

To: David Andrews (Chairman) Graham McAndrew
 Chris Kennedy (Vice Chairman) Valerie Metcalfe
 John Bevan Gordon Nicholson
 David Gardner Paul Osborn
 Denise Jones Mary Sartin
 Heather Johnson

A meeting of the **REGENERATION AND PLANNING COMMITTEE** (Quorum – 3)
will be held by remote access on:

THURSDAY, 25 MARCH 2021 AT 12.30

at which the following business will be transacted:

AGENDA

Part I

- 1 To receive apologies for absence.
- 2 **DECLARATION OF INTERESTS**

Members are asked to consider whether or not they have disclosable pecuniary, other pecuniary or non-pecuniary interests in any item on this Agenda. Other pecuniary and non-pecuniary interests are a matter of judgement for each Member. (Declarations may also be made during the meeting if necessary.)

- 3 **MINUTES OF LAST MEETING**

To approve the Minutes of the meeting held on 21 January 2021 (copy herewith).

- 4 **PUBLIC SPEAKING**

To receive any representations from members of the public or representative of an organisation on an issue which is on the agenda of the meeting. Subject to the Chairman's discretion a total of 20 minutes will be allowed for public speaking and the presentation of petitions at each meeting.

Hybrid application – Part A – Full planning application for redevelopment of site following demolition of all existing buildings and enabling works to provide a mixed use development consisting of the erection of five buildings between 15 and 30 storeys above a raised safeguarded wharf box and one standalone 20 storey building which would deliver:

- (i) a total of up to 826 dwellings (Class C3) and ancillary accommodation;
- (ii) up to 8,212m² gross internal area (GIA) of general industrial/storage or distribution floorspace (Class B2/B8) including ancillary office accommodation; and
- (iii) 135m² (GIA) of flexible commercial floorspace (Class E).

Associated works include hard and soft landscaping; private amenity space; vehicular access and servicing facilities; car parking and cycle parking; and other works incidental to the proposals including works to the river wall.

Part B – Outline planning application for external waterborne freight infrastructure and all other related works (including marine works) for which all matters are reserved at:

Orchard Wharf, Orchard Place, Poplar, London, E14
0JY

- 6 Such other business as in the opinion of the Chairman of the meeting is of sufficient urgency by reason of special circumstances to warrant consideration.
- 7 Consider passing a resolution based on the principles of Section 100A(4) of the Local Government Act 1972, excluding the public and press from the meeting for the items of business listed on Part II of the Agenda, on the grounds that they involve the likely disclosure of exempt information as defined in those sections of Part I of Schedule 12A of the Act specified beneath each item.

**AGENDA
Part II
(Exempt Items)**

- 8 Such other business as in the opinion of the Chairman of the meeting is of sufficient urgency by reason of special circumstances to warrant consideration.

17 March 2021

Shaun Dawson
Chief Executive

LEE VALLEY REGIONAL PARK AUTHORITY

REGENERATION & PLANNING COMMITTEE MINUTES 21 JANUARY 2021

Members Present: David Andrews (Chairman) Graham McAndrew
Chris Kennedy (Vice Chairman) Valerie Metcalfe
John Bevan Gordon Nicholson
David Gardner Paul Osborn
Denise Jones Mary Sartin
Heather Johnson

Officers Present: Claire Martin - Head of Planning
Beryl Foster - Deputy Chief Executive
Jon Carney - Corporate Director
Lindsey Johnson - Committee Services Officer

Member of the Public: Laurie Elks

Part I

111 DECLARATIONS OF INTEREST

Name	Agenda Item No.	Nature of Interest	Prejudicial
John Bevan	Item 8	Member for London Borough of Haringey.	Non-Pecuniary – will leave the meeting for this item ✓
Gordon Nicholson	Item 6	Member for Broxbourne Borough Council	Non-Pecuniary
Mary Sartin	Items 6 & 7	Member for Epping Forest District Council and sits on the Area Planning Sub Committee West	Non-Pecuniary – will not partake in the discussion or voting for this item-

112 MINUTES OF LAST MEETING

THAT the Minutes of the Regeneration & Planning Committee meeting held on 3 December 2020 be approved and signed with the following amendment which Members approved:

Minute 110 (Planning Consultation by Epping Forest District Council – Additional Access Road from Nazelng Road to Valley Grown Nurseries – RP/46/20). The Head of Planning explained to Members that, due to the fact that we made an objection to this planning application, the following important wording was added to the letter:

‘It should be noted that in the event that the Council resolve to grant planning permission for the above application, there is a requirement under the provisions of the Lee Valley Regional Park Act (the Park Act), section 14 (6 to 8), that the Council notify the Authority of this resolution, prior to the granting of any planning permission. This is to enable the Authority to consider

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whether It would require the matter to be referred to the Secretary of State under the provisions of Section 14 (8) of the Park Act. I enclose the relevant sections of the Park Act 1966 for reference’.

113 PUBLIC SPEAKING

No requests from the public to speak or present petitions had been received for this meeting.

114 PLANNING CONSULTATION BY EAST HERTS DISTRICT COUNCIL – RYE HOUSE SPEEDWAY TRACK, RYE ROAD, HODDESDON, HERTS, EN11 0EH **Paper RP/50/21**

Retrospective planning for the removal of speedway track and the formation of grassed football pitches.

This report was withdrawn due to the application being re-submitted and referred back to East Herts District Council.

115 PLANNING CONSULTATION BY EPPING FOREST DISTRICT COUNCIL – OAK TREE FARM, PAYNES LANE, NAZEING, EN9 2EY. **Paper RP/48/21**

Application for planning permission for the siting of 5 no. chalet lodges (caravans) for holiday accommodation proposed (revised application EPF/2983/19).

The report was introduced by the Head of Planning who explained to Members that this is a revised application which was originally refused by Epping Forest District Council due to the site being in flood zone 2, there is also a current holding objection by the council on the same grounds. Visitor accommodation is normally considered an acceptable use in the Park, however, this site is isolated, in the Green Belt and not associated with any visitor hubs. The applicant has failed to provide adequate landscaping details and no ecological appraisal or lighting details. The applicant has, however, obtained an exemption certificate from the Woodland Champions Club (WCC), which allows for the stationing of 5 caravans for a period of one year without the need for planning consent.

Members discussed the report and made the following comments:

- A Member expressed concerns over the potential of spillage from septic tanks if the site has a high water table.
- A Member commented that the applicant was unlikely to get as much use from the caravans as they would for the lodges and wondered if siting caravans on the site would be a pre-cursor to getting permission for the lodges. Another Member pointed out that the applicant would be able to get around the fact that the caravans or lodges were only for members of the WCC by getting people to join up at the point of booking.
- The Chairman asked the Head of Planning to explain further about the exemption certificate. The Head of Planning responded stating that Epping Forest District Council would have been consulted on this, although the case officer was not aware of it. The licence is issued until October 2021; they could reapply at that time for another years' temporary licence. The WCC is given permission to issue exemption certificates from Natural England. The Chairman stated that more information on this

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must be sought as it could be used for further development under permitted development rights. He also requested that we request that Epping Forest District Council extinguish permitted development rights under this exemption certificate.

- The Chairman stated that access via Green Lane, both vehicular and pedestrian was unacceptable.
 - The Chairman also expressed concern that existing hedges and scrub could be removed to create a more open view for the caravans or lodges and felt that the recommendation should be amended to emphasise our concerns over the loss of the current openness of the site.
 - A Member pointed out that the recommendation currently reads that if the applicant supplies of the missing information then we would not object and suggested including the wording 'and in any event'.
 - The Chairman suggested that an additional recommendation be added regarding concerns over the site being in flood zone 2.
- (1) **that Epping Forest District Council be informed that the application proposal does not meet the requirements of the Authority's Park Development Framework Area Proposals 6.A.4 River Lee Country Park which are aimed at conserving and enhancing the rural character, openness and high ecological value of the River Lee Country Park. Notwithstanding the exemption certificate which allows for the stationing of 5 caravans on the application site for a period of one year, the Authority therefore objects to the current application and in any event:**
- a) **Insufficient information has been supplied to demonstrate the special circumstances that apply for the development of 5 holiday chalets at this isolated location in the Green Belt within the Regional Park;**
 - b) **there is no accompanying ecological appraisal available for this proposal and as such there is insufficient information on which to assess the application for biodiversity impacts which should be a material consideration in this case;**
 - c) **limited detail is provided on the associated landscape and tree planting, there is no specification for the wildflower meadow or ecological management plan and it is not clear how this would help to 'buffer' or limit the 'visual obtrusiveness' of the lodges as suggested by the applicant;**
 - d) **further detail is required in respect of lighting and vehicle access to the site in order to fully assess impacts on biodiversity and recreational activity;**
 - e) **further detail is required in respect of the site being situated in flood zone 2;**
- (2) **if the District Council are minded to grant planning consent without the required ecological reports, the Authority would wish to see the following conditions attached to any permission:**

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- a) **timing of works to avoid nesting bird season;**
- b) **construction plan to include protection measures for Badgers (e.g. holes covered or escape ramps);**
- c) **a lighting plan for biodiversity agreed to avoid light spill into surrounding areas which would affect sensitive species including Bats, Badgers and Otters. In particular, a dark corridor to be maintained in the woodland and scrub edge to Holyfield Lake;**
- d) **a detailed landscaping and management plan to include use of locally native species;**
- e) **access restrictions to ensure only the road access from Paynes Lane is used in association with the holiday lodges and the vehicular access from the track that links with Green Lane is retained for agricultural purposes only; and**
- f) **the Authority should be consulted on the above details and plans in due course was approved.**

John Bevan and Paul Osborn left during the next item.

- 116 **PLANNING CONSULTATION BY EPPING FOREST DISTRICT COUNCIL – THE OLD WATERWORKS, GREEN LANE, NAZEING, EN10 6RS** Paper RP/49/21
- Planning application for use of employment land as a construction Contractors' compound with associated storage, and parking including Ancillary office, and welfare accommodation and single and double Stacked containers.

