

**PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC
 REPORT OF THE DIRECTOR OF PLANNING**

UDC CASE NUMBER:	LTGDC-08-128-FUL	DATE MADE VALID:	27/08/2008
APPLICATION NUMBER:	PA/08/01799/LBTH	TARGET DATE:	26/11/2008

APPLICANT:	Bob Harris
AGENT:	Dalton Warner Davis
PROPOSAL:	Erection of a new data centre (Sui Generis) comprising 20,080 sqm of floor space consisting of a nine storey technical building and a two storey generator building. Construction of a new first floor bridge link to existing administration building. Erection of a new part 2/part 3 storey EDF primary sub station of 2,197m ² of floorspace incorporating partial infilling of an existing concrete linear pond; new single storey security booth, revised access arrangements; associated landscaping, car parking and other associated works.
LOCATION:	Telehouse South, Coriander Avenue, E14

1. SUMMARY

1.1 This report considers an application for a new data centre, generator building, substation and other associated works on the existing Telehouse site. The development proposals have been assessed against the London Borough of Tower Hamlets (LBTH) saved planning policies contained within the Unitary Development Plan 1998 (UDP 1998), the Interim Planning Guidance (October 2007) and associated Supplementary Planning Guidance, and against the London Plan consolidated with alterations since 2004 and Government Planning Policy Guidance and has found that:

- a) The proposal is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan which seeks to ensure this.
- b) The proposed land use is considered to be acceptable in accordance with the aims of policy 1.1 and 3B.7 in the London Plan which seeks to develop London as a global business centre and support new and existing e-business.
- c) The building height, scale, bulk and design is acceptable and in line with policies 4B.1, 4B.2, 4B.6 and 4B.10 of the London Plan, policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2 and DEV3 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

- d) There were no adverse impacts that were identified as a result of the assessment of the Environmental Statement that could not be satisfactorily covered by condition or legal agreement.

1.2 Officers are at an advanced stage of discussion with the applicants regarding the terms for a S106 planning obligation, with the intention of achieving an agreement that is in compliance with the LTGDC Planning Obligations Community Benefit Strategy and heads of terms can be found in section 10.1.

1.3 It is therefore recommended that the application be delegated to the Director of Planning to approve subject to:

- The referral of the application to the Mayor of London;
- Conditions as detailed in section 12;
- The negotiation and completion of a S106 legal agreement based on the heads of terms detailed in section 10.1; and
- The consideration of any consultee comments received as a result of the additional regulation 19 information received and advertised in the local press.

2. SITE, PROPOSAL AND SITE HISTORY

2.1 The site is situated to the north east of Canary Wharf and makes up part of the existing Telehouse Campus. The Telehouse Campus is within a privately owned commercial development (known as the East India Dock estate) consisting of office and other commercial business uses. The main Telehouse Campus in which the site is located is bounded by East India Dock Road to the North, Oregon Drive to the East, Saffron Avenue to the south and Rosemary Drive to the west.

2.2 The application site forms part of the Telehouse Europe Campus and currently comprises a landscaped area. The Telehouse Campus comprises the original data centre building (Telehouse North), a second data building (Telehouse East), an administration pavilion building and a generator building. The total area of the application site is 0.70 hectares.

2.3 East India Dock DLR station is approximately a 5 minute walk to the south west of the site via the East India Commercial Estate. Canning Town station (Jubilee Line & DLR) is located approximately 5 minute walk to the east of the site via the A13.

2.4 The site is a secure electronic data centre campus. Telehouse Europe offer data centre facilities and connectivity, providing a secure and resilient platform for mission critical IT systems. Telehouse is of strategic importance and is at the heart of the internet and telecommunications infrastructure, serving customers worldwide, from small start-ups to multinationals across a wide range of industries.

2.5 The original Telehouse Building was built in the early 1990's as part of the LDDC regeneration scheme for east London. Outline planning permission was granted in 1997 (reference T/97/237) for the redevelopment of the site including a 5 storey data centre and 2 storey pavilion building. This was phase 1 of the development of the Telehouse Campus.

2.6 Further permission was granted in 1998 (reference T/97/241) for the redevelopment (phase 2) of the site by the erection of 25,724sqm floorspace. Details relating to permission T/97/241 were approved in 2000 under planning reference PA/00/1276. This permission approved a data centre (22,298sqm) on the Telehouse West site, which forms the site for this current application. An extension of the time limit to

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

implement the application was approved in 2003 (reference PA/02/1608) which extended the time limit to 15th January 2008. This permission was not implemented and has now expired.

2.7 The area surrounding the site is characterised by large scale buildings, including the 10-storey Global Switch House immediately to the West of the site. To the south, across Aspen Way, a recently completed residential development consists of three buildings up to 25 storeys in height. Planning permission was recently granted for residential-led mixed use development to the east of the application site ranging from 8 to 37 storeys. The north, east and south of the site is dominated by major road and rail infrastructure.

2.8 Telehouse Europe has a strategic data centre build programme which aims to deliver incremental space to the UK portfolio to meet internal and external Business needs. The development proposal for which planning permission is sought, is the final phase of development on this site, and is called Telehouse South.

2.9 The development proposes the following:

- Construction of a new data centre consisting of a Technical building and Generator building totalling 20,080sqm on the Western half of the existing Telehouse Campus. The technical building comprises 9 storeys rising to a maximum of approximately 55 metres. The generator building would be approximately 18.1 metres high with 8 nos. flues protruding 2.3 metres above roof level;
- Construction of a new part 2 / part 3 storey 132kV EDF substation consisting of two mirrored buildings adjacent to the existing Telehouse North building including the remodelling of the existing adjacent car parking. The part 2 storey element rises to 9.9 metres while the 3 storey element, rises to 16.13 metres. A basement level is also proposed;
- Partial infilling of an existing concrete linear pond to enable the construction of the EDF substation building;
- Construction of a new entrance gate and security booth on the western edge on the existing Telehouse Campus on Coriander Avenue;
- Associated car parking, cycle stands and landscaping;
- Installation of underground bulk fuel tanks; and
- Construction of temporary entrance gate for use during fit out works.

2.10 The proposal has been subject to some amendments since the original application was received in August 2008. These amendments are summarised as follows:

- Increasing the area of Photovoltaic cells on the southern elevation
- Amending the cladding details so that the north and south elevation are more animated.

