

LONDON THAMES GATEWAY DEVELOPMENT CORPORATION

PLANNING COMMITTEE MEETING: 9 August 2007

Planning Application for LTGDC's Determination

Update Report of the Director of Planning

CASE NUMBER: LTGDC-07-012 **DATE MADE VALID:** 12/02/2007

APPLICATION NO: PA/07/00257/LBTH **TARGET DATE:** 29/04/2007

APPLICANT: London Bus Services Ltd

AGENT: Tribal MJP

PROPOSAL: Demolition of the existing buildings on site and the construction of bus garage with ancillary two storey office building and associated facilities (7,781sqm), hardstanding for bus and car parking and associated landscaping to the Hertford Union Canal.

LOCATION: Land on North side of Wyke Road including the timber depot, Wyke Road, London, E3

1. BACKGROUND

1.1 This update report should be read in conjunction with the Report of the Director of Planning dated 21 June 2007 (agenda item 5) in relation to redevelopment of the above site with a bus garage and ancillary office and associated facilities (see Appendix 4).

1.2 The application was deferred at the 21 June 2007 Planning Committee to allow the applicant to consider comments made by the London Borough of Tower Hamlets in relation to the impact of the proposed development on the safe and efficient operation of the surrounding road network and set out at paragraph 9.20-9.21 of the committee report dated 21 June 2007.

1.3 The applicant submitted additional swept path analysis at four junctions to determine the extent to which highways improvements are required to accommodate bus movements arriving at and departing from the application site. The junctions

considered were Wansbeck Road/Monier Road, Wick Lane/Monier Road, Rothbury Road/Wansbeck Road and Wick Lane/Crown Close.

2. REPRESENTATIONS

2.1 Following issue of the Committee Report dated 21 June 2007 a further letter of objection was received on behalf of the existing owners of the site addressing issues relating to land use, regeneration, the impact of the development on the amenity of local residents and the environment, the use of the Blue Ribbon Network and the robustness of the Transport Assessment and its consideration of the traffic generation impact of the development, the ability of buses to be accommodated on the surrounding road network, a travel plan, the provision of cycle parking and an explanation of the ability of the scheme design to satisfy the operational requirements of the site.

2.2 The letter of objection is not considered to raise any material considerations that were not assessed in the report dated 21 June 2007.

3. ASSESSMENT OF MAIN ISSUES

3.1 The Corporation and LBTH met the applicant following submission of additional swept path analysis. The applicant has agreed to undertake the following works in relation to the junctions identified above:

Wansbeck Road/Monier Road

3.2 London Bus Services Ltd. (LBSL) accepts that buses travelling along Wansbeck Road from the north will encounter difficulties making the left turn movement into Monier Road. LBSL has agreed to safeguard the corner of the application site as highway land to improve this movement and fund the junction improvement as part of a S278 Agreement with the Local Highway Authority. It is recommended that the applicant is required to enter into a S278 Agreement with the Local Authority prior to commencement of the development and implement the work prior to occupation of the development.

Wick Lane/Monier Road

3.3 LBSL has agreed to enter into a S106 Agreement to undertake the design work required to relocate the existing stop line on the Wick Lane southern arm of the junction, seeks approval from Transport for London and fund the improvements if approval is granted to enable buses to turn from Monier Road into Wick Lane.

Rothbury Road/Wansbeck Road

3.4 LBSL has agreed to enter into a S106 Agreement to make a financial contribution towards the design and implementation of future junction improvement works to enable long wheel base vehicles to negotiate the junction without oversailing into the oncoming carriageway. The Corporation is advised that a contribution of £20,000 is sought to undertake these works.

Wick Lane/Crown Close

3.5 The Corporation is advised by LBTH that the junction can safely accommodate bus movements accessing and departing the application site

4. CONCLUSION AND REASON FOR PERMISSION

4.1 Further to paragraphs 9.20-9.21 of the Report of the Director of Planning dated 21 June 2007, the Corporation is advised by LBTH that following the submission of additional swept path analysis by the applicant and a subsequent meeting, the mitigation proposed at section 2 of this report are adequate to overcome its highways concerns.

