

## LONDON THAMES GATEWAY DEVELOPMENT CORPORATION

### PLANNING COMMITTEE MEETING: 10th May 2007

#### Planning Application for LTGDC's Determination

#### Report of the Director of Planning

**CASE NUMBER:** LTGDC-06-060-PP      **DATE MADE VALID:** 26/05/2006

**APPLICATION NO:** PA/06/00748/LBTH      **TARGET DATE:** 28/11/2006

**APPLICANT:** Clearstorm Limited

**AGENT:** GVA Grimley

**PROPOSAL:** Demolition of all existing buildings and structures; Comprehensive phased mixed-use development comprising 177,980sqm 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, arts and cultural uses, primary school and community centre (D1, D2), plus 36,150 sqm for the energy centre, storage and car parking. Formation of a new vehicular access and means of vehicle circulation within the site. Landscaping including a riverside walkway, the provision of public open space; and a bridge linking to Canning Town. (Part full, part outline)

**LOCATION:** Pura Foods Ltd, Leamouth Peninsula North, Orchard Place, London, E14

### 1. SUMMARY

1.1. Duplicate applications were submitted in May 2006 in outline only for the development described above, both applications were subsequently amended by the submission of full details for phase 1 of the development and the bridge link to Canning Town, in August 2006. On 6<sup>th</sup> February 2007 the applicant lodged an appeal to the Secretary of State against the Corporation's failure to determine one of the applications within thirteen weeks (PA/06/00749). The submission of an appeal prevents the Corporation from being able to determine that application, and there is also a further report before members to resolve how the Committee would have determined the application in the event that an appeal had not been lodged.

1.2. The duplicate application (PA/06/00748) which is the subject of this report, remains for the Corporation to determine, and discussions have continued with the applicant with the aim of achieving an acceptable scheme, which can be recommended for approval. As such the duplicate application has now been amended, with two sets of revisions having been received on 6<sup>th</sup> February and 19<sup>th</sup> March 2007. These amendments have been consulted upon and considered by the Corporation. The revisions to the scheme are include:

- Deletion of one floor level within Phase 1 (northern part of the site) and re-design of internal parking/servicing area;
- Revised parking provision;
- Changes to the unit mix and overall number of units;
- Changes to the floor areas of the different proposed uses;
- New affordable housing offer of 35% of habitable rooms;
- New design of bridge connection to Canning Town to include a gantry bridge and lift;
- Commitment to the provision of an emergency access route along the river Lea (plus associated highway works), widening of the existing slip roads, the creation of an opening in the central reservation of the Lower Lea Crossing;
- Commitment to the provision of additional public lifts;
- New energy strategy.

1.3. A revised Environmental Statement has also been submitted to support the revised proposal, and to address the Regulation 19 omissions identified with the previous ES.

1.4. It is considered that following the revisions to the proposals that the application can be recommended for **approval** subject to:

- The expiration of the period for readvertisement and reconsultation
- Ensuring any outstanding omissions to the Environmental Statement are addressed
- The outcome of further assessments in respect of air quality and noise
- The successful resolution of flood risk issues
- Conditions (details to follow in separate report)
- and the completion of the S106 agreement to secure provision of 35% (by habitable room) affordable housing, a financial contribution equating to at least £5051.71 per unit for provision of infrastructure in relation to the development including highway improvements, health care, public transport improvements, and contributions to provision of off site open space, and to secure the delivery of a range of benefits within the development itself (full details in the Section 9.9 of the report).

## 2. SITE AND PROPOSAL

### 2.1. Description of Site & Surroundings

The site comprises an area of 4.63 hectares and covers almost the entire northern part of the peninsula. A site plan is appended to this report at appendix 1. The application lies predominantly within the London Borough of Tower Hamlets however it includes additional land on the northern side of the river Lea, within London Borough of Newham, for the provision of the bridge link to Canning Town.

Leamouth Peninsula North is surrounded by water and inter-tidal mud flats of the River Lea to the east, north and west. The site contains industrial buildings and processing plant equipment. The site was until recently used by 'Pura Foods', an oil processing factory. Following the de-commissioning of the site, structures are currently being removed.

Canning Town transport interchange and town centre lie across the River Lea to the north of the application site. The vacant site known as the 'Limmo' site lies across the river to the

east of the application site. To the west lies an ecological park on a very narrow peninsula, which also supports the bridge carrying the DLR.

To the south of the site, Leamouth Peninsula South accommodates a variety of cultural, industrial and mixed-use live and work units, and is primarily industrial in character. The Lower Lea Crossing bridge spans across the peninsula to the south of the application site boundary.

A slip-road off the Lower Lea Crossing provides vehicle access to the site from the west. Another slip road joins the flyover from Leamouth Peninsula South, westwards. To the southwest lies the nature reserve of East India Dock Basin. East India Dock DLR station is located to the west of the site, approximately a 10 minute walk from the southern end of the application site.

## 2.2 Description of Proposal

The revised application is for the redevelopment of the site to provide 177,980sqm of floor space 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, arts and cultural uses, primary school and community centre (D1&D2), plus 36,150 sqm for the energy centre, storage and car and cycle parking. The proposals include the formation of a new vehicular access and means of circulation within the site, provision of parking, provision of landscaping on the site including a riverside walkway, public open space, as well as the erection of a new pedestrian bridge 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. The application is part in outline, part in full (a 'hybrid' application).

The 'full' part of the proposal ("Phase1") which covers the northern part of the peninsula is for 88,940sqm in total, including:

- 55,040sqm residential floor space/ 683 residential units (168 studios, 221 one-bedroom units, 224 two-bedroom units, 52 three-bedroom units, 18 four-bedroom units) ;
- 3,050sqm floor space for creative industrial use and flexible workspace;
- A primary school of 3,290sqm floor space;
- 2, 010sqm floor space for leisure use;
- 1,510sqm floor space for arts and cultural uses (the 'Arts Window');
- 1,540sqm floor space for retail use, financial and professional service use and food and drink uses;
- 650sqm floor space for the development's management office; and
- 21,850sqm floor space for parking and the proposed energy centre, and for storage and plant space;
- The pedestrian bridge to Canning Town and Canning Town Station

The outline part of the proposal covers the southern part of the site and is for 125,190sqm in total, including:

- 96,170sqm of residential floor space;
- 11,620sqm floor space for creative industrial use and flexible workspace;
- 14,300sqm floor space for parking and storage and plant space;
- 1,680sqm floor space for a community centre/sports hall

The reserved matters for later approval on the southern part of the site relate to landscaping and detailed design and external appearance of the buildings. Parameter plans have been submitted in relation to the siting of buildings within the outline part of the proposal. These plans show the majority of building lines as fixed, but some are shown with a 5% tolerance, which allows for some flexibility over mix and internal layout in future

phases, whilst retaining the same basic layout as submitted. In addition a design guide has been submitted in order that a set of design principles could be adopted to guide later phases of the development .

The application site would be accessed via the existing single vehicle access to the south of the site as well as via a new pedestrian bridge, consisting of two parts, at the northern end of the site. This bridge would provide a pedestrian and cycle link to Canning Town. The first part of the bridge spans the river Lea and lands on a newly provided podium, from where the second part of the bridge, called 'The green bridge' provides a link across the railway tracks to Canning Town, this is now supplemented by a further ramp at a far shallower gradient to a lift, giving 24hr disabled access over the bridge.

The proposed scheme is a complex 'podium level' development, which means that the ground level is raised. The height of the proposed podium ranges from 1 to 4 storeys in height, increasing from the southern end to the northern end of the site. Within the podium, parking and service areas are accommodated. This rise from south to north creates an overall level change of approximately 11 metres along the length of the application site.

Around this podium, a walkway would be provided, between the podium and the river edge. This walkway becomes a shared surface (vehicular and pedestrian) from approximately the middle of the site southwards, where it also diverges away from the river's edge. Only along the northern tip of the peninsula does the walkway run directly along the riverside.

A dense layout of low- and medium-rise buildings and 10 tall buildings of up to 26 storeys in height is proposed. The buildings, which are often connected and thus result in wide, continuous frontages, broadly follow a north-south alignment. Four of the tallest buildings of 18, 24, 25 and 26 storeys are located at the northern end of the site (within Phase 1).

