SP10 of the Core Strategy 2010 and policies DM9 and DM25 of the Managing Development DPD Submission Version May 2012 which seek to ensure that development proposals reduce noise minimising the potential adverse impact on amenity.
- The proposed development, by virtue of its scale, design and massing is not considered to result in the loss of daylight and sunlight surrounding the site. In addition the distance and orientation of the proposed office building is unlikely to cause any loss of privacy to the live work units at Orchard Place or adjoining occupiers. The proposals are considered to accord with policy SP10 of the Core Strategy 2010, saved policy DEV2 of the Unitary Development Plan and policy DM25 of the Managing Development DPD Submission Version May 2012 which seek to protect the amenity of existing a future occupiers.
- On balance, it is considered that the proposed works both on-site and off-site

sufficiently seek to protect the biodiversity of the site and enhance the biodiversity of the adjacent East India Dock Basin (EIDB). If all the proposed on-site mitigation and the de-silting of EIDB are carried out successfully, this should result in a net gain in Biodiversity which results in a neutral impact on its recreational amenity value in accordance with the National Planning Policy Framework. The works are therefore considered to accord with policy 7.19 of the London Plan 2011 and policy SP04 of the Core Strategy 2010 and the National Planning Policy Framework.

- Subject to the imposition of conditions, the proposal is considered to reduce the impact and risk of flooding. The proposal therefore accords with policy 5.12 of the London Plan 2011, saved policy U2 of the Unitary Development Plan 1998, policy DEV21 of the Interim Planning Guidance 2007 and policy SP04 of the Core Strategy 2010.
- On balance, it is considered that sustainability matters, including energy are acceptable and accord with policies 5.2 to 5.7 of the London Plan 2011, policy SP11 of the Core Strategy 2010, policy DM29 of the Managing Development DPD Submission Version May 2012 and policies DEV5 to DEV9 of the Interim Planning Guidance 2007, which seek to promote sustainable development practices.
- On balance, transport matters, including parking, access and servicing, are considered acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy 2010 and DM20 and DM22 of the Managing Development DPD Submission Version May 2012, which seek to ensure developments minimise parking and promote sustainable transport options.
- The proposed development will provide appropriate contributions towards the provision of biodiversity enhancements, noise insulation works, highway improvement works, the extension of the Thames Path and employment and enterprise initiatives in line with policy DEV4 of the Council's Unitary Development Plan 1998, policy IMP1 of the Council's Interim Planning Guidance 2007 and the Planning Obligations SPD 2012, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3 RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

**A** Any direction by **The Mayor of London**

**B** The decision of **London Thames Gateway Development Corporation** to grant planning permission

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

#### Financial Obligations

- a) £250,000 towards biodiversity enhancements at the East India Dock Basin
- b) £14,768 towards Employment and Enterprise

Total Financial Contribution

**£264,768**

#### Non-Financial Obligations

- a) Noise Insulation Works and Ventilation scheme for 42-44 Orchard Place;
- b) Highway Works including the resurfacing of Orchard Place;

- c) Travel Plan;
- d) Employment and Training;
- e) Thames Path extension through the application site; and
- f) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

**Conditions**

- Submission of reserved matters within 3 years
- Commencement of development no later than 2 years from final approval of reserved matters
- Development not to be implemented without LTGDC planning permission also granted
- Approved plans
- No works carried out until S106 agreement entered into
- Details of materials
- Details of landscaping
- Strategy to maximise the use of the River Thames for construction and waste
- All aggregates (including sand) and cement to enter the site by river
- Cycle storage
- Staff and visitor parking
- All parking relating to operation, servicing, delivery, visitation and/or staffing to be within the site boundaries
- Hours of operation
- Noise management strategy
- Dust management strategy
- Programme of archaeological work
- Four stage contamination assessment
- Contamination verification report
- Actions if contamination not previously identified is found
- Report into the condition of river wall/flood defences
- Safe flood refuge area
- Hydraulic engineering reports to inform jetty design
- Surface water drainage scheme
- Details of roof runoff
- Development to be carried out in accordance with the Flood Risk Assessment
- Piling or other foundation designs to be submitted and approved
- Ecological management plan
- Minimisation of light spill onto the River Thames
- Working method statement for all works on the river side of the site
- Details of refuse storage area
- Construction environmental management plan
- Deliveries and servicing plan
- Energy strategy

3.4 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

3.5 **Informatives:**



- 1) S106 agreement
- 2) S278 agreement
- 3) Thames Water will aim to provide customers with a minimum pressure of 10m (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4) London City Airport informative: It should be noted that this informative applies to the completed structure at a maximum of 23.5m AOD. In the event that during construction, carnage or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation to London City Airport. It is advised that the attention of crane operators be brought to the British Standard Code of Practice for the same use of cranes, British Standard Institute 7121: Part 1:1989 (as amended).
- 5) Applicant is advised to contact LBTH Building Control to ensure the development meets Building Regulation Approval.

3.6 Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.7 That the Corporate Director Development & Renewal is delegated power to engage with LTGDC and the applicant to negotiate the legal agreement indicated above.

3.8 That, if within 3 months of the date of this committee, the LTGDC committee or any direction by the Mayor of London (whichever is later) the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

#### **4.0 BACKGROUND**

4.1 This planning application was reported to Strategic Development Committee on 31st May 2012 with an officer recommendation for approval. A copy of the case officers' report and update report containing the summary of material planning considerations, site and surroundings, policy framework, planning history and material planning considerations is attached at Appendices 1 & 2 to this item.

4.2 After consideration of the report and the update report at the 31st May 2012 Strategic Development Committee, the committee resolved not to accept the officers' recommendation and was minded to refuse planning permission because of concerns over:

- The safeguarded status of Orchard Wharf.
- The impact of the development on the FAT Walk.
- Impact from noise and general use on the biodiversity of the site and the East India Dock Basin.
- Impact of noise on neighbours.
- Transportation impacts.
- Design and impact on views.

4.3 In accordance with Rule 10.2 of the Constitution, and Rule 4.8 of the Development Procedure Rules, the application was deferred on the 31st May 2012 to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision.

- 4.4 An Information Report was issued to the Strategic Development Committee on 5th July 2012 (Appendix 3) to advise Members that a letter of objection had been submitted to the GLA Safeguarded Wharves Review 2011/2012 Consultation Draft document. The letter of objection raised formal objection to the safeguarding status of Orchard Wharf due to the changing nature of the area around the application site. A copy of the Comments Submitted is provided at Appendix 4.
- 4.5 On the 16th July 2012, the GLA released a further consultation draft of the Safeguarded Wharves Review 2011/2012 and provided a formal response to the objections lodged with regard to the safeguarded status of Orchard Wharf. A copy (extracts only) of the formal response received from the GLA to the LBTH comments/representations is provided at Appendix 5.
- 4.6 It is considered that the further consultation draft of the Safeguarded Wharves Review 2011/2012 alongside the formal response from the GLA to the objections lodged are fresh material considerations in the determination of the proposed development which warrant consideration by the Committee. As such, the application is presented afresh to the Strategic Development Committee for consideration, in light of additional information and clarifications.

#### London Thames Gateway Development Corporation (LTGDC)

- 4.7 This cross boundary planning application straddles the planning boundaries of the LB Tower Hamlets and the LTGDC. The LTGDC planning application will be presented to LTGDC members on the 16th August. Officers have recommended the application for approval and a copy of the LTGDC committee report is due to be released on the 8th August 2012. As the report is currently not available to view, a copy will be made available for all Members at the LBTH Strategic Development Committee meeting on the 16th August 2012.
- 4.8 Officers will provide an update to Members of any resolution taken by the LTGDC committee on the 16th August 2012, should the details be available.

### **5.0 POLICY FRAMEWORK**

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. In addition to the policies listed within the Committee Report of the 31st May 2012 (Appendix 1), the following policies are relevant to the application:

#### **Supplementary Planning Guidance/Documents**

##### **London Plan**

Safeguarded Wharves Review 2011/2012 Consultation Draft July 2012

### **6.0 ADDITIONAL CONSULTATION RESPONSES**

- 6.1 These additional consultation comments should be read in conjunction with the original Committee Report of the 31<sup>st</sup> May 2012 (Appendix 1 and 2)

#### **Greater London Authority – Mayor of London**

- 6.2 The GLA have issued further comments following their Stage 1 report which was submitted on 29<sup>th</sup> February 2012. The overall conclusion of the further comments advise that all matters raised at Stage 1 have been satisfactorily dealt with. A summary is provided below.

#### Land Use

- 6.3 The reactivation of the Wharf is strongly supported. The further consultation of the Safeguarded Wharves Review 2011/2012 (July 2012) retains the safeguarding of Orchard wharf.

#### Biodiversity

- 6.4 The contribution of £250,000 offered by the applicant to de-silt the East India Dock Basin (EIDB) is sufficient to address the need for off-site mitigation.

#### Noise

- 6.5 The applicant has accepted to provide for the re-surfacing of Orchard Place and noise insulation at 42-44 Orchard Place, this is considered sufficient to address noise impacts.

#### Urban Design

- 6.6 Further details have been provided of the proposed materials, boundary treatments and landscaping and therefore strategic design issues have been satisfactorily addressed.

#### Inclusive Design

- 6.7 Whilst all accessibility measures have not been provided, such as a lift within the office, other measures including DDA WC's and disabled parking spaces are provided. On balance, due to the limited number of office based employees the absence of a lift does not warrant a recommendation for refusal and inclusive design matters have been satisfactorily resolved.

#### Climate Change Mitigation

- 6.8 On balance it is accepted that the nature of the use is unable to meet the policy requirements however the 6% carbon savings by photovoltaics is welcomed.

#### Employment and Training

- 6.9 The applicants financial and non-financial employment and procurement obligations is welcomed and satisfactorily addresses the issues raised at Stage 1.