The report was presented by the Head of Planning, stating that the site is designated as employment land and whilst it is in the Green Belt it is on an existing developed commercial site and all structures are temporary. The double stacked containers will have a visual impact, however, the applicant has acknowledged this and intimated that they would be happy to change the position and height of the containers.

- (1) **that Epping Forest District Council be informed that the Authority has no objection in principle to the contractor's compound use within an existing employment site but would wish to see the following conditions attached to any permission covering:**
- a) **the lowering or repositioning of the double stacked containers away from the southern boundary of the site in order to minimise the visual impact on the adjoining Regional Park areas;**
 - b) **a site management and safety plan and a drainage strategy to be agreed to avoid pollution and debris impacting the boundary ditch and its associated habitats;**

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- c) **a landscape condition to ensure the retention of the vegetation buffer along the boundary of the site with Green Lane;**
 - d) **a requirement that any existing lighting on site and any plans for future lighting of the site be designed so as to avoid light pollution and spill into surrounding areas and habitats and be submitted to the Council for approval in order to ensure adjacent habitats remain as dark as possible. In particular, a dark corridor to be maintained along Green Lane and the ditch habitat; and**
- 2) the Authority should be consulted on the above details and plans in due course was approved.**

**117 PLANNING CONSULTATION BY LONDON BOROUGH OF
HARINGEY NEW LOCAL PLAN FIRST STEPS ENGAGEMENT
CONSULTATION (REGULATION 18)**

Paper RP/47/21

The report was presented by the Head of Planning stating that this consultation is more a discussion with stakeholders. Our main concerns are that the London Borough of Haringey recognises the benefits, roles and remit of the Park.

A Member commented that he was pleased that the letter attached as Appendix A to Paper RP/47/21 requested more clarity on Green Belt boundaries in Area 2.

- (1) the comments as set out in Appendix A to Paper RP/47/21 as the Authority's formal response to the consultation by the London Borough of Haringey on the First Steps Engagement New Local Plan November 2020 was approved.**

The meeting started at 12.05pm and ended at 1.15pm.

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PLANNING CONSULTATION BY LONDON BOROUGH OF TOWER HAMLETS

HYBRID APPLICATION - PART A - FULL PLANNING APPLICATION FOR REDEVELOPMENT OF SITE FOLLOWING DEMOLITION OF ALL EXISTING BUILDINGS & ENABLING WORKS TO PROVIDE A MIXED-USE DEVELOPMENT CONSISTING OF THE ERECTION OF FIVE BUILDINGS BETWEEN 15 & 30 STOREYS ABOVE A RAISED SAFEGUARDED WHARF BOX & ONE STANDALONE 20 STOREY BUILDING WHICH WOULD DELIVER:

- (i) A TOTAL OF UP TO 826 DWELLINGS (CLASS C3) AND ANCILLARY ACCOMMODATION;**
- (ii) UP TO 8,212m² GROSS INTERNAL AREA (GIA) OF GENERAL INDUSTRIAL / STORAGE OR DISTRIBUTION FLOORSPACE (CLASS B2/B8) INCLUDING ANCILLARY OFFICE ACCOMMODATION; &**
- (iii) 135m² (GIA) OF FLEXIBLE COMMERCIAL FLOORSPACE (CLASS E). ASSOCIATED WORKS INCLUDE HARD AND SOFT LANDSCAPING; PRIVATE AMENITY SPACE; VEHICULAR ACCESS & SERVICING FACILITIES; CAR PARKING & CYCLE PARKING; & OTHER WORKS INCIDENTAL TO THE PROPOSALS INCLUDING WORKS TO THE RIVER WALL; AND**

PART B - OUTLINE PLANNING APPLICATION FOR EXTERNAL WATERBORNE FREIGHT INFRASTRUCTURE & ALL OTHER RELATED WORKS (INCLUDING MARINE WORKS) FOR WHICH ALL MATTERS ARE RESERVED AT:

ORCHARD WHARF, ORCHARD PLACE, POPLAR, LONDON, E14 0JY.

Presented by Head of Planning

SUMMARY

This proposed hybrid application seeks to reactivate the safeguarded wharf at Orchard Wharf as a last mile logistics and distribution centre for containerised river freight, with a mixed use residential redevelopment above and adjacent in the shape of 6 residential tower blocks. Orchard Wharf is located adjacent to East India Dock Basin, the southern gateway into the Regional Park, an area of valued open space with important heritage interest, also designated as a Site of Importance for Nature Conservation (SINC) all of which is managed by the Authority. The surrounding area is undergoing considerable change and is characterised by existing industrial and commercial uses and emerging mixed use, residential-led schemes including a number of tall buildings.

The development proposed, is in principle an acceptable development of an existing 'brownfield site' which safeguards the future of the wharf. Its design proposes a number of attractive and interesting features incorporating a podium level amenity and garden open space above the wharf box, roof gardens, new public realm and both indoor and outdoor communal activity and play spaces.

Its relationship to the Basin is however less successful and there are concerns about the height, design and location of the tall residential blocks located alongside the eastern boundary of the Basin and the impact on the ecology and recreational use of the site. This report recommends a holding objection to allow time for further consideration of these issues by the applicant in consultation with officers and as part of wider revisions likely to come forward over the next couple of months before the matter is formally considered by the London Borough of Tower Hamlets.

RECOMMENDATIONS

- Members Approve:
- (1) that the London Borough of Tower Hamlets be informed that the Authority places a holding objection on the current hybrid application for Orchard Wharf in order that further consideration can be given to the relationship between the proposed development and East India Dock Basin in relation to:
 - a) the height, mass and combined design treatment of blocks A, B and C and the proposal to lower the development alongside the Basin thereby reducing the impact of the residential blocks on the open, waterside character of the Basin;
 - b) the need for a greater set back between Block A and the boundary of East India Dock Basin both to provide additional landscaping/buffer planting and to safeguard bird flight paths;
 - c) the provision of additional planting and landscaping alongside the boundary with the Basin in front of Block B linking with and strengthening the proposed public realm area around Block C;
 - d) the proposed boundary treatment alongside the Basin and the options for future access into the Park from Orchard Place;
 - e) wintering bird and bird movement surveys and the need to update these taking into account the spring/autumn migration for which the valley is so important;
 - f) bat surveys and the need to undertake these on East India Dock Basin to ascertain

use of the site by foraging and commuting bats, and to inform a sensitive lighting strategy both for the Construction Management Plan and for the lighting plan for the development;

- g) further information required on overshadowing and any impacts this may cause to species that use the Basin;
 - h) enhancements and site improvements for the Basin to be funded via S106 contributions in order to help mitigate the impact of the development and the increased use of the Basin by local residents – a Schedule of projects is attached at Appendix G to this report;
 - i) further details for the Safeguarded Wharf preferred option as this is developed;
- (2) that the London Borough of Tower Hamlets be informed that the Authority would wish to see the detail and be consulted on any revisions in relation to the above matters prior to any grant of consent;
- (3) that should the London Borough of Tower Hamlets be minded to approve the planning application then the following matters should be secured by conditions or via planning obligations:
- a) the delivery of the Schedule of mitigation projects as listed in Appendix G to this report, which are considered necessary to protect East India Dock Basin from increased use and footfall;
 - b) detailed landscape conditions to include additional planting and habitat creation alongside the western boundary of the site between Blocks A and B and the Basin;
 - c) further ecological surveys for wintering bird and bird movements, including spring/autumn migration;
 - d) bat surveys on East India Dock Basin to identify foraging and commuting behaviour and inform lighting strategies both for the construction and final operational phase of the development;
 - e) wayfinding and access strategies for pedestrians and cyclists both during the

construction phase and once development is complete to demonstrate how safe movement between the Regional Park, the development and main other local sites and transport hubs is to be maintained; and

- (4) that the Authority be consulted on the above details in due course.

DESCRIPTION OF SITE

- 1 The application site is located outside the Regional Park at Orchard Place on the Leamouth Peninsula, adjacent to the River Thames and to the south of the Lower Lea Crossing (A1020). Immediately on its western boundary sits East India Dock Basin (EIDB), an area of Metropolitan Open Land (MOL) and a Site of Importance for Nature Conservation (SINC) Borough Grade One level, with important heritage interest managed by the Authority. Further to the west on the other side of the Basin are residential uses at Virginia Quay, approx. 4 to 5 storeys in height, please refer to the location plan at Appendix A to this report.
- 2 The application site is an irregular shaped parcel of land and includes an area of the River Thames within its southern extent. The existing river wall runs along the southern boundary of the terrestrial element of the site. To the north it is bounded by the Thames Path and Orchard Place Road, beyond which is the Ballymore's Goodluck Hope development site, a residential led scheme currently under construction; this development also wraps around the site to the east beyond which is Trinity Buoy Wharf an exhibition, art studio and office complex. Further to the north beyond the raised Lower Lea Crossing is the emerging mixed-use Ballymore City Island Development which includes residential units, the English National Ballet headquarters and a film school.
- 3 Previously in use as an aggregate handling facility the application site has been vacant since 1993. It is a designated safeguarded wharf (most recently in 2020) in order to retain its purpose and to seek to meet future forecast demand for waterborne freight. It is currently used for temporary storage by Ballymore, in association with the construction of its Goodluck Hope development. Within the site are two warehouses, a single storey building at the entrance, a number of small building structures, areas of hardstanding with scrub, rough grass and ruderal patches, and a strip of woodland to the west of the site. All existing buildings are in a poor and dilapidated condition.
- 4 Vehicle and pedestrian access to the application site is via Orchard Place to the north. There is no formalised access from the River, although there is a dilapidated ladder which is fixed to the river wall. The nearest bus stop is located on Orchard Place. A clearly defined pedestrian route is provided between the site and East India Dockland Light Railway (DLR) 500m to the west, with Canning Town DLR and London Underground Stations located 650m to the north accessible via a new traffic-free pedestrian/cycle route at the east of the City Island development, following Bow Creek/the River Lea. A new pedestrian/cycle bridge across Bow Creek/the River Lea provides direct access to Canning Town. There are currently no barge/vessel movements associated with the site; a private ferry service to North Greenwich Pier is operated by Thames Clippers on the Trinity Buoy Wharf jetty to the east, which has recently been temporarily extended.