A network of connecting open spaces at podium level leads pedestrians through the site. These connecting spaces form a largely hard-surfaced main through-route between the closely set buildings with some non-residential uses at ground floor. Areas of soft-landscaping are proposed throughout the development. The main through route connects to the hard-surfaced 'plaza' at the northern end, which is also the landing point of the bridge. Stairs, ramps and lifts are proposed in a number of locations to connect the podium level with the lower-lying riverside walkway.

### 3. MAIN ISSUES

1. Land Use Principle
2. Housing Issues
3. Transport and Accessibility
4. Design
5. Open Space
6. Environmental Factors
7. S106

### 4. RELEVANT SITE HISTORY

- 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.**
- 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. (not on the Pura site itself)**

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. (not on the Pura site itself)**

4.1. The following applications were submitted in 2005 by the same applicant for 3 sites on the Leamouth Peninsula North and South:

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 applicant appealed against non-determination June 2006. The appeal was withdrawn 12/01/2007.**

PA/05/01597 Outline Planning Application for a mixed use development comprising 477 residential units and 400 sqm of non residential floor space including offices (B1), retail (A1, A2), food and drink (A3, A4) and the provision of public open space. **The applicant appealed against non-determination in June 2006. The appeal was withdrawn 12/01/2007.**

PA/05/01598 Combined Outline and Full Planning Application (Hybrid Application) for a mixed use development comprising 925 residential units and 1600sq m of non residential floor space including offices (B1), retail (A1, A2), food and drink (A3, A4) and provision of public open space. **The applicant appealed against non-determination in June 2006. The appeal was withdrawn 12/01/2007.**

PA/05/01600/L BC Partial demolition and alteration of the listed dock structure and retention of the existing caisson in relation to mixed use development at Union Wharf. **The applicant appealed against non-determination in June 2006. The appeal was withdrawn 12/01/2007.**

4.2. Last year, in addition to the application assessed here, and its duplicate application, the same applicant submitted the following applications, which are also for determination by the London Thames Gateway Development Corporation:

Leamouth Peninsula South:

PA/06/01341 and /01342 (duplicates) In outline, 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. 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)

PA/06/01343 and /01344 Combined Outline and Full Planning Application (hybrid application) for demolition of all existing buildings and redevelopment to provide 80.070 sq.m.

- (duplicates) 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).
- 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).

## 5. CONSULTATIONS/NOTIFICATIONS

### 5.1. LB Tower Hamlets

Following receipt of the revised proposals the Council has provided the Corporation with their comments. A number of their earlier objections (see appendix 1 of item ?) have been met by the revised scheme, however LB Tower Hamlets maintain their objection to the application for the following reasons :

1. Car parking
2. public open space
3. Inclusive environments
4. Flood Risk
5. Biodiversity

LBTH have asked that should LTGDC be minded to grant permission for the development that the following should be sought or secured through conditions or S106 agreement :

1. Adequate emergency access arrangements
2. Detailed design of the bridge
3. Dwelling mix and affordable Housing
4. Provision for cyclists
5. Private and communal amenity space
6. Renewable energy commitment
7. Minimum space standards for residential units

A copy of the formal response of LB Tower Hamlets to the application is appended at Appendix 2.

### 5.2. LBTH Highways

Object on grounds of unacceptable access arrangement. The proposed access arrangement is substandard and insufficient for the size of development proposed.

Further objections:

- the parking provision is considered excessive;
- road network is limited with unacceptable traffic demand and flow within the immediate vicinity; and
- limited improvements to the existing cycle and walking infrastructure that would result, overall, in an substandard provision for the existing area and future occupiers of the

site.

### 5.3. LBTH Housing

Object on grounds of the lack of an acceptable element of affordable housing and the proposed unacceptable mix of units.

### 5.4. LBTH Environmental Health

- Sunlight/daylight: Initial concern regarding the level of sunlight/daylight to the proposed residential units and undue overshadowing of open spaces this was addressed by submission of further studies indicating the sunlight and daylight available to selected individual flats.
- Noise and vibration: incomplete assessment which does not take account of DLR and Jubilee line trains, announcements at the train station, the bridge and the canopy; does not achieve -10dBA below background noise level as required in Tower Hamlets; does not achieve a 'good' standard under BS8233; full details of kitchen extract systems (to restaurants) required;
- Air Quality: the modelling is insufficient – needs to be completed depicting a 'worst case' scenario using 2003 data;
- Contamination: no objection subject to condition attached to permission.

### 5.5. LBTH Education

Insufficient information provided to fully assess the proposal.

### 5.6. LBTH Building Control

Comments made with respect to the details required as part of any application to the Building Control Department

### 5.7. LBTH Sustainability Officer and Energy Services

Concerns over missed opportunities with respect to the enhancement of biodiversity, control of water run off and energy creation and reduced use. Black Redstarts have not been considered adequately – a commitment to a monitoring programme and use of specialist advice on the design and implementation of brown roofs is required.

### 5.8. Mayor of London/GLA

The Stage 1 report was presented to the Mayor on 28th March 2007. The Stage 1 response stated that "the Mayor has concluded that a residential led redevelopment is supported and that substantial parts of the proposal are in line with strategic planning policy including the overall design approach, but that a number of issues remain to be clarified or resolved, as outlined in the report. In particular more work is required in relation to inclusive design and play and open space provision".

A copy of the complete stage 1 report is attached at appendix 3 for members reference.

### 5.9. Tower Hamlets Primary Care Trust

Insufficient information provided to fully assess proposal.

### 5.10. Crime Prevention Officer

Comments as follows:

- Too many entrances to buildings to allow proper access control;
- Poor control of vehicle access and movement;
- Unacceptable impact on the security and general operation of Canning Town Underground Station;
- Security and general design issues in relation to the pedestrian bridge link; and

- General design and layout result in unobserved pathways and pockets, which discourage the idea of an open observed public realm.

#### 5.11. **Countryside Agency/ Natural England**

Question whether developing this site is sustainable given that this site lies within the river flood plain and flood warning area.

With regards to the details of the proposed development, concerns are raised over the limited amount of open space proposed, particularly in light of the existing poor levels of open space in the area and the opportunities this site presents to address current shortfalls. Concern is also expressed over the provision of a large number of parking spaces.

#### 5.12. **Environment Agency**

Object on the following grounds:

- It is not demonstrated that the flood defences will have a life of more than 50 years or the life of the development. It is not demonstrated that the flood defences in the vicinity of the bridge have a life of 120 years or the design life of the bridge;
- Buildings are proposed in close proximity to the river. This will prejudice flood defence interests, restricting necessary access to the watercourse;

#### 5.13. **London Borough of Newham**

Initial comments from LB Newham raise objections on the following grounds:

- Under-provision of public open space;
- The developer's reliance upon Newham's network of open spaces to mitigate the impact of not providing sufficient public open space on-site or elsewhere in Tower Hamlets is not acceptable. This would adversely impact upon Newham's public open space provision especially in context of the envisaged 40% increase in population;
- Impact on health, secondary education and other community facilities in Newham.

Further comments are expected following the applications being reported to LB Newham's committee.

#### 5.14. **London Borough of Greenwich**

No comments.

#### 5.15. **Transport for London**

TfL's detailed comments are contained within the GLA's Stage 1 report appended to this report.

#### 5.16. **Road Management Services (for TfL)**

Concern over vehicular access arrangement.

#### 5.17. **Metropolitan Police Authority**

Concern regarding single access arrangement. Have sought as a **minimum** requirement the widening of the slip roads to the lower lea crossing, a gate or opening in the central reservation of the Lower Lea crossing, a separate emergency link along the riverside walkway to the roundabout, in order to ensure access to the site for emergency vehicles.

Concerns remain over access for other vehicles to the site should the single access point be blocked, or in the event of an exclusion zone being imposed.

Additionally, comment that development of the scale proposed would have significant resource implications for the MPA and their objective to seek to create safe and secure environments – request developer's commitment to provide appropriate police-related facilities in consultation with the MPA prior to the commencement of any development,

specifically through the provision of floorspace within the development for a team of community police officers to be based in.

#### **5.18. Fire Brigade**

Object on grounds of substandard access arrangement.

#### **5.19. London Underground Ltd**

Object to the proposed 24hour access through the station (use of rotunda and tunnel, through to station). When the station is closed, nobody will be permitted.

Concerns over the capacity of the rotunda (stairs and lift) and compliance with LU standards.

