Strategic planning application stage 1 referral (new powers)


The proposal

A hybrid planning application seeking: outline planning permission for up to 60, 600 square metres of retail, office, residential (circa 652 units) and market space together with parking, associated highway infrastructure and public realm works and provision of open space; and incorporating detailed planning permission for the development of land to the south of Barking Road, including 1-19 Rathbone Market, for 25, 907 square metres of retail and residential space (271 units) in buildings ranging from 2 to 23 storeys in height, together with parking, associated highway infrastructure and public realm works.

The applicant

The applicant is English Cities Fund, and the architect is CZWG.

Strategic issues

The proposal would support the ongoing regeneration of the area and the mix of land uses would be consistent with the strategic policy guidance for the area. The application is inconsistent with London Plan affordable housing policy. The application is broadly consistent with London Plan polices concerning play space, urban design, inclusive access, noise and air quality. Further information and commitments are required for the proposal to be consistent with the climate change adaptation and mitigation and transport policies of the London Plan.

Recommendation

That Newham Council, on behalf of the London Thames Gateway Development Corporation, be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 86 of this report; but that the possible remedies set out in paragraph 88 of this report could address these deficiencies. The application does not need to be referred back to the Mayor if the Corporation resolve to refuse permission, but it must be referred back if the Corporation resolve to grant permission.
Context

1 On 12 January 2009 the Mayor of London received documents from Newham Council, on behalf of the London Thames Gateway Development Corporation (LTGDC) notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 23 February 2009 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor’s use in deciding what decision to make.

2 The application is referable under Categories 1A, 1B and 1C of the Schedule of the Order 2008:

- 1A “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.

- 1B “Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings…outside Central London and with a total floorspace of more than 15,000 square metres”.

- 1C “Development which comprises or includes the erection of a building of one or more of the following descriptions…the building is more than 30 metres high and is outside the City of London”.

3 Once the LTGDC has resolved to determine the application, it is required to refer it back to the Mayor for his decision, as to whether to direct refusal or allow the Corporation to determine it itself, unless otherwise advised. In this instance if the LTGDC resolves to refuse permission it need not refer the application back to the Mayor.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case.

5 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

6 The triangular 1.56 hectare site lies in the heart of Canning Town and is bounded to the south by Newham Way (A13), to the north by Barking Road (A124), to the west by existing development on Barking Road and to the east by Mary Street and Aviary Close. The site comprises the existing Rathbone Market site, the surrounding two-storey retail units, Thomas North Terrace (an eleven-storey residential tower block) and the land to the east of this building which is predominantly used as a car park. The site forms part of the town centre, which is focussed along Barking Road. The built form in the vicinity is characterised by small and medium sized high street retail units with two-storeys of residential development above.

7 Newham Way (A13) and Barking Road (A124) form part of the Transport for London Road Network (TLRN) and Strategic Road Network (SRN) respectively. Canning Town transport interchange is approximately 200 metres southwest of the site and offers Docklands Light Railway (DLR), Jubilee Line Underground and bus services. There are in excess of ten bus routes within walking distance of the development, with the nearest stops located just outside the site on
Barking Road. As such, the site records a public transport accessibility level (PTAL) of 6a, on a scale of 1-6 where 6 is classed as excellent.

8 The site is one of the first to be brought forward for redevelopment as part of an ongoing regeneration programme in Canning Town, led by Newham Council. The site is in Council ownership and would be wholly redeveloped under the proposal with the market, retail units and housing re-provided along with additional Council facilities and housing. Newham Council has entered into a development agreement with the applicant, English Cities Fund, to bring forward the proposals.

Details of the proposal

9 The application proposes the development of the site in three phases from west to east, beginning with Plot 1 at the western end, followed by Plot 2 in the middle of the site and concluding with Plot 3 at the eastern end of the site. This phased development allows for the continued operation of the market and decanting of the residences in Thomas North Terrace. A separate planning application will be submitted for temporary market stalls and retail units during the construction of the development. The hybrid application seeks outline planning permission for the entire site and full (detailed) permission for Plot 1, as set out below.

Outline planning permission

10 This comprises the redevelopment of the site for up to 60,600 square metres of floorspace comprising 52,000 square metres or circa 652 units for residential use (C3), 4,500 square metres for retail use (A1–A5), 2,600 square metres for office use (B1) with the remainder comprising internal plant space. The application also includes provision of the new market space and car and cycle parking. The outline application seeks approval for the access, layout and scale of the proposed development. The appearance of the buildings (other than plot one) and landscaping (other than plot one) are reserved for subsequent approval.

