

Planning Committee Report

London Thames Gateway Development Corporation Planning Application for Determination By The LTGDC Report of the Director of Planning

UDC CASE NUMBER:	LTGDC-07-138-OUT LTGDC-07-139-OUT	DATE MADE VALID:	11/06/2007
APPLICATION NUMBER:	07/01140/LTGDC/LBNM 07/01141/LTGDC/LBNM	TARGET DATE:	10/09/2007

APPLICANT:	Clearstorm Ltd
AGENT:	Sellwood Planning
PROPOSAL:	Comprehensive mixed use development comprising of residential (C3), employment (B1), retail (A1), professional services - food and drink (A2-A5), community, health, education, cultural and assembly uses (D1), recreational and leisure uses (D2), vehicular, pedestrian and cycle access form North Woolwich Road, creation of marina and construction of lock access to river Thames and locking control building, access roads and other means of access and circulation within the site. Road and foot/cycle bridges over internal water features. Covered and open car parking areas. Public realm, public open space and private amenity space, Landscaping, creation of a network of footways and cycleways including riverside path and other supporting infrastructure works and facilities.
LOCATION:	Minoco Wharf, North Woolwich Road, Silvertown

1. SUMMARY

1.1 On 11 June 2007, Clearstorm Ltd., a subsidiary of the Ballymore Group, submitted duplicate planning applications to the Corporation and London Borough of Newham (LBN). The application site falls within the administrative areas of both local planning authorities. The applications are submitted in outline with siting, means of access and public realm landscaping for determination and design and appearance being reserved matters.

1.2 The applications were revised on 17 December 2007 in response to discussions with the public sector authorities. On 29 January 2008 Clearstorm Ltd. submitted an appeal to the Secretary of State against the Corporation and LBN's failure to determine application refs: 07/01140/LTGDC and 07/01142/OUT within thirteen weeks. The submission of an appeal prevents the Corporation and LBN from being able to determine the applications. Duplicate application refs: 07/01141/LTGDC and 07/01143/OUT have not been appealed.

The purpose of this report is to:

- resolve how the Committee would have determined the appealed application in the event that an appeal had not been lodged;
- resolve how the Committee will determine the duplicate application.

1.3 The Committee resolution will inform the Corporation's Statement of Case and evidence it will present at the public inquiry. LBN will report the applications to their Development Control committee meeting on 16 April 2008.

1.4 The application site is located in the Thameside West area of the Royal Docks. The site is bounded by Barrier Point residential development to the east, the North Woolwich Road and Docklands Light Railway to the north, the Kierbeck Industrial Estate to the west and the River Thames to the south. The site is vacant.

1.5 The application proposes redevelopment to provide:

- Residential (C3) (maximum of 240,500m² or 2,819 units)
- Employment (B1) (15,000m²)
- Retail (A1) (2,000m²)
- Professional Services, Food and Drink (A2-A5) (3,000m²)
- Community, Health, Education, Cultural and Assembly (D1) (4,000m²)
- Recreational and Leisure (D2) (2000m²)
- 1,423 car parking spaces
- Marina and lock access to River Thames
- Vehicle, pedestrian and cycle access from North Woolwich Road
- Internal access roads and circulation
- Public realm, public open space and private amenity space
- Landscaping

1.6 The development is focussed around a new marina with development zones set out on an orthogonal grid with diagonal routes between North Woolwich Road, the marina and the River Thames. Development zones comprise typical courtyard blocks that accommodate a mix of housing and commercial uses, active frontages and an internal communal amenity space. Tall buildings are concentrated towards the River Thames and North Woolwich Road with development of a generally reduced scale surrounding the marina. Vehicular access to the site is achieved via North Woolwich Road.

1.7 While the Unitary Development Plan designates the site a Principal Employment Area, the potential for redeveloping the site with a residential-led mixed use development is identified by the Mayor of London Lower Lea Valley Opportunity Area Planning Framework (LLVOAPF). The LLVOAPF is a material consideration which should be afforded considerable weight. Whilst it should be noted that the document has not been endorsed by Newham, draft documents produced by the Borough as part

of its LDF process do support the move from industrial to mixed commercial/residential uses. This approach is supported by the site's proximity to the proposed Silvertown Quays district centre, Pontoon Dock Docklands Light Railway station and Barrier Park.

1.8 The proposed development, which is the subject of the appeal, adopts a housing density that gives rise to overdevelopment of the site and an unsustainable form of development. The intensity of development does not take appropriate account of the site's public transport accessibility, proximity to a town centre and or achieve a high quality townscape and residential environment.

1.9 The development also lacks a coherent approach to development height, scale and massing and results in a scheme that responds inadequately to local context, forms an uncomfortable relationship with adjacent development, responds unsuccessfully to the River Thames and creates a poor quality environment for future residents and visitors.

1.10 The application proposes 26.3% affordable housing on a habitable room basis and 60:40 split between intermediate and social rented housing. This is below the London Plan target of 50% affordable housing on a 70:30 split between intermediate and social rented housing. The applicant has submitted a toolkit and development appraisal in support of the amount of affordable housing. The Corporation has questioned a number of the assumptions on which the applicant relies to support the level of affordable housing. The appraisal is being revised by the applicants.

1.11 The application proposes a housing mix that includes a high concentration of studios, one and two bedroom units. The mix is below that sought by planning policies of both the GLA and the Borough seeking an increase in the provision of family sized units and the creation of mixed and balanced communities.

1.12 The proposed development is deficient in its provision of public open space and private and semi private/communal amenity space given the quantum and density of housing proposed.

1.13 The proposed development results in the net loss of a UK priority mudflat habitat. The creation and dredging of the lock access with the River Thames removes an area of mudflat that is not adequately compensated for.

1.14 On 18 October 2006 and 28 September 2007 the Corporation wrote to the applicant on behalf of LBN, Greater London Authority (GLA) and Design for London to express concerns about urban design, building scale and massing, housing density, housing mix and tenure and open space provision. While the December 2007 amendments do not adequately address these issues, officers have continued discussions with the applicant.

1.15 It is recommended that, subject to consultation with Counsel, the Corporation submit a Statement of Case to the Planning Inspectorate and refuse the duplicate application based on the following reasons for refusal:

1. The proposed development, by virtue of its housing density of 276 units per hectare and 688 habitable rooms per hectare, would constitute an overdevelopment of the site and unsustainable form of development given its location, setting, public transport accessibility level, concentration of studios and one bedroom units, lack of amenity space and excessive scale, height and massing, contrary to Policies 3A.3, 3A.5, 3A.6, 3C.1, 4B.1, 4B.2, 4B.3, 4B.5, 4B.9

and 4B.10 of the London Plan, the London Plan Housing SPG, Policies C3, C4 and C5 of the Lower Lea Valley Opportunity Area Planning Framework, Policies EQ4, EQ19, H13, H15 and H17 of the Unitary Development Plan and Newham's Residential Planning Guidelines SPG.

2. The proposed development, by virtue of its excessive scale, height and massing, constitutes an inadequately designed scheme that a) lacks a coherent approach to building form b) establishes an overbearing relationship to Barrier Point c) responds unsuccessfully to the River Thames d) creates a poor quality public realm and e) creates a poor quality environment for future residents and visitors, contrary to Policies 3A.3, 4B.1, 4B.2, 4B.3, 4B.9 and 4B.10 of the London Plan, Policies EQ4, EQ19, H13 and H17 of the Unitary Development Plan and Policy F14 of the Lower Lea Valley Opportunity Area Planning Framework.
3. The proposed development, by providing only 26% affordable housing on a 60:40 split between intermediate and social rented tenures, results in an inadequate amount of affordable housing that fails to meet housing need and achieve a mixed and balanced community, contrary to Policies 3A.9 and 3A.10 of the London Plan, the London Plan Housing SPG and Policy C2 of the Lower Lea Valley Opportunity Area Planning Framework.
4. The proposed development, by virtue of a concentration of studio, one and two bedroom units, results in an unacceptably low provision of family housing that fails to achieve a mixed and balanced community, contrary to Policy 3A.4 of the London Plan, the London Plan Housing SPG, Policy C3 of the Lower Lea Valley Opportunity Area Planning Framework and Policies H14 and H15 of the Unitary Development Plan.
5. The proposed development, by virtue of a deficiency in private and communal amenity space, poor outlook and sunlight and daylight conditions, results in an unacceptable poor living environment for future residents, contrary to Policies 4B.1 and 4B.10 of the London Plan, Policies EQ19, EQ26 and H17 of the Unitary Development Plan and the Residential Planning Guidelines SPG.
6. The proposed development, by virtue of a loss of UK priority mudflat habitat, results in an adverse impact on nature conservation and biodiversity, contrary to Policies 3D.14, 4C.3 and 4C.4 of the London Plan and Policies EQ4, EQ5, EQ9, EQ10 and EQ11 of the Unitary Development Plan.
7. The proposed development provides an inadequate S106 contribution that fails to mitigate its impact on physical and social infrastructure, contrary to the LTGDC's Planning Obligations Community Benefit Strategy and Policies 6A.4 and 6A.5 of the London Plan, the Lower Lea Valley Opportunity Area Planning Framework and Policy S2 Unitary Development Plan.

