

London Thames Gateway Development Corporation

Planning Committee Meeting: 8th February 2007

Barking Riverside Planning Application – Update report

Report of the Director of Planning

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1. Purpose of Report

- 1.1 The purpose of this report is to provide a summary of the main points arising from the decision to refuse planning permission for the proposed development at Peruvian Wharf and information regarding the possible future development of the site.
- 1.2 Members are asked to note the report and comments are invited regarding the future development of the site.

2. Background

- 2.1 As Committee members are aware, there was an extensive public inquiry (with breaks) into a proposed mixed use development of the Peruvian Wharf site, between 28 February and 25 July 2006. The main application was for an aggregate/cement facility plus residential, retail, leisure and hotel, open space and parking. A second application was for the provision of a ferry passenger pier and associated works.
- 2.2 The Inspector submitted his report of 183 pages plus details of who attended the Inquiry and annexes to the Department for Communities and Local Government on 11 October 2006. Annex A set out the Inspectors overall conclusions – see Appendix One. The decision letter on behalf of the Secretary of State was issued on 15th January 2007 – see Appendix Two.
- 2.3 There are also two outstanding planning applications for the safeguarded wharf for an aggregates/concrete plant and a waste recycling facility (MRF). Amendments to these schemes were received last month and will be reported to the Planning Committee in due course.

3. Analysis

- 3.1 The Inspectors report is extensive and provides a thorough assessment of the arguments for and against the proposal including related planning policies at a local, regional and national level. The sections in the report comprise – proposals, the site and surroundings; planning policy; planning history; the cases for the GLA, PLA, appellants and LB Newham; written representations, including those of the LTGDC (Appendix Three) and comments of an interested party; comments on planning conditions and obligations and the Inspectors conclusions and recommendation.
- 3.2 Given previous reports and presentations to members, this report focuses on the Inspector's conclusions rather than going into details about the arguments for and against the scheme. Also, given the useful way in which the conclusions are presented, these matters are in effect covered. Six issues are identified – safeguarded wharves, employment land policy, living conditions, affordable housing, tall buildings and waste.

Safeguarded Wharves

- 3.3 Policy 4C.15 in the London Plan is concerned with safeguarded wharves and the Inspector considers whether or not an exception can be made to the policy given that not all of the safeguarded area is to be used for water related activities. Exceptions to the policy can only be accepted if a wharf is no longer viable or capable of use or redevelopment is of a strategic nature of essential benefit for London and can not be provided elsewhere. Policy T27 in Newham's UDP provides a further exception in that schemes which are part of a major regeneration project, where use of part of a wharf for freight handling would prejudice that regeneration, are acceptable. The Inspector concluded that the London Plan policy took precedence being a more recent document.
- 3.4 Viability was not considered overall to be an issue although he recognised the anomaly that the safeguarding did not include a road within the site to North Woolwich Road. He noted that the compulsory purchase of the safeguarded site and a piece of land to provide a road link had been commenced. He also considered the relevance of the non safeguarded part of the site where there is an approval for a mixed use development comprising offices, telecommunications buildings, showroom, ancillary retail and a hotel. He noted however that the appellants had admitted that the approved scheme was unlikely to go ahead, particularly because of the limited market for offices.
- 3.5 Whilst not part of the appeal, the Inspector considered separately, and at some length, the appropriateness of having an aggregate/cement use and a MRF on the site. Overall, given that both sides proposed an aggregates/cement facility, there was acceptance of that use although opinions differed as to how quickly the rival proposals could be delivered, the quantum involved and the impact of having essentially an open facility as opposed to it being enclosed. There were a range of comments relating to whether a MRF was appropriate for the site and whether currently as proposed materials, mainly paper from the City of London, would be moved on by river or road and in the future what split there would be between river and road. He observed that various issues were raised overall in respect of the MRF proposal but that these did not impact on his assessment of the viability of the wharf and pointed out that it would be for the LTGDC to decide whether to approve or not that application.

- 3.6 The appellants also raised the issue of inconsistency and flexibility in how the GLA has interpreted its wharves policy, with specific reference to Convoys Wharf where a drastic reduction of the safeguarded area was accepted. Whilst the Inspector considered there was substance in these arguments and had sympathy with the appellants, it did not consider these had significant bearing on the safeguarding.

