

LONDON BOROUGH OF TOWER HAMLETS

Agenda Item number:	8.1
Reference number:	PA/10/1864
Location:	Leamouth Peninsula North, Orchard Place, London, E14
Proposal Summary:	<p>Hybrid planning application for the comprehensive redevelopment of the Leamouth peninsula for mixed-use development to provide up to 185,077 sq.m (GEA) of new floor space and up to 1,706 residential units (use class C3) comprising:</p> <p>1) Full planning application for development of Phase 1, at the southern end of the site, comprising the erection of 5 buildings, namely G, H, I, J & K, and alterations to existing building N,</p> <p>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).</p>

1.0 Update on Issues raised by Port of London Authority (PLA)

- 1.1 Paragraphs 10.45 - 10.47 of the main planning report outlines the PLA's concerns regarding the intrusion of the proposed bridge landing into the deepest waters of the river and how this is likely to have adverse implications on the navigational function of the river.
- 1.2 The PLA require a Navigational Risk Assessment to be carried out first to inform the acceptability or not of any structure encroaching in to the river, and if any structure was determined to be acceptable, it should outline the form it should take and the appropriate level of protection it should have.
- 1.3 A meeting was held between the PLA, the EA and the applicant on 22 Feb and the applicant has committed to the production of a risk assessment (the scope of which is to be agreed with the PLA). The risk assessment has since been instructed, however, this will not be completed by the time the application is presented to LTGDC for determination (10 March 2011).
- 1.4 Furthermore, the applicant has made a series of changes to the parameter plan to show how the bridge landing could be accommodated further along the river, showing a significantly wider zone for the bridge crossing. However, the final form of the parameter plan would be informed by the outcome of the risk assessment.
- 1.5 The concern for the Council is that the current application lacks the sufficient information to inform the acceptability of the bridge landing. It is considered inappropriate to condition the submission of the risk assessment findings at a later stage as this information is fundamental to informing the PLA of the acceptability of the bridge structure.
- 1.6 Officers (and the PLA) are concerned that the final parameter plan can not be finalised until the Navigational Risk Assessment is carried out. As such, the application is considered to have insufficient information to satisfy officers and the PLA that the proposed bridge will not have an adverse impact on the navigational function of the river. The recommendation for refusal therefore remains.

- 1.7 It is also worth noting that consideration has also been given to the need for the application to be re-consulted on due to the proposed changes to the parameter plans and the red line boundary. It is considered that the changes are not likely to have an impact on anyone other than the EA and PLA who have been in direct contact with the applicant on this issue. As such, if LTGDC were minded to accept the proposed amendments to the red line boundary plan, it is advised that the Borough do not feel that further period of consultation is required.

2.0 Environment Agency Concerns

- 2.1 As outlined in Paragraphs 10.307 and 10.327 of the main planning report, the Environment Agency raises objections to the proposal on grounds of potential impact on inter-tidal habitat loss and flooding as a result of the proposed encroachment of the northern bridge landing. The application also lacks information in the form of a comprehensive hydrological assessment, calculations for the associated encroachment and hydraulic modelling to assess potential scour and habitat loss.
- 2.2 Further information was submitted by the applicant's environment consultant on 2nd March 2011, relating to flood storage compensation and mitigation for the loss of foreshore, together with a preliminary statement on hydrodynamic effects.
- 2.3 The revised parameter plan which has also been submitted shows the worst case scenario of where the proposed pedestrian bridge could be located in the intertidal zone. This changes the redline boundary to accommodate a significantly wider zone for the bridge crossing and the actual footprint of the bridge landing structure (as proposed) has been reduced.
- 2.4 In response (4th March), the EA have acknowledged the progress that has been made. However, due to the lack of information the EA maintain their objection. It is their view that before looking at compensation or mitigation measures, the applicant needs to demonstrate to the EA that the impacts can or can not be reasonably avoided, and if not, that the compensation proposals are appropriate.
- 2.5 As such, officers maintain their recommendation that the proposal, by virtue of the proposed solid encroachment of the northern bridge landing on to the foreshore, fails to provide sufficient information to ensure necessary mitigation against nature conservation and fails to sufficiently satisfy the EA that the development will not result in a risk of flooding.