Full (detailed) planning permission (Plot 1)

11 This comprises the redeveloped of the land to the south of Barking Road at the western end of the site, including 1-19 Rathbone Market, for buildings ranging from 2 to 23 storeys (75 metres) in height and with total floorspace of 25,907 square metres. This would comprise 21,645 square metres / 271 units for residential use (C3), 2,987 square metres for retail use (A1–A5) with the remainder comprising internal plant space. These area figures are incorporated within the total figures for the outline application set out above. The application would also include 120 car parking spaces, 285 cycle parking spaces and associated highway and public realm works.
Case history

12 There is no relevant strategic planning history.

Strategic planning issues and relevant policies and guidance

13 The relevant issues and corresponding policies are as follows:

- **Land use**  
  London Plan

- **Regeneration**  
  London Plan; the Mayor’s Economic Development Strategy

- **Retail**  
  London Plan; PPS6; PPG13

- **Housing**  
  London Plan; PPS3; Housing SPG; Providing for Children and Young People’s Play and Informal Recreation SPG

- **Affordable housing**  
  London Plan; PPS3; Housing SPG

- **Density**  
  London Plan; PPS3; Housing SPG

- **Urban design**  
  London Plan; PPS1

- **Children’s play space**  
  London Plan; Providing for Children and Young People’s Play and Informal Recreation SPG

- **Access**  
  London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; Wheelchair Accessible Housing BPG; Planning and Access for Disabled People: a good practice guide (ODPM)

- **Sustainable development**  
  London Plan; PPS1, PPS Planning and Climate Change Supplement to PPS1; PPS3; PPG13; PPS22; the Mayor’s Energy Strategy; Sustainable Design and Construction SPG

- **Ambient noise**  
  London Plan; the Mayor’s Ambient Noise Strategy; PPG24

- **Air quality**  
  London Plan; the Mayor’s Air Quality Strategy; The Control of dust and emissions from construction and demolition BPG; PPS23

- **Transport & parking**  
  London Plan; the Mayor’s Transport Strategy; PPG13

14 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the saved policies of the Newham Unitary Development Plan (2001) and the London Plan (Consolidated with Alterations since 2004). The Newham Core Strategy and the Stratford and Lower Lea Valley Area Action Plan are both at ‘Issues and Options’ stage. The Lower Lea Valley Opportunity Area Planning Framework (2007) and the Canning Town and Custom House SPD (July 2008) are also relevant material considerations.

Land use, regeneration and retail

15 Canning Town lies in the north-east London sub-region and is identified as an Area for Regeneration and a District Centre in the London Plan. London Plan polices 5C.1- 5C.3, Policy 2A.7, and policies 2A.8, 3D.1, 3D.2 and 3D.3 are all of relevance and set out strategic policy for north-east London, areas for regeneration, and town centres and retail respectively.

16 Canning Town lies within the Lower Lea Valley Opportunity Area immediately to the north of the Royal Docks Opportunity Area. The Lower Lea Valley Opportunity Area Planning Framework (OAPF) identifies the Canning Town sub-area (No. 13) as being capable of accommodating 5950-7100 residential units over the period to 2016, of which around 650 units could be expected as part of mixed-use residential development. It also states that further development in the area should support the rejuvenation of Canning Town as a town centre and could deliver up to 10,700 square metres of office floorspace and 9,150 square metres of new retail space located around the
existing centre at Canning Town - principally around Canning Town transport interchange. It also identifies the site as falling within a social infrastructure area of search. Further to this, Newham Council have set out detailed planning guidance for the site (referred to as Area 1a) in the Canning Town and Custom House SPD (July 2008).

17 The proposed land uses are consistent with the above polices, the strategic land use designations within the Lower Lea Valley Opportunity Area Planning Framework and the local policy guidance for the site. The proposal would make a significant contribution towards achieving the indicative floorspace figures the area. The retention and enhancement of Rathbone Market as part of the proposal is supported by London Plan Policy 3D.3 and the phased implementation of the development and temporary arrangements would minimise the disruption for existing market traders, retailers and residents. The new market facilities would accommodate the existing traders and allow for the future growth of the market. The proposed uses are supported in principle and would contribute to the ongoing regeneration of the area.

Housing

18 London Plan Policy 3A.10 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. In doing so, each council should have regard to its own overall target for the amount of affordable housing provision. Policy 3A.9 states that such targets should be based on an assessment of regional and local housing need and a realistic assessment of supply, and should take account of the London Plan strategic target that 35% of housing should be social and 15% intermediate provision, and of the promotion of mixed and balanced communities. In addition, Policy 3A.10 encourages councils to have regard to the need to encourage rather than restrain residential development, and to the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

19 Policy 3A.10 is supported by paragraph 3.52, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The ‘Three Dragons’ housing viability toolkit is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified.

20 Where borough councils have not yet set overall targets as required by Policy 3A.9, they should have regard to the overall London Plan targets. It may be appropriate to consider emerging policies, but the weight that can be attached to these will depend on the extent to which they have been consulted on or tested by public examination. Newham Council have yet to set an overall affordable housing target and the affordable housing polices in the Newham Unitary Development Plan (2001) were not saved by the Secretary of State. Therefore, Newham Council should have regard to the London Plan targets.

21 As highlighted above, the site is one of the first to be brought forward for redevelopment as part of an ongoing regeneration programme in Canning Town, led by Newham Council, and set out in the Canning Town and Custom House SPD (July 2008). This programme intends to address the skew towards social rented housing provision in area and balance the tenure profile across the area as a whole; the target being an overall tenure split consistent with London Plan Policy 3A.9.