#### Transport

- 6.10 Additional information has been provided with regard to cycle parking, delivery and servicing, the overhead conveyor and the waterbourne movements during the construction phase.

- 6.11 In conclusion the principle of the development continues to be supported by the GLA.

### 7.0 **LOCAL REPRESENTATION**

In addition to the comments reported within the Committee Report of the 31<sup>st</sup> May (Appendix 1 and 2), 2 further letters of objection have been received from local residents. The following issues were raised in representations that are material to the determination of the application.

#### 7.1 Objections

- Whilst road widening is proposed outside the application site, road widening is required outside the East India Dock Basin where the pavement is narrowest;

*(Officer comment: This area is outside of the control of the applicant and therefore road widening is not possible through this application.)*

- The development will result in vehicular and pedestrian conflict;  
*(Officer comment: This was discussed in detail in the original committee report (Appendix 1 and 2) and is detailed further within Material Planning Considerations below.)*
- Queries have been raised as Officers advised that road traffic noise cannot be taken into consideration  
*(Officer comment: This is detailed further in the Material Planning Considerations below.)*
- Noise impact from barges on Virginia Quay residents  
*(Officer comment: This is detailed further in the Material Planning Considerations below.)*
- Residents requested that Officers supported their request to de-designate the Orchard Wharf site through the Safeguarded Wharves Review 2011/2012.  
*(Officer comment: LBTH formally issued a letter of objection to the GLA, full details of which are provided within Background (above) and Material Planning Considerations below.)*

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

### Land Use/Safeguarded Wharf

- 8.1 A further consultation draft of the Safeguarded Wharves Review 2011/2012 has been released by the GLA. This consultation draft proposes no changes to the status of Orchard Wharf. The application site remains a safeguarded wharf and is considered to be viable and well located to serve central and inner London locations and can satisfy an element of the forecast shortfall of aggregate supply in the sub region.
- 8.2 The further consultation period is currently on-going however comments are only invited on the changes which have been made to the document. The changes which have been made to the document reflect some consultation comments received and provide clarifications and updates in terms of national policy, particularly relating to the National Planning Policy Framework.
- 8.3 As set out above, there have been no changes made in the Safeguarded Wharves Review (July 2012) to any of the details relating to the Orchard Wharf site, which remains safeguarded. On the basis of the Further Consultation draft (July 2012) and the formal response received to the objection submitted by LBTH to the status of the site, it is considered that this site will be retained as a Safeguarded Wharf.
- 8.4 The GLA have considered the late representations submitted by the LB Tower Hamlets which objected to the safeguarding of Orchard Wharf. An extract setting out the GLA response is provided at Appendix 4. It is clear from the comments issued that the status of the application site is considered viable and appropriate for a concrete batching and aggregate storage use. The GLA do not support the de-designation of Orchard Wharf.
- 8.5 In light of the confirmation provided by the further consultation draft of the Safeguarded Wharves Review 2011/2012 to retain the Orchard Wharf site as a safeguarded wharf, the re-activation of the site for aggregate storage, concrete batching and cement storage is considered to be acceptable.
- 8.6 Members indicated that they considered that the changing nature of the area due to recent

residential consents and the move towards mixed use development in the area should provide grounds to refuse the planning application in land use terms. Officers have submitted formal objections to the Safeguarded Wharves Review 2011/2012 which have been considered but have not changed the status of this application site. The site has been retained as a safeguarded wharf.

- 8.7 While the above reason has been derived on the basis of the Members' concerns, given the retention of the application site as a safeguarded wharf within the GLA's most recent consultation draft, officers do not consider that land use constitutes a defensible reason for refusal on this planning application.

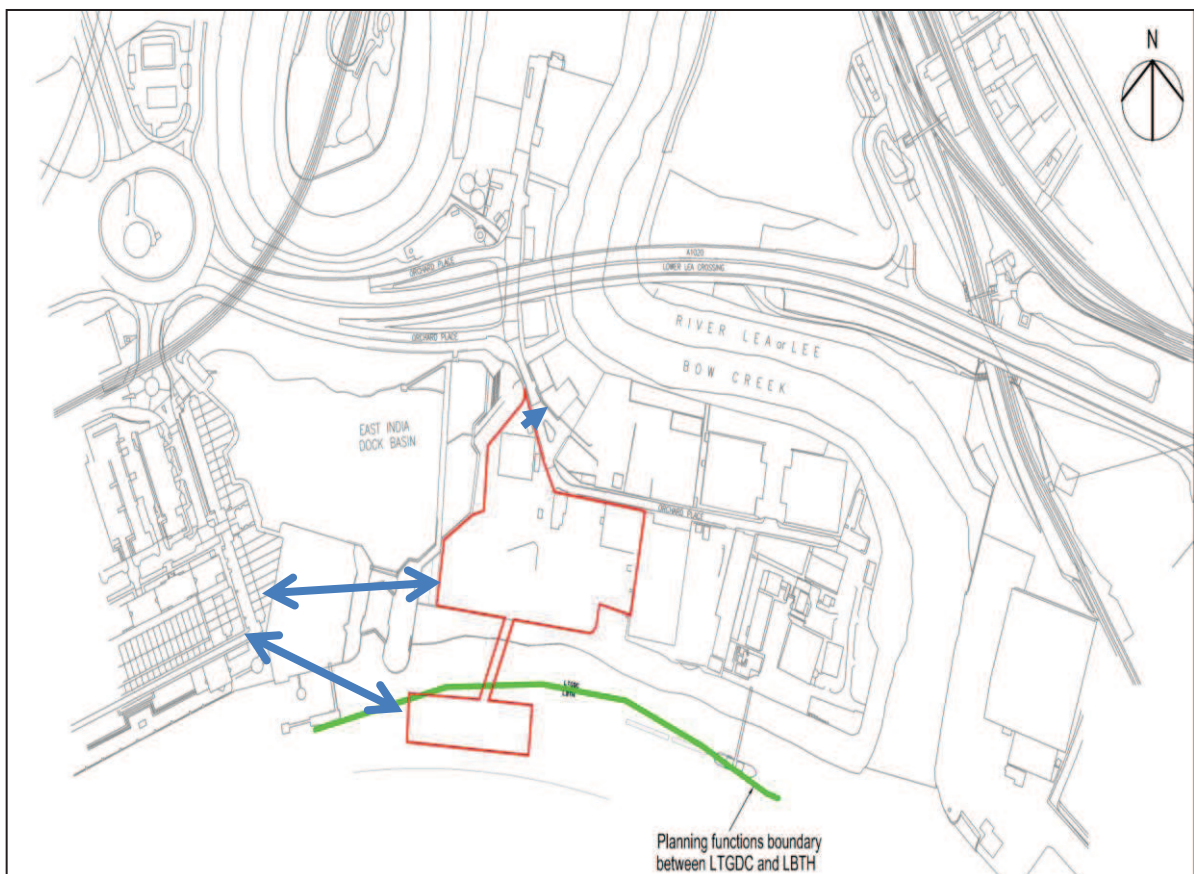
#### Biodiversity

- 8.8 The applicants included a full Biodiversity Survey within their Environmental Statement which considered the impacts of the development on both the application site and the East India Dock Basin. In most years up to 2009, the application site held breeding black redstarts, a bird protected under Schedule 1 of the Wildlife & Countryside Act 1981 (as amended). The development would remove all existing black redstart habitat from the site. The proposed development includes extensive on-site mitigation for this loss of habitat, through the creation of brownfield-style habitat on roofs and throughout the landscaping of the site.
- 8.9 To reduce the risk of noise disturbance to teal and other birds on East India Dock Basin, and to secure overall enhancements for biodiversity, the Local Planning authority in consultation with the Lea Valley Regional Park Authority sought off-site mitigation to provide enhancements and de-silting works for the East India Dock Basin, to encourage an environment at the East India Dock Basin which was more favourable to less noise-sensitive birds.
- 8.10 Members indicated that they considered the development would impact adversely on the protected black redstart, cause disturbance to teal at the East India Dock Basin and also impact on the enjoyment of nature at the Basin by visitors to the area.
- 8.11 In terms of the black redstart, any development of the application site would remove the existing habitat. The existing habitat also may be deteriorating in its appeal to black redstarts, as no black redstarts have been seen on the application site in 2012, despite a pair attempting to breed only a few hundred metres away. The nature of the proposed development allows extensive inclusion of suitable habitat for black redstarts within the landscaping. This is less likely to be possible with some other types of development, notably residential, as black redstart habitat tends to look untidy and does not fit well with traditional landscapes. Therefore, it is difficult to envisage a development outcome on this site which is more favourable to the black redstart than the current proposals.
- 8.12 There is a possibility of noise disturbance to birds and people using East India Dock Basin, However, this needs to be considered in the light of ever-increasing siltation which is gradually reducing the value of the Basin for birds and as a natural amenity for people. The improvement to the Basin through de-silting, funded through planning obligations, would more than compensate for any disturbance, leading to an overall gain for biodiversity and access to nature.
- 8.13 Officers do not, therefore, consider that impacts on biodiversity constitute a defensible reason for refusal on this planning application.

#### Noise

- 8.14 The application included a Noise Assessment which formed part of the Environmental Assessment.

- 8.15 The proposed industrial use has associated noise levels which potentially impact upon local residential amenity. Officers would however note that it has been demonstrated within the application that the impacts of the proposed noise can be appropriately mitigated through sound insulation and ventilation measures.
- 8.16 Concerns were raised with regard to the impact of potential noise disturbance at Virginia Quay from the development and waterbourne movements. The Virginia Quay residential development is located some distance from the proposed development and the proposed jetty. A plan is provided below to show the exact locations of the closest noise receptors which are those at 42-44 Orchard Place. The development at Virginia Quays (west of the application site) is not considered to be a sensitive noise receptor and the Councils Environmental Health team have advised that any noise impact on the residents of Virginia Quay would be negligible.