2. SITE AND PROPOSAL

2.1 Description of Site & Surroundings

2.1.1 The application site is located in the Thameside West area of the Royal Docks. The red line application boundary includes half the width of the River Thames and North Woolwich Road and extends to a total area of 15.96 hectares. The site's developable area measures 10.23 hectares.

2.1.2 The site is bounded by Barrier Point residential development to the east, North Woolwich Road and the Docklands Light Railway (DLR) viaduct to the north, the Kierbeck Industrial Estate to the west and the River Thames to the south. Barrier Point comprises an 8 storey linear block that terminates with an 18 storey cylindrical riverfront tower and forms the western boundary to Barrier Park. Barrier Park is a significant area of open space completed in 2000. The Thames Barrier is located adjacent to Barrier Park and approximately 350m from the south east corner of the site.

2.1.3 Beyond North Woolwich Road and the DLR viaduct is the Silvertown Quays development site. The site benefits from planning permission for a significant mixed use development, including the provision of a new housing, district retail centre and the BIOTA aquarium.

2.1.4 The site was previously subdivided into Minoco Wharf and Crescent Wharf (now referred to as Vanesta Wharf). Minoco Wharf was developed as a chemical works before being used for oil storage and refining. The site is currently vacant. Vanesta Wharf was developed as a chemical works before being redeveloped with warehousing and industry uses within buildings that exist today. All structures are proposed to be demolished with the exception of a war memorial located at the north west corner of the site.

2.1.5 The site is accessed via a junction with North Woolwich Road. The site is served by the DLR and bus route 474 (Canning Town – Beckton – Manor Park). The elevated DLR follows an alignment along the site's northern boundary and Pontoon Dock station is located at the north east corner of the site. The site has an existing PTAL (Public Transport Accessibility Level) that ranges from a 'low' 2 in the south west corner to a high '2' in the north east corner.

2.2 Description of Proposal

2.2.1 The duplicate applications are submitted in outline with siting, means of access and public realm landscaping for determination and design and appearance being reserved matters.

2.2.2 The application proposes the following:

- Residential (C3) (240,500m² or 2,819 units)
- Employment (B1) (15,000m²)
- Retail (A1) (2,000m²)
- Professional Services, Food and Drink (A2-A5) (3,000m²)
- Community, Health, Education, Cultural and Assembly (D1) (4,000m²)
- Recreational and Leisure (D2) (2000m²)
- 1,423 car parking spaces
- Marina and lock access to River Thames
- Vehicle, pedestrian and cycle access from North Woolwich Road
- Internal access roads and circulation
- Public realm, public open space and private amenity space
- Landscaping

2.2.3 The application was accompanied by an Environmental Statement.

2.2.4 The development is oriented around a new marina and lock access with the River

Thames. Thirteen development blocks are set out across an orthogonal grid layout divided by routes between North Woolwich Road, the marina and the River Thames. Development zones comprise typical courtyard blocks that accommodate a mix of housing and commercial uses, active frontages and an internal communal amenity space. Tall buildings are concentrated towards the River Thames and North Woolwich Road with development of a generally reduced scale surrounding the marina. Vehicular access to the site is achieved via North Woolwich Road.

2.2.5 The applicant has also submitted duplicate applications to construct a riverside walk and jetty at Vanesta Wharf. The riverside walk will form an extension of the application site to facilitate pedestrian access from the jetty to the site and beyond, such as BIOTA. The jetty is proposed to be served by a riverboat passenger service. The application was validated on 27 February 2008 and will be decided following resolution of various comments, mainly around design details. Whilst the jetty would further enhance the main scheme, it is not dependent on it.

3. MAIN ISSUES

The main planning issues for consideration in relation to this application are:

- Land Use
- Building Scale, Bulk and Massing
- Housing Density
- Housing Mix
- Affordable Housing
- Sunlight and Daylight
- Open Space
- Amenity Space
- Children and Young People's Play Space
- Parking, Transport and Access
- Navigational Risk
- Ecology
- Flood Risk
- Energy
- S106 Community Benefit Strategy

4. RELEVANT SITE HISTORY

4.1 Historically the site was subdivided into two wharves with Minoco Wharf to the east and Crescent Wharf to the west.

4.2 Minoco Wharf (5.99 hectares) was developed as a chemical works at the end of the 19th century and was used for the manufacture of TNT during the First World War. Subsequent to this, the site was used by Shell UK as an oil storage and refining site. The use ceased in the 1990's and the site has since been cleared and remediated. The site is currently vacant.

4.3 Crescent Wharf (4.24 hectares) lies to the west of Minoco Wharf. It was initially developed as a chemical works in the 1890's and was then redeveloped for low intensity warehousing and industry. The buildings are unsuited to modern employment requirements and all units are also vacant.

4.4 The site contains the Grade II Listed Silvertown War Memorial which is located in the north west corner of the site adjacent to North Woolwich Road.

4.5 Relevant previous planning applications for the site are as follows:

4.6 May 2004: An application for outline planning permission was submitted by Minoco Wharf Partnership to LBN proposing redevelopment to provide a mixed use development in a series of buildings ranging from 1 to 20 storeys providing 1537 residential units and 39,389m² of non residential floorspace (office, storage/distribution, retail, food and drink, financial and professional and community space) plus riverside walkway, car parking, landscaping and related infrastructure and site works. The application was withdrawn by the applicant in Oct 2004.

4.7 June 2006: Duplicate applications for outline planning permission were submitted by Clearstorm Ltd to the LTGDC and LBN proposing comprehensive, phased, mixed use development of the site, comprising residential (between 2572 and 3360 residential units), employment (35,000m²), retail (10,000m²), financial and professional, food and drink uses, community, health, education, cultural and assembly uses, recreational and leisure uses, vehicular, pedestrian and cycle access from North Woolwich Road, the creation of a jetty, breakwater and marina, construction of lock access to the River Thames, access roads and other means of access and circulation within the site, road and foot/cycle bridges over internal water features, covered and open car parking areas, public open space and private amenity space, landscaping, creation of a network of footways and cycleways including riverside path and other supporting infrastructure works and facilities.

4.8 Following assessment of the June 2006 applications the LTGDC, LBN and the GLA jointly issued a letter dated 18th Oct 2006 to the applicant raising the following key issues:

- The public sector partners support the site's release from a Strategic Employment Location to a mix of uses to deliver emerging policy aspirations.
- The site's context means that there is a convincing argument to support housing led mixed use development that assumes a quantum, scale and form that complements existing and proposed development in the area.
- Proposals should include a genuine mix of uses, including a significant element capable of generating employment.
- The proposed quantum of B1 (a) office floorspace in this location (up to 35,000m²) is resisted to manage demand in established centres, such as Canary Wharf and Stratford City.
- B1 b) and c) uses need to be accommodated in flexible typologies.
- The proposed quantum of retail floorspace (up to 10,000m²) will undermine the proposed Silvertown Quays district centre.
- The proposed marina and jetty need to address PLA comments.
- The scale, height and massing of the proposed development relates poorly to the surrounding context.
- The building heights relate poorly to Barrier Point and Barrier Park and would impact on residential amenity.
- There should be visual variation along the river edge through use of building scale and open space.
- Height should be concentrated along North Woolwich Road.
- The proposed dwelling mix would not meet policy objectives given the concentration of 1-beds and the lack of 4/5 beds.