- 5 The surrounding area is undergoing considerable change and is characterised by existing industrial and commercial uses and emerging mixed use, residential-led schemes. Existing residential dwellings are located immediately north of the site in two buildings of up to five storeys; at City Island, approximately 155m to the north; and at Virginia Quay, approximately 120m west of the site. The adjacent Goodluck Hope development will also introduce approximately 834 further residential dwellings along with circa 15,000sqm of commercial floorspace within 16 buildings one of which will reach a height of 30 storeys. Please refer to Appendix B which shows the application site in its context.
- 6 Both East India Dock Basin and further to the north Bow Creek Ecology Park (also a SINC Borough Grade One) together with the meandering corridor of the River Lea exist in sharp contrast to the newly emerging urban landscape. EIDB is classified as a publicly accessible open space within the London Borough of Tower Hamlets (LBTH) Local Plan 2020 and forms part of the Green Grid. The Basin includes the Grade II listed 'Blackwall Pier and entrance lock to the former EIDB' located on the river frontage. The Salome Gates created by sculptor Sir Anthony Caro in 1996 sit at the north eastern end of Orchard Place forming the entrance, one of access points into the site.
- 7 EIDB is a popular area of open space and biodiversity interest particularly with visitors walking and cycling in the area, using the Thames Path, or those interested in bird watching. It attracts wintering and migrant birds including Teal and Common Tern. A popular site for events and educational visits although the lack of facilities for children has limited use in this respect. Recently during the Covid 19 crisis the visitor numbers have increased dramatically with knock on impacts for the existing habitats and the management of site.

POLICY BACKGROUND

- 8 Both national and local policy directs development to previously developed land thereby encouraging the effective use of land. The recently adopted London Plan 2021 places an emphasis on making the best use of land, particularly through prioritising the development of Opportunity Areas and brownfield land such as that presented by Orchard Wharf, identified as part of both the Lower Lea Valley Opportunity and the more recently designated Isle of Dogs and South Poplar Opportunity Area (2019). The Isle of Dogs and South Poplar Opportunity Area Planning Framework (OAPF) identifies the Site as located in the Leamouth Cluster Tall Building Zone in the Blackwall and Leamouth Area of South Poplar. In addition, the Site is also located in the Poplar Riverside Housing Zone.
- 9 The LBTH Local Plan Policy S.SG1 'Areas of growth and opportunity within Tower Hamlets' seeks to direct new development within the borough towards opportunity areas, including the Isle of Dogs and South Poplar Opportunity Area. In the Local Plan Orchard Wharf is located within the 'Isle of Dogs and South Poplar Sub Area' which is anticipated to be a focus for housing delivery for which a minimum of 31,209 homes are expected to be delivered over the development plan period. This equates to 57% of the borough's housing target. Orchard Wharf is also identified as part of the Leamouth Tall Building Zone (LTBZ), to which policy directs the development of tall buildings, setting out criteria to guide and manage their location, scale and development. Within the LTBZ the tall building principles state that "Tall buildings in this cluster should step down towards the River Thames and ensure glimpses and views across the cluster".

- 10 Policy D.DH6 "Tall Buildings seeks to ensure that development with tall buildings demonstrates how:
- the height, scale, and mass are proportionate to their role, function and importance of the location in the local, borough-wide and London context; and take account of the character of the immediate context and of their surroundings;
 - they enhance the character and distinctiveness of an area without adversely affecting designated townscapes and landscapes...or detracting from important landmarks, heritage assets, key viewsand their settings;
 - they provide high quality private communal open space, play areas and the public realm.... which occupants of the building can use and where appropriate provide shared facilities at the ground floor level to encourage social cohesion; and
 - demonstrate that the development does not adversely impact on biodiversity and open spaces, including watercourses and water bodies.
- 11 Other relevant guidance in the Local Plan for the **Isle of Dogs and South Poplar sub-area** states all development in the sub-area will seek to "Facilitate the delivery of useable, high quality new and improved publicly accessible open space that is well integrated into the green grid network", and Improve the green grid network through the greening of facades, provision of green features, such as trees, green walls and planters, particularly at Poplar DLR station, Orchard Place, East India Dock Basin..." Development is also expected to improve connectivity and travel choice and overcome barriers to movement and "Ensure a continuous and vibrant publicly accessible riverside walkway along the Thames Path, linking Greenwich to the River Lea Park". Support is also given to the reuse of Orchard Wharf to facilitate freight services.
- 12 Local Plan includes Policy D.OWS3 'Open Space and Green Grid Connections' seeks to ensure development does not "adversely impact on the public enjoyment, openness, ecological and heritage value of the borough's publicly accessible open spaces" nor have any adverse impacts on "the access, design, usability, biodiversity and recreational value of the green grid network". Policy aims to see development close to the green grid make a contribution to the expansion and the enhancement of green grid links so as to connect communities to publicly accessible open spaces and water spaces as well as other main destination points.
- 13 Policy D.OWS4 **Water spaces** applies to development within or adjacent to the borough's water spaces; Development in these locations is required to demonstrate that:
- b. there are no adverse impacts on the existing water spaces network, including navigation, biodiversity, water quality, visual amenity, character and heritage value of the water space, taking into consideration the adjacent land and the amenity of existing surrounding developments;
 - c. there are no unacceptable impacts on the openness of the water space;

- d. it enhances the ecological, biodiversity and aesthetic quality of the water space, taking into account the design and landscaping of the adjacent land area...;
- g. it responds positively and sensitively to the setting of water space, while respecting and animating water space to improve usability and safety; and
- h. it provides suitable setbacks from water space edges to mitigate flood risk and to allow riverside walkways, canal towpaths and cycle paths, where appropriate. Where necessary, development should contribute to the restoration of the river walls and embankments.

14 Safeguarded Wharf

The London Plan 2021 seeks to protect both existing and future wharf capacity, considering it essential, especially for transporting marine-dredged aggregates. Policy SI 15 Water transport states that E. "Safeguarded wharves should only be used for waterborne freight-handling use.... Their redevelopment for other land uses should only be accepted "if the wharf is no longer viable or capable of being made viable for waterborne freight-handling".

Policy also states that:

F. Development proposals which increase the use of safeguarded wharves for waterborne freight transport, especially the reactivation of wharves which are currently not handling freight by water, will be supported.

G. Development proposals on a safeguarded wharf that include the provision of a water freight use below or alongside another land use, must ensure that the water freight use is secured long-term, that the development is designed so that there are no conflicts of use and that the freight-handling capacity of the wharf is not reduced.

Policy recognises the potential for mixed use redevelopment on wharves alongside water freight uses.

15 Park Development Framework (PDF)

The relevant PDF Area Proposals are set out under 1.A.2 'Three Mills, Limehouse Cut, Bow Creek Ecology Park and East India Dock Basin'. These identify EIDB as a primary waterside gateway into the Regional Park and the Lea River Park. Proposals recognise the need to undertake a feasibility study into the provision of visitor facilities at EIDB, for example seasonal café/pavilion, cycle hire, guided walks, as part of a comprehensive study which also considers the sites biodiversity (it is a SINCGrade 1) and heritage value, its landscape potential and the need to manage silt deposits in the Basin as described under the other relevant themed area proposals.

- 16** Proposals state that options for funding towards de-silting and improvements for visitors and biodiversity, including contributions via Section 106 will be investigated as part of feasibility work. The listed heritage features and structures at East India Dock basin are to be protected, enhanced and interpreted as an integral part of the sites development as a visitor attraction/destination and gateway to the Regional Park and its role as a venue for events, cultural activity and filming is also to be supported.

- 17 Landscape Proposals Strategy** - The site sits within the Landscape Strategy Character Area 'E4' part of the 'Valley Floor with Post-Industrial Parks' character type. The Strategy for the Basin is that it should continue to be managed for its

wetland habitat, supporting important bird species. Informal recreational uses should be carefully coordinated to minimise disturbance and maintain the rich assemblages of aquatic habitats and the well-preserved lock features. The historic fabric of the park should be conserved as should the remaining areas of open river frontage with associated views.

DESCRIPTION OF DEVELOPMENT

18 The application proposes the demolition of all the existing buildings/structures on site. The detailed (Part A) component of the application would comprise the following (description from Planning Statement):

- Excavation of a basement up to -2.70m AOD across the majority of the site, covering a total area of 9,443 m² Gross Internal Area (GIA);
- A raised wharf box (15.5m AOD) an indicative 3 storeys with large internal mezzanine space with a 10m clear height to enable all industrial operations to be internal;
- Construction of six buildings between 56.6m AOD and 103.75m AOD –
 - Buildings A and F located in the south west and south east corners of the Site respectively, both at 21 storeys above ground;
 - Building B located on western side of site at 30 storeys above ground;
 - Building D located in centre at 25 storeys and E on the eastern side of the Site at 15 storeys above ground (but in line with building B); and
 - Building C located as a stand-alone structure in north west corner of the Site at 20 storeys above ground.
- Redevelopment to provide up to:
 - 826 dwellings;
 - 7,780sqm of general industrial, storage or distribution floorspace (Class B2/B8);
 - 135sqm GIA flexible commercial floorspace (Class E);
 - 83 disabled parking spaces, 20% of which would be active electric charging spaces, with the remainder having passive provision;
 - 1,454 long-stay and 36 short-stay cycle parking;
 - Capacity for parking spaces within the wharf box, for both HGVs and LGVs, to be determined once an operator(s) for the wharf box has been secured;
- Provision of approximately 6,751sqm of public realm and open space, comprising 3307sqm of public realm and 3444sqm of communal space, and a further 3,277sqm of play space; and
- Works to the existing river wall to strengthen and provide enhanced flood protection.