22 To achieve this the Canning Town and Custom House SPD requires that a level of 35% affordable housing be sought in redevelopment schemes across the area and that this be split equally between social rented (17.5%) and intermediate provision (17.5%). This document also states that this level of affordable housing provision does not absolve applicants of other planning obligation requirements arising from their proposals and that where the level proposed is less than
35% additional financial contributions may be required. This policy approach is consistent with the London Plan Housing SPG but applicants must nonetheless demonstrate that development proposals offer the maximum reasonable amount of affordable housing taking account of financial viability.

Affordable housing

23 The application proposes a total of circa 652 residential units 487 (75%) would be private and 165 (25%) would be affordable. The 165 affordable housing units would be split 30:70 between social rented and shared ownership meaning that there would be 49 social rented units and 116 intermediate units, which equates to 7.5% and 17.8% of the total 652 residential units respectively.

24 There are currently forty council tenants resident in Thomas North Terrace who would be re-housed in new social rented units in Plot 1. The remaining nine social rented units would be provided in Plot 3 as four 2-bed and five 3-bed units. There are also three leaseholders resident in Thomas North Terrace who would be offered low cost home ownership options appropriate to their needs in Plot 1. These units would be part of the 116 intermediate units provided on the site. Therefore the actual level of additional affordable housing provided on the site is 122 units (19% of the total number of units in the scheme), which would comprise 9 social rented units and 113 intermediate units and equate to a 7:93 split respectively.

25 The proposal is inconsistent with London Plan housing policy, notably policies 3A.9 and 3A.10 and the advice contained in the Housing SPG. The proposal for 25% affordable housing (19% additional affordable housing) does not achieve the required level of 35% affordable housing nor does the affordable tenure split align with the 50:50 split required to balance out the tenure profile towards one consistent with the requirements of Policy 3A.9.

26 The applicant has submitted a housing viability tool kit appraisal for the scheme to justify the proposed level of affordable housing on basis of financial viability and the additional costs arising from the community infrastructure provided in the proposal. This information suggests a residual value for the scheme equivalent to the stated acquisition cost of the site and that the scheme cannot therefore, support any more affordable housing. The applicant has based this assessment on above average building costs, below average estimated sales values and an extensive list of exceptional costs relating to both the construction of the scheme and the provision of elements within it. The applicant has not provided an assessment of the residual value for the scheme against the existing use value of the site.

27 The above average building costs and below average estimated sales values are not supported by professional assessments. This supporting information, in the form of a cost plan, and appraisal of likely sale values, should be submitted to substantiate the values entered. The exceptional costs relating to both the construction of the scheme and the provision of elements within it have been reviewed and a number of these are not accepted as being exceptional. These have been highlighted to the applicant and should be reviewed, addressed and submitted as part of the supporting cost plan. The applicant should also provide an assessment of the residual value for the scheme against the existing use value of the site (as established by a supporting valuation) and substantiate the stated acquisition cost of the site from Newham Council. The assumed level of social housing grant should also be substantiated by provision of appropriate paperwork, including corroborating correspondence from the Homes and Communities Agency.

28 Given the uncertainty over the cost and revenue streams that underpin the housing viability tool kit appraisal, it is not clear that the proposal would offer the maximum reasonable amount of affordable housing toward the established affordable housing policy requirements in the area. On this basis the proposal is inconsistent with London Plan policies 3A9 and 3A.10. The applicant
should remedy this by providing the further information sought above and amending the housing viability toolkit appraisal as necessary.

**Housing choice**

29 London Plan Policy 3A.5 and the Housing Supplementary Planning Guidance (SPG) (2005) seeks a balanced mix of unit sizes in new developments with an overall London wide target of 32% one-bed, 38% two & three-bed and 30% four bed or larger units. This may be subject to justified local variation owing to identified local housing needs.

30 The residential unit mix for Plot 1 (detailed approval) would comprise 50% one-bed (and studios), 50% two-bed units (2 and 4 person units). The residential unit mix for the Plots 2 & 3 (outline approval) is reserved for subsequent approval, but as proposed would include the balance of nine social rented units, which would be provided as four 2-bed and five 3-bed units. In determining the relevant application for the local planning authority should have due regard to the London-wide targets set out above.

31 The mix for Plot 1 is clearly skewed towards smaller units with no three, four and five-bed units. The applicant states that this reflects the constraints of the position of Plot 1 between Newham Way and Barking Road, which make the provision of larger family units undesirable in this part of the site. It is also noted that, as a town centre site, Area 1b is less suitable for larger family units than other parts of Canning Town and Custom House area. The opportunities to provide larger units suitable for families within the scheme have been discussed at length with the applicant with the outcome that these will be concentrated in the later phases of the development, particularly Plot 3, where the site is less constrained and more readily accommodates the additional floorspace and amenity space required by larger family units. In determining the relevant application(s) the local planning authority should ensure that the unit mix for Plots 2 & 3 reflects an appropriate proportion of three, four and five-bed units suitable for families, having due regard to the London-wide targets set out above.

32 The applicant has stated, and demonstrated on plan, that all residential units will be designed to comply with ‘Lifetime Homes’ standards and that ten percent of residential units are designed to be easily adaptable for occupation by wheelchair users. This is welcome although the local planning authority should verify and enforce compliance with these standards by planning condition. On the basis of the above, the application is consistent with London Plan Policy 3A.5.