#### **5.20. Infrastructure Protection:**

Object to the technical details regarding the construction of the 'green link' bridge.

#### **5.21. DLR (Property Services)**

No objection in principle, subject to a number of conditions.

#### **5.22. Port of London Authority**

Advises that the use of the river for the transport of materials and waste must be explored and that riparian life saving equipment (such as grab chains, access ladders and life buoys) must be provided along the river edge. Additionally PLA comment that the proposed bridge will require a licence to construct.

#### **5.23. British Waterways**

No objection subject to a legal requirement or condition requiring mitigation and compensation works to Bow Creek. Furthermore, they comment that, in the interest of sustainable development, the use of the river for the transport of materials should be explored.

#### **5.24. English Heritage Archaeology**

No objection subject to conditions requiring the implementation of a programme of archaeological works.

#### **5.25. Civil Aviation Authority**

Satisfied with outline and consider phase 1 acceptable, subject to submission and approval of further details relating to height and landscaping. The need for aviation obstruction lighting however needs to be assessed.

#### **5.26. London City Airport**

Object to proposal on grounds of the proposed nesting opportunities for birds (to avoid bird hazard), and have queried apparent inconsistencies between the drawings and supporting information with respect to building heights.

#### **5.27. London Fire and Civil Defence Authority**

No comments received.

#### **5.28. Commission for Architecture and Built Environment**

CABE have not commented specifically on the amended scheme but did comment on the application as submitted, and were generally supportive of the scheme, and recommended that particular care be taken with the design of the bridge and with the "edge" between phase 1 and the later phases.

#### **5.29. Lea Valley Regional Park Authority**

Object for the following reasons:-

- It is unclear how the proposal will contribute to the extension of the Park to the River

Thames;

- Insufficient details of the proposed lighting scheme (risk of unacceptable light pollution);
- Proposed shared surfaces for vehicles, pedestrians and cyclists are unsatisfactory – a continuous segregated foot/cyclepath should be provided along the entire river frontage;
- The height of the buildings would have a detrimental effect on the setting of the Bow Creek Ecology Park;
- The adequate provision of open space and community facilities is not guaranteed;
- Any improvements to existing nearby open spaces do not mitigate against the under-provision of open space on the application site.

### 5.30. Crossrail

Advise that construction activities carried out from the Limmo site (to the east of application site) may have an impact on the proposed development by way of noise, dust and vibration.

### 5.31. British Gas PLC

Infrastructure: no gas transmission infrastructure on the site.

The consultation letter was forwarded to National Grid's Distribution Team but no comments were received.

### 5.32. Thames Water Utilities Ltd

Waste: Advise that increased flow from the development may lead to sewage flooding. Impact studies of the existing infrastructure are required in order to assess any new additional capacity required in the system, and a suitable connection point. To be funded by developer.

Surface water drainage: state that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or surface water sewer. Thames Water recognises the environmental benefits of surface water source control and encourages its appropriate application.

Water: state that the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Impact studies are required which will determine the magnitude of the additional capacity required.

Other: There is a Thames Water main crossing the development site which may need to be diverted at the developer's cost. There may be other sewers or rising mains which may also need diverting at developer's cost. Public sewers cross the site and no building will be permitted within 3 metres of the sewers without TW's approval (developer would need to apply for 'building over').

### 5.33. The Inland Waterways Association

No objection.

## 6. APPLICATION PUBLICITY

6.1. Site Notice Expiry: **01/05/2007**

6.2. Press Notice Expiry: **01/05/2007**

6.3. Neighbour Notification:

A total of 1719 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment.

## 7. REPRESENTATIONS

A total of 6 representations have been received from neighbours in response to notification and publicity of the application. To date only 1 additional objection has been received as a result of the reconsultation exercise.

**Comment**

- Overdevelopment of the site;
- Excessive housing provision;
- Out of character in terms of scale and height;
- Additional demand on social infrastructure, which includes health and education;
- Additional demand on public transport, trains are already overcrowded;
- Undue impact on road networks, increased traffic congestion due to number of car parking spaces and use of only one vehicle access way;
- 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;
- The development does not provide well for cyclists, does not connect to local network, does not provide a cyclist-friendly bridge;
- Increase in air pollution and noise from additional cars;
- Additional burden on policing, additional police station is needed.
- Loss of views from nearby residential developments
- Development does not provide sufficient public open space to comply with policy and does not address open space deficiency within the area.

**Response to Comment**

These comments are all addressed in section 9 of the report, except for the last point, loss of private views is not a material planning consideration.

**8. RELEVANT PLANNING POLICY**

1. Planning Policy Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG4	Industrial and Commercial Development and Small Firms
PPS6	Planning for Town Centres
PPG9	Biodiversity Strategy
PPG13	Transport Strategy
PPG16	Archaeology and Planning
PPG17	Sport and Recreation
PPG23	Air Quality Strategy
PPG24	Planning and Noise
PPS9	Biodiversity and Geological Conservation
PPS22	Energy Strategy
PPS25	Development and Floor Risk

## 8.2. The London Plan (Feb 2004)

### **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.11	Open space strategies
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.8	Energy assessment
4A.9	Providing for 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.6	Sustainable design and construction
4B.7	Respect local context and communities
4B.8	Tall buildings
4B.9	Large-scale buildings – design and impact
4B.14	Archaeology
4C.1	The strategic importance of the Blue Ribbon Network
4C.3	The natural value of the Blue Ribbon Network
4C.4	Natural landscape
4C.6	Flood plains
4C.7	Flood defences
4C.8	Sustainable drainage

5A.1	Sub-Regional Development Frameworks
5C.1	Strategic priorities for East London
5C.2	Opportunity Areas in East London

### 8.3. LB Tower Hamlets UDP & LDF

#### Unitary Development Plan 1998:

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
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
	ST22	Housing choice
	ST23	Quality of housing
	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 Spaces
	ST38	Leisure and recreational facilities
	ST45	Education and Training
	ST49	Social and Community Facilities
	ST54	Public Utilities and Flood Defences
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
	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

DEV57	Nature Conservation and Ecology
DEV62	Nature Conservation and Ecology
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):**

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
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 Spaces
	CP31	Biodiversity
	CP33	Sites of importance for nature conservation
	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
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
OSN2	Open Space
OSN3	Blue Ribbon Network and the Thames Policy Area
CON4	Archaeology and Ancient Monuments

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

Proposals:	LS23	Orchard Place North
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
	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

**8.4. Other Relevant Planning Policies & SPG's**

- 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: Biodiversity Strategy (2001)
- London Biodiversity Action Plan – Species of Conservation Concern and Priority Species for Action

- London Borough of Tower Hamlets Supplementary Planning Guidance/Documents
  - Archaeology and Development – Adopted 1998
  - Residential Space – Adopted 1998
  - Riverside walkways – Adopted 1998
  - Landscape Requirements – Adopted 1998
  - Canalside Development - Adopted 1998

## **LB Newham Policy Documents**

Canning Town and Custom House Masterplan SPG (adopted 2004)

LB Newham UDP (adopted 2001):

- OS1 Open Space Standards and Proposed New Open Space.
- OS5 Lee Valley Regional Park Proposal
- OS7 Green Space: Protection
- OS8 Green Space in New Housing Development
- OS9 Improvements to Parks and Public Open Spaces
- SH1 Consolidation of the Shopping Hierarchy
- SH5 Canning Town District Centre
- SH11 Food Stores
- SH12 Retail Warehouses
- SH13 Retail Impact Studies
- SH14 Shopping in Areas of New Development
- EQ1 Waterway Improvements
- EQ2 Waterside Access
- EQ3 Waterside Commercial Development
- EQ4 Quality of Waterside Development
- EQ5 Waterway Structures
- EQ18 Promoting Urban Quality
- EQ19 Urban Design Considerations
- EQ20 Design Considerations: Residential Areas
- EQ21 New Development: Landscaping
- EQ27 High Buildings: Control
- EQ28 High Buildings: Design Considerations
- EQ46 Air Quality Management
- EQ47 Noise Impact Statement
- EQ48 Noise - Sensitive Development
- EQ49 Contaminated Land: Assessment, Remediation and Monitoring
- EQ50 Development Adjacent to Overhead Power Lines
- EQ62 Protection of the Flood Plain and Urban Washlands
- T1 New Development: Environmental Impact
- T2 New Development: Public Transport Accessibility
- T3 New Development: Highway Capacity
- T4 New Development: Areas in Need of Major Highway
- Public Transport Investment
- T5 Preferred Modes of Transport
- T6 Rail Services
- T7 Bus Services
- T13 Road Safety, Traffic Management and Calming
- T14 Design to Minimise Road Accidents in New Development
- T17 Controlled Parking Zones at Railway Stations
- T19 Improvement of Conditions for Pedestrians
- T20 Pavement Congestion
- T21 Recreational Footway Network
- T22 Public Access to the River Thames

- T23 Cycle Network
- T24 Access by Cycle and Cycle Parking

## LDF Core Strategy Draft Preferred Options (Feb 2006)

### 9. ASSESSMENT OF MAIN ISSUES

#### 9.1. Land Use Principle

The application site is located within the Lower Lea Valley Regeneration Area and is designated within the Mayor's Lower Lea Valley Opportunity Area Planning Framework (LLV OAPF) as a high profile opportunity site. The regeneration objectives for the area are set out in the LLV OAPF and will provide a planning policy context for the sensitive management of land-use change in the LLV to provide and improve the profile of the area and the quality of life for people across the Valley.