2.11 The application includes the submission of an Environmental Statement under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

3. MAIN ISSUES

3.1 The main issues that must be considered are:

- Land Use
- Design
- Amenity Considerations

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

- Highways
- Energy
- Environmental Impact Assessment Issues
- Other

4. CONSULTATIONS/NOTIFICATIONS

4.1 LBTH Highways

- The site is in an area with a PTAL accessibility rating of 4 therefore the site is considered to have a moderate level of accessibility to local public transport links. The estate roads within the Telehouse West site are not classified as public highway and are not maintained as Public Highway by the London Borough of Tower Hamlets.
- Parking: No objection to the proposed provision of additional spaces. No objection to the additional disabled space.
- Site Access: The existing vehicular access to the site from Oregano Drive will be retained which would be acceptable. The applicant has indicated the provision of a new vehicular access into the site from Rosemary Drive, this access and the layout would be acceptable.
- Construction Traffic: The applicant is to submit a Construction Management Plan for comments / approval which aims to reduce vehicle movement through the development site to a minimum to afford pedestrians a safer urban environment in which to walk. The Construction Management Plan should be submitted prior to the granting of any planning permission.
- Cycle Parking: The applicant has indicated the provision of 24 cycle spaces. This is an increase of 10 spaces on the existing cycle spaces which would be acceptable. The applicant should ensure that each bike has been allocated the minimum required area of 2m x 0.5m plus 0.5m manoeuvring space and has the minimum required stand of 1.20m x 0.7. Sheffield Style stands are recommended.
- Refuse: Details of the proposed refuse collection arrangements should be submitted for comments / approval prior to the granting of planning permission. The applicant will also be providing new shower and locker facilities which is acceptable.
- The Travel Plan appears to meet the requirements of Tower Hamlets aims of promoting greater use/reliance of public/sustainable forms of transport and no objection to the proposed Travel Plan
- Conclusion: No objections in principle.

4.2 LBTH Environmental Health

- During construction and once built the development must accord with Environmental Health legislation.
- Contamination: The site and surrounding area has been subjected to former industrial uses, which have the potential to contaminate the area. A condition requiring a scheme to be carried out to identify potential contamination and mediation should be submitted prior to the commencement of development.
- Noise: 7/10/08, A noise survey assessment must be submitted. (Officer Comment: This was provided, forwarded to Environmental Health 7/10/08).
- Further comments received 13/10/08 – The proposed development is likely to be subjected to high levels of road traffic noise and therefore, a noise survey and assessment must be undertaken in accordance with PPG24. The noise report, and proposed mitigation measures if required, should be submitted prior to planning permission being granted. (Officer Comment: The proposed buildings would not accommodate any staff or residents and would have limited openings. Therefore given the nature of the use, it is not considered this is necessary).

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

- Air Quality – No objections subject to the information requested by Bureau Veritas and the following:
 - - A risk assessment of the construction/demolition phase. Due regard must be given to the London Councils Best Practice Guidance. Information must be submitted outlining how the applicant intends to mitigate for dust and emissions from the demolition/construction phase. Details of construction plant and vehicle emissions should also be provided, including a Construction Traffic Management Plan.
 - - The applicant needs to obtain approval from Environmental Health for all generators to be located on site (approval under the Clean Air Act 1993 - Chimney Heights Memorandum). The applicant can submit emissions data sheets for the generators, as well as complete a D1 Stack Height Calculation for the generator/s.

4.3 LBTH Energy

- The applicant has broadly followed the energy hierarchy set out in policy 4A.1 of the London Plan. The applicant has also expressed that data centres are specialist buildings which are very high energy consuming (mainly electricity for cooling) with no heating (thermal) requirements. This has been noted.
- Further detailed energy analysis is required, the applicant should provide references for the data used, complete energy modelling if possible and explain how the energy assessment relate to Building Regulations Part L requirements.
- Three scenarios has been investigated for the inclusion for tri-generation (CCHP)... the bio-fuel CCHP system should be investigated and developed further and taken forward to the detailed design stage... Secondly the energy centre should be designed and the applicant could commit to install these technologies as soon as they are commercially available if it can be demonstrated that these technologies are not available at the time of construction of the development.
- It also investigated exporting waste heat to adjacent development, and has made an agreement in principle to supply waste heat to the Barratt's scheme. This is a very innovative approach to the use of waste heat and is highly encouraged, this strategy will need to be developed further and the impact of this will need to be measured on the approved energy strategy for the Barratt's scheme.
- Onsite renewable energy technology has been investigated and it is proposed that 50m² of PV panels will be installed providing 0.2% carbon savings.
- A sustainability statement has been provided; the applicant should consider completing a BREEAM assessment and achieving the highest standards possible as required by LBTH interim planning guidance – DEV 5 sustainable design and construction.

4.4 LBTH Biodiversity

- No comments received to date

4.4 LBTH Landscape

- No comments received to date

4.6 LBTH Waste and Refuse

- No comments received to date

4.7 LBTH Access to Employment

- No comments received to date

4.8 LBTH Access

- No comments received to date

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

4.9 Transport for London

- Comments included within the response from the GLA

4.10 Health and Safety executive

- LBTH have run the scheme through the PADHI system and the result is “Do Not Advise Against”. (OFFICER COMMENT: The Health and Safety executive must be notified if the committee is minded to approve the application and given 21 days to respond).

4.11 Environment Agency

- Object to the development because no evidence has been provided that the Flood Risk Sequential Test has been adequately demonstrated. The objection will remain until the Local Planning Authority has carried out the Sequential Test to demonstrate that there are no reasonably available alternative sites in areas with a lower probability of flooding that would be appropriate for the type of development proposed. (OFFICER COMMENT: The sequential test has been carried out and it is anticipated that the EA will remove this objection and suggest conditions).

4.12 GLA

- London Plan policies on the promotion of e-business, urban design and inclusive access, climate change mitigation and adaptation and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:
- **E Business:** The proposal complies with the London plan policy 3B.7 which seeks to support the development of existing and new e-business clusters of economic activity.
- **Urban Design:** whilst the form, scale and layout of the buildings are accepted in line with London plan policies 4B.1 and 4B.6, the external treatment of the southern façade in particular does not comply with the part of the London plan policy 4B.1 which requires new developments to be attractive to look at and, where appropriate, inspire, excite and delight.
- **Inclusive access:** the proposal is broadly compliant with the London plan policy 4B.5.
- **Climate change:** the energy strategy broadly complies with London plan climate change mitigation policies, but an increased contribution from renewable energy is sought in line with London plan policy 4A.7. Further commitments are sought in relation to climate change adaptation measures.
- **Transport:** the proposed development complies with London plan policies 3C.21 and 3C.23 but further work is required to ensure compliance with London plan policy 3C.20.
- **Employment:** Further information is required in order to ensure compliance with London plan policy 3B.11

The following changes may remedy the above-mentioned deficiencies and could lead to the application becoming compliant with the London plan:

- **Urban Design:** In order to ensure compliance with the London plan policy 4B.1, the architect should revisit the proposed façade treatment and seek to ensure that the principle façade in particular is visually interesting and makes a positive contribution to the otherwise dull context.
- **Climate change:** the applicant should increase the amount of photovoltaic array in line with the London plan policy 4A.7. Commitments to minimising water use are also required in line with the London plan policy 4A.9.
- **Transport:** the applicant should provide a contribution of £20,000 towards DAISY boards.