19 The application also seeks outline planning permission (Part B) for the external waterborne freight infrastructure and all other works (including marine works) for which all matters are reserved. At this stage, the marine infrastructure comprises three options for docking and loading/offloading of waterborne freight submitted in outline as follows:

- Option 1: Loading/Offloading of barges at the quay wall using a rail-mounted gantry (RMG) crane;
- Option 2: Loading/Offloading at a pontoon; and
- Option 3: Loading/Offloading at a jetty using a RMG crane.

A preferred option will be selected following the grant of planning permission in conjunction with the selected wharf operator and would then be further

developed for the reserved matters application (RMA) stage.

20 Components of the Proposed Development

The **basement** would comprise car parking and cycle parking, as well as plant space, and delivery, servicing and refuse collection spaces for the residential-led mixed-use buildings. Vehicular access to the basement would be via a ramp in the north of the site beneath Block C, accessed off Orchard Place.

21 The flexible wharf building or **Wharf Box**, consists of a multi-modal last mile logistics and distribution facility, which unloads and processes goods from the River Thames to the road network, along with associated offices. All activity will take place within the building and there will be no external yards fronting Orchard Place. The internal floorspace would be open, flexible industrial space across the main body of the box, with additional ancillary mezzanine space. The structural locations of columns for the residential blocks above have been carefully considered to ensure that the wharf box is open and flexible as possible. The fit out of the box would be designed once an operator has been selected. Mezzanine **office space** would be provided at ground and first floor levels within the footprints of Buildings A and F, with further office space provided at the second floor of Block F. The wharf switch room and substation would be located at ground level within the footprint of Block E. There would also be some plant room associated with the wharf at basement level.

22 Parameter plans for the outline Part B application indicate three different scenarios for loading and offloading goods as described above.

1. The rail mounted crane option utilizes the existing berthing face of the wharf with a RMGC sitting on rails running parallel to the river wall within the 80m long safeguarded wharf box opening. It would extend approx. 11.5m into the river from the river wall. Containerised goods would be delivered by barge (20' and 40' containers) timed to suit high tides.
2. The Pontoon option would comprise a floating platform max length and width of 40m and 12m respectively located 45m from the river wall located in the intertidal and subtidal zones so marine vessels can operate 24/7 without grounding. A linkspan structure would connect the pontoon to the river wall with maximum length and width of 53.36m and 4.50m respectively.
3. The fixed jetty (length 95m width 16.2m) located in the subtidal zone could accommodate two 40m long marine vessels to moor up. Unloading would be via a RMGC of the same size as the wharf option. A rail car system moved by a push/pull winch system located on a bridge (50m long by 3m wide) connecting the jetty to the river wall would move goods to the wharf box.

23 Residential

A total of 826 residential units are proposed, across a range of unit sizes, affordability criteria and tenures. The proposed unit mix is as follows:

- 417 no.1 bed;
- 253 no. 2 bed;
- 31 no. 3 bed; and
- 25 no. 4 bed units.

The tenure mix includes Private Sale (137 units), Build to Rent (456 units), Discount Market Rent (81 units) (DMR) and Affordable Rent (152 units). The

proposed development would deliver a total of 35.10 % of affordable housing (by habitable room), comprising 10.49% DMR/intermediate and 24.61% affordable rent.

- 24 These units are distributed across 6 high rise blocks described in the Planning Statement as..." continuing the precedent set by the adjacent Goodluck Hope scheme and stepping down in height towards the River Thames and EIDB in the south and south-west respectively consistent with planning policy requirements." Please refer to the Plan attached as Appendix C to this report; an extract from the Design & Access Statement (DAS) which shows position of residential Blocks and relative heights.
- 25 **Public Realm and Public Open Space**
The public realm (0.33 hectares) would comprise four key spaces at ground level as follows:
- Located at the edge of the existing Orchard Street and extending the street-like character towards EIDB this will connect to the ground floor lobby of Block B;
 - An area of soft landscaping wrapping around Block C to give "the impression of the Basin landscaping extending into the Site". This space 'the Basin Extension' is shown as including tree planting, with understorey planting, a rain garden and play space;
 - Basin Edge – located along the western edge of the Site, adjacent to EIDB is an area comprising predominantly of hard landscape, with a rain garden play trail. Woodland understorey planting is proposed to line the wharf box; and
 - An area of hard landscaping located along the eastern edge of the Site 'Orchard Stairs', would comprise predominantly hard landscape. It would provide level access to the River Thames riverfront and provide a new route into the adjacent Goodluck Hope scheme. Some seating and planting would be provided to the south facing Thames front.
- 26 Community and Private Amenity Space is to be provided on the Podium above the Wharf Box (0.5 hectares) 5,000sqm which will overlook the Thames. A balustrade along the river frontage will extend up to 17m AOD for safety purposes and to provide shelter from the prevailing wind. This will provide seating, lawn games, gardens and opportunities for growing and sowing food available to all residents. In addition, there will be 5 shared residents' amenity roof terraces with associated resident rooms. Proposals also include 5,871sqm of private balcony space both recessed and protruding with those on the southern façade overlooking the Wharf would be winter gardens (enclosed) in response to noise emissions. Play space (3,277sqm) is proposed at ground floor, first floor and roof level associated with Block C and as part of the Podium garden.
- 27 **Access and parking** - pedestrian and cycle access into the development would be via Orchard Place. Pedestrian access to the River Thames frontage to the east of the site is also proposed via Orchard Stairs and a shallow 1:21 pedestrian ramp from Orchard Place to the river frontage. Vehicle access to the site is to be provided from three points off Orchard Place in order to separate access relating to residential, commercial and industrial uses.
- 28 The 1,454 long stay cycle parking is to be provided at basement level in secure

cycle stores, accessible via lifts from the residential cores. The 36 short-stay visitor cycle parking will be included as part of the public realm. Long stay cycle parking for the wharf box would be provided in a secure location within the box. No residents parking spaces are provided other than the 83 disabled residential parking spaces at basement level.

- 29 Operational vehicle parking would be provided within the wharf box and the number/layout of spaces is to be determined by the future occupier. No dedicated staff parking is proposed for the safeguarded wharf box. The wharf box would provide sufficient space to allow Heavy Goods Vehicles (HGV) and Light Goods Vehicles (LGV) parking should this be required. The worst-case trip generation calculations have been based on the maximum inbound freight per day. Based on this, and assuming an operator may condense their operation hours during the day time, approximately 40 LGV parking spaces or approximately 13 HGV parking spaces could be required.
- 30 **Layout and Materials**
The Design and Access statement highlights the location of Orchard Wharf within the Leamouth Peninsula and its role as part of the regeneration of the surrounding area. It draws on both the past and present riverside architecture and due to the hybrid nature of the proposal the design has combined a strong industrial base for the Wharf box from which the residential buildings emerge as tall vertical elements.
- 31 The wharf box would comprise an expressed structural frame, whether brick or metal, with infill panels running behind. These would "be interchangeable (transparent, translucent, solid, ventilated or opening) to suit the wharf operation whilst creating an active and dynamic façade". Within the footprint of the residential buildings above the wharf box, the masonry piers would come to street level, overlaying the wharf box and creating a hybrid façade.
- 32 As described in the accompanying documents the residential buildings would be experienced through three key elevations; streetside, dockside and basin side with a mixture of material palette and façade detailing. The streetside elevation (buildings B, D and E) would relate to neighbouring Goodluck Hope scheme, and the existing warehouse along Orchard Place through the use of different brick colours (comprising a red/brown, yellow/buff, and dark/brown used for Buildings B, D and E respectively). This *"variation in material palette would break down the presence of the building at street level, defining each of the individual plots along Orchard Place, whilst also retaining the strong industrial identity of the Site through the consistent use of brick"*. The dockside elevation which relates to the River Thames (Buildings A and F) would be consistent with the character and materiality of the operational wharf below; a mixture of concrete, shale grey and gun metal coloured metal and anthracite polyester powder coated (PPC) window frames.
- 33 The EIDB elevation is described as relating to the open green space (basin buildings A and C). As such, a mixture of textures and colours would be used including both brown and light grey glass reinforced concrete (GRC) cladding, brown and light grey GCR banding, gun metal PPC cladding and window frame, and gun metal perforated sheet metal balcony design. The mass of the standalone Block C is broken down into two key volumes, 17 storey facing the Basin and rising to 20 storeys behind, in part to address both the Basin and Orchard Place and includes a pocket park at the base, designed to show potential connection into EIDB. At the mezzanine level above the ground floor

overlooking the Basin is an indoor play space and at level 16 a small indoor play room that spills out onto a terrace level which will enjoy views over the Basin. Building A includes a double height foyer overlooking the Basin together with a swimming pool and residents lounge at levels 02 and 03 respectively.

34 Biodiversity and landscaping

The application is accompanied by a range of habitat and species specific surveys including for bats, breeding birds and black redstarts, invertebrates, reptiles and amphibians; including surveys covering the adjacent EIDB and Bow Creek Ecology Park. This has informed the landscaping and planting plans and these include approx. 632sqm of soft landscaping at ground level with 189sqm of rain garden planting, 1,299sqm of biodiverse roofs, an area of approx. 976sqm of Open Mosaic Habitat (OMH) within the residential gardens at podium level, biodiverse roofs incorporating grasses, wild flowers, earth and log piles, wildflower mixes and a variety of bird and bat box types to be installed. Trees, shrubs and native species would be incorporated into the soft landscaping. 32 new trees are proposed alongside Block C and on the edge of EIDB. Overall the proposals show a biodiversity net gain of 29.04% across the site through new habitats and an Urban Greening Factor of 0.35.