Whilst the site had been identified as an employment site in the LBTH UDP, due to its existing use, the LB Tower Hamlet's emerging Local Development Framework Core Strategy submission document and the relevant local area action plan (Leaside AAP) now identify the site as a potential residential-led mixed use development site ('Orchard Place North' ref: L23) with supporting employment uses (Use Class B1), social and community uses (Use Class D1) and designated open space. The mixed use developments should retain employment opportunities without negatively impacting on residential amenity.

The principle of the redevelopment of this site is therefore supported subject to an appropriate mix of residential and non-residential uses which meet the objectives identified in the LBTH LAAP. The residential element of the scheme should be of an acceptable scale which takes account of the constraints of the site and contains a dwelling mix and type of tenure in accordance with policy.

The proposed development includes the provision of 1,663 to 1,837 residential units (151,210sqm), 14670sqm flexible workspace (B1) plus an estate management office, an independent primary school including a nursery, a leisure centre, art and gallery space, a community centre and 1540 sqm shop units (for A1, A2, A3, A4 and A5 uses) .

The applicants have sought flexibility regarding the exact amount of floor space to be allocated to each of the proposed uses within Use Class A, however a maximum floor area is proposed for A1 (retail) space in order to ensure that the new provision would not have an adverse impact on the vitality and viability of the nearby town centre at Canning Town, and to ensure a range of units is provided..

Whilst the revised scheme includes approximately 1000sqm less employment space than originally proposed it is still considered that the scheme would provide a good balance of land uses with a significant provision of non residential uses creating a range of daytime and evening activity within the site. This should also encourage non residents into the site, thus avoiding the development becoming an isolated residential area. There is therefore no objection to the proposals on balance of land uses proposed.

#### 9.2. Housing Issues

##### 9.2.1. 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 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% of the number of habitable rooms, providing 80% for social-rented housing and 20% for intermediate housing. The London Plan sets out a strategic target of 50% of housing to be affordable.

Policy HSG2 of the LDF Core Strategy submission document sets out the required mix of

units within the social-rented component of the housing provision and the intermediate and market housing component. 45% of the social-rented component is expected to be 3 bedroom and larger. 25% of the intermediate and market housing is expected to be 3 bedroom and larger.

The applicants now propose an affordable housing offer of 35% of units by habitable room. This percentage provision is in excess of that which the Three Dragons model submitted in support of the application demonstrates is viable. The offer is made on the basis that Housing Corporation grant will be available for the scheme. The proposed tenure split is 60 % social rented, 40% intermediate. 32.8% of the affordable units are 3 bedroom or larger.

Whilst the proportion of affordable housing proposed still falls short of the 50% London Plan target, it is in line with emerging LBTH policy with respect to overall provision and proportion of family sized units. The GLA in their stage 1 report have commented that it represents an acceptable offer. The revised affordable housing offer is therefore considered to be acceptable, subject to requirements in the S106 relating to affordability, and phasing.

### 9.2.2. Housing Mix

The following table provides a summary of the proposed mix of units of phase 1 (in full) and the proposed overall provision.

Table 3

Unit Size	Phase1		Applicant's proposed split for the whole scheme
	No of units	% of 708	
<b>Studio</b>	168	25 %	<b>5-20 %</b>
<b>1-bed</b>	221	32 %	<b>25-45%</b>
<b>2-bed</b>	224	33 %	<b>20-30%</b>
<b>3-bed</b>	52	8 %	<b>15-25%</b>
<b>4-bed</b>	18	3 %	<b>3-8%</b>
<b>5-bed</b>	0	0 %	<b>1-5%</b>
	=683		

Both LB Tower Hamlets and London Plan policies seek to increase the provision of family size residential units (comprising 3 bedrooms or more). Studies indicate that there is a significant shortage of family size units in the Borough and in London generally. A balanced mix of different sized residential units and a variety of unit types is sought within new developments in order to offer good housing choice within the Borough. Furthermore, it would enable and contribute to the creation of well-balanced, varied and sustainable communities.

New housing developments are expected to provide a mix of housing types and sizes, including a proportion of family size units, in line with local and regional policy, which seek to ensure that new residential developments cater for a wide variety of households and thus promote balanced communities in accordance with the Government's sustainable community objectives. The Mayor's SPG on Housing sets out the following requirement for new housing developments (the figures include social, intermediate and market housing):

- 1 bedroom 32%
- 2/3 bedrooms 38%
- 4 bedrooms or larger 30%

LBTH emerging LDF policy requires that 25% of the units within the market and intermediate housing provision should be family size units (3 bedroom or more), and 45% of the social rented units should be family size units. This is in order to meet the housing needs of the Borough.

The proposed provision, whilst improved over the original submission still falls short of the Council's requirement with respect to the family-size units, with only a maximum of 19% being achieved overall, including market, intermediate and social rented housing. The proposal also falls short of the requirement set out in the mayor's SPG in respect of 4-bedroom units. However, the applicants point out that the mix within the affordable provision does include for a high proportion of family units, and that the scheme would not be viable if that mix were to be replicated for the market units. The number of studios and one bedroom units have been reduced in favour of two and three bedroom units.

Whilst the proposed dwelling mix does not accord with local and London-wide policy, in respect of the provision of larger family units it is considered that the revised proposal is much improved. When taken together with the improved offer of affordable housing, and given the proposed mix within the affordable housing provision, it is considered that the residential mix is acceptable. The GLA have not raised an objection to the proposed residential mix within their stage 1 report, and LBTH have not objected on the basis of residential mix in their comments to the revised scheme.

### 9.2.3. Standard of Accommodation

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.

LBTH advised that the sunlighting and daylighting study originally submitted was incomplete, and that as such there were strong concerns that the amenity of occupiers would be adversely affected. Following discussions with officers at LBTH the applicant submitted a revised and more comprehensive daylighting and sunlighting study. This assessment confirms that overall the new residential units would receive adequate daylight and sunlight.

LBTH had also raised concerns relating to the proposed private amenity space, which is not available to all units and the quality of some of that which is provided is questioned due to microclimate and overshadowing issues. With the latest revisions, whilst no additional areas of private amenity space are proposed, the applicant has confirmed that significant provision of private and communal space (ie exclusively for the use of residents) could be provided at roof level (equating to around 9930sqm) in addition to 2085sqm of private amenity space at ground floor level, and a total of 6652sqm of private amenity space provided by balconies. The applicant is happy that conditions be imposed to ensure the provision of this level of private and communal amenity space within the development. It is considered that where some access to communal open space is provided this can mitigate against the fact that not all units benefit from their own private amenity space, and therefore the provision of amenity space is considered acceptable overall.

There was also concern regarding poor outlook from some inward facing units on the lower levels of some buildings which could give an undue sense of enclosure to future occupants of the development, whilst this has not been resolved by the revised scheme submitted it does relate to only a limited number of units within the development, and given the daylighting and sunlighting to units is considered acceptable there is no further objection raised on this point.

The applicants have supplied information which confirms that almost all of the units in

Phase 1 comply with the LBTH Residential Space standards, and a condition is proposed to ensure that all units within the later phases comply.

LBTH environmental health officers have also raised concerns as to whether noise from the external environment around the site is adequately mitigated. It is therefore considered appropriate that prior to the grant of planning permission submission of further noise assessments is required to ensure adequate mitigation measures are provided for within the development.