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

- **Employment:** an employment and training strategy should be submitted to ensure local people benefit from jobs created by the proposal.

4.13 ODA

- No comments received to date

4.14 English Heritage Archaeology

- Archaeological fieldwork is not required to be undertaken prior to determination of the planning application.
- Archaeological mitigation to be approved by condition.
- Monitoring of geotechnical works should be considered in the first stage of a programme of archaeological investigation and mitigation, rather than representing the mitigation itself.
- An evaluation should be undertaken at the earliest opportunity to allow an archaeological programme to be incorporated into the development schedule.
- Further correspondence dated 1/10/08 – There are no archaeological implications relating to the construction of the main building on site. Therefore the archaeological mitigation condition can be restricted to the EDF substation part of the proposal.

4.15 London Development Agency

- Comments included within the response from the GLA

4.16 London Fire and Emergency Planning

- No information directly relating to Fire Service Access & Water supplies has been provided. Notwithstanding this, the general information contained within the various documents would indicate that Fire Service Access would not be problematic.

4.17 CABE

- No comment

4.18 London City Airport

- No comments received to date

4.19 Civil Aviation Authority (NATS)

- The proposal may have implications on aviation activities with London City Airport. London City Airport should be consulted.
- Subject to related comment from London City Airport, it is not anticipated to be any aviation light requirement.
- NATS should be provided with the opportunity to comment

4.20 BBC reception advice

- No comments received to date

4.21 Thames Water

- Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

- Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- Water Comments - The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: 'Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand'.
- Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

5. APPLICATION PUBLICITY

5.1 Site Notice Expiry: 14/10/2008

5.2 Press Notice Expiry: 13/10/2008

5.3 Neighbour Notification: 30/09/2008

6. REPRESENTATIONS

6.1 A total of 144 neighbouring properties within the area shown on the map were notified about the application and invited to comment. The application has been advertised in East End Life and site notices were posted. The number of representations received from neighbours and local groups to date, in response to notification and publicity of the applications were as follows:

Individual Comment: 1

Objecting: 1

Supporting: 0

Petition: 0

The following issues were raised in representations and all planning issues raised are addressed in section 9 below;

- Loss of view over the site and the existing landscaped area
- Height
- Overlooking
- Overdominance

7. RELEVANT PLANNING POLICY

7.1 The relevant policy and guidance against which to consider the planning application is contained within the following documents:-

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

- London Plan (2008) and Supplementary Planning Guidance
- London Borough of Tower Hamlets Unitary Development Plan (1998) (UDP) saved policies and Supplementary Planning Guidance
- LBTH Interim Planning Guidance October 2007
- LBTH Community Plan

7.2 Decisions must be taken in accordance with Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004.

7.3 Whilst the LBTH adopted UDP is the statutory development plan for the borough, it will be replaced by a more up to date set of plan documents that will make up the Local Development Framework.

7.4 The Council submitted the first phase of the Local Development Framework on the 6th November 2006 to the Secretary of State. However, following submission of the framework a number of new guidance documents were produced by the Government on the submission and production of such frameworks. Following this the Council resolved to request the withdrawal of the Local Development Framework and to adopt it as Interim Planning Guidance following any direction from the Secretary of State. On 4th October 2007, the Secretary of State directed Council to withdrawal the LDF documents following this the Councils earlier resolution to adopt the documents as interim planning guidance took effect

7.5 This report takes account of the policies and guidance contained within the documents set out above. The proposed development scheme has been analysed and assessed against the policies set out below and other material considerations set out in the report. The following policies are relevant to the application

7.6 Planning Policy Guidance / Statements

- PPS1 Delivering Sustainable Development
- PPG13 Transport Strategy
- PPG16 Archaeology and Planning
- PPG23 Air Quality Strategy
- PPG24 Planning and Noise
- PPS22 Energy Strategy
- PPS25 Development and Flood Risk

7.7 The London Plan consolidated with alterations since 2004 (London Plan February 2008)

- 1.1 A World City
- 2A.1 Sustainability Criteria
- 2A.2 The Spatial Strategy for Development
- 3A.3 Maximising the Potential of Sites
- 3A.28 Social and Economic Impact Assessments
- 3B.11 Improving employment opportunities
- 3C.1 Integrating transport and development
- 3C.2 Matching development to transport capacity
- 3C.20 Improving conditions for buses
- 3C.21 Improving conditions for walking
- 3C.22 Improving conditions for cycling
- 3C.23 Parking
- 4A.3 Sustainable Design and Construction

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

- 4A.4 Energy Assessment
- 4A.5 Provision of Heating and Cooling Networks
- 4A.6 Decentralised Energy: Heating, Cooling and Power
- 4A.7 Renewable energy
- 4A.9 Adaptation to Climate Change
- 4A.10 Overheating
- 4A.11 Living Roofs and Walls
- 4A.12 Flooding
- 4A.13 Flood risk management
- 4A.14 Sustainable Drainage
- 4A.16 Water Supplies and Resources
- 4A.19 Improving Air Quality
- 4A.20 Noise
- 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.6 Safety, Security and Fire Protection
- 4B.8 Respect Local context and communities
- 4B.10 Large scale buildings, design and impact
- 5C.1 The strategic priorities for East London
- 5C.2 Opportunity Areas in East London

7.8 Tower Hamlets Unitary Development Plan 1998

Proposals:

- Areas of Archaeological Importance or Potential
- Strategic Road
- Flood Protection Areas
- Aviation use and bird attracting
- Wind Turbine development by City Airport
- Urban Development Corporation
- Potential Contamination

Policies

- ST28 Restrain use of private cars
- ST30 Safety of road users
- ST45 Education and Training
- DEV1 Design Requirements
- DEV2 Environmental Requirements
- DEV4 Planning Obligations
- DEV8 Protection of local views
- DEV12 Provision of landscaping in development
- DEV44 Preservation of Archaeological Remains
- DEV50 Noise
- DEV51 Contamination
- DEV55 Development and Waste Disposal
- DEV56 Waste recycling
- EMP1 Encouraging new employment uses
- T3 Bus Services
- T16 New development and associated operation requirements
- T18 Pedestrians
- T19 Pedestrians
- S7 Special Uses

