

## LONDON THAMES GATEWAY DEVELOPMENT CORPORATION

### PLANNING COMMITTEE MEETING: 12<sup>th</sup> April 2007

#### Planning Application subject of an Appeal Against Non Determination

#### Report of the Director of Planning

**CASE NUMBER:** LTGDC-06-068-APP      **DATE MADE VALID:** 26/05/2006

**APPLICATION NO:** PA/06/00749/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 224,390sqm 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), 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.

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

### 1. SUMMARY

- 1.1. On 6<sup>th</sup> February 2007 the applicant lodged an appeal to the Secretary of State against the Corporation's failure to determine the application within thirteen weeks. The submission of an appeal prevents the Corporation from being able to determine the application. The purpose of this report is to resolve how the Committee would have determined the application in the event that an appeal had not been lodged.
- 1.2. The Planning Inspectorate has set out an appeal timetable that requires the Corporation to submit a Statement of Case by 21st May 2007. The Committee resolution will inform the Corporation's position to enable preparation of a Statement of Case and evidence to be

presented at the forthcoming public inquiry.

- 1.3. The duplicate application (PA/06/00748) 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, and a further report on the duplicate application is also before members at this meeting.
- 1.4. For the avoidance of doubt this report is based on the appeal application only, which remains in the same form as it was at the time the appeal was lodged, and therefore this report does not consider the recent amendments to the scheme, which currently do not relate to the appeal application. Ultimately it will be for the Planning Inspectorate to decide whether it will accept any revisions to the appeal application.
- 1.5. It is recommended that members agree to delegate to officers the production of the Corporations statement of case on the basis of the principles set out in Section 10 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, except for a small area in the south-east corner. 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. A plan is appended to this report at Appendix 1.

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 application is for the redevelopment of the site to provide 224,740sqm 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), 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 97,150sqm in total, including:

- 56,350sqm residential floor space/ 708 residential units (178 studios, 263 one-bedroom units, 198 two-bedroom units, 49 three-bedroom units, 20 four-bedroom units) ;
- 4,650sqm floor space for creative industrial use and flexible workspace;
- A primary school of 3,270sqm floor space;
- 2, 220sqm floor space for leisure use;
- 1,440sqm floor space for arts and cultural uses (the 'Arts Window');
- 1,500sqm floor space for retail use, financial and professional service use and food and drink uses;
- 200sqm floor space for the development's management office; and
- 27,540sqm 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 127,590sqm in total, including:

- 94,860sqm of residential floor space;
- 11,920sqm floor space for creative industrial use and flexible workspace;
- 17,760sqm 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.

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 only 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.

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 13.5 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 of

PA/06/00749).

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 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 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 Combined Outline and Full Planning Application (hybrid application) for demolition of all existing buildings and redevelopment to provide 80.070 sq.m. floorspace comprising residential (Class C3), business uses (Class B1), retail, financial and professional services, food and drink (Classes A1, A2, A3, A4, A5), energy centre, storage and car and cycle parking. The development includes formation of a new vehicular access from Orchard Place and means of access and circulation within the site, new private and public open space and landscaping including a riverside walkway. 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

The Council has considered the proposals and found that they:

- a) do not satisfy the overall spatial, economic, social, urban and sustainability strategies / environmental criteria adopted by the Council and;
- b) would result in material harm to the amenity, character and safety of the local area, environment of the adjacent area and amenities and safety of future occupiers.

The Council raises objections on the following grounds:-

1. Vehicular access
2. Development and transport
3. Car parking
4. Bicycle parking
5. Overdevelopment
6. Dwelling mix
7. Affordable Housing
8. Standard of accommodation
9. Residential amenity: sunlight/daylight and noise
10. Inclusive design
11. Amenity space and public open space
12. Energy
13. Flood Risk
14. Biodiversity
15. Sustainability

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: Concern regarding the level of sunlight/daylight to the proposed residential units and undue overshadowing of open spaces;
- 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 report related primarily to the amended duplicate application, however the letter states in relation to the appeal application:

“The Mayor made it clear that he would direct refusal on the ground of affordable housing provision, play space and open space provision, inclusive design, and sustainable design should it be referred back to him”

#### **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;  
And they recommend conditions in respect of ecology and biodiversity issues.