- There is an expectation to meet London Plan affordable housing policy.
- The amount of private amenity space is unacceptably low. It needs to be demonstrated that family units have adequate amenity and play space.
- A restraint based approach to parking is supported.
- The use of a CCHP needs to be considered.
- The letter concludes that the proposal is unlikely to receive a favourable recommendation.

4.9 The applications were withdrawn by the applicant in May 2007.

5. CONSULTATIONS/NOTIFICATIONS

Greater London Authority

5.1 The application is referable under category 1A1, 1B1 and 1C1 of the Town and Country Planning (Mayor of London) Order 2000. The Mayor of London will issue a Stage 1 report on 2 April 2008. Details of that report and the Mayor's decision will be provided at the Committee meeting. Currently it is understood that whilst the principle of mixed use development is supported there are concerns as to land use, design, housing density, housing mix and level of affordable housing, sunlight and daylight, children and young person's play space, transport, access, biodiversity and climate change. Given ongoing discussions between the parties the GLA considers that the applicants are well aware of such concerns and that revisions and additional information may address them.

5.2 There has been progress on addressing design concerns following the involvement of GLA and Design for London officers.

London Borough of Newham

5.3 The LBN Planning Committee will consider duplicate applications in its capacity as local planning authority and statutory consultee on 16 April 2008. The following provides a summary of the comments received from advisory panel and internal consultees:

Land Panel

5.4 The following provides a summary of the Land Panel's comments following their consideration of the application on 7 December 2007:

- Opportunities should be limited for buy-to-let investments given the need to provide a stable and balanced community;
- The housing mix is heavily skewed towards studio and one bedroom units;
- The housing mix is deficient in the amount of family sized housing within the private sector market;
- A higher proportion of employment uses should contribute to the creation of a genuine mix of uses;
- The significant development massing will create a poor residential environment;
- The massing concept of the "parade" of tall towers along the river front is uncomfortable;
- Lack of on-site community infrastructure;
- Car parking levels do not relate to the site's low PTAL.

Design Review Panel

5.5 The following provides a summary of the Design Review Panel's comments following their consideration of the application on 4 December 2007:

- The centrally located marina at the centre of a grid plan is a coherent development concept;
- The diagonal routes could be exaggerated to increase the openness of vistas across the site;
- There is concern about the microclimatic effect of a broken "wall" of tall buildings along the river front;
- Locating highest density in tall blocks along the river front undermines the ambition of creating a local centre at Silvertown Quays and Pontoon Dock DLR station;
- The six tall buildings are almost identical in their massing and height and create an excessively uniform massing solution;
- The height and built form along North Woolwich Road will successfully define and enclose this space;
- The highest densities should be focused around the DLR station as opposed to at the south and centre of the site;
- The massing variation and placement of taller elements across the site appears arbitrary;
- Taller elements will overshadow courtyards;
- The application lacks a range of family housing and includes limited social infrastructure;
- No existing structure will be retained resulting in a lack of richness and diversity of experience;
- The provision for small businesses at ground floor is welcomed.

Planning Policy

5.6 Recommend that the application is refused on grounds that the proposed development (1) does not propose a genuine mix of uses, including a significant amount of B1 (b) and (c) employment generating uses, (2) proposes an unacceptable amount of affordable housing, (3) proposes an unacceptable mix of housing types, (4) includes an insufficient amount of amenity space, (5) adopts a scale, height and massing that relates poorly to its context and (6) results in a poor living environment for future residents due to overshadowing and sense of enclosure.

Housing Partnerships

5.7 Recommend that the application is refused on grounds that the proposed development proposes an unacceptable amount of affordable housing and an unacceptable mix of housing types

Transportation

5.8 Accept that the trip generation impact of the proposed development can be accommodated on the surrounding road network and car parking levels are adequate based on proposed public transport improvements.

5.9 Recommend that planning conditions are imposed that require the submission of (1) detailed highway design, (2) a Road Safety Audit (Stages 1 and 2) and (3) the

preparation and implementation of a Travel Plan.

5.10 Recommend that the applicant enter into a S106 agreement that requires (1) a £50,000 contribution towards the implementation of a Controlled Parking Zone (CPZ), (2) a £50,000 contribution towards a car free agreement that prevents prospective occupiers from applying for parking permits (3) a £50,000 towards modelling the cumulative impact of development along the A1020 corridor and (4) the completion of S278 and S38 agreements to undertake works to the public highway.

Environmental Health

5.11 Recommend that planning conditions are imposed that require the submission of (1) demolition, site clearance and construction method statements, (2) details of mechanical ventilation and associated ducting, (3) an acoustic assessment of plant operation and activity, (4) details of surface water drainage, (5) a site investigation and remediation report, (6) an air quality assessment, and control of (7) hours of construction, (8) construction noise levels, (9) the burning of waste and prevent (10) impact piling. It is recommended that the applicant be required to enter into a S106 agreement to contribute £2,000 towards air quality monitoring and £4,000 towards noise monitoring.

Tree Officer

5.12. No objection to the removal of three trees at the front of the site. This is more than compensated by the replacement proposals.

Education

5.13 Advise that the application would generate the need for (1) a 40 place children's centre, (2) a 2 form entry primary school and (3) a financial contribution of £3,060,000 towards the provision of secondary school places.

Primary Care Trust (PCT)

5.14 Recommend that a S106 contribution of £9,293,000 is secured towards health care provision based on the Healthy Urban Design Unit (HUDU) model.

Thames Water

5.15 Recommend a condition regarding impact studies of the existing water supply infrastructure to determine the magnitude of any additional capacity required. Advice regarding surface water drainage has also been provided.

Port of London Authority (PLA)

5.16 Object to the application on grounds that the proposed dredging of the lock channel will result in the net loss of a UK priority Biodiversity Action Plan (BAP) habitat and impact on the River Thames Protected Site of Nature of Conservation Importance. The PLA notes that the footprint of the dredged lock channel is 1726.52m² compared to the creation of a replacement 201m² of new mudflat within the development. The PLA advises that the BAP seeks to maintain the extent of, and regional distribution, of UK mudflats and that the London Plan requires development to protect and enhance biodiversity and result in no net loss of habitat.

5.17 A Navigational Risk Assessment (NRA) has been submitted with the application. The submission of the NRA has followed discussions between the applicant and the PLA and EA. The final version of the NRA was submitted on the 27 February 2008. The PLA raise no objection to the impact of the development on navigation risk subject to the implementation of the agreed mitigation measures. The PLA recommend that a planning condition is imposed that requires the risk control measures identified in appendix 5 of the NRA to be implemented and maintained at all times.

Environment Agency (EA)

5.18 Object to the application on the grounds that the proposed development will result in the loss of a UK priority BAP habitat. The EA considers that the proposed dredging operations will cause a significant reduction in the productivity of the mudflat present in the proposed lock channel with inadequate consideration given to compensating for the loss of habitat.

Commission for Architecture and the Built Environment (CABE)

5.19 The following provides a summary of the comments contained in CABE's letter dated 21 May 2007 following a presentation of the application scheme:

- Express support for the aims of the project and welcome the overall masterplan approach, they consider there to be too much development proposed for the site with further work needed on the form of the buildings and spaces in order to provide a coherent, rich and varied new urban area.
- Encouraged by the approach to configuring routes, buildings and spaces based on known urban forms and building typologies and the clear diagram of perimeter blocks with active frontages at ground level and shared private courtyards over car parking.
- Express concern that the massive quantum of development is driving an intensely urban environment and a pattern of building heights that are too unrelenting for this location. CABE consider that while the riverside position, the site's accessibility, location and context suggest creating a high density new urban area is right it should not be to the intensity shown.
- Consider the routes formed by the diagonal north-south streets are not yet fully resolved and would benefit from further consideration.
- Consider that greater clarity and coherence is required in the public realm by investigating the type of streets and spaces in terms of the hierarchy, scale and function. CABE identify potential to generate a place with a simpler, stronger character and a more individual sense of place or places. The success of the masterplan will be determined in a large part by the scale and intensity of development and the needs to be a focus on street scale and the way in which buildings are accessed and used from the street.
- Consider further work is required to the treatment of the north east corner to minimise the negative effects of the developments edges with Barrier Point and North Woolwich Road, including how the scheme will provide for pedestrian crossing of North Woolwich Road and relate to the challenging environment under

the DLR viaduct.