**Housing density**

33 London Plan Policy 3A.3 requires development proposals to achieve the maximum intensity of use compatible with the local context, the design principles of Policy 4B.1 and with public transport capacity. Table 3A.2 provides density guidelines in support of this. The proposed development would as a whole provide circa 652 residential units or 1,660 habitable rooms on the 1.56 hectare site. This would result in a density of 1,064 habitable rooms per hectare or 418 dwellings per hectare. This is significantly above the density guidelines in Table 3A.2 which specifies a range of 200-700 habitable rooms per hectare for a highly accessible urban location such as this. Notwithstanding this the thrust of London Plan Policy 3A.3 is that the site should support the maximum intensity of use compatible with the local context, the design principles of Policy 4B.1 and with public transport capacity. Therefore, subject to the proposal complying with other strategic policies, notably those on urban design and transport, the proposed density would be acceptable and deemed consistent with Policy 3A.3.

**Urban design**
Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within Chapter 4B which address both general design principles and specific design issues. London Plan Policy 4B.1 sets out a series of overarching design principles for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, the quality of new housing provision, tall and large-scale buildings, built heritage, views, and the Blue Ribbon Network. London Plan policies 4B.9 and 4B.10, which set out specific design requirements for tall and large-scale buildings, are applicable to the proposal.

Outline planning permission

The outline application seeks approval for the access, layout and scale for Plots 2 & 3 of the proposed development. The appearance of the buildings and landscaping in plots 2 & 3 is reserved for subsequent approval by the local planning authority. The design parameters for the matters for approval are set out in six parameter plans. These demonstrate that the layout of these phases of the scheme, their means of access and the scale of the proposed blocks would satisfactorily respond to the local built, social and microclimatic context and movement framework and the design principles of the London Plan.

The improvement to the entrance to the subway under Newham Way is welcomed, as is the accommodation of potential future connections across this route to the east of this site. The new market square would be well proportioned and have sufficient open frontage to Barking Road to draw in pedestrians on this route. The position of the new council one-stop-shop and library facility fronting both these spaces would support the level activity to both spaces.

The appearance of the buildings and landscaping in plots 2 & 3 is reserved for subsequent approval by the local planning authority. In order to ensure compliance with the London Plan the local planning authority should ensure that the detailed design of the elevations and landscaping for these plots would be consistent with the high standard of design required by the London Plan.

Figure 3: View east from Canning Town transport interchange showing Plot 1 in the centre and the indicative blocks for Plots 2 & 3 to the east (right). Thomas North terrace (to be demolished) is faded out behind. Source: Design & Access Statement, November 2008.
To achieve this it may be appropriate to establish a design code and/or materials palette for these plots and enforce this by planning condition, in order to ensure all phases are of appropriate design quality.

Full (detailed) planning permission (Plot 1)

38 The layout of Plot 1, together with that of plots 2 & 3, would respond to the local built, social and microclimatic context and movement framework. The podium amenity space, through open to the south is screened from Newham Way by a green wall and units facing south are positioned furthers from the road and are dual aspect.

39 The recessed building line at the base of the tower at the south west corner of the site and its relationship with the space under the flyover is critical in welcoming and drawing pedestrians onto Barking Road from Canning Town interchange, as is the rest of the facade to Barking Road. The wide pavement, double height retail units and overhanging residential floor above are all positive features. The pavement along Barking Road is sufficiently wide to accommodate market stalls in addition to a generous pavement. This would allow for future flexibility in the market configuration and encourage the market to connect more directly to the rest of Canning Town.

Figure 4: View east along Barking Road. Figure 5: View west showing communal amenity space in Plot 1. Source: Design & Access Statement, November 2008.

40 The landscape needs to be integrated and coordinated with the rest of Canning Town and in particular Area 7 to establish a strong link under Newham Way. The final specification of materials and street furniture should be coordinated with the public realm proposals which will be developed in the coming months for the area underneath the A13 flyover and where the roundabout will be removed.

41 The variation in scale of the blocks across Plot 1 is appropriate to the context. The slender 23 storey (75 metre) tower in the southwest corner of the site is conceived as marker for Canning Town when viewed from Newham Way. The scale also responds to the vastness of the space.
created by the Canning Town interchange and River Lea Valley beyond this to the west. The blocks to Barking Road and the Market would appropriately be around ten storeys in height in response to the reduced scale of these spaces.

42 The residential entrances are appropriately positioned in four locations along the street frontage in a manner that would encourage pedestrian activity in the surrounding streets and spaces. The layout of the flats with the scheme would minimise the number of flats served from each of the access cores and promote the maximum number of dual aspect units. The applicant has demonstrated that each flat type would meet the Lifetime Home Standards. The majority would have private external amenity space and all flats would have easily access to the communal amenity spaces.

43 The application proposals a bold and striking approach to the building elevations which uses shades of red, together with silver and purple cladding and extensive glazing. The success of this approach on buildings of this scale is highly dependent on the quality of the materials and detail and execution of the facade design. In order to ensure that the proposal would comply with the London Plan the local planning authority should ensure that the design of the elevations and materials selected would be of an appropriately high quality and appropriate to the context of the site. Subject to the local planning authority being satisfied that this were the case then the proposal would be consistent with the London Plan.

