

London Thames Gateway Development Corporation

PLANNING COMMITTEE MEETING: 13th September 2007

Addendum Report Re Agenda Item

UDC CASE NUMBER:	LTGDC-07-140-FUL	DATE MADE VALID:	04/07/2007
APPLICATION NUMBER:	PA/07/01730/LBTH	TARGET DATE:	03/10/2007

APPLICANT:	Clearstorm Limited
AGENT:	GVA Grimley
PROPOSAL:	Erection of a building in the south-western part of the Leamouth Peninsula North; temporary landscaping and parking; building accommodating (a) an electrical sub-station to serve the forthcoming larger development on the Leamouth Peninsula (b) Community Centre/Sports Hall with temporary interim use as a Marketing Suite for the sale of residential units within the Leamouth North Development
LOCATION:	Leamouth Peninsula North, (former Pura Foods site), Orchard Place, Orchard Place, London, E14

1. SUMMARY

1.1 This report provides an update on the position since the report to committee was completed, including updating the position with regard to the applications for the wider Leamouth North proposal, reporting on further consultation responses received, and proposing a revised recommendation in light of these factors.

2. RELEVANT SITE HISTORY

PA/06/00748 & PA/06/00749 - Demolition of all existing buildings and structures; Comprehensive phased mixed-use development comprising 177,980sqm GEA of new floorspace for the following uses: residential (C3), business including creative industries, flexible workspace and offices (B1), retail, financial and professional services, food and drink (A1, A2, A3, A4, A5) leisure, arts and cultural uses, primary school and community centre (D1, D2), plus 36,150 sqm for the energy centre, storage

and car parking. Formation of a new vehicular access and means of vehicle circulation within the site. Landscaping including a riverside walkway, the provision of public open space; and a bridge linking to Canning Town.

PA/06/00748 – This application has now been approved following the completion of the S106 agreement on 6th September 2007, and the decision was issued on 7th September 2007.

PA/06/00749 – The appeal was withdrawn on 6th September 2007, following completion of the S106 agreement in respect of the duplicate application.

3. CONSULTATIONS/NOTIFICATIONS

5.1 LB Tower Hamlets

A report was received on 12th September 2007 incorporating LBTH's comments on the application. The report recommends that had the council been empowered to determine the application, they would have approved planning permission subject to planning conditions and a section 106 agreement. Their report also includes the following LBTH internal consultation responses:

LBTH Landscape Officer – No objection to the proposed hard landscape design or materials (subject to approval of sample materials). However they have raised an objection to the proposed planting stating that greater emphasis should be placed on planting that respects the lowland estuary location and ecology in terms of the habitats to be created. Revised planting should rely on native species rather than the standard palette of plants used. In accordance with the Design Guide for the main application (which identifies various guiding themes i.e. “restoring and improving the river ecology and natural landscape” and vision of “contributing to the restoration of the ecology of the region”), a revised planting scheme should be submitted for both temporary and permanent areas.

This revised information can be requested by condition should the application be approved – an amended condition is proposed (number 3 below)

LBTH Highways – No further comments in addition to those made on the previous (main) application

5.2 Greater London Authority

No comments received to date

5.3 Environment Agency

The environment agency have raised an objection to the proposal on two grounds:

- 1) No evidence has been provided that the flood risk sequential test has been adequately met.
- 2) Insufficient information has been provided to demonstrate the risk of pollution to controlled waters is acceptable.

With regard to the first point LTGDC will jointly with LBTH carry out a sequential test for submission to EA, and in relation to the second point the applicant has forwarded information to the EA which formed part of the application for the wider Leamouth North site. The recommendation has therefore been amended to allow for the resolution of these objections by the Environment Agency, prior to granting permission for the development.

5.4 British Waterways

No comments received to date

4. CONCLUSION

Whilst the application is still considered to be acceptable in principle, the consultation responses received (as reported above in section 5) raise issues which must be resolved prior to being able to grant permission for the proposal, the recommendation has therefore been amended accordingly.