With these safeguards in place it is considered that the standard of accommodation within the development will be adequate.

#### 9.2.4 Density

The application site area is 4.63ha. The proposed 1,663-1,837 residential units result in a density of between 359-397 units/hectare, a reduction from 429 units per hectare for the previous scheme.

The figure for habitable rooms/hectare is more difficult to calculate as the applicant proposes a percentage range of each unit type (refer Table1, paragraph 9.2.2 above). However, calculating two of the extremes (lowest percentage of small units/highest of large units and vice versa), the density would be approximately 964 – 1066 hr/ha

The public transport accessibility level (PTAL) of the site is currently 2 with the potential of 4 towards the southern part and 6 towards to the northern part with the provision of a workable bridge connection to Canning Town. For the purpose of housing density, the character of the site, in light of its setting, is considered 'urban' (paragraph 4.77, Leaside Area Action Plan).

Policy 4B.3 of the London Plan requires boroughs to maximise the development potential of sites having regard to the local context, public transport capacity and the design principles set out in policy 4B.1. The principles set out in this policy include the requirement for developments to be sustainable, durable and adaptable. A density matrix is provided at Table 4B.1, which sets out a density of (165-275u/ha) 450-700hr/ha for sites in urban locations with a PTAL rating of 4-6.

Policy CP20 of the LBTH LDF Core Strategy submission document sets out that the Council will seek to maximise residential densities, taking into consideration site constraints and sustainability objectives (the local context, site accessibility, housing mix and type, achieving high quality and well designed homes, the capacity of the social and physical infrastructure and open spaces). Table PS8 of the LDF Core Strategy submission document sets out a density of 450-700 hr/ha for sites of 'urban' character and a PTAL rating of 4-6, mirroring the density set out in the London Plan.

The proposed density as set out in paragraph 8.4.1 and 8.4.2 above significantly exceeds the density range set out in LBTH LDF and the London Plan, although is less than originally proposed

The site however may be capable of accommodating housing at a higher density than that set out in the relevant planning policy, if it can be shown that the density range is appropriate for the setting of the site, and for the local context and character; that residential amenity is protected and enhanced; that the residential mix is appropriate; there is access to a town centre; that there is provision of adequate open space; that there is provision of other non residential uses and that there is not a harmful impact on provision of services and infrastructure as a result of the development.

The site currently occupies a relatively isolated position, being surrounded by the River Lea on 3 sides. To justify any large-scale redevelopment, a substantial improvement of the connectivity of the site is required. The proposed pedestrian & cycle bridge is now much improved over the previous proposal and should link the development with Canning Town and the station there, and subject to ensuring this link is delivered, there will be a significant uplift in the ability of the site to accommodate higher density

development.

### 9.3. Transport and Accessibility

#### 9.3.1. Connectivity and Public Transport Accessibility

The relevant planning policies support high density development in areas of (planned or existing) good public transport accessibility and with adequate (planned or existing) vehicular, pedestrian and cycle access. Furthermore, existing and emerging policies aim to realise opportunities to encourage the use of sustainable transport modes and curb car use, for example by only allowing car-free developments in areas with good public transport accessibility and by requesting improvements to public transport and links to interchanges. This is set out in policies ST25, ST28, ST30, ST32, T15, T16, T17, T19 and T23 of the LBTH UDP and policies CP1, CP5, CP40, CP41, CP42, DEV3, DEV16 and DEV17 of the LBTH LDF Core Strategy submission document which reflect the policies in the London Plan (policies 2A.1, 3C.1, 3C.2, 3C.3, 3C.16, 3C.20, 3C.22 and 4B.1)

The site is at present isolated and inevitably constrained by the presence of the River Lea on both sides. In order to improve connectivity to Canning Town and to enhance the public transport accessibility of the site, the applicant proposes to erect a pedestrian bridge across the river and rail tracks (on the northern bank of the river) to connect to Canning Town, adjacent to Canning Town Station. This bridge is in effect made up of two parts, one spanning the river, the second part, the 'green bridge', bridging the railway lines.

The previously proposed bridge relied on using the existing rotunda on the northern bank to provide access from the site, through Canning Town station to Canning Town for disabled people. Whilst the 'green bridge' which spans the railway lines and lands to the west of the bus station at Canning Town had stairs and a ramp which can be used for example by cyclist to push their bikes and by parents with prams, the proposed ramp is too steep to be used by wheelchair users. This was a fundamental problem in relation to creating an access to the development which could be used by all as the route through the station could not be available 24 hours a day and would need to be closed at night, and occasionally for operational or security reasons.

It is proposed to extend vertically the existing rotunda on the northern bank, which accommodates a circular stairwell and one lift, to connect with the newly created platform where the bridge lands. The rotunda connects to a tunnel, which runs below the railway lines and links directly to the station.

Whilst the route through the rotunda is still proposed, in order to give direct access into the station at that point, the bridge design has now been revised to provide a 24hr means of access for people with mobility impairment, by introducing a "gantry" which runs parallel to the Green Bridge. This gives a much shallower slope down to a lift at the Canning Town side.

Furthermore, the previous bridge proposals for the river bridge were too narrow to comfortably accommodate cyclists, people with prams, wheelchair users and pedestrians. In light of the objective to encourage cycling as a sustainable mode of transport, and as this is the main connection point to Canning Town with its services and facilities and connection to the cycle network, it is important to create a bridge which caters adequately for all users. As such the revised bridge proposals now include a wider bridge deck (at 4.2m) which is considered to be sufficiently wide to allow cycles to use the bridge.

In conclusion it is considered that the design parameters now proposed for the river and green bridge (including the gantry) are acceptable in principle, and subject to a condition which will require submission of the detailed design for all parts of the bridge structure (including the green bridge and gantry and lift) the proposal is now considered to comply with the relevant planning policies. The ability of the applicant to deliver the bridge is paramount as it provides the means to increase the public transport accessibility to levels

where the proposed density of development can be justified. It is therefore proposed to include within the S106 safeguards to ensure that the necessary consents from the various landowners involved and the PLA are in place prior to commencement of the development, and to prevent occupation of any part of the development until the bridge is complete and ready for use.

### 9.3.2. Highway Capacity and Highway Safety

Vehicle access to the site is from Orchard Place, which is accessed from the slip road on the east bound side of the Lower Lea crossing. The Lower Lea crossing is an elevated dual carriageway which connects with Leamouth Road via Leamouth Roundabout to the west and with Silvertown Way to the east.

This effectively means that a single vehicle access is proposed to service the site. Previous guidance contained in Design Bulletin 32 (a design guide for residential roads and footpaths) indicated that for developments in excess of 300 residential units more than one vehicular access must be provided for reasons of public safety. The proposed development would considerably exceed this threshold. However that guidance has recently been superseded in March this year by new guidance "Manual for Streets" which instead of imposing a threshold, places more emphasis on the views of the emergency services on a case by case basis. A number of consultees, including the Metropolitan police have commented that access for emergency vehicles could be seriously impeded or even prevented in cases of vehicle breakdown, road maintenance works or emergency closures brought about by accidents, fires or incidence of crime, which is unacceptable. As such, the proposal would be contrary to policy T15 and T16 of the UDP and policy DEV17 of the LDF Core Strategy submission document.

The applicant developed a strategy to address this issue which entails the use of the pavement and existing riverside walkway for use by emergency vehicles to access the site in cases of road closures or other incidents which prevent direct access to the site via the slip roads. This involves land outside of the application site and land not currently in the applicant's ownership.

A number of issues remain to be resolved with respect to the proposed emergency access route, to the satisfaction of the emergency services and the Corporation. The Metropolitan Police and the Corporation's transport consultants have confirmed that the design details would have to be provided to satisfactorily address:-

- how the footway is crossed;
- how any level changes are dealt with;
- how adequate width is provided throughout the route;
- what barriers and safety measures would be in place.

In order to ensure that the route can be implemented it would be preferable that relevant permissions, consents and rights for the use of the strip of land outside of the site are obtained before any planning permission is given, however the Corporation is advised that a Grampian style condition can be used to secure the provision of the emergency link. The route would need to be continued within the site boundary until it meets the internal circulation road, and relevant detail drawings and management information would have to be provided.

