

Committee: Strategic Development	Date: 18 th January 2007	Classification: Unrestricted	Agenda Item No: 8.7
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: S. Stolz/ J. Salim		Ref No: PA/05/01409	
		Ward(s): Blackwall and Cubbit Town	

1. APPLICATION DETAILS

Location:	Leamouth Peninsula North (Pura Foods Ltd), Orchard Place, London, E14.
Existing Use:	Industrial (Use Class B2) – derelict
Proposal:	Combined Outline and Full Planning Application (Hybrid application) for a mixed use redevelopment comprising: <ul style="list-style-type: none"> • a total of 2,460 residential units (Use Class C3) • 21 459m2 of non residential development including arts and cultural centre (Use Class D1/D2), leisure (Use Class D2), management offices (Use Class B1), of retail (Use Class A1/A2), food and drink (Use Class A3/A4), healthcare accommodation (Use Class D1) • the provision of public open space and • a bridge linking to Canning Town. <p><u>The application includes the submission of an Environmental Statement under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.</u></p>
Drawing Nos:	<ul style="list-style-type: none"> • Drawing numbers DPA-001 to DPA-006; DPA-101 to DPA-127; DPA-201 to DPA-209; DPA-301 to DPA-327; DPA-401 to DPA-409; DPA501 to DPA504, all dated 1/08/2005 • Drawing numbers 364/001 Rev03; 364/002 Rev02; 364/003 Rev02; 364/004 Rev02; 364/005 Rev02; 364/006 Rev02, 364/007 Rev02; 364/008 Rev02; 364/009 Rev02; 364/0010 Rev02 and 364/0011 Rev00; • Development Schedule, dated 20/01/2005; and • Supporting Statements as set out in GVA Grimley cover letter dated 15 August 2005, received on 16 August 2006.
Applicant:	Clearstorm Properties
Owner:	See schedule of owners/occupiers, received on 16 August 2006.
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has assessed the development proposal against the Council's planning policies contained within the adopted Unitary Development Plan (1998), the Local Development Framework Core Strategy submission document (2006) and associated supplementary planning guidance, and against the London Plan (2004) and Government Planning Policy Guidance and has found that it:

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 DPD and London Plan		Silke Stolz 020 7364 6--2

- a) does not satisfy the overall spatial, economic, social, urban and sustainability strategies / environmental criteria adopted by the Council and;
- b) would result in material harm to the amenity and character of the local area, environment of the adjacent area and amenities of future occupiers.

Had the Council been empowered to determine this application, it would have been refused on the following grounds:-

1. Development and Transport
2. Vehicular access
3. Land use - employment
4. Land use – retail
5. Car parking
6. Bicycle parking
7. Design and layout
8. Overdevelopment
9. Dwelling mix
10. Affordable Housing
11. Standard of accommodation
12. Residential amenity: sunlight/daylight and noise
13. Inclusive design
14. Amenity space and public open space
15. Energy
16. Flood Risk
17. Biodiversity
18. Sustainability

3. RECOMMENDATION

- 3.1 The planning application was received on 16th August 2005. The application was considered to be invalid due to the lack of an offer of affordable housing and no decision was made.
- 3.2 The application is now the subject of an appeal (appeal ref APP/E5900/A/06/2013333/NWF) against non-determination. The Planning Inspectorate held that the application should have been determined despite the lack of an offer of affordable housing and thus accepted the appeal as valid. A start date for the public inquiry has not yet been set.
- 3.3 The Director of Development and Renewal is instructed to inform the Planning Inspectorate that had the Council considered the application to be valid, a request would have been made under Regulation 19 for further information as the submitted Environmental Statement fails to meet the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
- 3.4 The Director of Development and Renewal is instructed to inform the Planning Inspectorate that had the Council been empowered to make a decision on the application, it would have **REFUSED** planning permission for the following reasons:
- 3.5 Reasons for refusal:
 - 1 The existing and proposed links to public transport interchanges, the nearby town centre at Canning Town and the highway network would not allow convenient, safe, 24 hour access. Furthermore, they would not sufficiently cater for vehicle, pedestrian and cycle activity generated by the proposed development by reason of the existing limited highway infrastructure and capacity, and by reason of an unsuitable bridge link across the River Lea. The proposed development does not integrate well with the surrounding area and its

services and facilities, to the detriment of the ease of movement of people to and from the development.

Without appropriate links, the site is not considered to be suitable for intensive, high-density redevelopment and the proposal is considered to be contrary to policies 2A.1, 3C.1, 3C.2, 3C.3, 3C.16, 3C.20, 3C.20, 3C.22 and 4B.1 of the London Plan (2004), policies ST25, ST30, ST32, T10, T15, T16, T19 and T23 of the LBTH adopted UDP (1998), policies CP1, CP5, CP40, CP41, CP42, DEV3, DEV16 and DEV17 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure that new developments are well connected with their surrounds and that adequate infrastructure provision exists or is planned.

- 2 The proposed vehicular access arrangement is substandard for the size and type of development proposed. Access for the emergency services would be severely restricted in cases of road closures or accidents, to the detriment of the safety of future residents and visitors.

As such, the proposal is contrary to policy T16 of the LBTH adopted UDP, DEV17 of the LBTH Local Development Framework Core Strategy submission document and policies 2A.1 which seek to ensure that adequate servicing and circulation is ensured and unobstructed access for emergency vehicles is guaranteed.

- 3 The proposal results in an unacceptable loss of employment floor space and fails to provide for an adequate supply of floor space to safeguard employment opportunities within the Leaside area, to the detriment of the economic wellbeing of the Borough.

As such, the proposal is contrary to policy EMP2 of the LBTH adopted UDP (1998), policies CP1, CP9, CP11, EE2 of the LBTH Local Development Framework Core Strategy submission document (2006) and policies L38 and L43 of the LBTH Local Development Framework Leaside Area Action Plan submission document (2006). These policies seek to ensure the retention and provision of an adequate amount of employment generating floor space to create and safeguard employment opportunities within the Borough in order to promote and maintain a healthy economic base.

- 4 The proposed provision of retail floor space is considered to be excessive and could have a detrimental impact on the vitality and viability of the district town centre of Canning Town. It is therefore contrary to policy 3D.1 of the London Plan and policy B1 of the draft Lower Lea Valley Opportunity Area Planning Framework (2006), which seek to protect and promote designated centres in order to ensure an adequate provision of shopping and other facilities and services within areas easily accessible by a large number of local residents.

- 5 The proposed car parking provision is excessive and would lead to unnecessary, non-essential car journeys which would put additional strain on the highway network.

As such, the proposal fails to meet policies 3C.1, 3C.16 and 3C.22 of the London Plan (2004), policies ST28, T13 and T17 of the LBTH adopted UDP (1998) and policies CP40 and DEV19 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to actively deter car use and promote the use of alternative transport modes.

- 6 The proposed development provides an inadequate amount of bicycle parking for use by future residents, employees and visitors of the site. The proposal also fails to provide a segregated, direct and safe cycle network within the development which integrates with the surrounding Strategic Cycle Networks in the local area.

The proposal is therefore contrary to policies 2A.1, 3C.1, 3C.3, 3C.16 and 3C.21 of the London Plan (2004), policies ST30, T17, T22 and T24 of the LBTH adopted UDP (1998),

policies CP1, CP40, and DEV16 and DEV19 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek the promotion of cycling as an alternative, sustainable transport mode through the provision of adequate routes and parking facilities.

- 7 The proposed development, due to its layout and many level changes, would not be easily legible and permeable. Furthermore, it would appear bulky and squat when viewed from the distance and would fail to create an interesting silhouette on this prominent site. Its detail design (Phase 1) is repetitive and lacks innovative and interesting façade treatments, thus failing to create an interesting environment.

As such, the proposal is contrary to Policies 2A.1, 4B.1, 4B.4 and 4B.9 of the London Plan, policies CP1, CP4, DEV2, DEV27 of the LBTH Local Development Framework Core Strategy submission document (2006). These policies seek to ensure that new developments are easily legible and permeable, create an interesting silhouette and skyline and result in an inspiring environment.

- 8 The proposed development constitutes overdevelopment of the site which manifests itself in:-
- Poor standard of accommodation for future occupiers by reason of small flat sizes (as per accommodation schedule), poor internal layout, restricted daylight, sunlight and natural ventilation in particular to the 'small one bedroom' units;
 - Poor outlook and unacceptable sense of enclosure for future residents (of some of the inward-facing units of buildings D, E, F, H, J, M)
 - overlooking and associated limited privacy (inward facing units);
 - insufficient amount and quality of open space; and
 - an unbalanced mix of housing units heavily weighed towards small units

As such, the proposal is contrary to policies 2A1, 4B.1 and 4B.9 of the London Plan (2004), policies ST23, DEV1 and DEV2 of the LBTH adopted UDP (1998) and policies CP1, CP4, CP20, CP25, CP30, DEV1, DEV2, HSG1 and HSG7 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure that new development respects the constraints of a site and exploits its development potential without adversely impacting on the residential amenity of future occupiers and on the environment.

- 9 The proposed dwelling mix is unacceptable on grounds of the considerable over provision of studio and one-bedroom flats and the limited percentage of family accommodation (3 bedroom+), which would not facilitate the creation and growth of a sustainable community in this area.

As such, the proposal is contrary to policy 3A.4 of the London Plan (2004) and associated SPG: Housing (2005), policies ST22 and HSG7 of the LBTH adopted UDP (1998) and policies CP1, CP21 and HSG2 of the LBTH Local Development Framework Core Strategy submission document (2006), which seek to ensure that housing accommodation in new residential developments include those housing types and sizes to meet local needs and promote balanced communities in accordance with the Government's sustainable community objectives.

- 10 No formal offer of affordable housing has been made and any affordable housing element remains unspecified. Consequently, the proposal could result in an unacceptable level of affordable housing.

As such, the proposal is contrary to policies 3A.7 and 3A.8 of the London Plan (2004) and policies CP1, CP21, CP22, HSG3, and HSG4 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure the adequate provision of affordable housing in terms of quantity, tenure types and unit types and sizes to meet the needs of London's diverse population.

- 11 The proposal does not ensure an acceptable standard of accommodation throughout the development by reason of inadequate internal space provision, poor outlook, restricted sunlight and daylight, lack of privacy and inadequate private amenity space to some residential units.

As such, the proposal is contrary to policy 4B.9 of the London Plan (2004), policies ST23, DEV2, HSG13 and HSG16 of the LBTH adopted UDP (1998), policies DEV1, DEV2 and HSG7 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure the creation of high quality residential accommodation in order to ensure an acceptable level of residential amenity.

- 12 Both the sunlight/daylight and the noise assessments are incomplete. There is a strong concern and likelihood that future occupiers of the development would be subject to unacceptable conditions with respect to the amount of sunlight and daylight they receive and noise they would be subjected to, to the detriment of their residential amenity,

As such, the proposal is contrary to policies 4B.9, 4A.14 and 4B.6 of the London Plan (2004), policies ST23, DEV2 and DEV50 of the LBTH adopted UDP (1998) and policy DEV1 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure the creation of high quality residential accommodation in order to ensure an acceptable level of residential amenity.

- 13 The development proposal fails to create a fully inclusive environment where people of all abilities, including the mobility impaired, can circulate with ease due to the proposed level changes and connection points between the podium level and riverside walkway where no lifts are provided.

