

**PLANNING CONSULTATION BY THE
LONDON BOROUGH OF TOWER HAMLETS**

**DEMOLITION OF THE EXISTING BUILDING AND REDEVELOPMENT OF THE
SITE TO PROVIDE COMMERCIAL SPACE (CLASS E) AND RESIDENTIAL
ACCOMMODATION (CLASS C3) WITH ASSOCIATED INFRASTRUCTURE AND
WORKS, INCLUDING RECONFIGURATION AND UPGRADES TO THE
ADJOINING PUBLIC GARDEN**

SITE AT NORTH EAST OF ATLANTIC COURT, JAMESTOWN WAY, LONDON

Presented by Head of Planning

SUMMARY

The Authority received a late consultation on an application for the demolition of the Rotunda Building situated just outside the Regional Park to the west of East India Dock Basin and the redevelopment of the site to provide commercial space and 9 residential apartments above. The proposed apartment block would be constructed of 6 storeys (ground plus 5 storeys) and be one storey higher than the adjacent Atlantic Court block and 3 storeys taller than existing residential units adjacent to the western boundary of the Basin. Existing open space on site is to be reconfigured to provide an enhanced public garden as part of the proposal.

The Authority has a right of access (with or without vehicles) across land adjacent to the western boundary of East India Dock Basin (EIDB) extending to 6m in width. This was established under a legal Easement to enable access to the Authority's land holding at East India Dock Basin for the purposes of maintaining and repairing site infrastructure. The proposed development makes no allowance for this access land and it is unclear whether the applicant is aware of the Easement. Unfortunately at this late stage in the planning application consultation process the Authority will need to object to the proposed development in order to provide an opportunity to discuss suitable amendments to the scheme. There are also concerns about the height of the proposed apartment block given its proximity to the southern entrance to EIDB from the Thames Path and views enjoyed by visitors as they approach and depart from the Basin. It is hoped that amendments to the scheme that address access issues will also enable further consideration of the building's relationship to the adjacent Park area and that a reduction in building height can be achieved.

RECOMMENDATIONS

- Members Approve:
- (1) that the London Borough of Tower Hamlets be informed that whilst the Authority accepts the principle of redeveloping the application site for a mixed residential and commercial use it objects to the current proposal on two grounds:
 - a) the design of the proposed development makes no allowance for the Authority's 6m access route through to East India Dock Basin as granted under the current Easement;
 - b) the height of the proposed development is too tall in the context of the lower residential blocks adjoining, the riverside entrance point into East India Dock Basin and views into and out from the Basin in the south; and
 - (2) the Authority considers the above objection could be resolved through an amended scheme and would wish to enter into discussions with the Council and the applicant to achieve this outcome.

BACKGROUND

- 1 The application site lies outside but adjacent to the Regional Park, immediately west of East India Dock Basin (EIDB). The site comprises a small and broadly rectangular parcel of land (0.0538ha) which borders the northern bank of the River Thames, adjacent to the Thames Path. The main access to the site is from the north via Jamestown Way. The site is occupied by a single round building in the south east corner with a pitched cylindrical roof known as the Rotunda Building. Attached and to the north of this building is a flat roof extension situated adjacent to eastern boundary of the site. The Rotunda Building previously functioned as a residential marketing suite for the adjoining Virginia Quay development, (a commercial use) and is understood to have been vacated in 2022. A small (321sqm) landscaped public garden adjoins the site. This green space includes 5 no. existing trees, low level walls and hedges and seating. Immediately to the west of the 'garden area' is the five storey Atlantic Court apartment building. Please refer to the Plan at Appendix A to this report.
- 2 The site forms part of a wider residential area extending along Jamestown Way to the north and west and which comprises apartment blocks of between three and 11 storeys in height. These form the backdrop to the western edge of EIDB, an area designated as Metropolitan Open Land (MOL) and a Site of Metropolitan Importance for Nature Conservation (SINC) and which includes a number of listed heritage features and structures. Bow Creek Ecology Park which lies further to the north east and the River Thames to the south are also designated as SINC. Two other open green spaces within walking distance of the site include the Jamestown Way Waterside Park to the north east and the Virginia Quay Park to the north west. The East India DLR Station lies 400m also to the north-west of the site.