- Consider that the scheme would benefit from a clear spatial attitude to the water's edge and suggest a more robust presence could provide a useful and striking marker for the development when viewed from the water itself.
- Identify the potential for greater hierarchy and variety in the network of streets being created via manipulation of their widths and design, and of the building types, heights and uses that define them. More variation in the size, form and nature of different buildings, public spaces and private would add to the scheme.
- Require public green space to be incorporated more boldly and generously within the scheme. Welcome shared private gardens.

5.20 CABE has not submitted comments on the 17 December 2007 amendments.

Transport for London (TfL)

5.21 TfL has requested further information on the trip rates, modal split and cumulative impact assumptions contained within the Transport Assessment (TA). TfL raise concern that the TA does not comply with TfL's Modelling Guidelines. Information on the validation of traffic model outstanding – no validation report received.

5.22 Concern about cumulative impact on Gallions Roundabout. Not demonstrated that the development will not have an adverse impact on the Transport for London Road Network (TLRN). No sensitivity testing.

5.23 London Buses consider the TA does not provide a robust assessment of the trip generation impact on the bus network. Acknowledge that the Silvertown Quays development will fund the introduction of a new route between Silvertown Quays and Canning Town. Additional funding required to enable 2011 operation. Funding required to increase frequency of the 474 bus. £850,000 required towards bus route improvements. Upgrade nearest bus stops. Car free agreement preventing future residents from applying for parking permits.

5.23 Docklands Light Railway agrees with TA that the development will have a significant impact on capacity. Severe crowding on line west of Pontoon Dock. Contribution of £2,200,000 towards implementing 3 car upgrade

English Heritage (EH)

5.24 The site is located within an Archaeological Priority Zone as designated in the Unitary Development Plan. The submitted Archaeological Assessment concludes that there is potential for significant archaeological remains on the northern and central areas of the site. It is recommended that planning conditions are imposed that require the submission of (1) a programme of archaeological work to be undertaken in accordance with a written scheme for investigation and carried out by a suitably qualified investigating body and (2) a detailed design and method statement for the foundation design and new ground works prior to commencement of the development.

5.25 It is recommended that the archaeological field evaluation is carried out before development works on the site which should include boreholes in the eastern part of the site and full geo-archaeological assessment of the western half of the site. This

work will enable further evaluation in the form of trial trenching in areas of highest potential.

Natural England (NE)

5.26 Recommend that planning conditions are imposed that require (1) details of demolition include a soft demolition approach to the removal of rubble piles and vegetation and (2) details of the landscape and ecology management plan.

London City Airport (LCA)

5.27 Raise no safeguarding objection to the proposed development subject to the imposition of condition requiring the submission of details of the method of construction, including the use, location and height of cranes and other plant and equipment or temporary structures.

6. APPLICATION PUBLICITY

6.1 Site Notice Expiry: 11/01/2008

6.2 Press Notice Expiry: 16/01/2008

6.3 Neighbour Notification: A total of 715 adjoining occupiers were consulted, including residents of Barrier Point and Britannia Village and occupiers of the Kierbeck Business Complex and Greenshield Industrial Estate.

7. REPRESENTATIONS

7.1 13 letters of objection and 1 letter of support have been submitted. The following provides a summary of representations received:

Individual Comment

Response to Comment

Objectors

- | | |
|---|--|
| 1. Scale of development is too large and not in keeping with the surrounding area. | 1. Refer to paragraphs 9.8-9.29 |
| 2. Building heights will block sunlight to bedrooms and bathrooms. | 2. Refer to paragraphs 9.42-9.44 |
| 3. Building heights will block views towards Canary Wharf and the O ² Arena. | 3. Refer to paragraphs 9.8-9.29 |
| 4. Increase in traffic will increase noise disturbance. | 4. Refer to paragraphs 5.11-5.12 |
| 5. Overdevelopment of the site will place additional demand on local services and public transport. | 5. Refer to paragraphs 5.21-5.23 |
| 6. Quantum of development – including 30% affordable housing – will compromise public safety and the security of Barrier Point. | 6. There are no security concerns at this outline application stage. Affordable housing provision is supported in line with policy requirements. |

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| 7. Extended riverside path will increase noise disturbance to Barrier Point. | 7. The riverside path is welcomed. Noise is unlikely to have a significant impact. |
| 8. Scale of development relates poorly to Barrier Point. | 8. Refer to paragraphs 9.8-9.29 |
| 9. Loss of amenity due to construction noise and vibration. | 9. Refer to paragraphs 5.11-5.12 |
| 10. Loss of natural habitat. | 10. Refer to paragraphs 9.54-9.58 |
| 11. Inadequate parking for residential and commercial uses | 11. Refer to paragraphs 5.8-5.10 and 9.52-9.53 |

Supporters

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| 12. New development will create an exciting dock area and provide access to the River Thames | 12. Refer to paragraphs 9.8-9.23 |
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8. RELEVANT PLANNING POLICY

8.1 Planning Policy Guidance

Planning Policy Statement 1	Delivering Sustainable Development
Planning Policy Statement 3	Housing
Planning Policy Statement 9	Biodiversity and Ecological Preservation
Planning Policy Guide 13	Transport
Planning Policy Guide 24	Noise
Planning Policy Statement 25	Development and Flood Risk

8.2 The London Plan – Consolidated with Alteration since 2004 (February 2008)

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|-------|--|
| 2A.1 | Sustainability criteria |
| 2A.2 | The spatial strategy for development |
| 2A.5 | Opportunity Areas |
| 2A.10 | Strategic Industrial Locations |
| 3A.1 | Increasing London's supply of housing |
| 3A.2 | Borough housing targets |
| 3A.3 | Maximising the potential of sites |
| 3A.5 | Housing choice |
| 3A.6 | Quality of new housing provision |
| 3A.7 | Large residential developments |
| 3A.8 | Definition of affordable housing |
| 3A.9 | Affordable housing targets |
| 3A.10 | Negotiating affordable housing in individual private residential and mixed-use schemes |
| 3B.1 | Developing London's economy |
| 3B.2 | Office demand and supply |
| 3B.4 | Industrial Locations |
| 3B.11 | Improving employment opportunities for Londoners |
| 3C.1 | Integrating transport and development |
| 3C.2 | Matching development to transport capacity |
| 3C.3 | Sustainable transport in London |
| 3C.9 | Increasing the capacity, quality and integration of public transport to meet London's needs. |
| 3C.17 | Tackling congestion and reducing traffic |

3C.21	Improving conditions for walking
3C.22	Improving conditions for cycling
3C.23	Parking strategy
3D.1	Supporting town centres
3D.3	Maintaining and improving retail facilities
3D.8	Realising the value of open space and green infrastructure
3D.13	Children and young people's play and informal recreation strategy
3D.14	Biodiversity and nature conservation
4A.3	Sustainable design and construction
4A.5	Provision of heating and cooling networks
4A.6	Decentralised Energy: heating, cooling and power
4A.7	Renewable energy
4A.11	Living Roofs and Walls
4A.12	Flooding
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	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.9	Tall buildings – location
4B.10	Large-scale buildings – design and impact
4B.15	Archaeology
4C.1	The strategic importance of the Blue Ribbon Network
4C.2	Context for sustainable growth
4C.3	The natural value of the Blue Ribbon Network
4C.4	Natural landscape
4C.11	Increasing access alongside the Blue Ribbon Network
4C.14	Structures over and into the Blue Ribbon Network
4C.16	Importance of the Thames
5C.1	The strategic priorities for North East London
5C.3	Opportunity Areas in North East London

8.3 Unitary Development Plan (June 2001)

S2	Community Benefit/Planning Obligations
S3	Quality of Development
S4	Sustainable Development
S5	Priority Development Nodes
S6	Mixed Use Development
S9	Environmental Quality: Design
S12	Environmental Quality: Environmental Improvements
S13	Environmental Quality: Rivers and Waterways
S14	Environmental Quality: Nature Conservation
S16	Environmental Quality: Thames Policy Area
S19	Housing: Extending the Range of Housing Choice
S20	Housing: Inclusion of Affordable Housing in New Housing
S21	Schemes Housing; Special Needs Housing
S22	Housing: Mix and Density
S23	Housing: Improvement of Public and Private Dwellings and Residential Environment

