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| Committee: Strategic Development | Date: 13 th February 2007 | Classification: Unrestricted | Agenda Item No: 6.1 |
| Report of: Corporate Director of Development and Renewal | | Title: Report on Planning Application | |
| Case Officer: Ila Robertson | | Ref No: PA/06/02121 | |
| | | Ward(s): Millwall (February 2002 onwards) | |

1. APPLICATION DETAILS

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|---------------------------|---|
| Location: | Delta Junction DLR, Land At Under DLR South Of Aspen Way West India Quay DLR Canary Wharf DLR, Aspen Way, London |
| Existing Use: | Light Railway, car park and vacant site |
| Proposal: | DLR development works, comprising of: <ul style="list-style-type: none"> 1. Rebuilding viaduct on existing columns. 2. Building new viaduct under the Delta Junction 3. Building new viaduct "tie-in" to the railway between West India Quay and Canary Wharf stations. 4. Demolition of existing viaduct and columns. 5. Diversion of utilities required for the construction of new columns. |
| Drawing Nos: | Plan 001, Plan 002 47011/WID/C960/S/PA2, 47011/WID/C960/S/PA3, 47011/WID/C960/S/PA4, 47011/WID/C960/S/PA5 |
| Applicant: | Docklands Light Railway |
| Owner: | British Waterways Board, X Leisure Limited Partnership, Road Management Services (A13) PLC, Norquill Limited, Canary Wharf Partnerships Ltd, Transport for London (Street Management), West India Quay Management Company Ltd, |
| Historic Building: | N/A |
| Conservation Area: | N/A |

2. BACKGROUND

- 2.1 A Transport & Works Act order (TWA) gives power for the Secretary of State for Transport to authorise by order certain types of infrastructure project that had previously been authorised by Act of Parliament. The types of project covered by the TWA include railways, tramways, inland waterways and works which interfere with rights of navigation. The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000 ("the Applications Rules") made under sections 6, 6A, 7 and 10 of the TWA set out the procedural requirements for those who wish to apply for or object to proposed orders.
- 2.2 Council officers have been negotiating a draft legal agreement with the DLR to ensure that any environmental and traffic impacts from the works resulting from the proposed DLR Transport & Works Act (TWA) (Capacity Enhancement and 2012 Games Preparation) Order are mitigated as far as possible for local residents. A decision was made by Full Council on 13 December 2006 to delegate the completion of the legal agreement to the Corporate Director of Development & Renewal.
- 2.3 However, this related planning application (PA/06/02121) has been received by the

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 | | Ila Robertson 020 7364 5354 |

Council which also forms part of the above TWA Order. Therefore, the Corporate Director of Development & Renewal considers it would not be appropriate to conclude negotiations on the legal agreement with the DLR until the Council's position on this planning application is clarified and any outstanding issues resolved by the DLR to the satisfaction of this planning authority.

- 2.4 The TWA inquiry is set for the 20th February 2007 and the Council needs to determine its position in relation to this inquiry. This undetermined application creates a problem in that by adopting a particular position at the inquiry the Council could be seen to be fettering its position as the Local Planning Authority.
- 2.5 The planning application is subject to an EIA and the procedures associated with that means that the Council are not yet in a position to determine the application. Moreover, there is enough clarity around the substantive issues to enable this report to be presented to Members to enable them to delegate the determination of the application by the Corporate Director of Development and Renewal.
- 2.6 This decision would enable officers to prepare for the inquiry.

3. RECOMMENDATION

- 3.1 That the **Corporate Director of Development and Renewal** be given **delegated powers** to determine this application.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Application is made for full planning permission for DLR development works at Delta Junction. The development would consist of:
 1. Rebuilding viaduct on existing columns.
 2. Building new viaduct under the Delta Junction
 3. Building new viaduct "tie-in" to the railway between West India Quay and Canary Wharf stations.
 4. Demolition of existing viaduct and columns.
 5. Diversion of utilities required for the construction of new columns.
- 4.2 Currently, the Delta Junction is an at grade junction, thereby the tracks used by the Lewisham to Bank services must cross a track used by the Stratford bound services. The existing crossover arrangement means that the capacity of the junction limits the service provision to these destinations.
- 4.3 The new proposed viaduct structure would be constructed on the northern side of the existing viaduct adjacent to West India Dock Road it would then extend over the existing Beckton tracks before passing beneath the structure to the north of the West India Quay Station. It would then run on the eastern side of the existing tracks before rising to rejoin the existing tracks just before Canary Wharf Station.
- 4.4 The proposal would be constructed at the same time as the 'DLR Three Car Capacity Enhancement Scheme' which will extend all platforms to three car length from Bank to Lewisham. The three car scheme was approved under a Transport Works Act (TWA) Order by the Secretary of State in November 2005.
- 4.5 The main construction works site for the proposal would be the Shed 35 site. The applicant has advised that the construction works for the Delta Junction would need to take place over