5. RECOMMENDATION

5.1 The Committee is recommended that the application be delegated to the Director of Planning to approve for the conclusion and reasons set out in section 10 of the Report of the Director of Planning dated 21 June 2007 and section 3 of this report subject to:

1. the planning conditions set out below
2. a Section 106 agreement securing:
 - a financial contribution towards the implementation of a Controlled Parking Zone, including the employer and its staff being prevented from applying for business parking permits;
 - a £20,000 contribution towards the design and implementation of highway improvements;
 - the applicant to submit a scheme detailing the highway improvement works to be carried out and entered into under a s.278 agreement with the Local Highway Authority;
 - a £15,000 contribution towards canal tow path improvements;
 - the preparation, implementation and monitoring of a Travel Plan.

Conditions and Reasons:

- (1) The development allowed by this permission must begin within three years from the date of this decision.

Reason: To ensure planning applications are carried out within a reasonable time period in accordance with Section 91 of the Town and Country Planning Act 1990.

- (2) Full particulars of the Demolition and Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced and the development shall not be carried out otherwise than in accordance with the particulars so approved. In particular:

- a. public safety, amenity and site security;
- b. operating hours during construction;
- c. noise and vibration controls;
- d. air quality and dust management plan,
- e. surface/foul water drainage plans/works and associated control measures;
- f. recycling plan for waste and materials reuse;
- g. details of wheel cleaning equipment to prevent the carriage of mud and other materials onto the adjoining highways; and
- h. traffic management, including details of on-site construction parking and delivery arrangements;

Reason: The particulars reserved are considered to be material to the

acceptability of the development hereby approved and the Local Planning Authority seeks to safeguard the amenities of adjoining occupiers and ensure the safe flow of traffic along adjoining highways, in accordance with the requirements of policies DEV2, DEV50 and T16 of the adopted UDP 1998 and policies DEV2, DEV9, DEV10, DEV11 and DEV12 of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

- (3) Before development is commenced, a feasibility study shall be carried out to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following occupation of the development (fuel and parts) and submitted to and approved by the Local Planning Authority.

Reason: To encourage the use of the canal for transporting waste and bulk materials in accordance with Policies 3C.24 and 4C.14 of the London Plan and the Draft Further Alterations to the London Plan.

- (4) Full particulars and details of the following shall be submitted to and approved in writing by the local planning authority prior to construction of the buildings and the development shall not be carried out otherwise than in accordance with the particulars so approved.

- i. Samples of external materials.

Reason: To ensure that the appearance of the buildings from the adjoining canal path and waterway are acceptable in accordance with the requirements of policies DEV1 and DEV47 of the adopted Unitary Development Plan 1998 and policies CP4, CP36, DEV2 and OSN3 of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

- (5) Full particulars and detailed drawings showing the means of access and egress for people with disabilities shall be submitted to and approved by the Local Planning Authority prior to any work being commenced on the site. The approved scheme must be implemented before the development is brought into use.

Reason: To ensure safe and convenient access for disabled people in accordance with Policy DEV1 of the Unitary Development Plan (1998), and Policies CP2, CP4, CP46 and Policy DEV3 of the Local Development Framework Core Strategy and Development Control Submission Document November 2006.

- (6) Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of surface water flooding and improve water quality. In accordance with U2 and U3 of the Unitary Development Plan (1998), and Policies CP37, DEV8 and DEV21 of the Local Development Framework Core Strategy and Development Control Submission Document November 2006.

- (7) The details of the site foundations shall be submitted to and approved in writing by the Local Planning Authority before the development commences.

Reason: To prevent pollution of the groundwater in accordance with Policies CP37, DEV8 and DEV21 of the Local Development Framework Core Strategy and Development Control Submission Document November 2006.

- (8) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: Important archaeological remains may exist on this site. Accordingly the planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG16. In accordance with Policies DEV43 and 45 of the Unitary Development Plan (1998), and Policies CON4 of the Local Development Framework Core Strategy and Development Control Submission Document November 2006.