S24	Employment: Regeneration Objectives
S25	Employment: Major Industrial and Distributive Development
S26	Employment: Major Office Development
S27	Employment: Change of Use
S28	Employment: Quality of Development
S30	Shopping and Town Centres
S35	Transport: Encouragement of Alternatives to the Motor Car
S37	Transport: Improvement of Facilities for Pedestrians and Cyclists
S38	Transport: Parking
S39	Leisure, Recreation and Open Space
S40	Children's Play Areas
S47	Community Services
UR1	Urban Regeneration
UR7	Royal Victoria Dock (South Side): Land Use Proposals (MOZ10)
UR8	Royal Victoria Dock (South Side): Land Use Proposals (MOZ10)
EQ1	Waterway Improvements
EQ2	Waterside Access
EQ4	Quality of Waterside Development
EQ5	Waterway Structures
EQ9	Protection of Sites of Nature Conservation Importance
EQ10	Species Protection
EQ18	Promoting Urban Quality
EQ19	Urban Design Considerations
EQ20	Design Considerations: Residential Areas
EQ21	New Development: Landscaping
EQ25	Access
EQ26	Safety
EQ27	High Buildings: Control
EQ28	High Buildings: Design Considerations
EQ43	Archaeology
EQ44	Vacant Land: Environmental Improvements
EQ45	Pollution
EQ46	Air Quality Management
EQ47	Noise
EQ48	Noise - Sensitive Development
EQ49	Contaminated Land: Assessment, Remediation and Monitoring
EQ63	Surface Water Disposal
EQ64	Tidal Defences
H13	Promoting Quality in Housing
H14	Promoting Choice in Housing
H15	Housing Mix
H17	Housing Design and Layout
EMP1	Employment Growth
EMP3	Quality of Employment Development
EMP4	Principal Employment Areas
EMP5	Principal Employment Areas
EMP6	Principal Employment Areas
T2	New Development: Public Transport Accessibility and Highway Capacity
T5	Preferred Modes of Transport
T8	River Transport
T19	Improvement of Conditions for Pedestrians
T24	Access by Cycle and Cycle Parking
T26	Motorcycle Parking

OS8 Green Space in New Housing Development
OS12 Children's Play Facilities in New Developments

8.3 Other Relevant Planning Policies & SPG's

- Mayor of London Lower Lea Valley Opportunity Area Planning Framework (January 2007)
- London Plan SPG's 'Housing', and 'Sustainable Design and Construction'
- London Borough of Newham SPG 'Sustainability Checklist'
- London Borough of Newham SPG 'Residential Planning Guidelines'
- London Borough of Newham SPG 'Access'
- Guidance on tall buildings (CABE & English Heritage, July 2007)

9. ASSESSMENT OF MAIN ISSUES

Land Use

9.1 The principle of redeveloping the site with a residential-led mixed use development is determined by the policies adopted in the London Plan (2008) and Unitary Development Plan (2001) (UDP). The Mayor of London Lower Lea Valley Opportunity Area Planning Framework (2007) (LLVOAPF) supplements the London Plan and provides the strategic context for land use change. The LLVOAPF is a material consideration that should be afforded considerable weight in the determination of planning applications.

9.2 The UDP locates the site within a Principal Employment Area (PEA) and adjacent to Major Opportunity Zone 10 (MOZ). Policies EMP4 and EMP6 promote the retention and expansion of industrial and warehouse uses to encourage the strengthening and diversification of the local economy within PEAs.

9.3 MOZ 10 includes land south of Royal Victoria Docks and includes the Thames Barrier lands between North Woolwich Road and the River Thames. Policy UR7 states that Royal Victoria Dock (South Side) forms a Priority Development Node that has the potential to provide a high quality city district and focus for the Royal Docks District that strengthens the existing communities of Silvertown and North Woolwich. The policy also promotes a comprehensive mixed use development around Pontoon Dock and a major riverside park on the Thames Barrier lands. The land around Pontoon Dock benefits from planning permission for the Silvertown Quays mixed use development and Barrier Park was completed in 2000.

9.4 The UDP affords protection to Minoco Wharf as a river based freight handling facility. The London Plan Implementation Report: Safeguarded Wharves on the River Thames (2005) post dates the UDP and recommends that Minoco Wharf is de-designation as a safeguarded wharf on grounds that it is not capable of being made viable for cargo handling uses and cannot be extended to handle substantial draught vessels due to navigational safety issues in the vicinity of the Thames Barrier. The report also concludes that the adjacent Vanesta Wharf should not be identified as a safeguarded wharf.

9.5 The UDP also identifies the site as a suitable mooring point for a potential river boat service and locates the riverfront within the River Thames Protected Site of Nature of Conservation Importance.

9.6 The London Plan locates the site within the Lower Lea Valley Opportunity Area. Policy 5C.2 requires the preparation of a planning framework to provide the strategic content for land use change within the Opportunity Area. The LLVOAPF was adopted in 2007 and locates the site within the Thameside West sub area. While the sub area is designated a Strategic Employment Location (SEL), the land between Barrier Park and Lyle Park is identified as an area of potential industrial land release. Paragraph 4.248 states that any industrial land release is concentrated to the east of the sub area and suggests that the area east of Lyle Park as appropriate for mixed use development. It is recommended that the precise geography of any SEL release will need to be agreed by the strategic and local authorities. This approach is complemented by the site's de-designation as a safeguarded wharf.

9.7 While it is acknowledged that the UDP seeks to protect the site for industrial land uses, the London Plan, supplemented by the LLVOAPF, advocate the release of industrial land to other uses. This approach is supported informally by the Borough, but due to delays in progressing their LDF this is yet to be set out formally in any documents. The site's relationship and proximity to the proposed Silvertown Quays and existing Barrier Point developments, Pontoon Dock DLR station and Barrier Park, support the case for industrial land release and redeveloping the site with a residential-led mixed use development.

9.8 With regard to the employment generating activities the retail provision is acceptable in terms of meeting needs of residents and not competing with the proposed provision at Silvertown Quays. The cap on B1(a) use space at 5,000 sq metres of the total 15,000 sq metres B1 use is welcomed. It is considered that there is a good demand for B1 (b) and (c) uses in the local area which could well exceed the 10,000 sq metres. This should be taken into account in any amendments to the scheme.

Building Scale, Bulk and Massing

9.9 London Plan Policy 4B.1 seeks to ensure that new developments (1) respect local context, character and communities, (2) are practical and legible, (3) are attractive to look at and, where appropriate, inspire, delight and excite.

9.10 London Plan Policy 4B.9 lends support to tall buildings where they (1) create attractive landmarks enhancing London's character, (2) act as a catalyst for regeneration and (3) are acceptable in terms of design and impact on their surroundings.

9.11 London Plan Policy 4B.10 requires large scale buildings to be of the highest quality and design and in particular (1) be suited to their wider context in terms of proportion and composition and in terms of their relationship to other buildings, streets, public and private open spaces, the waterways or other townscape elements, (2) be attractive city elements as viewed from all angles and where appropriate contribute to an interesting skyline, consolidating clusters within that skyline or providing key foci within views, (3) illustrate exemplary standards of sustainable construction and resource management and potential for renewable energy generating and recycling, (4) be sensitive to their impact on micro-climates in terms of wind, sun, reflection and overshadowing and (5) pay particular attention, in residential environments, to privacy, amenity and overshadowing.

9.12 UDP Policy EQ19 requires all new developments to adopt (1) scale and bulk in relation to the plot size and surrounding and (2) aesthetic quality in terms of the intrinsic

design of the proposal and its relationship to its surroundings.

9.13 The CABE/English Heritage Guidance on tall buildings identifies the (1) relationship to context, (2) effect on the historic environment (3) effect on world heritage sites, (4) relationship to transport infrastructure, (5) architectural quality of the building, (6) sustainable design and construction, (7) credibility of design, (8) contribution to public space and facilities, (9) effect on the local environment, (10) contribution made to permeability and (11) provision of a well designed environment as the criteria against which development should be assessed.