a period of 70 weeks. With a proposed start from mid 2007 to summer 2008 to coincide with the works required for the Three Car Enhancement scheme.

- 4.6 The proposed hours of construction would generally be 0800am to 1800pm Monday to Friday and 0800am to 1300pm Saturdays. However, the applicant has advised that some works would need to be undertaken at night time given the operational restraints of the railway. The applicant has advised that these works would be restricted to five nights.
- 4.7 An Environment Statement (here after referred to as the ES) dated 21st November 2006 and prepared by ERM has been submitted by DLR.

Site and surroundings

- 4.8 The application site is approximately 1.80 ha including both the area of works and the adjacent construction site at Shed 35 and parts of the viaduct above West India Dock North. The surrounding area comprises a mix of commercial, residential, community and dock uses.
- 4.9 The application site is bounded by Aspen Way, Limehouse Link and West India Dock Road to the north, Hertsmere Road and West India and Millwall Docks to the west, a vacant site known as Shed 35 to the east and Fisherman's Walk, West India Quay and Canary Wharf DLR Stations and The North Colonnade to the south. Aspen Way, Limehouse Link and West India Dock Road are identified as strategic routes into central London from the east.
- 4.10 To the north, on the opposite side of Aspen Way, Limehouse Link and West India Dock Road are three to four storeys of low rise residential blocks. Further northeast of the residential uses are community uses comprising playing courts, a leisure centre and the Tower Hamlets College.
- 4.11 West of the site adjacent to the West India Quay DLR station are a number of buildings comprising of both commercial and residential uses. The two properties in direct proximity to the junction are the Horizon Building which comprises residential units and the Marriott Hotel and North Quay which comprises both hotel and residential apartment accommodation. A row of Grade II listed warehouse buildings known as the Port East Apartments are located to the west of the Marriott Hotel and the North Quay Apartments. Directly south of the site is the West India Dock and then the commercial office blocks of Canary Wharf.
- 4.12 To the east of the proposed site is a large vacant site known as Shed 35 which is proposed to be a temporary construction site. Further west, to this site is the Billingsgate markets.

Planning History

- 4.13 The following planning history is relevant to the application:

The proposal forms part of a wider three car extension strategy currently being determined by the Secretary of State within a TWA Order. The inquiry for this Order is set down for the end of February 2007, with a decision by the Secretary of State anticipated by September 2007.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Decision" agenda items. The following policies are relevant to the application:

Unitary Development Plan 1998

| | | |
|------------|-----|-----------------------|
| Proposals: | FPA | Flood Protection Area |
| | CAZ | Central Area Zones |

| | | |
|----------------------------------|-------|---|
| Strategic Policies: Policies: | SNCI | Sites of Nature Conservation Importance |
| | WPA | Water Protection Area |
| | EWC | East West Crossrail |
| | ST27 | Public Transport |
| | DEV1 | Design Requirements |
| | DEV2 | Environmental Requirements |
| | DEV12 | Landscaping |
| | DEV47 | Riverside, Canalside, Docks and other Water Areas |
| | DEV50 | Environmental Impact of Major Development |
| | DEV51 | Contaminated land |
| | DEV57 | Development Affecting Nature Conservation Areas |
| | DEV58 | Enhancement of Nature Conservation Sites |
| | T1 | Improvements and Extensions to Railway Services |
| | U2 | Development in Areas at Risk from Flooding |

