

<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 ADDITIONALCONSULTATION 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.

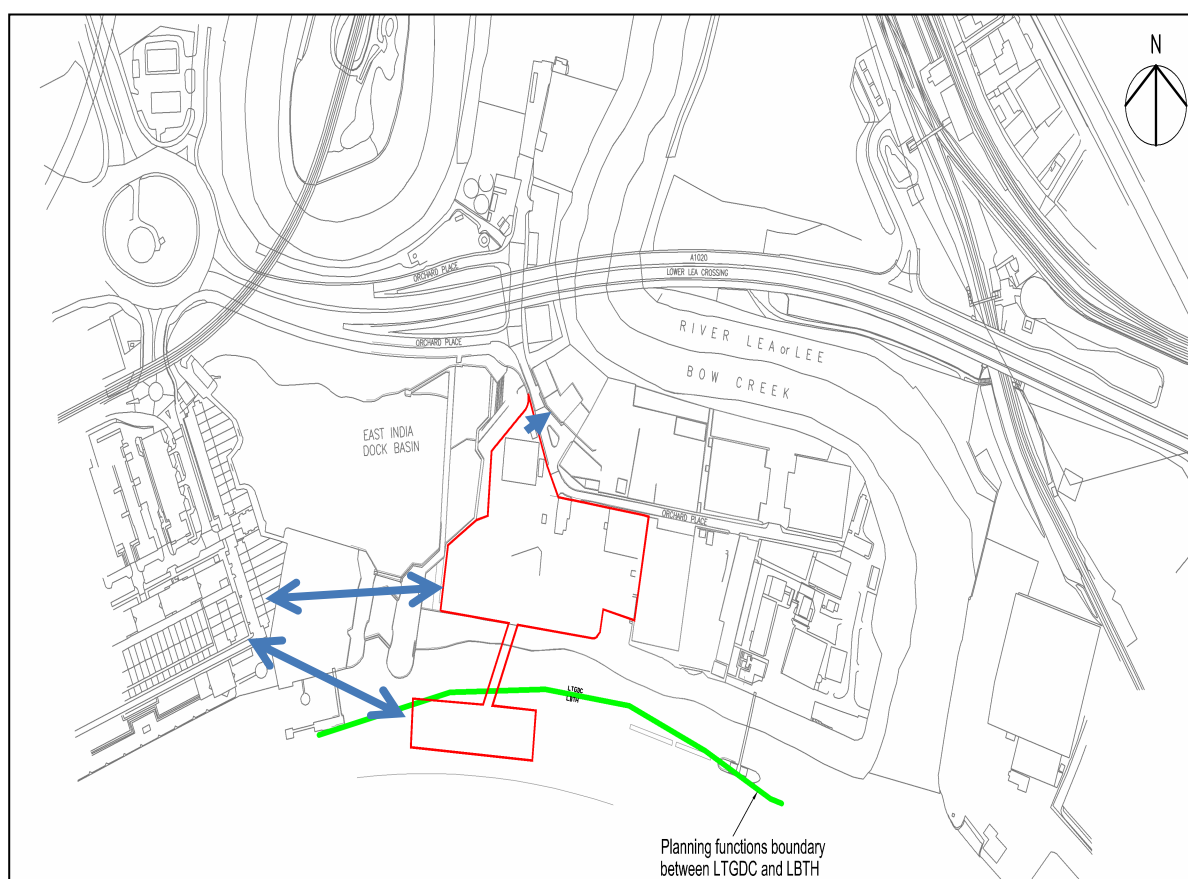
#### Biodiversity

- 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 waterborne 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

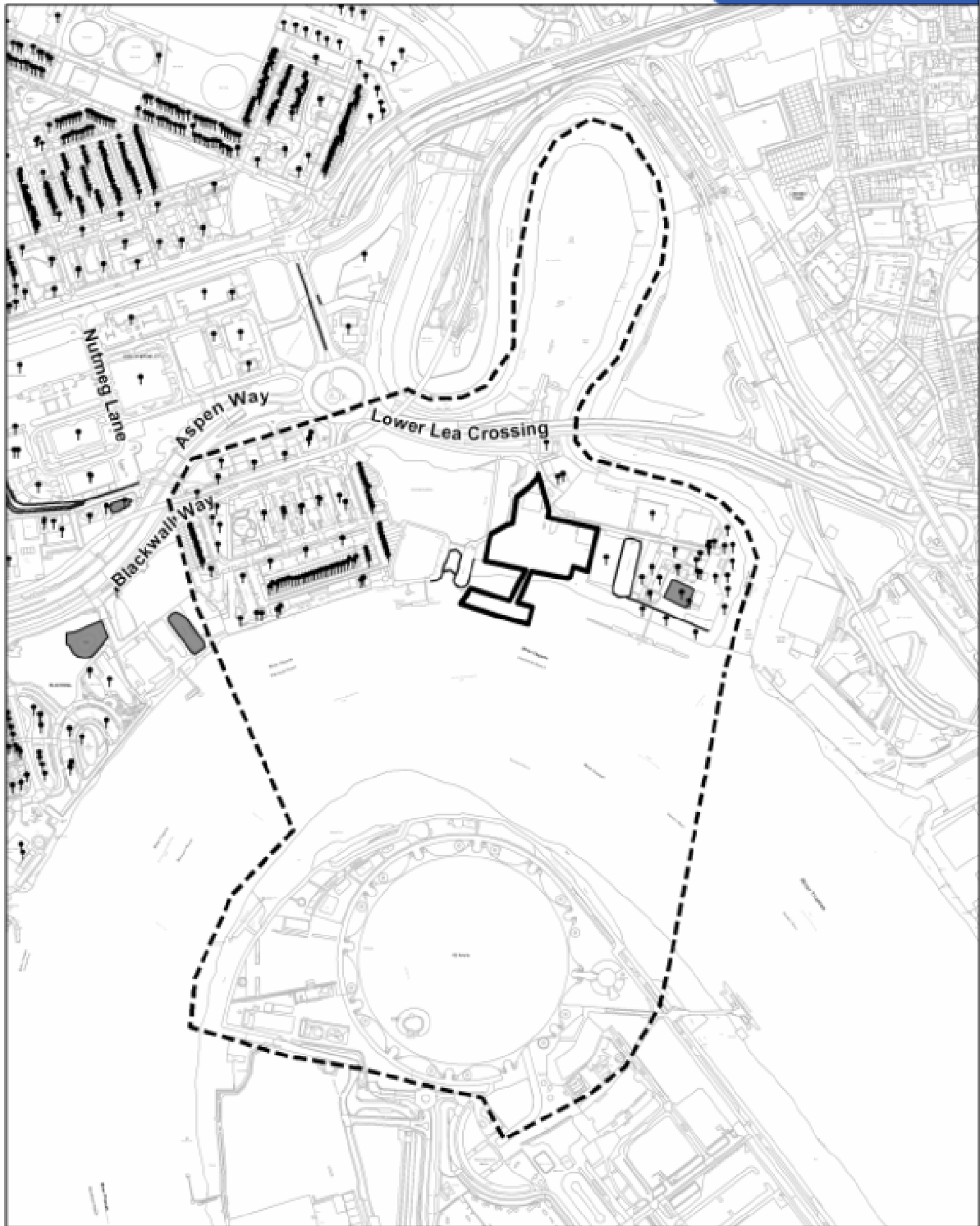
Appendix Two – Addendum Report to SDC dated 31<sup>st</sup> May 2012.

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

 Consultation Area

 Statutory Listed Buildings

0 30 m  




1:8,000

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