44 In summary the proposal is consistent with the design polices of the London Plan, subject to the local planning authority ensuring that the detailed design of all parts of the proposal would be consistent with the high standard of design these require. Compliance with London Plan Policy 4B.5 is discussed below.

Children’s play space

45 Policy 3D .13 of the London Plan states that “the Mayor will and the boroughs should ensure developments that include housing make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.” The applicant has submitted a full play strategy which applies the methodology within the Mayor’s supplementary planning guidance ‘Providing for Children and Young People’s Play and Informal Recreation’ to calculate the child yield for the scheme. This is anticipated to be approximately 146 children and this figure is expected to be divided as set out in Table 1 below.
<table>
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<th>Plot 2</th>
<th>Plot 3</th>
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<td>8</td>
<td>15</td>
<td>33</td>
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Table 1: child yield by plot

46 The guidance sets a benchmark of 10 square metres of useable child play space to be provided per child, with under-5 child play space provided on-site. Accordingly the development should ensure provision for 590 square metres of on-site play space for 0 to 4 year olds to be broadly divided as follows: Plot 1, 210 square metres; Plot 2, 130 square metres; and Plot 3, 250 square metres.

47 The development would include adequately sized communal amenity spaces designed for informal play for 0 to 4 year olds. The play strategy also identifies a range of play and recreation spaces within four and eight hundred metres of the site and the routes to these. These would provide sufficient, accessible play space for the 5 to 10 years and 11 to 15 years age groups and the proposal would improve the underpass on the route to the closest of these spaces – the multiuse games area to the south of Newham Way.

48 In summary the information submitted demonstrates that scheme would provide a sufficient quantum of on-site play and recreation space and that a variety of existing spaces would be safely accessible for children resident in the scheme. The material submitted suggests that the on-site play and recreation space would be of high quality but the local planning authority should ensure this through the assessment of the detailed landscape design for each phase of the development.

Inclusive access

49 Policy 4B.5 of the London Plan expects all future development to meet the highest standard of accessibility and inclusion. This, together with the Mayor’s Supplementary Planning Guidance ‘Accessible London: achieving an inclusive environment’, underpins the principles of inclusive design and aims to achieve an accessible and inclusive environment across London. Policy 3A.5 of the London Plan requires all new housing to be built to ‘Lifetime Homes’ standards and 10% of all new housing to be designed to be wheelchair accessible or easily adaptable for such use in order to meet the full range of housing needs.

50 The design and access statement demonstrates that inclusive design principles have been reflected in the proposed design. The design and access statement and plans for Plot 1 (detailed) demonstrate this would comply with the above policies. The detailed design for Plots 2 & 3 (outline) should also comply with the above policies and the indicative plans for the public realm and layout for these suggest that this will be the case. However, the detailed assessment of compliance with the above policies is subject to review of the detailed plans for these areas and accordingly the local planning authority should verify compliance when assessing the detailed designs for the proposal. The material submitted suggests that Plot 1 would be consistent with London Plan policies 4B.5 and 3A.5. The local planning authority should add a condition to any planning consent requiring compliance with the above policies for Plots 2 & 3 in order for the proposal to be acceptable.

Climate change - mitigation
The London Plan climate change policies as set out in chapter 4A collectively require developments to make the fullest contribution to the mitigation of and adaptation to climate change and to minimise carbon dioxide emissions (Policy 4A.1). The applicant has submitted an energy statement, as required by the London Plan, setting out its approach to applying the energy hierarchy in Policy 4A.1. This is assessed below.

Be lean

The baseline carbon emissions for the development have been calculated using a combination of modelling for the residential element and existing benchmarks for the non-domestic element. The modelling also takes into account the carbon emissions from non-regulated energy usages, in line with the requirements of the London Plan.

The modelling for the residential element uses the appropriate software and a series of representative flats from the scheme. The modelling for the non-residential element, however, has been calculated using existing benchmarks published by CIBSE which are not representative of new build and therefore it is not possible to relate the emissions to current building regulations as required by the London plan. The baseline emissions for the non-residential element in Plot 1 should be recalculated using building regulations approved software and the energy statement updated accordingly.

The applicant has proposed a series of demand reduction measures including daylight sensors and low energy lighting, more stringent insulation and air tightness standards than those required by current building regulations and the use of free cooling in winter and mid-season in the retail and commercial areas of the proposed development. These would reduce emissions by 14% beyond Building Regulations 2006. This is welcomed but should be revised in light of the revised baseline modelling for the non-residential elements discussed above.

Be clean

There are currently no district energy networks in the area but these may emerge in the future in connection with the ongoing regeneration of the area. The energy strategy proposed for this development would allow for future connection to a district energy network in Canning Town.

A communal heating network fed from a single energy centre is proposed. The energy centre would be built in Plot 1 but with sufficient capacity to allow for the installation of the additional heat generating plant required to supply the future phases, which is welcomed. Heat would be supplied from a 70kWe combined heat and power unit in Plot 1 with capacity increase to a total of 208 KWe to supply all phases. This will reduce emissions by a further 6%.