Emerging Local Development Framework

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|------------|---|--|--|
| Proposals: | CP37 | Flood Risk Area | |
| | CP33 | Site of Importance for Nature Conservation | |
| | CP15 | Major Centre | |
| | CP43 | Draft Cross rail Boundary | |
| | CP45 | Strategic Road | |
| | CP36 | Blue Ribbon Network | |
| | AAPs | Development Site – ID1 | |
| | Core Strategies: | CP1 | Creating Sustainable Communities |
| | | CP3 | Sustainable Development |
| | | CP5 | Supporting Infrastructure |
| | | CP6 | A Sustainable Legacy from the 2012 Olympics |
| | | CP31 | Biodiversity |
| | | CP33 | Sites of Importance for Nature Conservation |
| | | CP36 | The Water Environment and Waterside Walkways |
| | | CP37 | Flood Alleviation |
| CP40 | | A Sustainable Transport Network | |
| CP43 | | Better Public Transport | |
| CP45 | | The Road Hierarchy | |
| CP49 | | Historic Environment | |
| Policies: | | DEV1 | Amenity |
| | | DEV2 | Character and design |
| | | DEV3 | Accessibility and Inclusive design |
| | DEV10 | Disturbance from Noise pollution | |
| | DEV12 | Construction management | |
| | DEV13 | Landscaping | |
| | DEV21 | Flood Management | |
| | DEV22 | Contaminated Land | |
| | OSN3 | Blue Ribbon Network | |
| | CON1 | Listed Buildings | |
| | CON4 | Archaeology | |
| | AAP Policies: | IOD1 | Isle of Dogs Spatial strategy |
| | | IOD2 | Transport and Movement |
| | | IOD6 | Water Space |
| | | IOD7 | Flooding |
| IOD8 | | Infrastructure Capacity | |
| IOD17 | Site Allocations in the Northern Sub Area | | |

Spatial Development Strategy for Greater London (London Plan)

- Policy 3C.5 London's International, National and Regional Transport Links
- Policy 3C.9 Increasing Capacity and Quality of Public Transport
- Policy 3C.10 Phasing of Transport Infrastructure
- Policy 3C.12 Improved Underground and DLR Services
- Policy 3D.12 Biodiversity and Nature Conservation
- Policy 4C.1 The Strategic Importance of the Blue Ribbon Network
- Policy 4C.3 The Natural Value of Blue Ribbon Network
- Policy 4C.22 Structures over and into the Blue Ribbon Network

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

- A better place for living well
- A better place for excellent public services

6. CONSULTATION RESPONSE

- 6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

LBTH Environmental Health

- 6.2 No objection, subject to conditions included to ensure that night works are limited, measures are undertaken to prevent lighting and noise effects.

(OFFICER COMMENT: It is recommended that a condition is included on the scheme to ensure that a Code of Construction Practice is approved by Council for the site prior to works commencing to ensure that construction effects are adequately mitigated).

LBTH Transportation and Highways

- 6.3 No objection, subject to conditions being included to ensure that a traffic management plan is submitted and that the height of the viaduct is no less than 5.415m over Hertsmere Road.

LBTH Strategic Transport Development

- 6.4 No objection, considers that the scheme would provide wider benefits to the Borough in terms of increased passenger capacity and services. They recommend that this planning application should be supported as a key element to assist in improving overall DLR services across the entire network in East London.

Greater London Authority (Statutory Consultee (includes LDA and TFL))

- 6.5 No comments received.

British Waterways (Statutory Consultee)

- 6.6 No objection, however recommends a number of informatives to ensure the dock wall and other British water way assets are protected during construction.

Environment Agency (Statutory Consultee)

- 6.7 No comments received.

English Heritage (Statutory Consultee)

- 6.8 No comments received.

Transport for London - Street Management

- 6.9 TFL is the highway authority for the A13 West India Dock Road / Aspen Way / East India Dock Road, which forms part of the TLRN (Transport for London Road Network).

The proposal is fronting the TLRN mentioned above. It is not considered that the proposal would result in a significant overall increase in daily traffic to the site.

TFL Streets supports the construction of a new viaduct as this would allow additional DLR services to operate from the Royal Docks to Canary Wharf in the future, also improving journey times between City Airport and the Isle of Dogs and between Bank and Canary Wharf. Therefore, it would encourage more commuters to use public transport and, hence, have a positive effect to the neighbouring highway.

TFL Streets recommends a number of informatives regarding s278 agreements, oversailing licenses and traffic management during construction.

Cross Rail

- 6.10 No comments received.