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

- U2 Development in Areas at risk from flooding
- U3 Flood Protection Measures
- U10 electricity supply

7.9 Interim Planning Guidance (October 2007)

Proposals:

- Areas of Archaeological Importance or Potential
- Flood Protection Areas
- Aviation use and bird attracting
- Wind Turbine development by City Airport
- Urban Development Corporation
- Potential Contamination

Core Policies:

- IMP1 Planning Obligations
- CP1 Creating Sustainable Communities
- CP2 Character and Design
- CP3 Sustainable Environment
- CP4 Good Design
- CP5 Supporting Infrastructure
- CP7 Job creation and growth
- CP8 Global Financial and Business Centre
- CP37 Flood Alleviation
- CP38 Energy Efficiency and Production of Renewable Energy
- CP39 Sustainable Waste Management
- CP40 Sustainable Transport Network
- CP41 Integrating Development with Transport
- CP42 Streets for People
- CP43 Better Public Transport
- CP46 Accessible and Inclusive Environments
- CP47 Community Safety
- CP48 Tall Buildings
- CP49 Historic Environment

Policy:

- DEV1 Amenity
- DEV2 Character and Design
- DEV3 Accessibility and inclusive design
- DEV4 Safety and Security
- DEV5 Sustainable Design
- DEV6 Energy Efficiency and Renewable Energy
- DEV7 Water Quality and Conservation
- DEV8 Sustainable Drainage
- DEV9 Sustainable Construction Materials
- DEV10 Disturbance from Noise Pollution
- DEV11 Air Pollution and Air Quality
- DEV13 Landscaping and Tree Preservation
- DEV15 Waste and Recyclable Storage
- DEV16 Walking and Cycling Routes and Facilities
- DEV17 Transport Assessments
- DEV18 Travel Plans
- DEV19 Parking for Motor Vehicles
- DEV20 Capacity of Utility Infrastructure
- DEV21 Flood Risk Management

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

- DEV22 Contamination Land
- DEV23 Hazardous Development and Storage of Hazardous Substances
- EE2 Redevelopment /Change of Use of Employment Sites
- CON4 Archaeology and Ancient Monuments

Proposals:

- Leaside Area Action Plan
- L1 Leaside Spatial Strategy
- L2 Transport
- L3 Connectivity
- L4 Water space
- L6 Flooding
- L9 Infrastructure and Services
- L34 Employment uses in the East India sub-area
- L36 Design and Built form in East India North sub-area

7.10 Other relevant Planning Policies and SPG's

- London Borough of Tower Hamlets Supplementary Planning Guidance/Documents = Archaeology and Development Adopted 1998; Residential Space Adopted 1998; Landscape Requirements Adopted 1998
- Sub Regional Development Framework: East London (May 2006) (SRDF-EL)
- Lower Lea Valley Opportunity Area Planning Framework (Consultation Draft – May 2006) (LLV OAPF)
- London Plan SPG: Accessible London (April 2004)
- LBTH Community Plan: The following Community Plan objectives relate to the application = A better place for living safely; A better place for living well; A better place for creating and sharing prosperity.

8. ASSESSMENT OF MAIN ISSUES

8.1 Land Use

8.2 The site is located in the Lower Lea Valley Opportunity Area as identified in the Mayor's Lower Lea Valley Opportunity Area Planning Framework, Strategic Planning guidance, January 2007. It recognises the area as a location for potential new housing and for commercial, retail and leisure uses. One of the objectives for the sub-area is to build on its established office activity at Clove Crescent, Saffron Avenue and Coriander Avenue. The site is allocated for commercial purposes in the East India sub-area within the Tower Hamlets Leaside Area Action Plan (October 2007). It is considered that the proposed development would support these objectives.

8.3 The proposal seeks to expand the existing electronic data storage campus to meet increasing demand in the telecommunication industry. The proposal would expand the existing operation on the Telehouse campus thus contributing to London's position as a global business centre and worldwide city role in accordance with policy 1.1 in the London Plan. The proposal also accords with policy 3B.7 in the London Plan which supports development of existing and new e-business clusters of economic activity.

8.4 The proposal is considered acceptable in land use terms within this location given the policy allocation, the existing use on the site and the surrounding context.

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

8.5 Design

- 8.6 The proposed design is driven by the operational requirements of the use. Whilst the unique nature of the use and the operational requirements is understood, the proposal must respond to local context and meet the relevant design requirements set out in planning policies.
- 8.7 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within chapter 4B which address both general design principles and specific design issues. These principles are also reflected in policies DEV1 in the UDP 1998 and policy DEV2 in the Interim Planning Guidance (October 2007).
- 8.8 The proposal locates the tallest building element (9 storeys, 55m above ground level) to the north of the site away from the Saffron Avenue street frontage. The generator building (2 storeys, 18m above ground level) would be situated to the principle frontage in Saffron Avenue. The proposed layout, with the generator building to the south of the site, has been designed to meet operational requirements. This approach is considered acceptable in design terms within the context of the site.
- 8.9 The proposed scale would be consistent with the surrounding context and continues the existing commercial appearance in the locality. Views analysis show that the proposal would not appear out of character with the surrounding context in terms of height, scale, bulk and design. The proposed part 2/3 storey substation would sit within the centre of the existing Telehouse campus and given it would be obscure by other larger buildings, would have a minimal impact when viewed from outside the site.
- 8.10 The proposal at its highest point would not exceed the height of the adjacent Switch House development and is considered that the proposal would sit comfortably within the context of the existing site. It is not considered that the proposal would result in unacceptable harm to local views.
- 8.11 The proposed alterations to the existing site access are considered to be appropriate and by moving the main entrance from the east to the west of the site, would minimise the operational impacts of the development on the forthcoming residential scheme to the east of the site.
- 8.12 The GLA have raised concerns regarding the detailing of the elevations, in particular the southern and northern elevations. The applicants have consequently amended the cladding details so that the north and south elevation are more animated. These amendments will be formally considered by the GLA in their Stage 2 report. If necessary relevant conditions will be placed on any consent requiring further information to be submitted on the southern and northern elevations.
- 8.13 Given the use, the need to continue the existing boundary security measures is considered acceptable. Trees and landscaping would be retained and re-sited. This is considered acceptable subject to an appropriate condition.
- 8.14 The proposal is considered to be acceptable in terms of accessibility for all users in accordance with policy 4B.1 in the London plan and policy DEV3 in the Interim Planning Guidance (October 2007) which seek to ensure inclusive design principles for all development.