#### **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**

To be reported in GLA report.

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

Concern over vehicular access arrangement.

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

Object on grounds of substandard access arrangement.

State 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.

#### **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.

#### **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).

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

No comments received.

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

No comments received.

#### **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: **18/09/2006**

6.2. Press Notice Expiry: **18/09/2006**

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.

### 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 proposals do not address inadequate public open space provision in the area, and do not meet policy requirements for provision of open space

### 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 Flood 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

#### 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 1,988 residential units (151,210sqm), 16,690sqm workspace plus an estate management office, an independent primary school including a nursery, a leisure centre, art and gallery space, a community centre and shop units (for A1, A2, A3, A4 and A5 uses) totalling 1,500sqm.

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.

It is 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 is outdated and 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 proposed tenure split (social-rented: intermediate) and the proposed mix of the affordable units would broadly accord with LBTH's emerging policy. However, the applicant's proposal is to provide 20% of the overall residential floor area for affordable housing. At 1982 dwellings this would equate to approximately 16% of the units (309 units). No figure is given for the % of habitable rooms. (later addition of 34 units?)

In view of the significant size of the development and the precedent this development would set in the Borough and the Lower Lea Valley, it is considered that the proposed percentage of affordable housing would result in a scheme that provides an unacceptably low level of affordable housing.

In conclusion, the proposed level of affordable housing at 20% of the overall floor area falls short of local and London-wide requirements, to the detriment of the level of housing choice and the creation of sustainable, balanced communities within the Borough and London-wide.

As such, the proposal is contrary to policies 3A.7 and 3A.8 of the London Plan (2004) and policies CP1, CP21, CP22, HSG3, and HSG4 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure the adequate provision of affordable housing in terms of quantity, tenure types and unit types and sizes to meet the needs of London's diverse population and to enable the creation of sustainable, balanced and mixed communities.

### 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>	178	25 %	<b>5-20 %</b>
<b>1-bed</b>	263	37 %	<b>35-45%</b>
<b>2-bed</b>	198	28 %	<b>20-30%</b>
<b>3-bed</b>	49	7 %	<b>15-25%</b>
<b>4-bed</b>	20	3 %	<b>3-8%</b>
<b>5-bed</b>	0	0 %	<b>1-5%</b>
	=708		

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%

Council 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 quite clearly falls short of the Council's requirement with respect to the family-size units, where only a maximum of 19% could be 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.

The proposed dwelling mix, by reason of the overprovision of small units and the limited number of family-size units, does not accord with local and London-wide policy. The proposed mix is unacceptable and is therefore contrary to Policies 3A.4 of the London Plan 2004 and relevant GLA SPG on Housing, policy HSG7 of the UDP, policies CP21 and HSG2 of the LDF Core Strategy submission document and policy C3 of the LLV OAPF.

Policy HSG9 of the LDF Core Strategy submission document and policy 3A.4 of the London Plan require the provision of fully wheelchair accessible housing (10% of overall number of units) and that all homes are built to lifetime homes standards, in order to provide a wide range of housing including accommodation which caters for people with different needs. The applicant indicates commitment to this and it could be secured through conditions.

### 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 have 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. LBTH environmental health officers have also raised concerns regarding whether adequate daylighting, sunlighting and natural ventilation is achieved to all units. Further information has recently been submitted in this regard in relation to the duplicate application, but until fully assessed this remains an

outstanding concern in respect of the scheme. There is also poor outlook from some inward facing units on the lower levels of some buildings which will give an undue sense of enclosure to future occupants of the development. LBTH environmental health officers have also raised concerns as to whether noise from the external environment around the site is adequately mitigated. All of these comments together indicate that the proposed development would provide a poor standard of residential amenity for its future occupants.

#### 9.2.4. Density

The application site area is 4.63ha. The proposed 1,663-1,988 residential units result in a density of between 359-429 units/hectare.

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, creating close to 2000 units), the density would be approximately 1,045-1,330 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 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.

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 bridge would link the development with Canning Town but would not adequately cater for the mobility impaired and cyclist. Moreover, concerns have also been expressed about the existing vehicular access arrangement which does not allow for emergency access should the access road be blocked (see paragraphs 9.3.1-9.3.4 below).