- 8.17 Members raised concerns over the increased noise from the vehicular movements associated with the proposed development. The concerns raised however related to the increased road traffic noise on the local highway and surrounding roads. The Councils Environmental Health Officer has advised that road traffic noise arising from the increased vehicular movements are not considered in noise assessments for proposed developments.
- 8.18 Environmental Guidance which has been used in the assessment of this application has not taken into account the road traffic noise on the local highway, resulting from the vehicular movements associated with this development. The Guidance only permits the assessment of noise generation from within the development. Noise generation on an existing public road and an existing highway network is not taken into account. The reason behind this is because the surrounding highway network already exists and already generates a level of noise that the development cannot be expected to mitigate against. Notwithstanding this, the applicants have agreed to re-surface the highway adjacent to 42-44 Orchard Place to reduce the level of immediate road noise.

- 8.19 As a result of works to extend London City Airport, it was reported to the planning committee in May that all residents within 42-44 Orchard Place are entitled to additional ventilation works from the London City Airport ventilation Scheme. This will involve the installation of a ventilation pipe to allow units to be ventilated without the need to open their windows. This ventilation scheme is also proposed to be provided by the applicant. The residents of 42-44 Orchard Place are able to take the scheme from either London City Airport or the applicants, should consent be granted.
- 8.20 While the impacts of potential noise disturbance have been raised as a concern by Members, given the ability to mitigate the concerns of the noise impact through the imposition of conditions and planning obligations, officers do not consider that the impacts of noise associated with the development and the vehicular movements constitute a defensible reason for refusal on this planning application.

### Transport

- 8.21 Members indicated that they considered that the number of vehicular movements arising from this development was excessive and would cause an unacceptable impact on the vehicular and pedestrian movements on Orchard Place. It was also considered that as a high number of people use Orchard Place to access Trinity Buoy Wharf, there was the potential to cause conflict on the road.
- 8.22 The current base vehicular trip rate along Orchard Place has been surveyed and is taken to be at a very low level. The main reason associated within this low level of existing vehicular movement is the low density development within Orchard Place and the surrounding area. Even when the cumulative trips for the Orchard Wharf north consented scheme and an estimate for residential use zoned for elsewhere in Orchard Place are accounted for, vehicular flows would be still considerably below the capacity of the highway network. Whilst new trip generation on Orchard Place would appear to be a large quantitative increase in vehicular movements, these movements are added to a highway that has limited vehicular movements and as a result the total flow will remain low in absolute terms. The flows of this development will be spread across the 14 daily hours of opening and such small peaks as will occur are not anticipated to overlap with existing highway peak use hours.
- 8.23 Trips to Trinity Buoy Wharf are likely to currently comprise pedestrians, cyclists and motorists. Whilst concerns have been raised over potential conflict between users of Trinity Buoy Wharf, it should be clarified that the following measures are proposed through the proposed development.
- Extension of the Riverside Walkway
- 8.24 It is proposed to create a riverside walkway for pedestrians and cyclists. This would lead from a new gateway into the nature reserve which adjoins the western boundary of the site, along the river edge of the development, to the Causeway which runs from the river northwards back to Orchard Place along the eastern boundary of the site. This route would be open at all times and securely fenced from the application site.
- 8.25 The proposed route would give pedestrians and cyclists an off-road option from the Virginia Quays area, including East India station, through to Orchard Place, east of the point where the HGV vehicular movements generated by the development joins that road. This would allow for pedestrians and cyclists to use the new route created and not interface with the additional traffic generated. This route would increase the journey length by 250metres, or a 3 minute walk, which is considered to be negligible.
- Footpath Widening and Road Resurfacing
- 8.26 As part of the development, the site boundary to Orchard Place will be set back to give a

consistent footway width of 2metres along the frontage. Where that footway crosses each of the two site accesses, full dropped kerb crossing facilities with tactile paving will be provided and see through railings along this boundary will seek to improve visibility between pedestrians and cyclists and HGV drivers.

- 8.27 It also proposed to resurface the section of Orchard Place between the A1020 slip road and the site accesses. Given the existing poor condition of this section of carriageway, the works will reduce noise and vibration generated by HGV traffic.
- 8.28 The proposed highways and transportation impacts of this development have been considered in detail by the LBTH and also transport engineers at TfL. Officers do not consider that the impacts of the highways and transportation constitute a defensible reason for refusal on this planning application.

#### Design and the FAT Walk

- 8.29 At the planning committee of the 31<sup>st</sup> May 2012, Members indicated that as the FAT Walk terminates at the East India Dock Basin, it is not considered that the proposed concrete batching plant and aggregate storage depot, which would be located at the end of the walkway, would enhance the quality and usability of the FAT Walk.
- 8.30 At the planning committee of the 31<sup>st</sup> May 2012, Members indicated that they considered that the proposal failed to provide an appropriate design solution in this prominent riverfront location. Whilst the design is typical of an industrial site and building, it is not considered that this is appropriate in this location.
- 8.31 The principle concern raised by Members with regard to the impact upon the enjoyment of the FAT Walk arises from the design and appearance of providing an industrial building at the final point of the FAT Walk.
- 8.32 Officers would advise that given the development sites' designation as a safeguarded wharf any future development is likely to have an industrial/warehouse appearance, similar to that of the current proposals. Whilst design is subjective, officers consider the safeguarded status of this site, would render a reason for refusal based on these grounds difficult for officers to defend on appeal.

### **9.0 SUMMARY**

- 9.1 In light of the clarification that is provided by the Safeguarded Wharves Review 2011/2012 Consultation Draft July 2012, it is considered that the re-activation of this site for aggregate storage and concrete batching is to be retained at the application site and is therefore acceptable. The land use proposal is supported by national and regional policies. Officers do not therefore consider that the land use proposals of this planning application constitute a reason for refusal of planning permission.
- 9.2 By virtue of the continued safeguarding of the application site, the nature of this use and its impact on local amenity have been considered by the GLA and has also been assessed as part of this planning application. As detailed within the body of this and the earlier Committee Reports (Appendices 1, 2 and 3), the current proposals provide sufficient on and off-site mitigation to secure overall enhancements for biodiversity, noise and ventilation mitigation for local residents and an appropriate landscaping buffer zone. The application has also been fully assessed in light of all material considerations raised by Members as concerns at the 31<sup>st</sup> May 2012 planning committee, however Officers do not consider that the issues raised constitute reasons for refusals that strong enough for Officers to defend.
- 9.3 On balance, the development which is presented at Orchard Wharf proposes works which accord with national, regional and local planning policies and on balance are supported in



light of the mitigation provided both on and off site.

## 10.0 **CONCLUSION**

**10.1** All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report and as set out within the previous report and addendum report presented to the Strategic Development Committee on 31<sup>st</sup> May 2012 and the Information Report presented on the 5<sup>th</sup> July 2012 (see Appendix one, two and three).

## **APPENDICES**

Appendix One - Committee Report to SDC dated 31<sup>st</sup> May 2012

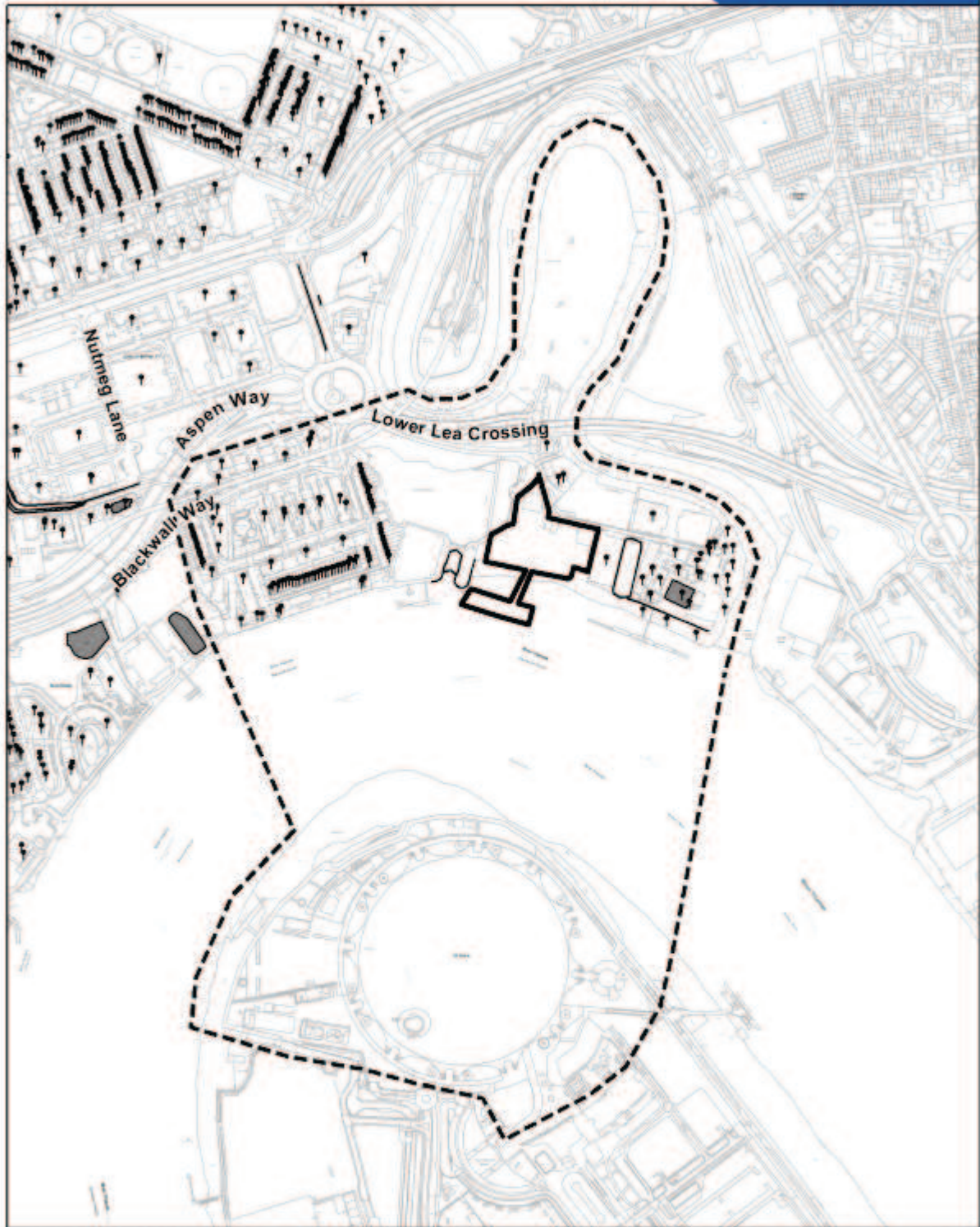
Appendix Two – Addendum Report to SDC dated 31<sup>st</sup> May 2012.

