

London Thames Gateway Development Corporation

Planning Committee Meeting: 11th January 2007

Appeals by Clearstorm Limited (Part of the Ballymore Group of Companies) against the non determination by LB Tower Hamlets of applications at

- i) Former Pura Foods Site, Orchard Place North**
- ii) Hercules Wharf, Orchard Place South**
- iii) Union Wharf and Castle Wharf, Orchard Place South**
- iv) Union Wharf, Orchard Place South (LB Application)**

Role of LTGDC at the forthcoming Public Inquiry

Report of the Director of Planning

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1 Purpose of Report

- 1.1 This report seeks approval of the committee to the Corporation to seek Rule 6 status at the forthcoming Public Inquiry being held into the appeals listed above. These appeals are against the non determination of applications submitted in August 2005, to LB Tower Hamlets, by Clearstorm Ltd (a subsidiary company of Ballymore).
- 1.2 The appeal applications were submitted prior to the Corporation receiving its planning powers, and therefore the Corporation is a consultee on these appeal applications. It is however the Planning Authority in relation to the revised applications submitted on the same sites in 2006. It is therefore considered important that LTGDC seek to become a party to the inquiry by writing to the Planning Inspectorate to seek "Rule 6" status.

2. Background

- 2.1 The appeals have been lodged against non-determination of the following applications:

PA/05/01409 – Leamouth Peninsula North (Pura Foods Ltd) Orchard Place, London, E14

Combined outlined and full application (hybrid application) for a mixed use redevelopment comprising:

- 2460 residential units

- 21,459 sqm non-residential development including use classes A1, A2, A3, A4, B1, D1, and D2
- Provision of public open space
- Bridge link to Canning Town

I will refer to this application as “Leamouth North 2005”

PA/05/01597 – Hercules Wharf, Orchard Place, London, E14

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.

PA/05/01598 – Union Wharf and Castle Wharf, Orchard Place, London, E14

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.

PA/05/01600 – Union Wharf, Orchard Place, London, E14

Application for Listed Building Consent for partial demolition and alteration of the listed dock structure and retention of the existing caisson in relation to mixed use development at Union Wharf.

These applications are cumulatively referred to as “Leamouth South 2005”

All of the above applications were submitted by Clearstorm Ltd in August and September 2005, and appeals against non determination have now been lodged. At present a date for the public inquiry has yet to be set, although it is expected that a single Inquiry scheduled to run for 20 days will be held in Summer 2007.

- 2.2 The Leamouth North application was validated and LTGDC was consulted on the application. A report was considered by Planning Committee on 3rd November 2005, setting out the proposed comments of LTGDC to the application. This report is appended to Item 4 on this agenda. The recommendations of the report were agreed by planning committee on 3rd November and LB Tower Hamlets were notified of LTGDC’s comments.
- 2.3 The Leamouth South applications were never made valid by LB Tower Hamlets, as the applications were considered to be incomplete, and therefore LTGDC was never asked to comment formally on the application. In order that LTGDC can establish a view prior to the Public Inquiry, a report on the Leamouth South 2005 applications is also on the agenda for this meeting at Item 5, setting out the proposed comments to that application.
- 2.4 None of the 2005 applications have yet been considered by LB Tower Hamlets planning committee. It is understood that the applications will be reported to LBTH members in January/February, and whilst LBTH can no longer determine the applications as they are subject to the appeals, officers will seek an indication of the decision they would have reached were the decision still the Council’s to take.

- 2.5 The GLA are in a similar position to LTGDC in terms of commenting on the 2005 applications. As the Leamouth North 2005 applications were consulted on and the South applications not, the GLA have issued a stage 1 report in respect of the north application but not in respect of the south applications. It is understood that the GLA will be issuing a stage 1 report on the south applications early in 2007, in order to establish their position prior to the public inquiry.
- 2.6 Clearstorm Ltd submitted revised applications in respect of the same sites to LTGDC in 2006. The Corporation is therefore currently considering and negotiations are ongoing in respect of the following applications:

PA/06/00748 & PA/06/00749 – Former Pura Foods Site, Orchard Place, London, E14

Combined outline and full planning application (hybrid application): Demolition of all existing buildings and structures; Comprehensive phased mixed-use 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.

PA/06/01341 & PA/06/01342 – Hercules Wharf, Orchard Place, London, E14

Outline application for the demolition of all existing buildings and structures and redevelopment to provide 41,530 sq.m. floorspace comprising residential (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.

PA/06/01343 & PA/06/01344 – Union Wharf and Castle Wharf, Orchard Place, London, E14

Hybrid application for 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.

PA/06/01345 – Union Wharf, Orchard Place, London, E14

Partial demolition and alteration of listed dock structure and retention of existing caisson in relation to mixed use development at Union Wharf

At present it is anticipated that these applications could be reported to the LTGDC's committee in April.

- 2.7 The applicant has sought to improve upon the 2005 schemes by submission of 2006 schemes, and therefore there is a strong likelihood that the applicants will seek to have their most recent proposals (i.e. the 2006 schemes) considered by the Inspector at the public inquiry, by substituting the revised schemes for the original appeal application. It is therefore considered particularly important that LTGDC should seek to be a party to the inquiry. This will enable the Corporation to appear at the inquiry and give evidence in order to make its views of the applications (which could be the 2006 proposals if the inspectorate accept the revised scheme to be considered) known to the Inspector.
- 2.8 The Corporation has no automatic right to appear and give evidence at the Public Inquiry into the non determination of the 2005 applications. In order to be able to appear at the inquiry the Corporation must write to the Secretary of State (in practice the Planning Inspectorate) to state that it wishes to appear at the Inquiry. Under Rule 6(6) of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 the Secretary of State has a discretionary power to require parties who have notified her that they wish to appear at the inquiry, to provide their statements of case, and third parties who provide a statement (where required) are entitled to appear at the inquiry under Rule 11(1)(h) of the same regulations.

3 Recommendation

- 3.1 That the committee agree that LTGDC should seek Rule 6 status at the forthcoming public inquiry into the Leamouth Appeals, and that therefore the Director of Planning be authorised to write to the Secretary of State to notify them that the Corporation wishes to appear at the inquiry.