

<b>Committee:</b> Strategic Development	<b>Date:</b> 18 <sup>th</sup> January 2007	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 8.8
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> S. Stolz		<b>Ref No's:</b> PA/05/01597, PA/05/01598 and PA/05/01600	
		<b>Ward(s):</b> Blackwall and Cubbit Town	

## 1. APPLICATIONS DETAILS

**Application:** PA/05/01597  
**Location:** Hercules Wharf, Orchard Place, London E14  
**Existing Use:** Industrial  
**Proposal:** Outline planning application for a mixed use development comprising 477 residential units and 400sqm of non-residential floorspace including offices (Use class B1), retail (A1/A2), food and drink (A3/A4) and the provision of public open space.

**Application:** PA/05/01598  
**Location:** Union Wharf and Castle Wharf, Orchard Place, London E14  
**Existing Use:** Castle Wharf: industrial; Union Wharf: industrial (derelict).  
**Proposal:** Combined outline and full planning application (hybrid application) for a mixed use development comprising 925 residential units and 1600sqm of non-residential floorspace including offices (Use class B1), retail (A1/A2), food and drink (A3/A4) and the provision of public open space.

**Application:** PA/05/01600  
**Location:** Union Wharf, Orchard Place, London E14  
**Existing Use:** Industrial (derelict)  
**Proposal:** Partial demolition and alteration of the listed dock structure and retention of the existing caisson in relation to mixed use development at Union Wharf. (Listed Building application)

**Drawing Nos:**

- Drawing numbers: DPA-001 to -006, DPA-101 to -130, DPA-201 to -210, DPA-301U to -330U, DPA-401U to 410U, DPA-501 and -502;
- Transport Assessment (Leamouth Peninsula South);
- Construction Traffic Assessment;
- Social-Economic Assessment;
- Economic and Employment Study;
- Retail and Leisure Assessment;
- Design Statement;
- Design Guidelines;
- Sustainability Statement;
- Energy Assessment;
- Access Statement;
- Creative / Cultural Industries Strategy
- Statement of Community Involvement

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

Brief Description of background papers:      Tick if copy supplied for register

Name and telephone no. of holder:

Application, plans, adopted UDP. draft  
LDF and London Plan

Silke Stolz  
020 7364 6002

The applications include the submission of an Environmental Statement under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

**Applicant:** Clearstorm Properties  
**Owner:** See schedule of owners/occupiers.  
**Historic Building:** Grade II Listed dry dock  
**Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has assessed the development proposals against the Council's planning policies contained within the adopted Unitary Development Plan (1998), the Local Development Framework LBTH Development Plan Document Core Strategy Submission Document (November 2006), Local Development Framework LBTH Development Plan Document Leaside Area Action Plan Submission Document (November 2006) and associated supplementary planning guidance, and against the London Plan (2004) and Government Planning Policy Guidance and has found that they:

- a) do 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.

2.2 Had the Council been empowered to determine application PA/05/01597 (Hercules Wharf), it would have been refused on the following grounds:

- 1. Development and transport
- 2. Vehicular access
- 3. Land use: employment floor space
- 4. Land use: residential and safeguarded wharf
- 5. Provisions for bicycle use
- 6. Overdevelopment
- 7. Dwelling mix
- 8. Affordable housing
- 9. Standard of accommodation
- 10. Sunlight/daylight and noise
- 11. Inclusive environments
- 12. Amenity space and public open space
- 13. Energy
- 14. Biodiversity
- 15. Flood risk
- 16. Sustainability

2.3 Had the Council been empowered to determine application PA/05/01598 (Union Wharf and Castle Wharf), it would have been refused on the following grounds:

- 1. Development and transport
- 2. Vehicular access
- 3. Land use: employment floor space
- 4. Land use: residential and safeguarded wharf
- 5. Provisions for bicycle use
- 6. Overdevelopment
- 7. Dwelling mix
- 8. Affordable housing
- 9. Standard of accommodation
- 10. Sunlight/ daylight and noise

11. Inclusive environments
12. Amenity space and public open space
13. Urban design and the historic environment
14. Energy
15. Biodiversity
16. Flood risk
17. Sustainability

2.4 Had the Council been empowered to determine application PA/05/01600 (Listed Building application at Union Wharf), it would have been refused on the following grounds:

- Treatment of the listed structure

### 3. RECOMMENDATION

3.1 The planning applications were received on 16<sup>th</sup> September 2005. The applications were considered to be invalid due to the lack of sufficient details with respect to affordable housing and the works to the listed structure.

3.2 The applications are now the subjects of appeals (appeal references APP/E5900/A/06/2013328/NWF, APP/E5900/A/06/2013334/NWF and APP/E5900/A/06/2013329/NWF) against non-determination. 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 planning applications PA/05/01597 and PA/05/01598 to be valid, requests 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 **PA/05/01597 (Hercules Wharf)**, for the following reasons:

1 The existing links to public transport interchanges, the nearby town centre at Canning Town and the highway network would not allow convenient, accessible and safe access. Furthermore, the link with the highway network would not sufficiently cater for vehicle activity generated by the proposed development by reason of its limited infrastructure and capacity. 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, 3A.5, 3C.1, 3C.2, 3C.3, 3C.16, 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 policy 2A.1 of the London Plan 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. It fails to provide an adequate supply of floor space to protect and enhance diverse employment opportunities within the Leaside area and fails to strengthen the existing cultural and creative industry, to the detriment of the economic wellbeing of the Borough.

As such, the proposal is contrary to policies ST15, EMP2 and EMP11 of the LBTH adopted UDP (1998) and policies CP1, CP7, CP9, CP11, EE2 of the LBTH Local Development Framework Core Strategy 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. With reference to the Leamouth peninsula south in particular, a mixed use development is sought with employment uses being the dominant use (Policies L38 and L43 of the LBTH Local Development Framework Leaside Area Action Plan submission document; policy D2 and figure 4.14 of the draft Lower Lea Valley Opportunity Area Planning Framework).

- 4 The introduction of residential accommodation directly opposite the site of the safeguarded wharf would compromise the opportunity for unrestricted operations at the wharf, due to the need to ensure an adequate level of residential amenity.

As such, the proposal is contrary to policies 3B.5 and 4C.15 of the London Plan, D2 of the draft Lower Lea Valley Opportunity Area Planning Framework, EMP5 of the adopted UDP, policies CP44 and EE2 of the LBTH Local Development Framework Core Strategy submission document and policy L38 of the LBTH Local Development Framework Leaside Area Action Plan submission document, which safeguard the wharf for industrial/commercial uses and which seek to ensure that wharf activity is not compromised by the introduction of noise-sensitive uses.

- 5 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 and safe cycle network within the development which integrates with the existing 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 cycle routes and cycle parking facilities.

- 6 The proposed development constitutes overdevelopment, which manifests itself in:-
- Poor standard of accommodation for future occupiers by reason of restricted daylight, sunlight and natural ventilation in particular to the 'small one bedroom' type units;
  - Poor outlook and unacceptable sense of enclosure for future residents;
  - Overlooking and associated limited privacy;
  - Insufficient amount of communal amenity and public open space of adequate quality; 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 existing residents and future occupiers.

- 7 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 GLA SPG on Housing, 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.

- 8 No 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.

- 9 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.

- 10 Both the sunlight and 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.

- 11 The proposal fails to create a fully inclusive environment where people of all abilities, including the mobility impaired, can circulate safely and with ease, due to the proposed level changes, a number of links between levels where only steps are proposed and the shared vehicular and pedestrian surfaces.

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 or effort.

- 12 The proposed development does not provide a sufficient amount of private amenity space and 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.

- 13 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.

- 14 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.

- 15 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.

- 16 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
  - (a) relies on a vehicular access arrangement that is inadequate and substandard for the development proposed
  - (b) does not propose necessary new pedestrian links to the surrounding area with its

- public transport interchanges and shops, facilities and services;
- It fails to meet environmental objectives 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 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
  - (a) unacceptable restricted daylight and sunlight to some of the residential units
  - (b) unacceptable overlooking and limited privacy
  - (c) poor, little or no private residential amenity space to some units
  - (d) 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 LBTH Local Development Framework Core Strategy 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.

3.5 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 **PA/05/01598 (Union Wharf and Castle Wharf)** for the following reasons:

1 The existing links to public transport interchanges, the nearby town centre at Canning Town and the highway network would not allow convenient, accessible and safe access. Furthermore, the link with the highway network would not sufficiently cater for vehicle activity generated by the proposed development by reason of its limited infrastructure and capacity. 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, 3A.5, 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. It fails to provide an adequate supply of floor space to protect and enhance diverse employment opportunities

within the Leaside area and fails to strengthen the existing cultural and creative industry, to the detriment of the economic wellbeing of the Borough.

As such, the proposal is contrary to policies ST15, EMP2 and EMP11 of the LBTH adopted UDP (1998) and policies CP1, CP7, CP9, CP11, EE2 of the LBTH Local Development Framework Core Strategy 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. With reference to the Leamouth peninsula south in particular, a mixed use development is sought with employment uses being the dominant use (Policies L38 and L43 of the LBTH Local Development Framework Leaside Area Action Plan submission document; policy D2 and figure 4.14 of the draft Lower Lea Valley Opportunity Area Planning Framework).

- 4 The introduction of residential accommodation directly adjacent the site of the safeguarded wharf would compromise the opportunity for unrestricted operations at the wharf, due to the need to ensure an adequate level of residential amenity.

As such, the proposal is contrary to policies 3B.5 and 4C.15 of the London Plan, D2 of the draft Lower Lea Valley Opportunity Area Planning Framework, EMP5 of the adopted UDP, policies CP44 and EE2 of the LBTH Local Development Framework Core Strategy submission document and policy L38 of the LBTH Local Development Framework Leaside Area Action Plan submission document, which safeguard the wharf for industrial/commercial uses and which seek to ensure that wharf activity is not compromised by the introduction of noise-sensitive uses.

- 5 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.

- 6 The proposed development constitutes overdevelopment, which manifests itself in:-
- Poor standard of accommodation for future occupiers by reason of small flat sizes, 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;
  - Overlooking and associated limited privacy;
  - Insufficient amount of private amenity and public open space of adequate quality; 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 existing residents and future occupiers.

- 7 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 GLA SPG on Housing, 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.

- 8 No 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.

- 9 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.

- 10 Both the sunlight and daylight assessment and the noise assessment 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.