Provided that it can be shown that the above emergency access route can be provided, the following would also need to be implemented in order to create a workable access arrangement for the emergency services:

- widening of the two existing slip roads to a minimum of 6.75 metres;
- an opening (gated) in the central reservation of the Lower Lea Crossing adjacent to the slip roads (as already proposed by the applicant).

It is therefore proposed that using a combination of Grampian condition and S106

agreement the applicant is required to provide the emergency access arrangements as set out above, prior to the occupation of any part of the development, in order for the proposal to comply with the relevant planning policies, and to address the concerns of the emergency services.

The information provided in the Transport Assessment relating to trip generation assumes a very low number of car journeys for a development of this size, with the AM peak estimated to see 131 journeys in and 188 journeys out of the site, and the TA calculates an increase on the baseline flows on the Lower Lea crossing of up to 14.56%. There is an acknowledged existing problem with traffic flow on Leamouth Roundabout and as such the applicant is proposing off site highway improvements to assist in improving flows on the roundabout. It is proposed that the roundabout could be realigned and a further lane added together with clear lane markings to improve traffic flow. These road improvements would be secured by way of the S106 agreement. Both TfL and the Corporation's highway consultants have queried the low trip rate assumptions, and this remains an outstanding issue in relation to the ES. Further clarification is therefore sought on this issue, and it is considered that a reduction in car parking numbers could help to resolve this (car parking is addressed in section 9.3.4 below).

### 9.3.3 Public Transport Improvements

Canning Town station is a major public transport hub, with LUL Jubilee Line, DLR, and rail services as well as bus services. The transport assessment which supports the application anticipates a high proportion of journeys to and from the site will be undertaken on public transport. Given the close proximity of Canning Town station to the northern part of the site, this is not unreasonable, however towards the Lower Lea crossing walking times to Canning Town station become longer. Therefore to serve as an alternative at the southern end of the site the applicant is proposing to facilitate the introduction of a bus service, with a bus stands and turning areas located on Orchard Place, together with a financial contribution to the introduction of the new service.. The works and financial contribution associated with the introduction of the bus service, and the proposed provision of real time information on DLR departures will be secured through the S106 agreement. A capacity study of the Canning Town interchange has been carried out and this has shown that even where anticipated developments within Canning Town and the Royal Docks are taken into account there is capacity at the station to accommodate the anticipated additional users.

### 9.3.3. Car and motorcycle parking

Policies 3C.1, 3C.16 and 3C.22 of the London Plan 2004, policies ST31, T13, T16 and T17 of the UPD and policies CP40, DEV17, DEV18 and DEV19 of the LDF Core Strategy submission document seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

The scheme now proposes:-

- a maximum of 1050 of car parking spaces (including 108 disabled spaces)
- a minimum of 2024 bicycle parking spaces
- a minimum of 81 motor cycle parking spaces

LBTH have advised that the maximum car parking provision of 0.5 per unit (50%) as set out in PS3 of the LBTH LDF Core Strategy Submission document should only be applied in areas of a low PTAL rating. The applicant however has applied this maximum throughout the site and uses the maximum number of units proposed for the calculation. Furthermore, motorcycle parking is provided in addition to rather than instead of car parking.

With the erection of a bridge at the northern end of the site to link the site to Canning Town, the northern part of the application site would have a PTAL rating of 6. In areas of

high public transport accessibility such as here, LBTH seeks car-free residential developments (but providing only designated disabled parking) in light of the objective to actively discourage car use, as set out in the above policies.

The southern part of the site is expected to achieve a medium PTAL rating of 3-4, and some car parking provision would be acceptable here. However, the parking standard applied should be lower than the LBTH maximum of 0.5/unit.

In line with the standards set out in Table PS7 of the their LDF Core Strategy submission document, LB Tower Hamlets have advised that the car parking provision should be approximately between 258-339 spaces (depending on the number of residential units) for the entire development. Some additional designated disabled parking spaces would be acceptable, and the provision and retention of drop-off areas is essential. LBTH have maintained their objection that the proposed car parking provision is considered to be excessive and contrary to local and London-wide policy, and there is a concern that this level of parking would undermine the sustainable 'car free development' strategy set for developments in areas with good public transport and the general objective to actively discourage car use. The issue of car parking is closely related to that of trip generation from the development, and the figures for trip generation given by the applicant are very low for this level of parking.

It is proposed that as the currently proposed level of car parking to the residential uses is high, when set against policy requirements, and therefore it is proposed to impose a condition limiting the number of car parking spaces provided to serve the residential uses. Advice is currently being sought from the Corporation's highway advisors on the appropriate level of reduction, also taking into account the likely impact to the highway network from the associated trip generation (refer to section 9.3.2)

#### 9.3.4. Provision for cyclists

LB Tower Hamlet's LDF policy requires that secure cycle parking should be provided for each residential unit. Furthermore, additional informal parking for visitors should be provided. Policies also require that the site must make adequate provision for cyclists by providing connections from the site to surrounding cycle networks, therefore encouraging cycling.

Whilst the original scheme fell short of policy requirements in relation to provision for cyclists the revised scheme had increased the amount of cycle parking provided so that it now includes secure parking for 2024 cycles, for the use of residents and staff & visitors to the non residential uses. In addition the bridge to Canning Town has been widened from 3.7m to 4.2m which give sufficient width for the bridge to be used by cyclists. The applicants have also clarified the cycle routes through the development, which in addition to the riverside walkway around the edge of the peninsula, also now include a route through the centre of the site joining up with the end of the bridge which will be signposted as a shared surface between cyclists and pedestrians.

These significant revisions have overcome the original objection in relation to provision for cyclists and the application is now considered to comply with relevant policies in this regard.

#### 9.3.5 Travel Plan Measures

A travel plan is included within the TA and this proposes a Sustainable Travel Strategy for the site. This includes measures such as:

1. Restricting car use by way of a car free agreement, for all residents without use of a car parking space
2. Improved access to public transport
3. Provisions for walking and cycling
4. Car club, scooter club, and cycle club

These measures can be secured through the S106 agreement.

#### **9.4 Inclusive environments**

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).

Policies ST3 and DEV1 of the LBTH 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 of creating 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 LBTH 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.

Whilst the previously proposed bridge to Canning Town was not suitable for use by the mobility impaired, who would have to use the rotunda lift and tunnel linking to Canning Town station. The revised bridge design now accommodates 24hr unimpeded access for the mobility impaired by providing a lift to a high level ramp, which then joins to the river bridge section of the bridge. The river bridge has also been widened so that there is more room to pass and therefore it is now considered that the bridge is compliant with policies whose objective is to create inclusive environments.

The layout of the buildings creates one main north-south route through the development. This route connects the southern entrance to the development with the public open space 'Peninsula Place' and the bridge to Canning Town at the northern tip of the peninsula. Designed as a stepped terrain rising some 11 metres (compared to the previous scheme's 13 metres) from south to north. Whilst each ramp incorporated in this route may be DDA compliant, these constant level changes over a great distance would represent a significant challenge for some people, especially for wheelchair users or people whose mobility is otherwise impaired, and for the visually impaired.

Furthermore, there were 4 locations within the schemes where stairs are provided to connect the podium level with the riverside walkway and the landscaped stairs at the north-western part of the site, but no ramps or lifts. This means that wheelchair users and people who find it difficult to use stairs will have to take a different route. Clearly, this undue separation is contrary to the objective to create inclusive environments. This has been partly remedied in the most recent submission where a further 3 lifts have been introduced, and further to that the applicant has now given a commitment to introduce lifts between ground level and podium level in all locations where there are stairs. This is a significant improvement over the previous scheme, and whilst the level changes within the site are not ideal as an inclusive environment, that is very much constrained by the design concept, which would have to change considerably to provide a level environment. The provision of lifts and detailed design factors relating to inclusive design can be secured by condition.

In conclusion, whilst the level changes within the site do not create an ideal environment for the mobility impaired, the revisions to the scheme which will ensure every set of external steps has a corresponding lift, and the amendments to the bridge link which will secure a permanent and usable route for the mobility impaired to Canning Town are considered to overcome the earlier concerns regarding the compliance with relevant London-wide and local policies as outlined above.

## 9.4. Urban design

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 detailed 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.

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. The approach set out in the London Plan is reflected in the LBTH LDF Core Strategy submission documents. Policies CP1, CP4, DEV2 and DEV27 focus in detail on the design requirements for new developments.