8.15 In summary, the proposed buildings height, scale and bulk are considered appropriate for this location given the surrounding context and the tall buildings in the surrounding context. The scale of the building would be in keeping with the adjacent commercial development within the existing Telehouse campus and with the Switch House building to the west of the site. The scheme should be appropriately conditioned to ensure that the external materials used result in a high quality finish to the development.

8.16 Amenity

8.17 Policy DEV2 in the UDP 1998 and policy DEV1 in the Interim Planning Guidance (October 2007) seek to ensure that proposals do not adversely effect the residential amenity of nearby residents.

8.18 The proposal is situated in a predominantly commercial area. The nearest residential premises are over 100 metres away to the south across Aspen Way. If built, the approved residential development to the east of the site would be approximately 100 metres away from the main building proposed within this application.

8.19 Given the scale of the proposal, in conjunction with the distance from the nearest residential units, the presence of existing buildings and road infrastructure in between the proposal and these residential uses, it is not considered that the proposed development would have an unacceptable impact on the residual amenity of occupiers in terms of overlooking, loss of light, over-dominance or sense of enclosure.

8.20 The London Plan seeks to reduce noise by minimising the existing and potential adverse impacts of noise, from, within, or in the vicinity of development proposals. The plan also states that new noise sensitive development should be separated from major noise sources wherever practicable (policy 4A.20).

8.21 Policy DEV50 of the LBTH UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. This policy relates particularly to construction noise created during the development phase or in relation to associated infrastructure works.

8.22 A noise and vibration assessment has been undertaken and included within the Environment Statement. This assessment considers the impact on the surrounding environment during the construction phase and operational phase. LBTH officers have raised no objections to the details included within this report. The construction stage will be appropriately conditioned to ensure an acceptable construction management plan is in place prior to the commencement of development.

8.23 In light of the above, subject to conditions, it is considered that the proposal would not have an adverse impact on surrounding occupiers in terms of noise and vibration during construction and during operation.

8.24 LBTH officers have raised concern that the proposal is likely to be subjected to high levels of road traffic noise and therefore a noise assessment should be undertaken in accordance with PPG24. The proposal provides a data centre, generator building and EDF substation. A minimal number of employees would be based in the proposed buildings. These employees may enter the building for

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

servicing requirements of the equipment however, given the nature of the building, there are limited openings onto any roads and the noise from the equipment is likely to exceed any external road noise. Therefore given the nature of the proposal and its use, in conjunction with the fact that minimal number of employees would have a permanent base in any of the buildings proposed within this application, and the presence of other buildings closer to the A13, the additional noise assessment is not required.

8.25 Highways

8.26 The site has a good public transport accessibility level of 4 (in a range of 1 to 6 where 6 is excellent). There are four bus routes serving the area; routes 108, 115, 277 and 309 are all within 640 metres of the site. East India Docklands Light Railway station is 400 metres to the south west of the site. The site is well served by main roads with the A13 to the north of the site and Aspen Way to the south of the site. The surrounding pedestrian environment is good and well maintained. There are a number of cycle routes near the site.

8.27 A transport assessment submitted with the proposal concluded that the development would result in minimal impact on the public transport and highway networks.

8.28 The application proposes an additional 3 car parking spaces which brings the total within the Telehouse Campus to 103. This is considered acceptable in accordance with policy 3C.23 in the London Plan and policy DEV19 in the Interim Planning Guidance (October 2007).

8.29 An additional 10 cycle spaces are proposed. This is considered appropriate in accordance with policy DEV16 in the Interim Planning Guidance (October 2007).

8.30 A travel plan framework was submitted with the application. The travel plan will be secured through the S.106 agreement.

8.31 The alterations to the existing access are considered acceptable and would not have an unacceptable impact on the existing road network.

8.32 Energy

8.33 London Plan policies 4A.4-11 focus on mitigation of climate change and require a reduction in a development's carbon dioxide emissions through the use of passive design energy efficiency and renewable energy measures.

8.34 Policies DEV7, DEV8, DEV9 and DEV11 of the IPG seek sustainable developments through water quality and conservation, sustainable drainage, sustainable construction materials and air pollution and air quality.

8.35 By its nature, the proposed development is a high energy consumer, mainly due to the need for power and cooling. Estimated baseline emissions are 42,000 tonnes of carbon dioxide per annum.

8.36 The main opportunity for improving energy efficiency within the scheme is through the proposed cooling system. This will result in savings in the region of 8.5% or 3000 tonnes of carbon dioxide per annum. The orientation of the generator building is such that airflow across the southern façade of the building will enable natural ventilation.

Meeting: 13 November 2008
Agenda Item: 6
Report No: LTGDC/08/PC44

8.37 The applicant has considered various options for integrating CCHP into the scheme, however due to practical difficulties these options are not suitable. The applicant will therefore employ a centralised cooling system, which will be able to take advantage of free cooling, using the ambient temperature to cool the building, during colder parts of the year.

8.38 Given the nature of the use, the building does provide a unique opportunity to utilise the large amount of heat rejected during the cooling process. The applicant proposes to make this waste heat freely available to third parties via a wider heat network within the area. The recently consented residential scheme to the east of the application site has been identified as a potential user of the waste heat. This provision will be secured by a S.106 agreement along with commitments from the applicant to continue to work with third parties to secure the use of waste heat on a no charge basis.

8.39 It is recognised that opportunities for incorporating renewable energy technologies is severely limited. The application has assessed the feasibility of various renewable energy technologies. Whilst many are unsuitable, the applicant has proposed to install fifty square metres of photovoltaic (PV) array into the southern façade of the building. LBTH officers and the GLA consider that there is potential for a larger area of PV's on this façade and therefore the applicant has been asked to address this. The applicants have consequently increased the area of photovoltaic cells on the southern elevation. This amendment will be formally considered by the GLA in their Stage 2 report.

8.40 Environmental Impact Assessment

8.41 The Council's consultants, Bureau Veritas undertook a review of the Environmental Statement (ES) on behalf of the LTGDC. The ES examines the impact of the proposed development on the following issues:

- EIA Process and Method
- Design Evolution
- Planning Policy and Context
- Landscape and Visual Character
- Archaeology
- Built Heritage
- Geology and Contaminated Land
- Solid Waste management
- Ecology and Nature Conservation
- Water Quality and Drainage
- Noise and Vibration
- Daylight, Sunlight and Overshadowing
- Wind Assessment
- Energy Assessment
- Telecommunications
- Traffic and Transport
- Local Air quality
- Socio-economics
- Cumulative Impacts

8.42 The proposal has been subject to a revised Environmental Statement. The final revised ES had not been received at the time of writing this report, but was

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

expected by 4th November. The most recent review highlighted a number of areas where additional information or clarification were required regarding socio economic information, surface water drainage, water supply, air quality modelling work and impact on TV aerials. Following the submission of information on these points, the application has been re-advertised under Regulation 19 and the consultation period expires after the date of this committee. It is therefore recommend that the consideration of this additional information and any consultation comments are delegated to the Director of Planning.