9.14 The application proposes redevelopment of the site to create a residential-led mixed use development oriented around a new marina and lock access to the River Thames. The masterplan is based on an orthogonal grid set by the alignments of North Woolwich Road, the River Thames and Barrier Point. The grid is dissected by diagonal routes that provide views and establish pedestrian desire lines between North Woolwich Road, the marina and the River Thames. The grid pattern and intersecting routes create a series of development zones that enclose the marina and relate to either North Woolwich Road, the River Thames, Barrier Point and land to the west.

9.15 The development zones accommodate typical courtyard blocks that provide an active frontage to the public realm and enclose centrally located communal amenity space. Each block is designed to accommodate a mix of commercial uses, a range of housing types and car parking.

9.16 The proposed height and scale of development is established by maximum and minimum height parameter plans. While there is a cap on the amount of floorspace proposed, particular consideration needs to be given to the proposed maximum height of each development zone to ensure its height, scale, bulk and massing relates appropriately to adjacent existing and future development, and the scale and character the space it encloses. While the applicant argues that the minimum and maximum will provide flexibility for future designers, recognition should be given to the potential for, and likelihood that, future developers will seek to build to maximum permitted heights on that part of individual plots which they view as most advantageous without necessarily having regard to adjacent plots.

9.17 The overall maximum parameter plan building heights are informed by the Civil Aviation Authority (CAA) height limits imposed by the site's proximity to London City Airport. Notwithstanding this constraint, the application proposes a massing arrangement that concentrates building height along North Woolwich Road and the River Thames to maximise the river views and define the DLR and road corridor. The central part of the site accommodates buildings of reduced height with projecting taller elements.

9.18 The maximum building height parameter plan seeks to establish the acceptability of buildings that vary from 51.10m AOD (17 storeys) and 60.0m AOD (20 storeys) along the riverfront, buildings of between 45.10m AOD (15 storeys) and 48.10 AOD (16 storeys) along North Woolwich and buildings of between 39.10m AOD (13 storeys) and 48.10m AOD (16 storeys) within the site and around the marina. With the exception of a 48.10m AOD (16 storey) building element, the development's eastern edge proposes a maximum height comparable to that of Barrier Point (8 storeys). The building elements that form the southern edge to the courtyard blocks are identified as having a maximum height of 21.10m AOD (7 storeys) to enable sunlight to penetrate raised internal courtyards located above car parking. There is concern that the proposed maximum

building heights will set an unacceptable benchmark against which future development proposals may be based upon.

9.19 While it is acknowledged that significant building height can be accommodated along North Woolwich Road and the River Thames, the overall massing approach is considered to lack coherence and result in the arbitrary siting of buildings of excessive scale, massing and height. The proposed maximum building heights fail to respond to the height and scale of surrounding built development, create uncomfortable building height to street width ratios and fails to demonstrate a rationale for their siting and massing. The effect is a potentially unrelenting building form of considerable scale and bulk that has an unsympathetic relationship to its setting and a poor definition and enclosure of streets and spaces.

9.20 While the 17 December 2007 amendments propose a reduction in the maximum building height within development zones 11 and 12, an uncomfortable massing relationship exists with Barrier Point. The adjacent 36.10m AOD (12 storeys), 48.10m AOD (16 storeys) and 39.10m (13 storeys) high building elements adopt a scale and bulk that detracts from the strong architecture of the existing 28.25m AOD (8 storeys) high linear block. It is considered that the proposed development fails to adequately reference the strong scale and height of Barrier Point. The result is a development form that establishes an uncomfortable and overbearing relationship to its context.

9.21 The proposed development is considered to adopt an arbitrary approach to the siting and massing of taller buildings elements, particularly within centrally located development zones. The maximum parameter plan seeks to establish the principle of taller elements projecting from already substantial perimeter blocks. The height and footprint of these buildings create blocks that exhibit inelegant proportions and considerable bulk.

9.22 The proposed development includes a series of towers located at regular intervals along the River Thames adjacent to courtyard blocks. The 13 storey elements as part of these courtyard blocks will create a wall of development punctuated only by lock access and the increased intertidal zone. In townscape terms the development will be read either as a series of almost identical towers or that 'march' along a riverfront promenade or a 13 storey wall of development with taller projecting elements. While there is benefit in maximising river views, this approach is considered to be both unsophisticated and unsustainable given that a significant quantum of housing would be in the least accessible part of the site.

9.23 The height and scale of building blocks relates poorly to the scale and character of the spaces that they are supposed to define and enclose. The building height to street width ratios creates a public realm of poor environmental quality. Those experiencing the public realm will feel a strong sense of enclosure and a poor microclimate as buildings of considerable height flank the spaces they inhabit.

9.24 The application is considered contrary to Policies 3A.6, 3A.7, 3C.1, 4B.1, 4B.2, 4B.3, 4B.5, 4B.9 and 4B.10 of the London Plan, Policy F14 of the LLVOAPF and Policies EQ18, EQ19, EQ20 and EQ28 of the Unitary Development Plan.

Housing Density

9.25 The application site measures 10.23 hectares. The application proposes redevelopment to provide approximately 2,819 units and 7,039 habitable rooms

resulting in a density of 276 units or 688 habitable rooms per hectare.

9.26 London Plan Policy 3A.3 seeks to maximise development potential based on an assessment of site location, public transport accessibility and local context. Policy 3A.3 requires Borough's LDFs to adopt the residential density ranges set out in Table 3A.2. The proposed density of 276 units or 688 habitable rooms per hectare places the site within a density range that assumes the site adopts a central London location, is located within 10 minutes walking distance of a town centre and benefits from a PTAL (Public Transport Accessibility Level) of between 4 and 6 (where 6 is the highest). While it is acknowledged that the site will be in close proximity to the proposed Silvertown Quays district centre, it currently occupies an urban setting located beyond 10 minutes walking distance of a town centre and having a PTAL of 2. On this basis, Table 3A.2 recommends that the site is redeveloped at a density of up to 170 units or 450 habitable rooms per hectare.

9.27 The applicant claims that the site's PTAL will increase to 4 in the north east corner and 3 in the south west corner of the site on the assumption that the DLR will operate more frequent services, new bus routes will serve Canning Town, Beckton and Canary Wharf and a river boat service will serve the proposed jetty. The validity of the PTAL calculation is challenged given TfL's advice that bus service improvements will be limited to the introduction of only one additional service. A reliance on the riverboat service to boost the PTAL is also questionable.

9.28 Site location and public transport accessibility remain important factors in the determination of an appropriate quantum of development. London Plan Policy 3C.1 seeks to ensure the integration of transport and development to encourage forms of development that reduce the need to travel and ensure people have convenient access to services and facilities they need. An assessment of the site's setting and accessibility, having regard to PTAL, suggests a disparity between that and the density of the proposed development.

9.29 It is clear that more recently adopted planning documents seek to maximise redevelopment potential by encouraging high density housing development in appropriate locations in response to the need to meet the increased demand for housing. Nevertheless, it is considered that, in its attempt to maximise site potential, the proposal results in an excessively dense form of development that is contrary to policies seeking to promote the integration of transport and development by promoting high density housing in areas well served by public transport, within close proximity of town centre services and facilities. An attempt to maximise development density contributes directly to the creation of a poorly design development in terms of the townscape and living environment created.

9.30 The application is considered contrary to Policy 3A.3 and 3C.1 of the London Plan and Policy C4 of the LLVOAPF.

Housing Mix:

9.31 London Plan Policy 3A.5 requires new development to offer a range of housing sizes and types and the corresponding Housing SPG consolidates this policy objective by seeking a preferred housing mix within new development.

9.32 UDP Policy H15 requires development to provide a mix of dwelling sizes having regard to the characteristics of the site, its relationship to the surrounding area, the

nature of the development proposed and marketing considerations.