5. RECOMMENDATION

That the application be delegated to the Director of Planning to APPROVE subject to:

- i) resolution of the two matters raised by the Environment Agency to the satisfaction of both the EA and LTGDC,**
- ii) the referral of the application to the Mayor of London,**
- iii) referral to the Secretary of State as a departure from the Development Plan,**
- iv) the conditions listed below (with any amendment that might be necessary up to the issue of the decision); and**
- v) completion of a S106 agreement to secure the following:**
 - Commitment to provide an agreed percentage of the energy requirements of the development through the use of renewable technologies**
 - Sustainable travel strategy/Travel Plan, including temporary measures for visitors to the Marketing Suite**
 - Unobstructed access to TfL/DBFO Traffic Control Centre to be maintained**
 - Car parking management, and servicing management strategies**
 - Provision of the community centre/sports hall prior to occupation of no more than 70% of the open market units and provision of a management strategy for it**
 - Provision and management of public realm areas**
 - Provision of the riverside walkway and provision for public use of it and open space and routes within the site**
 - Site management scheme**
 - Repairs and Maintenance of the river wall**
 - Local labour provisions**

Delegated authority is sought to amend the heads of terms as may be necessary during the negotiation of the S106 to ensure the appropriate requirements are carried forward from the main agreement.

6. CONDITIONS AND REASONS

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions.

2. The development hereby approved shall not be constructed unless in accordance with the following drawings and details hereby approved:

DPA-N-300 00 – Extent of Development

DPA-N-301 01 – Level 0

DPA-N-301A 00 – Level 0 Community Centre Use

DPA-N-302 00 – Levels 1&2

DPA-N-302A 00- Levels 1&2 Community Centre Use

DPA-N-303 00– Level 2 Mezzanine Roof Plan

DPA-N-303A 00– Level 2 Mezzanine Roof Plan Community Centre Use

DPA-N-304 00 – Level -1 Basement

DPA-N-305 00 – Level 0 Extent of Building I

DPA-N-401 00 – Elevations

DPA-N-402 00 – Building Sections

DPA-N-402A 00 – Building Sections Community Centre Use

DPA-N-501 00 – Exterior Wall Partial Section, Elevation and Plan

LPL0702 DPA-3 – Block N Illustrative Landscape Plan

LPL0702 LP110 – Block N Landscape Hardscape Plan

LPL0702 LP120 – Block N Landscape Planting Plan

Building N Design & Access Statement

GVA Grimley Letter dated 13th August 2007

except where conditions require otherwise, or unless otherwise agreed in writing by the LPA.

Reason: To ensure the development is carried out in accordance with the terms of the planning permission and any details approved by the local planning authority.

3. Notwithstanding the information submitted no development shall commence until a revised detailed landscape plan for the site has been submitted to and approved by the local planning authority. The details should include details of both permanent and temporary landscaping works and details of the “green wall”. The approved landscaping scheme shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. All soft landscaping works must be carried out within the first planting and seeding seasons following the occupation of any part of the relevant part of the development.

Trees or plants that die, are removed or become seriously damaged or diseased within five years of completion of the development must be replaced in the next planting season with plants of similar species and size. Any changes of species proposed will require the written permission of the local planning authority prior to planting.

Reason: To ensure landscaped areas in open spaces are of a high quality design and appearance that will enhance the amenity value of the development and its surroundings. This is in accordance with policies DEV1, DEV2 DEV 12, DEV16 and DEV39 of the adopted LBTH Unitary Development Plan (1998) and policies DEV1, DEV2 and DEV13 of the LBTH Local Development Framework Core Strategy and Development Control Submission Document November 2006.

4. Prior to the commencement of community centre/sports hall use, a detailed access statement shall be submitted to the planning authority for approval and the use must be implemented in accordance with the approved details. The statement shall include:

(a) details of means of access and egress of buildings, including details of entry systems;

(b) way-finding systems (signage);

- (c) details of the lifts and forecourts to the lifts, including their sizes and specifications, 'calling options', height of buttons; details of the maintenance and 'rapid repair' scheme; details of alternative routes in cases of breakdown and appropriate directional signage;
- (d) details of colour and contrast of fixtures and fittings, and colour and contrast of signage.