As such, the proposal is contrary to policies 3C.20, 4B.1, 4B.4 and 4B.5 of the London Plan (2004), policies ST3 and DEV1 of the LBTH adopted UDP (1998) and policies CP1, CP4, CP40, CP46, DEV3, DEV16 and OSN3 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure the creation of fully inclusive environments where people of all abilities can move with ease and comfort, without undue separation of effort.

- 14 The proposed development does not provide a sufficient amount of private amenity space and usable recreational public open space of adequate quality and variety for the reasonable needs of the future residents in an area already experiencing a significant deficiency in public open space provision.

The proposal is therefore contrary to policy 3A.5, 3D.10 and 3D.11 of the London Plan (2004), policies HSG16 and OS9 of the LBTH adopted UDP (1998), policies CP25, CP30 and HSG7 of the LBTH Local Development Framework Core Strategy submission document (2006) and policies L5 and L43 of the LBTH Leaside Area Action Plan submission document, which seek to ensure that amenity space and public open space are fully integrated into all new major developments to provide high quality and useable amenity open space for all residents.

- 15 The proposed electric heating to the residential units represents a substantial additional CO2 load in comparison to other energy sources, to the extent that it would outweigh the proposed efficiency and renewable energy benefits in the non-residential elements.

As such, the proposal is contrary to Policy 4A.7, 4A.8, 4A.9 and 4B.6 of the London Plan (2004), Policy DEV46 and DEV62 of the LBTH adopted UDP (1998) and Policies CP3, CP38 and DEV6 of the LBTH Local Development Framework Core Strategy submission document (2006), which seek to reduce carbon dioxide emissions, improve energy efficiency and increase the proportion of energy used generated from renewable sources.

- 16 Insufficient information is provided regarding flood risk with respect to the quality and forecast longevity of the existing flood defence walls. Furthermore, an inadequate buffer zone has been designed which may prejudice flood defence interests and which may restrict necessary access to the flood defences for maintenance and improvement works.

Without adequate information regarding the walls, including a strategy for remedial works if necessary, and without an adequate buffer zone which allows maintenance, repair and renewal works to be carried out in a sustainable and cost effective way, the proposal is contrary to policy 4C.7 of the London Plan, policies U2 and U3 of the LBTH adopted UDP (1998) and policy CP37 of the LDF Core Strategy submission document, which seek to minimise the risk of flooding.

- 17 The ecology and biodiversity assessment fails to fully assess the development's impacts on the natural environment. The proposed mitigation and enhancement measures are inadequate and opportunities have not been fully explored.

Without a full assessment of the impacts of the scheme and without adequate mitigation and enhancement measures, the proposal is contrary to policies 3D.12 and 4C.3 of the London Plan (2004), policies ST8, DEV57 and DEV62 of the LBTH adopted UDP (1998) and policies CP31, CP33 and OSN3 of the LBTH Local Development Framework Core Strategy submission document (2006), which seek to ensure the protection, conservation, enhancement, and effective management of the borough's biodiversity.

- 18 The proposed scheme does not represent a sustainable form of development as:-

- It fails to facilitate the creation of a well balanced mixed community: it does not provide for a wide variety of household sizes and an appropriate split in tenures;
- It fails to connect and integrate well with its surroundings:
 - It only provides a direct link of questionable capacity to Canning Town underground station and does not provide a direct link to the wider area
 - it does not provide 24h access as the route through the station is only open during operating hours
 - it relies on a vehicular access arrangement that is inadequate and substandard for the development proposed;
- It fails to limit car use (and demand on the highway network) by making an excessive over-provision of car parking;
- It fails to meet environmental objectives by making an over-provision of car parking, by failing to commit to an adequate level of use of renewable energy and by failing to explore opportunities fully with respect to reducing the development's impact on the environment;
- It fails to create an inclusive environment due to many level changes and associated problems of segregated access to places within the development;
- It fails to create a liveable environment due to its excessive density which manifests itself in
 - unacceptable restricted daylight and sunlight to some of the residential units as well as overlooking and limited privacy (in particular inward-facing units)
 - poor, little or no private residential amenity space to some units
 - little usable recreational public open space which would not adequately provide for the needs of the development, in an area already deficient in public open space.

As such, the proposed development is contrary to policies 2A.1, 2A.2 and 2A.4 of the London Plan (2004), policies ST3, ST19, ST27, ST37, ST49 and ST54 of the adopted UDP 1998, policies CP1, CP2, CP3, CP4 and CP5 of the Local Development Framework LBTH Development Plan Document Core Strategy and Development Control Submission Document (November 2006) as well as the provisions of Government Guidance PPS1

'Delivering Sustainable Developments', which seek to promote sustainable patterns of development by ensuring the creation of high quality, well integrated and adaptable developments which provide for the diverse needs of the population today and in the future, with minimum adverse impacts on the environment.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal provides a residential-led mixed-use redevelopment scheme which comprises a total of 2460 residential units and 21.459sq.m. of non-residential uses consisting of arts and cultural centre (Use Class D1/D2), leisure (Use Class D2), management offices (Use Class B1), of retail (Use Class A1/A2), food and drink (Use Class A3/A4) and healthcare accommodation (Use Class D1). Permission is sought for the provision of parking and associated landscaping on the site, as well as for the erection of a new pedestrian bridge across the River Lea to Canning Town. The application includes the submission of an Environmental Statement under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. The application is part in outline, part in full (a 'hybrid' application).
- 4.2 The proposal includes the provision of two types of one-bedroom units. The larger type (simply called 'one-bedroom unit') includes a separate bedroom whilst the smaller type includes a bedroom or bedroom area at the back of the unit. There is no window to this bedroom of the 'small one-bedroom flat'.
- 4.3 The outline part of the proposal ("Phase 2 and Phase 3") covers the southern part of the site and is for:
- 121 747 m² of residential floor space/ 1586 (256 studio flats, 362 'small' one-bedroom flats, 434 one-bedroom flats, 171 two-bedroom flats and 363 three-bedroom flats);
 - 118 m² of management offices;
 - 3099 m² of retail/restaurant (Use Classed A1, A2, A3, A4 and A5);
 - 1869 m² of clinic, nursery and dentist accommodation;
 - 1122 m² of training accommodation
 - Details are provided for the siting, design, means of access and highway works.
 - The reserved matters for later approval relate to landscaping and external appearance of the buildings.
- 4.4 The 'full' part of the proposal ("Phase1") which covers the northern tip of the peninsula is for:
- 59 573 m² of residential floorspace/ 874 (194 studio flats, 164 'small one-bedroom flats', 323 one-bedroom flats, 165 two-bedroom flats and 28 three-bedroom flats);
 - 4 275 m² of public/exhibition space;
 - 2 939 m² of leisure accommodation;
 - 668 m² of management offices;
 - 2 538 m² of flexible workspace;
 - 4 831 m² of retail/restaurant accommodation; and
 - The pedestrian bridge across the river Lea.
 - Details are provided for siting, design, means of access, highway works, parking and landscaping.
- 4.5 The application site would be accessed via the existing single vehicle access to the south of the site as well as via a new pedestrian bridge at the northern end of the site. The bridge would provide a link to Canning Town transport interchange via the existing lift and stairs and tunnel.

- 4.6 The proposed scheme is a complex 'podium level' development, which means that the ground level is raised. The height of the proposed podium ranges from 1 to 4 storeys in height, increasing from the southern end to the northern end of the site. Within the podium, parking and service areas are accommodated. This rise from south to north creates an overall level change of approximately 13.5 metres.
- 4.7 Around this podium, a walkway would be provided. This walkway becomes a shared surface (vehicular and pedestrian) from approximately the middle of the site southwards, where it also diverges away from the river's edge. Only along the northern tip of the peninsula does the walkway run directly along the riverside.
- 4.8 A dense layout of low rise buildings of 2 to 5 storeys in height and 12 tall buildings of 8 to 26 storeys in height is proposed. The buildings, which are often connected and thus result in a very wide, continuous frontage, broadly follow a north-south alignment. Four of the tallest buildings of 18, 24, 25 and 26 storeys are located at the northern end of the site. Two 20 storeys buildings are located in the central part of the site.
- 4.9 A network of connecting open spaces at podium level leads pedestrians through the site. These connecting spaces form a largely hard-surfaced main through-route between the closely set buildings with some non-residential uses at ground floor. The precise location of the non-residential uses is not indicated and flexibility is sought in this respect. Soft-landscaped space is proposed:
- at the entrance to the development at its southern end, in the centre of a small 'roundabout',
 - approximately in the middle of the oblong site, and
 - along the western boundary as well as along the eastern boundary, by the river.
- 4.10 The main through route connects to the hard-surfaced 'plaza' at the northern end, which is also the landing point of the bridge. Stairs, ramps and lifts at a number of points connect the podium with the lower-lying riverside walkway.

Site and Surroundings

- 4.11 The application site comprises an area of 4.63 hectares and covers the entire peninsula north. The site is practically surrounded by water and inter-tidal mud flats of the River Lea to the east, north and west. The site contains industrial buildings and processing plant equipment. The site was until recently used by 'Pura Foods', an oil processing factory. Following the de-commissioning of the site, structures are now being removed.
- 4.12 Canning Town transport interchange and town centre lie across the River Lea roughly to the north of the application site. The vacant site known as the 'Limmo' site lies across the river to the east of the application site. To the west lies an ecological park on a very narrow peninsula, which also supports the bridge carrying the DLR.
- 4.13 To the south of the site, Leamouth Peninsula South accommodates a variety of cultural, industrial and mixed-use live and work units. The Lower Lea Crossing bridge spans across the peninsula to the south of the application site boundary.
- 4.14 A slip-road off the Lower Lea Crossing provides vehicle access to the site from the west. Another slip road joins the flyover from Leamouth Peninsula South, westwards. To the southwest lies the nature reserve of East India Dock Basin.
- 4.15 East India Dock DLR station is located to the west of the site, approximately a 10 minute walk from the southern end of the application site.