9.33 The Mayor of London LLVOAPF Policy C3 requires new housing development to provide 44% family housing including 2 bed social rented units. On this basis the scheme still provides only 23.9% family housing

9.34 The application includes a Development Specification that proposes the following residential mix by gross external floor area:

	Size	Private	Affordable	Combined
Studio	37.1m2	15%	0%	11.06%
1-bed	51.1m2	30%	15%	26.06%
2-bed	72.0m2	30%	50%	35.26%
3-bed	99.9m2	23%	20%	22.21%
4-bed	120.8m2	2%	10%	4.10%
5-bed	139.4m2	0%	5%	1.32%

9.35 This approach does not provide a clear representation of the number of different size house types that would be created by the development. It is noted that the Play Space Strategy includes a policy compliant approach to calculating housing mix by providing the mix as an expression of the number of different sized units:

Unit Type	Private	Intermediate	Social	Total
Studio	537 (25%)	0	0	537 (19.1%)
1-bed	780 (35%)	56 (22.5%)	83 (22.5%)	919 (32.6%)
2-bed	554 (25%)	132 (53%)	197 (53%)	883 (31.3%)
3-bed	306 (14%)	38 (15%)	57 (15.5%)	401 (14.2%)
4-bed	22 (1%)	16 (6.5%)	23 (6%)	61 (2.2%)
5-bed	0	7 (3%)	10 (3%)	17 (0.6%)
Total	2199 (78%)	248 (8.8%)	371 (13.2%)	2818

9.36 The table reveals that almost 20% of the development is occupied by studios and 83% by studios and one and two bedroom units. The proportion of family sized units is restricted to only 17% of the total number of units.

9.37 The size of the site, and its relative proximity to public transport, a proposed district centre and open space, provides a strong case for redevelopment to provide a mix of housing types, including an appropriate proportion of family housing that achieves a balanced community. There are not site constraints or exceptional circumstances that override the policy requirement to create mixed communities through the delivery of a range of housing sizes.

9.38 The application is considered contrary to 3A.5 of the London Plan, the London Plan Housing SPG, Policy C3 of the LLVOAPF and Policy H15 of the Unitary Development Plan.

Affordable Housing

9.39 London Plan Policy 3A.9 seeks 50% affordable housing based on a split between 70% social rented and 30% intermediate provision. In negotiating affordable housing Policy 3A.9 requires Boroughs to seek the maximum reasonable amount of affordable housing having regard to the need to encourage rather than restrain residential

development and the individual circumstances of the site. The approach of the Borough and the LTGDC has been to seek at least 35%.

9.40 The submitted Development Specification proposes 26.3% affordable housing on a habitable room basis. The housing mix proposed in the Play Space Strategy assumes 21.9% affordable housing on a unit basis. The application proposes a 60:40 split between social rented and intermediate housing on the basis that the surrounding area already accommodates a high proportion of social rented housing.

9.41 The applicant has submitted a GLA toolkit and development appraisal in support of the affordable housing offer. The Corporation has reviewed this information and questions a number of the assumptions relating to the development revenues and costs. This has led to the conclusion that there is additional value within the development to increase the affordable housing offer.

9.42 The application is considered contrary to Policy 3A.9 of the London Plan and the London Plan Housing SPG and Policy C2 of the LLVOAPF.

Sunlight and Daylight

9.43 London Plan policy 4B.9 requires large scale buildings in residential environments to pay particular attention to privacy, amenity and overshadowing. UDP Policy H17 requires new development to ensure a satisfactory level of amenity, outlook and natural lighting is maintained to existing occupiers. UDP Policy EQ19 identifies the need for new developments to have regard to their surrounding in terms of scale and bulk and refers to the Residential Planning Guidelines SPG as providing supplementary detail on design standards to be incorporated within new development. The SPG adopts the Building Research Establishment (BRE) criteria for assessing the sunlight and daylight impact of new development on existing buildings.

9.44 The Environmental Statement includes a Chapter on Daylight, Sunlight and Overshadowing. This concludes that, assuming a worst case scenario where future development is built to the maximum height parameter plan, none of the relevant facades around the courtyards will comply with visible sky component, annual sun or winter sun percentage recommendations. The ES also concludes that assuming the worst case scenario, daylight in the courtyards will be low and residents in Barrier Point will experience a loss of daylight and sunlight.

9.45 The application is considered contrary to Policies 4B1 and 4B10 of the London Plan and Policies EQ19 and H17 of the Unitary Development Plan.

Public Open Space

9.46 The Residential Planning Guidelines' SPG requires 0.004h of public open space per dwelling. 2818 dwellings consequently generate a requirement of approx 11.27h of open space, excluding private amenity space. It is acknowledged that this requirement is particularly onerous given that site's developable area is 10.23 hectares.

9.47 The submitted Play Space strategy concludes that the development will provide 11.4 hectares of open space. This however is on the assumption that child and young people's play space, the public realm, the marina, private amenity and semi-private/communal space, green and brown roofs, vehicular roadway and internal play space are all included within the calculation. When the private amenity space and vehicular roadway is omitted from the calculation, the development provides a total of 5.2ha. While the deficiency can be compensated by the public open space provided at

Barrier Park and Lyle Park, it demonstrates that the scheme constitutes an overdevelopment of the site.

Private and Communal Amenity Space

9.48 London Plan Policy 4B.1 requires new development to promote high quality inclusive design. UDP Policy H17 requires a satisfactory level of private amenity space as integral to the development. The Residential Planning Guidelines Supplementary Planning Guidance (SPG) recommends that for one bedroom flats 100m² of communal garden is required for up to 4 dwellings and 15m² for each additional dwelling and for 2, 3 and 4 bedroom flats 25m² of communal garden per dwelling is required. The SPG acknowledges that balconies can be included within this requirement. On this basis, the SPG recommends that a total of 55,938m² of private and semi-private/communal amenity space is required.

9.49 The application proposes 38,260m² of private amenity provided in the form of communal courtyards, communal roof gardens and private roof terraces and balconies. The application is considered to be deficient in the amount of private and semi-private/communal amenity space provided and will undermine the quality of living environment for future residents given the quantum and density of development proposed. This deficiency represents a significant design weakness that supports the view that the scheme constitutes an overdevelopment of the site.

9.50 The application is considered contrary to Policies 4B.1 of the London Plan, Policy H17 of the Unitary Development and the Residential Planning Guidelines SPG

Children's Play Space

9.51 The London Plan Providing for Children and Young People's Play and Informal Recreation SPG sets out the policy framework for the provision of appropriate play space. The SPG recommends that new development provides 10m² of play space per child based on an assessment of age and the availability of existing facilities.

9.52 The scheme provides LAPs (Local Area for Play), a LEAPs (Local Area Equipped for Play) and a NEAP (Neighbourhood Area Equipped for Play). LAP's are located within internal communal courtyards and within the LEAP and NEAP. The LEAP is an area of open spaces located between development zones 1 and 2 and adjacent to the River Thames. The NEAP is located at the development's western boundary. The total amount of dedicated play space is 6,953m². When the SPG child yield is applied (with intermediate treated as private housing) this equates to 9m² per child.

Parking, Transport and Access

9.53 The application proposes 0.5 spaces per residential unit located within basement and undercroft car parks and 1 space per 1000m² for non-residential uses. Vehicular access is via North Woolwich Road and restricted internal circulation provides access to individual development zones. The masterplan makes passive provision for the internal road network to be extended in a westward direction.

9.54 TfL and LBN advise that the trip generation impact of the development can be accommodated on the surrounding network. To mitigate the impact of the development on public transport, TfL requests S106 contributions towards capacity improvements to the Dockland Light Railway (£2,200,000) and the local bus network (£850,000).

Ecology

9.55 London Plan Policies 3D.14, 4C.3 and 4C.4 seeks to ensure development does not impact adversely on natural landscapes and biodiversity. Policy 3D.14 requires the planning of new development and regeneration to have regard to nature conservation and biodiversity, and opportunities should be taken to achieve positive gains for conservation through the form and design of development. The policy states that priority for habitat creation should be given to sites which assist in achieving the targets in Biodiversity Action Plans (BAPs). The policy recommends that development should be resisted where it would have a significant adverse impact on the population or conservation status of protected species or priority species identified in BAPs.

9.56 UDP Policy EQ9 states that development which has an adverse impact on designated sites of nature conservation importance will not be permitted. The River Thames is designated a Protected Site of Nature Conservation Importance.

9.57 The River Thames forms part of a UK priority BAP mudflat habitat. Mudflats are sedimentary intertidal habitats created by deposition in low energy coastal environments, particularly estuaries and other sheltered areas and are characterised by high biological productivity and abundance of organisms.