- 11 The development proposal fails to create a fully inclusive environment where people of all abilities, including the mobility impaired, can circulate safely and with ease, due to the proposed level changes, a number of links between levels where only steps are proposed and the shared vehicular and pedestrian surfaces.

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.

- 12 The proposed development does not provide a sufficient amount of private or communal 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.

- 13 The proposed large scale buildings do not respect the character of the area by reason of their height and bulk. They would dwarf the listed lighthouse and affect the setting of the listed dock structure, to the detriment of the historic character of the area. The design of the tall building at Union Wharf is inappropriate for this prominent site as it lacks visual interest and an innovative detail design, the glass shields being attached to a simple monolithic tower block. The ground level treatment at Union Wharf is inappropriate and results in an unfriendly public realm. Furthermore, the proposal fails to create clear and strong circulation routes with appropriate destination points.

As such, the proposal is contrary to policies 4B.1, 4B.9, 4B.10, 4B.11 and 4B.12 of the London plan (2004), DEV1, DEV3, DEV6, DEV39 and DEV47 of the LBTH adopted UDP (1998) and policies CP1, CP4, CP49, DEV2, DEV27 and CON1 of the LBTH Local Development Framework Core Strategy submission document, which seek to ensure that new development is of high quality design, respects the character of the area and the setting of listed buildings and creates welcoming environments.

- 14 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.

- 15 Insufficient information is provided regarding flood risk with respect to the possible breaching of tidal flood defences and 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.

- 16 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.

17 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
  - (a) relies on a vehicular access arrangement that is inadequate and substandard for the development proposed
  - (b) does not propose necessary new pedestrian links to the surrounding area with its public transport interchanges and shops, facilities and services;
- It fails to meet environmental objectives 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
  - (a) unacceptable restricted daylight and sunlight to some of the residential units
  - (b) overlooking and limited privacy
  - (c) poor, little or no private residential amenity space to some units
  - (d) 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 LBTH Local Development Framework 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.

3.6 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** listed building consent **PA/05/01600** (Union Wharf) for the following reasons:

1 The submission does not include all relevant details which are required for a full assessment. It is considered that the proposed removal of the listed dock is unjustified and unacceptable.

As such, the proposal is contrary to policies 4B.11 of the London Plan, policies DEV36 and DEV37 of LBTH adopted UDP and policies CP49 and CON1 of the LBTH Local Development Framework Core Strategy submission document and which seek to ensure that the historic fabric and character of listed buildings are retained.

## 4. BACKGROUND

### The sites and surroundings

#### *The application sites*

4.1 The application sites (Hercules Wharf and Union Wharf and Castle Wharf), which lie on the Leamouth Peninsula South, form a T-shape and have a combined area of 2.28 hectares. The access road Orchard Place runs east-west through the centre of the peninsula, separating Union Wharf on the south from Hercules Wharf and Castle Wharf on the north. Part of the road has been included in the redevelopment proposal for Union Wharf and

Castle Wharf.

- 4.2 Union Wharf is bounded by the River Thames to the south, Orchard Wharf (a safeguarded wharf) to the west and Trinity Buoy Wharf to the east. To the north, across the access road, lie Hercules Wharf and Union Wharf. Union Wharf is not in use. It contains the remains of an old dry dock structure (which is statutorily listed) and 2 derelict industrial buildings.
- 4.3 Hercules Wharf lies west of Castle Wharf. The sites are bounded to the north by the River Lea and by the access road to the south. The western part of Hercules Wharf lies opposite Orchard Wharf. The eastern part of Castle Wharf lies opposite Trinity Buoy Wharf. Trinity Buoy Wharf extends northwards and one of its buildings lies adjacent the eastern boundary of Castle Wharf. Both Hercules Wharf and Castle Wharf accommodate industrial buildings. The buildings are in use.
- 4.4 North-west of the peninsula south lies Leamouth Peninsula North, which is surrounded by water and inter-tidal mud flats of the River Lea. The Leamouth Peninsula (North and South) is accessed via a slip road off the Lower Lea Crossing.

### ***Wider area***

- 4.5 Across the River Thames lie the Millennium Dome and Greenwich Peninsula. West of the land mass that forms Leamouth South lies East India Dock Basin, now a nature reserve. To the west of Leamouth Peninsula North lies an ecological park on a very narrow peninsula, which also supports the bridge carrying the DLR. The vacant 'Limmo' site lies across the River Lea to the north of Hercules Wharf and Castle Wharf. Further north lies Canning Town centre and Canning Town public transport interchange.

### **The development proposals**

- 4.6 The two planning applications together are for the redevelopment of Hercules Wharf, Union Wharf and Castle Wharf and propose the provision of:-
- 1402 residential units in 11 buildings of varying heights between 4 and 27 storeys, some of which are physically attached to each other (buildings A+B and D+E)
  - parking,
  - riverside walkway,
  - open space and
  - 2,000 square metres of non-residential floor space including A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), and B1 (business).
- 4.7 The applicant indicates the areas within the proposed buildings which are to be set aside for non-residential uses and quantifies the overall area as 2,000 sq metres. The applicant does not confirm the precise provision of each non-residential use in terms of floor space and location within the development. Flexibility is sought in relation to the precise amount and location of the non-residential uses within the scheme to enable the development to respond to market demand.
- 4.8 ***Planning Application PA/05/01597 (Hercules Wharf):*** This is an outline planning application for the redevelopment of Hercules Wharf, which comprises 0.72 hectares. Three buildings are proposed (buildings F, G and H). The eastern element of building G is the tallest element with 24 storeys. The western element of the building is 10 storeys high. The tallest parts of buildings F and H are 7 and 6 storeys high. The ground level is raised to accommodate parking within a podium.
- 4.9 A landscaped pathway cuts diagonally across the site. It provides a link between the proposed riverside walkway along the River Lea and the proposed new plaza at the heart of the redevelopment scheme (which is part of PA/05/01598 – see below). Provision is made

for the landing of a bridge which benefits from planning consent (marked on plans as 'pedestrian bridge shown as proposed by others'). A local equipped area for play (LEAP) is proposed at the north-western part of the site.

- 4.10 The buildings would accommodate 477 residential units and 400sq metres of commercial floor space.
- 4.11 **Planning Application PA/05/01598 (Union Wharf and Castle Wharf):** This is a combined outline and full planning application (a 'hybrid application') for the redevelopment of Union Wharf and Castle Wharf. The site area is 1.56 hectares and includes part of the existing access road. Full details have been submitted for Union Wharf and outline details for Castle Wharf and the works proposed with respect to the access road. The ground level is raised to accommodate parking within a podium.
- 4.12 Five buildings are proposed at Union Wharf (buildings A, B, C, D and E). Buildings A and B are physically attached to each other as well as buildings D and E. The buildings are laid out in a U-shape, opening out onto the River Thames. Buildings A and B, which are sited parallel to the western boundary of Union Wharf at a distance of 5 metres, are 27 and 10 storeys high. Buildings D and E, which are sited parallel to the eastern boundary, are 7 storeys high. Building C, located at the northern end of Union Wharf between the two pairs of buildings, is 5 storeys in height.
- 4.13 The courtyard of Union Wharf includes an area of communal open space with a water feature. The courtyard is at podium level, and steps connect the courtyard with the lower-lying riverside walkway. Paths are proposed directly along the eastern and western boundaries of Union Wharf, connecting the access road with the riverside.
- 4.14 At Castle Wharf, the proposed buildings (buildings J, K and L) are shaped and laid out to form two courtyards. The tallest element at Castle Wharf is the north-eastern element of building J, at 21 storeys in height. The remaining elements of building J are 7, 6 and 5 storeys in height. Building L, located along the access road, is 3 and 4 storeys high. Building K, an L-shape building in the north-eastern corner of the proposed development, incorporates elements of 5, 7 and 8 storeys in height.
- 4.15 The courtyards include soft landscaping. A riverside walkway along the River Lea is proposed.
- 4.16 The part of the access road which is included in the redevelopment proposals would be raised. It would form part of the new central open space, being the shared surface between vehicles and pedestrians at the northern end of the open space.
- 4.17 The buildings at Union Wharf and Castle Wharf would accommodate 925 residential units and 1,600sq metres of commercial floor space.
- 4.18 **Listed Building application PA/05/01600 (Union Wharf):** The listed building application proposes the removal of the remains of the dry dock structure, which is filled up with rubble and capped with concrete. It is proposed to retain the existing caisson of the dry dock.

### **Planning History**

- 4.19 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.**
- 4.20 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.**

4.21 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.**

4.22 The following application has been submitted by the same applicant for Leamouth Peninsula North site, which is subject of a Public Inquiry appeal (ref APP/E5900/A/06/2013333/NWF).

4.23 PA/05/01409 Combined Outline and Full Planning Application (Hybrid application) for a mixed use redevelopment comprising a total of 2,460 residential units (Use Class C3) in addition to 21 459m<sup>2</sup> 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 facility (Use Class D1) and the provision of public open space, including a bridge linking 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.

4.24 In 2006, the same applicant has submitted the following applications, which are for determination by the newly established London Thames Gateway Development Corporation:

Leamouth Peninsula South:

4.25 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)

4.26 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).

4.27 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).

### Leamouth Peninsula North:

- 4.28 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.**

## **5. POLICY FRAMEWORK**

- 5.1 The relevant policy and guidance against which to consider the planning applications 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)
  - 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 make up the Local Development Framework (LDF).
- 5.5 On 13<sup>th</sup> September 2006, Council resolved to approve the LDF documents for submission to the Secretary of State for Independent Examination. The approved LDF documents represent 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 LDF documents, approved on 13<sup>th</sup> 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 3 which have been made on the basis of the analysis of the scheme set out in this report. The proposed development schemes have 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 Protection Areas
  - Flood Protection Areas
  - Site of Nature Conservation Importance
  - Aviation use and bird attracting
  - Wind Turbine development by City Airport
  - Urban Development Corporation
  - Potential Contamination
  - Green Chains
- 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                           |
| DEV36 | Demolition of Historic buildings and structures         |
| DEV37 | Alterations to Historic buildings and structures        |
| DEV39 | Development affecting the setting of Listed buildings   |
| 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
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
CON1	Listed Buildings
CON4	Archaeological and Ancient Monuments
CON5	Protection and Management of Important Views
OSN2	Open Space
OSN3	Blue Ribbon Network and the Thames Policy Area

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

5.15 Proposals:	LS24	Orchard Place South
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
	L43	Site allocation in Leamouth sub-area

**5.17 London Borough of Tower Hamlets Supplementary Planning Guidance/Documents**

Designing out Crime (Parts 1 and 2)  
Residential Space Standards – Adopted 1998  
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.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.10	London's built heritage
4B.11	Heritage conservation
4B.12	Historic conservation-led regeneration
4B.14	Archaeology
4C.1	The strategic importance 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

PPS3	Housing
PPG4	Industrial and Commercial Development and Small Firms
PPS6	Planning for Town Centres
PPG9	Biodiversity Strategy
PPG13	Transport Strategy

PPG15	Historic Environment
PPG16	Archaeology and Planning
PPG17	Sport and Recreation
PPG23	Air Quality Strategy
PPG24	Planning and Noise
PPS1	Delivering Sustainable Development
PPS9	Biodiversity and Geological Conservation
PPS10	Waste Management
PPS22	Energy Strategy

#### 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 following statutory consultees were informed of the appeals and were invited to comment to the Secretary of State. Please note that the consultations include all EIA statutory consultations. Views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

### English Heritage – Greater London archaeology Advisory Service

6.2 Recommendation for condition to secure programme of archaeological work and a condition the secure Building Recording and analysis.