Planning History

- 4.16 PA/04/01831 Request for Scoping Opinion as to the information to be provided in an Environmental Impact Assessment to be submitted in support of planning applications for redevelopment to provide 4,000 residential units, offices, retail, restaurants, leisure facilities and a bridge spanning the River Lea. **Issued 10/01/2005: EIA required.**
- 4.17 PA/03/01814 Opening pedestrian and cycle bridge across the river lea, linking the leamouth peninsula to Canning Town and the lower lea crossing. **Withdrawn on 22/03/2004.**
- 4.18 PA/04/01081 Opening pedestrian and cycle bridge across the River Lea, linking the Leamouth Peninsula to Canning Town Station and the Lower Lea Crossing including upgrading of Flood defences on Hercules Wharf. **Approved 18/05/2005.**
- 4.19 The following applications have been submitted by the same applicant for 3 sites on the Leamouth Peninsula South:
- 4.20 PA/05/01597 Outline Planning Application for a mixed use development comprising 477 residential units and 400 sqm of non residential floor space including offices (B1), retail (A1, A2), food and drink (A3, A4) and the provision of public open space. **Applications relate to Hercules Wharf and are now the subject of a planning appeal (ref APP/E5900/A/06/2013328/NWF).**
- 4.21 PA/05/01598 Combined Outline and Full Planning Application (Hybrid Application) for a mixed use development comprising 925 residential units and 1600sq m of non residential floor space including offices (B1), retail (A1, A2), food and drink (A3, A4) and provision of public open space. **Application relates to Union Wharf and Castle Wharf and is now the subject of a planning appeal (ref APP/E5900/A/06/2013334/NWF).**
- 4.22 PA/05/01600/ LBC Partial demolition and alteration of the listed dock structure and retention of the existing caisson in relation to mixed use development at Union Wharf. **Application relates specifically to Union Wharf and is now the subject of a planning appeal (ref APP/E5900/A/06/2013329/NWF).**
- 4.23 The applications referred to above which are subject of appeals will be presented to the strategic development committee in due course.
- 4.24 This year, the same applicant has submitted the following applications, which are for determination by the newly established London Thames Gateway Development Corporation:
- Leamouth Peninsula North:
- 4.25 PA/06/00748 Combined outline and full planning application (hybrid application): Demolition and /00749 of all existing buildings and structures; Comprehensive phased mixed-use (duplicates) development comprising 224,740sqm GEA of new floorspace for the following uses: residential (C3), business including creative industries, flexible workspace and offices (B1), retail, financial and professional services, food and drink (A1, A2, A3, A4, A5), leisure (D1 & D2), arts and cultural uses (D1), primary school (D1), community (D1), energy centre, storage and car and cycle parking. The development includes formation of a new pedestrian access across the River Lea connecting to land adjacent to Canning Town Station, formation of a new vehicular access and means of access and circulation within the site, new private and public open space and landscaping

including a riverside walkway. This application is accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations). **The applications are still under consideration.**

Leamouth Peninsula South:

- 4.26 PA/06/01341 In outline, demolition of all existing buildings and structures and /01342 redevelopment to provide 41,530 sq.m. floorspace comprising residential (duplicates) (Class C3), business use (Class B1), retail, financial and professional services, food and drink (Classes A1, A2, A3, A4 and A5), energy centre, storage and car and cycle parking. The development includes formation of a new vehicular access from Orchard Place and means of access and circulation within the site, new private and public open space and landscaping including a riverside walkway. This application is accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. **Applications relate to Hercules Wharf and are still under consideration.** (Associated application PA/05/01597)
- 4.27 PA/06/01343 Combined Outline and Full Planning Application (hybrid application) for and /01344 demolition of all existing buildings and redevelopment to provide 80.070 sq.m. floorspace comprising residential (Class C3), business uses (Class B1), retail, financial and professional services, food and drink (Classes A1, A2, A3, A4, A5), energy centre, storage and car and cycle parking. The development includes formation of a new vehicular access from Orchard Place and means of access and circulation within the site, new private and public open space and landscaping including a riverside walkway. This application is accompanied by an Environmental Statement as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. **Applications relate to Union Wharf and Castle Wharf and are still under consideration.** (Associated application: PA/05/01598).
- 4.28 PA/06/01345 Partial demolition and alteration of the listed dock structure and retention of the existing caisson in relation to mixed use development at Union Wharf. **Application relates to Union Wharf and is still under consideration.** (Associated application: PA/05/01600).

5. POLICY FRAMEWORK

- 5.1 The relevant policy and guidance against which to consider the planning application is contained within the following documents:-
- London Plan (2004) and Supplementary Planning Guidance
 - London Borough of Tower Hamlets Unitary Development Plan (1998) (UDP) and Supplementary Planning Guidance
 - LBTH Local Development Framework Core Strategy and Development Control Submission Document (November 2006) (DPD)
 - LBTH Local Development Framework Leaside Area Action Plan Submission Document (November 2006) (LAAP)
 - LBTH Community Plan
- 5.2 In the preparation of the above documents, Government guidance had to be taken into account. National policy guidance documents (PPGs and PPSs) are listed below.
- 5.3 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.

Furthermore, s54A of the 1990 Act requires decisions to be made in accordance with the plan unless material considerations indicate otherwise.

- 5.4 Whilst the adopted UDP is the statutory development plan for the borough, it will be replaced by a more up to date set of plan documents that will make up the Local Development Framework.
- 5.5 On 13th September 2006, Council resolved to approve the DPD for submission to the Secretary of State for Independent Examination. The approved DPD represents an up-to-date statement of Tower Hamlets planning policy priorities. On 3 October 2006, the Strategic Development Committee endorsed that the policies within the DPD, approved on 13th September 2006, should be given significant weight as a material consideration in determining planning applications, prior to its adoption.
- 5.6 Furthermore, where the London Plan and the adopted UDP contain contradicting guidance, the more recent policy must be followed, which is in this case the London Plan.
- 5.7 This report takes account of the policies and guidance contained within the documents set out above in paragraph 5.1. Members are invited to agree the recommendations set out in section 2 which have been made on the basis of the analysis of the scheme set out in this report. The proposed development scheme has been analysed and assessed against the policies set out below and other material considerations set out in the report.
- 5.8 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:

- | | | |
|------|--------------------|--|
| 5.9 | Proposals: | Areas of Archaeological Importance or Potential
Industrial Employment Areas
Flood Protection Areas
Within 200 metres of East West Crossrail
Aviation use and bird attracting
Wind Turbine development by City Airport
Urban Development Corporation
Potential Contamination |
| 5.10 | Strategic Policies | ST3 - ST5 Good Design and Community Safety

ST6 Management of development and processes
ST7 Energy Efficiency, Renewable Energy and Sustainable Design
ST8 Open Space Protection
ST9 Promote and preserve character of river Thames
ST19 Employment
ST25 Sustainable infrastructure for housing
ST27 Transport
ST28 Restrain us of private cars
ST30 Safety of road users
ST31 Minimize road works for increased car commuting
ST32 Effective integration of into existing transport
ST37 Open Space
ST45 Education and Training
ST49 Social and Community Facilities
ST54 Public Utilities and Flood Defences |
| 5.11 | Policies: | DEV1 Design Requirements
DEV2 Environmental Requirements
DEV3 Mixed Use Developments
DEV4 Planning Obligations |

DEV6	High buildings outside the Central Area & Business Core
DEV8	Protection of local views
DEV11	Communal TV Systems
DEV12	Provision of landscaping in development
DEV13	Design of landscaping Schemes
DEV17	Siting and design of Street Furniture
DEV18	Art and development proposals
DEV44	Preservation of Archaeological Remains
DEV45	Development in Areas of Archaeological Interest
DEV46	Protection of Waterway Corridors
DEV47	Development affecting Water Areas
DEV48	Strategic riverside walkways and new development
DEV50	Noise
DEV51	Contamination
DEV55	Development and Waste Disposal
DEV56	Waste recycling
DEV57	Nature Conservation and Ecology
DEV62	Nature Conservation and Ecology
DEV66	Creation of new walkways
EMP1	Encouraging new employment uses
EMP2	Retaining existing employment uses
EMP7	Work environment
EMP8	Small business
EMP10	Business use outside the Central Area Zone
EMP11	Industrial employment areas
EMP12	Business Uses in Industrial Employment Areas
EMP13	Residential Use in Industrial Employment Areas
HSG1	Quantity of Housing
HSG2	Location of New Housing
HSG3	Affordable Housing
HSG7	Dwelling Mix and Type
HSG8	Wheelchair accessible housing
HSG9	Density in Family Housing
HSG13	Standard of Dwellings
HSG15	Development affecting residential amenity
HSG16	Housing Amenity Space
T3	Bus Services
T5	Interchanges between public transport facilities
T10	Proprieties for strategic management
T15	New development on existing transport system
T16	New development and associated operation requirements
T17	Planning Standards (Parking)
T18 – T20	Pedestrians
T22 – T24	Cyclists
S6	New Retail Development
S7	Special Uses
S10	New shopfronts
OS2	Open space and access for disabled
OS9	Children's Playspace
OS10	Indoor and outdoor sports facilities
OS12	Dual use of suitable open space and recreational facilities
ART1	Promotion of arts and entertainment uses
ART4	Restriction of art and entertainment facilities
EDU3 and 9	New training facilities
SCF1	Provision for Community and Social Facilities.
SCF4	Location of primary health care facilities.
SCF5	Provision of Community Care

SCF6	Location of Community Support Facilities.
SCF11	Meeting Places
U2	Development in Areas at risk from flooding
U3	Flood Protection Measures
U9	Sewerage network
U10	

Local Development Framework: London Borough of Tower Hamlets Development Plan Document Core Strategy and Development Control Submission Document (November 2006):

5.12 Proposals:		Areas of Archaeological Importance or Potential Industrial Employment Areas Flood Protection Areas Within 200 metres of East West Crossrail Aviation use and bird attracting Wind Turbine development by City Airport Urban Development Corporation Potential Contamination
5.13 Core Policies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Character and Design
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job creation and growth
	CP9	Employment Space for Small Businesses
	CP10	Strategic Industrial Locations and Local Industrial Locations
	CP11	Sites in employment uses
	CP14	Combining Employment and Residential Use
	CP15	Provision of a range of shops and services
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP25	Housing Amenity Space
	CP27	High Quality Social and Community Facilities to Support Growth
	CP29	Improving Education and Skills
	CP30	Improving the Quality and Quantity of Open Space
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	Sustainable Transport Network
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment
5.14 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
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclable 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	Contamination Land
DEV23	Hazardous Development and 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
RT4	Retail Development and the Sequential Approach
RT5	Evening and Night-time Economy
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing Provisions in Individual private Residential and Mixed-use Schemes
HSG4	Varying the Ratio of Social Rented to Intermediate 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
SCF2	School Recreation Space
OSN2	Open Space
OSN3	Blue Ribbon Network and the Thames Policy Area
CON4	Archaeology and Ancient Monuments

Local Development Framework: London Borough of Tower Hamlets Development Plan Document Leaside Area Action Plan Submission Document (November 2006) (LAAP):

5.15 Proposals:	LS23	Orchard Place North
5.16 Policies:	L1	Leaside Spatial Strategy
	L2	Transport
	L3	Connectivity
	L4	Water space
	L5	Open Space
	L6	Flooding
	L7	Education Provision
	L8	Health Provision
	L9	Infrastructure and Services
	L10	Waste
	L38	Employment Uses in Leamouth sub-area
	L39	Residential Uses in Leamouth sub-area
	L40	Retail and Leisure uses in Leamouth sub-area
	L41	Local connectivity in Leamouth sub-area
	L42	Design and built form in Leamouth sub-area

5.17 London Borough of Tower Hamlets Supplementary Planning Guidance/Documents

Designing out Crime (Parts 1 and 2)
 Archaeology and Development – Adopted 1998
 Residential Space – Adopted 1998
 Riverside walkways – Adopted 1998
 Landscape Requirements – Adopted 1998
 Canalside Development - Adopted 1998

5.18 Spatial Development Strategy for Greater London (London Plan)

2A.1 Sustainability Criteria
 2A.2 Opportunity Areas
 2A.3 Areas of Intensification
 2A.4 Areas for Regeneration
 2A.7 Strategic Employment Locations
 3A.1 Increasing London's Supply of Housing
 3A.2 Borough housing targets
 3A.4 Housing choice
 3A.5 Large residential developments
 3A.7 Affordable housing targets
 3A.8 Negotiating affordable housing in mixed-use schemes
 3A.15 Social infrastructure and community facilities
 3A.22 Community strategies
 3B.1 Developing London's economy
 3B.4 Mixed Use Development
 3B.5 Strategic Employment Locations
 3B.12 Improving skills and employment opportunities for Londoners
 3C.1 Integrating transport and development
 3C.2 Matching development to transport capacity
 3C.3 Sustainable transport in London
 3C.16 Tackling congestion and reducing traffic
 3C.19 Improving conditions for buses
 3C.20 Improving conditions for walking
 3C.21 Improving conditions for cycling
 3C.22 Parking Strategy
 3D.10 Open space provision in UDPs
 3D.12 Biodiversity and nature Conservation
 4A.1 Waste strategic policy and targets
 4A.6 Improving air quality
 4A.7 Energy efficiency and renewable energy
 4A.8 Energy assessment
 4A.9 Providing for renewable energy
 4A.14 Reducing noise
 4A.16 Bringing contaminated land into beneficial use
 4B.1 Design principles for a compact city
 4B.2 Promoting world-class architecture and design
 4B.3 Maximising the potential of sites
 4B.4 Enhancing the quality of the public realm
 4B.5 Creating an inclusive environment
 4B.7 Respect local context and communities
 4B.8 Tall buildings
 4B.9 Large-scale buildings – design and impact
 4B.14 Archaeology
 4C.1 The strategic importance of the Blue Ribbon Network