- 35 An Arboricultural Impact Assessment (AIA) accompanies the application on the basis that all of the trees and vegetation within the boundaries of the application site require removal. The AIA considers that the proposed new urban greening measures will adequately mitigate this loss to ensure "the long-term arboricultural qualities of the Site are retained (appropriate to the development) and likely improved." Pruning of the overhanging crowns of off-site tree groups located within EIDB are required (G6 and G8), but considered acceptable as the core dimensions of these tree groups will be retained to enable their longer-term growth and establishment as a visual screen that separates the Site from EIDB Thames Path. The AIA also states that construction works can be undertaken in a manner that ensures that both tree groups can be suitably protected.**

36 Lighting

Lighting strategies have been developed for both the detailed Part A and outline components of the development. The external lighting strategy is seeking to contribute to a safe and secure environment to aid wayfinding but also to be wildlife friendly by mitigating obtrusive light from both communal and private lighting onto surrounding ecological receptors. The Marine infrastructure lighting strategy sets out key functional requirements that would need to be further developed during detailed design stage.

37 Flood risk

The application site is shown on the Environment Agency (EA) flood maps as within Flood Zone 3 which at this location represents land assessed as having greater than a 1 in 200 annual probability of flooding from the River Thames. However, the site benefits from the Thames Tidal Defences which includes the on-site river wall. A Flood Risk Assessment and Drainage Strategy, has been prepared and demonstrates that the proposed development would not increase the risk of flooding to the site or surrounding areas. The river wall strategy involves works to modify and strengthen the existing river wall to achieve a 100-year design life and therefore, once completed, the flood risk associated with direct flooding from the River Thames would be low.

38 Transport

The applicant has provided a detailed transport and access assessment. Key

points from this relate to the potential impact of HGV movements on pedestrians and cyclists using the Park and accessing EIDB. The number of vehicle trips generated by the proposed development on a 24-hour basis, taking the worst case scenario in terms of the number of vehicle trips for the safeguarded wharf shows a total of 130 two-way vehicle trips are expected in the AM peak hour and 126 in the PM peak hour. Although the effect on Orchard Place and in particular cyclist and pedestrians who use Orchard Place (in respect of pedestrian severance, amenity, delay, fear and intimidation) is considered to be adverse, the scale of the effect is not considered to be significant. A similar finding is reported for HGV traffic associated with construction. During peak site construction activity (2023) there would be 1,800 employees on site, however no on-site parking will be provided, employees would be expected to travel to/from the site by sustainable means.

39 East India Dock Basin

As part of the early engagement for the proposed development the applicant met with Authority officers on a number of occasions to discuss the development concept of a combined multi-modal freight facility and residential development, potential design options and connections with EIDB. These discussions included a potential enhancement scheme for the Basin given its proximity to the site. It was recognised that irrespective of the open space provision included within the new development the Basin would offer an attractive open amenity space facility for new residents living immediately alongside. The developer prepared an outline sketch design on which officers commented in some detail, in particular to ensure that disturbance to the existing ecological elements on site would be minimised. Initially there was general agreement that a scheme once finalised could be secured via a planning obligation. However, it was also agreed that any substantial enhancement works to the Basin in this respect would need to follow on after the resolution of more fundamental issues concerning the integrity of the lock gates and the siltation of the Basin.

- 40 The Basin is not included within the application boundary although the draft sketch design has been included in the DAS and numerous references and images are also included indicating a desire for Orchard Wharf to be directly connected with the Basin. Discussions with LBTH clarified that only those enhancements to the Basin that directly related to the development and which mitigated its impacts would be considered for S106 funding. It is understood however that the applicant will continue engagement with LBTH in respect of seeking to ring fence both Community Infrastructure Levy (CIL) contributions in addition to any s106 obligations in terms of the Basin.

PLANNING APPRAISAL

- 41 Officers have had an initial discussion with the applicant in relation to the comments and concerns described below and the applicant's initial responses to these are outlined where relevant. The applicant is liaising with a number of consultees in a similar fashion and further detailed discussions have also to take place with LBTH. It is understood that this consultation process could continue for the next two to three months. A set of revisions to the current proposal are therefore likely, particularly in relation to the Safeguarded Wharf element. These revisions will be provided as a single addendum responding to all the matters raised; the applicant has indicated these would be available from May 2021.
- 42 It is important that the Authority submits formal comments at this stage to

enable early consideration of those matters of most significance to the Regional Park. It may in due course be necessary to bring a further report to this committee if the revisions submitted make relevant changes; or these may be matters that Officers can deal with under the Authority's existing delegated provisions.

- 43 Members may also be aware that the Authority and LBTH are working jointly on project for EIDB to undertake a suite of feasibility studies that will guide the delivery of a shared vision for the Basin to ensure the long term viability of its ecological and heritage resources/assets and its role as a gateway to the Regional Park. This partnership will enable funding (potentially CIL, Heritage Lottery Fund (HLF)) to be secured for the Basin's long term future and protect its open space and waterside environment for the benefit of local recreational needs and the enjoyment of visitors to the wider Park area. These matters are set out within the report to Executive Committee, held earlier today, Paper E/716/21 'Lee Valley Regional Park Authority and London Borough of Tower Hamlets Partnership to Develop a Shared Vision for East India Dock Basin' under paragraphs 16 to 19.

44 **Principle of Development**

This proposed hybrid development is seeking to reactivate a safeguarded wharf and bring forward a mixed use residential redevelopment above, on a developed or 'brownfield' site in accordance with adopted policy. As such the redevelopment of this site can be considered acceptable and no objection is raised to the principle of the proposal. The ability of this scheme to protect the long term use of the safeguarded wharf and in doing so to maintain the overall wharf capacity across London is critical to the future of this proposal and these are matters that will be considered in depth by the Greater London Authority (GLA) and Port London Authority (PLA).

- 45 It is difficult to comment on the outline proposals and different options presented for the operation of the safeguarded wharf, the proposals will bring activity and interest to the River frontage and as the operations are under cover within the building the impact on the Basin is likely to be minimised. The Authority would wish to be consulted on the details in due course, as issues relating to the secure mooring of vessels and their operations in relation to the Basin and the gates will be of interest.

- 46 For the Authority the location of the development adjacent to the Regional Park requires scrutiny in terms of the potential impacts on the recreational and visual amenity and use of EIDB, the impact on the ecology, landscape and heritage of the Basin and interconnected spaces of the wider Park area. These impacts relate to the design, scale and massing of the development, the boundary treatment and associated landscaping and the adequacy of open space provision within the development and what this will mean for future use of EIDB. Disturbance, lighting and overshadowing are also considered in relation to the Basin's ecology. These are the matters that formed the basis of the initial discussion with the applicant.

47 **Design, Height and Mass**

The documentation accompanying the application seeks to demonstrate how the design, height, and mass of the six residential towers addresses the surrounding built form and existing scale of development. This includes Goodluck Hope to the east, currently under construction and which will include 16 buildings, one of which will be 30 storeys and City Island to the north which

presents a range of heights (to 20 storeys) rising up to the north of the site. Account has been taken of policy guidance for tall buildings in that the scale of the towers/development step down towards the River Thames and EIDB with the position of towers A and F framing a south facing podium garden. The design provides for a greater street presence along Orchard Place and a new public green space at the base of Block C where Orchard Place meets the boundary of EIDB. The residential towers have been pushed to the edge of the Wharf Box to allow maximum uninterrupted logistic space to enable unloading and processing of goods from the River Thames to the road network. In this form the design can also be seen to draw upon the history of industrial dockside and the power station typology where tall vertical elements sit on top of a deep wide base. Views into the site from the Thames work well in this respect.

- 48 However, the relationship of the development to EIDB, is less successful. Its waterside edge and wider setting, including the more modest height of the residential areas such as Virginia Quay (at a maximum of 5 storeys) on the western side of the Basin, does not appear to have been considered to the same extent. This is contrary to LBTH Tall Building Policy D.DH6 which seeks to ensure that development with tall buildings takes account of the character of their immediate context as well as the wider surroundings and does not adversely impact on biodiversity and open spaces, including watercourses and water bodies.
- 49 In relation to the Basin and its flat and open landscape, the heights of Blocks A, B and C appear out of proportion and dominate the Basin edge, the step down being much less obvious or distinct than the difference in storey height suggests. There is a sharp contrast between the smaller scale and more intimate space of the Basin and the combined bulk and mass of the 3 buildings. These dwarf the small woodland copse and the trees which sit alongside the Basin's eastern boundary. The combination of the width of building A when viewed from the Basin and the height of Building B are overbearing particularly for visitors to EIDB using the open space. Please refer to the images attached at Appendix D to this report. A more appropriate treatment would be for the development to be much lower alongside the Basin with substantial set back within Orchard Wharf providing a gentler transition – rising up towards the eastern and northern points of the site. This would accord with the LBTH Local Plan policy D.OWS4 'Water Spaces' and D.OWS3 'Open Space and Green Grid Connections.'
- 50 The high quality of the materials proposed for the tower blocks is welcome and the decision to design each building to reflect its 'unique location' within the site whilst drawing on the industrial heritage of the area should work towards establishing a distinctive character for the site. From the Basin however, this reads as three different styles with only the standalone Block C designed specifically to relate to the Basin. Blocks C and B do not appear to relate to each other or particularly to Block A and are 'busy' with the multiple balconies and the different use of the vertical design elements and features. Please refer to Appendix E to this report. Views from the River Thames show a more calmer, coherent treatment and design where the family relationship between the dockside, and streetside buildings are more obvious.
- 51 **Landscape and Boundary Treatment**
Open space public realm provision within the development site is varied and attractive, for example the innovate design of the podium garden and the provision of green roofs, and indoor and outdoor play space. Unfortunately,

none of this relates particularly well to the Basin, other than part of the Basin Edge public realm area, which wraps around the base of Block C in association with the hard streetside landscape of Orchard Place. No additional planting is provided between Block A and the Basin probably due to its close proximity to the boundary with the Basin approx. 5m and the provision of a new access route through to the River Thames frontage. Instead Block A seeks to borrow from the Basin and the woodland copse located adjacent to help establish a visual screen.