Appendix Three – Information Report to SDC dated 5<sup>th</sup> July 2012

Appendix Four - LBTH Objection Letter Issued to the GLA on the Safeguarded Wharves Review 2011/2012

Appendix Five – Safeguarded Wharves 2011/2012- GLA Response to representations submitted (Extracts only)

Planning Application Site Map



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	 1:8,000
 Consultation Area	 Statutory Listed Buildings	0 30 m 	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
 © Crown copyright and database rights 2011 Ordnance Survey. London Borough of Tower Hamlets 100019288

# Agenda Item 7

<b>Committee:</b> Strategic Development	<b>Date:</b> 27 <sup>th</sup> September 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

## 2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

## 3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
  - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
  - the London Plan 2011
  - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes), Managing Development DPD – Proposed Submission Version January 2012, Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements and the draft National Planning Policy Statement.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase

### LOCAL GOVERNMENT ACT 2000 (Section 97)

#### LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

Application, plans, adopted UDP, Interim  
Planning Guidance and London Plan

Eileen McGrath (020) 7364 5321

Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (as saved) is the statutory Development Plan for the borough (along with the Core Strategy and London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 and Core Strategy but also the emerging Local Development Framework documents and their more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 Members should note that the Managing Development DPD has reached the same stage in its development as the 2007 Interim Planning Guidance. With the Managing Development DPD being the more recent document and having regard to the London Plan 2011, it could be considered to be more relevant and to carry more weight than the 2007 Interim Planning Guidance documents.
- 3.9 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.10 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.11 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

**4. PUBLIC SPEAKING**

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 5.

**5. RECOMMENDATION**

- 5.1 The Committee to take any decisions recommended in the attached reports.

This page is intentionally left blank

# Agenda Item 7.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 27 <sup>th</sup> September 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Katie Cooke		<b>Ref No:</b> PA/12/00918	
		<b>Ward(s):</b> Limehouse	

## 1. APPLICATION DETAILS

**Location:** Site at 82 West India Dock Road and 15 Salter Street, London  
**Existing Use:** Vacant site (former commercial buildings now demolished)  
**Proposal:** Application is made under s73 of the Town and Country Planning Act for a minor material amendment following grant of planning permission dated 19/07/2010, ref: PA/09/02099 which was for erection of a part 3, 14 and 16 storey building to provide a 252 hotel and incorporating meeting/conference rooms, restaurant, cafe and bar as well as formation of a drop-off area and servicing access off Salter Street.

The application seeks to amend condition 23 of planning permission PA/09/02099 and seeks the following:

- § The addition of a typical bedroom floor resulting in a further 20 bedrooms but no increase in height, a nominal reduction in height of 880mm;
- § Standard bedroom windows reduced from 2300mm to 2100mm in height to balance the elevations;
- § Rebalancing the copper and bronze lookalike rain screen around the building to enhance the effect of the proposed Alucobond cladding system approved;
- § Standardising the parapet walls at roof level to 1.1m;
- § Replacing the narrow glass lookalike strip of rain screen behind the south side of the arrowhead with bronze to match elsewhere on that elevation;
- § Reduction in footprint to low rise (1m from boundary and high rise buildings (small splay at high level); and
- § Introduction of splayed bedroom to south corner of building.

**Drawing Nos:** Documents:

- Design and Impact Statement (including a Daylight/Sunlight Study, Aviation Assessment, Sustainability Assessment Strategy, EIA

---

### 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		Eileen McGrath 020 7364 5321

Updated Assessment);

- Letter from Malachy Walsh and Partners (dated 4th April 2012);
- Letter from Donban Contracting Ltd in relation to the Construction Methodology Statement (dated 4th April 2012);
- Construction Methodology Statement produced by Donban Contracting Ltd (dated 4th April 2012);
- Construction Environmental Management Plan produced by Donban Contracting Ltd, Rev 1 (dated 1st March 2012);
- Addendum to Lighting Technical Report September 2009 produced by Malachy Walsh and Partners ref: 14509-D008 (dated March 2012);
- Addendum to Noise and Vibration Assessment 6 October 2009 produced by Donban Contracting Ltd, Rev 1 (dated March 2012);
- Letter from WSP in relation to Air Quality, ref: 00030553/L01JG (dated 3rd April 2012);
- Letter from Donban in relation to the Construction Environment Management Plan (dated 4th April 2012);
- Addendum to Phase I Environmental Assessment September 2009 (dated March 2012);
- Sustainability, Renewable Energy and Compliance Study produced by Malachy Walsh and Partners ref:6001.C (dated June 2012);
- Addendum to Flood Risk Assessment October 2009 produced by Malachy Walsh and Partners ref:14509-D004 (dated March 2012);
- Addendum to Transport Assessment September 2009 produced by CBP Architects (dated May 2012)
- BREEAM New Construction 2012 Bespoke Preliminary Assessment ref: 6002.A (dated August 2012)
  
- Drawings:
  - 4139 [20] 250 Rev A – Proposed Site Plan
  - 4139 [30] 3000 Rev L – Ground Floor Plan
  - 4139 [30] 3001 Rev L – First Floor Plan
  - 4139 [30] 3002 Rev L – Second Floor Plan
  - 4139 [30] 3003 Rev J – Typical Floor Plan 3rd to 8th
  - 4139 [30] 3009 Rev G – Typical Floor Plan 9th to 14th
  - 4139 [30] 3015 Rev F - Typical Floor Plan 15th to 16th
  - 4139 [40] 405 Rev D – North Elevation A1



- 4139 [40] 406 Rev D - East Elevation A1
- 4139 [40] 407 Rev D - South Elevation A1
- 4139 [40] 408 Rev D – West Elevation A1
- 4139 [40] 456 Rev C - Section FF
- 4139 [40] 454 Rev A - Section DD
- 4139 (40) 410 Rev A
- 4139 (30) 3017 Rev A
- 13666-80005 Rev A

**Applicant:** Key Homes Fund  
**Owners:** Key Homes Fund  
**Historic Building:** N/A  
**Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- a) The proposal is in line with the Mayor and Council's policy, as well as government guidance which seeks to maximise the development potential of sites as set out in policies 4.1 and 4.5 of the London Plan (2011).
- b) The principle of a hotel led scheme (as already established through the implemented planning consent ref: PA/09/02099) within this sustainable location would complement Canary Wharf and the areas role as a leading centre of business activity, by serving business and recreational tourism, thus supporting London's world city status. The scheme therefore accords with policy 4.5 of the London Plan (2011), policies ART1 and CAZ1 of the Council's Unitary Development Plan (1998), policy CP12 of the Interim Planning Guidance (October 2007), policy SP01 and SP06 in the Core Strategy (2010) and policy DM15 of the Managing Development DPD (Submission Version, 2012) which seek to support the economic role of the borough, London and the UK generally.
- c) The proposal seeks minor physical changes to the elevations and an additional floor, whilst reducing the overall height of the hotel by 880mm. As such, the building height, scale, bulk and design is acceptable and accords with regional and local criteria for tall buildings. The proposal is therefore acceptable in terms of policy 7.7 of the London Plan (2011), saved policies DEV1, and DEV2 of the Council's Unitary Development Plan (1998) and policies DEV1, DEV2, DEV3 and DEV27 of the Interim Planning Guidance (October 2007), policy SP10 in the Core Strategy (2010) and policies DM24, DM25 and DM26 of the Managing Development DPD (Submission Version, 2012) which seek to ensure buildings are of a high quality design and suitably located.
- d) The high quality design of the proposal ensures the development would form a positive addition to London's skyline, without causing detriment to local or long distance views, in accordance with London Plan (2011) policies 7.6 and 7.7, policy DEV8 of the Council's Unitary Development Plan, policy SP10 in the Core Strategy

(2010) and DM26 of the Managing Development DPD (Submission Version, 2012) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