English Nature (Statutory Consultee)

- 6.11 No comments received.

Countryside Agency (Statutory Consultee)

- 6.12 No comments received.

7. LOCAL REPRESENTATION

- 7.1 A total of 292 neighbouring properties within the area shown on the map appended to this report were notified of the original application on 21 December 2006. The application has also been publicised in East End Life and via seven notices located around the site.

- 7.2 The total number of representations received from neighbours in response to notification and publicity of the application were as follows:

No of individual responses: 5 Objecting: 3 Supporting: 2

- 7.3 The following local groups/societies made representations:

- West India Quay Residents Association
- Port East Apartments Residents' Association
- Olympic Delivery Authority (In support)
- Canary Wharf Limited (In support)

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

- Partial loss of Service to West India Quay Station
(OFFICER COMMENT: A response to the above is provided in section 8.21 to 8.25 of this report)
- Construction and noise effects from night works, piling works, dust

(OFFICER COMMENT: A response to the above is provided in section 8.28 to 8.36 of this report)

- Closure of parts of Hertsmere Road/ Aspen Way during construction
(OFFICER COMMENT: A response is provided in section 8.29 to 8.31 of this report)

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

- Compensation from Council/ DLR for construction effects
(OFFICER COMMENT: A response to the above is provided in section 8.46 of this report)
- Economic effects to West India Quay due to reduced services
(OFFICER COMMENT: A response to the above is provided in section 8.41 to 8.45 of this report)
- Phasing of Transportation projects (i.e. Crossrail and DLR three car extension).
(OFFICER COMMENT: A response to the above is provided in section 8.47 of this report)

8. MATERIAL PLANNING CONSIDERATIONS

Environmental Impact Assessment

8.1 The Council's consultants, Bureau Veritas, are currently undertaking a review of the Environmental Statement. In summary, the review considers the following:

- Land use;
- Socio-economics;
- Traffic and transport;
- Operational noise and vibration impacts
- Construction noise and vibration;
- Landscape and visual;
- Ecology;
- Water Resources;
- Archaeology and cultural heritage;
- Air quality and dust;
- Contaminated land and waste;

The ES is subject to verification from the Councils ES Consultant. The review will not be finalised until the 8th February 2007.

8.2 The main planning issues raised by the application that the Committee must consider are:

1. Land Use
2. Design and Heritage
3. Public Transport Network
4. Construction and Noise
5. Biodiversity and Water Resources

Land Use

- 8.3 The proposal seeks to further develop the existing DLR infrastructure around the Delta Junction by rebuilding a viaduct on the existing columns, constructing a new viaduct under the Delta Junction, and with a new viaduct "tie-in" to the railway between West India Quay and Canary Wharf stations.
- 8.4 The site encompasses a large area of existing DLR infrastructure, car parking land, airspace above the West India North Dock and a vacant site. The only portion of the site allocated for a specific use is the site known as Shed 35 and this is identified in the scheme as a temporary construction site. The construction site is identified for employment, retail/ leisure and public open space. However, given the proposal seeks to only utilise this vacant site for temporary construction means it is not considered that any further regard needs to be given to the matter of allocation. The remainder of the site comprises land directly adjacent or beneath existing DLR viaducts and a small section of car park.
- 8.5 Policy ST27 of the Adopted Unitary Development Plan (1998) states that Council will support the improvement of the public transport within the Borough. This is carried into the Emerging Local Development Framework (2005) with policy CP43 stating that Council will seek to expand, improve the quality, capacity and extent of public infrastructure by supporting planned transport schemes to allow for improvement accessibility in the Borough. However, such improvement schemes should ensure that the construction and operation of such schemes is minimised as far as possible.
- 8.6 In addition, the site falls within the Isle of Dogs Area Action Plan (AAP) which states within Policy IOD2 that Council would strongly support the substantial upgrade of the public transport network including the Docklands Light Railway.
- 8.7 Policy 3C.9 of the London Plan 2004 provides further support for the improvement of the capacity public transport in London as a sustainable means of travelling. In particular, network extensions play a key role in fostering new development and regeneration. Furthermore, the Plan states that one of the key strategic priorities for East London is providing the necessary development infrastructure for a successful bid Olympic Bid.
- 8.8 As demonstrated above the improvement of public transport services are supported by both Borough and Regional Policies. The proposal seeks to make improvements to the existing DLR network to allow for increased capacity and to improve operational flexibility. The increases in capacity are vital to the provision of essential infrastructure services required for the 2012 Olympics and as part of the anticipated increase in passenger numbers on the DLR services.
- 8.9 In particular, the DLR train passenger capacity would be increased by up to 50% as the result of this improvement work and the proposal relating to phase 2 capacity enhancements to Stratford. This increase capacity and frequency would be of benefit to citizens of Tower Hamlets as a whole and the wider East London public transport network. Furthermore, the proposals would contribute to Council's and London's efforts to tackle climate change by encouraging increased use of public transport services, integrated with the promotion of better walking and cycling measures.
- 8.10 The DLR has undertaken a full economic appraisal for the project as a whole and it is concluded that the relatively minor disbenefit to such a small proportion (0.5%) of DLR passengers would be far outweighed by the benefits that the project would bring for the vast majority of users of DLR and the enhanced access it would help to deliver to London's wider public transport system.
- 8.11 Overall, in land use terms the proposed extensions to the DLR network at Delta Junction are considered to provide a vital role in providing increased capacity on the DLR services and are essential to the success of the 2012 London Olympics. The extensions would therefore provide both improvements to public transport services within the Borough and wider London