- 52 Elsewhere along the shared boundary between the development and EIDB the application plans indicate a narrow rain garden, play trail and strips of understorey woodland planting positioned up close to the base of Block B and part of block A, please refer to Appendix F to this report. Again there appears to be considerable reliance on borrowing from the EIDB landscape, this time the belt of tree planting along the eastern boundary which sits 'in front' of Blocks B and C. A much more substantial planted buffer should be provided within the application site to complement planting within EIDB but this would require more space between the blocks and the boundary of the Basin.

53 **Access to and use of East India Dock Basin**

The design concept relies heavily on the Basin to provide a setting for the development as reflected in the visuals presented in the DAS where residents are shown 'spilling' out onto EIDB and numerous references made to links with the Basin. Access routes through the Basin from Orchard Place are included suggesting a route for the Thames Path through the site at all times. A stepped access into the Basin is indicated at a point between Block B and C which is in effect a continuation of Orchard Place through into the Basin. Obviously all the 3 Blocks overlook the Basin and will benefit from the open space and water.

- 54 Officers have been clear from the outset that the Basin although open to the public during the day, is for operational reasons closed overnight – safety is a key concern due to the water and silt within the Basin. There are already 3 entrance points into the Basin (two in the north east and one in the north west) and the Authority has identified the need to enhance these as they align with the management plan requirements, existing path network (including the route of the Thames Path) and the proposal for future enhancements, for example a seasonal/permanent café in the north east of the site on the existing area of hardstanding. Overall there is a need to balance visitor use with the ecological requirements of the SINC and hence the site is fenced along its boundary with Orchard Wharf. The aspirational access points to EIDB shown in the DAS would lead to a loss of scrub edge and damage to the existing wildflower meadow, in direct conflict with the Authority's vision for the site.

- 55 In recent discussions it has been agreed by the applicant that there is scope to consider in greater detail:

- a) the visual appearance and impacts of the residential blocks adjacent to the EIDB. The applicant has offered to arrange a design workshop to consider these matters, potentially including other means of assessment such as animations of the views experienced when moving around the EIDB;
- b) opportunities for physical/visual connectivity between the site and EIDB and possible changes to the proposed boundary conditions/treatment. This may require flexibility to be inbuilt to the application proposals as feasibility work planned by the Authority and LBTH, part of the joint working on the Basin, might seek to rationalise and reconfigure entrance points to the site in

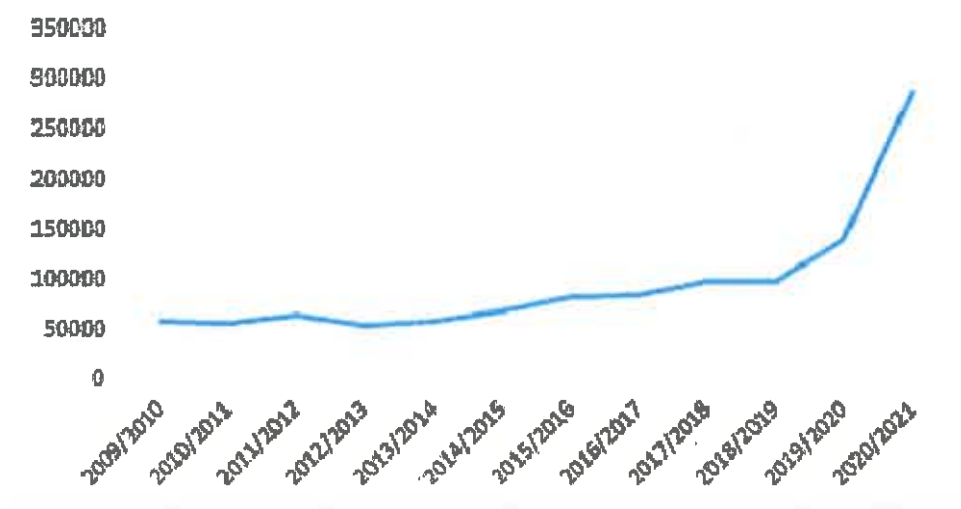
- association with changes to habitat management where relevant. This could present options for further landscape treatment by the applicant within the vicinity of the Basin's boundary, matters that could come forward as part of a landscape condition for more detailed landscape and planting plans; and
- c) the need for the application to address requirements for the management of connections into the EIDB and explore the extent to which this regime could cover shared management responsibilities from the other entrances.

Although not part of the current application there is scope for these matters to come forward as part of any future amendments.

- 56 There is considerable concern as to what impact the development would have on the Basin in terms of increased footfall, both during construction and once completed. EIDB is one of the few open spaces within an extensively urbanised area of residential and industrial development. The application and ES assume that the higher residential footfall within the Basin SINCE as a result of the completed development will not have a negative impact on the biodiversity of EIDB as the habitats and species have developed and settled in an already heavily urbanised environment. This does not appear to take account of the considerable increase in development surrounding the Basin over recent years – most of which is still under construction (so yet to impact) and the cumulative effects and the fact that the current development equates to an additional 2,300 plus residents on the immediate doorstep of the Basin. Nor is there an assessment of the impacts of the increase in residential footfall in the light of the current Covid 19 impact on all open spaces and what this might mean for the future in terms of building in resilience.
- 57 Visitor numbers, - local residents, office workers and general visitors - have increased dramatically, particularly recently during the Covid 19 crisis, (please see the table below). This has directly impacted habitat on site, raised issues concerning litter and the general robustness of the site to cope with increased use whilst retaining its tranquil waterside attractiveness to visitors. These points are relevant to the ecological issues discussed below. The Basin is a small space considering the recreational and ecological needs it has to satisfy.

Table - Visitor Figures 2009/10 to 2020/21

East India Dock Basin Usage Figures LVRPA



- 58 Early discussions between officers and the applicant about improvements to the Basin and contributions via a planning obligation were considered. The DAS includes an Indicative scheme for the Basin, although without the changes that officers sought. This was however put on hold following discussions with LBTH officers and the fact that feasibility work is required to resolve issues relating to silt accumulation and gate integrity before further habitat enhancements and visitor improvements can be instigated. LBTH have since informed officers that planning obligations could not fund the feasibility work or repairs to the gates and desilting as these are not issues arising from the development proposed.
- 59 Officers have instead identified a number of mitigation schemes required to help alleviate the impact on the Basin from increased footfall and use by local residents. These are listed in the Schedule at Appendix G to this report and are all considered suitable for S106 funding and could be undertaken during the early stages of construction, pending the joint project feasibility work. They relate specifically to access, signage and minor habitat works, matters relevant to the robustness of the site irrespective of the findings of future feasibility work, (Total cost £141,000). As part of the recent discussions with the applicant it has also been agreed that the application proposals will consider potential increase in use of the Basin arising from the proposals, in the context of an already growing local residential population.
- 60 **Ecological Matters Linked to Design**
The integration of biodiversity features within the open space provision on site are welcomed and supported, although it is questioned whether there would be scope for more features on a development of this size, particularly if pressure for recreational use in some spaces such as the podium garden reduces the wildlife potential. The biodiversity net gain of +29% is a substantial figure, although it is unclear as to whether this takes account of any impact on the EIDB SINC in the calculation.
- 61 The surveys undertaken have looked at the development site and the wider area, including Bow Creek Ecology Park and EIDB, which is a suitable survey area, however there are a few shortcomings in the surveys as follows:
- the wintering bird surveys and bird movement survey were undertaken in 2018 which is really outside the suggested timeframe for planning application surveys, especially important for a development of this size. It is also noted that the black redstart survey will be out of date prior to construction commencing. Further survey work or a pre-nesting season check for nests should be completed to confirm whether this species is nesting on site. This should be secured by condition;
 - the bird movement survey only takes place in the winter months and does not take into account the spring/autumn migration for which the valley is so important;
 - surveys indicated that no roosting bat potential was found on the development site and therefore no further bat surveys, in particular bat movement surveys were undertaken. This means that we cannot fully assess the impacts of the development on the possible bat population on EIDB. In fact, they go further to state that there are no roosting bats on EIDB, but no bat surveys were undertaken to underpin this. Further survey work should be undertaken; and
 - it is noted that there will be light spill along the eastern boundary of EIDB, the applicant states that this is not an issue as there are no bats in the area – however this area contains woodland and meadow which are likely to be

used by foraging and commuting bats and it is therefore recommended that a bat survey is undertaken prior to the commencement of construction to ensure that a sensitive lighting strategy is finalised before any work starts on site to inform both the Construction Management Plan and the lighting plan for the development. In particular, the landscape plans indicate tree up lighters and other lighting interventions alongside the Basin's eastern boundary, these would need to be removed to maintain a dark edge to the basin and avoid light spill across the water. There are also likely to be impacts on installed biodiversity features – there seems to be a potential conflict between the location of a bat box and tree uplighting for example.