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 our Local Development Framework Core Strategy and Development Control Submission Document November 2006.

5. The temporary car parking is to be provided in accordance with the approved details and retained until the use of the building as a temporary marketing suite ceases, at which time the car parking spaces must cease to be available for use.

Reason: To ensure that car parking is not overprovided and to reduce the impact of the development on the public highway in accordance with policies ST28 of the adopted LBTH UDP (1998) and Policies CP40, DEV17, DEV18 and DEV19 of the LBTH LDF Core Strategy and Development Control Submission Document (November 2006)

6. Prior to the commencement of the development hereby approved samples and full particulars of all of the external materials proposed for use in both the building and hard landscaping shall be submitted to and approved in writing by the local planning authority, and the development shall be carried out only in accordance with the approved materials.

The development shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the external appearance of the building is satisfactory

7. Any electrical and mechanical plant must not exceed 10dBA below current ambient noise level. Reports showing compliance with this requirement shall be submitted to the LPA for each building on/to which the equipment is erected/attached prior to the first use/occupation of the relevant building.

Reason: To safeguard the residential amenity of future occupiers, in line with policies DEV2 and DEV50 of the adopted LBTH UDP (1998) and policies DEV1 and DEV10 of the LBTH Core Strategy and Development Control Submission Document (2006).

8. A scheme for the monitoring of black redstarts during the construction phase of development shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Once approved the monitoring shall take place in accordance with the approved scheme.

Reason: In the interests of biodiversity and the protection of the black redstart, in accordance with policy CP31 of the LDF Core Strategy Submission Document (November 2006).

9. Prior to the occupation of the development, a scheme showing the proposed details of the external lighting scheme, including any lighting of the buildings, shall be submitted to and approved in writing by the local planning authority, prior to the commencement of that phase of development.

The approved scheme shall be implemented prior to the occupation of the

development, unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard the appearance of the development and in the interests of amenity.

10. No development shall take place until a contaminated land investigation scheme based on the Environmental Statement submitted March 2007 (with application ref:PA/06/00748) setting out proposals for intrusive site investigation and to establish if the site is contaminated, to assess the degree and nature of the contamination present, and to determine its potential for the pollution of the water environment has been submitted to the local planning authority, and approved in writing. The method and extent of this site investigation shall be agreed with the Planning Authority prior to commencement of the work. No development shall take place until the approved contaminated land investigation scheme shall have been carried out and its results reported to the local planning authority. Such results shall be accompanied by a scheme identifying such contamination as exists on site, a risk assessment of the site, and proposals for any necessary remedial works to contain, treat or remove any contamination predicted to exist, including details of appropriate measures to prevent pollution of groundwater and surface water, and provisions for monitoring, shall then be submitted to and approved in writing by the Planning Authority before development commences.

Where remediation is required, it shall be carried out before that phase 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 each phase of the development shall not commence until the measures approved in the study have been implemented.

Reason: To ensure that the contaminated land is properly treated and made safe before development, to protect public health and to meet the requirements of Policy DEV51 in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998) and Policy DEV22 in the emerging LDF submission document.

11. Notwithstanding the investigation and scheme carried out under condition 10 above or as a result thereof any contamination or suspected contamination or unusual or odorous ground conditions are encountered during any ground works on the site, the developer shall consult with the local planning authority, prior to continuing with the phase of development to which this condition relates. Any soil arising from the ground works must be classified for the purposes of citing an appropriately licensed landfill facility for disposal of the said material. A copy of the classification certificates and waste transport and disposal documentation shall also be provided to the local planning authority for their records

Reason: To ensure that contaminated land is properly treated and made safe before development, to protect public health and to meet the requirements of Policy DEV51 in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998) and Policy DEV22 of the LBTH LDF Core Strategy submission document (November 2006).