- (9) Development of the site shall not commence on the relevant works until a landscape management scheme for the treatment of the open spaces within the site (including the outdoor terrace), including both hard and soft landscaping has been submitted to the Local Planning Authority for written approval in consultation with British Waterways. Provision in accordance with the details thus approved shall be made prior to the occupation of the proposed development and shall thereafter be permanently retained and used for that purpose, to the satisfaction of the local planning authority. Details of the scheme should include:

- i. long term design objectives for the site;
- ii. planting scheme, including written specifications (including cultivation and other operations associated with plants and grass) and schedules of plants, noting species, plant sizes and proposed numbers where appropriate;
- iii. boundary treatment including walls, fences and railings and gates;
- iv. safety and security measures for the development i.e. CCTV,
- v. Lighting to the Canal,
- vi. Location of bat bricks and boxes,
- vii. management responsibilities; and
- viii. maintenance schedules for all landscape areas,

The landscape management scheme plan to be submitted to and approved in writing by the local planning authority shall be carried out in accordance with the programme agreed and all soft landscaping works must be carried out within the first planting and seeding seasons following the occupation of any part of the development. Trees or plants that die, or are removed or become seriously damaged or diseased within five years of the development being finished must be replaced in the next planting season with plants of similar species and size. Any changes of species proposed will need the written permission of the local planning authority prior to planting.

Reason: In the interest of preserving open views to and from the canal, the environment for the canal setting and ensure the biodiversity of the local area. In accordance with the requirements of policies DEV12, DEV47 and DEV58 of the adopted UDP 1998 and policies CP33, CP34, CP36, DEV13 and OSN3 of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

- (10) A detailed design for the provision of the green roof approved on the two storey office building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this part of the development. The development shall not be carried out otherwise than in accordance with the particulars so approved.

Reason: To ensure that the development contributes to biodiversity and the principles of sustainable design in compliance with policies DEV2 of the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998), and policy DEV5 of the London Borough of Tower Hamlets Development Plan Document (Core Strategy and Development Control) November 2006.

- (11) Prior to the commencement of the development hereby approved a survey of the condition of the waterway wall, and a method statement and schedule of the repairs identified shall be submitted to and approved in writing by the Local Planning Authority, in consultation with British Waterways. Any heritage features and materials identified by the survey shall be made available for inspection by British Waterways and where appropriate, preserved in –situ or reclaimed and re-used elsewhere on site or on a nearby waterway wall. The repair works identified shall be carried out in accordance with the method statement and repairs schedule by a date to be agreed in the repairs schedule.

Reason: In the interest of the structural integrity of the waterway wall, waterway heritage, navigational safety and visual amenity.

- (12) Development of the site shall not begin until a site contamination study been submitted to and approved by the local planning authority. The study will identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed. Details of the scheme should include:

- i. A 'desk study report' documenting the history of the site.
- ii. A proposal to undertake an intrusive investigation at the site based on the findings of the desk study.
- iii. A 'site investigation report' to investigate and identify potential contamination.
- iv. A risk assessment of the site.
- v. Proposals for any necessary remedial works to contain, treat or remove any contamination.
- vi. Where remediation is required, it shall be carried out before the site is occupied and a certificate or validation report stating that remediation has been completed as agreed with the local planning authority, must also be prepared by a suitably qualified person and submitted to the local planning authority for written approval. Occupation of the site must not occur until the certificate or validation report has been approved in writing by the local planning authority.

Reason: To make sure that contaminated land is properly treated and made safe before development, to protect public health and to meet the requirements of the following policy in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998) DEV51 Contaminated Land and DEV22 of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

- (13) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To prevent pollution of groundwater and ensure that contaminated land is properly treated and made safe before development, to protect public health and to meet the requirements of the following policy in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998) DEV51 Contaminated Land and DEV22 of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

- (14) Prior to the completion of works a travel plan has to be submitted to and approved by the Local Planning Authority. The occupation of the development shall not take place until the details approved are implemented in accordance with the travel plan approved and the details approved shall be monitored and reviewed every 3 years or such other period agreed by the Local Planning Authority.

Reason: To promote sustainable development in accordance with Policies ST3, ST19, ST32 and Policy T15 and T16 of London Borough of Tower Hamlet's Unitary Development Plan and Planning Standard No.5 as well as Policies CP1, CP41, CP42, DEV18 & Parking Standard No.3 of the Core Strategy and Development Plan (Submission Document, November 2006).

- (15) The development shall be constructed to include the following renewable energy and energy efficient technologies as set out in the Energy Report dated January 2007:

- CHP System
- Biomass Boiler

These technologies shall deliver a reduction of at least 10% of the development's carbon dioxide emissions.

The technologies shall be fully implemented prior to the first occupation of the development and retained for so long as the development shall exist unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the development complies with policy DEV6 of the London Borough of Tower Hamlets Development Plan Document (Core Strategy and Development Control) November 2006 and Policies 4A.7 and 4A.8 of the adopted London Plan 2004.