4C.3	The natural value of the Blue Ribbon Network
5A.1	Sub-Regional Development Frameworks
5C.1	Strategic priorities for East London
5C.2	Opportunity Areas in East London

5.19 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG4	Industrial and Commercial Development and Small Firms
PPS6	Planning for Town Centres
PPG9	Biodiversity Strategy
PPG13	Transport Strategy
PPG16	Archaeology and Planning
PPG17	Sport and Recreation
PPG23	Air Quality Strategy
PPG24	Planning and Noise
PPS9	Biodiversity and Geological Conservation
PPS22	Energy Strategy
PPS25	Development and Flood Risk

5.20 Other relevant planning documents:

Sub Regional Development Framework: East London (May 2006) (SRDF-EL)

Lower Lea Valley Opportunity Area Planning Framework (Consultation Draft – May 2006) (LLV OAPF)

London Plan SPG: Industrial Capacity (Draft 2003)

London Plan SPG: Housing (Nov 2005)

London Plan SPG: Accessible London (April 2004)

London Plan SPG: Provision of children's play and informal recreation (Draft, Oct 2006)

London Plan SPG: Housing Space Standards (August 2006)

London Plan SPG: Biodiversity Strategy (2001)

London Biodiversity Action Plan – Species of Conservation Concern and Priority Species for Action

5.21 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:

6.2 LBTH Highways

Recommended the following:

- the estimated PTAL rating is optimistic and further assessments are required;
- the parking provision is considered excessive;
- pedestrian bridge provides a poor and unsustainable link to the site and integration with the surrounding area;
- road network is limited with unacceptable traffic demand and flow within the immediate vicinity; and

- limited improvements to the existing cycle and walking infrastructure that would result in an overall substandard of provision for the existing area and future occupiers of the site.

6.3 **LBTH Housing**

Object due to the lack of an acceptable element of affordable housing and insufficient information to full assess the acceptability of the proposal.

6.4 **LBTH Environmental Health**

Concerns raised regarding the level of sunlight/daylight to the proposed residential units and the undue shadowing of the development on itself; concern raised over noise.

6.5 **LBTH Parks and Open Spaces**

No comments received.

6.6 **LBTH Education**

Concerns raised regarding the scale of the development and insufficient information to calculate contributions.

6.7 **LBTH Building Control**

A number of comments made to be incorporated as part of the building application.

6.8 **LBTH Environment and Culture**

No comments received.

6.9 **Tower Hamlets Primary Care Trust**

No comments received.

6.10 **Crime Prevention Officer**

Comments raise the following concerns:

- Too many entrances to buildings to allow proper access control;
- Poor control of vehicle access and movement;
- Unacceptable impact on the security and general operation of Canning Town Underground Station;
- Security and general design issues in relation to the pedestrian bridge link; and
- General design and layout result in unobserved pathways and pockets, which discourage the idea of an open observed public realm.

6.11 **English Nature**

No comments received.

6.12 **Greater London Authority**

The Mayor considered the application on 18th October 2005. The principle of the mixed use development is considered acceptable. However, a number of issues were raised that do not fully reflect the objectives set out in the London Plan. These are:

- *“The proposed foot/cycle bridge across the River Lea to Canning Town is crucial for*

achieving a high level of public transport accessibility but the proposal for this connection is not practical or resolved;

- The typology of the buildings would result in a high level of inactivity on the ground floors. The massing of the development is imaginative but the design of the separate buildings would render them indistinctive. More information is required on the internal and external space standards and the quantity and allocation of play and sport spaces;*
- The spatial characteristics of the scheme do not create a suitable environment for the proposed density, which is almost twice the highest density set out in the London Plan density location and parking matrix. The scheme does not provide an adequate level of housing choice in line with London Plan policy 3A.4 'Housing choice' and PPS1. No information is yet given on the amount of affordable housing within the development;*
- The choice to introduce a 13.5 metres height level difference across the site poses a number of accessibility concerns. The design of the bridge and its landings does not seem to be consistent with the London Plan and its SPG Accessible London. Assurances are sought that all residential units meet Lifetime Homes standards and that 10% of the market housing and of the affordable housing is wheelchair accessible;*
- The proposal is contrary to the Mayor's London Plan energy policies. The assessment of the various renewable energy technologies is not acceptable at present, and there remain opportunities to incorporate wind, biomass and CHP; and*
- A more comprehensive sound assessment is required. More information is required on the impact of the development on biodiversity and the effectiveness of the proposed measures to enhance biodiversity. The development should maximise the provision for sustainable drainage and green roofs and an independent safety assessment should be undertaken with regard to the proposals for the river walk”.*

6.13 Environment Agency

Objections to the proposal relates to the following:

- “The proposal does not demonstrate that the flood defences will have a life the greater of 50 years or the life of the development. This may prejudice flood defence interest and may increase risk of flooding;*
- The proposal includes development of buildings in close proximity to Bow Creek. This will prejudice flood defence interest restricting necessary access to the watercourse for carrying out functions;*
- The proposal involves the construction of a bridge which , due to the positioning of supporting structures, restrict necessary access to the watercourse for the carrying out of necessary functions; and*
- The proposed development is too close to the watercourse resulting in an inadequate buffer zone between the proposed development and the watercourse. This will adversely affect the character and value of the watercourse by reason of the development not paying adequate attention to the role of the river in terms of landscape and ecology;*
- The ecology assessment is inadequate; and*
- Inadequate mitigation, compensation and enhancement measures are proposed”.*

6.14 The Countryside Agency

Raise concerns over the amount of open space proposed by the application, particularly in regards to the existing poor levels of open space in the area and the opportunities this site presents to address current shortfalls. Comments conclude by indicating that, *“if the proposal was to proceed, the agency would like to see an increased provision of open space*

as part of the development”.

6.15 London Borough of Newham

Objections to the proposal relates to the following:

- *“The Council has considered the proposal and...it is noted there is heavy reliance on public transport, especially the Jubilee Line were it is likely that 50% of the trips will take place. From the directional trip assignment the vast majority of these trips will be to or from Tower Gateway. While other nearby committed developments have been included into the assessment of highway capacity, the additional trips do not appear to have been included in the public transport assessment;*
- *The Council is unable to comment fully until further and better transport information is provided that has regard to other committed schemes such as the Greenwich Peninsula development, to demonstrate that there is adequate public transport availability (especially for the Jubilee Line) without the reliance on uncommitted upgrades and the use of crush passenger capacity instead of peak hour planning standard; and*
- *Notwithstanding the reliance on public transport, it is noted that the developers offer no measures for improving their river transport”.*

6.16 London Borough of Greenwich

No comments.

6.17 London Thames Gateway Development Corporation

Objections reaffirm the principal issues and objections raised by the GLA. The main issues identified are:

- Unacceptable residential density and mix;
- Non-compliance with affordable housing targets;
- Overall appearance and microclimate effects due to proposed height, massing and overall layout;
- Poor residential amenity;
- Unacceptable and inadequate public open space;
- Poor accessibility and quality of pedestrian bridge link;
- Concerns with regard to transport capacity;
- Undue impact of proposed retail and other uses on Canning Town;
- Impact on road network and associated car parking provision;
- Failure to incorporate renewable energy and sustainability initiatives; and
- Unacceptable balance and mix of uses.

6.18 Transport for London

See comments of GLA.

6.19 London Underground Ltd

Object to the proposed development by reason of its undue impact on the safety and security, management and maintenance and general accessibility of the station. Concerns are also raised with regard to the public transport requirements of the proposal and its effects it would have major infrastructure protection and operational management implications for London Underground.

6.20 DLR

See comments of GLA.

6.21 Port of London Authority

The authority raises concerns with regard to demolition and construction activities in relation to the effective use of the river as a transport mode and recommends that an appropriate condition or legal agreement require the application to investigate such use.

6.22 English Heritage Archaeology

No objection to proposal but recommend that a number of conditions be incorporated.

6.23 Civil Aviation Authority

Satisfied with outline and consider phase 1 acceptable, subject to submission and approval of further details relating to height and landscaping.

6.23 London Fire and Civil Defence Authority

No comments received.

6.24 Commission for Architecture and Built Environment

No comments received.

6.25 Lea Valley Regional Park Authority

The objection letter provides the following reasoning and concerns:

- *“In the absence of agreed proposals to provide open space in the Lower Lea, to extend the Lee Valley Regional Park to the Thames and to link the Olympic Legacy Park to the Lower Lea and the Thames, the Authority objects to the application on the grounds that the proposed development is premature;*
- *So far as the details of the proposed development are concerned, the Authority considers the sharing of pedestrian/cycling routes by motorised vehicles to be unsatisfactory and the layout should be amended so as to provide a continuous segregated pedestrian/cycleway; and*
- *The Authority requests that the applicants should be required to undertake an assessment of light pollution and to include measures within their application to avoid such pollution. Considerations/legal requirements should be imposed to ensure that light pollution prevention measures and biodiversity proposal are implemented; and the authority request that a section 106 should be used to secure improvements in the quality of the environment surrounding the site and to provide new open space in the vicinity in order to offset the density of the development”.*

6.27 British Gas PLC

No comments received.

6.28 Thames Water Utilities Ltd

No comments received.

6.29 The Inland Waterways Association

No comments received.

7. LOCAL REPRESENTATION

7.1 A total of 1719 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application was advertised in East End Life and site notices were posted. 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: 4 Objecting: 3 Supporting: 1
No of petitions received: 0

7.2 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:

- Excessive housing density;
- Out of character in terms of scale and height;
- Undue impact on social infrastructure, which includes health and education;
- Impact on public transport capacity;
- Undue impact on road networks and traffic congestion due to number of car parking spaces and use of only one vehicle access way;
- Concerns regarding the access arrangements to and from the site, especially during construction period. Concerns relate also to the additional vehicle flow and associated pressure on the existing road network; and
- Unacceptable impact on environment.

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

- Unaddressed need for increase in public policing

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

1. Sustainability
2. Land Use
3. Density
4. Transport
5. Accessibility and inclusive design
6. Bulk, massing and architecture
7. Affordable Housing
8. Dwelling Mix
9. Standard of residential accommodation
10. Open space
11. Air Quality
12. Energy
13. Flood Risk
14. Biodiversity
15. Environmental Impact Assessment Issues

Sustainability

8.2 The application site is located within the Lower Lea Valley Regeneration Area and is designated within the Mayor's draft Lower Lea Valley Opportunity Area Planning Framework as a high profile opportunity site. The regeneration objectives for the area are set out in the

draft Lower Lea Opportunity Area Planning Framework (LLV OAPF) and will provide a planning policy context for the sensitive management of land-use change in the LLV to provide and improve the profile of the area and the quality of life for people across the Valley. The application site is also located within the Blue Ribbon Network which further emphasizes the important context in which the site is located.