### Port of London Authority

6.4 Objections relate to the following points:

- Close proximity of buildings A, B, F and H to the safeguarded wharf at Orchard Place and the limited consideration of effects of the proposed development and wharf on each other. Recommends a condition/legal agreement secure appropriate location of sensitive uses;
- Inability for the existing adjoining and proposed uses to complement each other, which would result in significant amenity issues to housing (noise, dust, traffic) and also undue effects on the safeguarded wharf;
- Concerns raised with regard to the level of traffic generation by the proposed development and its associated impacts on the re-activation of Orchard Wharf by

- reason of insufficient capacity of the proposed road network;
- Concerns raised with regard to limited and no firm plans to use the river as means of transport for both construction and domestic waste. Recommends that a condition or legal agreement secure such arrangement; and
- Recommends condition to secure the provision of riparian life saving equipment.

### **Metropolitan Police Authority**

- 6.5 Request that the proposed development provides 200m<sup>2</sup> of on-site floor space for neighbourhood and community Team Base.

### **TfL Road Management**

- 6.6 The following issues were raised by Road Management Services (A13), (contractors for TfL) that is material to the determination of the application, and they are addressed in the next section of this report:

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.

- 6.7 The **Greater London Authority** has not yet considered the applications. The GLA intends to issue an official view on the proposals shortly, in order that they may become party to the appeals. The GLA's views would include full TfL comments.
- 6.8 The following are comments received from statutory consultees on PA/06/01341 (and duplicate 1342), 1343 (and duplicate 1344) and 1345, which are considered relevant to the proposals under consideration here:

### **English Heritage – Historic Buildings**

- 6.9 (PA/06/01341 and 1342, 1343 and 1344) Comments state that *“this is an area with a very particular character - a backwater with an urban form that reflects the historic importance of the river”*. Objection based on:
- *“Proposed scheme that does not work well within the historic context of the Leamouth Peninsula;*
  - *The proposal features tall buildings which are located remote from other tall structures and a plan which does not relate to the historic pattern of development...the introduction of the podium to facilitate car parking is a radical and unnecessary change which will effectively isolate the eastern end of the peninsula;*
  - *The towers themselves appear particularly bulky in plan. This bulk will mean that they impose themselves on wide ranging river views; and*
  - *the scheme is unsatisfactory with regard to the listed Orchard Dry Dock (see separate letter) and that Trinity Buoy Wharf will be isolated by the development”*.
- 6.10 (PA/06/01345) Comments are:
- The proposal would effectively seeks the demolition of the listed Orchard Dry Dock and the retention of only the river front caisson;
  - Lack of consideration for the option of retaining a more significant part of the existing structure and that the current scheme appears largely cosmetic;
  - Drawings and supporting information are lacking detailed information and are consider insufficient.
- 6.11 Recommendations and conclusion:
- *“Thorough below ground investigations (by a suitable archaeological organization) should be undertaken at this stage (before permission is granted) to establish the full nature and extent of the remains of the dry dock with a view to ascertain further*

*information with regard to the subterranean remains of the dock structure. This study should then fully inform the design of any redevelopment scheme on the site”, and*

- “We are unable to direct as to the granting of listed building consent at this stage”.

## 7. LOCAL REPRESENTATION

- 7.1 A total of 1792 neighbouring properties within the area shown on the map appended to this report were notified about the appeals and invited to comment to the Secretary of State. The appeals have also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 0

## 8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the three applications that the committee must consider are:-

1. Sustainability
2. Development and transport
3. Land use
4. Density/ overdevelopment
5. Open space
6. Dwelling mix
7. Affordable Housing
8. Standard of accommodation
9. Inclusive environments
10. Listed Building works
11. Urban design and the historic environment
12. EIA issues
13. Energy
14. Flood Risk
15. Biodiversity

### 8.2 **Issue 1: Sustainability**

- 8.2.1 The Government has defined sustainable communities as *‘places where people want to live and work, now and in the future. They meet the diverse needs of existing and future residents, are sensitive to their environment, and contribute to high quality of life. They are safe and inclusive, well planned, built and run, and offer equal opportunity and good services for all.’* [PPS 1 (2005): Delivering Sustainable Development]
- 8.2.2 The London Plan promotes sustainable development. Policy 2.A1 sets out sustainability criteria, which include the requirement that development occurs in locations that are or are planned to be accessible by public transport, walking and cycling. Policy 3A.5 encourages large residential developments in areas of high public transport accessibility.
- 8.2.3 Policy CP1 of the LDF Core Strategy submission document requires that all new development contributes to creating and maintaining sustainable communities. Issues referred to in this policy include:-
- Choice in housing and jobs that is supportive of the diverse needs of communities;
  - Contribution to the local and regional economy;

- Growth in locations that reduce the need to travel and are supported by adequate infrastructure and services (sustainable patterns of development);
- Creation of places that are active, well connected, safe and accessible (inclusive environments);
- Creation of places with the highest level of amenity and improvement of liveability in the Borough;
- Prudent use of natural resources;
- Minimisation of the short and long term impacts on the natural environment (locally and globally).

8.2.4 The Council wants to promote sustainable communities by creating places where people want to live, work, study and visit, and which will enable people to meet their aspirations and potential. Consequently, the concept of sustainable communities runs throughout the LDF and the issues referred to in policy CP1 are reflected in other policies of the LDF Core Strategy submission document and the area action plan submission documents.

8.2.5 High quality, well integrated and adaptable developments, which have minimal adverse impacts on the environment and which provide for the diverse needs of the population today and in the future are considered to be sustainable developments. The proposed developments, in isolation and combination, do not represent sustainable development and fail to contribute to the creation of sustainable communities due to a number of shortcomings as set out below.

***The developments fails to connect and integrate well with their surroundings***

8.2.6 The proposed developments rely on a vehicular access arrangement which is inadequate and substandard for the type and scale 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 existing and future residents, workers and visitors.

8.2.7 The sites are isolated and cut off from Canning Town and surrounding area by the River Lea. Existing public transport facilities (East India DLR and 277 bus route) lie a 15 minute walk away. The existing town centre at Canning Town and its facilities and services are further. No new pedestrian and cycle links are proposed which would improve the connectivity of the sites, to the detriment of the ease of movement of people to and from the sites. This would also encourage car ownership and car use, contrary to local, regional and national ambitions to curb car use.

***The developments fail to meet environmental objectives***

8.2.8 The submitted ecology and biodiversity assessment contains insufficient information. Opportunities to enhance the biodiversity of the sites have not been fully explored. The submitted energy assessment does not fully explore opportunities to reduce energy use. The proposed electric heating to residential units would unacceptably add to the developments' carbon footprint and is contrary to the Mayor's energy strategy.

***The developments fail to create an inclusive environment***

8.2.9 The development proposals fail to create a fully inclusive environment where people of all abilities, including the mobility impaired, can circulate safely and with ease. This is due to the proposed changes in ground level and a number of links between levels where only steps are proposed. The proposed shared vehicular and pedestrian surfaces also present a problem.

***The developments fail to facilitate the creation of a well balanced community***

8.2.10 The proposed mix of units at both application sites is heavily weighed towards small



units. Only a limited amount of family-size units is proposed, which falls short of regional and local policy requirements. No affordable housing offer was made. The proposed developments, in isolation and combination, do not provide for a wide variety of household sizes and a mix of tenures, and would thus fail to facilitate the creation of a well balanced, mixed and sustainable community.

### ***The developments fail to create a liveable environment***

- 8.2.11 Some of the proposed residential units fail to meet the Council's minimum space standards and limited private amenity space is proposed, to the detriment of the residential amenity and quality of life of future residents. Insufficient information has been submitted to ascertain that all residential units will receive sufficient daylight and sunlight. Bedrooms of the proposed 'small one bedroom units' do not have windows and would thus not benefit from good daylight or natural ventilation. Habitable rooms are close to each other and in some instances, there would be overlooking and limited privacy. Furthermore, an insufficient amount of good quality, usable recreational open space is proposed.
- 8.2.12 The sustainability argument is an 'umbrella' argument, looking at a proposed development in its entirety. Each of the issues identified here is analysed further in the following sections.

### **8.3 Issue 2: Development and Transport**

- 8.3.1 The Council supports high density development only in areas of good public transport accessibility and with adequate vehicular access. The connectivity of a development site with the surrounding area (and its services) is also an important consideration. Furthermore, the Council seeks opportunities to encourage the use of sustainable transport modes and curb car use, for example by strictly limiting car parking provisions and by requesting improvements to public transport and to pedestrian and cycle links to public transport facilities and the surrounding area. These objectives are reflected in policies ST27, ST28, ST30, ST32, T15, T16, T19 and T24 of the UDP and policies CP1, CP5, CP20, CP40, CP41, CP46, DEV3, DEV16, DEV17, DEV19 and HSG1 of the LDF Core Strategy submission document. The London Plan supports this approach (refer to policies 2A.1, 3A.5, 3C.1, 3C.16, 3C.20, 3C.21, 3C.22, 4.B1, 4B.9).