- e) The proposal would improve the existing public realm within the locality and form a positive public space for all users, in accordance with policy 7.5 in the London Plan (2011), policies DEV1 in the Unitary Development Plan (1998), policies DEV2 and DEV3 in the Interim Planning Guidance (October 2007), policies SP04, SP09 and SP10 in the Core Strategy (2010) and policies DM23 and DM24 of the Managing Development DPD (Submission Version, 2012) which seek to ensure high quality spaces.
- f) The proposal would not have an unacceptable impact on the residential amenity of nearby properties in terms of loss of light, overshadowing, increased overlooking or noise. As such, the proposal is in line with policy DEV2 and DEV50 in the Unitary Development Plan (1998), policies DEV1 and DEV10 in the Interim Planning Guidance (October 2007), policy SP01 in the Core Strategy (2010) and policy DM25 of the Managing Development DPD (Submission Version, 2012) which seek to protect the amenity of existing and future residents of the borough.
- g) Transport matters, including parking, access and servicing, are acceptable and would not result in an unduly detrimental impact on the local and strategic highway network. As such, the proposals accord with London Plan (2011) policies 6.1 and 6.13, policies ST34, T16 and T19 of the Council's Unitary Development Plan (1998), policies DEV17, DEV18 and DEV19 of the Interim Planning Guidance (October 2007), policy SP08 in the Core Strategy (2010) and policies DM20 and DM21 of the Managing Development DPD (Submission Version, 2012) which seek to ensure developments minimise parking and promote sustainable transport options.
- h) Sustainability matters, including energy, are acceptable and accord with policies 5.1, 5.2, 5.3, 5.5, 5.7, 5.8, 5.12, 5.13, 5.15, 5.16, 5.17, 5.19 and 5.20 of the London Plan (2011), policies DEV5 to DEV9 of the Interim Planning Guidance (October 2007), policy SP11 in the Core Strategy (2012) and policy DM29 of the Managing Development DPD (Submission Version, 2012) which seek to promote sustainable development.
- i) Contributions and obligations have been secured towards the provision of public realm improvements, management plans and access to employment for local people in line with Government Circular 05/05, Planning Obligations SPD (Adopted 2012), policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (October 2007) and policy SP13 in the Core Strategy (2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

A. Any **direction** by **The Mayor**

B. The prior completion of a **S.106 Agreement** to the current **legal agreement** attached to the extant planning permission (reference: PA/09/02099) to secure the following planning obligations:

- a) Transport for London Crossrail contribution = £61,992

- b) Employment and Enterprise = £4,174
- c) Public Realm Improvements = £15,000
- d) Community Facilities (Libraries and Leisure) = £125,350
- e) Sustainable Transport = £600
- f) Public Access (24 hours) through the site
- g) Travel Plan
- h) Construction Logistics Plan
- i) Service Management Plan
- j) TV Reception
- k) Local Labour ('Access to employment initiative' to ensure that the development provides employment and business opportunities for the residents of the borough during the construction of the development and at the end user stage of the commercial uses).
- l) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.

3.3 That if within three months the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (legal services), the Corporate Director of Development and Renewal be delegated the authority to refuse planning permission.

3.4 That the Corporate Director Development & Renewal is delegated power to impose compliance conditions (given that conditions 1-22 of planning permission PA/09/02099 have all been discharged) and informatives on the planning permission to secure the following matters:

#### **Conditions**

- 1) Full time limit
- 2) List of approved documents
- 3) Samples of materials to be approved
- 4) Façade detailing at a scale of 1:20 to be approved
- 5) Hours of operation for the ground floor café and bar
- 6) Hours of operation for servicing vehicles
- 7) Site drainage details (highways)
- 8) Loading and unloading to remain ancillary to the use of the building
- 9) Contamination condition
- 10) Full details of cycle parking to be submitted
- 11) Scheme of highways improvements (S.278) approved and implemented
- 12) A heat network supplying all spaces within the West India Dock Road development shall be installed and sized to the hot water requirements of the Development
- 13) A photovoltaic panel array (~400m<sup>2</sup> with a minimum peak output of 50kWp) shall be installed and operational prior occupation. The renewable energy technologies shall be implemented in accordance with the proposals made in the 'Sustainability, Renewable Energy and Compliance Study (Version C - July 2012)
- 14) Within 6 months of the occupation of the development hereby approved, the applicant shall submit the Final BREEAM certificates to demonstrate the development achieves an "Excellent" rating which shall be verified by the awarding body. The sustainable design and construction measures shall be implemented in accordance with the proposals made in the 'Sustainability, Renewable Energy and Compliance Study (Version C - July 2012)'
- 15) Implementation in accordance with the approved Flood Risk Assessment
- 16) Preliminary risk assessment regarding water contaminants to be submitted and approved
- 17) Verification report regarding potential water pollutants to be approved

- 18) Remediation strategy if water pollutants are found during development
- 19) Piling and foundation design details to be submitted and approved
- 20) Foul and surface water details to be approved and implemented
- 21) Full details of Public Art to be approved and implemented
- 22) Mitigation measures within the Lighting Technical Report By WSP dated September 2009 to be implemented
- 23) Glazing specification within the Noise/Vibration Assessment Report by WSP Acoustics dated 8 October 2009 to be implemented
- 24) Developer to engage with DLR and obtain safety approval from DLR for any works in proximity to the railway

Any other condition(s) considered necessary by the Head of Development Decisions.

### 3.5 Informatives

- 1) S.278 and S.72 highways agreement
- 2) Thames Water informatives
- 3) Highways informatives
- 4) Energy and sustainability informatives
- 5) Environment Agency informatives
- 6) Engagement between the Developer and DLR regarding the cost of relocating ticket machine

## 4. PROPOSAL AND LOCATION DETAILS

### Background to Minor Material Amendments

- 4.1 Changes were introduced by Central Government in October 2009 to allow minor and non material amendments to developments after planning permission has been granted.
- 4.2 The 'Greater Flexibility Guidance' states that the use of the existing route under s.73 to vary a condition would be the best short term solution in allowing minor material amendments. However, the use of s.73 depends on the existence of a relevant condition which can be amended, which includes either a condition listing plans numbers or compliance with the approved plans condition.
- 4.3 The current proposal relies on condition 23 of planning permission PA/09/02099 for the proposed minor-material amendment.

### Proposal

- 4.4 Application is made under s73 of the Town and Country Planning Act for a minor material amendment following grant of planning permission dated 19/07/2010, ref: PA/09/02099 for the erection of a part 3, 14 and 16 storey building to provide a 252 room hotel and incorporating meeting/conference rooms, restaurant, cafe and bar as well as formation of a drop-off area and servicing access off Salter Street.

The application seeks to amend condition 23 of planning permission PA/09/02099 to secure the following:

- § The addition of a typical bedroom floor resulting in a further 20 bedrooms but no increase in height, a nominal reduction in height of 880mm;
- § Standard bedroom windows reduced from 2300mm to 2100mm in height to balance the elevations;

- § Rebalancing the copper and bronze lookalike rain screen around the building to enhance the effect of the proposed Alucobond cladding system approved;
- § Standardising the parapet walls at roof level to 1.1m;
- § Replacing the narrow glass lookalike strip of rain screen behind the south side of the arrowhead with bronze to match elsewhere on that elevation;
- § Reduction in footprint to low rise (1m from boundary and high rise buildings (small splay at high level); and
- § Introduction of splayed bedroom to south corner of building.

### **Site and Surroundings**

- 4.5 The site is located to the north west of the Isle of Dogs and Canary Wharf. The site is situated in a prominent location within the area enclosed by transport infrastructure to all sides. The site is bounded by Westferry station and the railway viaduct to the south, Salter Street to the west, West India Dock Road to the North and Westferry Road to the east.
- 4.6 The site is situated adjacent to Westferry DLR station. The site is approximately 700m away from Canary Wharf where London underground services are available (Jubilee Line). Regular bus routes 277, 135, D3 and D7 run along Salter Street adjacent to the site. Additionally, routes 15 and 115 are within reasonable walking distance on East India Dock Road.
- 4.7 The site is currently a vacant site, bounded by hoardings following demolition of the previous buildings on the site. It is currently in temporary use by contractors working on the DLR upgrades. Prior to demolition, the site comprised two storey warehouse buildings dating from around 1950. The buildings ran the perimeter of the site with a central service yard accessed by vehicular traffic from Salter Street.
- 4.8 The northern boundary of the site abuts an area of open land with 6 on-street parking spaces. To the west of the site on Salter Street, there is a warehouse building accommodating a van-hire outlet and a four storey residential development known as Compass Point. The south of the site is bounded by the DLR railway viaduct. One of the pedestrian entrances to Westferry DLR station is a staircase situated between the southern boundary of the application site and the DLR viaduct. The area east of the site is bounded by main roads. The wider area surrounding the site comprises a mix of commercial, industrial, retail, leisure and residential uses varying in scale.
- 4.9 The site is not situated within a Conservation Area, nor is it within the immediate vicinity of any historic listed buildings.
- 4.10 The site has an excellent public transport accessibility level (PTAL) of 6a.

### **Planning History**

- 4.11 PA/04/1038 - Demolition of existing buildings and redevelopment by a seven storey building (22.6m) and a 20 storey building for mixed use purposes (1,442 sq m of commercial floorspace plus 120 flats) comprising (1) a seven storey building to comprise 136 sq m. of commercial floorspace at ground floor level and 21 self contained flats plus communal amenity space at roof level and (2) a twenty storey building to include 1,306 sqm. of commercial floorspace at ground, first and second floors plus 99 self contained flats plus amenity space. The proposal includes a paved public concourse between the two buildings with a public art feature, DLR ticket machine and a glazed canopy overhead.

An appeal was made against non-determination of this application. It was approved by the

Planning Inspectorate 9<sup>th</sup> May 2007, subject to conditions.