- 8.3 The Council's emerging Local Development Framework Core Strategy submission document and the relevant local area action plan (Leaside AAP) now identifies the site as a potential residential-led mixed use development site ('Orchard Place North' ref: L23) with supporting employment uses (Use Class B1), social and community uses (Use Class D1) and designated open space. The mixed use developments must retain employment opportunities without negatively impacting on residential amenity.
- 8.4 The spatial strategies and development principles set out for the application site in both regional and local policy documents focuses primarily on
- land use,
 - transport links and nodes and the improvement of their capacity and
 - amenity infrastructures
- to provide the opportunity for development and intensification.

These strategies all focus on the provision of cohesive communities. This is achieved by using the land released from industrial use for housing and mixed development purposes, which is supported by necessary community, education and health facilities plus shops and businesses, open space and other amenity uses. For the creation of sustainable communities, new developments must be well integrated with their surroundings and their scale should be appropriate to the location. Adequate and well integrated transport networks, existing or improved, must be able to sufficiently cater for the proposed scale and density of the development. The use of public transport, walking and cycling to local designations must also be encouraged.

- 8.5 The proposal in its current form is considered unacceptable by reason of its size, scale and proposed mix of uses as well as the poor integration with the surrounding area, which would undermine the objectives of sustainable development. The detailed assessment below will set out the reasons why the proposal in its current form fails to represent a sustainable form of development and create a sustainable community as required under policies 2A.1, 2A.2, 2A.3 and 2A.4 of the London Plan 2004, policies ST3, ST4, ST19, ST27, ST37, ST45, ST49, ST54 and DEV3 of the adopted UDP 1998, policies CP1, CP3, CP5, DEV1, DEV2 and DEV5 of the LDF Core Strategy submission document and policy L43 of the LAAP, which seek to ensure that major developments create sustainable patterns of growth to meet local needs and promote balanced communities in accordance with the Government's sustainable community agenda.

Land Use

- 8.6 The principle of the redevelopment of this site is supported subject to an appropriate mix of residential and non-residential uses which meet the objectives identified in the LAAP. The residential element of the scheme must be of an acceptable scale which takes account of the constraints of the site and contains a dwelling mix and type of tenure in accordance with policy. Although the proposal provides employment floor space, there is insufficient provision of Use Class B1 employment floor space proposed and excessive provision of retail floor space.

Employment:

- 8.7 The UDP designates the site for employment use. Policy EMP2 therefore applies. In addition to these criteria, the proposal is considered against regional and local spatial strategy and policies for the Lower Lea Valley Opportunity Area and Leaside Area. The

latest spatial strategies support the release of employment land in designated regeneration areas and determines that such release should be managed carefully. This is in order to meet changing industrial requirements and employment needs. The site is designated to be released for a residential-led mixed-use development and policy seeks to ensure the inclusion of new good quality B1 employment floor space for small and medium sized enterprises and increased job opportunities.

- 8.8 Whilst the proposal provides 2538m² flexible workspace floor space, it fails to meet the objective to include an adequate amount of employment use (Use Class B1) floor space as the secondary use as set out in policy L43 of the LAAP. This policy seeks to ensure the adequate provision of employment floor space within the Borough and to create and sustain a healthy economic base. Furthermore, it is considered that the amount of proposed B1 floor space on the southern portion of the application site is insufficient and that too great a proportion of the proposed floor area is skewed towards uses not designated in the LAAP.
- 8.9 The release of employment land is not fully assessed in terms of cumulative impacts of land released on other opportunity areas in the Lower Lea Valley Opportunity Area and the overall impact on the designated areas within the LAAP. The assessment also lacks detail on employment use locations and how the proposal would support and contribute to the creative industries (B1) and provision in the supply of affordable premises.
- 8.10 In light of the above, it is considered that the proposal is contrary to policies L38 and L43 of the LAAP. The proposal provides an unsustainable mixed-use development and fails to replace and provide adequate Class B1 employment floor space. The proposed development therefore fails to comply with the Council's sustainability, economy and employment policies and guidance as set out under Policies CP1, CP9 and EE2 of the LDF Core Strategy submission document and policies L38 and L43 of the LAAP.

Retail Space:

- 8.11 Notwithstanding the conflicting information in the supporting information and Retail Assessment, it is considered that the proposed 7930m² of retail space is proportionately higher than the intended level set out for retail uses in policy L40 and L43 of the emerging LAAP. These policies make it clear that "retail uses are only supported where they are of a scale and kind intended to serve the needs of the Leamouth sub-area". In addition, the proposal does not fully consider the relationship between the proposed provision for retail uses and the neighbouring town centre of Canning Town. In light of such an omission, a detailed assessment of the impact on the vitality and viability of this designated centre cannot be fully undertaken and there remains a real risk of a significant adverse impact on Canning Town centre.

Density

- 8.12 The application site measures 4.63ha. The proposed 2460 units provide a total of 5588 habitable rooms and an approximate future site population of around 4000 residents. The public transport accessibility level is currently 2 with the potential of 4 towards the southern part and 6 towards to the northern part, if an appropriate connection with Canning Town Station is provided. For the purpose of housing density, the character of the site, in light of its setting, is considered 'urban'.
- 8.13 Policy 4B.3 of the London Plan requires borough's to maximise the potential of sites and Policy 3A.2 encourages boroughs to identify new sources of supply to reach borough housing targets. Policy CP19 of the LDF Core Strategy submission document requires the Council seek the highest reasonable delivery of housing provision for the borough within sustainable development constraints and with consideration of the character of the local area. Core Strategy CP20 of the LDF Core Strategy submission document requires the Council to seek to maximize residential densities on individual sites. The objectives are

reflected in policies HSG1 of the DPD and policy L39 of the LAAP.

- 8.14 Policy HSG9 of the UDP 1998 states that new housing developments should not exceed approximately 247 habitable rooms per hectare. Higher densities may be achieved where accessibility to public transport is high. The figure is somewhat outdated and is not in line with more recent policy contained in the London Plan and the emerging LDF documents. Policy HSG1 of the LDF Core Strategy submission document states that the Council will take into account the following factors when determining the appropriate residential density for a site:
- The density range appropriate for the setting of the site, in accordance with Planning Standard 4: Tower Hamlets Density Matrix;
 - the local context and character;
 - the need to protect and enhance amenity;
 - the provision of the required housing mix (including dwelling size and type, and affordable housing);
 - access to a town centre;
 - the provision of adequate open space, including private and communal amenity space and public open space;
 - the impact on the provision of services and infrastructure, including the cumulative impact; and
 - the provision of other non-residential uses on site.
- 8.15 The site benefits from a unique waterside location and any large-scale redevelopment would require a substantial improvement of the connectivity of the site. The current scheme raises concerns with regard to the quality of such proposed improvements, the housing mix and the lack of adequate open space provision (see relevant sections below). Furthermore, amenity issues have been identified. All these points are considered to be symptoms of overdevelopment. In light of the above and taking into account the site's expected PTAL rating and relationship with the town centre, the proposed density of 531 u/ha and 1,207 hr/ha, would unacceptably exceed the maximum density levels set out in Table 4B.1 of the London Plan, Table 2.1 of the LLV OAPF and Table PS8 of the LDF Core Strategy submission document.
- 8.16 Given the significant cross-cutting implications on the amenity of future residents and on the objectives of sustainable development, it is considered that the housing density is excessive and the proposed development constitutes gross overdevelopment of the site and therefore fails to comply with the Council's density standards as set out under policies CP1, CP5, CP19, CP20, CP41 and HSG1 of the LDF Core Strategy submission document, policy L39 of the LAAP and policies 3C.2, 4B.1, 4B.3 and 4B.9 of the London Plan 2004.

Transport

Transport improvements and connectivity:

- 8.17 The Council supports high density development in areas of good public transport accessibility and aims to realise opportunities to encourage the use of sustainable transport modes and curb car use (for example by only allowing car-free developments in areas with good public transport accessibility and by requesting improvements to public transport and links to interchanges).
- 8.18 The site is very isolated and constrained by the River Lea. In order to overcome its relative isolation, the proposed development provides for a pedestrian bridge link to the existing transport interchange at Canning Town. No other improvements are proposed to vehicle, pedestrian or cycle infrastructure.
- 8.19 The proposed pedestrian bridge spans the River Lea from the northern tip of the application site. It lands on the river's northern bank just west of Canning Town station. It is proposed

to use the existing rotunda, which accommodates a circular stairwell and one lift, and the existing tunnel to gain access to the station. From the station, the town centre can be accessed. No direct link to the wider Canning Town area is proposed.

- 8.20 There is a question over the capacity of the single existing rotunda and tunnel to cater adequately for the pedestrian travel generated by this large development. Moreover, the rotunda and tunnel, linking directly to the station, could not be used at times when the station is closed. Therefore, 24 hour access is not possible via the bridge. This would effectively leave the site closed off during these periods. Furthermore, cycle access would be very inconvenient and the use of the lift and/or stairwell by cyclists would unduly inconvenience pedestrians.
- 8.21 Overall, it is considered that the proposed bridge link does not allow sustainable, convenient, safe access and would not have sufficient capacity to cater for pedestrian and cycle travel generated by the proposed development. Furthermore, it fails to connect effectively to its surroundings.
- 8.22 The applicant's Transport Assessment is deficient with respect to baseline conditions and trip generation. As such, it is not possible to fully assess the proposal's impact on public transport. Necessary mitigation measures, such as financial contributions towards improved or new services, cannot be predicted accurately.

Road Network:

- 8.23 Due to the deficient TA, a full assessment cannot be carried out. Notwithstanding the information provided, the size and mix of uses of the proposed development as well as the generous provision of car parking and the likely demand for vehicle usage will create a significant increase in vehicle traffic. This is especially the case when viewed cumulatively with other developments in the Lower Lea Valley and the Leamouth/Canning Town area. The proposal could unacceptably contribute to congestion and add strain on the capacity of the surrounding Transport for London Road Network (TLRN) and the Strategic Road Network (SRN), to the detriment of the free flow of traffic and safety of both pedestrians and cyclists.
- 8.24 A single vehicle access is proposed to service the site. In line with national guidance (Design Bulletin 32), a development of more than 300 residential units should be served by more than one access road. The proposed arrangement may unduly restrict or even prevent access for emergency vehicles. Furthermore, in case of an accident that blocks the road, there is the potential for tailbacks onto the Lower Lea crossing and at the Leamouth Road roundabout, to the detriment of highway safety and the free flow of traffic.
- 8.25 It must be noted that other future developments on the peninsula would further increase the risks as outlined above.
- 8.26 The proposed vehicle access arrangement is inadequate and substandard for the type and size of development being proposed. Furthermore, the proposal is not in line with local and regional ambitions to restrict car use, tackle congestion and ensure the free flow of traffic as set out in policies 3C.1, 3C.2, 3C.16 of London Plan, policies ST28, T16 and T17 of the UDP and policies CP40, CP41, DEV17 and DEV19 of the LDF Core Strategy submission document.

Car Parking:

- 8.25 In light of the site's location and expected high Public Transport Accessibility Level, the proposal should accord with Policies 3C.1, 3C.16 and 3C.22 of the London Plan 2004, policies ST31, T13, T16 and T17 of the UPD and policies CP40, DEV17, DEV18 and DEV19

of the LDF Core Strategy submission document, which seek to reduce the amount of car parking and limit private use by adopting maximum car parking standards in areas with good transport accessibility. This should encourage the use of more sustainable non-car modes of transport.