### ***Highway Network***

- 8.3.2 A single grade separated slip road off the Lower Lea Crossing, just 200 metres east of the Leamouth Road roundabout, provides access to the Leamouth peninsula. Traffic exiting the peninsula joins the westwards flowing traffic on the Lower Lea Crossing via another slip road.
- 8.3.3 National guidance clearly sets out that for development in excess of 300 residential units more than one vehicular access must be provided for reasons of public safety (Design Bulletin 32). The proposed developments in isolation and combination would considerably exceed this threshold. In particular in light of existing uses and other proposed developments (eg Leamouth North), 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. Clearly, this is unacceptable.
- 8.3.4 The applicant's Transport Assessment is deficient with respect to baseline conditions and trip generation and the developments' impact on the road network cannot be fully assessed. Other developments in the area (eg Leamouth North) have also not been

taken into account in the assessment.

### ***Connectivity and public transport***

- 8.3.5 Leamouth Peninsula South currently has a low Public Transport Accessibility Level rating (PTAL of 1). The peninsula is linked to the existing local pedestrian network through footpaths alongside the slip roads in and out of the peninsula. East India DLR station is the nearest station and can be reached within a 15 minute walk from the application sites. People whose mobility is restricted, for example the disabled or parents with prams, could take longer. One bus route connects with East India DLR station. The existing local shopping area at Poplar High Street and Canning Town centre are further away.
- 8.3.6 The application documents refer to the provision of a pedestrian bridge across the River Lea at Hercules Wharf (marked 'Hercules Bridge') and indicate a riverside walkway along the river leading to Canning Town. However, whilst planning permission was granted for this bridge (refer Planning History section above), central government funding is not available for this anymore and there are no plans to erect this bridge.
- 8.3.7 Furthermore, the applicant refers to the proposed bridge at the northern tip at Leamouth Peninsula North for pedestrian connection to Canning Town interchange. The planning application which includes this bridge would have been refused had the applicant not appealed (refer to PA/05/01409), due to the poor connection the bridge would create with Canning Town.
- 8.3.8 The proposals do not include the provision of separated cycle routes and no consideration has been given to the integration of the proposed developments with existing cycle routes.
- 8.3.9 For the avoidance of doubt, the applicant does not propose the creation of new pedestrian and cycle links to public transport interchanges and the surrounding area (Canning Town) or the improvement of existing links as part of the planning applications considered here. Furthermore, no firm plans are in place to introduce bus services into the development. The PTAL rating would remain at a low level of 1 and the proposed high density developments, in isolation and in combination, would be contrary to policy as outlined in paragraph 8.3.1 above and cannot be supported.

### ***Parking***

- 8.3.10 It is regrettable that the figures provided by the applicant for motorcycle and bicycle parking are not consistent. The planning statement sets out that 96 cycle spaces and 14 motorcycle spaces would be provided, and the Transport Assessment (TA) sets out that 282 bicycle parking spaces and 45 motorcycle spaces are to be provided.

#### Car and motorcycle parking

- 8.3.11 The Council welcomes the provision of motorcycle parking as a substitute for car parking. Provision for 14 (TA: 45) motorcycles and 684 car parking spaces (incl. provision for disabled parking) are proposed.
- 8.3.12 Given the low PTAL rating of the sites, car/ motorcycle parking for use by residents as proposed is considered to be acceptable, subject to a proposal detailing how a low level of car usage would be encouraged and achieved. It is considered that, overall, the proposed parking provision is acceptable at Hercules Wharf and Union and Castle Wharf, in isolation and combination.
- 8.3.13 It should be noted that it is unclear whether charging facilities for electric vehicles have been incorporated in the development proposal.

### Disabled parking

- 8.3.14 67 designated disabled parking spaces are proposed in connection with the residential use and 1 in connection with the commercial uses. The minimum standard as set out in table PS6 of the LDF Core Strategy submission document requires 10% of the total parking to be accessible with a minimum provision of 2. The proposed disabled parking could be considered to be acceptable subject to an agreement to re-allocate a number of the residential parking spaces to disabled parking and drop-off spaces for visitors and employees.

### Bicycle parking

- 8.3.15 The increasing emphasis in national and regional guidance on sustainable transport modes such as public transport, walking and cycling and the recognised need to deter car use has led the Council to incorporate in the LDF submission documents the requirement for a minimum provision of 1 bicycle parking space per residential unit and 1 additional space for each 10 units for visitors (table PS7 of the LDF Core Strategy submission document).
- 8.3.16 Furthermore, a requirement for bicycle parking in connection with commercial uses has been set at: 1 space per 125sqm floor area for shops (A1) and financial and professional services (A2); 1 space per 250sqm floor area for offices and light industrial uses (B1/B1c); and 1 space per 100sqm floor area for drinking establishments (A4). 1 space/20 staff at restaurants should be made available as well as 1 for each 20 seats.
- 8.3.17 The standards set out in the adopted UDP are considered to be outdated given the shift in thinking over the last few years.
- 8.3.18 96 bicycle parking spaces are proposed in connection with the residential use (TA:280). In line with table PS7, at least 1800 bicycle parking spaces should be provided for the use of residents and visitors.
- 8.3.19 2 spaces (as per TA) are proposed in connection with the commercial uses. The applicant seeks flexibility with respect to the precise amount of floor area for each of the non-residential uses proposed in order to be able to respond to market demands. Therefore, it is difficult to assess exactly how many bicycle parking spaces should be provided. However, applying the standard of 1space/125sqm (A1 and A2) would result in the requirement for 16 spaces.
- 8.3.20 The bicycle parking provision proposed for the two development proposals, in isolation and in combination, is low and falls short of TfL guidelines and the requirements set out in table PS7 of the LDF Core Strategy submission document.

## 8.4 **Issue 3: Land Use**

### ***Redevelopment of employment sites***

- 8.4.1 The Council promotes the retention and new provision of different types of employment floor space which supports a range of different jobs, in order to ensure the economic wellbeing of the Borough. The London Plan highlights the importance of the provision of commercial floor space for the economic wellbeing of London in policies 3B.1 and 3B.2.
- 8.4.2 The application sites are designated for employment use in the adopted UDP. In the draft Lower Lea Valley Opportunity Area Planning Framework and the Leaside Area Action Plan (LAAP) submission document, the sites are designated for employment-led

redevelopment.

- 8.4.3 Policy EMP2 of the UDP and Policy CP11 of the LDF Core Strategy submission document seeks to protect employment generating floor space. Policy CP1 of the LDF Core Strategy submission document sets out that the Council will require all new development to contribute to creating and maintaining sustainable communities by facilitating growth that contributes positively to the local and regional economy and which provides jobs.
- 8.4.4 Policy CP7 of the LDF Core Strategy submission document sets out that the Council will seek to safeguard and enhance the number and range of jobs available to local residents and to retain and promote a wide range of spaces for different types of employment uses. Policy CP9 focuses on employment space for small businesses, setting out that the Council will promote various types of new workspace suitable for small businesses and that it will support the creation of affordable workspaces for start-up and move-on businesses.
- 8.4.5 Policy CP12 (Creative and Cultural Industries and Tourism) refers to the Leamouth Peninsular. It states that the Council will support new and seek to retain and protect existing creative and cultural industries, entertainment and tourism related uses, facilities and services for arts and culture and facilities that support these uses. In policy 3B.9 of the London Plan, boroughs are encouraged to identify and support the development of clusters of creative industries and related activities and environments.
- 8.4.6 The LDF LAAP submission document identifies Leamouth Peninsula south for mixed use redevelopment, bar the safeguarded wharf. Trinity Buoy Wharf, at the eastern end, is identified as a creative and cultural industry focus. Policy L38 of this document requires that employment uses should be the dominant use on the southern part of the peninsula, where the application sites are located, and should include B1 uses for small and medium sized enterprises and workshops. Policy L39 sets out that residential uses will be promoted throughout Leamouth as part of mixed use development, but that the extent of the residential uses should have regard to the type and extent of employment uses which should be provided in line with policy L38.
- 8.4.7 Whilst the redevelopment of the application sites and the introduction of an element of residential use is considered to be acceptable *in principle*, the proposed schemes fail to meet the objective to protect and enhance employment opportunities as required by policy (as outlined in the paragraphs above).
- 8.4.8 The existing floor areas at the two application sites are as follows:-
- 3,673sqm at Hercules Wharf;
  - 8,582 sqm at Union Wharf and Castle Wharf.

The total is 12,225sqm.

- 8.4.9 400sqm of non-residential floor space are proposed at Hercules Wharf, and 1,600sqm at Union Wharf and Castle Wharf. The applicant proposes a range of non-residential uses but does not qualify how much floor space will be designated for each of the uses. For clarity, the following non-residential uses are included within the proposed 2,000sqm provision:
- Offices (B1)
  - Retail and Professional Services (A1 and A2)
  - Food and drink (A3 and A4)
- 8.4.10 In line with the glossary provided in the LDF Core Strategy submission document, the Council only considers Use Class B uses and closely related sui-generis uses to be employment uses. A significant loss of employment floor space of 10,225sqm or more of

would result from the redevelopment of the sites as proposed. Whilst the redevelopment of the sites is promoted, the importance of retaining and enhancing employment opportunities is clearly set out in the policies outlined in paragraph 8.4.3 above. The proposals, in isolation and combination, fail to sufficiently retain and enhance opportunities and are therefore considered to be unacceptable.

- 8.4.11 The residential component amounts to 24,650sqm at Hercules Wharf and 49,579sqm at Union Wharf and Castle Wharf and the non-residential uses 400sqm and 1,600sqm respectively. It is clear from these figures that the proposed developments, in isolation and combination, do not represent a mixed use redevelopment with predominantly employment uses, as required by policy L38 of the LDF LAAP submission document.
- 8.4.12 By reason of the flexibility sought by the applicant with respect to the different non-residential uses, the provision of any one of the non-residential uses cannot be guaranteed. The proposal does not include any firm plans to dedicate a sufficient amount of floor space for workshops which would compliment and strengthen the existing cultural and creative use at Trinity Buoy Wharf, as required by policy CP12 of the LDF Core Strategy submission document and policy L38 of the LDF LAAP submission document.
- 8.4.13 In conclusion, the development proposals, in isolation and combination, would result in an unacceptable loss of employment floor space and would fail to create diverse employment opportunities in this area, to the detriment of the economic wellbeing of the Borough. The proposals are contrary to policy EMP2 of the UDP, policies CP1, CP7 and CP11 of the LDF Core Strategy submission document, policies L38 and L39 of the LAAP submission document and policies 3B.1 and 3B.2 of the London Plan.

