

London Thames Gateway Development Corporation

Planning Committee Meeting: 11th January 2007

**Appeal against non determination of PA/05/01597, PA/05/01598, and PA/05/1600
“Leamouth South 2005”**

LB: Tower Hamlets

Proposal: Residential led mixed use development comprising residential (class C3), offices (class B1), retail (class A1/A2), and food and drink (class A3/A4), and the provision of public open space including partial demolition and alteration of listed dock structure.

Applicant: Clearstorm Ltd (Part of the Ballymore Group of Companies)

Basis of the LTGDC case at forthcoming public inquiry

Report of the Director of Planning

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1. Purpose of Report

1.1 The appeal applications referred to above were submitted to LB Tower Hamlets in August 2005. LTGDC was not consulted on the applications at the time of submission, as the applications were considered to be invalid due to insufficient information. The Planning Inspectorate however accepted appeals against the non determination of the application and therefore the purpose of this report is to set out the proposed comments of the LTGDC in respect of the appeal applications, and for these comments to form the basis of the Corporations case at the forthcoming inquiry.

2. Description of the Application

2.1 The Leamouth South proposals comprise 2 planning applications and an application for Listed Building Consent, as follows:

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.

A/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.

- 2.2 The application sites are located on the southern part of the Leamouth Peninsula, to the south of the Lower Lea Crossing and adjacent to Trinity Buoy Wharf, and Orchard Wharf. The sites have a frontage to the River Thames, and a frontage to the river Lea. A plan showing the application sites is appended to this report at Appendix 1.
- 2.3 The applications together propose a very high density residential led mixed use redevelopment, with complete demolition of all existing buildings within the site.
- 2.4 The application falls above the threshold which triggers referral to the Mayor of London, under the provisions of the Town & Country Planning (Mayor of London) Order 2000. The Mayor has not yet considered the applications, although it is anticipated a Stage 1 report will be available in the coming weeks.
- 2.5 Whilst revised applications have been submitted to LTDGC for its determination these applications are not currently the subject of the appeal, and therefore this report concentrates only on the original 2005 scheme. It is anticipated that the 2006 applications will be reported to this committee in April 2007.

3. Policy Context

- 3.1 The Development Plan comprises the following:
 - London Plan (adopted Feb 2004)
 - LB Tower Hamlets UDP (adopted 1998)
- 3.2 The emerging policy documents which are also relevant to the consideration of the application include the LB Tower Hamlets LDF. LB Tower Hamlets has now completed consultation on its LDF Preferred Options (Sept 2005) and has now produced its LDF submission documents (Nov 2006):
 - LBTH Local Development Framework Core Strategy and Development Control Submission Document (November 2006)
 - LBTH Local Development Framework Lower Lea Valley Area Action Plan (November 2006).

- 3.3 On 3rd October 2006 LB Tower Hamlets Strategic Development Committee endorsed that policies within the LDF submission documents should be given significant weight as a material consideration in determining planning applications.
- 3.4 Within the LDF submission documents the site lies within an area of archaeological importance or potential and within an industrial employment area. The appeal application sites are identified by Proposal LS24 of the Leaside AAP which proposes employment led mixed use redevelopment of the site, to include employment uses (class B1) residential uses (class C3) and public open space (a minimum of 20% of the site area). The AAP states on this site employment uses should dominate. The AAP states housing densities should be within the range 450-700 hr/ha and that they should comprise a range including smaller units and family homes, with a mix of housing types. The AAP also identifies this area as one for which there is a requirement for a masterplan to be prepared.
- 3.5 The Mayor of London Sub Regional Development Framework for East London was adopted in May 2006, which outlines strategic policy for East London, including identifying opportunity areas and growth areas. The Early Alterations to the London Plan (updating housing provision and waste policies) were adopted in December 2006, and the Further Alterations to the London Plan were published in September 2006 for consultation. These propose more wide ranging alterations to the plan, taking into account the 2012 Olympic Games, rolling the plan forward to 2025/26, and reflecting changing policy priorities and concerns particularly with respect to climate change, as well as taking into account specific issues highlighted in the production of the SRDF's.
- 3.6 The Lower Lea Valley Opportunity Area Planning Framework, which was published in draft in May 2006, has undergone consultation and is expected to be released in an approved form early in 2007. The draft OAPF identified the site for industrial led mixed use development. In addition the adjacent Orchard Wharf is safeguarded for aggregates uses in the London Plan.

4. Analysis of Main Issues

4.1 Land Use Principle

The applications propose a residential led mixed use development. The site is currently in industrial and business use, and many of the existing premises are occupied. The relevant London Plan and LBTH policies seek an employment led mixed use development on this site. The mix of uses proposed, whilst including an element of B1 floorspace, result in a net loss of employment floorspace, and propose a residential dominated development. It is considered therefore that the balance of uses proposed is unacceptable, and it is recommended that LTGDC should object to the proposals for this reason.

4.2 Safeguarded Wharf

The site lies immediately adjacent to Orchard Wharf, which is identified as a safeguarded Wharf by the Mayor of London, and is protected under Policy

4C.15 of the London Plan. The applications propose high density residential in very close proximity to the Wharf. The Wharf is not currently operational but Orchard Wharf is considered to be particularly viable for aggregates handling due to its site characteristics and therefore highly likely that it could be occupied for such a use. Should it be occupied for an aggregates handling use there would be significant concerns resulting from the close proximity of the residential uses due to the noise and dust likely to be generated by this type of use, such that the use of the adjacent site as a wharf could be prejudiced, and this relationship is therefore considered to be unacceptable.