- 4.12 The proposal within the application being considered is smaller in scale than the previously approved application under PA/04/1038. The tall element is 16 storeys as opposed to 20 storeys in the previous application, and the built form fronting Salter Street is 3 storeys as opposed to 7 storeys in the previous application.
- 4.13 PA/09/02099: Planning permission was granted on 15<sup>th</sup> July 2010 for ‘Erection of a part 3, 14 and 16 storey building to provide a 252 hotel and incorporating meeting/conference rooms, restaurant, cafe and bar as well as formation of a drop-off area and servicing access off Salter Street.’
- 4.14 Since this consent was issued, all of the conditions have been discharged.
- 4.15 PA/10/02700: A non-material amendment was approved on 13<sup>th</sup> January 2011 for:
1. Reduction in height of proposed green glass parapet from 4.5m to 3m;
  2. Alter glazing panels on the western elevation; and
  3. Reduction of overall area of glass canopy between buildings.
- 4.16 PA/12/00640: A non-material amendment was approved on 17<sup>th</sup> April 2012 for:
1. A reduction in overall height of the building of 3375mm as a result of the method of modular construction. No additional floor or bedrooms.
  2. The introduction of a splayed bedroom to the south elevation of the building and adjusted elevations to reflect this
  3. A reduction in footprint of the low rise building by 1m from the south boundary and adjusted elevations to reflect this [no change in height]
  4. Standard bedroom windows reduced from 2300mm to 2100mm in height to balance the elevations.
  5. Rebalancing the copper and bronze lookalike rain screen around the building to enhance the effect of the proposed Alucobond cladding system approved.
  6. Replacing the narrow glass lookalike strip of rain screen behind the south side of the arrowhead with bronze to match elsewhere on that elevation.

## **5. POLICY FRAMEWORK**

- 5.1 Since PA/09/02099 was approved, the National Planning Policy Framework (2012) (NPPF) was adopted, and the Council’s Managing Development DPD (Submission Version, 2012) has been submitted for Examination in Public. Accordingly, these two documents are material to the current planning proposal.
- 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:

### **Government Planning Policy Guidance/Statements**

National Planning Policy Framework

### **Spatial Development Strategy for Greater London (London Plan July 2011)**

Policies	4.1	Developing London’s economy
	4.3	Mixed Use Development
	4.5	London’s Visitor Infrastructure
	4.6	Support for and Enhancement of Arts, Culture, Sport and Entertainment Provision
	4.12	Improving Opportunities for All
	5.1	Climate Change Mitigation
	5.2	Minimising Carbon Dioxide Mitigations
	5.3	Sustainable Design and Construction
	5.5	Decentralised Energy Networks

5.6	Decentralised Energy in Development Proposals
5.7	Renewable Energy
5.8	Innovative Energy Technologies
5.9	Overheating and Cooling
5.10	Urban Greening
5.11	Green Roofs and Development Site Environs
5.12	Flood Risk Management
5.13	Sustainable Drainage
5.14	Water Quality and Wastewater Infrastructure
5.15	Water Use and Supplies
5.16	Waste Self-Sufficiency
5.17	Waste Capacity
5.18	Construction, Excavation and Demolition Waste
5.20	Aggregates
5.21	Contaminated Land
5.22	Hazardous Substances
6.1	Strategic Approach
6.2	Providing Public Transport Capacity and Safeguarding Land for Transport
6.3	Assessing Effects of Development on Transport Capacity
6.4	Enhancing London's Transport Connectivity
6.5	Funding Crossrail and Other Strategically Important Transport Infrastructure
6.8	Coaches
6.9	Cycling
6.10	Walking
6.11	Smoothing Traffic Flow and Tackling Congestion
6.12	Road Network Capacity
6.13	Parking
6.14	Freight
7.1	Building London's Neighbourhoods and Communities
7.2	An Inclusive Environment
7.3	Designing Out Crime
7.4	Local Character
7.5	Public Realm
7.6	Architecture
7.7	Location and Design of Tall and Large Buildings
7.14	Improving Air Quality
7.15	Reducing Noise and Enhancing Soundscapes

**Unitary Development Plan 1998 (as saved September 2007)**

Policies:	ST37	Improve of Local Environment
	ST43	Use of High Quality Art
	DEV1	General design and environmental requirements
	DEV2	Development requirements
	DEV3	Mixed use developments
	DEV12	Landscaping
	DEV 50	Noise
	DEV51	Contaminated Land
	DEV55	Litter and Waste
	DEV56	Waste Recycling
	EMP1	Encouraging new employment uses
	EMP6	Employing Local People
	HSG15	Development affecting residential amenity
	T16	Impact of Traffic
	T18	Pedestrian Safety and Convenience
	T21	Existing Pedestrians Routes

ART7	Location of Major Hotel Development
U2	Development in areas at risk of flooding

### **Interim Planning Guidance for the purposes of Development Control (October 2007)**

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV7	Water Quality and Conservation
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV13	Landscaping and Tree preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV27	Tall Buildings Assessment
	EE2	Redevelopment / Change of Use of Employment Sites

### **Core Strategy Development Plan Document (Adopted 2010)**

Policies	SP01	Town Centre Activity
	SP02	Housing and sustainable communities
	SP03	Healthy Lifestyles
	SP04	Open Space
	SP05	Waste Management
	SP06	Economy and Employment
	SP07	Education and Training
	SP08	Transport Network
	SP09	Pedestrians and Streets
	SP10	Heritage and Good Design
	SP11	Sustainability and Climate Change
	SP12	Placemaking
	SP13	Planning Obligations

### **Managing Development DPD (Submission Version, May 2012)**

Policies	DM1	Development within the Town Centre Hierarchy
	DM7	Short Stay Accommodation
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open Space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transportation of Freight
	DM22	Parking
	DM23	Streets and the Public Realm
	DM24	Place-Sensitive Design
	DM25	Amenity



DM26	Building Heights
DM29	Achieving a Zero-Carbon Borough and Addressing Climate Change
DM30	Contaminated Land

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

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- 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:

### **London Borough of Tower Hamlets - Environmental Health**

6.2 No objection

### **London Borough of Tower Hamlets - Highways**

6.3 No objection

### **London Borough of Tower Hamlets – Landscape and Trees**

6.4 No objections

### **London Borough of Tower Hamlets - Energy**

6.5 No objections

### **London Borough of Tower Hamlets – Crime Prevention**

6.6 The Crime Prevention Officer raised concerns regarding the following:

- Art Wall;
- Cycle racks;
- CCTV;
- Lighting Design and Layout;
- Staff Admittance;
- Certification of Windows; and
- Tower Hamlets Secure by Design Requirements

(OFFICER COMMENT: These comments largely relate to the extant permission which dealt with these issues and has since had all of its conditions discharged. Therefore these comments are considered to have already been dealt with.

Notwithstanding this, compliance conditions will be attached to this planning consent to ensure that the details previously discharged are implemented accordingly.)

### **London Borough of Tower Hamlets – Waste Management**

6.7 No comments received to date.

**Greater London Authority (GLA)**

6.8 GLA conclude that the proposed changes do not raise any strategic issues and therefore the proposal does not need to be referred back to the GLA for further Stage II comments. The Council can therefore determine the application following Members consideration.

**Transport for London (TfL)**

6.9 No objection so long as the package of mitigation is as before.

**English Heritage**

6.10 No objection

**Environment Agency**

6.11 As the proposed uplift will be implemented above the ground floor, the EA have no concerns with the proposed changes to the scheme.

**Commission for Architecture and Built Environment (CABE)**

6.12 No comments received to date.

**London City Airport**

6.13 No comments received to date.

(OFFICER COMMENT: The proposal does not increase the height of the building beyond that which was previously approved, and as such it is considered that the scheme does not have any safeguarding issues in this respect)

**National Air Traffic Services**

6.14 No safeguarding objections to this proposal.

(OFFICER COMMENT: The proposal does not increase the height of the building beyond that which was previously approved, and as such it is considered that the scheme does not have any safeguarding issues in this respect)

**London Fire and Emergency Planning Authority**

6.15 No comments received to date.

**Docklands Light Railway**

6.16 DLR commented as below:

*'DLR notes that the development's construction required a scaffolding rig that is positioned against the DLR infrastructure boundary: This scaffolding presents numerous potential safety concerns to us in regard to the prospect of materials falling onto the railway; therefore, we would be obliged to object to the application unless a condition is inserted into any consent requiring the developer to engage with DLR and obtain safety approval from DLR for any works in proximity to the railway*

(OFFICER COMMENT: A condition shall be added to the decision notice requiring the

developer to engage with DLR and obtain safety approval from DLR for any works in proximity to the railway).

*It should be noted that the development plans show that the main pedestrian route between through the development passes across an area of the DLR concourse where there is currently a ticket machine. Should the development proceed, the developer would be liable for the cost of moving this ticket machine in order to open up the route.'*

(OFFICER COMMENT: The area of land on which the ticket machine is currently located is private land, the DLR's comments in this regard have been provided to the applicant and that the developer needs to reach an agreement with the DLR in respect of these costs. An informative will be attached to the decision stating that the DLR have noted that the ticket machine will need to be relocated and that they expect the developer to meet the costs of this. The developer should contact the DLR to arrange for the ticket machine to be relocated)

### **Thames Water**

6.17 No objection in principle. Standard informative advice for applicant.

(OFFICER COMMENT: Thames Water advice to the applicant would be added as an informative).

### **BBC reception advice**

6.18 No comments received to date.

### **Olympic Delivery Authority**

6.19 No comment on the proposals.

### **National grid**

6.20 No comments received to date.

## **7. LOCAL REPRESENTATION**

7.1 A total of 355 neighbouring properties within the area shown on the map appended to this report were notified about the application. The application has also been publicised within the local press and on site via a site notice.

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

No of individual responses:	4	Objecting:	3	Supporting:	0	No Comment:	1
No of petitions received:	0						

7.3 The following **issues** were raised:

- The area is overbuilt and overpopulated; and
- Thames Water Board cannot meet the requirements to provide water to additional properties. It is not acceptable that residents should have to pay for additional pumps when much of the blame is to be laid at the door of Thames Water.

### Officer's Comment:

7.4 In terms of the concern that the proposals constitute overdevelopment, the principle of development has already been established and, as such, this 20 room uplift, is considered

acceptable. Furthermore, with regard to the Thames Water comment, Thames Water were consulted as part of the application and have no objection to the proposal.