The proposed car parking provision of 1,280 spaces (50% of the total number of residential units) is excessive in terms of regional and local parking standards set out in Annex 4 of the London Plan 2004 and Table PS7 of the LDF Core Strategy submission document. As such it would also undermine the sustainable 'car free development' strategy set for developments in areas with good public transport.

Cycle Provision:

- 8.26 The proposal provides no details on the provision of cycle routes. The cycle parking does not accord with standards set out in Table PS7 of the LDF Core Strategy submission document. As such, the proposal is contrary to policies 3C.21 and 3C.22, policies T17, T22 and T24 of the UDP and policies CP40, CP43, DEV16, DEV18 and DEV19 of the LDF Core Strategy submission document and policy L41 of the emerging LAAP, which seek to ensure an adequate provision of bicycle parking and the integration of new developments with the existing cycle route network in Tower Hamlets.

Vehicular access/ Access for emergency vehicles:

- 8.27 It would not be practical and safe to rely on the existing single access. National guidance sets out that for developments in excess of 300 residential units more than one vehicular access must be provided for reasons of public safety (Design Bulletin 32). The proposed development would considerably exceed this threshold. IN particular in light of existing uses and other proposed developments (eg Hercules, Union and Castle Wharves), the vehicular access arrangement is considered to be substandard. Access for emergency vehicles would be seriously impeded or even prevented in cases of vehicle breakdown, road maintenance works or emergency closures brought about by accidents, fires or crime, which is unacceptable. As such, the proposal is contrary to policy T16 of the UDP and policy DEV17 of the LDF Core Strategy submission document.

Accessibility and inclusive design

- 8.29 Policies CP46 and DEV3 of the LDF Core Strategy submission document requires that all new development incorporate inclusive design principles to ensure that it is safe, comfortable and easily accessible and enables use by all people, including disabled persons.
- 8.30 Appendix H 'Open Space Schedule' of the planning statement provides a detailed breakdown of the type of open spaces for the proposed development. The interior public space, pedestrian promenade, shared promenade and natural landscape are all considered part of the general public realm which forms a comprehensive network of open spaces with different characters, site levels and uses. The 'Leaside Plaza' to the south is connected via the central 'The Garden' area to the 'Peninsula Place' to the north and this forms the central north-south route towards the new proposed pedestrian bridge. Parts of the connecting spaces are through a double height passage, which narrows down to approximately 4 metres. These interlinked areas are subject to level changes and are generally narrow and angled. They may therefore be difficult to use for some people and the objective to create inclusive environments which provide convenient and safe access for people of all abilities is therefore not met.
- 8.31 The proposal provides no justification for the current design approach which has no regard to the possible conflicts between pedestrian and cycle users on the main routes through the site or proposed pedestrian bridge. It is considered that the proposed pedestrian and cycle networks, by reason of an open footbridge, strong reliance on a lift with questionable

capacity and restricted opening times of the lift and access route to Canning Town, would have a detrimental impact on the safe and convenient movement and means of access/egress of all users to and within the site. The proposal is therefore considered contrary to policies 3C.3, 4B.1, 4B.9 of the London Plan 2004, policies ST30, T20, T22, T23 and T24 and DEV1 of the UDP 1998, policies CP1, CP4, CP40, CP42, CP47, DEV2, DEV3, DEV4, DEV5 and DEV16 of the LDF Core Strategy submission document and Policy L41 of the LAAP, which seek inclusive design within new development to ensure that developments implement walking and cycle parking strategies and develop a mixed and well-connected community by means of an accessible, usable and inclusive environment.

- 8.32 In addition, Policies 3C.20, 3C.21, 4B.4 and 4B.5 of the London Plan and policies CP47 and DEV3 of the LDF Core Strategy submission document to seek the improvement of connectivity between the site and surrounding area to transport and other infrastructure. The development should therefore promote pedestrian and cycle movement by providing linkages through the site that integrate into the surrounding street network. This has cross-cutting implications on adequate and convenient provision of access routes which are well separated in terms of pedestrians, cycles and vehicles. As mentioned above, the proposal does not provide such integrated linkages and fails to comply with the above mentioned policies and policies DEV18 and OSN3 of the LDF Core Strategy submission document, which seek a comprehensive approach to inclusive design and access opportunities.

Urban design

- 8.33 Policy 2A.1 of the London Plan, which sets out sustainability criteria, states that a design-led approach should be used to optimise the potential of sites. Chapter 4B of the plan focuses on all aspects of design and provides detailed guidance. Policy 4.B1, which summarises the design principles to be applied, requires that developments
- Maximise the potential of sites;
 - create or enhance the public realm;
 - provide or enhance a mix of uses;
 - are accessible, usable and permeable for all users;
 - are sustainable, durable and adaptable;
 - are safe for occupants and passers-by;
 - respect local context, character and communities;
 - are practical and legible;
 - are attractive to look at and, where appropriate, inspire, excite and delight;
 - respect the natural environment;
 - respect London's built heritage.

Policy 4B.9 focuses on the design and impact of large-scale buildings, referring to the appearance of the development close up and from the distance, the public realm and the impact of tall buildings on residential amenity and the microclimate of the surrounding environment, including public and private open spaces. The approach set out in the London Plan is reflected in the LBTH LDF Core Strategy submission documents. Policies CP1, CP4, DEV2 and DEV27 focus in detail on the design requirements for new developments.

- 8.34 Layout of buildings – legibility and permeability of site

The layout of the buildings creates one main north-south route through the development. This route connects the southern entrance to the development with the plaza, 'Peninsula Place', and the bridge to Canning Town interchange at the northern tip of the peninsula. Designed as a stepped terrain rising some 13 metres from south to north, the ground floor constantly shifts in levels. These constant level changes over a great distance would represent a significant challenge for some people, especially for wheelchair users or people whose mobility is otherwise impaired, and for the visually impaired.

- 8.35 The riverside promenade around the outside of the development lies at a lower level than the

podium level. It is cut off from the main pedestrian activity through the development. Steps, ramps and lifts connect the podium with the riverside walkway in a number of locations. The need to negotiate level changes, which are quite considerable at the northern end of the site, would make circulation through the site quite difficult for some people.

- 8.36 The main pedestrian route 'meanders' through the site in between buildings which have somewhat unusual shaped footprints and which are sited at angles. Dead views result from this arrangement and no visual link with the main destination of the plaza is maintained. Whilst an element of 'surprise' at arriving at a focal point may be appropriate in some instances, it is not considered to be the appropriate treatment for this lengthy, main pedestrian link through this large development. Part visibility of the main focal point, maintained throughout the walking experience, would make the development more legible and permeable for the wider public.
- 8.37 The elements of 'surprise' and level changes, the staggered linkages resembling "hill town character", could be more suitably applied to the shorter east-west links through the site.
- 8.38 In conclusion, the proposed development is not easily legible and permeable. As such, the proposal is contrary to policies 2A.1 and 4B.1 of the London Plan and policies CP1, CP4 and DEV2 of the LDF Core Strategy submission document, which seek to ensure that new developments are legible and permeable, allowing easy access and circulation for all people, including the disabled.

Height, massing, silhouette - development viewed from the distance

- 8.39 The uniqueness of this site and the high visibility of any high-rise development on this island from major transport corridors and the wider area warrants the requirement for a high quality, striking development.
- 8.40 However, it is considered that the proposed development does not achieve the desired outcome. By reason of the relatively large footprints of the tall buildings (footprint:height ratio) and the connecting medium rise buildings, the development would appear bulky and squat when viewed from the distance. The buildings form an anonymous 'whole' by reason of the massing (resulting from large footprints) and the lack of separation between buildings, which results in the lack of clearly noticeable, distinctive features in the skyline.
- 8.41 The proposal fails to create a striking development with an interesting silhouette.
- 8.42 As such, the proposed development is contrary to Policy DEV27 of the LDF Core Strategy submission document and policies 4B.1 and 4B.9 of the London Plan, which seek to ensure that new developments, where appropriate, inspire, excite and delight, create an interesting silhouette and contribute to an interesting skyline.

Detailed design - appearance of buildings from within the development – Phase 1

- 8.43 The elevations lack depth and would appear flat with the exception of 'clip on' balconies. There is little variation in surface textures and, without deep recesses, the proposal results in uniform bland buildings similar in appearance to office blocks. Many of the buildings are connected and result in long building frontages. With little variation in building design and façade treatment, the environment would be uninspiring. It is considered that for the above reasons, the development fails to create visual interest and fails to create an attractive, interesting environment at ground level, contrary to Policies DEV2 of the LDF Core Strategy submission document and policies 4B.1 and 4B.9 of the London Plan.

Affordable Housing

- 8.44

No details have been provided with respect to the provision of affordable housing or any justification for a departure from the requirements set out in the adopted policies.

8.45

Government Guidance highlights the need to meet all housing needs, this includes affordable housing. Policy HSG3 of the adopted UDP 1998 requires that 25% affordable housing be provided on all housing developments with a capacity for 15 dwellings or more. However, this policy has been superseded by the adopted London Plan and emerging LDF. Policy CP22 of the LDF Core Strategy submission document requires affordable housing to be provided on all housing developments with a capacity of 10 units or more at a minimum rate of 35%, calculated on a habitable rooms basis. The London Plan sets out a strategic target of 50% of housing to be affordable.

8.46

Policy HSG3 of the LDF Core Strategy submission document requires the Council to seek maximum reasonable amount of affordable housing and have regard to the economic viability of the proposal, availability of public subsidy, other site requirements and the overall need to ensure that all new housing developments contribute to creating sustainable communities.

8.47

The provision of affordable housing as a proportion of new housing is important in the development of mixed and balanced communities, especially in this residential-led mixed-use development. The borough has some of the greatest needs for affordable housing in London. This is reflected in the LBTH Housing Study (2004), which further emphasizes the key priority within the Community Plan to increase the provision of affordable housing, so that families can continue to live together. It is considered in light of the scale and proposed number of units that the proposal should, in accordance with both regional and local policy, seek to exploit the maximum capacity of adequate affordable housing with a good and full spectrum of housing in terms of need, choice, and tenure.

8.48

It should also be noted that off-site affordable housing provision is unlikely to be appropriate by reason of the development's scale, the objectives to create a mixed and balanced community and limited scope for an appropriate alternative site.

8.49

The lack of an acceptable element of affordable housing is considered unacceptable. It does not accord with the Council's objective to ensure the sufficient and continued delivery of affordable housing in the Borough. The proposal is thus contrary to policies CP22, HSG3 and HSG10 of the LDF Core Strategy submission documents which seek to ensure that a minimum of 35% of the habitable rooms of the development is provided as affordable housing on site. It should also be noted that the proposal is contrary to the objectives of the London Plan.

8.50

Details of the location, mix and tenure split of the required affordable housing units have not been provided and in the absence of detailed assessments, an informed judgement of the acceptability and impacts cannot be made. In these circumstances, the Council consider that the proposed development contrary to Policy 3.A.4 of the London Plan and policies CP22 and HSG4 of the LDF Core Strategy submission document, which seek to ensure that new residential development provide an appropriate mix of affordable dwelling types and sizes to meet local needs and promote mixed use and balanced communities.

Dwelling Mix

8.51 The proposed development limits the type of accommodation to flats and is made up of a restricted mix of dwellings. The following table provides a summary of the proposed mix of units of the phase 1 (in full) and phases 2 and 3 (in outline) and the total.