12. Prior to the occupation of the development details of all proposed directional signage within development shall be submitted to and approved by the local planning authority and once approved shall be implemented prior to the occupation to the building.

Reason: in the interests of ensuring a legible and accessible environment and in the interests of the appearance of the development.

13. Prior to the commencement of the development details of the proposed cycle routes including shared surfaces proposed for use by cycles, and including details of how connection is made with existing cycle routes outside of site shall be submitted to and approved by the local planning authority. Once approved the cycle routes shall be implemented and be available for use prior to the occupation of the development.

Reason: In order to encourage the use of cycling as a sustainable mode of transport, in accordance with London Plan Policies 3C.3 and 3C.21, and LBTH adopted UDP policies T22- T24, and LBTH LDF Core Strategy Submission Document (November 2006) policies CP40, and DEV16.

14. Prior to the commencement of the development hereby approved, full details of cycle parking, including its location and the means of secure storage proposed, and details of cycle parking for visitors, shall be submitted to and approved in writing by the local planning authority. The cycle parking shall be provided prior to the occupation of the building, and shall be retained thereafter, and used for no other purpose.

Reason: In order to encourage the use of cycling as a sustainable mode of transport, in accordance with London Plan Policies 3C.3 and 3C.21, and LBTH adopted UDP policies T22- T24, and LBTH LDF Core Strategy Submission Document (November 2006) policies CP40, and DEV16.

15. Details of brown & green roofs proposed including details of location, design, dimensions, materials and a maintenance scheme, shall be submitted to and approved by the local planning authority prior to the commencement of the development, and the brown & green roofs shall be installed in accordance with the approved details prior to the occupation.

Reason: In the interests of promoting biodiversity and to mitigate surface water run off in accordance with policies CP31, and CP37 of the LBTH LDF Core Strategy Submission Document (November 2006)

16. Prior to the commencement of the development hereby approved, a security management scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of how the development meets the requirements of "Secured by Design" and shall provide details of security management measures including location of CCTV, and concierge services, door entry systems and car park security, as appropriate.

Reason: In order to provide a safe and secure development, in accordance with Policy DEV4 of the LBTH LDF Core Strategy Submission Document (November 2006)

17. Prior to the commencement of the development hereby approved a Construction Management Plan relating to the construction incorporating details of construction traffic management, waste management, use of river to transport materials, sourcing of materials, locations and means of storage of materials within the site, craneage and scaffolding height, and timing of noisy operations shall be submitted to and approved in writing by the Local Planning Authority. Once approved this plan shall be adhered to throughout the construction period of the development.

Reason: In the interests of ensuring sustainable construction practices and in accordance with policies CP39, CP40, and DEV9 of the LBTH LDF and Policy 2A.1 of

the London Plan.

18. Details of the means of ventilation for the extraction and dispersal of cooking smells and other fumes from the development, including details of the extraction, ventilation and filtration equipment and any other external plant or machinery (including ventilation units and air intake louvres) together with details of its method of construction, appearance and finish shall be submitted to and approved by the local planning authority before the development hereby permitted commences. The development shall not be occupied other than in accordance with the details thus approved. Details of any additional extraction, ventilation and filtration equipment required as a result of the specific requirements of the end user or occupier shall be submitted to and approved in writing by the local planning authority prior to the occupation of that unit. No further external equipment or plant may be installed without the prior written approval of the local planning authority.

Reason: To safeguard the amenity of the occupiers of adjoining properties by preventing noise disturbance and to ensure a satisfactory appearance in accordance with the requirements of policies DEV2 and DEV50 of the adopted Unitary Development Plan 1998 and policies DEV1, DEV2, DEV10 and Planning Standard 1 (Noise) of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

19. Details of riparian life saving equipment to include grab chains, access ladders and life buoys along the river edge shall be submitted to and approved in writing by the local planning authority. Such equipment shall be to a standard recommended in the Hayes Report on the Inquiry into River Safety. Once approved the equipment shall be provided in accordance with the approved details prior to the occupation of any part of the development.