8.43 Other

- 8.44 Flood Risk - The application site is identified as being in an area at risk of flooding. Policy 4A.13 in the London Plan, polices U2 and U3 of the UDP and policies CP37 and DEV21 of the IPG set out that the risk of flooding must be minimised.
- 8.45 The Environmental Statement identified that the site is located within an area that could potentially be at risk of tidal flooding (Flood Zone 3). The site is protected from such flooding by both the Thames Barrier and flood walls along the west bank of the River Lea.
- 8.46 The Environment Agency raised no objection on flooding issues. They have requested the inclusion of a number of conditions if planning permission was granted to ensure the groundwater is protected during construction, which will be included. They have objected due to the lack of a Flood Risk Sequential Test. This has now been carried out and it is anticipated that the EA will remove this objection and suggest further conditions.
- 8.47 Air quality - Policy 4A.19 of the London Plan 2008 and policies CP3 and DEV11 of the IPG set out specific air quality strategies and objectives. They seek to ensure that air quality assessments are undertaken at the planning application stage. The Council's Air Quality Action Plan provides key actions to ensure that proposed mitigation measures are acceptable to reduce impacts to acceptable levels. The application site is located within an Air Quality Management Area and current readings show exceedances to the EU Directive on Air Quality Levels.
- 8.48 The submitted air quality statement under the ES was reviewed. Following questions raised by EIA consultants Bureau Veritas further information was requested with regard to the air quality modelling. The final revised ES had not been received at the time of writing this report, but was expected by 4th November. Given the presence of recently approved residential development in this area and the fact that the proposed use is not particularly sensitive to air quality issues it is not expected that this will be a significant issue. It is therefore recommend that the consideration of this additional information and any consultation comments are delegated to the Director of Planning.
- 8.49 LBTH officers have no objections in principle to the development in air quality terms, subject to conditions.
- 8.50 Employment – London plan policy 3B.11 aims to improve the skills and employment opportunities for Londoners. Local residents and businesses should benefit from jobs resulting from both the construction and operational phase of development.
- 8.51 The S.106 agreement subject to this permission will secure a £50,000

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

contribution towards borough wide training and employment initiatives within Tower Hamlets. There will also be a Local Labour clause for construction and operational phases.

9. SECTION 106 LEGAL AGREEMENT (HEADS OF TERMS)

9.1 The following Heads of Terms have been agreed by the applicants and are to be included in the S106 agreement:

- £50,000 financial contribution towards borough wide training and employment initiatives in Tower Hamlets
- Renewable energy strategy
- Green Travel Plan
- Removal of rights of workers on the site to apply for parking permits for on street parking spaces
- Any highway improvements required as part of the development
- Servicing management strategy to reduce trips especially during peak periods
- Local Labour clause for construction and operational phases
- £20,000 contribution for DLR Daisy Boards

10. CONCLUSION AND REASONS FOR APPROVAL

10.1 The proposal is considered to be in accordance with the intent of relevant policies, and will result in the expansion of the existing Telehouse campus contributing to the existing e-business cluster thus contributing to London's role as a global city. The use is considered to be in accordance with the strategic policies of the GLA and the London Borough of Tower Hamlets. As a result of mitigation through the inclusion of conditions, it is considered that the application does not give rise to issues justifying refusal. It is therefore recommended that planning permission should be granted.

11. RECOMMENDATION

11.1 It is recommended that Members delegate to the Director of Planning authority to approve the application subject to referral to the GLA, additional responses to the Regulation 19 information for the EIA, a S106 agreement (Heads of Terms outlined above) and conditions as set out below.

12. CONDITIONS AND REASONS

1. The development to which this permission relates must be commenced no later than three years from the date of this permission:

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall only be undertaken in accordance with the following documents, unless otherwise agreed in writing by the Local

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

Planning Authority:

- Relevant Drawing numbers to be inserted when amended drawings received;
- Relevant EA documents to be inserted when amended documents received; and
- And all other submitted assessments and reports under the above reference.

Reason: The development is acceptable on the basis of the particulars contained within the application and this condition seeks to ensure the development is undertaken in strict accordance with those details as approved.

3. Prior to commencement of development a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority, incorporating details of:
 - Information on any noise and vibration impacts on neighbouring properties and consequent mitigation measures to minimise this;
 - Information on any construction dust impacts on neighbouring properties and consequent mitigation measures to minimise this impact;
 - Information on any construction dust impacts
 - Construction traffic management,
 - Waste management,
 - Use of river to transport materials,
 - Sourcing of materials,
 - Location and means of storage of materials within the site,
 - Craneage and scaffolding height,
 - Timing of noisy operations and
 - Demolition method statement
 - Risk assessment of the construction site
 - Any other such matters relevant to the site.
 - Evidence that local residents and businesses have been consulted on the Construction Management Plan and copies of any responses received.Once approved this plan shall be adhered to throughout the construction period.

Reason: In the interests of ensuring sustainable construction practices, residential amenity and in accordance with Policies 4A.20 and 4A.19 of the London Plan (February 2008) and Dev2 and Dev50 the Tower Hamlets UDP (adopted Dec 1998) saved from the 27th of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1, DEV10, Dev11 and Dev12 of the Interim Planning Guidance (October 2007).

4. Prior to commencement of development, details of the method of construction, including details of the use, location and height of cranes and other plant and equipment or temporary structures, shall be submitted to and approved in writing by the local planning authority in consultation with the operator of London City Airport.

Reason: To ensure that the safeguarded areas for London City Airport are not infringed and do not impair the safety of aircraft operations.

5. Operations in relation to construction for which noise is audible at the nearest residential boundary shall be restricted to the hours of 0800 and 1800 on Mondays to Fridays and between 0800 and 1300 on Saturdays and at no time on Sundays or Statutory holidays without the prior written approval of the Local

Meeting: 13 November 2008
Agenda Item: 6
Report No: LTGDC/08/PC44
Planning Authority.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties and with regard to Policies Dev2 and Dev50 the Tower Hamlets UDP (adopted Dec 1998) saved from the 27th of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1 and DEV10 of the Interim Planning Guidance (October 2007).