- 3 Access onto EIDB in the vicinity of the application site is provided by a gated entrance point in the south west corner of the Basin. Two access routes connect with this entrance. The first is from the south via the Thames Path. The second is from the north west via a pedestrian/cycle path with associated planting which runs between the application site and the western boundary of EIDB. This path also links the Thames Path in the south with Jamestown Way in the north.
- 4 The Authority has a right of access across land adjacent to the western boundary of EIDB extending to 6m in width, established under a legal Easement in the late 1990s. This easement was granted to enable the Authority to access its land holding at EIDB from the main highway to the north and to ensure the Authority could meet its responsibilities for the full repair and maintenance of the river wall via a land based route. The Easement allows for access for any purpose with or without vehicles.
- 5 On site this 'access land' partially corresponds to the area on which the Rotunda Building has been constructed and which is included within the current application site, with the remainder consisting of the existing pedestrian/cycle path described above, which falls outside the application site. Please refer to the Plan at Appendix B which shows the extent of the access Easement. Vehicular access along this route for Park purposes is not therefore possible. The pathway that exists is too narrow and includes edge planting on either side. A pedestrian gate has also been installed at the northern end. The Authority did initiate a process to try and rectify this matter, and to establish the 6m wide access land, but at that time the relevant party was non-responsive and would have meant the Authority resorting to a costly litigation process.
- 6 The Authority has not been approached by the current applicant concerning the above legal Easement although this right would need to be extinguished in order for it to be built upon.

DESCRIPTION OF PROPOSED DEVELOPMENT

- 7 The application proposes the demolition of the existing vacant single storey building and redevelopment of the site to provide a new 6 storey building (ground plus 5 storeys) which will provide nine apartments and 100sqm of flexible commercial floorspace at ground level. The residential element will be a mix of 1, 2 and 3 bed apartments, all dual aspect. Private external amenity space comprises balconies and access to the enhanced public garden adjacent to the building. Residential access will be via Jamestown Way with a secondary access via the towpath from the reconfigured garden. The development is designed to be car free and provides 18 long stay cycle parking spaces in an internal storage store, plus 2 short stay cycle bays externally and a further 6 cycle bays for the commercial element located on the River Thames towpath.
- 8 The commercial element is proposed to allow for the delivery of a small scale shop or café for use by residents of the development and wider area and will serve to activate the ground floor and street scene.
- 9 The proposed landscaped garden will reconfigure the existing open green space currently on site. The wall fronting the River Thames towpath will be removed and a ramped access provided from the towpath to enable direct access to the open space. The proposed design incorporates species rich planting and semi-mature trees as well as ornamental planting and structural hedges to define

boundaries to the garden. Opportunities for natural play will be provided for and areas of seating incorporated. A new biodiverse living roof is also proposed on part of the building. The Planning Statement states that there will be a reduction in the overall quantum of open space from 321sqm to 236sqm, but a net uplift of 2sqm in the amount of green space on site. The development's Urban Greening Factor score is noted as 0.55. The biodiversity net gain (BNG) assessment shows uplifts in the biodiversity of the site, noted as 0.3% and 100% with regards to hedgerows. The Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment also recommend a number of biodiversity enhancements. Nocturnal bat surveys have been carried out as recommended. These did not identify any bat roosts within the Rotunda Building.

- 10 The Planning Statement explains that the design of the new building draws upon the architectural and historical elements within the area. The plinth at the base of the building encloses the new commercial unit and entry points into the building and at the upper levels the proposed openings follow a grid pattern extending up from the ground floor plinth. This grid pattern is then infilled with lighter stone and textured panels to add contrast to the buildings appearance. Further articulation of the building façade is achieved through use of metal framed windows and doors and use of metal balustrade in a complimentary muted tone. Please refer to images extracted from the Design and Access Statement (DAS) at Appendix C to this report.
- 11 A recent amendment to the proposed material selection has been submitted to London Borough of Tower Hamlets (LBTH). This presents a material palette that more closely aligns with the light buff tones of the buildings in the existing context to the west and north of the site, including the Atlantic Court building adjoining the application site.