Employment Land Policy

- 3.7 The Inspector recognised that in the overall area of Thameside West “emerging planning policy points clearly to the release of surplus industrial land for other purposes.” However he concluded that the key issue is that no documents are sufficiently advanced in respect of the site to counter existing GLA policy, and indeed LB Newham policy, that the area is designated as strategic employment land. However, he did comment on the lack of wider coherence of strategic employment locations.
- 3.8 In the context of this being an employment area he considered the problems of allowing residential use and incompatibility with existing industrial activities. Reference was made to PPG4 and the fact that residents’ expectations could exceed standards applied by the planning authority and might give rise to pressure to curtail industrial uses. He specifically referred to comments of Newham’s environmental health officers regarding the appropriateness of providing 1500 homes between an animal rendering plant (Knights) and a resin factory (Nuplex), both with a history of complaints.

Living Conditions

- 3.9 The two main issues were noise and air quality in respect of the residential units. He did not consider noise to be an issue given proposed insulation measures but did have concerns about the likelihood of odours causing problems even with measures being taken by the two businesses and improved controls by Environmental Health.

Affordable Housing

- 3.10 Given the costs involved in developing the site he accepted that the percentage of affordable housing had been maximised. He acknowledged GLA concerns as to the appropriateness of family housing on the site given adjacent uses but concluded affordable housing provision was acceptable subject to any family dwellings being provided off site.

Tall Buildings

- 3.11 The issue was whether an outline application is an appropriate medium for considering the acceptability of tall buildings with specific reference to CABE guidance on the matter. He concluded that whilst the detail provided did not meet that required by CABE, this was not critical.

Waste

- 3.12 This section starts by referring to the serious waste management challenge faced by London and the UK and then sets out the Mayor’s policies in both the adopted, and proposed alterations to the, London Plan. It also include the fact that Thameside West is included in the draft alterations to the Plan as a broad location “within which recycling and waste treatment facilities could be

located.” Given early references to waste and the MRF in the Inspector’s report, the concluding paragraph in this section merits quoting in full -

“From the above (ie this section) it is possible to deduce that whilst London clearly faces a big problem with its waste it is not one which depends exclusively on the provision of a MRF at Peruvian Wharf for its solution. Such provision could assist in the general move to recycle more waste and the location on the river could be an advantage. Depending on the sources of waste, and the destination for the recyclates however, advantages from a riverside location could be cancelled out by longer road journeys. The case for locating a MRF at Peruvian Wharf is by no means an overwhelming one, to the extent that any other use of the site should be ruled out.”

4. Conclusions

- 4.1 The Inspector’s overall conclusions are set out at Appendix One of this report. Redevelopment as proposed, which does not allow all of the safeguarded area to be used for cargo handling, is contrary to Policy 4C.15 of the London Plan. Furthermore, policies EMP4 and 2A.7 would be breached in respect of strategic employment land and the provision of land for firms which are likely to be incompatible with residential use. The nature of the scheme in itself with regard to the enclosure of an aggregates/cement facility and provision of tall buildings and affordable housing was accepted. However the juxtaposition of residential use on the site and the adjacent firms “would set up an unacceptable tension between adjoining land uses that planning is intended to avoid.”
- 4.2 The appellants have arranged separate meetings with the LDA, as sponsor of the CPO, and the LTGDC to discuss how the site might be developed. There are no details yet and obviously a key consideration will be whether the CPO will be challenged or whether disposal of the land identified in the CPO will proceed by agreement. Also of particular relevance is the fact that the OAPF for the Lower Lea, including Thameside West, was recently agreed by the Mayor. The draft included reference to the use of land allocated for industrial purposes for other uses in the overall area and suggestions as to where those changes of uses might occur. However at the time of preparing this report the final text and related plans and diagrams are not available. An update will be provided at the Committee meeting if all the information is available.
- 4.3 The next steps will include submission of reports to the Committee relating to the applications for aggregates/cement and a MRF, progression of the proposals in the OAPF and consideration of alternative proposals by the owners for the site.

5. Recommendation

- 5.1 That the Committee notes this report including the next steps to be taken regarding the future development of the site.