Furthermore, a lack of adequate private and public open space has been identified (section 9.6 below), as well as a concern regarding the levels of sunlight and daylight to residential units (section 9.2.3 above). These points are considered to be consequences

of overdevelopment.

Given the above, it is considered that the housing density is excessive and the proposed developments constitute overdevelopment of the site. The proposals therefore fail to comply with local and London wide policies as set out in the paragraphs 8.4.4, .5 and .8 above.

### **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, 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. 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 proposed river bridge spans the River Lea from the northern tip of the application site. It lands on the river's northern bank just west of Canning Town station on a newly erected platform. From this platform, the 'green bridge' spans the railway lines and lands to the west of the bus station at Canning Town. The green bridge has stairs and a ramp which can be used for example by cyclist to push their bikes and by parents with prams. However, the proposed ramp is too steep to be used by wheelchair users.

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 to the station. This lift could be used by the mobility-impaired to gain access to the station and through the station to Canning Town town centre.

The rotunda and tunnel, linking directly to the station, could not be used at times when the station is closed. Therefore, 24 hour access would not be possible for the mobility-impaired.

The proposed bridge would provide an adequate connection with Canning Town for able-bodied pedestrians. However, it relies on the lift and the link through the station to provide access for the mobility impaired. Outside the station's opening hours and in case of station closures (emergency works, fire/bomb alerts, accidents etc), there is no access to and from the site at its northern end for the mobility impaired.

Furthermore, the bridge spanning the river would be 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.

In conclusion, it is considered that the bridge as proposed does not provide an adequate connection to the surrounding area, contrary to policies 2A.1, 3C.20, 3C.21 and 4B.1 of the London Plan, policies ST30 and T24 of the UDP and policies CP1, CP40, CP41, DEV3 and DEV16 of the LDF Core Strategy Submission document. These seek to ensure that developments promote walking and cycling, are well integrated with the

surrounding area and are easily and conveniently accessible for all, including cyclists and the mobility impaired. As such the site is not adequately connected and access to the development is insufficient.

### 9.3.2. Highway Capacity and Highway Safety

A single vehicle access is proposed to service the site. Guidance indicates 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. A number of consultees 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 is contrary to policy T15 and T16 of the UDP and policy DEV17 of the LDF Core Strategy submission document.

The applicant acknowledges that there is a problem with respect to emergency access and has developed a strategy to address this. This strategy 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 would involve 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.

This is 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. The route would need to be continued within the site boundary until it meets the inner ring 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).

At the time of the appeal the applicant's Transport Assessment was deficient. It did not analyse public transport capacity (on the trains and busses as opposed to the station at Canning Town) and the trip generation appears to be unrealistic given the number of parking spaces proposed and the likely servicing required for the proposed business uses. As such, it is not possible to assess fully the proposal's impact on the highway network and on public transport. Any financial contributions needed towards improved or new public transport services therefore cannot be predicted accurately. In light of the generous car parking provision, the proposal could unacceptably contribute to congestion and add strain on the capacity of the surrounding road network, in particular when viewed cumulatively with other new developments in the area, to the detriment of the free flow of traffic and safety of both pedestrians and cyclists. With the recent submissions further information additional information has been received and is currently being considered, however in relation to the appeal application the Corporation

continues to consider that the proposal is not in line with local and regional ambitions to restrict car use, tackle congestion and ensure the free flow of traffic as set out in policies 3C.1, 3C.2, 3C.16 of London Plan, policies ST28, T16 and T17 of the LBTH UDP and policies CP40, CP41, DEV17 and DEV19 of the LBTH LDF Core Strategy submission document. It is acknowledged that further information on Transport capacity has now been submitted in respect of the duplicate application and this information is currently being consulted upon & considered.

### 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.

Phase 1 proposes:-

- a maximum of 601 of car parking spaces
- a minimum of 245 bicycle parking spaces
- a minimum of 33 motor cycle parking spaces

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 applies 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. The parking figure could be further reduced by the provision of some motorcycle parking in place of car parking, at a rate of 5 motorcycle spaces in place of one car parking space. Some motorcycle parking provision is desirable on this development.

In conclusion, the proposed car parking provision is considered to be excessive and contrary to local and London-wide policy. The proposal 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.