Whilst the broad approach is welcomed there are a three outstanding issues with the proposed strategy. Firstly, the energy strategy has identified a heat base load of 1,000 kW, which is considerably larger than the proposed combined heat and power plant size. The applicant should explain why the combined heat and power plant would not be sized to meet more of the base heat load. Secondly, some benefits to carbon savings may be achieved if a single combined heat and power unit was adopted instead of the multiple smaller units proposed. This would mean that the implementation of the combined heat and power unit would not occur until enough heat load existed, but in the long term may offer greater carbon dioxide savings due to the increase efficiency. The applicant should submit a brief comparison study of the two scenarios to demonstrate that that selected is the most appropriate. Thirdly, the application does not include sufficient information regarding the cooling strategy. The applicant should provide a more detailed description of the cooling strategy proposed and describe how the cooling requirements of the non-domestic element will be met and quantify the carbon emission savings relative to the baseline emissions that would arise from the cooling strategy proposed.
The applicant should address each of these matters in order to demonstrate that the proposal would maximise carbon savings and be consistent with the London Plan policy outlined above. Until such time as the applicant has submitted the further information requested the compliance of the proposal with the relevant London Plan policies cannot be confirmed and therefore the application is deemed inconsistent with these.

**Be green**

The applicant proposes the use of bio diesel boilers to supply the development heat network and in order to contribute to the renewable energy target. This option has been estimated to save 14.9% carbon emissions but the calculations have overestimated the carbon emission savings achievable with bio diesel as they are based on a carbon intensity for bio diesel of zero which is incorrect. The carbon intensity of the bio diesel should be calculated in line with the Government’s Renewable Transport Fuel Obligation (RTFO) and the figures revised accordingly and re-submitted.

The proposal would include adequate provision for a fuel storage and the applicant has identified and contacted three bio diesel suppliers who have confirmed that there is enough capacity to supply all of the bio diesel required for this development. This is welcomed.

In addition to the above revisions the applicant should also revisit the renewables options appraisal and investigate the application of further complementary renewable energy technologies to achieve the London Plan renewable target of 20%. This analysis should be submitted as part of the revised energy strategy. Until the above has been submitted the compliance of the proposal with London Plan Policy 4A.7 cannot be confirmed and the proposal is thus contrary to London Plan Policy 4A.7.

**Summary comments**

The information submitted suggests that the broad approach to climate change mitigation is likely to be complaint with strategic policy but is insufficient to comprehensively demonstrate this. The applicant should provide the further information sought to the satisfaction of GLA officers and submit this as a revised energy statement. The local planning authority should secure the implementation of the revised energy statement through the section 106 agreement for the application. Until that occurs the application is deemed inconsistent with London Plan policies 4A.1, 4A.6, and 4A.7.

**Climate change - adaptation**

The London Plan includes five principles in Policy 4A.9 to promote and support the most effective adaptation to climate change. These are to minimise overheating and contribution to heat island effects, minimise solar gain in summer, contributing to flood risk reductions, including applying sustainable drainage principles, minimising water use and protecting and enhancing green infrastructure. Specific policies cover overheating, living roofs and walls and water. The applicant has submitted a sustainability statement as required by London Plan Policy 4A.3. The scheme would be designed to meet Code for Sustainable Homes Level 4 and the detailed information for Plot 1 demonstrates how this would be achieved. The compliance of Plots 2 & 3 with Code for Sustainable Homes Level 4 should be enforced by planning condition.

London Plan Policy 4A.10 addresses overheating in buildings and the heat island effect in London. The layout and orientation of the blocks on the site would assist in managing solar heat gain and daylight whilst allowing ample sunlight into the amenity spaces. The scheme also uses dual aspect units in those blocks running east-west to allow cross-ventilation from the cooler north side to the warmer south side of the block. The amenity spaces and public realm would
incorporate new tree planting and water features that would provide shade and cooling to the environs of the development in the summer months.

65 London Plan Policy 4A.11 promotes the inclusion of living roofs and walls. The landscape and public realm strategy includes a living roof strategy which identifies the appropriate roof types to each part of the scheme, including intensive green roofs used for communal amenity spaces and sedums roofs at the upper levels. This strategy is welcomed. The strategy does not include detailed measures for Plots 2 & 3 but suggests that the approach used for Plot 1 will be continued. The applicant should confirm this and the local planning authority should ensure that the implementation of the living roofs throughout all phases of the development is secured by planning condition.

66 The proposal lies within an area classified by the Environment Agency as Flood Zone 3 (high risk of flooding) but which has extensive flood defences. The applicant is supported by a flood risk analysis and this has informed the design. London Plan Policy 4A.14 seeks to ensure that surface water run-off associated with a proposed development is managed as close to its source as possible, and sets out a hierarchy of preferred measures to achieve this. The proposal would incorporate living roofs, rainwater harvesting for use in watering the amenity areas and on-site rainwater attenuation, all of which would limit discharge to 30% of the existing site run-off. This approach is consistent with Policy 4A.14 but the local planning authority should enforce the implementation and retention of these measures by planning condition.

67 Policy 4A.16 of the London Plan requires the Mayor and Boroughs to have regard to the impact of proposals on water demand and existing capacity by minimising the use of treated water and maximising rainwater-harvesting opportunities. The applicant, as part of demonstrating compliance with Code for Sustainable Homes Level 4, has set out a range of water efficiency measures that would achieve the strategic maximum water use target of 105 litres per person per day. The local planning authority should enforce this by planning condition.