- 62 It is noted that the independent review of the Ecology Survey (ES) commissioned by LBTH has found that further clarification is required on how "potential impacts on foraging bats and breeding birds using the adjacent EIDB SINC have been assessed as 'Minor – Not Significant' and that further clarification is required to fully assess "the cumulative impacts resulting from construction phase noise, vibration, dust, light spill, bird collision and overshadowing". There are also understood to be issues with project cumulative effects on EIDB SINC in relation to the breeding bird population it supports, semi-improved grassland, Open Mosaic Habitats Priority Habitat, Jersey cudweed, roosting and foraging bats and black redstart (para 7.1.20). It is understood the applicant will be responding formally to these points as part of the addendum of revisions to the application.
- 63 The scale of the buildings is a concern in terms of their impact on the Lee Valley as a migration route and on the wildlife of the basin itself. The (winter) bird movement survey shows that the south west corner of the development site – the location of proposed Block A, is of moderate importance for the movement of birds between EIDB and the River Thames and that this area should be free of development. The ES is confident that changes to lighting and to the façade treatment of Block A, together with the existing gaps between the other Blocks means that overall the effect of the proposal on wintering birds would not be significant, but this can also be seen as another factor that points at the need to reduce the height and bulk of the development along the eastern boundary of the Basin and which suggests further set backs are required.
- 64 **Overshadowing**
There will be some overshadowing of the dock basin, on its eastern side, depending on the season and time of day. However, the ES concludes that this will not impact upon the basin's habitats and that bird species are mobile and can react to this effect. It also notes that common terns using the Basin, the species most likely impacted by transient overshadowing, are able to use the tern rafts for breeding and these features are not impacted. There has been no assessment of impact on the species using the basin.
- 65 In response to these points the applicant has confirmed that the suggested shortcomings in various surveys would be reviewed in the light of the response from LBTH (based on their independent review of the ES) and a copy of this response is to be shared with the Authority. This includes:
- bird surveys to ensure all migrating seasons covered and up to date survey data;
 - species surveys e.g.: bats within the EIDB; and
 - potential light pollution impacts both during construction and completion of

the development.

The applicant states that this will allow certain lines of assessment to be concluded and "balanced judgements to be made e.g. impact of block A on bird flight paths".

66 Transport and Access

The impact of HGV movements on visitors to the Basin, whether accessing the Park by foot or cycle will become clearer once the option for the safeguarded Wharf use is clarified and an operator comes on board. The ES assessment makes reference to the additional provision to be included for cyclists and pedestrians given the residential component will be car free and this should help to promote a design ethos that prioritises these modes of transport alongside the existing good public transport links and facilities. However, the construction management plan and wharf operation plans will need to address the issue of pedestrian and cyclist safety in detail to ensure cycle and walking routes are easy to find and use. In the long term this could benefit access to the Basin and the links between sites.

67 Section 106

Considering the impacts of the development (including construction) in relation to the Basin it is important to secure S106 contributions to improving entrances, access and wayfinding to and within the Basin and connections with Bow Creek to the north. Works to strengthen habitats and improve their resilience to increased use and disturbance in accordance with the SINC designation and the Authority's Biodiversity Action Plan (BAP) will also be necessary. Please refer to the Schedule and map at Appendix G to this report. Any funding would need to be programmed according to the construction programme which is currently planned over a 5 and half year timeframe and to allow time for the resolution of issues concerning repairs to the lock gates and the desilting of the Basin. This would require further discussion with both LBTH and the applicant in due course; following on from the earlier pre application discussions which covered similar matters.

- 68** The resolution of more fundamental issues concerning the integrity of the lock gates and the siltation of the Basin are being progressed via the joint partnership between the Authority and LBTH. Whilst LBTH have advised that CIL and S106 monies cannot be considered for these matters as they are long standing issues and do not relate to the development or any impacts it may create, the partnership will provide the mechanism to secure funding, as set out in the report to Executive Committee E/716/21. Potentially these funding sources will include the LBTH Local Infrastructure Fund and HLF.

ENVIRONMENTAL IMPLICATIONS

- 69** These are addressed in the body of the report.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

- 71** 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 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.

72. 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

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

EQUALITY IMPLICATIONS

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

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BACKGROUND REPORTS

Application Papers 20.122

December 2020

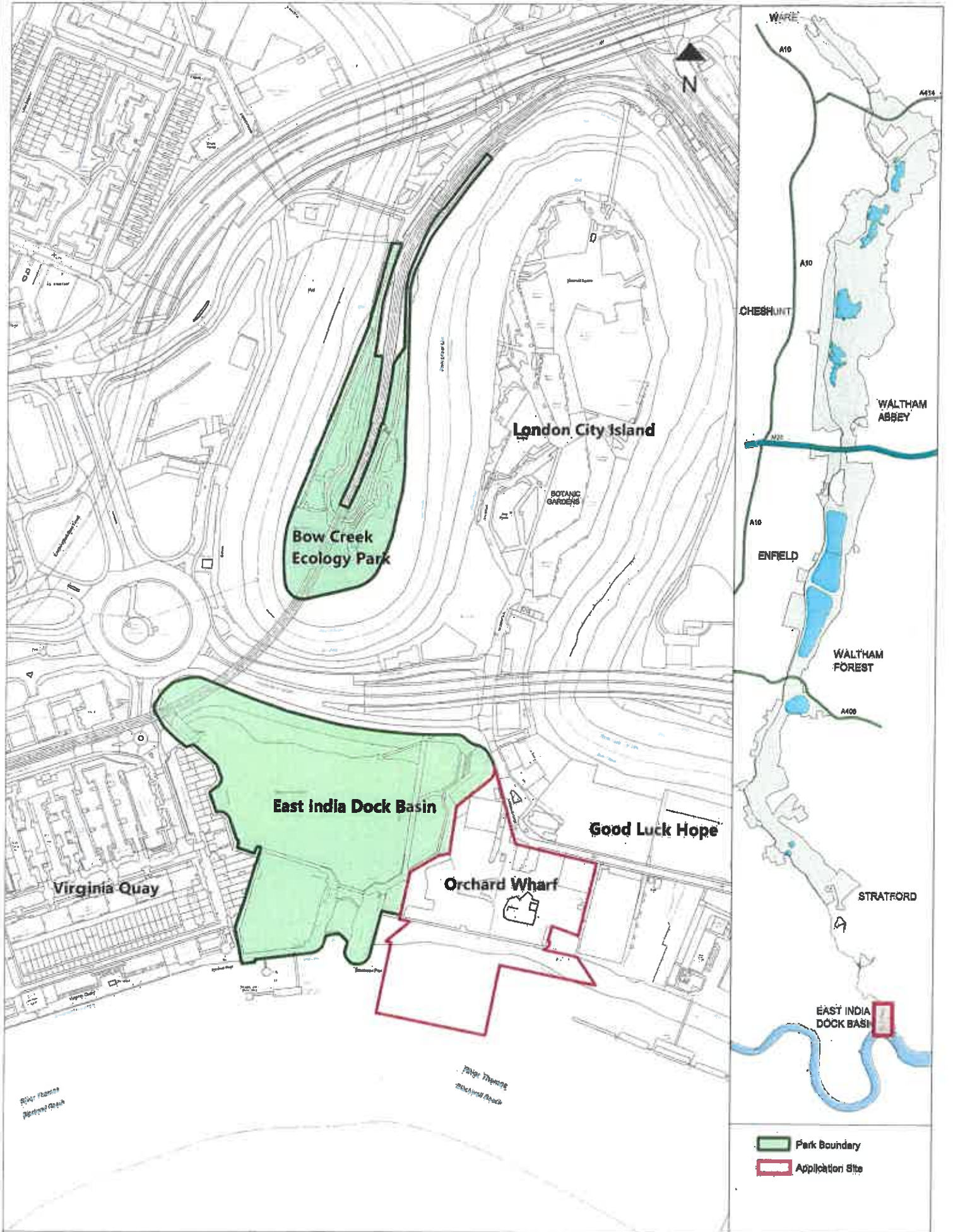
APPENDICES ATTACHED

Appendix A	Plan of the application site
Appendix B	Application site in context
Appendix C	Residential Blocks layout
Appendix D	EIDB without and with adjacent development blocks
Appendix E	Townscape
Appendix F	Boundary Landscape
Appendix G	Indicative Schedule of Section 106 Projects

LIST OF ABBREVIATIONS

DAS	Design and Access Statement
SINC	Site of Importance for Nature
PEA	Preliminary Ecological Assessment
GLA	Greater London Authority
PLA	Port London Authority
EIDB	East India Dock Basin
MOL	Metropolitan Open Land
BAP	Biodiversity Action Plan
DLR	Docklands Light Railway
LBTH	London Borough of Tower Hamlets
OAPF	Opportunity Area Planning Framework
CIL	Community Infrastructure Levy
PDF	Park Development Framework
AOD	Area of Development
GIA	Gross Internal Area

RMA	Reserved Matters Application
DMR	Discount Market Rent
HGV	Heavy Goods Vehicles
LGV	Light Goods Vehicles
LTBZ	Leamouth Tall Building Zone
PPC	Polyester Powder Coated
GRC	Glass Reinforced Concrete
OMH	Open Mosaic Habitat
EA	Environment Agency
AIA	Arboricultural Impact Assessment
HLF	Heritage Lottery Fund
ES	Ecology Survey
the Park Act	Lee Valley Regional Park Act 1966



Consultation by LBTH - Hybrid Application for redevelopment of Orchard Wharf and reactivation of Safeguarded Wharf.



NTS @ A4
10.03.21

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Appendix B Application Site in context - Images extracted from the Design and Access Statement. Red line indicates Orchard Wharf boundary.