#### ***Redevelopment in the vicinity of a safeguarded wharf***

- 8.4.14 Orchard Wharf, located at the south-western corner of the peninsula, is a safeguarded Wharf. Policy 4C.15 of the London Plan sets out that safeguarded wharves should be protected for cargo-handling uses and that development next to or opposite safeguarded wharves should be designed to minimise potential for conflicts of use and disturbance.
- 8.4.15 Policy L38 of the document sets out that Orchard Wharf will be protected for aggregates transfer and that development that prejudices the operation of the wharf for these purposes will not be supported.
- 8.4.16 The proposed developments include the provision of residential accommodation directly adjacent the safeguarded wharf (at Union Wharf) and opposite the wharf (at Hercules Wharf). Balconies and windows to habitable rooms would directly face the wharf.
- 8.4.17 Future use of the wharf would entail noisy operations at unrestricted hours, HGV movements and to some extent, particles and dust escaping from the site. The operations at the wharf would be likely to have an adverse impact on the residential amenity of neighbouring residents. Furthermore, the presence of residential accommodation in close proximity to the wharf is likely to act as a deterrent to potential operators of the wharf, who may consider that the residential use would result in restrictions to their operations due to the need to protect residential amenity.
- 8.4.18 In conclusion, the proposed residential accommodation at Hercules Wharf and Union Wharf is at conflict with the use at the safeguarded wharf. The introduction of the residential use proposed would prejudice the operation of the wharf for unrestricted cargo-handling, contrary to the policies outlined in paragraphs 8.4.14 and 8.4.15 above.

#### **8.5 Issue 4: Density/ overdevelopment**

- 8.5.1 Policies 3A.2 and 4B.3 of the London Plan and policy CP19 of the LDF Core Strategy

submission document seek to ensure the highest reasonable delivery of housing provision within sustainable development constraints and with consideration of the character of the local area. Policy CP20 of the LDF Core Strategy submission document seeks high residential densities on individual sites, subject to considerations set out in policy HSG1 of the document.

- 8.5.2 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.
- 8.5.3 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. This figure is outdated and is not in line with more recent policy contained in the London Plan and the emerging LDF documents.
- 8.5.4 Similar to the Peninsula North site, the site benefits from a unique waterside location, which, in conjunction with its accessibility, creates several challenging demands for any large-scale redevelopment. Currently, the public transport accessibility level is very low at 1. It is considered that sites with a low PTAL rating are not suitable for high-density development.
- 8.5.5 Substantial improvements to the connectivity of the sites are critical to create a better PTAL rating and allow for any high density development. The applicant refers to two proposed bridges at Leamouth Peninsula North and Hercules Wharf which would improve the connectivity of the sites.
- 8.5.6 The proposed bridge across the River Lea at Leamouth Peninsula North would connect with Canning Town Station and through the station with the local area. However, the planning application which includes this bridge (refer to PA/05/01409) is unacceptable and would have been refused if the applicant had not appealed.
- 8.5.7 The proposed bridge across the river at Hercules Wharf benefits from planning consent. However, there is neither funding for it nor are there any firm plans for the erection it.
- 8.5.8 In light of the dependency on an unacceptable scheme which includes a bridge and on a bridge for which there are no plans in place for its erection, the Council gives limited weight to those proposed bridges and considers that the PTAL rating of the application sites would remain low.
- 8.5.9 In light of its distance from the nearest centre and its facilities and services, Leamouth Peninsula South is considered to have an 'urban setting'. With the low PTAL rating of 1, a density of 200-450 habitable rooms per hectare (hr/ha) would be considered to be acceptable in line with Table PS8 of the LDF Core Strategy submission document, which is informed by the London Plan.

- 8.5.10 The combined schemes have a density of 1402 hr/ha. The sites' residential densities, in isolation and combination, significantly exceed the preferred density of 200-450 hr/ha.
- 8.5.11 The density tables are a guide and must be read in conjunction with relevant policies to determine the appropriate level of development. Policy HSG1, as summarised above in paragraph 8.5.2, is the most relevant policy in the LDF documents to undertake this assessment.
- 8.5.12 The proposed developments, in isolation and combination, constitute overdevelopment and represent an unsustainable form of development. This is for the following reasons, which are identified in line with policy HSG1 and which are assessed in detail in other sections of this report:-
- the proposed provision of private and communal as well as public open space is insufficient;
  - the proposed residential accommodation fails to meet the Council's minimum space standards, which are in place to prevent the creation of cramped living environments;
  - the layout of the buildings would result in overlooking and limited privacy, to the detriment of the residential amenity of future occupiers;
  - the bedrooms of the proposed 'small one bedroom units' do not have windows and therefore do not benefit from natural light and ventilation, to the detriment of the health and residential amenity of future occupiers;
  - insufficient levels of daylight and sunlight to some residential units cannot be ruled out (information submitted is incomplete), to the detriment of the residential amenity of future occupiers;
  - the sites lie at quite a distance from the nearest town centre and public transport facilities, to the detriment of the ease of movement of people to and from the site, which may in turn lead to an increase in non-essential car journeys.
- 8.5.13 In conclusion, the proposed developments at Leamouth Peninsula South, in isolation and combination, result in dense developments in a location with low accessibility to public transport, shops and other services. The proposed developments also exhibit typical symptoms of overdevelopment. As such, it is considered that the proposals, in isolation and combination, would have significant adverse impacts on the amenities of future residents and fail to meet the objectives of sustainable development. It is therefore considered that the proposal is contrary to policies CP1, CP5, CP19, CP20, CP41 and HSG1 of the DPD and policy L39 of the LAAP and policies 3C.2, 4B.1, 4B.3 and 4B.9 of the London Plan 2004.

## 8.6 **Issue 5: Open Space**

- 8.6.1 Open space at Hercules Wharf, Union Wharf and Castle Wharf would be provided in form of:-
- housing amenity space including terraces, gardens and courtyards;
  - public open space in form of a plaza ('Orchard place') and riverside walkways with adjacent soft landscaping and
  - children's play space: one local equipped area for play (LEAP) as well as two local areas for play (LAP).
- 8.6.2 Policies CP25 and HSG7 of the LDF Core Strategy submission document require the provision of an adequate amount of amenity space of good quality in form of private and communal space, including play space. Policies HSG16 and OS9 of the UDP stress the importance of an adequate provision of amenity space and play space within new developments.

### ***Children's play space***

- 8.6.3 The LEAP provides 430sqm of play space and two LAPs of 100sqm each are proposed. A barge is indicated on the plans for play space but permission is not sought for this. Therefore, this will not be counted.
- 8.6.4 The applicant has not provided an affordable housing offer. It is therefore difficult to calculate the play area required in line with table DC2 of Policy HSG7 of the LDF Core Strategy submission document as the child yield figures which are applied to predict the number of children on the development are higher for affordable housing units than they are for market housing.
- 8.6.5 In the absence of a clearly formulated affordable housing offer, it is not possible to calculate the play space required for the development.
- 8.6.6 In isolation, the provision of play space proposed at Hercules Wharf (LEAP of 430 sqm) would adequately cater for the number of children expected to live at Hercules Wharf, using the 'worst case scenario' calculations (PA/05/01597).
- 8.6.7 In isolation, the proposed provision of play space at Union Wharf and Castle Wharf (2 LAPs of 100sqm each) would fail the policy requirements, using the 'worst case scenario' calculations (PA/05/01598).

### ***Private amenity space***

- 8.6.8 Private gardens would be created at podium level ('Level 1') at Hercules Wharf, Castle Wharf and Union Wharf.
- 8.6.9 At Union Wharf, it appears that up to 6 units could benefit from private gardens. The remaining units at Level 1 would not have any private amenity space. From level 2 upwards, most of the proposed units would have external 'clip on' balconies. Many of the balconies are not of the minimum size required for the size of unit they serve. Furthermore, the usability and thus the amenity value of these types of balconies at higher levels is low due their exposure to wind. The proposed 3 bedroom units, many of which are located on upper levels, would have only relatively small balconies.
- 8.6.10 The provision of private amenity space at Union Wharf is considered to be unsatisfactory by reason of the limited space provided for the family size units and the limited usability and amenity value of the balconies at upper levels.
- 8.6.11 As the proposals for Hercules Wharf and Castle Wharf are in outline format, it is not clear how many of the units would benefit from private garden space and whether balconies would be provided. This could however be addressed at the detail design stage and an adequate provision could be secured.

### ***Communal amenity space***

- 8.6.12 The plans do not show the provision of roof terraces for private and/or communal use.
- 8.6.13 At Castle Wharf and Union Wharf, the spaces between the buildings constitute the communal open space in form of courtyards. The spaces are publicly accessible but the layout of the buildings and the landscaping would act to deter the public from entering the courtyards. The courtyards have a formal layout and treatment with much hard landscaping. Soft landscaping is provided within raised beds and planters. A water feature is proposed within the courtyard of Union Wharf in reference to the former drydock (refer to heritage section).



- 8.6.14 The applicant has not set out the proposed area (sqm) of communal space and calculations to check compliance with table DC2 of Policy HSG7 cannot be carried out easily. However, in addition to the risk that a substandard amount is proposed, the spaces are formal in nature and would not provide for a variety of activities. It is therefore considered that the provision of communal amenity space is unsatisfactory (PA/05/01598).
- 8.6.15 The development proposal at Hercules Wharf on its own (PA/05/01597) could be considered to be inadequate with respect to the provision of communal amenity space. This is because of the quality and nature of the courtyard area and the space west of building F. The 'courtyard' is designed as a largely hard surfaced, main pedestrian route which has limited recreational value for residents. The area west of building F would be little more than a pedestrian route connecting the riverside walkway with the vehicular access road.
- 8.6.16 Policy HSG7.4 sets out that the provision of high quality, usable and publicly accessible open space could justify a provision of communal amenity space which falls below the requirements in terms of areas as set out in table DC2 of the same policy. This provision is assessed below.