### 9.4.1. Layout of buildings – legibility and permeability of site

The layout of the buildings creates one main north-south route through the development. This route connects the southern entrance to the development with the plaza, 'Peninsula Place', and the bridge to Canning Town interchange at the northern tip of the peninsula.

The riverside promenade around the outside of the development lies at a lower level than the podium level. It is therefore cut off from the main pedestrian activity through the development. Steps, ramps and lifts connect the podium with the riverside walkway in a number of locations. The need to negotiate level changes, which are quite considerable at the northern end of the site, would make circulation through the site quite difficult for some people.

The main pedestrian route 'meanders' through the site in between buildings which have somewhat unusual shaped footprints and which are sited at angles. The visitor is led into the site and guided through it by the layout and shape of the buildings and design details such as 'street columns' at the southern entrance. Whilst part-visibility of the main destination point only exists from approximately the centre of the site, the landscaping and detailed design assists in guiding visitors through the site.

The layout gives rise to some potential difficulties, pedestrians using the riverside walkway at ground level are cut off from the main artery through the development due to the level changes, and the route to reach the main destination point with the active uses, 'Peninsula Place' (which connects with the important bridge link to Canning Town) is unclear until the stairs at the northern end are reached.

Whilst the layout and design concept is not ideal in terms of providing for inclusive environments it is considered that the practical difficulties which might arise due to the design of the scheme could adequately be dealt with by appropriate signage, and movement between the levels is improved to some extent by the provision of additional lifts. A condition is proposed to ensure that the detailed design of measures to ensure adequate provision for the disabled is made within the scheme is proposed.

#### 9.4.2. Height, massing, silhouette - development viewed from the distance

The uniqueness of this site and the high visibility of any high-rise development on this island from major transport corridors and the wider area warrants the requirement for a high quality, striking development.

By reason of the relatively large footprints of the tall buildings (footprint:height ratio) and the connecting medium rise buildings, there is a risk that the development could appear bulky and squat when viewed from the distance. However, the Phase 1 information submitted show detailed designs for the tall buildings with a degree of variation, for example one building has waved balconies, another a chamfered roofline. This would assist in perceiving the buildings as separate when viewed from the distance.

Overall, it is considered that individual, strong detailed design of the individual tall buildings in phase 1 would create clearly noticeable, distinct features in the skyline.

In order to achieve compliance for the later phases with Policy DEV27 of the LDF Core Strategy submission document and policies 4B.1 and 4B.9 of the London Plan, which seek to ensure that new developments, where appropriate, inspire, excite and delight, create an interesting silhouette and contribute to an interesting skyline, the buildings within the remaining outline phase of the proposed developments would have to be as carefully designed. In this regard to Design Guide submitted with the application can provide a basis for guiding development in the later phases and this could be achieved by a combination of conditions and S106 agreement.

#### 9.4.3. Detailed design – buildings and spaces

The buildings of Phase 1 have been designed in detail. In particular at the lower levels, recesses and different materials have been incorporated, which result in interesting facades and an interesting environment at ground level. The upper levels of the tall buildings in Phase 1 feature different design details, which also add interest.

Many of the buildings are connected and this results in long building frontages, in particular in the later phases (within the outline part of the application). With little variation in building design and façade treatment, the environment could be uninspiring. It is therefore important that great care is taken in the detailed design of the buildings in the outline phase of the proposed development.

The landscaping is predominantly formal with many hard surfaces and well designed. This is considered to be appropriate for the northern part of the site, within Phase 1, where many active uses front the square and from where the bridge is accessed. However, the southern part of the site is mainly residential, but the landscaping still has a 'formal' feel to it. The fragmented nature of the open spaces overall is a contributor to this. In the detailed design of the outline phase, particular attention should be paid to the landscaping in order to achieve an inviting environment more appropriate to the residential nature of this part of the site.

### 9.5. Open Space

Policy 3D.10 of the London Plan requires that local plan policies 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.

The findings of the LBTH Open Space Strategy (OSS), which refers to the National Playing Fields Association's (NPFA) guidelines, are reflected in the new LBTH 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. The OSS also identifies the type of open space which qualifies to meet this requirement, referring to 'open land required for the

sports and play needs of local communities' and the focus on 'green space that is fully accessible to the public and that can be used for these purposes'.

In the Leaside area, where the application site is located, access to public open space is poor and overall provision low at 0.4 ha/1,000 population. Policies L5 and L43 of the Leaside Area Action Plan submission document require the provision of public open space.

Policies CP25 and HSG7 of the LBTH 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. Table DC2 of the LDF Core Strategy submission document provides a detailed table with specific minimum areas for each unit type as well as minimum standards for communal amenity space and 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.

In conclusion, in the Leaside area, which is deficient in open space, the creation of spacious and useable private as well as public spaces within new developments is required, to ensure that new developments cater adequately for their future residents, employees and visitors and do not increase pressure on existing open spaces and playgrounds.

The applicants propose various different types of 'open spaces' in their submission documents. However, not all of the open space proposed represents the type provision of public open space as required by policy, supported by the OSS.

The open spaces are spread throughout the development and therefore shorten travelling distances for residents. However the benefit of this fragmentation is questioned with respect to providing for older children and adults. No single soft landscaped area resembling a park or 'common' which is large enough for a wide variety of active recreation for children and adults, is proposed. The proposed provision of a leisure and community centre in the later phase of the development does at least provide opportunity for indoor sports but it does not in itself make up for this lack of usable recreational public open space. The small grassed area contained within 'The Garden' in the centre of the site would not cater adequately for the older children and adults of this development, in particular given the size of the development of up to 1,837 residential units.

Furthermore, there is some concern over the attractiveness of the courtyards and corridors as play spaces. They are located between groups of tall and medium rise buildings and would receive limited sunlight, in particular outside the summer months.

In conclusion, the variety of different open spaces provided does not outweigh the importance of providing an adequate quantity of publicly accessible open space of good quality and usability which meets the sports and play needs of future residents, particularly on this isolated site located in an area already deficient in open space. Currently the proposal fails to provide within its open space offer a single large enough space to accommodate the recreational needs of older children and adults. Whilst it is acknowledged that money could be available through the S106 for improvement of off site open space in this area of open space deficiency it is more appropriate to look at creation of new public open space. As such the applicants are still in discussion with officers of LBTH, GLA and the Corporation to seek to amend the landscape design to provide a single large green area within the development. Members are asked to delegate this matter to officers to resolve, prior to the grant of planning permission.

## **9.6. Environmental Factors**

### **9.6.1. Energy**

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.

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

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.

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% (20% in the proposed alterations to the Plan) of the predicted energy requirements on site.

The original energy statement submitted in support of the application sets out that the proposed development would have:-

- A heating and cooling system which includes CHP, with an expected 7% carbon saving;
- An energy efficient design which would result in a carbon saving from demand reduction of around 20%, which suggests that this part of the strategy is aimed at achieving Building Regulations compliance;
- Open loop ground source heating and cooling system;
- Community heating scheme for residential element.
- A renewables contribution of around 7%.

This was not considered to be satisfactory as it did not deliver the expected carbon savings, in accordance with the policy requirements. A revised energy statement has therefore been prepared and was submitted with the revised proposals in March this year.

The revised proposal now offers an improved renewables offer of a combination of Biomass district heating and ATES (Aquifer Thermal Energy System) ground water heating and cooling which together with passive design and use of energy efficient equipment results in a total reduction in CO2 between 29-30%. However, comments received from LB Tower Hamlets energy team advise that the ATES technology proposed is not appropriate for this location, but that other forms of renewable energy could make up the total renewables contribution. Comments are still awaited from the GLA's energy team, and subject to these it is considered that the appropriate way to deal with this matter is to secure a commitment to provide no less than an agreed percentage of the energy requirements of the development through the use of renewable technologies through the S106 agreement, and if the applicants preferred method (ATES) does prove to not be viable in this location, another method can be used, to achieve the same percentage contribution.

#### 9.6.2. Biodiversity

Policies ST8, DEV57 and DEV62 of the LBTH 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, LBTH 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.

Policy 4C3 of the London Plan focuses on the Blue Ribbon Network and the importance to protect and enhance the biodiversity of the network by designing new waterside developments in ways that increase habitat value.