POLICY CONTEXT

12 London Plan

The application site falls within the Isle of Dogs and South Poplar Opportunity Area. The London Plan sets an indicative minimum housing requirement of 29,000 for the area of the Isle of Dogs and Policy SD1 of the London Plan states that the Mayor will ensure Opportunity Areas fully realise their growth and regeneration potential. Policy GG2 of the London Plan supports proposals that make the best use of land to create successful and sustainable mixed-used places. This policy makes special reference to brownfield land, particularly in Opportunity Areas.

- 13 High quality and inclusive design is promoted by national, regional and local planning policy. The London Plan Policy D3 'Optimising site capacity through the design-led approach' outlines that proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness throughout their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. Policy in the London Plan also seeks to ensure development proposals contribute to the greening of London via urban greening and include measures such as high-quality landscaping, green roofs, green walls and nature-based sustainable drainage. Policy G5 states that an Urban Greening Factor (UGF) score of 0.4 is required for predominantly residential development. A UGF score of 0.3 is required for proposed commercial units.

14 Local Plan

The Tower Hamlet's Local Plan 2031 'Managing Growth and Sharing Benefits' (adopted in 2020) recognises that the majority of housing and employment provision within the borough will be focused within the Isle of Dogs and South Poplar Opportunity Area. The Local Plan requires developments to meet the highest standards of design, layout and construction which respects and positively responds to its context, townscape, landscape and public realm at different spatial scales. Policy expects new development to be of an appropriate scale, height, mass, bulk and form for their context (Policy S.DH1).

15 Local Plan policy seeks to protect existing open space and ensure that development provides a mix and range of publicly accessible open spaces and water spaces that promote biodiversity, health and well-being (Policy S.DH1).

Development is required to protect or re-provide existing amenity space, net loss of existing space will be resisted, (Policy D.H3). Development on areas of open space (excluding MOL) will only be supported in exceptional circumstances where for example both an increase of open space and a higher quality of open space can be achieved as part of the wider development proposal (D.OWS3).

16 Local Plan Policy D.ES3 'Urban Greening and Biodiversity' requires development to protect and enhance biodiversity by maximising the provision of 'living building' elements, retaining existing habitats and features of biodiversity value or, if this is not possible, replacing them within the development, as well as incorporating additional measures to enhance biodiversity, proportionate to the development proposed. Trees on site are to be protected and provision increased. Policy D.OWS3 'Open Space and Green Grid Networks' states that development should not solely rely upon existing publicly accessible open space to contribute towards on-site communal amenity space and child play space. It also states that development should not adversely impact on the public enjoyment, openness, ecological and heritage value of the borough's publicly accessible open spaces, which in this case includes the Lee Valley Regional Park.**17 Park Development Framework (PDF)**

East India Dock Basin is identified in PDF Area 1 'East India Dock Basin to Queen Elizabeth Olympic Park' Proposals 1.A.2, as a primary gateway into the Regional Park. Proposals identify the potential for visitor facilities at EIDB, for example seasonal café/pavilion, cycle hire, guided walks, to take advantage of its waterside location adjacent to the Thames and the River Lee and its role as a key destination on the Leaway. Landscape and Heritage proposals seek to protect and enhance the interpretation of listed heritage features and structures at EIDB as an integral part of its development as a visitor attraction/destination. Proposals support further feasibility work, to identify the interventions required to improve and preserve the sites biodiversity and heritage value, its landscape potential and the ongoing management of silt deposits in the Basin. Proposals also identify the need to secure funding for de-silting and improvements for visitors and biodiversity, including via Section 106 contributions. The Authority is currently in the process of submitting a NLHF Bid for a range of habitat and heritage related restoration works, and visitor enhancement projects in collaboration with a wide range of stakeholders including LBTH.