3.0 Affordable Housing

- 3.1 Paragraph 10.143 of the main planning report outlines how the applicant's affordable housing officer proposes a review mechanism. This review mechanism proposes an initial trigger point of £750 per sq ft (private sales values) and a second trigger of £850 per sq ft.
- 3.2 Officers have already outlined their dissatisfaction with this offer as the triggers proposed were considered to be weighted too heavily in favour of the applicant and it presents significant risks for the Council, with a very remote prospect that the arrangement would ever result in the applicant making any further payment towards affordable housing.
- 3.3 Following this, and on 23 February 2011, the applicant proposed a revised trigger value for the review of Phase 1, from £750 down to £600 per sq ft. Whilst this

reduction is welcomed, it is still considered to be weighted in favour of the applicant. The LPA's consultant (BNP Paribas) has recommended that for the proposed mechanism to be considered acceptable, the triggers would need to be reduced closer to the break-even point of £511 per sq ft.

- 3.4 The applicant's revised offer does not make any changes to the review trigger for Phase 2 so this would remain at £850 per sq ft. This is a major concern for the Council as this is where the bulk of private housing is proposed. In addition, Phase 2 will be developed at a later stage than Phase 1 and has the potential to benefit from greater increases in sales values. This higher trigger is considered to be an attempt to evade sharing a reasonable proportion of any 'upside' with the Council. As such, the balance of risk and reward is considered to be unfairly stacked in the applicant's favour and the trigger is considered to be unacceptable to the Council.
- 3.5 The officer recommendation for refusal remains as the revised cascade mechanism fails to give the Council any confidence that the scheme will sufficiently contribute towards meeting the borough's affordable housing need and targets.

4.0 Further Consultation Responses

London Underground (LU)

- 4.1 On 1 March 2011, LU submitted a late representation citing no objection in principle subject to resolution of a number of issues:

1. Rotunda would need to be brought up to current operational standards at the developer's cost.
2. The assessment of the cumulative impact of developments in the wider area that would be likely to use the rotunda in the future.
3. The rotunda would not be suitable for use by cyclists, so cycle parking should be provided (at the developer's expense) in a suitable location on the station side of the bridge.
4. A payment of £500,000 (as previously agreed) to be paid to LU as development requires direct access to Canning Town.
5. LU's agreement to open the rotunda is on the basis that no public right of way is granted.
6. Expect developer to pay LU's legal costs as well as its own.

- 4.2 *Officer's comment: Comments from LU were submitted at a very late stage and at the time of writing this addendum report, the applicant has not had an opportunity to respond in writing to LU's requests. However, as noted in TfL's earlier comments (dated 22 September 2010), TfL consider that the capacity of the rotunda is likely to be sufficient to accommodate the expected trips entering and exiting the station. If LTGDC are minded to approve the application, it is suggested that a suitably worded condition would ensure the submission of further plans and funding package for the future management and security arrangements for the station.*

It is noted that officers were not aware that the rotunda would not be able to accommodate bicycles. However, it is considered that there alternative cycle routes to access Canning Town, via Orchard Place, and towards East India Dock Road. It is also considered that the detailed stage of Phase 2 will seek the precise location and detail of any necessary cycle parking at the rotunda. However, it is not considered that the comments raised by LU change the recommendation set out in the main planning report.

It is considered that many of the requests outlined above can be addressed through

condition and S106, if LTGDC are still minded to grant planning permission and any issues in relation to any payments to LU will be subject to commercial discussions between the parties.

5.0 Met Police

- 5.1 Paragraph 8.80 of the main planning report notes how Met Police have requested that the S106 secures 115sqm of floorspace for police facilities. The applicant was asked to consider the incorporation of this facility into their proposal and it confirmed that a dedicated office space would not be allocated to Met Police. The applicant has however offered Met Police some office space within Ballymore's on site security and management office.
- 5.2 On 4 March 2011, CGMS on behalf of Met Police submitted further representations highlighting their requirement for no less than 115sqm of office space to be constructed to shell and core finish. The applicant has confirmed again that they are not prepared to provide this space for free in light of the circumstances within which the current application is submitted, and in light of the accompanying viability statement (which is considered by BNP Paribas to be relatively robust).
- 5.3 *Officer's comment: Officers acknowledge the impact of large scale developments on the need for security and policing, however, there appears to be little evidence to suggest a requirement of 'no less than 115sqm' of floor space' for policing. In light of CIL guidance, there is little justification for this specific request. It is considered reasonable however to assume that a development of the scale proposed may require some level of monitoring, and the applicant's proposal to allow Met Police to utilise some desk space is considered a reasonable offer. Therefore, it is considered that the omission of a clause in the s106 to include a specific level of floorspace solely for Met Police acceptable.*

6.0 RECOMMENDATION

- 6.1 The recommendation for refusal remains unchanged.