4.3 Residential Density and Mix

The density of the proposed development is very high at 1402 hr/ha. This is significantly higher than the London Plan density matrix suggests is appropriate for the relatively low public transport accessibility level (PTAL) associated with the site and is also significantly higher than the LBTH AAP proposed density range of 450-700 hr/ha. The mix of types and sizes of dwellings is very limited. All of the proposed 1402 dwellings are flats, and 70% of these are studio apartments or 1 bed units. Only 16% of units have 3 bedrooms across both application sites. This is at significant variance to Tower Hamlets adopted and emerging policy which requires a wider range of unit sizes, including a far higher amount of family sized housing, as does the London Plan SPG on Housing. The proposed mix is therefore not considered to meet policy objective of creating a sustainable community, and it is recommended that LTGDC object to the proposals on this basis.

4.4 Affordable Housing

No offer of affordable housing has been made as part of these proposals. This is clearly contrary to both London Plan Policy and LB Tower Hamlets Policy. Both require provision of 50% affordable housing, unless a lower level of provision can be justified by submission of a financial appraisal, and no such appraisal has been provided. It is recommended that LTGDC object on this basis.

4.5 Heritage Issues

The application sites and their immediate surroundings have a distinct character which is reinforced by the presence of the historic buildings forming the Trinity Buoy Wharf cluster, which include a grade II listed lighthouse and associated buildings, as well as the grade II listed quay wall and dock structure, which lies within the application site. An application for listed building consent for partial demolition of the dock structure has been submitted but it is considered that the application does not provide adequate justification for the proposed works. Nor is it considered that the proposals respect the historic context of the site, it is considered that the excessive height and massing and proximity to the historic buildings proposed are harmful to the setting of the listed buildings and that therefore the special character of the area is lost. English Heritage have made comments to LBTH on this basis.

4.6 Residential Amenity

As with the north site there is concern over the very small size of many of the units of residential accommodation, as well as the single aspect of many of

the units with its implications for daylighting standards. There is little private amenity space with few units having even small private balconies and few private garden areas. Childrens play space is provided within the development, although the amount provided is less than the new London Plan draft SPG on playspace provision. The spacing of the blocks with little distance between them also gives rise for concern over the potential for overlooking and daylighting implications. The high overall density and lack of adequate open space (see comments below) is also detrimental to residential amenity.

In addition the close proximity of many of the residential units to the safeguarded wharf and its access, gives rise to serious concerns over the poor residential amenity which will result.

4.7 Public Open Space

There is not considered to be adequate public space provided for the number of dwellings proposed. The site lies within an area already deficient in public open space, and the LBTH AAP states that at least 20% of the site area (or 1.2Ha) should be devoted to public open space. Whilst landscaped spaces are provided between buildings, much of this space is hard landscaped or formal areas, of little recreational value, and much is fragmented or serves as a route through the development. Therefore it is considered that the scheme does not achieve the policy requirements in terms of public open space provision. No pedestrian or cycle links to other nearby areas of open space have been identified by the application submission. It is considered that the spaces between buildings could provide a poor environment in places with daylighting and microclimate issues.

4.8 Quality of Bridge Link and Accessibility

The Leamouth South site is relatively remote from existing public transport infrastructure and has a low PTAL to reflect this. The nearest public transport is the Docklands Light Railway at East India Dock, which is a 15 min walk away. The applicant relies on the new connection provided by the proposed footbridge to the Canning Town Transport Interchange (proposed as part of the north application) to underpin the high residential densities proposed. As already outlined in respect of the Leamouth North site, there are however some serious concerns regarding the quality of the route for pedestrians provided by the bridge. Clearly the additional distance to the proposed footbridge, through the North site lessens further the attractiveness of the route for pedestrians.

4.9 Transport & Vehicle Access/ Servicing

The public transport accessibility level of these application sites is currently very low and whilst there might be scope to improve this with improvements to public transport in the vicinity of the site, these would be limited to diversion of a bus service to the site, and improvement of the route to Canning Town Station (which is not considered acceptable at present, see comments above). There is concern that at the density proposed, and with the low public transport accessibility, that this development could become highly car dependant, and therefore generate a significant number of additional vehicle movements. LTGDC is currently seeking independent advice on the transport aspects of the scheme, which will be updated to members at the meeting.

The development would be accessed via the same single vehicle access slip road from the Lower Lea Crossing as the proposed development on the north site. The appropriateness of a single vehicle access for a development of this size, especially in relation to access by emergency services, has been called into question, and again LTGDC's transport consultants are advising on this issue.

4.10 Renewable Energy & Sustainability Appraisal

The proposals do not incorporate the London Plan requirements with regard to renewable energy sources. It is anticipated that the GLA will comment on this aspect of the scheme in more detail in their Stage 1 report.

4.11 The main issues on which it is recommended that the LTGDC should make comment, as set out above, are very similar to those raised in respect of the application at Leamouth North. It is considered however that the main differences are the greater disparity between the land use policy requirements (both adopted and emerging policy) and the proposals, and in relation to the heritage issues that arise on the south sites due to the presence of listed structures and buildings that do not arise on the north site.

4.12 The comments set out in this report are not intended to be an exhaustive list, and simply represent the main issues on which it is considered important LTGDC comment on as a consultee. The absence of reference to other issues which might be raised by other consultees does not necessarily mean that LTGDC does not agree with such comments.

4.13 Similarly, no decision of the committee taken in regard to the comments of LTGDC in relation to the appeal applications shall fetter or otherwise prejudice its consideration of the 2006 applications, which are for the Corporation to determine.

5. Recommendation

5.1 It is recommended that the above comments form the basis of the UDC's formal response to LB Tower Hamlets on this application, and that these comments form the basis of the Corporation's case at the inquiry into the non determination of the applications.

Appendix 1: Location Plan