18 The PDF Strategic Policies address development outside the Regional Park boundaries. Policy E2 states that development which could adversely impact on

its amenity "will be resisted or planning obligations sought in line with other policies within this Plan". Policy D3 promotes partnership work with riparian authorities to ensure that the design and layout of new development on sites adjacent to its boundary "enhances the Park avoiding detrimental impact on its ecological and heritage assets."

- 19 The Lee Valley Regional Park Landscape Strategy highlights the importance of conserving the integrity of both the historic fabric of the site and the important wetland habitats (LCA E4). The remaining areas of open river frontage with associated views should be conserved and opportunities sought to enhance connectivity along the river corridor. It recognises that the landscape is popular with the local community as an attractive area for informal recreation within a well-built up area. Some areas of amenity grassland are of poorer quality reflecting the heavy recreational use that this area receives.

PLANNING APPRAISAL

20 Principle of Development

The proposed development is replacing an existing commercial building located outside the Regional Park with a mixed commercial and residential development utilising the same site, albeit the development is of a larger scale. The application site sits within an established residential area and both regional and local policy would in general support the principal of this redevelopment.

- 21 The issues for the Authority to consider are:

- the scale and design of the proposed building and its visual impact, given its location adjacent to EIDB;
- the impacts on biodiversity within the Park and whether the reconfigured and slightly smaller area of open space is significant; and
- the fact that no account has been taken or provision made within the current proposals for the Authority's right of access through to EIDB.

22 Scale and Design

The proposed development will be considerably larger than the existing single storey Rotunda Building both in terms of its height and mass. It will also be taller than the other buildings within the Virginia Quay development which sit adjacent to the western boundary of EIDB. These buildings are at three storeys and their impact on the Basin is partially softened by vegetation within EIDB. The visual impact of the proposed development is difficult to assess however as it varies considerably depending on the viewpoint. In more distant views for example when viewed from the opposite, eastern side of the Basin (i.e. looking west) the new development is likely to be largely screened by the small but substantial area of woodland within the southwest corner of the Basin, although it is likely to be partially visible above the tree line. It also sits within a viewing context that includes a range of other buildings of varying heights ranging from five, eight and eleven storey apartment blocks. Behind or beyond this, there are much taller buildings and together the views are of a mix of construction styles, design and cladding materials.

- 23 From the southern part of the Basin and viewed when approaching the exit point in the south west corner, the proposed development will dominate and being slightly taller than the Atlantic Court block will consolidate the built, developed edge to the Park. For people entering the Park from the Thames Path, it will

also start to intrude on views of the wooded green edge to the Basin in the southeast corner. The developed form will be noted as stepping up towards the Park even if only by one storey. It will also appear as a noticeably taller structure in the views of visitors following the path inside and around the south western edge of the Basin where adjacent development sits at 3 storeys.