### ***Public open space***

- 8.6.17 Policy 3D.10 of the London Plan requires that policies within local plans seek to redress open space deficiencies and ensure that future open space needs are considered. Policy 3D.11 requires the boroughs to produce open space strategies to protect, create and enhance all types of open space in their area. Policy 3A.5 refers to the need for open space in large developments.
- 8.6.18 The findings of the Council's Open Space Strategy, which refers to the National Playing Fields Association's (NPFA) guidelines, are reflected in the new LDF submission documents. Policy CP30 of the LDF Core Strategy submission documents sets out the aim to protect, increase and improve open space and the aim to maintain and improve upon an open space standard of 1.2ha per 1,000 population.
- 8.6.19 Leaside is deficient in open space and the provision of new public open spaces is sought. In particular in the south of Leaside, where the application sites are located, access to open space is poor and overall provision is low at 0.4ha per 1,000 population. Policies L5 and L43 of the Leaside LAAP submission document requires the provision of public open space.
- 8.6.20 Appendix 1 of the Leaside LAAP sets out the requirement of 1.2ha of open space on Leamouth Peninsula South, which has an overall site area of 5.62ha. The application sites only cover part of the peninsula. It could be argued that this requirement of 1.2ha must be reduced as the application sites do not cover the entire area of the peninsula which is earmarked for redevelopment. However, this numerical requirement of 1.2ha is based on the assumption that development would occur at a lower density (refer to capacity studies which informed the LAAP). Therefore, it is considered that the provision of public open spaces at Leamouth South should be closer to the requirement of 1.2ha per 1,000 population in order to ensure that the needs of the future residents are adequately catered for.
- 8.6.21 Unfortunately, the applicant failed to provide an overall figure and a detailed breakdown of the areas of the open spaces proposed.
- 8.6.22 In light of the substandard provision of private and communal amenity space, a decent amount of usable public open space of good recreational value must be provided. This need is not met by the provision of fragmented or linear spaces. The provision would

have to include an area large enough and of a quality that, for example, allows informal ball games.

- 8.6.23 The centrally located plaza 'Orchard Place' is a large, predominantly hard surfaced area. To the south, it is bounded by the buildings at Union Wharf, which accommodate commercial uses at ground floor level. The applicant seeks flexibility and proposes that those units could accommodate shops, restaurants, cafes, offices or leisure uses. The presence of commercial uses within these units would ensure some activity at this level and the space could become an urban 'plaza'. The space would have amenity value and cater for some needs of residents and visitors. However, it must be noted that it appears larger than it actually is. The applicant proposes to hardsurface the entire space in natural stone to make it appear as 'one', however, the northern half is used for two-way vehicular traffic. The northern part of the space is the direct continuation of the access road into the peninsula south and has therefore no amenity value.
- 8.6.24 The approx. 5m wide path along the western boundary of Union Wharf (from access road to river), whilst tree-lined on one side, is a shared surface for pedestrians and vehicles for around  $\frac{3}{4}$  of the way. Moreover, the wall of the westernmost building appears to have a solid wall at that level for a considerable length, only broken up by an entrance to the residential core of the building and the entrance to the parking provided within the podium. This path is not very attractive due to this and little amenity value can be attached to it consequently.
- 8.6.25 The applicant refers to the area in the centre of the proposed buildings at Hercules Wharf as 'Hercules Garden'. The green areas indicated are private gardens physically separated by walls from the wide path which diagonally cuts through the area. The path connects the riverside walkway with the central plaza, Orchard Place. The applicant's design statement clearly sets out that "*Hercules Garden provides one of the key pedestrian links in the development*" (para 5.4). Whilst the private gardens would add visual attractiveness to the path, it could not be considered to be a public open space of amenity value as sought by the Council. It constitutes a 'transitional space' just like the main through-route at Leamouth Peninsula North. Its main function is the provision a route through the development and a connection between places. It is therefore considered that Hercules Garden makes a very limited contribution to the provision of public open space that fulfils a recreational function for residents or visitors. Equally, as described above in paragraph 8.6.15, the area west of building F would be little more than a connection between places.
- 8.6.26 In conclusion, the proposals, in isolation and in combination, do not include public open space of a size and nature which would adequately cater for the diverse recreational needs of the future residents of the sites.

## 8.7 **Issue 6: Dwelling mix**

- 8.7.1 A balanced mix of different size residential units, including an adequate proportion of family-size units, is sought in new developments. A balanced mix will offer good housing choice which provides for a wide variety of people and households, which in turn will facilitate and support the creation and growth of sustainable communities in the Borough.
- 8.7.2 Policy 3A.4 of the London Plan and policy C3 of the draft LLV OAPF require that development proposals must provide a suitable range of residential accommodation with a mix of dwelling types. Policy HSG7 of the UDP requires the provision of a mix of units sizes including a substantial proportion of family size accommodation of between 3 and 6 bedroom units. Latest research and guidance has led the Council to set out its objective with respect to the provision of housing as outlined in paragraph 8.7.1 above, which is set out in policies CP1, CP19, CP21 and HSG2 of the LDF Core Strategy submission

document.

- 8.7.3 In particular policies CP19 and HSG2 emphasise the requirement for the provision of larger, family size units. Policy HSG2 sets out that a minimum of 25% of the intermediate and market housing proposed in new developments must be family accommodation, comprising 3, 4 and 5+ bedrooms, and 45% of the social rented.
- 8.7.4 477 residential units are proposed at Hercules Wharf (PA/05/01597) in form of:-
- 191 studios and 'small one bed' units
  - 143 one-bedroom units
  - 67 two-bedroom units
  - 76 three bedroom units
- 8.7.5 925 residential units are proposed at Castle Wharf and Union Wharf (PA/05/01598) in form of:-
- 370 studios and 'small one bed' units
  - 278 one-bedroom units
  - 129 two-bedroom units
  - 148 three-bedroom units
- 8.7.6 16% of the units at Hercules Wharf would be 3-bedroom units and 70% would be one-bedroom units or smaller. The same percentages apply to the provision at Union Warf and Castle Wharf.
- 8.7.7 Furthermore, no four and five bedroom units are proposed, which would be required as part of the market, intermediate and affordable housing provision on the sites.
- 8.7.8 Clearly, in isolation and combination, the proposed developments make a gross overprovision of small units and an under-provision of family size units, contrary to the objective to facilitate the creation and growth of balanced and sustainable communities as set out in local and regional policy.

### ***Wheelchair accessible housing and 'Lifetime Homes'***

- 8.7.9 The applicant's access statement of intent sets out the commitment to achieve high 'lifetime homes' standard and to provide 10% wheelchair accessible housing. Nowhere else are details provided which demonstrate that 10% of the proposed residential units would be fully wheelchair accessible. If the applications were recommended for approval, the applicant's commitment to this provision would have to be secured through a condition or s106 agreement. The provision of wheelchair accessible housing is required by policy HSG9 of the LDF Core Strategy submission document, HSG8 of the UDP and policy 3A.4 of the London Plan.

## **8.8 Issue 7: Affordable Housing**

- 8.8.1 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. The applicant's documents indicate that the provision of affordable housing 'would be negotiated with the local authority'.
- 8.8.2 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 in effect 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.

- 8.8.3 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.
- 8.8.4 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 proposals 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.
- 8.8.5 It should also be noted that off-site affordable housing provision is unlikely to receive favourable degree by reason it the development's scale, the objectives to create a mixed and balanced community and limited scope for an appropriate alternative site.
- 8.8.6 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 proposals, in isolation and combination, are 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.
- 8.8.7 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, it is considered that the proposed developments, in isolation and in combination, are contrary to policy 3.A.4 of the London Plan and policies CP1, CP22, HSG3 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, balanced and sustainable communities.

## 8.9 **Issue 8: Standard of accommodation**

- 8.9.1 Policy 4B.9 of the London Plan states that large scale buildings should be of the highest quality design and pay particular attention to privacy, amenity and overshadowing in residential environments. Policies ST23, DEV2 and HSG13 of the UDP require a high quality standard of new housing, the protection of residential amenity and adequate internal space. The Council's Supplementary Planning Guidance (SPG) 'Residential Space' sets out the minimum space requirements for the different types and sizes of residential units.
- 8.9.2 The requirement that new developments provide high quality homes and residential environments is reflected in a number of policies in the LDF Core Strategy submission document:-
- Policy CP1 requires designs which achieve the highest level of amenity and improves liveability in the Borough;
  - Policy CP4 requires developments to protect amenity, including privacy and

- access to daylight and sunlight;
  - Policies CP20 and HSG1 seek to guide the density of proposed developments by taking the creation of high quality, well designed homes and amenity spaces into consideration (amongst other things);
  - Policies CP25 and HSG7 require the provision of an adequate amount of high quality, usable amenity space, including private and communal amenity space for all residents;
  - Policy DEV1 requires development to protect the amenity of existing and future residents and refers in particular to: overlooking of habitable rooms and privacy; overlooking of private amenity spaces; noise, vibration, artificial light, odour, fume or dust pollution; sunlight, daylight and sense of enclosure; visual amenity; microclimate;
  - Policy DEV2 requires the provision of adequately sized rooms.
- 8.9.3 Buildings A and B at Union Wharf are sited parallel to the boundary to the safeguarded Wharf, at a distance of 5 metres. The buildings are predominantly residential with some commercial floor space proposed on the ground floor of Building B. Approximately half of the units proposed within the 27 storey high Building A and of the 10 storey high Building B directly face the safeguarded wharf. Building F of Hercules Wharf is a residential block of 7 storeys in height and lies opposite the safeguarded wharf, across the access road. The wharf is safeguarded. It is currently not used but any future operations at the wharf, which would be unrestricted, could lead to considerable disturbance to residence by way of dust, fumes and odours (from machinery/ vehicles, noise and vibration. The information submitted is incomplete and does not show that no nuisance would result. Future occupiers may therefore be subjected to undue disturbance and pollution.
- 8.9.4 The details submitted for Castle Wharf are in outline format. The provision of private amenity space would therefore be a matter to be agreed at a later stage, if permission was granted.
- 8.9.5 Full details are provided for Union Wharf. Private amenity space there is proposed in form of terraces/ patios and external, 'clip-on' balconies. Many of the 'clip on' balconies are not of the minimum size required for the size of unit they serve. Furthermore, the balconies to the units on the upper floors of the tall building are likely to be exposed to wind and thus, their amenity value is low. Some units on the lower levels do not benefit from private amenity space at all. This is particularly unacceptable with respect to the family size units. In conclusion, the proposed private amenity space is inadequate and an adequate level of residential amenity in this respect is not guaranteed (PA/05/01598). This is not mitigated against through the provision of communal amenity space (refer to paragraphs 8.6.8-8.6.14 above).
- 8.9.6 The proposal at Hercules Wharf is in outline format. The provision of private amenity space in form of balconies and ground floor and roof terraces could be agreed at a later stage and therefore, there is no objection on these grounds to PA/05/01597.
- 8.9.7 Issues of internal space provision at Hercules Wharf could also be agreed at a later date (PA/05/01597).
- 8.9.8 The floor plans submitted for Union Wharf are not annotated with flat and room sizes and no area schedule was submitted. However, spot-checks confirm that a number of units fail to meet the Council's minimum space standards as set out in the SPG 'Residential Space', to the detriment of the residential amenity of future occupiers. PA/05/01598 is therefore not acceptable on these grounds.
- 8.9.9 The detailed floor plans submitted for Union Wharf show that the 'small' type of one-bedroom units are designed with the bedroom located away from the façade, without a window. These bedrooms would receive no sunlight or natural ventilation and only very

little if any natural daylight. The design does not ensure an adequate level of amenity in this respect for future occupants.