### 9.3.4. Provision for cyclists

The proposal does not include the provision of cycle routes (including a cycle-friendly bridge link) which link to the existing networks. 994 cycle parking spaces are proposed for a maximum of 1,988 units, plus 133 in relation to the B1 floor space. 25 cycle parking spaces are proposed in connection with the remaining uses.

In line with the policy requirement set out in the Council's LDF, secure cycle parking should be provided for each residential unit (ie at 100%). Furthermore, additional informal parking for visitors should be provided. The proposed provision at 50% and no informal visitor parking falls short of this requirement.

Whilst the proposed bicycle parking for the non-residential uses may be adequate and a commitment for provision in line with policy could be secured, the provision for the residential element of the proposal is inadequate. As such, overall, the proposal is contrary to policies 3C.21 and 3C.22, policies T17, T22 and T24 of the UDP and policies CP40, CP43, DEV16, DEV18 and DEV19 of the LDF Core Strategy submission document and policy L41 of the emerging LAAP, which seek to ensure an adequate provision of bicycle parking and the integration of new developments with the existing cycle route network in Tower Hamlets.

## 9.4. Design

### 9.4.1. 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.

The proposed 'green link' bridges are not suitable for use by the mobility impaired, who would have to use the lift and tunnel linking to Canning Town station. This route can only be used during station opening hours (approximately 5:30am-1am). There would be no direct access to/from Canning Town at all hours during the night for the mobility impaired, and no access in cases of emergency closures during the daytime. At those times, the mobility impaired would have to make special arrangements to reach the development from Canning Town (or vice-versa) whilst the able-bodied can reach the development independently via the bridges. The proposals fail to create inclusive access to/from the site, which is contrary to the objective 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 13 metres from south to north, the ground floor constantly shifts in levels. 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 are 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.

In conclusion, the proposed schemes do not adequately cater for the mobility impaired and fail to create inclusive environments which can be used by as many people as possible without undue effort, separation or special treatment, as required by London-wide and local policies as outlined above.

## 9.5. 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.

### 9.5.1. 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.

Pedestrians using the riverside walkway 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.

In conclusion, the proposed developments are not easily legible and not permeable. As such, the proposal is contrary to policies 2A.1 and 4B.1 of the London Plan and policies CP1, CP4 and DEV2 of the LDF Core Strategy submission document, which seek to ensure that new developments are legible and permeable, allowing easy access and circulation for all people, including the disabled.

### 9.5.2. 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 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. This could be achieved by conditions or through a S106.

### 9.5.3. 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.

### 9.6. 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 proposal includes private amenity space in form of balconies, podium/ground level patios/gardens and roof terraces. However, not all units would have the benefit of private amenity space. For example, the following within Phase 1 have no balconies:-

- some units on levels 1 and 2 of buildings A and D, which include 2 family-size units;
- The units on levels 5 and 6 of building D;
- some of the units on levels 6, 7 of building A;
- some units on higher levels in all four buildings.

Furthermore, concern is raised regarding the usability of the balconies of the units on the upper levels of the tall buildings, which are external 'clip on' elements. Residents may be deterred from using them due to their exposure to wind. Moreover, in a number of cases, the size of the balconies appears to fall short of the minimum requirements contained within table DC2 of the LBTH LDF Core Strategy submission document. The provision of balconies in the outline phases could be influenced through the detail design, appropriate sizes and provision could be ensured, however the phase 1 of the scheme, which is a full detailed application does not currently demonstrate provision of sufficient Private amenity space.

No clear details are provided to show the amount of sunlight the proposed individual private patios/gardens would receive. From the information provided, it appears that some private patios, in particularly the ones facing the courtyards, would be substantially overshadowed and would receive inadequate sunlight outside the summer months. Their amenity value is therefore limited. In conclusion, the proposed private amenity space is considered to be inadequate.

Roof terraces are proposed for private and communal use. However, the exact amounts for each use have not been specified. Flexibility is sought by the applicant with respect to the allocation of roof space for brown roofs, communal space and private amenity space. If the applications were to be approved, an agreement would have to be reached to ensure the adequate provision of each of the different types of roofs.

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 with a proposed 1663-1988 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. The proposal fails to provide sufficient public open space to the detriment of the amenity of future residents and the amenity of the area in general. The proposal is contrary to the policies set out as above.