- 24 The applicant has highlighted the quality and accessibility of the reconfigured open space with the opening up of direct access from the River Thames path. This will indeed be an improvement and provide a welcome contrast to the areas of hard surfaced public space to the west alongside the riverside path. It will however be sandwiched between the Atlantic Court block and the proposed development and therefore largely hidden from EIDB and views out. It does not assist in reducing the impact of the building at the entrance point to EIDB in the south.
- 25 The recent amendment to the choice of materials and colour palette is noted and considered acceptable. Opting for a pale buff coloured palette will enable the proposed building to respond to and sit as part of the existing residential area. The positioning of balconies on the southern and front elevation is also preferred in order to minimise disturbance to wildlife and habitats within EIDB.
- 26 On balance the visual impact of the new development is likely to be most noticeable to visitors on the approach to the Regional Park from the south west and in views out to the west from within the southern part of the Basin. Ultimately the building steps up towards the Park and whilst only a marginal change in the context of the existing 5 storey and 3 storey buildings closest to the Park boundary this is usually a matter the Authority seeks to resist, requiring development to step down as it approaches the Park boundary. It would therefore be appropriate to request that the applicant considers amendments to the design to take account of the adjacent Park edge and entrance to EIDB and considers a form that reduces in height and achieves a more positive relationship with the Park.
- 27 **Open Space and Biodiversity**
The application is accompanied by a detailed Preliminary Ecological Appraisal (PEA). Nocturnal bat surveys have been undertaken as recommended by the Preliminary Bat Roost Assessment. Although no bats roosts were identified on the application site the woodland, scrub and water habitat within the adjacent EIDB SINC will be important for commuting and foraging bats. A sensitive lighting scheme should therefore be provided as an integral part of the development should permission be granted, to cover both the construction phases and once the building is occupied. This is a recommendation of the PEA and would need to be secured via planning condition. The 'Institute of Lighting Professionals (2018) Bats and Artificial Lighting in the UK' Guidance Note 08/18 should be used to inform any strategy. Light spill over into the woodland should be avoided and managed once the building is occupied.
- 28 The wider impacts from construction phases are also likely to be an issue for EIDB and a Construction and Ecological Management Plan should be produced as recommended by the PEA. This will need to detail avoidance and mitigation measures to cover matters such as noise, dust, pollution and contamination for example as a result of surface run-off. Opportunities for biodiversity enhancement on site are set out within the PEA and these are supported, for example a biodiverse green roof on the building (which is shown in the DAS), inclusion of native species rich hedgerow, also indicated on the landscape

masterplan and provision of bird and bat boxes. A BNG assessment has been included and given the small size of the site the current uplift (of 0.3% and 100% with regards to hedgerows) is considered acceptable. A Landscape and Ecology Management Plan will be necessary to show how these habitats are created and maintained over time. This is a recommendation of the PEA.

- 29 The reconfigured open space will deliver 87sqm of useable green space, a net uplift of 2sqm. The design of the open space is an improvement on the existing, with a much more inviting relationship with the riverside path and the incorporation of natural play space and more biodiverse landscaping. This will serve both residents and the general public. Whilst it is clear that some of the new residents will be using EIDB for informal recreational purposes the small scale (approx. 30 new residents) of the development is unlikely to substantially increase footfall within EIDB, given the existing residential context.
- 30 **LVRPA Access Land**
The current scheme makes no provision for the Authority's 6m access route through to EIDB as granted under the current Easement. If permission were granted for the proposed development as currently presented it would perpetuate the current situation in that the vehicular access required for ongoing repair and maintenance works at EIDB would not be possible. The masterplan design (please refer to Appendix D to this report) shows the new building to be positioned over part of the access land similar in extent to the location of the Rotunda Building. The existing pathway that sits outside the application boundary is not of sufficient width to accommodate the Authority's access requirement. Land within the application site would be needed.
- 31 It is unclear as to whether the applicant is aware of the legal Easement for the access land. The Authority was not involved in any of the pre application consultations undertaken by the applicant and indeed was not initially formally consulted on this application when it was submitted due to an error with the planning administration process at LBTH. This is the first opportunity that officers have had to raise this issue as a point of concern and there has not therefore been time to discuss this matter with the Case Officer or applicant, prior to this Committee.
- 32 An objection to the current proposal should therefore be raised and negotiations undertaken with the applicant to achieve an amended scheme that will accommodate the requirements of the Easement. This would need to examine the requirement for space to accommodate part of the access route to be set aside within the application site. The remaining area required would be provided by utilising the existing pedestrian/cycle pathway outside the application boundary. This land is in a different ownership and so this party will also need to be involved in the discussions.
- 33 These discussions would also open up the potential to discuss with the applicant and the Council an amended design for the apartment building that reduces its height taking account of its visual impact on the south western part of EIDB and the entrance point into the Regional Park.

ENVIRONMENTAL IMPLICATIONS

- 34 These are addressed in the body of the report.

FINANCIAL IMPLICATIONS

- 35 There are no financial implications arising directly from the recommendations in this report.

LEGAL IMPLICATIONS

- 36 Planning applications referred to this Authority are submitted under the consultative arrangements of Section 14 (4-7) of the Lee Valley Regional Park Act 1966 (the Park Act). The Park Act requires a local planning authority to consult with the Authority on any planning application for development, whether within the designated area of the Park or not, which might affect any part of the Park.
- 37 The Park Act enables the Authority to make representations to the local planning authority which they shall take into account when determining the planning application.