area. It is therefore considered that the proposal would be consistent with both the adopted UDP and the emerging policy in the LDF, the AAP and the London Plan.

Design and Heritage

- 8.12 The proposal would require the demolition of several viaducts, bridge spans and columns. However, the main works involve the construction of new viaducts and track beneath the Delta Junction and adjacent the existing elevated tracks, including a new viaduct "tie-in" to the railway between West India Quay and Canary Wharf stations.
- 8.13 Council policies DEV 1 of the UDP and DEV2 of the emerging LDF require new development to respect and take account of the local character in terms of scale, massing, bulk and form. It is considered that the new viaducts, elevated tracks and associated structures have been well integrated with the existing structures these allows the bulk and massing to be largely contained within the existing envelope.
- 8.14 The applicant has provided photomontages illustrating the addition of the new structures to the existing infrastructure. These images clearly indicate that the proposed extension would not adversely impact on the street scene or wider townscape but would instead be viewed against the backdrop provided by the existing DLR structures. In particular, the key view of the elevated viaduct between the West India Quay and Canary Wharf Stations confirms that the proposed 'tie in' structure would run almost parallel to the existing structure and would continue to read as one built element across the dock. Consequently, it is not considered that the structures would adversely affect any views of local significance or the character of the West India Quay area given the scale and massing of the proposed extensions.
- 8.15 It is not considered that any of the temporary construction equipment necessary to build the proposal would adversely affect the street scene or townscape given they would only be on site for a temporary period.
- 8.16 The ES submitted by DLR mentions that an area of land directly beneath the junction adjacent to Aspen Way has been identified as an area requiring public realm improvements. It is considered that such improvements would improve the streetscape and public realm in the locality and improve the pedestrian connections between West India Quay and Poplar Stations. It is recommended that conditions be included on any permission to ensure that these public realm improvements are undertaken.
- 8.17 The new viaduct and associated supporting columns are located over and in proximity (approx 2-3.5m) to the Grade I listed Banana Wall. The wall has been identified as a structure of very high national importance. The ES submitted identifies that the works would avoid the structure and that any vibrations are not predicted to give rise to any significant structural effects. It is recommended that conditions be included on any permission to confirm that the structure is adequately protected from the proposed works.
- 8.18 Overall, it is considered that the proposed scale & design of the new viaducts is considered appropriate and in accordance with the Council's adopted and emerging policies for new development and protection of listed structures. The scheme is well integrated into the existing DLR infrastructure and would not adversely affect the appearance of townscape in this location.

Public Transport Network

- 8.19 As mentioned in paragraphs 8.4-8.6 of the 'Land use' section of this report both Council and Regional policies support the expansion and improvement of the quality, capacity and extent of public transport infrastructure subject to any mitigation or enhancement measures.