Reason: In the interests of public safety

20. Prior to the commencement of the development an Ecological mitigation, compensation and enhancement scheme relating to the relevant phase shall be submitted to and approved (in writing) by the local planning authority. The development shall be carried out in accordance with the approved details. This scheme shall outline the detailed design of all ecological mitigation, compensation, and enhancement measures listed in the Environmental Statement dated March 2007, unless otherwise agreed in writing by the local planning authority. This shall include design plans and layout, materials, timings, methods of construction and species lists for planting. The works shall be undertaken in accordance with the approved details. (EA)

Reason: To protect and conserve the natural features of importance for biodiversity across the site. In accordance with London Plan Policies 3D.12, 4C.1, and 4C.3, Policies DEV 46, DEV 47, DEV 57 & DEV 62 of the LBTH adopted UDP, and policy OSN 3 of the LBTH LDF Core Strategy Submission Document (November 2006)

21. There shall be no lightspill from the external lighting scheme approved pursuant to condition 9 of this permission into the watercourse or adjacent river corridor habitat. To achieve this the external lighting scheme shall be designed such that artificial lighting should be directional and focussed with cowlings to light sources in close proximity to the river corridor.

Reason: Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using/inhabiting the river and its corridor habitats, and to accord with London Plan Policies 3D.12, 4C.1, and 4C.3, Policies DEV 46, DEV 47, DEV 57 & DEV 62 of the

LBTH adopted UDP, and policy OSN 3 of the LBTH LDF Core Strategy Submission Document (November 2006)

22. The design and location of suitable native and locally appropriate species planting shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The development shall not be carried out unless in accordance with these details so approved.

Reason : To enhance the ecological value of the site and protect the river corridor. Non native species planted alongside rivers can have particularly detrimental impacts by spreading along the river corridor and out competing natural flora, reducing species diversity and impacting on the associated ecology of the river corridor. In accordance with London Plan Policies 3D.12, 4C.1, and 4C.3, Policies DEV 46, DEV 47, DEV 57 & DEV 62 of the LBTH adopted UDP, and policy OSN 3 of the LBTH LDF Core Strategy Submission Document (November 2006)

23. A landscape and ecology management plan for the development site including long term design objectives, ecological objectives, a planting scheme, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority before each phase of the development is occupied. The landscape management plan shall be carried out as approved.

Reason: To protect and conserve the natural features ecology and character of the area and ensure their long term sustainability through appropriate site management, In accordance with London Plan Policies 3D.12, 4C.1, and 4C.3, Policies DEV 46, DEV 47, DEV 57 & DEV 62 of the LBTH adopted UDP, and policy OSN 3 of the LBTH LDF Core Strategy Submission Document (November 2006)

24. Prior to the first use of the development as a community centre/sports hall, details of surfacing, boundary treatment, and equipment proposed for areas designated as Local Area for Play in the submitted drawings, shall be submitted to and approved by the Local Planning Authority. Once approved the play areas shall be laid out in accordance with the approved details and shall be completed and available for use prior to the occupation of that phase of the development.

Reason: In order to ensure that residents benefit from adequate provision of children's play areas in accordance with policy OS9 of the LBTH adopted UDP and OSN 2 of the LBTH LDF Core Strategy Submission document (November 2006)

25. No works shall take place until the applicant has secured the implementation of a programme of recording and historic analysis, which considers building structure, architectural detail and archaeological evidence. This shall be undertaken in accordance with a written scheme of investigation submitted by the applicant and approved by the local planning authority.