RISK MANAGEMENT IMPLICATIONS

- 38 There are no risk management implications arising directly from the recommendations in this report.

EQUALITY IMPLICATIONS

- 39 There are no equality implications arising directly from the recommendations in this report.

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BACKGROUND REPORTS

Planning Consultation by London Borough of Tower Hamlets 21 March 2023

APPENDICES ATTACHED

Appendix A	Plan of the application site
Appendix B	Plan showing Access Land granted by Easement
Appendix C	Extract from DAS
Appendix D	Illustrative Landscape Masterplan

LIST OF ABBREVIATIONS

EIDB	East India Dock Basin
MOL	Metropolitan Open Land
SINC	Site of Importance for Nature Conservation
BNG	Biodiversity Net Gain
DAS	Design & Access Statement
LBTH	London Borough of Tower Hamlets
UGF	Urban Greening Factor
PDF	Park Development Framework
PEA	Preliminary Ecological Appraisal
the Park Act	Lee Valley Regional Park Act 1966

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Application Area
 Park Boundary

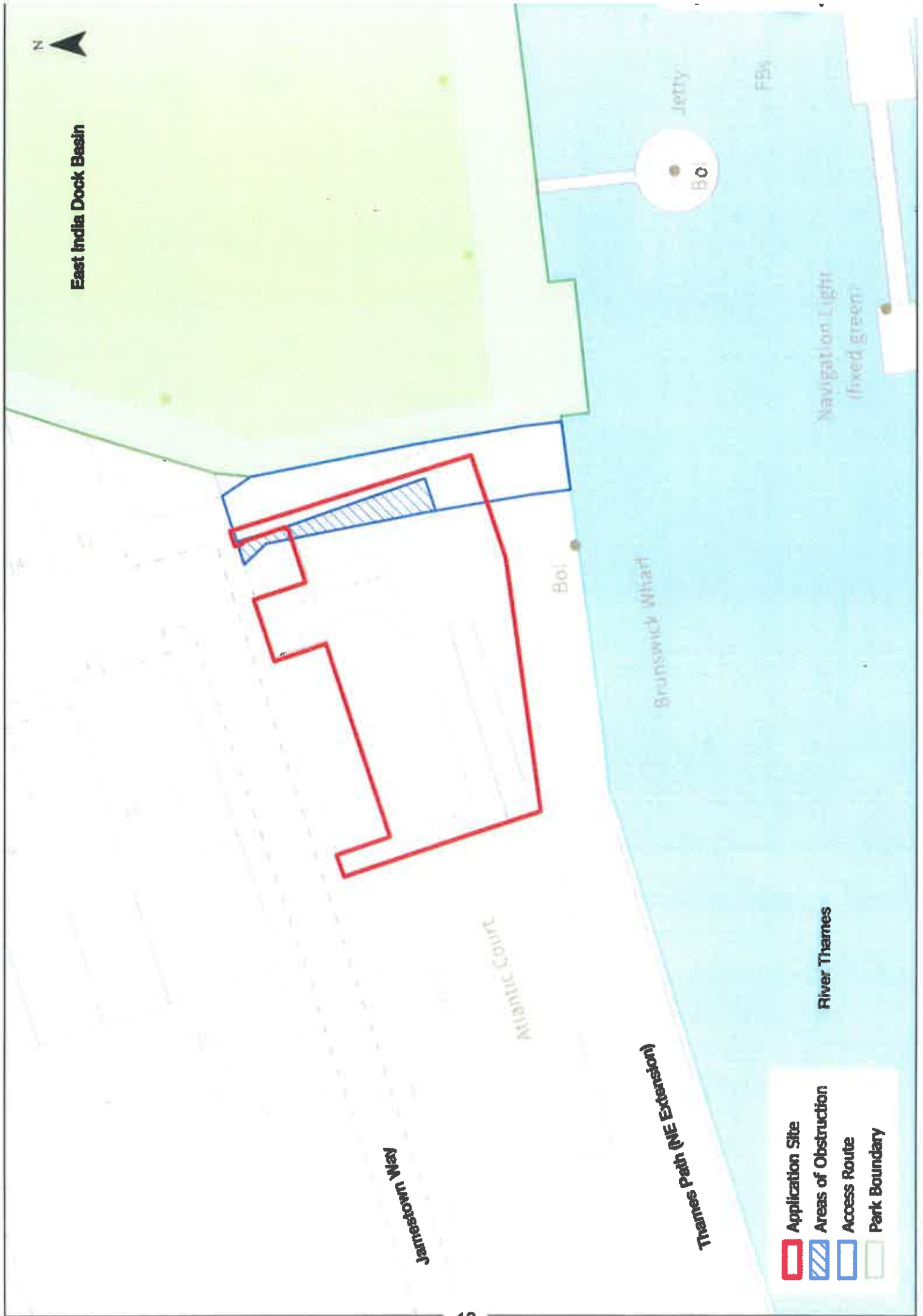
Maxar Milresoff

Site at North East of Atlantic Court, Jamestown Way, London



Scale: 1:1,500
 Path: M:\ESRI System Management NEW