- (16) An 8.0 metre buffer zone shall be provided alongside the canal along the full length of the site. The buffer zone shall be measured from bank top (bank top is defined as the point at which the bank meets normal land levels). The buffer zone shall be free of structures, hard standing, footpaths, fences and overhanging structures such as balconies. Domestic gardens and formal landscaping shall not be incorporated into the buffer zone. The buffer zone shall be planted with locally native shrubs and grasses, of UK genetic provenance.

Reason: To enhance the biodiversity associated with the canal and provide undisturbed refuges for wildlife using the corridor and managed as a natural area for wildlife.

- (17) There shall be no light spill from external artificial lighting into the watercourse or adjacent habitat. To achieve this, the specifications, location and direction of external artificial lights should be such that the lighting levels within 8 metres of

the top of bank of the watercourse are maintained at background levels.

Reason: To minimise light spill from the new development into the watercourse and adjacent habitat. Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat.

- (18) The site investigation trial pits or boreholes located in or through the contaminated land must be backfilled to a specification to be submitted to and agreed in writing by the Local Planning Authority. Thereafter, these works shall be carried out in accordance with the approved specifications, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To make sure that contaminated land is properly treated and made safe before development, to protect public health and to meet the requirements of the following policy in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998) DEV51 Contaminated Land and DEV22 of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

- (19) During construction no solid matter shall be stored within 8.0 metres of the banks of the Hertford Union Canal and thereafter no storage of materials shall be permitted in this area.

Reason: To prevent solid materials from entering the Hertford Union Canal and causing pollution.

- (20) The bicycle, motorcycle and car parking accommodation is to be provided and retained permanently for:

- i. A minimum of 31 bicycle spaces.
- ii. A minimum of 16 motorcycle spaces.
- iii. A maximum of 45 parking spaces.

Reason: To ensure the permanent retention of car parking/bicycle spaces for the occupiers/users of this development in accordance with T16 and T17 of the London Borough of Tower Hamlets Unitary Development Plan (adopted 1998) and policy CP40, DEV16 and DEV19 of the London Borough of Tower Hamlets Local Development Framework (2006).

- (21) No part of the development hereby approved shall commence until the applicant has entered into a s.278 agreement with the Local Highway Authority, in consultation with the Local Planning Authority, to agree the highway improvement works relating to the junctions of Monier Road/Remus Road and Monier Road/Wansbeck Road. No part of the development hereby approved shall be occupied until the highway improvement works have been funded and implemented by the applicant. The highway improvement works shall be implemented in accordance with the s.278 agreement.

Reason: To protect the efficiency and safety of the surrounding highway network in accordance with Policy T16 of the Unitary Development Plan (adopted 1998)

Informatives:

- (1) A section 278 agreement will be required for the proposed highway works in line with the proposed development. Details of the works shall include repaving and improvement to footways and kerbs surrounding the site and highway adjacent to the site.

- (2) You are advised to contact the Council's Head of Building Control at Mulberry Place, 5 Clove Crescent, London, E14 1BY on 020 7364 5009 to ensure all building works are in compliance with the Building Regulations.
- (3) The applicant should contact the Head of Environmental Health Department at Mulberry Place (AH), Anchorage House, P.O. Box 55739, 5 Clove Crescent, London, E14 1BY or on 020 7364 6800 with regard to conditions 2, 16 and 17. The applicant/developer is advised to take into consideration the 'Code of Construction Practice' and current Best Practice guidance.
- (4) Pursuant to Conditions 6, 7 and 12, you should consult the Environment Agency, Apollo Court, 2 Bishops Square Business Park, St Albans Road West, Hatfield, Herts, AL10 9EX (Environment Agency Correspondence Reference No. NE/2006/014004-4/1).
- (5) The applicant is advised that any discharge of surface water into the waterways requires British Waterway's written permission before development commences.
- (6) The applicant/developer is advised to contact British Waterways third party works engineer, Richard Baker, (020 7985 7268) in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' "Code of Practice for Works affecting British Waterways.
- (7) Prior consent may be required under the Town & Country Planning (Control of Advertisements) Regulations 1992 for the erection of any advertising signs and/or hoardings on the site.

CASE OFFICER: Will Steadman

Appendix 1: Site Location Plan
Appendix 2: Proposed Site Layout Plan
Appendix 3: Proposed Elevations
Appendix 4: Agenda item 5 of Planning Committee of 21 June 2007