## **9.7. Environmental Factors**

### **9.7.1. 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 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%.

The following issues have been identified:-

- Baseline information in relation to the non-residential uses; the applicant should undertake modelling using SBEM;

- The proposed demand reduction measures seem to be aimed at achieving only Building Regulations compliance;
- A renewables contribution of 7% whilst the minimum requirement is 10%;
- CHP is limited to the landlord's electricity supply;
- Community heating does not serve all non-domestic buildings/areas;
- Two energy centres are proposed for the community heating – a single network should serve the site;
- The prospects for tri-generation have not been considered despite the cooling load available;
- No calculations are provided to support the expected 7% carbon saving (from the CHP) and the expected saving is modest; a larger CHP system should be considered;
- Limited information on the potential for other renewables (eg. biomass, wind and solar power);
- A back-up strategy needs to be developed in case the proposed open loop ground source heating and cooling cannot be taken forward.

In summary, whilst CHP and community heating is proposed, the development proposal does not meet the requirement to incorporate renewable energy production to provide at least 10% of the predicted energy requirements on site. Possibilities to increase renewables production have not been fully explored. The proposed development proposal does not comply with policies 4A.7, 4A.8, 4A.9 and 4B.6 of the London Plan and policies CP3, DEV5 and DEV6 of the LBTH LDF Core Strategy submission document.

#### 9.7.2. 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 proposals involve the demolition of the existing industrial buildings and the creation of a tall, dense, residential-led mixed use development. 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.

LBTH have advised that the submitted assessment fails to assess fully the developments' impacts on the environment. Furthermore, the proposed enhancement and mitigation initiatives are limited and opportunities for the enhancement of the biodiversity of the site have not been fully explored. In addition to this, several of the proposals for enhancement are not viable or sustainable for the species and habitats proposed for.

With respect to the measures that are proposed, LBTH have 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.

Too much hard surfacing is proposed within the buffer zone area of the watercourse, and buildings overhang into the area. Therefore, it is considered that the proposed developments are too close to the river. Natural landscaping is only proposed in two places by the river and does not extend along the full length of the watercourse. It is considered that the design of the developments, by reason of the proximity of the developments to the watercourse and the lack of natural landscape along it, fails to pay adequate regard to the role of the river in terms of landscape and ecology. A key opportunity to promote biodiversity of this site and increase the habitat value of this river corridor has not been exploited.

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 would be sought if permission was to be granted. London City Airport requests 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.

It is considered that the proposals lack adequate and sustainable enhancement and mitigation initiatives and fail to fully promote the value of the river, contrary to policies 3D.12 and 4C.3 of the London Plan and policies ST8, DEV57 and DEV62 of the UDP, policies CP31, CP33, OSN3 of the LBTH LDF Core Strategy submission document, which seek to ensure the protection, conservation, enhancement and effective management of the borough's biodiversity and Sites of Importance for Nature Conservation.

### 9.7.3. 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.

In conclusion, in the absence of adequate information with respect to the quality of the walls, including a strategy for remedial works if necessary, and without an adequate buffer zone which allows maintenance, repair and renewal works to be carried out in a safe, cost effective and environmentally sensitive way, the proposals are contrary to the policies

outlined above and fail to minimise flood risk (paragraph 8.102)

#### 9.7.4. 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.

#### 9.8. 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. Further information was received on 7th March 2007 with respect to the other issues identified. A review of the further information submitted to date will now be carried out. Unless an acceptable ES is submitted in accordance with the Regulations planning permission could not be granted in any event.

#### 9.9. 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 £ 3250 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 and LTGDC are seeking independent advice to verify the information provided, this process is ongoing in relation to the duplicate application.

## 10. CONCLUSION

Were this application still before the Corporations planning committee for determination, it would be recommended for refusal for the following reasons:

- 1) The proposed vehicular access arrangement is unacceptable as access to the development for the emergency services would be severely restricted in cases of road closures or accidents, to the detriment of the safety of future residents and visitors.  
  