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East India Dock Basin

Jetty

FBS

Boi

Navigation Light
(fixed green)

Brunswick Wharf

Boi

Atlantic Court

River Thames

Thames Path (W Extension)

Thames Path (NE Extension)

- Application Site
- Areas of Obstruction
- Access Route
- Park Boundary

Extracts from Design and Access Addendum Report



Image above shows current view looking north, with Rotunda Building and 3 storey residential buildings adjacent to East India Dock Basin bottom right (please ignore blue lines in image).

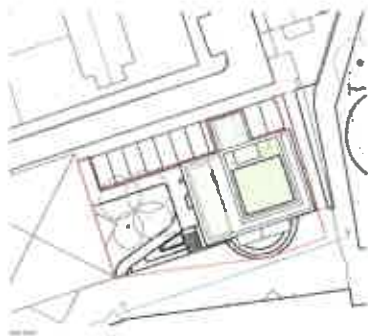


The above image is a CGI of proposed new building showing southern elevation and buff coloured material palette.

Proposed Elevations

South Facing Elevation

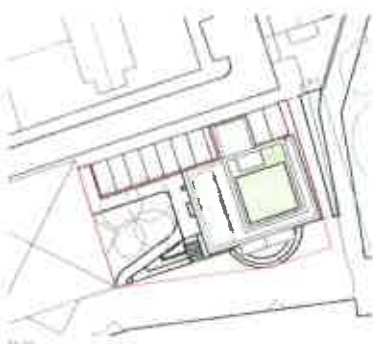
- 1. Neutral Light Green (RAL 6011)
- 2. Darker Neutral Green (RAL 6011)
- 3. Neutral Grey (RAL 7040)
- 4. Neutral Light Green (RAL 6011)
- 5. Neutral Grey (RAL 7040)



Above South Facing Elevation as viewed from Thames River Path

East Facing Elevation

- 1. Neutral Light Green (RAL 6011)
- 2. Darker Neutral Green (RAL 6011)
- 3. Neutral Grey (RAL 7040)
- 4. Neutral Light Green (RAL 6011)
- 5. Neutral Grey (RAL 7040)