## 8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 As introduced within section 4 of this report, the 'Greater Flexibility Guidance' introduced on 23rd November 2009 states that the use of the existing route under s.73 to vary a condition would be the best short term solution in allowing minor material amendments to approved schemes.
- 8.2 Whilst there is no statutory definition of a minor material amendment, the Guidance provides a definition as:

*'A minor material amendment is on whose scale and nature results in a development which is not substantially different from the one which has been approved.'*

- 8.3 The main planning issues raised by the application for Members consider are whether the proposed changes can be considered to be minor material changes to the original planning permission, as well as the material planning consideration of planning issues as a result of the changes.
- 8.4 The acceptability of Land Use was assessed as part of the original permission and the proposal remains unchanged in this regard. The main issues that members need to consider are the acceptability of Design and Scale, Amenity and any impact on the Highway, and therefore in making a decision, the focus in these aspects should be on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
- 8.5 A copy of the previous report to committee is attached to this report for reference purposes.

### Design

- 8.6 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained in Policy 7.6 of the London Plan (2011). Saved policy DEV1 in the UDP (1998), Policy CP4 and DEV2 of the Interim Planning Guidance (October 2007), policy SP10 in the Core Strategy (2010) and policy DM24 (Submission Version, 2012) state that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.7 As part of the extant permission, planning permission was granted for two connected buildings: a 16 storey building adjacent to West India Dock Road to accommodate the hotel, bar, gym, boardrooms and ancillary office space; and a smaller 3-storey annex building fronting Salter Street that would accommodate the café, restaurant, meeting rooms and the plant, servicing and vehicle drop off space. The two buildings are connected by an enclosed walkway.
- 8.8 The principle of a tall building on this site was considered acceptable given that it had already been established by the previous planning permission PA/04/1038. The previous application proposed a mixed use commercial and residential scheme including a 20 storey building located adjacent to West India Dock Road. This permission was never implemented.
- 8.9 Within the previous appeal decision, the Inspector concluded the following points:
- Because of the excellent public transport links available, the proposal would offer an

- opportunity to increase the density of development in a sustainable manner.
- The proposal would add to the attraction of the public transport facilities located adjoining the site by providing an easier and more attractive user-friendly environment.
- The site is situated within a diverse urban context, not just in terms of uses, but also in terms of heights and densities of buildings. The area lacks any strong sense of place or destination. The streetscene area lacks any appeal or quality.
- The appeal site is a highly visible island site, not located in a terrace or within any closely abutting neighbouring development. It has wide roads around it which encourage a proposal of significant scale. The Inspector considered the redevelopment would offer an opportunity to mark the presence of the DLR station with a significant building, with associated development which would provide a sense of place for a site which is potentially an important interchange between public transport modes, and a waymarker between Docklands and the City.

8.10 As part of the extant permission (PA/09/02099), it was acknowledged that the site is located adjacent to the raised DLR station and in an area with limited sensitive buildings. A taller building on this site would act as a landmark for the DLR station and due to the disparate and weak architectural styles of the surrounding buildings, the scheme would help to create a striking and engaging building that would help generate an improved architectural quality in the immediate surroundings. The area is also characterised by the backdrop of tall buildings at Canary Wharf and in longer views, the proposed building would complement this existing character. As such, the height, bulk and scale of the extant application (PA/09/02099) was considered acceptable in accordance with policy 7.4 in the London Plan and policy DEV2 and DEV27 in the Interim Planning Guidance (October 2007).

8.11 As part of this s73 application (despite the insertion of an additional floor), due to the change in construction methods, there will be a reduction in height of proposed scheme due to change in floor to floors from 60.710mm to 59.830mm as measured from the Ordnance datum (a reduction of 880mm). Given that there will be a slight reduction in height and that the additional 20 bedrooms will be identical to the existing bedroom floor layouts, it is considered that there will be no negative impact on the design of the scheme.

8.12 Planning permission PA/09/02099 sought external materials which comprised a simple palette of glazed and metal cladding in bronze and copper green colour. It was considered that this approach provided a striking landmark building that complemented its context. The scheme incorporates a lighting strategy that would provide visual interest at night. The scheme did not seek to mimic the glazed buildings within Canary Wharf. Overall the design was not considered to be overly complex and subject to conditions regarding the details of materials and finishes, it was considered the scheme would represent quality and would provide a landmark within the locality for the present time and for the future. The use of materials and external façade approach was considered acceptable in principle in accordance London Plan and local plan design policy requirements.

8.13 In terms of design, the amendments sought as part of this current application comprise the following:

- § Standard bedroom windows reduced from 2300mm to 2100mm in height to balance the elevations;
- § Rebalancing the copper and bronze lookalike rain screen around the building to enhance the effect of the proposed Alucobond cladding system approved;
- § Standardising the parapet walls at roof level to 1.1m;
- § Replacing the narrow glass lookalike strip of rain screen behind the south side of the arrowhead with bronze to match elsewhere on that elevation;
- § Reduction in footprint to low rise (1m from boundary) and high rise buildings (small

splay at high level); and

§ Introduction of splayed bedroom to south corner of building.

- 8.14 It is considered that the proposed alterations are minor and will not affect the overall visual integrity of the approved building. The Council's Design Officer has confirmed that she has no objections to the proposed changes.
- 8.15 As part of the existing consent, it was agreed that the scheme would improve connectivity to the DLR station with the introduction of a new north to south pedestrian route that would be accessible 24 hours a day. This route would have active ground floor uses and, in conjunction with the proposed public realm strategy, would provide an attractive public route which greatly improves the current public realm within the locality. Full details of the planting, hard landscaping and lighting scheme had been submitted within the previous application. The approach was considered acceptable. Public Artwork is proposed on a ground floor wall within the public precinct in the form of words and images. This artwork intends to relate to the heritage of the area. Full details of the artwork were secured by condition 20 of PA/09/02099 and have since been discharged. Notwithstanding this, a compliance condition would be attached to a new consent to ensure that the agreed details are implemented.
- 8.16 The public realm improvements remain unchanged from the extant consent.
- 8.17 Part of the public realm improvements to the north of the site fall outside the application boundary. However, the applicant is committed to delivering a comprehensive high quality public realm strategy and these improvements will be secured as part of the S.106 agreement.
- 8.18 In accordance with London Plan policy 4.5 the scheme contains 5% wheelchair accessible bedrooms, plus a further 5% easily adaptable to wheelchair standards. These rooms are evenly distributed throughout the building which is acceptable.
- 8.19 External surfaces remain unchanged and are level or have a shallow gradient to enhance accessibility for all users and the drop-off area is located adjacent to the main hotel entrance which is supported.
- 8.20 The application proposes 400sqm photovoltaic (PV) panels which shall be situated on the roof of the high rise and low rise building. The majority of the panels shall be located on the high rise roof and will be set behind the 1100mm parapet at this level. Therefore the panels will not be visible from ground level and will not affect the height or appearance of the building.
- 8.21 PV panels on the low rise building are generally obscured by the small parapet and will be set back from the edge of the roof meaning that they will not be visible from street level.
- 8.22 Overall, the proposals are considered to be minor material changes to the original planning permission which have been carefully designed to deliver a high quality development which is appropriate within its context. The proposals therefore meet the criteria set out in tall building policy 7.7 in the London Plan and policy SP10 in the Core Strategy (2010). The proposal meets the high quality design requirements of policies 7.4, 7.5 and 7.6 in the London Plan and Local Plan policies, which seek to ensure high quality developments that are appropriate to their context.

### **Amenity**

- 8.23 Saved Policy DEV2 in the UDP (1998), Policy DEV1 of the Interim Planning Guidance (2007) and policy DM27 of the Managing Development DPD (Submission Version, 2012) seek to ensure that development where possible protects and enhances the amenity of existing and

future residents as well as the amenity of the public realm.

#### Overlooking

- 8.24 Given the site location, distance from neighbouring residential buildings, orientation of the proposal and given that there are no directly facing habitable room windows within 18 metres, it is not considered that there would be any unacceptable overlooking or loss of privacy to surrounding residential occupiers.

#### Loss of light

- 8.25 The applicants submitted a daylight and sunlight report carried out by GL Hearn dated 6<sup>th</sup> October 2009 to support the original application. The contents of this report demonstrated that there would be no unacceptable loss of daylight and sunlight to surrounding residential occupiers in accordance with the requirements of the BRE guidance and policy DEV2 in the UDP (1998) and policy DEV1 in the Interim Planning Guidance (October 2007).
- 8.26 In addition to the above, given that this minor material amendment application seeks a reduction in the overall height of the building, there will be no loss of daylight/sunlight to surrounding properties beyond that approved under the extant consent. As such the proposals are considered to be in accordance with policy DEV2 in the UDP (1998) and policy DEV1 in the Interim Planning Guidance (October 2007) and policy DM25 of the Managing Development DPD (Submission Version, 2012).

#### Overshadowing

- 8.27 In terms of overshadowing, the planning application for the extant consent (PA/09/02099) included a report carried out by GL Hearn dated 6<sup>th</sup> October 2009 and was considered acceptable.
- 8.28 Given that the current proposals will result in a scheme which will have a lower building height, the scheme would not have an increased impact in terms of overshadowing when compared to the current approved scheme on the site.

#### Noise

- 8.29 Officers are satisfied that an increase of 20 additional bedrooms will not cause a material increase in noise levels.
- 8.30 Given the scale of the development (272 bedrooms), and as per the original consent, the applicant would be required to adhere to an approved construction management plan to minimise noise and disturbance to nearby residents caused by construction noise, debris and traffic. A comprehensive construction management plan secured by S.106 agreement, would ensure that the level of disturbance and disruption within the locality during construction is minimised and kept to an acceptable level.
- 8.31 It is not considered that the proposed uses would cause unacceptable noise and disturbance given the mixed use location of the site. Given the scale of the proposal and its location adjacent to major transport links, it is not considered excessive noise and disturbance from traffic would be created. A planning condition regarding servicing hours and hours of operation would ensure the amenity of nearby residential occupiers is protected. Therefore, the proposal is considered acceptable in accordance with policy DEV50 in the UDP (1998), policy DEV10 in the Interim Planning Guidance (October 2007) and policy DM25 of the Managing Development DPD (Submission Version, 2012).