<u>Unit Size</u>	Phase1		Phase '2 and 3'		Total	
	<u>No of units</u>	<u>Percentage of 874</u>	<u>No of units</u>	<u>Percentage of 1586</u>	<u>No of units</u>	<u>Percentage of 2460</u>
Studio	194	22	256	16	450	18
Small 1	164	19	362	23	526	21
1	323	37	434	27	757	31
2	165	19	171	11	336	14
3	28	3	363	23	391	16
4	0	0	0	0	0	0
5	0	0	0	0	0	0
Total	874	100	1586	100	2460	100

Table 1

- 8.52 It is the Council's objective to increase the provision of family size residential units (comprising 3 bedrooms or more). Studies indicate that there is a significant shortage of family size units. A balanced mix of different sized residential units and a variety of unit types is sought within new developments in order to offer good housing choice within the borough. Furthermore, it would enable and contribute to the creation of well-balanced, varied and sustainable communities.
- 8.53 New housing developments are expected to provide a mix of housing types and sizes, including a proportion of family size units, in line with local and regional policy, which seek to ensure that new residential developments cater for a wide variety of households and thus promote balanced communities in accordance with the Government's sustainable community objectives. The Mayor's SPG on Housing sets out the following requirement for new housing developments (the figures include social, intermediate and market housing):
- 1 bedroom 32%
 - 2/3 bedrooms 38%
 - 4 bedrooms or larger 30%
- Council policy sets out that 25% of the units within the market and intermediate housing provision should be family size units (3 bedroom or more), and 45% of the social rented units should be family size units.
- 8.54 The outline part of the proposal results in a provision of 84% non-family accommodation units of which 70% are either studios, 'small one-bedroom flats' or one-bedroom flats. The family housing comprises only of three bedroom units and accumulates only 16% of the total number of units.
- 8.55 Phase 1 results in a provision of 97% non-family accommodation units of which 78% are either studio's, 'small one-bedroom flats' or one-bedroom flats. The family housing comprises only of three bedroom units and accumulates only 3% of the total number of units.
- 8.56 The proposed dwelling mix, by reason of the overprovision of small units and the limited number of family accommodation, does not accord with local and London-wide policy. The proposed mix is unacceptable and is therefore contrary to Policies 3A.4 of the London Plan 2004 and relevant GLA SPG on Housing, policy HSG7 of the UDP, policies CP21 and HSG2 of the LDF Core Strategy submission document and policy C3 of the LLV OAPF.
- 8.57 Furthermore, no details demonstrate that the proposed residential accommodation would be built to lifetime homes standards and that 10% of the proposed units will be fully wheelchair accessible, which is clearly contrary to policy HSG9 of the LDF Core Strategy submission document and policy 3A.4 of the London Plan to provide a wide range of housing including housing which caters for people with different needs. The provision of

wheelchair accessible housing and compliance with lifetime homes standards could be secured through a legal agreement or conditions if the proposal was otherwise acceptable, and therefore no reason for refusal is included on these grounds.

Standard of residential accommodation

- 8.58 Policies HSG13 and DEV2 of the UDP and policies CP4, CP20 and HSG7 of the DPD seek to ensure an adequate standard of accommodation to ensure satisfactory levels of residential amenity and quality of life for future occupiers.
- 8.59 The Council's Supplementary Planning Guidance Note 'Residential Space' sets out the minimum flat and room sizes required. The floor plans for phase1 provide limited details in terms of the layout of each flat and the physical capability of each room. Notwithstanding the lack of detailed information, it is assessed from the development schedules (Appendix B of the Planning Statement) that the total number of studios (18% of total) and 'small one-bedroom flats' (21% of total) would provide accommodation below 30m² and 36m² respectively. It is considered that these units do not comply with the Council's minimum standards and would result in cramped conditions, insufficient storage space and poor circulation space.
- 8.60 The objective to provide a high standard of accommodation is encouraged by the Mayor's London Plan which states that *'New building projects should ensure the highest possible space standards for users, in both public and private spaces inside and outside the building, creating spacious and usable private as well as public spaces. In particular, buildings should provide good storage and secondary space and maximise floor-ceiling heights where this is compatible with other urban design objectives'*.
- 8.61 The size and type of units are continued throughout the development with minimal layout variation. The 'small one-bedroom flats' appear to have a bedroom or 'bedroom area' to the back of the unit without a window. The layout and orientation of the buildings provides for little separating distance between the buildings, which gives rise to not only overlooking and associated limited privacy but also restricted daylight and sunlight to some units, especially the ones on the lower levels. Daylight and sunlight would also be restricted to those units whose windows are located below a balcony, which blocks out light.
- 8.62 The applicant's noise assessment is incomplete and there is concern that low levels of noise within the units cannot be guaranteed. Therefore, future residents may be unduly disturbed by high noise levels from the train station or plant on top of buildings, to the detriment of their residential amenity.
- 8.63 All balconies on the higher rise blocks are shown as projecting 'external' elements of the building which raises significant concern over the usability of these private amenity open spaces due to their exposure and associated microclimate. Furthermore, these areas do not comply with the minimum areas set out for each unit type. In addition, several of the units would not even benefit from balconies. Some communal amenity space is proposed (see section on 'Open Space' below). However, this provision is limited and considered to be inadequate. In this respect, the proposal is in direct conflict with the objectives set out in HSG7 of the LDF Core Strategy submission document, which seeks an adequate provision of amenity space.
- 8.64 In conclusion, the close proximity of some of the buildings to each other would result in
- poor outlook from some of the units and an undue sense of enclosure to the residents thereof,
 - overlooking and associated limited privacy, and
 - poor sunlight and daylight conditions.

A number of units are unacceptably small and the layout of several units does not allow natural daylight and ventilation to the bedrooms. Furthermore, there is concern over noise

levels and disturbance to residents. Overall, the proposal would create poor quality and cramped living environments. As such, the proposal is contrary to policy 4B.9 of the London Plan 2004, policies DEV1, HSG13 and HSG16 of the UDP, policies DEV1, DEV2, HSG1, HSG2, HSG7 and HSG9 of the DPD, which seek to ensure the creation of high quality living environments to ensure adequate amenity.

Open space

- 8.65 Policies ST38, HSG16 and OS9 of the UDP and policies CP25 and HSG7 of the LDF Core Strategy submission document require that all new housing developments include an adequate provision of amenity space and that overall, sufficient public open space is provided within the borough. Table DC2 of the LDF Core Strategy submission document provides a detailed table with specific minimum areas for each unit type as well as minimum standards for communal amenity space and play space.
- 8.66 In addition, the Council's Open Space Strategy 2006 provides a numerical requirement of 1.2ha of public open space per 1000 population. Such requirements are in line with policies 3D.11 and 4B.2 of the London Plan which requires the creation of spacious and useable private as well as public spaces within new developments, to ensure that new developments do not increase undue pressure on existing open spaces and playgrounds.
- 8.67 The emerging LAAP highlights the need for public green space which links into the green chain along the River Lea. It aims to provide for a diverse set of recreational activities including active spaces for children and adults, as there is an under provision in this sub-area.
- 8.68 The application site lies within an area deficient in open space, as identified within the Open Space Strategy. Currently, the provision lies at only 0.4ha per 1000 population. This significant deficiency further emphasises the importance of this new development to cater adequately for its future residents and employees and visitors.
- 8.69 In addition to the quantity requirement, careful consideration of the location and design of the open spaces in new complex developments is required. The provision of innovative and secure areas with a good microclimate, which would also be accessible, safe and functional for all users, is sought.
- 8.70 The proposal includes private amenity space in form of balconies and some patios/terraces. However, not all units would benefit from private amenity space: the plans provided for Phase 1 indicate that only about 50% of the units would have balconies. Furthermore, the usability of the balconies of the units on the upper levels of the tall buildings, which are external 'clip on' elements, is limited due to their microclimate. The provision of private amenity space is therefore considered to be inadequate.
- 8.71 In such circumstances where insufficient private amenity space is provided, the provision of additional communal amenity space for the use of the residents of a development may be an adequate substitute. Two connected courtyards ('Lawn Court' and 'Fog Court') have been set aside for such purpose between two groups of buildings of 5, 6, 9, 11, 15 and 25 storeys in height. The areas are predominantly hard surfaced, have some level changes and would receive little direct sunlight by reason of their location between the buildings. Their attractiveness, usability and amenity value is therefore limited. Furthermore, whilst some roof terraces are proposed, insufficient information has been provided with respect to the allocation and usable areas of the terraces, and the number of people expected to use them.
- 8.72 In conclusion, there remains concern that insufficient amenity space, whether it be private or communal, of adequate quality will be provided.

- 8.73 In the absence of adequate private or communal amenity space for residents, an increase in the provision of quality public open space could be an acceptable alternative. In addition to the above mentioned courtyards, which are open to everyone and not only the residents, the following public open spaces are proposed:
- a promenade (directly along the river only on the northern half, which is partly covered by reason of the overhanging projecting buildings);
 - two soft landscaped areas by the river ('Natural River Landscape');
 - a soft landscape area at the southern entrance to the site ('Leaside Plaza');
 - a part soft, part hard landscaped area approximately in the centre of the site ('The Garden'), part of which being part of the main through-route; and
 - 'Peninsula Place', the hard surfaced plaza at the northern end of the site, where the bridge lands.
- 8.74 The main pedestrian through-route, as identified in the description and marked as 'transitional spaces' in the applicant's design guide, should be excluded for the purposes of this assessment as its main function is as a through-route. Furthermore, its many level changes mean that it has minimal recreational value, despite some proposed planting along the route. Part of it would also be overshadowed for disproportionate amounts of time. Equally, the 'shared promenade' is shared by pedestrians and vehicles. Given the large amount of parking proposed and likely servicing required, the vehicular movements on the shared surface would act as a deterrent and reduce its amenity value considerably.
- 8.75 According to the applicant's design statement, 21,630 square metres of public open space would be provided. Whilst this figure excludes the 'shared promenade', it includes the substantial area of the transitional spaces, the main through-route mentioned above, as well as the many stairs and ramps which are needed to connect the podium with the riverside promenade. If these areas are deducted, only around 8500m² remain.
- 8.76 Approximately 3,000sqm is soft landscaped. In addition, part of this soft landscape space surrounds a 12 storey building on three sides, making some of the area closest to the building less attractive for active recreational use. The area immediately around the building may be regarded as private space. Whilst a considerable amount of 'open space' would be provided, the spaces are fragmented, several are of questionable quality and usability and the concern remains that insufficient provision is made to cater fully for the needs of the future population.
- 8.77 A 'fitness trail' would be incorporated on the promenade with equipment at a number of 'fitness stations'. Separate play areas for children have been identified throughout the development.
- 8.78 Whilst these spaces are spread throughout the development and therefore shorten travelling distances for residents, the benefit of this fragmentation is questioned with respect to providing for adults. No single soft landscaped area resembling a small park or 'common', large enough for active recreation, is proposed. The proposed provision of a leisure and community centre in the later phase of the development does not make up for this lack of usable recreational public open space.
- 8.79 With respect to children's play space, it must be noted that whilst the proposal may adequately cater for the number of children predicted to live on the development as currently proposed, an increase in family size units would result in the rise of the number of children predicted to live on the site, thus resulting in an increased need for play space.
- 8.80 In conclusion, the variety of open spaces provided does not outweigh the importance of providing an adequate quantity of private and public open space of good quality and usability, which meets the needs of future residents, particularly on this isolated site located in an area already deficient in open space. The proposal fails to provide sufficient and adequate public open space to the detriment of the amenity of future residents and the

amenity of the area in general. The proposal does not accord with the policies set out as above (paragraphs 8.65-8.67)