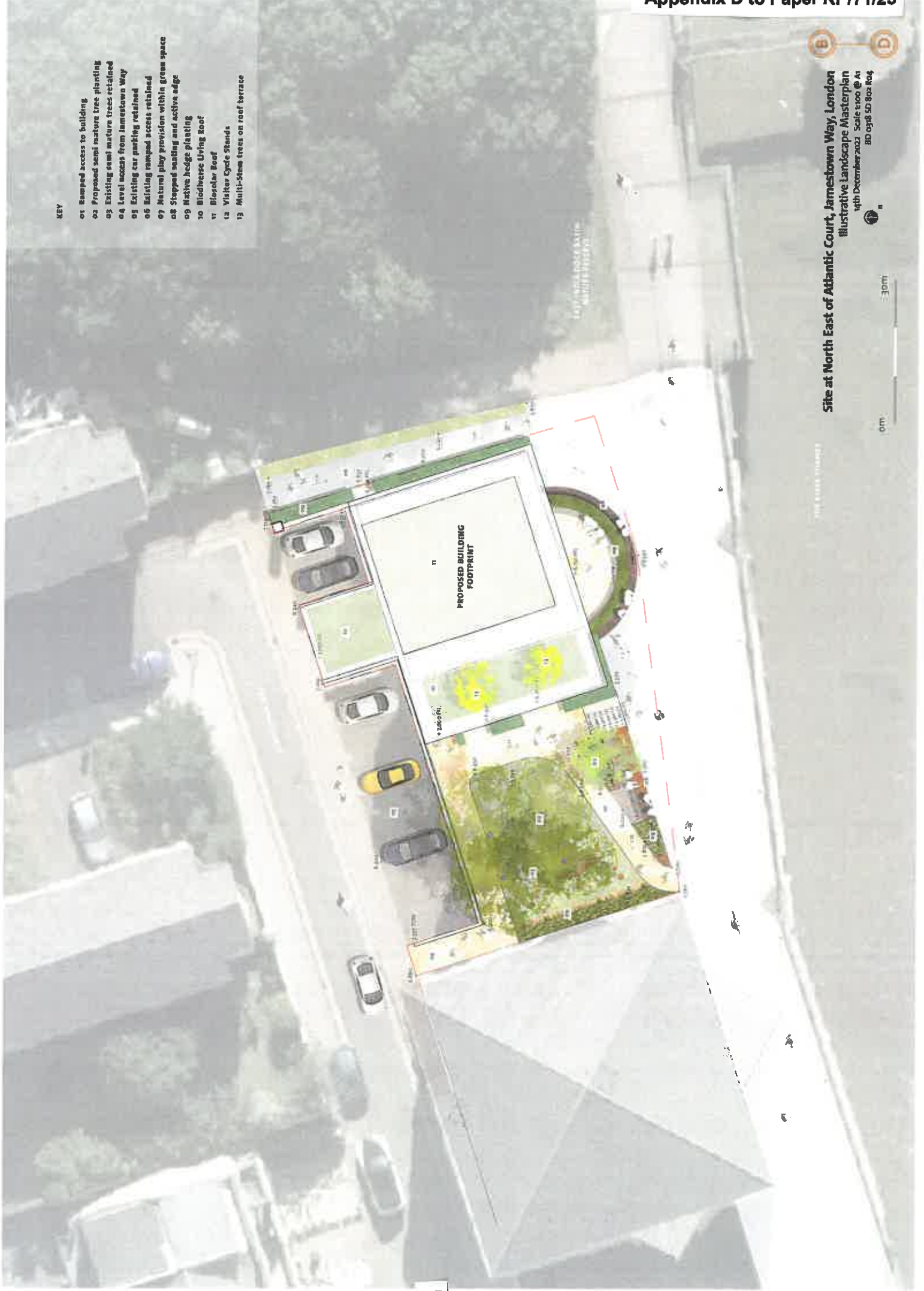


Above East Facing Elevation – as viewed from East India Dock Basin

B D

KEY

- 01 Ramped access to building
- 02 Proposed semi mature tree planting
- 03 Existing semi mature trees retained
- 04 Level access from Jamestown Way
- 05 Existing car parking retained
- 06 Existing ramped access retained
- 07 Natural play provision within Green space
- 08 Staggered seating and active edge
- 09 Native hedge planting
- 10 Biodiverse Living Roof
- 11 Biosolar Roof
- 12 Visitor Cycle Stands
- 13 Multi-Stem trees on roof terrace



Site at North East of Atlantic Court, Jamestown Way, London
 Illustrative Landscape Masterplan
 14th December 2023 Scale 1:100 @ A1
 BD 0318 SD 802 R04

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