Reason: The development of this site is likely to damage structural remains. The applicant should therefore submit detailed proposals in the form of a project design for building recording. The design should be in accordance with the appropriate English Heritage guidelines. In accordance with Policies DEV44 and DEV45 of the LBTH Adopted UDP and Policy CON4 of the LBTH LDF Core Strategy Submission Document (November 2006)

26. Prior to the commencement of development a radio impact survey shall be

undertaken, and submitted to the local planning authority for their written approval, to assess the impact of the development on the DLR radio signal. Should the development be found to have an impact on the radio signal, no development shall take place until a scheme of mitigation has been agreed and implemented.

Reason: To ensure the development does not interfere with the safe operation of the DLR

27. Prior to the commencement of each phase of the development a survey to detect any potential unexploded ordnance within the relevant phase shall be carried out by the developer, and where such unexploded ordnance is located, a suitable mitigation plan shall be agreed in consultation with London City Airport, and that phase of the development shall only be implemented in accordance with the agreed mitigation plan.

Reason: To avoid disruption to the operation of the Airport

28. The site shall be developed with separate systems of drainage for foul and surface water, and no development approved by this permission shall be commenced until a scheme for the provision and implementation of foul and surface water drainage works has been approved by and implemented to the satisfaction of the Local Planning Authority.

Reason: To prevent pollution of the water environment, and prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal, in accordance with policies U2, U3, and U9 of the LBTH adopted UDP, and DEV 20 and DEV 21 of the LBTH LDF Core Strategy Submission Document (November 2006)

29. No building or other obstruction shall be erected over or within 3 metres of any public sewer, otherwise provision shall be made for its satisfactory relocation in consultation with Thames Water prior to the commencement of development.

Reason: To allow access for maintenance and repair work.

30. No soakaways shall be constructed in contaminated ground.

Reason: To prevent pollution of groundwater.

31. Prior to the commencement of each phase of the development details of the construction of the site foundations shall be submitted to and approved in writing by the local planning authority, once approved the construction of the site foundations shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development of each phase commences.

Reason: To prevent pollution of groundwater.

32. The applicant should submit a scheme for approval of the Local Authority detailing Water Efficiency measures.

Reason: Water Efficiency is particularly important as the sources of water in the area are classified as either over abstracted or over licensed within the Catchment Abstraction Management Strategy.

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, walls or other boundary treatments other than those expressly authorised by this permission shall be erected without the grant of further specific planning permission from the local planning authority.

Reason: To ensure that the appearance of the development is retained in the approved form.

34. A scheme containing full particulars, specifications and detailed drawings of the Community Centre/Sports Hall shall be submitted to, and approved by, the local planning authority prior to the commencement of the community use.

Reason: To ensure that the development meets the reasonable needs of the future users and in accordance with the objectives set out for the outline application PA/06/00748, in line with Policies ST49, EDU5 and SCF8 of the adopted LBTH UDP (1998) and Policies CP1 and SCF1 of the LBTH LDF Core Strategy and Development Control Submission Document (November 2006).

35. A detailed Health and Safety Statement with regard to the proposed sub station shall be submitted to the planning authority for approval and the development must be carried out in accordance with the approved details. The statement shall be submitted prior to the commencement of the development. This shall include but not be limited to:

- a. details of isolation and protection measures between the substation and community centre;
- b. emergency access arrangements to the building

Reason: To safeguard the health and safety of the future users of the building, in accordance with the requirements of policies DEV2 of the adopted Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

37. Full particulars and details of the following 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. Provision in accordance with the details thus approved shall be made prior to the commencement of each use (substation, community centre and marketing suite) and shall thereafter be permanently retained and used for that purpose, to the satisfaction of the local planning authority.

- a. design, materials, access, collection and management arrangements of the refuse and recycling storage.

Reason: To ensure adequate provision for the storage of refuse, in accordance with the requirements of policies DEV1 and DEV55 of the adopted Unitary Development Plan 1998 and policy DEV15 of the Local Development Framework LBTH Development Plan Document Submission Document (November 2006).

CASE OFFICER: Sara Purvis

Appendix 1: Site Location Plan
Appendix 2: Proposed Site Layout Plan
Appendix 3: Proposed Elevations
Appendix 4: Artists Impression