- 8.9.10 Furthermore, the proximity of the buildings to each other in conjunction with their height and bulk would also reduce sunlight and daylight to some units at all three wharves. The severity of the impact cannot be established at Hercules Wharf and Castle Wharf due to their outline nature and the incomplete assessment submitted.
- 8.9.11 At Union Wharf, the arrangement of the buildings is likely to result in limited daylight and sunlight to the inward facing units on the lower floors of Buildings B, C and D. The submitted information is incomplete and does not prove that an adequate level of sunlight and daylight to those units is guaranteed.
- 8.9.12 Furthermore, the proposed glass 'shields' on Building A at Union Wharf, which are in front of balconies and windows, are a cause for concern. They would reduce the light to the units considerably. The submitted information does not prove that an adequate level of sunlight and daylight to those units is guaranteed.
- 8.9.12 Overlooking could be a problem at all three wharves due to arrangements of buildings. As only outline details are provided for Hercules Wharf and Castle Wharf, the location of windows and balconies is unknown. However, great lengths of wall face each other at short distances and it is likely that windows and/or balconies would be provided which directly face each other. An innovative design may overcome this issue.
- 8.9.13 At Union Wharf, due to the limited distance between buildings B, C and D at the northern end of the site, overlooking of habitable rooms and private amenity spaces would be enabled. This would have a materially adverse impact on the residential amenity of future occupiers in terms of privacy, and is thus unacceptable.
- 8.9.14 In conclusion, the designs of the developments do not ensure the creation of high quality residential environments, contrary to the policies outlined in paragraphs 8.9.1 and 8.9.2 above.

## 8.10 **Issue 9: Inclusive environments**

- 8.10.1 Policies 4B.1, 4B.4, 4B.5 of the London Plan seek to ensure that developments are accessible, usable and permeable for all users and that developments can be used easily by as many people as possible without undue effort, separation or special treatment. Policy 3C.20 refers to the importance that connections from new developments to public transport facilities and the surrounding area (and its services) are accessible to all. Best practice guidance has been issued by the GLA (SPG Accessible London: achieving an inclusive environment, 2004).
- 8.10.2 Policies ST3 and DEV1 of the UDP require that development contributes to a safe, welcoming and attractive environment which is accessible to all groups of people. A growing awareness of the importance to create environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. This is reflected in policies CP1, CP4, CP40, CP46 and DEV3 of the LDF Core Strategy submission document, which all seek to ensure that inclusive environments are created which can be safely, comfortably and easily accessed and used by as many people as possible without undue effort, separation or special treatment.
- 8.10.3 In the absence of the two bridges and no firm plans to introduce bus services to the peninsula, the nearest public transport facilities (DLR East India, bus route 277) lie a 10-15 minute walk away. The shops at Canning Town are further (refer to 'Development and

Transport' section above). The route incorporates level changes and slopes, for example at the slip road in and out of the peninsula. The walk may take longer for mobility impaired people. Indeed, for some people, the trip to East India interchange or Canning Town, due to the distance and the nature of the routes, may be very difficult and may take a lot of effort. The trip may even be impossible to complete for some. The development proposals, in isolation and combination, do not provide for an acceptable connection to public transport services which make those easily accessible by all people.

- 8.10.4 At three points at Castle Wharf, only stepped access is provided from the road to the courtyards and thus any building entrances off the courtyards. Wheelchair users would have to go around the outside of the buildings at Castle Wharf or alternatively through Hercules Garden and then along the river, to reach the courtyards. Steps-only access may also take undue effort for people who find it difficult to climb stairs.
- 8.10.5 The applicant's access statement shows steps-only access to be provided at one point at Hercules Wharf. Reference is made to 'lifts to be provided by others' but evidently, this cannot be relied upon. The application drawings do not correspond in this respect and show a large ramp.
- 8.10.6 At Union Wharf, the raised courtyard is connected to the riverside walkway through steps only. A wheelchair user finding him/herself at either of the two levels would have to go back to the road, around the building and back down towards the riverside to reach the other level, which would clearly take a lot of undue effort. This arrangement is considered to be entirely unacceptable.
- 8.10.7 The access statement sets out that all slopes would have 'gentle' gradients. However, even a gentle gradient, over a considerable length, would take undue effort and create problems for some people. The access statement does not indicate the length and gradient of each slope within the development.
- 8.10.8 It is considered that the proposed developments, in isolation and combination, do not connect well with their immediate surroundings and do not allow safe and easy access through the development.
- 8.10.9 The northern part of the proposed plaza 'Orchard Place' and around  $\frac{3}{4}$  of the length of the access route along the western boundary of Union Wharf are shared surfaces. Shared areas have safety implications. The visually impaired may not see vehicles but hear them, but bicycles may be harder to detect. Furthermore, in the absence of a clear separation through a kerb and/or tactile paving, it could be difficult for the visually impaired to gain orientation and decide where it will be safe to stand and let vehicles pass. The hearing impaired may not be aware of vehicles approaching from behind, whilst the drivers may expect them to hear and step aside. This problem is particularly acute at the northern part of the plaza, as the shared area there is the continuation of the access road into the peninsula, which needs to be used by traffic in connection with the activities at Trinity Buoy Wharf and the commercial uses proposed as part of the development proposals (servicing), and the residents at Castle Wharf to gain access to their parking area.
- 8.10.10 In particular in view of the fact that the separations and the problems for some users as outlined above would be created by the development itself, through the creation of podium levels to accommodate parking and the incorporation of shared surfaces, the development is considered to be unacceptable as it does not accord with the policies outlined above and best practice guidance, which seek to ensure the creation of inclusive environments.

8.11 **Issue 10: Listed Building works**

- 8.11.1 Policy DEV37 of the UDP states that proposals to alter listed buildings will be expected to preserve the special architectural or historic interest of the building. Where appropriate, alterations should endeavour to:
- retain the original plan form;
  - retain and repair original external and internal architectural features and where possible replace any missing items;
  - be carried out using traditional materials and with appropriate specialist advice under careful supervision;
  - allow for the recording of architectural and archaeological details.
- 8.11.2 Policy CON1 of the LDF Core Strategy submission document sets out that permission for the alteration of a listed building will be granted only where it will not have an adverse impact on the character, fabric or identity of the building. It furthermore sets out that demolition will be resisted but where exceptional circumstances require demolition to be considered, applications will be assessed on a number of points, including the importance of the building and its condition. Policy DEV36 of the UDP sets out similar parameters for the assessment of proposals for demolition of listed buildings.
- 8.11.3 London Plan policies 4B.10, .11 and .12 also seek to protect London's listed buildings and heritage.
- 8.11.4 The dry dock at Union Wharf is Grade II listed. It is filled in with rubble and capped with concrete. Application PA/05/01600 seeks consent for the removal of the remains of the dry dock structure bar the iron caisson. The removal of the remains is necessary to build the proposed podium (proposed under planning application PA/05/1589), within which parking would be accommodated.
- 8.11.5 The remains of the original brick boundary walls around the dry dock (at the northern end and eastern side) are considered to be curtilage structures as they have formed part of the land since before 1948. They are 'curtilage listed' and whilst they are not included in the list description, they enjoy protection just like listed buildings. They would have to be demolished as part of the development of Union Wharf. The applicants did not specify these demolition works in their Listed Building application.
- 8.11.6 The applicant's Conservation Assessment report sets out the historic importance of the listed dry dock:-  
*"[...] there were around 51 dry docks in the east of London by the later 19<sup>th</sup> Century [...]. Despite this large number, only four dry docks have been recognised on the Statutory List. The recognition of Orchard Dry Dock as one of these four clearly demonstrates its status as one of the most important survivals of the ship repair industry [...]. It is therefore a significant part of London maritime heritage."* (p.20)
- 8.11.7 On page 21, it is stated that the dry dock is one of only two (of the four) listed docks with a surviving original caisson.
- 8.11.8 The Conservation Assessment includes a plan showing the 'probable' extent of the dry dock (fig. 32, p.26) but no works have been carried out to confirm this. Irrespective of this, the 'probable' extent is almost the same as the original extent, only reduced slightly at its north-eastern end. Whilst the dry dock is filled in, its sheer size can still be understood today as the area is a large open space. Only at the northern end of the site, a small area over the original dry dock is occupied by part of a building.
- 8.11.9 The applicants in their Conservation Assessment imply that the dry dock is of no value as it is not visible, even though later in the report its importance is outlined (refer back to paragraphs 8.11.5 and .6 above):  
*"The dry dock only survives today as a buried archaeological feature. [...]. The only*



*significant part of the Victorian dry dock which still survives in anything like its original form is the iron caisson.” (p.17)*

- 8.11.10 The applicant's report concludes that the proposed works to the listed dock and the redevelopment proposal are acceptable.
- 8.11.11 However, it is considered that, whilst covered, the dry dock still holds significance and its extent is still clear today through the presence of a large open space. Any works to the dry dock and any redevelopment of the site must respect the plan form of the listed structure and the maritime character of this site.
- 8.11.12 The removal of the remains of the listed dock structure is not acceptable. The importance of the dry dock is clear, it being only one of four listed dry docks out of the many that had existed. There are no exceptional circumstances which would justify its removal. The necessity for its removal is only brought about by the proposal to build a car park in conjunction with residential development on the site. This parking area could be accommodated elsewhere on the applicants' sites through underground parking or indeed, it could be done without.
- 8.11.13 In conclusion, the proposal would result in the unjustified loss of a listed dry dock bar its iron caisson, and is therefore entirely unacceptable. The repair of the caisson and the proposed ornamental water feature, which only extends over a fraction of the original length and width of the dry dock and is oriented at a different angle, do not make up for the loss of the listed dry dock. As such, the proposal is contrary to policies DEV36 and DEV37 of the UDP, policy CON1 of the LDF Core Strategy submission document and London Plan policies 4B.10, .11 and .12, which seek to ensure the protection and enhancement of listed buildings and historic assets.