6. No works pursuant to this permission shall be carried out unless the developer has submitted for the written approval of the Local Planning Authority:
 - A Phase I (Desktop Study) Report documenting the history of the site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model
 - A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
 - A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report will comprise of two parts:
 - (i) if during development works any contamination should be encountered which was not previously identified and s derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the local Planning Authority; and
 - (ii) If during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

Reason: To protect those engaged in construction and occupation of the development from potential contamination and with regard to Policy 4A.33 of the London Plan (February 2008) and Policy Dev51 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27th of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1 and DEV22 of the Interim Planning Guidance (October 2007).

7. The construction of site foundations shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commences.

Reason: to prevent pollution of the water environment and with regard to policies 4A.12, 4A.13, 4A.14, 4A.15 and 4A.16 of the London Plan (February 2008) and Policy DEV69 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27th of September 2007 in accordance with the direction from the Secretary of State, and policies CP37, DEV7, DEV8 and DEV21 of the Interim Planning Guidance (October 2007).

8. No development of the EDF substation shall take place until the applicant has

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the local planning authority. This shall detail the incorporation of the existing buried remnants of the dock wall. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: Significant archaeological remains may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG16, Policy 4B.15 of the London Plan (February 2008), Policies Dev43 and Dev44 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27th of September 2007 in accordance with the direction from the Secretary of State, and Policies DEV1, CON4 and CP49 of the Interim Planning Guidance (October 2007).

9. No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a scheme of landscaping for the hereby permitted development. The scheme shall include details of proposed
- Planting,
 - Soft and hard surfaces,
 - Planting and protection of all trees proposed;
 - Retention of existing trees; and
 - Relocation of existing trees.

The development shall proceed in accordance with the details as approved by the Local Planning Authority.

All planting, seeding or turfing comprised in the details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent of variation.

Reason: To ensure a satisfactory standard of external appearance of the development and surrounding landscape is satisfactory and of a high quality, in accordance with Policy 4B.1 of the London Plan (February 2008), Policies Dev1, Dev12 and Dev13 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27th of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1 and DEV13 of the Interim Planning Guidance (October 2007).

10. Notwithstanding the drawings hereby approved details of the retained area of 'pond' to the east of the EDF substation have not been approved. Prior to commencement of development further landscaping and/design details shall be submitted and approved by the Local Planning Authority showing either the retention of this pond area or it's replacement with suitable landscaping.

Reason: In the interests of promoting biodiversity and to mitigate surface water run off in accordance with policies Dev1 Dev12 and Dev13 the Tower Hamlets UDP (adopted Dec 1998) saved from the 27th of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1, CP3 and

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

CP31 of the Interim Planning Guidance (October 2007).

11. Prior to commencement of development, details of biodiversity based green and brown roofs including details of location, design, dimensions, materials and a maintenance scheme shall be submitted to and approved in writing by the Local Planning Authority. These roofs shall be installed in accordance with the approved details prior to occupation of the development.

Reason: In the interests of promoting biodiversity and to mitigate surface water run off in accordance with policies Dev1 Dev12 and Dev13 the Tower Hamlets UDP (adopted Dec 1998) saved from the 27th of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1, CP3 and CP31 of the Interim Planning Guidance (October 2007).

12. A method statement for the monitoring of the black redstarts and sand martins 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 Policies CP3 and CP31 of the Interim Planning Guidance (October 2007).

13. Detailed drawings of all elevations (including typical 1:5 details and material specifications) and samples of all facing materials to be used on the approved buildings shall be submitted to and approved by the Council as local planning authority before any works are commenced. A full scale mock up of key elements of the elevations shall be provided on the site or at another agreed location for inspection by the local planning authority before the details are approved. The development shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure a satisfactory standard of external appearance and to protect local amenity and with regard to Policy 4B.1 of the London Plan (February 2008), Policy Dev1 the Tower Hamlets UDP (adopted Dec 1998) saved from the 27th of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1 and DEV2 of the Interim Planning Guidance (October 2007).

14. Prior to commencement of development hereby permitted details of the proposed solar panels / photovoltaic cells shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of external appearance and to ensure the provision of suitable renewable energy sources and with regard to Policy 4A.7 of the London Plan (February 2008) , and policies DEV6 and CP38 of the Interim Planning Guidance (October 2007).

15. Prior to commencement of development hereby permitted details of the proposed external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority by an appropriately qualified lighting engineer or designer. The report should show how the lighting scheme proposed will:

- Be the minimum required to perform the relevant lighting task;

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

- Minimise the amount of street furniture and clutter within the public realm areas and on nearby pavements;
- Minimise light spillage and pollution;
- Include landscaping/screening measures to screen illuminated areas in environmentally sensitive areas; and avoid dazzle or distraction to drivers on nearby highways.

Details should include where appropriate:

- The location, type, number, mounting height and alignment of the luminaries;
- The beam angles and upward waste light ration for each light;
- Details of screening and other mitigation;
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts the highway; and
- Where necessary the percentage increase in luminance and the predicted illuminance in the vertical plan (in lux) at key points.

The approved scheme is to be constructed and/or installed prior to occupation of the development and shall be maintained thereafter to the satisfaction of the local Planning Authority unless otherwise agreed in writing.

Reason: To minimise the intrusion of artificial lighting and ensure highway safety is not compromised and with regard to Policy 4B.1 of the London Plan (February 2008), Policy Dev1 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27th of September 2007 in accordance with the direction from the Secretary of State, and policies DEV1 and DEV4 of the Interim Planning Guidance (October 2007).

16. All facilities and amenities open to the public and staff are to be fully accessible to disabled people, in particular wheelchair users, including the public realm areas. Prior to commencement of development an inclusive design statement containing full particulars and detailed drawings showing the means of access and egress of buildings suitable for people of disabilities, and measures to ensure ability to move freely within the site shall be submitted to and approved by the local planning authority before any work is commenced on site. The approved scheme must be implemented before the development is brought into use.

Reason: To ensure that people with mobility impairment in particular wheelchair users are not excluded from using the proposed development by reasons of lack of adequate facilities and with regard to Policy 3A.17 and 4B.5 of the London Plan (February 2008) and Policy CP46 of the Interim Planning Guidance (October 2007).

17. All entrances and exits to the buildings hereby permitted shall be constructed with level or ramped access (no greater than 1:15 gradient) with a minimum 900mm front pathway to a level landing 1.5m deep x 1.2m wide leading to a flush threshold, with a minimum clear door opening of 800mm.

Reason: To ensure that people with mobility impairment in particular wheelchair users are not excluded from using the proposed development by reasons of lack of adequate facilities and with regard to Policy 3A.17 and 4B.5 of the London Plan (February 2008) and Policy CP46 of the Interim Planning Guidance (October 2007).