As such, the proposal is contrary to policies T15 and T16 of the LBTH adopted UDP (1998), DEV17 of the LBTH Local Development Framework Core Strategy submission document, policy 2A.1 of the London Plan (2004) as well as Design Bulletin 32, which seek to ensure that adequate access, including access for emergency vehicles, is guaranteed.
- 2) The proposed access arrangement at the north of the site (river bridge and 'green' bridge), as the main link to the nearest town centre with its facilities and services, does not adequately integrate the development site with the surrounding area as:
  - o the river bridge is not wide enough nor is it designed in a way to cater satisfactorily for cyclists, pedestrians and the mobility impaired;
  - o the 'green bridge' does not cater for the mobility impaired and 24hour access is not achieved.

Without an appropriate link, the proposal is considered to be contrary to policies 2A.1, 3C.20 and 3.C21, 4B.1 of the London Plan (2004), policies ST30 and T24 of the adopted LBTH UDP (1998) and policies CP1, CP40, CP41, DEV3 and DEV16 of the LBTH Local Development Framework Core Strategy Submission Document (2006), which seek to ensure that developments promote walking and cycling, are well integrated with the surrounding area and are easily and conveniently accessible for all,

including cyclists and the mobility impaired.

- 3) The proposed car parking provision is excessive in light of the expected high PTAL rating of the site and would be a disincentive for occupants of the development to use sustainable transport modes, and could lead to an unacceptably high number of car journeys which would put additional strain on the highway network, and would be contrary to the principles of sustainable development.

As such, the proposal fails to meet policies 3C.1, 3C.16 and 3C.22 of the London Plan (2004), policies ST28, T13 and T17 of the LBTH adopted UDP (1998) and policies CP40 and DEV19 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to actively deter car use and promote the use of alternative transport modes.

- 4) The proposal also fails to provide a segregated, direct and safe cycle network within the development which integrates with the surrounding Strategic Cycle Networks in the local area, and the proposed development provides an inadequate amount of bicycle parking for use by future residents, employees and visitors of the site.

The proposal is therefore contrary to policies 2A.1, 3C.1, 3C.3, 3C.16 and 3C.21 of the London Plan (2004), policies ST30, T17, T22 and T24 of the LBTH adopted UDP (1998), policies CP1, CP40, and DEV16 and DEV19 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek the promotion of cycling as an alternative, sustainable transport mode through the provision of adequate routes and parking facilities.

- 5) The proposed development constitutes overdevelopment of the site which manifests itself in:-
- Poor standard of accommodation for future occupiers by reason of poor internal layout, restricted daylight, sunlight and natural ventilation in particular to the studios;
  - Poor outlook and unacceptable sense of enclosure for future residents;
  - insufficient amount and quality of private and public open space; and
  - an unbalanced mix of housing units heavily weighed towards small units

As such, the proposal is contrary to policies 2A.1, 4B.1 and 4B.9 of the London Plan (2004), policies ST23, DEV1 and DEV2 of the LBTH adopted UDP (1998) and policies CP1, CP4, CP20, CP25, CP30, DEV1, DEV2, HSG1 and HSG7 of the LBTH Local Development Framework Core Strategy submission document (2006). These seek to ensure that new development respects the constraints of a site and exploits its development potential without adversely impacting on the residential amenity of future occupiers and on the environment.

- 6) The proposed dwelling mix is unacceptable on grounds of the considerable over provision of small units and the limited percentage of family accommodation (3 bedroom+), which would not facilitate the creation and growth of a sustainable and balanced community in this area.

As such, the proposal is contrary to policy 3A.4 of the London Plan (2004) and associated SPG: Housing (2005), policies ST22 and HSG7 of the LBTH adopted UDP (1998) and policies CP1, CP21 and HSG2 of the LBTH Local Development Framework Core Strategy submission document (2006). These seek to ensure that housing accommodation in new residential developments include those housing types and sizes which meet local needs and promote balanced communities in accordance with the Government's sustainable community objectives.

- 7) The proposed level of affordable housing falls short of local and London-wide requirements, to the detriment of the level of housing choice and the creation of sustainable, balanced communities within the Borough and London-wide.

As such, the proposal is contrary to policies 3A.7 and 3A.8 of the London Plan (2004) and policies CP1, CP21, CP22, HSG3, and HSG4 of the LBTH Local Development Framework Core Strategy submission document (2006). These seek to ensure the adequate provision of affordable housing in terms of quantity, tenure types and unit types and sizes to meet the needs of London's diverse population and to enable the creation of sustainable, balanced and mixed communities.