Aerial view above - looking west



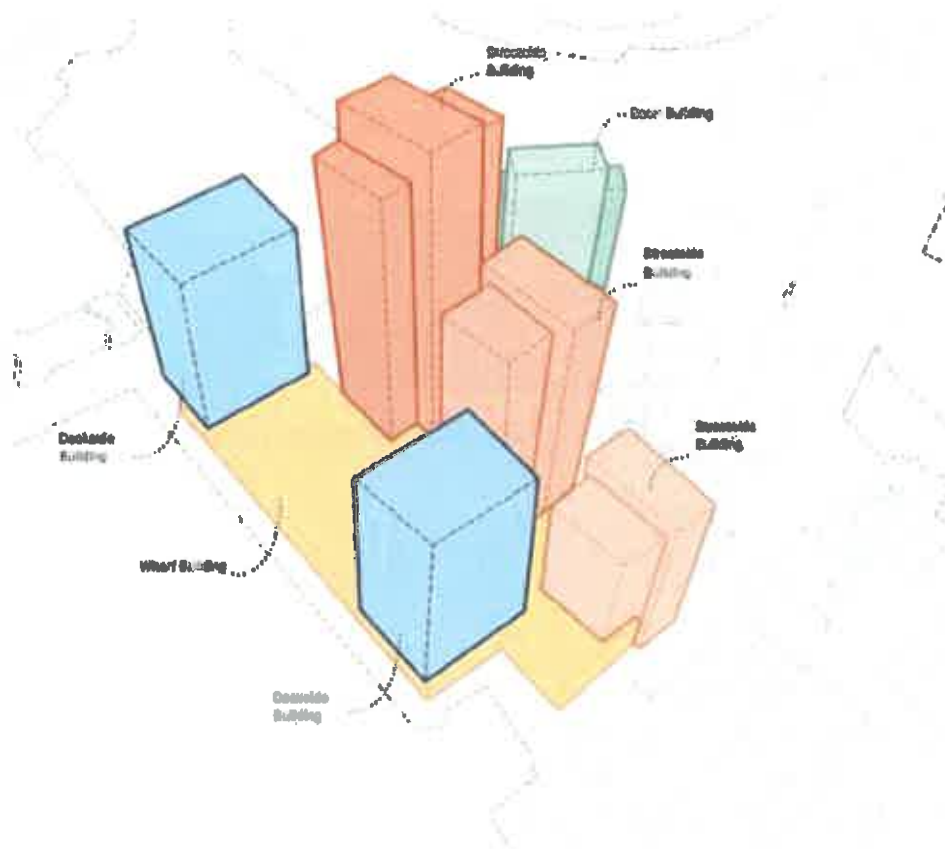
Looking east with EIDB in foreground front left.

Appendix C Extract from Design and Access Statement.

Illustrative Masterplan with outline and detailed planning components of application and location of residential blocks



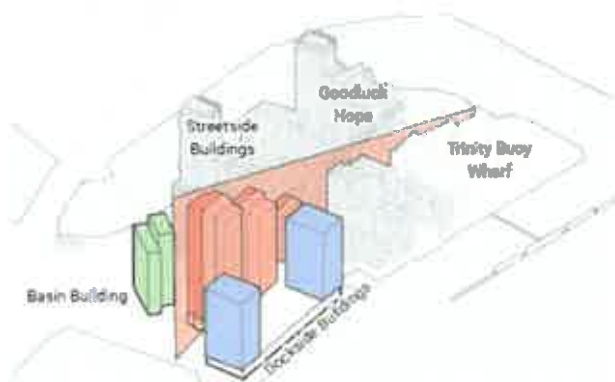
Illustrative Masterplan showing Outline and Detailed planning components of Application



Dockside Buildings A and F proposed at 20 storeys

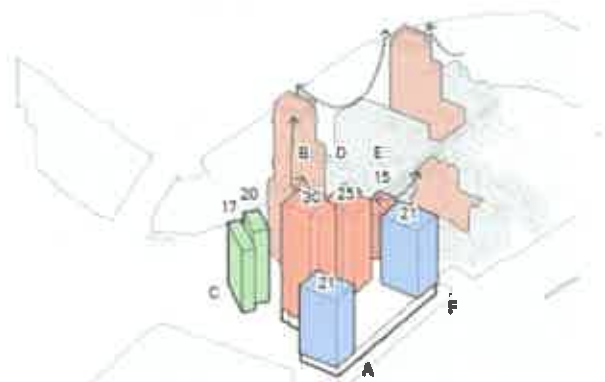
Streetside Buildings B proposed at 30 storeys and Buildings D and E are proposed at 25 and 15 respectively

Basin Building C is 17 storeys facing the Basin rising to 20 storeys behind



1. RISE IN HEIGHT ALONG ORCHARD PLACE

From Tinty Buoy Wharf along Good Luck Hope and Orchard Wharf the building increases in height along Orchard Place from East to West



2. UNDUATING HEIGHTS

The undulation of the Good Luck Hope silhouette is contrasted through the varied building heights of Orchard Wharf

Wider views showing proposed development adjacent to EIDB

8.2 TOWNSCAPE ANALYSIS - VIEW FROM SOUTH



8.2 TOWNSCAPE ANALYSIS - VIEW FROM NORTH-EAST



EXTRACT FROM ENVIRONMENTAL STATEMENT NON-TECHNICAL SUMMARY ORCHARD WHARF SHOWING CURRENT VIEW ACROSS EIDB AND BELOW THE VIEW WITH PROPOSED DEVELOPMENT - BLOCKS A, B AND C ADJACENT TO THE BASIN.



Figure 8.2: View from East India Dock Basin Looking East

Appendix E - various images from Design and Access Statement to show townscape views and Blocks A and C

9.6 TOWNSCAPE VIEWS - FROM DLR



9.6 TOWNSCAPE VIEWS - FROM DOME



View from within EIDB looking south



Entrance to Block B from Orchard Place



Base of Block C looking from Orchard Place out towards Basin



Top View of Block C



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Extract from Landscape Chapter in the Design and Access Statement

Showing ground level basin edge – EIDB to the left showing woodland planting along its eastern boundary.



- 1 Rain Garden Play Trail**
- 2 Existing Tree Planting within EIDB**
- 3 Fire tender turning head**
- 4. Woodland understorey planting**
- 5. Resident's stepped and lift access onto podium**
- 6. Seating**
- 7. New level access to the River Thames**
- 8. Potential future new link along the River Thames**

Extract from Masterplan showing edge treatment and podium garden



Bow Creek (BC) and East India Dock Basin (EIDB)
Map: Planning Obligation S106

Outline Planning Obligations (S106) Schedule

Item	Detail	Indicative costs
Habitat enhancements		
Extend woodland boundary next to development, along eastern boundary of EIDB	Remove culvert in fill and plant native woodland mix in line with existing planting; may wish to retain dome ducting for Electrical supply.	£2000
Additional woodland planting	Along eastern boundary and within copse areas	£500
Bow Creek Otter Holt revamp LVRPA BAP action	Ladder for Otter holt Bow Creek	£500
EIDB Otter holt LVRPA BAP action	Install otter holt north shore	£500
Bird boxes	Bespoke boxes <ul style="list-style-type: none"> Bow Creek, along river bank improvements for kingfisher and sand martin EIDB, DLR and East India Dock Basin 	£500
Bat Boxes LVRPA BAP action	At both EIDB and Bow Creek	£500
Tern Raft within EIDB	Replace 3 tern rafts (this may need to be altered in line with desiltation plan)	£12,000
Wildflower lawn on G2 area	Add top soil and seed in wild rich flowering lawn mix to extend amenity area and protect meadow	£1500
Wildflower meadow treatment/enhancement	Protection measures required or different form of management – low hedge, fence, or some form of signage. Raise and level area creating a wall (design to be reflect heritage of site) to provide seating. Add top soil and seed with wild flower mix	£4000
Total		£22K
Site infrastructure		
Signage for EIDB entrance points and Improvements to on-site signs/wayfinding as required. To include an art work element where appropriate Recommendation from EIDB Conservation Management Plan 2012	Entrance signage to highlight site's ecological credentials and historic value – to inform visitors that they are entering a 'nature reserve' and site of heritage value. Relevant to all entrance points.	£3000
Other Signage	River and road signage art work to depict heritage and wildlife	£4000
Refurbishment of main gates to EIDB	Refurbishment required to Salome Gates, created by sculptor Sir Anthony Caro	£20,000
Path improvements/repairs	Allowance for next 5 years plus, including resin bonding for existing car park	£40,000
Access improvements at DLR entrance	Re-landscape access from roundabout and under DLR	£10,000
Litter collections and prevention works	Additional collections Installation of new roadside mesh protection for 5 years	£7000
Interpretation update Recommendation from EIDB Conservation Management Plan 2012	Updates to existing and allowance for temporary information about future works to gates and siltation works?	£6000
Classroom refurbishment at Bow Creek	Replace classroom with new art style	£5000
Bird Hide/Screening Improvements	Replacement of existing structures	£10,000
Additional features for Parkour activities	In car park could have climbing hold point added to wall as exercise feature for Parkour activity	£3000
Total		£66K
Community engagement		
Events programme Recommendation from EIDB Conservation Management Plan 2012	Aim to raise awareness and inform residents and visitors of future works and improvements on the Basin, over 5 year period	£4000

Bow Creek (BC) and East India Dock Basin (EIDB)

Map: Planning Obligation S106

Education programme Conservation Management Plan as above	Funds to support Youth and Schools officers to deliver education programme; likely to be 4 sessions per year over a 5-year period	£6000
Dedicated officer time Conservation Management Plan as above	Funding for liaison role to run events and engage with visitors/ volunteers for 5 years, (funds allow for spends to back fill officer time) to include volunteer tasks. Ranger 'drop ins' local forums.	£6000
Home owner packs and Information Conservation Management Plan as above	Raise awareness of EIDB and its ecological and heritage assets. Can be located within the receptions and gym/communal areas of the development, Station and other development for 5 years	£15,000
Total		£31K



Habitat Enhancement

1. Extend tree, shrub planting eastern boundary EIDB
2. Additional woodland planting EIDB
3. Otter Ladder BC
4. Otter Holt EIDB
5. Bird and Bat boxes, EIDB and BC
6. New Tern rafts
7. Creation of wildflower lawn
8. Improving and protection for Meadow including wall/seating

Site Infrastructure

1. Signage entrance points EIDB
2. River Road signage EIDB
3. Sir Antony Caro Salome Gate refurb EIDB
4. Path repair works EIDB
5. New Entrance Layout EIDB
6. New Interpretation (heritage and wildlife)
7. New outdoor classroom, amphitheatre BC
8. New Bird viewers
9. Climbing Wall Parkour

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