- 8.20 The proposed alterations and extensions to the Delta Junction would enable increased passenger capacity to/ from Canary Wharf, on the Bank, Stratford, Lewisham, London City and Woolwich Arsenal DLR Lines. The existing capacity at the Junction allows for average flows of 25.5 trains per hour in either direction through Canary Wharf, allowing for approximately 17 trains in either direction on the Bank to Lewisham branch and approximately nine trains on the Lewisham to Stratford route. The improvements would allow for 35 trains in either direction
- 8.21 The alterations at Delta Junction would affect the service pattern arrangements at West India Quay station, as trains from Bank to Lewisham would not be able to stop at the station in the Monday to Friday morning and evening peaks (7am to 10am and 4pm to 7pm). Therefore passengers travelling from Bank to Lewisham in would need to walk from Westferry or Poplar Stations, or alternatively change at Poplar to board or alight at Canary Wharf and travel back to West India Quay station. Except for this peak time southbound Bank to Lewisham services, the DLR confirms that all other southbound and northbound services would continue to stop at West India Quay station. This equates to approximately 50 trains per hour (in both directions) still servicing the West India Quay station during peak hours.
- 8.22 The DLR Environmental Statement shows that 90% of Canary Wharf employees use DLR alighting at Canary Wharf and Heron Quays stations and only 1% at West India Quay. Therefore, it is considered that the amount of users affected by the loss of service is small, with the majority of users to remain unaffected. In addition, journey times for passengers from Bank to Lewisham during peak hours would be reduced by approximately 90 seconds as a result of not stopping at West India Quay Station.
- 8.23 Given the restriction on southbound Bank to Lewisham services passengers that currently travel on trains from Bank to alight at West India Quay would need to use Westferry, Poplar or Canary Wharf stations as alternatives to travel to the area around West India Quay station during peak times. All three of these stations are in close proximity to West India Quay, for example Poplar and Canary Wharf are only approximately 250 metres away from West India Quay.
- 8.24 A number of objectors have raised concerns regarding the loss of service to West India Quay as a result of the proposal. However, the new service arrangements would only affect the southbound services to Lewisham from Bank with all other services unchanged and given the proximity of the station to the Westferry, Poplar and Canary Wharf stations it is considered that this change in service arrangement is acceptable.
- 8.25 On balance, it is considered that only a small number of users would be affected by the change in service arrangements to West India Quay Station. Furthermore, it is considered that the improvements to Delta Junction would allow for increased capacity and frequency of services to the majority of the lines and stations in accordance with both Borough and Regional Policies.

Construction and Noise

- 8.26 The UDP policies HSG15, DEV2 and DEV50 place a particular emphasis on protecting the amenity of existing and prospective surrounding residential occupier's from new development. In terms, of the proposed scheme the main amenity effects are considered to take place during the construction period.
- 8.27 As mentioned in section 4.4 of the above report the works proposed to the Delta Junction would be undertaken in conjunction with the 'Three Car' extensions to the Bank to Lewisham service. The submitted ES has assessed the cumulative nature of the construction effects.
- 8.28 The main construction site is proposed to be located at the vacant site to the east of the West India Quay Station known as Shed 35. The construction site is proposed to be

accessed via Hertsmere Road. The cumulative number of construction vehicles needing to access the site for both the Delta Junction and the phase 1 extension works is anticipated to be 38 vehicles (76 trips).