9.58 The mudflat is located along the site's boundary with the River Thames and will be disturbed by the creation and dredging of the proposed lock access. The area of disturbed mudflat extends to 1726.52m². The proposed development includes an area of 201m² replacement mudflat. The PLA and EA object to the application on grounds that the creation and dredging of the lock significantly impacts on the mudflat habitat without adequate mitigation or replacement.

9.59 The application is considered to be contrary to Policies 3D.14, 4C.3, 4C.4 and 4C.14 of the London Plan and Policy EQ9 of the Unitary Development Plan.

Navigational Risk

9.60 The applicant has submitted a Navigational Risk Assessment (NRA) in support of the proposed marina and lock access. The NRA has been prepared in consultation with the Port of London Authority (PLA) and Environment Agency (EA). The PLA and EA are particularly concerned about the proximity of the lock access to the Thames Barrier and the increased risk of a vessel striking the barrier.

9.61 The PLA advises that though the implementation of control measures the risk will be as low as reasonably practicable and within the limit of acceptability in terms of navigational safety. While the risk assessment acknowledges the strategic importance of the Thames Barrier, the PLA advises that potential consequence of a vessel strike is not taken into account and should be considered in the determination of the application.

9.62 In the event that planning permission is granted, the PLA recommends that the marina is operated in strict accordance with the assumed traffic type and levels and risk control measures contained in the NRA.

Flood Risk

9.63 The site is located within Flood Risk Zone 3. The application proposes raising ground levels across the site. The Environment Agency raises no objection to the impact of the development on flood risk.

Energy

9.64 The London Plan and Mayor's Energy Strategy seeks a reduction in carbon emissions through the use of energy efficient technologies and a 10% reduction through the use of renewable energy. The EIP Panel report into the Further Alterations to the London Plan endorses the policy requirement for a 20% reduction in carbon emissions to be met from on-site renewable energy generation.

9.65 It is understood that the energy strategy is not acceptable to the GLA.

9.66 Accordingly the application is contrary to Policies 4A.5 to 4A.7 of the London Plan.

Section 106 Community Benefit Strategy

9.67 The applicant has submitted a toolkit appraisal and development appraisal based on the application submitted in June 2007. While the applicant has not made a formal offer against the Corporation's Planning Obligations Community Benefit Strategy, the toolkit refers to a £5,000 per unit contribution.

9.68 The Corporation has questioned a number of the development cost and revenue assumptions. The application is considered to provide an inadequate S106 contribution that fails to mitigate its impact on physical and social infrastructure, contrary to the Corporation Planning Obligations Community Benefit Strategy, Policies 6A.4 and 6A.5 of the London Plan, the Lower Lea Valley Opportunity Area Planning Framework and Policy S2 Unitary Development Plan.

10. CONCLUSION

10.1 While the Unitary Development Plan designates the site a Principal Employment Area, the potential for redeveloping the site with a residential-led mixed use development is identified by the Mayor of London Lower Lea Valley Opportunity Area Planning Framework (LLVOAPF). The LLVOAPF is a material consideration which should be afforded considerable weight. This approach is supported by the site's proximity to the proposed Silvertown Quays district centre, Pontoon Dock Docklands Light Railway station and Barrier Park.

10.2 The proposed development adopts a housing density that gives rise to overdevelopment of the site and an unsustainable form of development. The intensity of development does not take appropriate account of the site's public transport accessibility, proximity to a town centre, or achieve a high quality townscape and residential environment.

10.3 The proposed development lacks a coherent approach to development height, scale and massing and results in a scheme that responds inadequately to local context, forms an uncomfortable relationship with adjacent development, responds unsuccessfully to the River Thames and creates a poor quality environment for future residents and visitors.

10.4 The application proposes 26.3% affordable housing on a habitable room basis and 60:40 split between social rented and intermediate housing. This is below the target of 50% affordable housing on a 70:30 split between intermediate and social rented housing. The applicant has submitted a toolkit and development appraisal in support of the amount of affordable housing. The Corporation has questioned a number of the assumptions the applicant relies on to support the level of affordable housing.

10.5 The application proposes a housing mix that includes a high concentration of studios, one and two bedroom units. The mix is below that sought by planning policies seeking an increase in the provision of family sized units and the creation of mixed and balanced communities.

10.6 The proposed development is deficient in its provision of public open space and private and semi private/communal amenity space given the quantum and density of housing proposed.

10.7 The proposed development results in the net loss of a UK priority mudflat habitat. The creation and dredging of the lock access with the River Thames removes an area of mudflat that is not adequately compensated for within the development.

10.8 It should be noted that there have been significant negotiations on the main issues set out in this report in the weeks leading up to the drafting of this report. However any revised plans and documentation will not be received until 10 days before the Committee meeting and will then need to be assessed. An update will be provided at the Committee meeting. Accordingly this report and recommendation is based on the scheme which is the subject of the appeal.

11. RECOMMENDATION

11.1 It is recommended that Members:

1. delegate to the Director of Planning the preparation and submission of a Statement of Case to the Planning Inspectorate based on the reasons for refusal identified below:
2. refuse the duplicate application for the reasons for refusal identified below:

12. REASONS FOR REFUSAL

1. The proposed development, by virtue of its housing density of 276 units per hectare and 688 habitable rooms per hectare, would constitute an overdevelopment of the site and unsustainable form of development given its location, setting, public transport accessibility level, concentration of studios and one bedroom units, lack of amenity space and excessive scale, height and massing, contrary to Policies 3A.3, 3A.5, 3A.6, 3C.1, 4B.1, 4B.2, 4B.3, 4B.5, 4B.9 and 4B.10 of the London Plan, the London Plan Housing SPG, Policies C3, C4 and C5 of the Lower Lea Valley Opportunity Area Planning Framework, Policies EQ4, EQ19, H13, H15 and H17 of the Unitary Development Plan and the Residential Planning Guidelines SPG.
2. The proposed development, by virtue of its excessive scale, height and massing, constitutes an inadequately designed scheme that a) lacks a coherent approach to

building form b) establishes an overbearing relationship to Barrier Point c) responds unsuccessfully to the River Thames d) creates a poor quality public realm and e) creates a poor quality environment for future residents and visitors, contrary to Policies 3A.3, 4B.1, 4B.2, 4B.3, 4B.9 and 4B.10 of the London Plan, Policies EQ4, EQ19, H13 and H17 of the Unitary Development Plan and Policy F14 of the Lower Lea Valley Opportunity Area Planning Framework.

3. The proposed development, by providing only 26% affordable housing on a 60:40 split between intermediate and social rented tenures, results in an inadequate amount of affordable housing that fails to meet housing need and achieve a mixed and balanced community, contrary to Policies 3A.9 and 3A.10 of the London Plan, the London Plan Housing SPG and Policy C2 of the Lower Lea Valley Opportunity Area Planning Framework.
4. The proposed development, by virtue of a concentration of studio, one and two bedroom units, results in an unacceptably low provision of family housing that fails to achieve a mixed and balanced community, contrary to Policy 3A.4 of the London Plan, the London Plan Housing SPG, Policy C3 of the Lower Lea Valley Opportunity Area Planning Framework and Policies H14 and H15 of the Unitary Development Plan.
5. The proposed development, by virtue of a deficiency in private and communal amenity space, poor outlook and sunlight and daylight conditions, results in an unacceptable poor living environment for future residents, contrary to Policies 4B.1 and 4B.10 of the London Plan, Policies EQ19, EQ26 and H17 of the Unitary Development Plan and the Residential Planning Guidelines SPG.
6. The proposed development, by virtue of a loss of UK priority mudflat habitat, results in an adverse impact on nature conservation and biodiversity, contrary to Policies 3D.14, 4C.3 and 4C.4 of the London Plan and Policies EQ4, EQ5, EQ9, EQ10 and EQ11 of the Unitary Development Plan.
7. The proposed development provides an inadequate S106 contribution that fails to mitigate its impact on physical and social infrastructure, contrary to the London Thames Gateway Development Corporation's Planning Obligations Community Benefit Strategy and Policies 6A.4 and 6A.5 of the London Plan, the Lower Lea Valley Opportunity Area Planning Framework and Policy S2 Unitary Development Plan.

CASE OFFICER: Will Steadman

Appendix 1: Site Location Plan

Appendix 2: Proposed Development Zone

Appendix 3: Minimum and Maximum Building Heights