- 8) Due to the proposed level changes and connection points between the podium level and riverside walkway where no lifts are provided, the development proposal fails to create a fully inclusive environment where people of all abilities, including the mobility impaired, can circulate with ease. This combined with the proposed access to Canning Town which does not provide a 24 hour fully accessible link creates an inaccessible development.

As such, the proposal is contrary to policies 3C.20, 4B.1, 4B.4 and 4B.5 of the London Plan (2004), policies ST3 and DEV1 of the LBTH adopted UDP (1998) and policies CP1, CP4, CP40, CP46, DEV3, DEV16 and OSN3 of the LBTH Local Development Framework Core Strategy submission document (2006) which seek to ensure the creation of fully inclusive environments where people of all abilities can move with ease and comfort, without undue separation of effort.

- 9) The proposed development does not provide a sufficient amount of private amenity space and usable recreational public open space of adequate quality and variety for the reasonable needs of the future residents within an area which is already significantly deficient in public open space provision.

The proposal is therefore contrary to policy 3A.5, 3D.10 and 3D.11 of the London Plan (2004), policies HSG16 and OS9 of the LBTH adopted UDP (1998), policies CP25, CP30 and HSG7 of the LBTH Local Development Framework Core Strategy submission document (2006) and policies L5 and L43 of the LBTH Leaside Area Action Plan submission document, which seek to ensure that amenity space and public open space are fully integrated into all new major developments to provide high quality and useable amenity open space for all residents.

- 10) The submitted energy assessment is incomplete, the full potential for the proposed CHP system has not been realised and opportunities to reduce energy use and produce energy from renewable sources locally has not been fully explored. A back-up strategy has not been submitted. Consequently, the proposal could fail to reduce emissions and improve energy efficiency to a sufficient extent, and it fails to secure the use of an adequate proportion of energy generated from renewable sources, to the detriment of the environment.

As such, the proposal is contrary to Policy 4A.7, 4A.8, 4A.9 and 4B.6 of the London Plan (2004), Policy DEV46 and DEV62 of the LBTH adopted UDP (1998) and Policies CP3, CP38 and DEV6 of the LBTH Local Development Framework Core Strategy submission document (2006), which seek to reduce carbon dioxide emissions, improve energy efficiency and increase the proportion of energy used generated from renewable sources.

- 11) Insufficient information is provided regarding flood risk with respect to the quality and forecast longevity of the existing flood defence walls. Furthermore, an inadequate buffer zone has been designed which may prejudice flood defence interests and which may restrict necessary access to the flood defences for maintenance and improvement works. The flood risk is not minimised.

Without adequate information regarding the walls (including a strategy for remedial

works if necessary) and without an adequate buffer zone which allows maintenance, repair and renewal works to be carried out in a sustainable and cost effective way, the proposal is contrary to policy 4C.7 of the London Plan, policies U2 and U3 of the LBTH adopted UDP (1998) and policy CP37 of the LBTH LDF Core Strategy submission document, which seek to minimise the risk of flooding.

- 12) The ecology and biodiversity assessment fails to fully assess the development's impacts on the natural environment. The proposed mitigation and enhancement measures are inadequate and opportunities have not been fully explored, to the detriment of the borough's natural environment.

Without a full assessment of the impacts of the scheme and without adequate mitigation and enhancement measures, the proposal is contrary to policies 3D.12 and 4C.3 of the London Plan (2004), policies ST8, DEV57 and DEV62 of the LBTH adopted UDP (1998) and policies CP31, CP33 and OSN3 of the LBTH Local Development Framework Core Strategy submission document (2006), which seek to ensure the protection, conservation, enhancement, and effective management of the borough's biodiversity.

## **11. RECOMMENDATION**

**Members are requested to delegate to the Director of Planning the preparation and submission of the Rule 6 Statement of Case to the Planning Inspectorate by the 30th April 2007 on the basis of this report and any additions or variations as the Director of Planning considers appropriate, including due to and following the review of any additional information received and advice of Counsel.**

**CASE OFFICER:** Sara Purvis

Appendices:

1. Location Plan
2. LBTH Formal Comments
3. GLA Stage 1 Letter
4. Plans