- 8.29 The submitted ES has provided a Transport Assessment which states that where the construction works require the temporary closure of roads traffic management measures and route diversions would provide alternatives for users. The assessment identifies that the greatest traffic impacts would be experienced on the diversionary routes being East India Dock Road and Westferry Junction. However, given the temporary nature of these diversions and the construction phases these increases are considered acceptable.
- 8.30 Furthermore, the Transport Assessment has been reviewed by TFL (street management) and Council Highways Officers who advise that they support the proposed public transport upgrades and that suitable conditions can be included to ensure that the traffic management is undertaken in an acceptable manner.
- 8.31 A number of objectors raised concerns regarding the complete closure of Hertsmere Road. The submitted ES and associated Transport assessment confirms that access to Hertsmere Road would be available via Westferry Road whilst the closures between Hertsmere Road and Aspen Way are in place during construction.
- 8.32 The applicant has advised that works to construct the viaducts and associated works at the site would need to take place over 70 weeks. The hours of construction would generally be 8am to 6pm Monday to Friday and 8am to 1pm Saturdays. However, given the DLR services would continue to run during construction there are some works that would need to be undertaken in the evening. The DLR have identified that these night time works would be limited to five evenings.
- 8.33 The proximity of the site to a number of dense residential areas necessitates careful consideration of the potential effects on residential occupants. However, given the temporary nature of the evening works, the constraints posed by the proximity of the site to the strategic roads and the need to continue the operation of the DLR services these works would be considered acceptable. It is recommended that suitable mitigation measures should be implemented to ensure the evening works are limited.
- 8.34 In addition, the noise and vibration effects from the daytime works have the potential affect to the adjoining occupiers at both the Horizon Building and the Port East Apartments above the Marriott Hotel. The DLR have advised that the vibration impacts from piling and other associated works for both the 'Three Car' and Delta Junction extensions would occur over 11 days over the 70 week construction period.
- 8.35 It is considered that the construction effects can be adequately mitigated and controlled by a Code of Construction Practice (CoCP). It is therefore recommended that a condition be included on the permission to ensure that the CoCP is implemented to Council's satisfaction prior to works commencing on site.
- 8.36 Whilst it is accepted that there would be disruption to the adjacent residents in terms of noise, construction traffic and vibration. It is considered that these adverse effects are acceptable given the temporary nature of the works, that the majority of works would occur during limited daytime hours and that the process would be controlled by a CoCP document.

Biodiversity and Water Resources

- 8.37 Parts of the site fall within areas identified as being of nature conservation importance and

designated for water protection. Council policies DEV57 of the UDP and CP31, CP33 of the emerging LDF of the state that Council would seek to ensure that biodiversity and sites of natural importance are enhanced and protected.

- 8.38 The submitted ES outlines that acceptable mitigation measures can be implemented to ensure that no adverse effects result on the adjacent watercourses or local ecology and that any affected ecology is only of low local significance.
- 8.39 In addition, the site is identified as falling within a Flood Protection Zone. The submitted ES provides a Flood Risk Assessment which concludes that the new structures would not adversely affect the Flood Plain or adjoining properties. It is considered that the policy accords with U2 of the UDP and DEV21 of the emerging LDF.
- 8.40 Overall, it is considered that given the scale of the works involved that any adverse effects on the local biodiversity and water resources would be minimal and that suitable mitigation measures are recommended to be conditioned to ensure these areas of the site are protected in accordance with Council policies.

Other Planning Issues

- 8.41 Given the restriction of southbound services on the Bank to Lewisham Services concerns have been raised from objectors regarding the potential economic implications of this reduction in service to West India Quay businesses.
- 8.42 The DLR undertook a survey of people alighting and boarding the DLR at West India Quay during the peak hours. This survey found that the total number of alighters in the am peak was 372 from all destinations compared to 12,309 at the Canary Wharf Station and 1,286 at Westferry Station. The evening peak saw an increase in people alighting from all destinations at West India Quay to 627 compared to 4,055 at Canary Wharf. It is therefore considered that the current users of the West India Station represent a small percentage of total passengers to the local area.
- 8.43 A key finding of the DLR surveys was that the activity through the West India Quay Station appeared to not correlate with commuting activity with the peaks in passenger numbers being within the evening at 8pm and then 11pm. It is reasonable to therefore contend that given the concentration of restaurant, bar and cinema uses within the West India Quay that these peaks correlate to late night users.
- 8.44 Furthermore, additional user surveys undertaken by the DLR found that of the 626 passengers that alight from the southbound train Bank to Lewisham train during peak hours over two days only 9% of these passengers actually continued their journey to the street level. The remainder of passengers alighted to interchange to another DLR service from the other platforms at the Station.
- 8.45 The results of the abovementioned surveys demonstrate that the loss of service to West India Quay by the southbound Bank to Lewisham trains during peak hours would have minimal impact on the economy of the West India Quay. As the actual percentage of people alighting that travel down to street level are so low during peak hours and given the peaks in passenger numbers at the station are during the non peak evening which may well relate to the concentration of night time activities within the Quay area.