68 The sustainability statement for the scheme suggests that it would be broadly compliant with the essential standards set out in the London Plan Sustainable Design and Construction SPG. However, it is not clear if the proposal would include provision for the charging of electric vehicles as required by the essential standard in the London Plan Sustainable Design and Construction SPG. In order to ensure compliance with London Plan Policy 4A.3 in this respect the application should be amended to include two or more electric vehicle charging points in each car park and evidence of this should be submitted in plan form. The local planning authority should secure the implementation of these charging points by planning condition.

Noise and air quality


70 The planning application does not present any strategic noise or air quality concerns in terms of its impact during the construction and operation phases. The design of the all plots and relevant supporting assessments submitted acknowledge Newham Way (A13) as a potential source of noise and air pollution and incorporate mitigating measures. The orientation of the blocks, individual residential units and attenuation measures such the four metre high green to the amenity space in Plot 1. This approach is welcomed and broadly consistent with the above policies, but the local planning authority should ensure through their review of the detailed design for Plots 2 & 3, and through the relevant building control applications for all phases, that all buildings would
comply with the relevant standards and provide suitable internal noise environments and acceptable levels of air quality. Any mitigation measures necessary to ensure this should be secured by planning condition.

**Transport**

71 Transport for London (TfL) has reviewed the application and provided the comments below. The applicant and its representatives are reminded that any grant of planning permission does not discharge the requirements of the Traffic Management Act 2004. Formal notifications and approval may be needed for both the permanent highway scheme and any temporary highway works required during the construction phase of the development.

72 The level of car parking for the residential element of the development is proposed at a ratio of 0.4 spaces per dwelling. While this level of provision is in accordance with the London Plan standards, TfL believes that this level should be reduced further given the extremely high public transport accessibility level (PTAL) of the site. Clarification is also sought as to which use within the scheme the 159 parking spaces provided for Plots 1 and 2 relate to. If this is a further provision for the residential element of the development, then this would not be supported by TfL. The five parking spaces proposed for the front of office function is in excess of the London Plan standards, which only allow for two given the site PTAL, and should therefore be reduced accordingly. Additionally, TfL requests that a car parking management plan be produced, detailing how the spaces will be allocated and managed on site and how residents of the development will be prevented from using the non-residential parking spaces. The provision of this plan should be required by planning condition.

73 The transport assessment includes daily trip rates for vehicles, but TfL also requires that a person trip rates exercise for the peak hour be submitted. The use of both the TRICS and TRAVL databases to determine food and drink retail trips is welcomed but TfL requires these assessments to be presented separately, as well as combined, in order to ensure that the results are sufficiently robust. The use of Census data as the basis for the residential and office trip distribution modelling is acceptable.

74 The results of the PM modelling for the Barking Road, Beckton Road and Hermit Road junction indicate that three links will exceed a degree of saturation of 85%. TfL’s transport assessment best practice guidance suggests that individual links exceeding such a degree of saturation are unacceptable, given they are suffering from congestion and that, where this is the case, appropriate mitigation measures are required to make the proposals acceptable. The applicant’s transport assessment suggests increasing the cycle time; however, this option would still exceeds the maximum saturation allowed. In accordance with the London Plan Policy 3C.17 TfL therefore requests that a suitable condition be attached to any planning permission, which requires this modelling work to be finalised and approved by TfL prior to occupation of first phase of the development. Further to this, the sensitivity test which models the impact of the proposal to close slip roads on the A13, east of the Canning Town roundabout, indicates significant capacity problems on the Barking Road, Beckton Road, Hermit junction, yet no mitigation measures have been suggested. The applicant should look to review this and revise the proposal to include appropriate mitigation measures.

75 The application proposes 652 cycle parking spaces for the residential element of the development and 49 spaces for the non-residential aspect. This level of provision is in accordance with TfL guidance for both land uses and is therefore considered acceptable. The applicant states that the 49 spaces would be delivered in a phased approach, however, in accordance with the London Plan policy 3C.22, TfL expects an adequate amount of secure cycle parking facilities to be
put in place from the outset. In addition, TfL also requests that the existing on-street cycle route along Barking Road be connected directly into the site. This should be secured by condition.

In accordance with London Plan Policy 3C.21 the plans confirm that all footways within the vicinity of the site would meet the two metre minimum width requirement. The local authority should ensure that the detailed designs of these areas would ensure that these are smooth, level and free of street clutter and ponding issues. In addition, all crossings in the vicinity of the site should be fully accessible to pedestrians with disabilities and comply with BV165 standards and providing tactile paving and dropped kerbs. Where crossings fail to meet such standards, the applicant should make a financial contribution towards their upgrade. The proposal to improve the entrance of the subway, which provides a connection to Canning Town interchange, is welcomed. However, TfL requests that additional information be provided on the general condition of the subway and that any improvements needed to make it a clean, bright and welcoming environment for pedestrians are secured through in the Section 106 agreement.