Air Quality

- 8.81 Policy 4A.6 of the London Plan 2004 and policies CP3 and DEV11 of the LDF Core Strategy submission document set out specific air quality strategies and objectives. They seek to ensure that air quality assessments are undertaken at the planning application stage. The Council's Air Quality Action Plan provides key actions to ensure that proposed mitigation measures are acceptable to reduce impacts to acceptable levels. The application site is located within an Air Quality Management Area. The scoping opinion (see History section, para. 4.16) requires full details regarding possible traffic generated by the scheme and its impacts on air quality, including details on the capacity of the transport infrastructure.
- 8.82 The submitted air quality statement was reviewed and principal objections were raised with regard to the lack of transparency and periodic assumptions on impacts, which are not fully supported by analysis or relevant information. Furthermore, concerns were raised with regard to the absence of mitigation measures and plans for reducing the road traffic impacts of the scheme.
- 8.83 The statement makes no reference to the emissions arising from car use in relation to the proposed development. This omission, in conjunction with other omissions in the traffic impact assessment and travel plan, is unacceptable. In the absence of detailed assessments, an informed judgement of the impacts cannot be made.
- 8.84 The potential for emissions arising from the car park and associated traffic is high due to the proposed number of parking spaces (1230). Notwithstanding the lack of information, it is considered that the anticipated vehicle emissions, by reason of the high number of parking spaces and associated transport activities, is unacceptable and would result in an undue increase in air pollution. Overall, whilst the statement indicates an insignificant increase in key pollution concentrations in the context of the LGA guidance, the proposal is considered unacceptable due to the lack of detailed information and firm plans to reduce road transport emissions. The proposal is therefore contrary to policy 4A.6 of the London Plan 2004 and Core Strategy CP3 and Policy DEV11 of the LDF Core Strategy submission document, which require adequate mitigation measures to limit impacts to acceptable levels.

Energy

- 8.85 Policy 4A.7 of the London Plan sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used generated from renewable sources.
- 8.86 Policy 4A.8 sets out the requirement for an assessment of the future energy demand of proposed major developments, which should demonstrate the steps taken to apply the Mayor's energy hierarchy. It includes the following order of preference for heating and cooling systems:
1. passive design;
 2. solar water heating;
 3. combined heat and power for heating and cooling, preferably fuelled by renewables;
 4. community heating;
 5. heat pumps;
 6. gas condensing boilers;
 7. gas central heating.

- 8.87 4A.9 requires that new developments generate a proportion of the site's electricity or heat needs from renewables, where feasible.
- 8.88 The issue of conserving energy is also reflected in Policy 4B.6 of the plan on 'Sustainable design and construction', where highest standards of sustainable design and construction are required.
- 8.89 The above London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the LDF Core Strategy submission document. In particular, policy DEV6 requires that:
- all planning applications include an assessment which demonstrates how the development minimises energy demand and carbon dioxide emissions;
 - major developments incorporate renewable energy production to provide at least 10% of the predicted energy requirements on site.
- It also refers to the Mayor's order of preference.
- 8.90 The energy statement submitted in support of the application sets out that the proposed development would have
- an energy efficiency 5-10% above 2002 Building Regulations;
 - electric heating for residential units (without associated renewable energy technologies);
 - district heating and cooling for non-residential areas linked to aquifer thermal storage to provide 8% from renewable energy sources; and
 - photovoltaics to power external lighting columns.
- 8.91 The proposed heating system for the residential units is not compliant with the Mayor's order of preference: electric heating is not included in the list. Electric heating, compared to other systems, would result in a substantial additional carbon dioxide load.
- 8.92 The use of some renewable energy generated on site is proposed in connection with the non-residential elements of the scheme. However, the minimum requirement of 10% is not met. Moreover, possibilities to minimise energy demand through other means have not been fully explored. For example, the use of building materials which incorporate photovoltaics generate energy, eliminate the need for mounted solar panels and their cost is reduced as they are not purchased in addition to traditional materials but instead of. Overall, the assessment of the various renewable energy technologies is not acceptable, and opportunities also remain to incorporate wind, biomass and CHP.
- 8.93 An improved energy-efficiency of the buildings is proposed through better quality buildings. However, in conclusion, the proposed electric heating to the residential units represents a substantial additional CO2 load in comparison to other energy sources to the extent that it would outweigh the benefits of the proposed efficiency and use of renewable energy in the non-residential elements. The proposed development proposal does not comply with policies 4A.7, 4A.8, 4A.9 and 4B.6 of the London Plan and policies CP3, DEV5 and DEV6 of the LDF Core Strategy submission document.

Biodiversity

- 8.94 Policies ST8, DEV57 and DEV62 of the UDP and policies CP31 and CP33 of the LDF Core Strategy submission document set out requirements in line with international, national and regional policy. These seek to ensure the protection, conservation, enhancement and effective management of the borough's biodiversity. In accordance with Policy 3D.12 of the London Plan 2004, the Council produced a Local Biodiversity Action Plan (LBAP) which sets out priorities for biodiversity protection and enhancement. It aims to support wildlife and habitats and to provide the opportunity for people to see, learn about and enjoy nature. The Species Action Plan for black redstart is also of significant importance.

- 8.95 The application site is surrounded by various types of nature conservation sites, which benefit from different statutory importance. In particular, the site is surrounded by Bow Creek Ecology Park and the tidal section of the River Lea is a Site of Metropolitan Importance for Nature Conservation.
- 8.96 The proposal involves the demolition of the existing industrial buildings and the creation of a tall, dense, residential-led mixed use development. The potential impacts of the proposal on the ecology and biodiversity of the site itself and surrounding area would result from increased shading, human activity, disturbance, increased mass and use of materials.
- 8.97 The Environmental Statement addresses shading in considerable detail. It seems unlikely that this will have a significant impact on the surrounding area. However, it is considered that disturbance and other impacts are understated as potentially adverse impacts, not only to the protected species but also to other sensitive species. These factors are not fully investigated and further analysis of the possible impact on species and habitats should be carried out in terms of increased human activity, noise, lighting, mass and building materials. In particular, little consideration is given to impacts on roosting, breeding, feeding and sightlines of bird species, especially wetland and terrestrial bird species. Also, no consideration is given to impact upon fish and the extent of the impacts caused by piling and other in-channel work.
- 8.98 The submitted assessment fails to fully assess the development's impacts on the environment. Furthermore, the proposed enhancement and mitigation initiatives are limited and opportunities for the enhancement of the biodiversity of the site have not been fully explored. In addition to this, several of the proposals for enhancement are not viable or sustainable for the species and habitats proposed for.
- 8.99 With respect to the measures that are proposed, concerns are raised with regard to:-
- the extent of roof habitats,
 - the hydrology of the freshwater grasslands,
 - the extent of river wall habitat,
 - the practicality of the different nesting boxes and
 - the overall lack of greater variety of biodiversity enhancement initiatives.
- 8.100 Furthermore, it is considered that the development is too close to the river, by reason of overhanging buildings and too many hard surfaces into the buffer zone area of the watercourse. Natural landscaping is only proposed in two places by the river and does not extend along the full length of the watercourse. It is considered that the proximity of the development to the watercourse and the lack of natural landscape along it will unduly impact on the quality and enjoyment of the waterside environment.
- 8.101 Notwithstanding the lack of depth in the submitted assessment, it is considered that the proposal lacks adequate and sustainable enhancement and mitigation initiatives, contrary to Policy 3D.12 of the London Plan and policies ST8, DEV57 and DEV62 of the UDP, policies CP31, CP33, OSN3 of the LDF Core Strategy submission document, which seek to ensure the protection, conservation, enhancement and effective management of the borough's biodiversity and Sites of Importance for Nature Conservation.

Flood Risk

- 8.102 The application site is identified as being in an area at risk of flooding. Policies 4C.6 and 4C.7 of the London Plan, policies U2 and U3 of the UDP and policies CP37 and DEV21 of the LDF Core Strategy submission document set out that the risk of flooding must be minimised. Policy 4C.7 also requires that development should be set back from the defences 'to allow for the replacement/repair of the defences and any future raising to be done in a sustainable and cost effective way'.

- 8.103 A flood risk assessment was submitted in support of this application to address this issue. The flood risk assessment relies to an extent on inference and assumptions with respect to the expected life of the river walls. A number of matters remain uncertain, including the stability, strength and forecast life of the walls.
- 8.104 Furthermore, the proposed buffer zone is insufficient with respect to the set-back of the development from the watercourse and the headroom provided. A sufficient buffer zone is required to allow maintenance, repair and renewal works to be carried out in a safe, cost effective and environmentally sensitive way.
- 8.105 In conclusion, in the absence of adequate information with respect to the quality of the walls, including a strategy for remedial works if necessary, and without an adequate buffer zone which allows maintenance, repair and renewal works to be carried out in a safe, cost effective and environmentally sensitive way, the proposal is contrary to the policies outlined above (paragraph 8.102).

9 Environmental Impact Assessment

- 9.1 In accordance with The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and guidance set out in Circular 02/99: Environmental impact assessment, the Environmental Statement (ES), together with any other information, comments and representations made on it, must be taken into account in deciding whether or not to give consent for a proposed development.
- 9.2 The ES forms the main communication tool for the findings of the Environmental Impact Assessment (EIA). The EIA Regulations 1999 set out minimum requirements for content of an ES and it is the duty of the Council to consider whether the ES provides sufficient detail for a proper assessment.
- 9.3 The Council commissioned an external consultant to review the ES. The review was undertaken against the requirements of the above Regulations and a detailed report describes the findings of the review. In summary, it is considered that the ES is fundamentally flawed in two ways.
- 9.4 Firstly, the way in which cumulative impacts are reported in the ES is not appropriate for the nature and scale of the proposed development. It has not adequately assessed the impacts of the proposal together with those of the proposals on the Leamouth Peninsula South and the wider area.
- 9.5 Secondly, the hybrid nature of the application is not adequately explained and it is not clearly reported which elements of the proposal are in outline and which are in detail. This lack of clarity runs through the entire ES and prevents the reader from accurately determining whether the findings are appropriate.
- 9.6 In addition to these fundamental flaws, a number of omissions have been identified with respect to the requirements of the EIA Regulations. These omissions relate to:
- Planning Framework and land use;
 - Visual and Landscape;
 - Archaeology and cultural heritage;
 - Transport;
 - Air Quality;
 - Noise;
 - Ecology and Nature Conservation;
 - Microclimate;
 - Radio and Television Reception; and
 - Socio Economic effects and regeneration.

- 9.7 Circular 02/99 states that “*Local planning authorities should satisfy themselves in every case that submitted statements contain the information specified in Part II of Schedule 4 to the Regulations and the relevant information set out in Part I of that Schedule that the developer can reasonably be required to compile*”. In light of such advice and the review results, the Council is not satisfied that the submitted ES complies with the requirements. It therefore does not constitute an acceptable ES as set out in the above Regulations.
- 9.8 The deficiency of the ES results in insufficient details and information about the proposal and the cumulative impacts. This directly affects the ability of the Council to make a decision, to such an extent that the Local Planning Authority is unable to satisfy itself that the development will not have an adverse effect on the local and wider environment.
- 9.9 If the application had been considered valid, a request for further information under Regulation 19 would have been made. In line with regulations and advice, in the case of an application with an inadequate ES, the application can only be refused.
- 10 **Conclusions**
- 10.1 Had the Council been empowered to make a decision on the application, it would have refused planning permission 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.