Other Matters

- 8.46 The objectors have raised concerns about whether they are entitled to compensation from

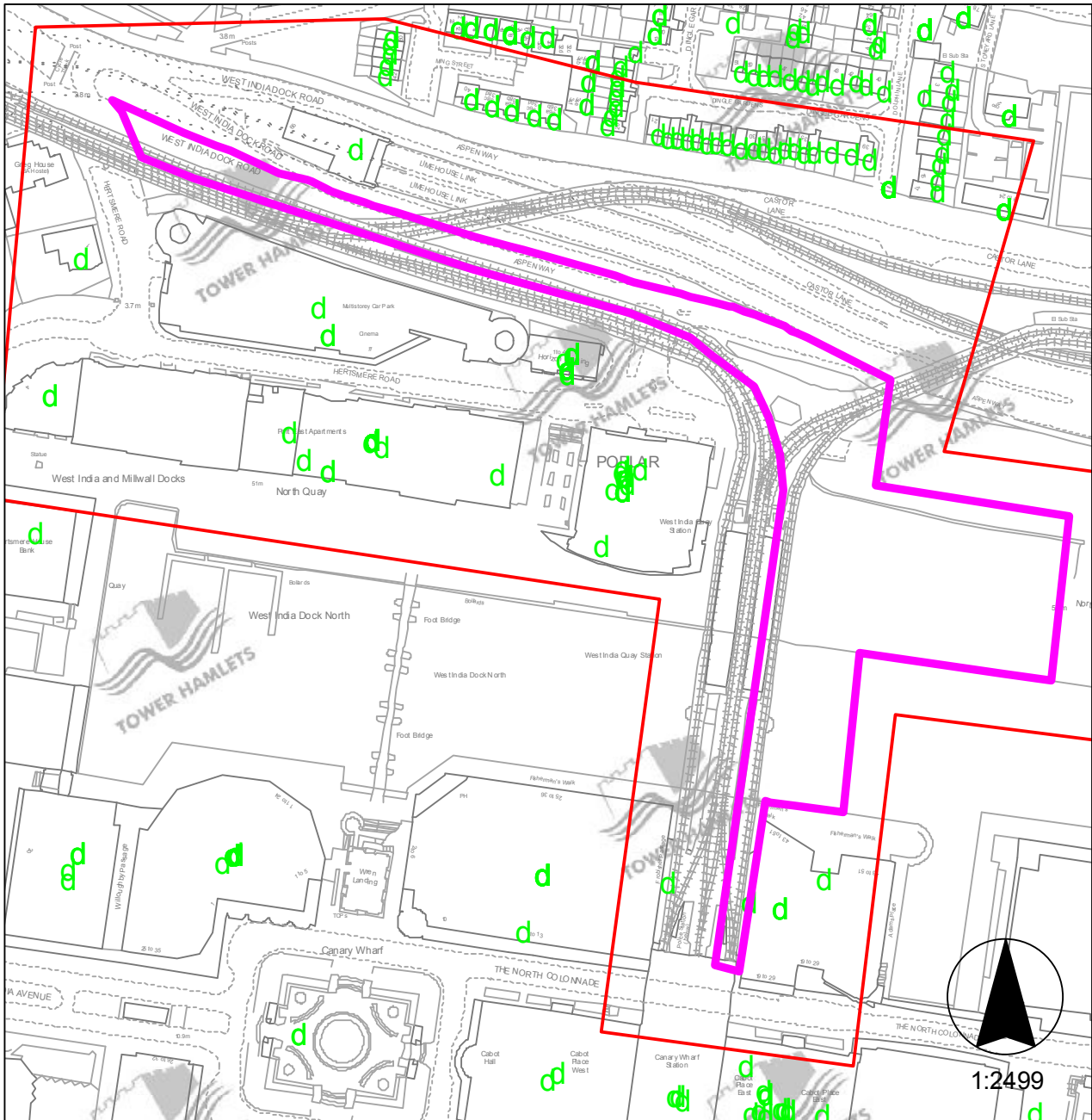
the Council or DLR from construction effects on themselves and their properties. This is not a material planning consideration.

8.47 Additional concerns have been raised by objectors regarding the phasing of large transportation projects. That is not a matter material to this planning permission.

9. CONCLUSIONS

9.1 The Council is not yet in a position to determine this application. However the extra ordinary circumstances outlined in the BACKGROUND section of the report means that the Council needs to be in a position to enable it to engage with a TWA appeal. The decision that Members are being asked to make is to delegate the final determination to the Corporate Director of Development and Renewal.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568