While this development is located in an area that is well connected to the bus network, it should be noted that bus capacity is currently well matched to current demand. Therefore, while the trip generation figures presented within the transport assessment seem very high TfL would, in accordance with the London Plan policy 3C.20, nevertheless request that a section 106 contribution be secured towards bus service capacity enhancements in the area. As such, TfL requires that a sum of £220,000 per year for a period of three years (total £660,000) in order to deliver the necessary service enhancements to accommodate the forecast increase in passengers. This could take the form of a new route, extending an existing one, or increasing frequencies on existing services.

It is proposed to relocate two bus stops on Barking Road as a result of this development. TfL has no objection to this in principle, but the applicant should note that the final design should be in accordance with TfL’s standards and their new location will need to be approved by TfL’s London Buses before any works can be carried out on site. Furthermore, the associated works will have to be provided at full cost to the developer as part of the section 106 / section 278 agreement for the scheme. In addition, given that the site will generate additional demand for bus travel, TfL would also encourage the applicant to carry out a condition survey of all bus stops located within 400 metres of the site, and the associated walking routes. TfL will then be able to identify the level of contribution required to bring these stops and walking routes up to current TfL accessibility standards. In the absence of any audit, a capped sum of £20,000 per pair of stops will be required.

TfL considers that the site would benefit from real time information displays in the building foyers and therefore requests that DAISY (Docklands Arrival Information System) screens be provided. Alternatively, the developer is welcome to investigate alternative measures that will provide real time updates on a wider range of modes. This provision should be secured as an obligation and a minimum £20,000 contribution should be set aside in the section 106 agreement to ensure that sufficient funds exist for its delivery.

The submitted framework travel plan is not acceptable in its current form as the travel plan targets, policy section, development proposals, local transport information and site accessibility details, are all missing. Alongside this, in accordance with the London Plan Policy 3C.2, a full residential travel plan also needs to be submitted as either a separate document or as a component of the framework travel plan. Individual travel plans for the retail and front office spaces may also be required post application, depending on whether the amount of floor space or the number of staff employed exceeds the TfL thresholds. At present, whilst the stated objectives and the few measures included are acceptable, these need to be expanded upon and committed to.
monitoring strategy also needs to be developed for the site that establishes a timeline for what will be monitored, when, and how the monitoring information will be gathered.

81 There is little coverage of servicing issues within the transport assessment and TfL therefore requires confirmation that service vehicle provision for the site will be well managed. Given the scale of development, and in line with the London Plan Policy 3C.25, provision of a Delivery Servicing Plan (DSP) is requested and should be required by condition. TfL is pleased to see that a Construction Management Plan (CMP) will be produced. The production and implementation of this document should be required by condition and include the cumulative impacts of construction traffic, likely construction trips generated, and mitigation proposed.

82 In conclusion, TfL believe that the additional information and mitigation measures detailed above are required in order for proposal to be consistent with London Plan policies 3C.2, 3C.17, 3C.20, 3C.21, 3C.22 and 3C.25. Until this information is provide the application is deemed inconsistent with these policies.

Local planning authority’s position

83 The local authority is currently assessing the application and is yet to determine it’s position on the application.

Legal considerations

84 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Corporation must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged or direct the Corporation under Article 6 of the Order to refuse the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor’s statement and comments.

Financial considerations

85 There are no financial considerations at this stage.

Conclusion

86 London Plan policies on land use, regeneration, retail, housing, urban design, children’s play space, inclusive access, climate change mitigation and adaptation, noise and air quality, and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- Land use, regeneration and retail: the proposal is consistent with London Plan polices 5C.1-5C.3, 2A.7, 2A.8, 3D.1, 3D.2 and 3D.3.
- Housing: the proposal is broadly consistent with London Plan polices 3A.3, 3A.5, but inconsistent with London Plan polices 3A.9 and 3A.10.
- Urban design: the proposal is consistent with the design requirements of 4B.1 and 4B.10.
- Children’s play space: the proposal is consistent with London Plan Policy 3D.13.
- Inclusive access: the proposal is consistent with London Plan polices 3A.5 and 4B.6.
• Climate change mitigation: the application is inconsistent with London Plan policies 4A.1, 4A.6, and 4A.7.

• Climate change adaptation: the application is consistent with London Plan policies 4A.10, 4A.11, 4A.14, and 4A.16. The proposal would not provide electric car changing points and is therefore inconsistent with London Plan Policy 4A.3.

• Noise and air quality: the application is consistent with London Plan policies 4A.20 and 4A.19.

• Transport: the proposal is inconsistent with London Plan policies 3C.2, 3C.17, 3C.20, 3C.21, 3C.22, and 3C.25.

87 On balance, the application does not comply with the London Plan.

88 The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

• Housing: the further financial viability information requested above should be provided to demonstrate that the scheme would provide the maximum reasonable of affordable housing consistent with London Plan polices 3A.9 and 3A.10.

• Climate change mitigation: the applicant should provide the further information requested to confirm compliance the requirements of London Plan policies 4A.1, 4A.6, and 4A.7.

• Climate change adaptation: the applicant should fully commit to the provision of electric car changing points in line with the London Plan Sustainable Design and Construction SPG and London Plan Policy 4A.3.

• Transport: the applicant should address all of the comments made above in order for the proposal to be considered consistent with London Plan policies 3C.2, 3C.17, 3C.20, 3C.21, 3C.22, and 3C.25.