## 8.12 **Issue 11: Urban design and the historic environment**

- 8.12.1 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 detail 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.
- 8.12.2 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. Policy 4C.20 seeks to ensure that developments are integrated successfully with the water space in terms of use, appearance and visual impact. The approach set out in the London Plan is reflected in the LDF submission documents.
- 8.12.3 Policies DEV1, DEV3, DEV6, DEV47 of the UDP and policies CP1, CP4, CP49, DEV2,

DEV3 and DEV27 of the LDF Core Strategy submission document relate to new development proposals and set out the Council's objectives with respect to the design of new developments. The policies require that development proposals create new buildings and spaces of high quality design that are accessible, attractive and well integrated with their surrounding natural and built environment.

- 8.12.4 There are three listed structures at Leamouth peninsula south:
- the Grade II listed dry dock at Union Wharf,
  - the Grade II listed chain locker and lighthouse at Trinity Buoy Wharf and
  - the Grade II listed quay wall (partly within Trinity Buoy Wharf site, partly Union Wharf site).
- The lighthouse is the only lighthouse in London and the dry dock is one of the 4 listed dry docks.
- 8.12.5 In light of the presence of these historic assets, regard has to be had to policies 4B.1 and 4B.10, 4B.11 and 4B.12 of the London Plan, policy DEV39 of the adopted UDP and policies CP49 and CON1 of the LDF Core Strategy submission document which seek to ensure that new developments respect the settings of listed buildings and do not adversely impact on them.
- 8.12.6 Leamouth Peninsula South is mainly occupied by typical industrial buildings of large footprints but modest heights, with corrugated iron roofs or cladding. At the north-western end of the peninsula, there is a three-storey brick building which accommodates combined live and work units.
- 8.12.7 The peninsula's focal point is however Trinity Buoy Wharf, which is located at the eastern end of the peninsula and which is entirely different in character. It comprises of a number of brick buildings and new container buildings, which in part feature elements of striking colour. Trinity Buoy Wharf provides spaces for cultural and creative industrial activities. One of the buildings together with its attached lighthouse is Grade II listed. The buildings are all of modest height, the new buildings taking cue from the listed building.
- 8.12.7 In assessing the proposed developments at Hercules Wharf and Castle Wharf and Union Wharf, the following three issues must be considered under this section:-
- the impact of the proposed developments on the setting of the listed dock structure, the listed building at Trinity Buoy Wharf and the associated historic character of the area, in isolation and combination;
  - the legibility and permeability of the developments, in isolation and combination;
  - the appearance of the proposed buildings.

***The setting of the listed buildings and the historic character of the area***

- 8.12.8 At Union Wharf, the development proposal does not respect the listed dock structure and its setting. The proposed new buildings would cover some of the area of the original dry dock, in particular at the northern end where the dry dock extends almost to the site boundary. A water feature is proposed to remind of the maritime past. However, it only extends over a fraction of the area of the original dry dock and is oriented at a different angle. Furthermore, the proposed buildings A and B (27 and 10 storeys in height) are out of scale and not in line with the historic character of the site.
- 8.12.9 The listed lighthouse, the only lighthouse in London, would now be seen against a backdrop of large buildings from the south, south-east and east. The proposed buildings would detract from the appearance of the lighthouse by reason of their height and massing, to the detriment of the visibility of the lighthouse.
- 8.12.10 In conclusion, the proposed development at Union Wharf and Castle Wharf (PA/05/1598)

fails to respect the listed buildings on the peninsula. It would detract from the appearance and setting of the listed lighthouse. It would destroy the setting of the dry dock and the dock itself, resulting in the loss of the maritime character of this site.

### ***Layout - Legibility and permeability***

- 8.12.11 The access road Orchard Place would remain the main route through the southern peninsula. A new public open space is proposed in the centre of the southern peninsula. It is intended to be the 'heart' of the development, with non-residential uses fronting onto it. Part of the access road would be incorporated as a shared surface between vehicles and pedestrians. The open space forms part of the hybrid application for Union Wharf and Castle Wharf and is in outline format.
- 8.12.12 (PA/05/01598) The buildings at Union Wharf and Castle Wharf are laid out to create courtyards. These courtyards are raised and parking is accommodated underneath within the podium. Public access would be possible, via stairs and ramps located between tightly-set buildings. However, this separation would act as a deterrent for visitors to enter the courtyards. At one of those access points at Union Wharf, where the two buildings are set at a distance of 10 metres from each other, a canopy at first floor level connects the two buildings. This canopy would act as a deterrent for visitors to enter the courtyard. In effect, semi-private courtyards would be created, where access for non-residents is not impossible, but where it is not likely to be used.
- 8.12.13 In particular at Union Wharf, the proposed layout is not acceptable as no clearly legible and attractive connection to the River Thames is created from the main access road. As described in paragraph 8.12.12 above, visitors are deterred from entering the courtyard from the proposed new public open space to reach the river. Furthermore, the two paths along the eastern and western boundaries of Union Wharf are unattractive, uninviting and hostile connections between the access road and the riverside. Access to the riverside must be promoted in line with policy but the proposed scheme fails to invite people to the riverside through the separation in levels and layout of buildings.
- 8.12.14 (PA/05/01597) The buildings at Hercules Wharf are laid out to form a relatively open courtyard. The route through it is clearly a public route. It is a wide, landscaped path connecting the proposed new public open space with the riverside walkway along the River Lea and the point where the approved bridge would land. Whilst it is laudable that provision for the landing of the approved bridge is made, this main circulation route is pointless without this bridge and opportunities to create more usable recreational amenity space are missed.
- 8.12.15 A new link through to Trinity Buoy Wharf is proposed at the eastern end of the proposed public open space. However, it appears that this approach has not been fully worked through and that Trinity Buoy Wharf have not been party to this approach. It is unclear how this arrangement would work. The main entrance to Trinity Buoy Wharf is at the very eastern end of the access road and there is no evidence of any intention to change this arrangement.
- 8.12.16 This arrangement, if implemented, is likely result in a dispersal of pedestrian activity. This in turn would have a negative impact on the level of activity along the remainder of the access road (eastwards from the public open space). There is a risk that the eastern part of the access road becomes a 'dead space', used by few.
- 8.12.17 If no workable new entrance is created, Trinity Buoy Wharf would be 'cut off' from the rest of the peninsula, which is unacceptable.
- 8.12.18 It is considered that the proposals fail to create a clear and strong main circulation route with appropriate destination points. The opportunity is missed to create an active street

frontage all along the access road, leading visitors via the new public open space to the main entrance to Trinity Buoy Wharf and the link to the riverside walkway along the River Lea.

### ***Appearance of the proposed developments***

- 8.12.19 If there was not a listed lighthouse at Trinity Buoy Wharf, there would not be an objection to the introduction of three tall buildings and a number of medium rise buildings on the application sites as proposed in townscape terms. The tall buildings are of an acceptable footprint to height ratio and would appear as separate elements in the skyline.
- 8.12.20 The tall building at Union Wharf, building A, is 27 storeys high. Its design incorporates vertical 'snaking' glass screens running up the balconies. The building is of simple design, the 'clip-on' balconies and glass screens disguising a slightly irregularly shaped but otherwise monolith tower block.
- 8.12.21 The ground level treatment of the buildings at Union Wharf is considered to be inappropriate. There are many solid brick walls, which result in an unfriendly public realm if not a hostile environment. This is particularly the case along the site boundaries, but also on the elevations facing the proposed new open space. Clearly, an opportunity has been missed to create active and interesting frontages at ground which enable good natural surveillance.
- 8.12.22 Castle Wharf and Hercules Wharf are in outline format and no comments can be made on the detail design.

### **8.13 Issue 12: Environmental Impact Assessment**

- 8.13.1 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.
- 8.13.2 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.
- 8.13.3 The Council commissioned an external consultant to review the ES, which was submitted in support of both applications PA/05/01597 and PA/05/01598. The review was undertaken against the requirements of the above Regulations and a detailed report describes the findings of the review. The ES has been found to be deficient.
- 8.13.4 A number of shortcomings have been identified which would justify a request for further information. These shortcomings relate to:
- the visual and landscape/townscape assessment
  - the archaeological assessment
  - the soil and ground condition assessment.
- 8.13.5 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.

- 8.13.6 The deficiency of the ES results in insufficient details and information about the proposals and their 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 developments will not have an adverse effect on the local and wider environment.
- 8.13.7 If the applications had been considered valid, requests 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.
- 8.14 **Issue 13: Energy**
- 8.14.1 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.
- 8.14.2 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.
- 8.14.3 4A.9 requires that new developments generate a proportion of the site's electricity or heat needs from renewables, where feasible.
- 8.14.4 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.
- 8.14.5 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.
- 8.14.6 The energy statement, which was submitted in support of both applications plus the application on the north site (PA/05/01409), 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.
- 8.14.7 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.

- 8.14.8 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 photo-voltaics 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.
- 8.14.9 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.

#### 8.15 **Issue 14: Flood risk**

- 8.15.1 The application sites are identified as being located 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'.
- 8.15.2 A flood risk assessment was submitted in support of these applications 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.
- 8.15.3 Furthermore, the proposed buffer zones are 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.
- 8.15.4 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 adequate buffer zones which allow maintenance, repair and renewal works to be carried out in a safe, cost effective and environmentally sensitive way, the proposals are contrary to the policies outlined above (paragraph 8.102).

#### 8.16 **Issue 15: Biodiversity**

- 8.16.1 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.

- 8.16.2 The application site is surrounded by various types of nature conservation sites, which benefit from different statutory importance. In particular, the tidal section of the River Lea is a Site of Metropolitan Importance for Nature Conservation.
- 8.16.3 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.
- 8.16.4 It is considered that disturbance and other impacts are understated as potentially adverse impacts in the ES, 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. Also, no consideration is given to impact upon fish and the extent of the impacts caused by piling and other in-channel work.
- 8.16.5 With respect to the mitigation and enhancement 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.
- 8.16.6 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.
- 8.16.7 Furthermore, it is considered that the developments are too close to the River Lea and River Thames, by reason of overhanging buildings and too many hard surfaces into the buffer zone area of the watercourses. Natural landscaping is only proposed along the River Lea. It is considered that the proximity of the developments to the watercourses and the lack of natural landscape along the River Thames will unduly impact on the quality and enjoyment of the waterside environments.
- 8.16.8 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.
- 8.17 **Conclusions**
- 8.17.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.