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

18. Prior to commencement of development, full details of cycle parking and motorcycle parking within the basement car parking areas, including its location, means of secure storage proposed and allocation shall be submitted to and approved in writing by the Local Planning Authority. This parking shall be provided prior to the occupation of the development and shall be retained thereafter and used for no other purpose.

Reason: In order to encourage the use of other sustainable modes of transport in accordance with Policies 3C.3, 3C.21 and 3C.23 of the London Plan (February 2008), Policy DEV16 of the Interim Planning Guidance (October 2007).

19. No development approved by this permission shall be commenced until a detailed scheme of the proposed surface water run-off limitation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding to third parties, to the site itself, to prevent pollution of the water environment, to improve water quality and to enhance biodiversity and with regard to policies 4A.12, 4A.13, 4A.14, 4A.15 and 4A.16 of the London Plan (February 2008) and Policy DEV69 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27th of September 2007 in accordance with the direction from the Secretary of State, and policies CP37, DEV7, DEV8 and DEV21 of the Interim Planning Guidance (October 2007).

20. Development shall not be commenced until impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure the water supply infrastructure has sufficient capacity to cope with the additional demand, in accordance with policy DEV 20 of the Interim Planning Guidance (October 2007).

21. No development shall commence until details of drainage for separate foul and surface water systems have been submitted to and approved in writing by the Local Planning Authority. As the adjacent sewers appear to be private, surface water attenuation should be incorporated within proposals and basement drainage should pump to ground level. The scheme shall be completed in accordance with the approved plans.

Reason: To prevent the increased risk of flooding to third parties, to the site itself, to prevent pollution of the water environment, to improve water quality and to enhance biodiversity and with regard to policies 4A.12, 4A.13, 4A.14, 4A.15 and 4A.16 of the London Plan (February 2008) and Policy DEV69 of the Tower Hamlets UDP (adopted Dec 1998) saved from the 27th of September 2007 in accordance with the direction from the Secretary of State, and policies CP37, DEV7, DEV8 and DEV21 of the Interim Planning Guidance (October 2007).

22. Wheel scrubbing/wash down facilities shall be provided to prevent mud being deposited onto the public highway and local roads within the East India Commercial estate during construction of the development. These facilities shall be permanently retained and used at the entrance of the site for the entire

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

duration of construction. Details of these facilities shall be provided at the request of the Local Planning Authority.

Reason: In order to prevent materials from the site being deposited on the adjoining roads and public highway, in the interests of highway safety and the amenity of the surrounding area and with regard to policy 4B.1 of the London Plan (February 2008) and Policy DEV12 of the Interim Planning Guidance (October 2007).

23. Prior to the commencement of development a survey to detect any potential unexploded ordnance within the site 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. The development shall only be implemented in accordance with the agreed mitigation plan.

Reason: To avoid disruption to the operation of the airport.

24. Prior to commencement of development, full details of the waste and refuse facilities to be provided on site and a waste strategy for dealing with all waste and refuse on site shall be submitted to and approved in writing by the Local Planning Authority. This shall be provided prior to the occupation of the development and shall be retained thereafter and used for no other purpose.

Reason: In order to ensure adequate waste and refuse facilities are provided on site and with regard to Policy DEV55 of the Interim Planning Guidance (October 2007).

13. INFORMATIVES

Informatives

1. This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990.
2. The Applicant is reminded that Advertisement consent is required for any signs within the development.
3. The applicant needs to obtain approval from Environmental Health for all generators to be located on site (approval under the Clean Air Act 1993 – Chimney Heights Memorandum). The applicant can submit emissions data sheets for the generators, as well as complete a D1 Stack Height Calculation for the generators.

Thames Water

4. *Waste Comments* - The Applicant should incorporate protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
5. *Surface Water Drainage* - It is recommended that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

Water Developer Services will be required.

6. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses
7. Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contact on 0845 850 2777. Reason - To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
8. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

London City Airport

9. In the event that during construction, craneage or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation with London City Airport. Crane operators should be aware of the British Standard Code of Practice for the safe use of cranes, British Standard Institute 7121:Part 1:1989 (as amended)

English Heritage

10. The EDF substation development is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.

Environment Agency

- 12 In accordance with Section 34 of the Environmental Protection act and the Duty of Care in respect of waste, any waste generated on site is to be stored in a safe and secure manner in order to prevent its escape or its handling by unauthorised persons. Contact Andrew Grant on 01707 632 450 for further details

Dewatering

- 13 Large underground structures constructed below the water table may act as an obstruction to groundwater flows. Consequently, a building up of groundwater levels may occur on the up gradient side of such structures. Any drainage systems proposed for such structures should also be capable of allowing groundwater flows to bypass the structure without any unacceptable change in groundwater levels, or flow in groundwater fed streams, ditches or springs.

Currently, the legislation concerning dewatering is undergoing a few changes. Prior to 1st April 2006, dewatering was covered by Section 30 of the Water

Meeting: 13 November 2008

Agenda Item: 6

Report No: LTGDC/08/PC44

Resources Act 1991 where activities were exempt from licensing and instead a 'notice to conserve' was issued. Since this time, 'notice to conserve' can no longer be issued due to the part enactment of the Water Act 2003, which is to replace parts of the Water Resources Act 1991. Under this new Act, dewatering activities will require licensing but this item of legislation will not come into effect until at least April 2007. As a result, any dewatering activities commencing at this time do not require a Notice to conserve nor a Licence. Therefore the applicant should contact the environment Agency prior to the commencement of any dewatering for further advice.

- 14 The applicant should ensure that no aspect of the proposed operations (particularly dewatering) results in any adverse change in flows or levels in any rivers, streams, ditches, springs, lakes or ponds in the vicinity.

Water conservation – garden and landscape maintenance

- 17 Maintaining awns, gardens and other planted areas need not require vast amounts of watering. A few simple measures can be taken to reduce the amount of water required. On this site we would encourage the applicant to consider the following:

- Collecting rainwater in water butts connected to downpipes
- Grass should not be mown too often or too short, this only encourages shallow roots which are more likely to dry out
- Use of mulches or ground cover plants to retain soil moisture
- Provision of shade for those plants that require more water
- Watering when necessary in the early morning or evening to reduce evaporation losses

We support the use of rainwater harvesting and low water use appliances. More information regarding the water resources, water efficient technology and grey water recycling can be found on our website: <http://www.environment-agency.gov.uk/subjects/waterres>

CASE OFFICER: Amanda Peck

Appendix 1: Site Location Plan

Appendix 2: Proposed Site Layout Plan

Appendix 3: Proposed Elevations