The application site is surrounded by various types of nature conservation sites, which benefit from different levels of statutory importance. The site is surrounded by Bow Creek Ecology Park. The tidal section of the River Lea is a Site of Metropolitan Importance for Nature Conservation.

The potential impacts of the proposals on the ecology and biodiversity of the site itself and surrounding area would result from (temporary) construction activity, increased shading, human activity and disturbance. With respect to the measures that are proposed, LBTH initially identified concerns 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
- insufficient variety of biodiversity enhancement initiatives.

It is known that black redstarts, a protected species, are attracted to this area. A commitment to constant monitoring during the construction process should therefore be secured in case nesting occurs in unfinished buildings. The provision of brown roofs with characteristics attractive to black redstarts are proposed within the development and these could be secured by condition, if permission were to be granted. Also proposed is new wetland habitat, either as inter-tidal terraces or freshwater wetland, and provision of breeding bird habitat for sandmartins, kingfisher, grey heron and peregrine falcons. London City Airport in their comments have requested that for bird hazard reasons, the provision of sandmartin nesting boxes would have to be limited (to 10) and no heron poles must be provided.

On the basis of the information now provided the EA has withdrawn its earlier objection in respect of ecology and biodiversity issues. They have recommended a range of conditions be imposed including a requirement for submission of a ecological mitigation, compensation, and enhancement scheme. Subject to securing the range of measures proposed through use of appropriate conditions the proposal is considered to comply with relevant policies in relation to biodiversity.

### 9.6.3. Flood Risk

The application site is identified as being 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'.

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.

Furthermore, the proposed buffer zone is 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. The EA have confirmed that in the absence of adequate information they have an objection to the proposals.

In response to these concerns the applicant has submitted further information to the EA including a study to demonstrate how the river wall can be repaired and maintained within the set back proposed, and a river wall condition survey. The applicant anticipates that EA will withdraw their objection. At the time of writing however the objection still stands. It is therefore considered that members could still resolve to approve the application if they were minded to, and give delegated authority to the Director of Planning to ensure the outstanding issues in relation to flood risk are resolved to the satisfaction of the EA prior to the grant of planning permission.

#### 9.6.4. Air Quality

Policy 4A.6 of the London Plan 2004 and policies CP3 and DEV11 of the LDF Core Strategy submission document set out specific air quality strategies and objectives. They seek to ensure that air quality assessments are undertaken at the planning application stage. The Council's Air Quality Action Plan provides key actions to ensure that proposed mitigation measures are acceptable to reduce impacts to acceptable levels. The application site is located within an Air Quality Management Area. The scoping opinion requires full details regarding possible traffic generated by the scheme and its impacts on air quality, including details on the capacity of the transport infrastructure.

The submitted air quality statement was reviewed and principal objections were raised with regard to the lack of transparency and assumptions on impacts, which are not fully supported by analysis or relevant information. Concerns were raised with regard to the absence of mitigation measures and plans for reducing the road traffic impacts of the scheme. Furthermore, one of the assessments contained within the Air Quality assessment has not been carried out properly. The relevant modelling should be completed depicting a 'worst case scenario' using TH 2003 data due to the length of the construction period.

The statement indicates an insignificant increase in key pollution concentrations in the context of the LGA guidance. However, the lack of detailed information entails the risk that acceptable levels are not achieved and inadequate mitigation measures are incorporated. The proposal is therefore contrary to policy 4A.6 of the London Plan 2004 and Core Strategy CP3 and Policy DEV11 of the LDF Core Strategy submission document, which require adequate mitigation measures to limit impacts to acceptable levels. It is considered therefore that prior to the grant of planning permission it would be appropriate to seek further air quality assessment to be carried out, so that the appropriate mitigation can be ensured.

#### 9.7. EIA

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.

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 Corporation to consider whether the ES provides sufficient

detail for a proper assessment.

LBTH commissioned an external consultant to review the ES. The review was undertaken against the requirements of the above Regulations and a detailed report describes the findings of the review.

In brief, it has been found that the submitted environmental impact assessment does not include adequate

- (1) Transportation and access assessment
- (2) Soil and ground condition assessment
- (3) Built heritage assessment
- (4) Bat habitat assessment

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.

A letter to request further information under regulation 19 of the Town and Country Planning (EIA) (England and Wales) Regulations 1999 was sent to the applicant in December 2006. Further information with respect to issue (1) above was received in December 2006, and further information was received on 7th March 2007 with respect to the other issues identified. A review of the further information submitted to date has now been carried out. This states that despite the submission of further information there remain outstanding omissions, in relation to transport and built heritage. Unless an acceptable ES is submitted in accordance with the Regulations planning permission can not be granted. It is understood from the results of the further review that the outstanding matters do not primarily relate to the finds of the ES but to its methodology, and the nature of the omissions are such that it is considered that members could still resolve to approve the application, and give delegated authority to the Director of Planning to ensure the outstanding issues are resolved prior to the grant of planning permission.

#### **9.8. S106**

The applicants have submitted a proposal to the Corporation in relation to S106 contributions. This includes the affordable housing offer assessed in section 9.2.1 of the report, as well as financial contributions towards provision of health facilities, highway improvements, public transport improvements and transport related initiatives such as a car club and scooter club, and improvements to off site public open space. These financial contributions equate to approximately £5051 per unit. This compares to the proposed £10,000 per unit (in addition to affordable housing) which could be sought should a tariff approach be adopted by the Corporation.

The applicants have provided a viability appraisal to support their affordable housing and S106 offer, this indicates significant costs in relation to the construction of the bridge link to Canning Town in particular and costs relating to the repair of the river wall, and LTGDC are seeking independent advice to verify the information provided, this process is ongoing. Should the Corporation’s advice indicate that the viability suggests a higher figure is achievable, this will be sought, however the application is being reported on the basis that the figure of £5051 per unit is the minimum that would be secured.

In addition, the S106 will also be the mechanism for securing a range of benefits proposed within the development, including the community centre, arts centre, car cycle and scooter clubs, and floorspace for use by Metropolitan Police as a local base. The S106 will also secure the delivery of the emergency access proposals the bridge to Canning Town, the

renewable energy requirement, public transport improvements and sustainable travel strategy.. A full list of the proposed heads of terms for the S106 agreement is listed below in the recommendation.

## **10. CONCLUSION**

Significant progress has been made in recent months as a result of ongoing negotiations between the applicants and the Corporation together with LBTH and GLA. The revisions submitted in February and March this year were arrived at as a result of those discussions, and represent a significant improvement over the original submission, and the scheme currently at appeal. It is now considered that subject to satisfactorily resolving issues relating to open space, noise, air quality, flood risk and car parking, and with adequate safeguards through a range of conditions and subject to a S106 agreement that the application is capable of complying with the relevant planning policies and that therefore it can be approved.

## **11. RECOMMENDATION**

**It is recommended that members delegate to the Director of Planning to approve the application subject to:**

- 1. The expiration of the period of readvertisement and reconsultation**
- 2. The resolution of the outstanding Environmental Statement Regulation 19 omissions**
- 3. The resolution of the open space issue, through further amendments to the scheme**
- 4. The resolution of Flood Risk issues with the EA**
- 5. The submission of further noise and air quality assessments and agreement of appropriate mitigation**
- 6. Conditions (as set out in full in a separate report, to follow)**
- 7. Completion of a S106 agreement to secure the following:**
  - 35% (by Habitable Room) Affordable Housing, and phased delivery**
  - A financial contribution of at least £5014 per unit towards a range of measures including, health, education, public transport improvements, highway improvements off site provision of open space, and others to be agreed by LTGDC**
  - Delivery of the pedestrian and cycle bridge to Canning Town**
  - Delivery of satisfactory emergency access arrangements**
  - Commitment to provide an agreed percentage of the energy requirements of the development through the use of renewable technologies**
  - Sustainable travel strategy**
  - Car, cycle and scooter clubs**
  - Car parking management, and servicing management strategies**
  - Provision of a community centre/sports hall of 1600sqm (plus external space) and management strategy for it**
  - Provision of the riverside walkway and provision for public use of it and open space and routes within the site**
  - Provision of and management strategy for the arts centre**
  - Local Labour Provisions**
  - Provision of floorspace within the development for use by Metropolitan Police**

**CASE OFFICER:** Sara Purvis

Appendices:

1. Location Plan
2. LBTH Formal Comments
3. GLA Stage 1 Letter & Report
4. Plans & Illustrative Material