#### Transport & Highways

- 8.32 The London Plan (2011), Unitary Development Plan (1998) and the Interim Planning Guidance (2007) contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, and supports movements by walking, cycling and public transport. This is further supported by policy SP09 in the Core Strategy (2010).
- 8.33 Given the accessible location of the site, planning permission (PA/12/02099) was granted for a car-free scheme. It was accepted that the public realm improvements outweighed the loss of 6 public car parking spaces to the north of the site given the high accessibility of the site and policy aims with regard to promoting sustainable transport modes.
- 8.34 Servicing and Access arrangements, as well as works surrounding the site to the footpaths were also agreed as part of the extant consent.
- 8.35 The character and mixed-use nature of the locality has remained unchanged since the extant consent was permitted. and the inclusion of an additional floor is not considered to intensify the servicing or highways arrangements from those details that were originally approved. The Council's Highway Officer has reviewed the proposal as well as the Addendum to the Transport Assessment (produced by CBP Architected, dated May 2012) and has confirmed that the additional floor will not have any significant or negative impact on the transport network and do not seek further increases on provision to mitigate this.
- 8.36 Given the accessibility of the site, It is not considered that the proposal would have an unacceptable impact on the surrounding highway network. Transport for London and LBTH Highways support the scheme in principle subject to conditions and S.106 obligations which will be secured as part of any planning permission granted.

### **Other**

- 8.37 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the emerging Managing Development DPD Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 8.38 The London Plan (2011) includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 8.39 The Managing Development DPD (Submission version 2012) policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Draft Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a Code for Sustainable Homes Level 4.
- 8.40 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised



energy and renewable energy technologies and minimising the use of natural resources. Core Strategy (2010) policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.

- 8.41 The Sustainability, Renewable Energy and Compliance Study (Version C - July 2012), follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The integration of a communal heating scheme incorporating a Combined Heat and Power (CHP) engine to supply the hot water and a proportion of the space heating requirements in accordance with policy 5.6 of the London Plan will also reduce energy demand and associated CO2 emissions (Be Clean).
- 8.42 The current proposals for delivering the space heating and hot water are considered acceptable; however an appropriately worded condition should be applied to any permission to ensure development is supplied by the CHP (200kWe) following completion and prior to occupation.
- 8.43 Photovoltaic cells are proposed to provide a source of on site renewable energy (Be Green). The technologies employed would result in a ~3.5% carbon savings over the regulated energy baseline. Through the maximisation of the communal system and commitment to the proposed CHP to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is technically challenging and not feasible for all developments. The applicant has demonstrated that the proposed CO2 emission reduction through PV's (400m2 PV array with peak output of 50kWp) is the maximum that can be achieved from renewable energy technologies for the site. Whilst the proposed development is not meeting Core Strategy Policy SP11, the Sustainable Development Team support the application as the applicant has demonstrated that the design has followed the energy hierarchy and sought to integrate renewable energy technologies where feasible.
- 8.44 The total anticipated CO2 savings from the development are ~27%, through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. The proposed energy strategy falls short of the requirements of policy DM29 which seeks a 35% reduction in CO2 emissions, however the anticipated CO2 savings are in accordance with adopted development plan (London Plan Policy 5.2) and the applicant has demonstrated the CO2 savings have been maximised at each stage of the energy hierarchy. Therefore the CO2 savings proposed for this development are considered acceptable in this specific instance and it is recommended that the strategy is secured by Condition and delivered in accordance with the submitted Energy Statement.
- 8.45 In terms of sustainability, London Borough of Tower Hamlets requires all development to achieve a BREEAM Excellent rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan (2011) and Policy DM29 of the Managing Development DPD.
- 8.46 The submitted BREEAM Pre-assessment demonstrates how the development will achieve an Excellent Rating. It is recommended that the achievement of the excellent rating is secured through an appropriately worded condition with the final certificate submitted to the Council prior to occupation.

### **Planning Obligations and S106**

- 8.47 Policy DEV4 of the adopted UDP, policy SP13 of the CS and Policy IMP1 of the IPG say that the Council would seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

The Community Infrastructure Levy Regulations 2010 state that any s106 planning obligations must be:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

The general purpose of s106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as education, community facilities, health care and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.

8.48 As part of the original planning consent, the following contributions were secured through the S106:

- £125,000 towards the upgrade of leisure and recreational facilities;
- £15,000 towards public realm improvements

These monies are now due to the Council and therefore the Council will be requesting this payment on completion of the Legal Agreement.

8.49 The Council's Supplementary Planning Document (SPD) on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance concerning planning obligations set out in policy SP13 of the adopted Core Strategy.

Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development would be £210,018.00.

The proposed heads of terms are:

#### Financial Contributions

Employment & Enterprise:  
Construction Phase - £1,876  
End user Phase - £2,298

Community Facilities:  
Libraries - £350  
Leisure - £125,000

Public Realm:  
Improvements - £15,000

Sustainable Transport - £600

TfL  
Cross rail - £61,992

Including 2% monitoring fee of £2,902

#### Non-financial Contributions

a) Landscaping works to improve the development to the value of £280,000

b) A commitment to utilising employment and enterprise initiatives in order to maximise employment of local residents. This includes the usual 20% local employment in the construction phase and end user skills and training.

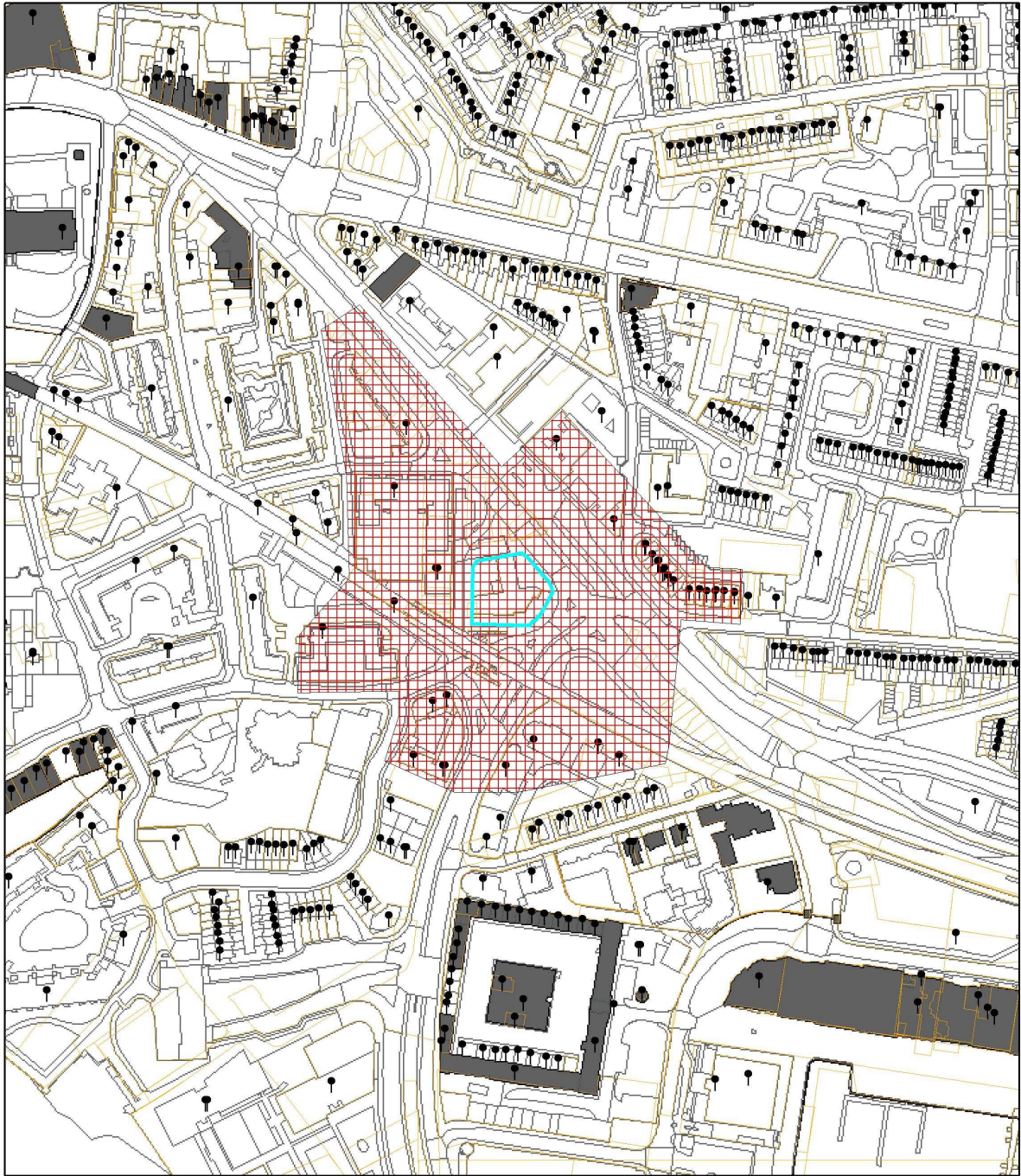
c) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

8.50 For the reasons identified above it is considered that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the tests of circular 05/05 and the relevant statutory tests.

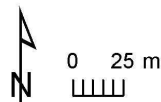
## **9.0 CONCLUSIONS**

9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

# Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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 Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568