



**Canal &
River Trust**

Making life better by water

Tower Hamlets Borough Council
Mulberry Place
5 Clove Crescent
London

E14 2BG

Your Ref PA/19/02717

Our Ref CRTR-PLAN-2020-29335

Thursday 19th March 2020

Dear Mr Garcia,

Proposal: Demolition of existing buildings, decontamination/remediation of the site and retention (including dismantling, refurbishment and reinstatement) of the two existing gasholder frames to facilitate redevelopment for a mixed-use development comprising 5 buildings ranging between 6-13 storeys (up to 63m AOD) to contain 555 residential dwellings and 4,182sqm (GIA) non-residential floorspace in flexible A1-A4, B1 and D Use Classes (maximum provision of up to 180sqm A1/A2, up to 1,300sqm A3/A4, up to 2,485sqm of B1(a) and up to 635sqm of D1/D2 use class floorspace), together with access, car and cycle parking, associated landscaping and public realm, public open space and works to the existing canal wall, Pressure Reduction Station and existing gasholders.

Location: Bethnal Green Holder Station, Marian Place, London

Waterway: Regent's Canal

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issues relevant to the Trust as statutory consultee on this application are:

- a) The impact on the character and appearance of the waterway and adjacent towpath.
- b) Impacts on heritage assets.
- c) Potential impacts on the structural integrity of the canal.
- d) Impact on the overshadowing of the canal
- e) Impact on biodiversity.
- f) Drainage impacts

Based on the information available our substantive response, as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) is to advise that suitably worded **conditions are necessary** to address these matters. Our advice and comments follow:

The Trust provided advice with regards the previous Environmental Impact Assessment Scoping Opinion on the site, in 2019, when we commented on the use of towpaths for transportation of pedestrians and cyclists; the impacts of tall buildings and overshadowing; the use of waterways for heating and cooling of buildings; impacts on heritage assets, biodiversity and ground conditions. We also advised on the necessity to address the risk of major accidents and on impacts on the microclimate and wind.

The impact on the character and appearance of the waterway and adjacent towpath.

Impacts on the character and appearance of the waterway are addressed within the Tower Hamlets Local Plan, 2020, and specifically in Section 4:1.3: Marion Place Gas Works and the Oval. This requires developments to *'respond positively to the special character of the Regents Canal Conservation Area and its setting'* including the provision of *'active frontages set back from the canal, positively framing the open space ... to avoid excessive overshadowing'*. This is supported by the more generic policy S.OWS2: Enhancing the network of water spaces, which requires developments to *'be required to support the creation of a network of high quality, usable and accessible water spaces network.'* These policies, in conjunction with the London Plan, (Intent to Publish), particularly policy SI 17, and Chapter 12 of the National Planning Policy Framework 2019, are all relevant to this application.

These policies place a requirement on the developer/applicant to respond positively to the special character of the Regent's Canal Conservation Area, to enhance amenity and to support the creation of a high quality, usable and accessible water spaces network.

The proposed repair and reinstatement of the gasholder frames for the two canal side gasholders is welcomed, given the contribution that these are recognised as making to the character of the canal conservation area. The built form responds to these structures and it is clear that the gasholders are a key part of the justification for the heights of the buildings. Given these factors, we suggest that the council should consider whether a planning condition or planning obligation should be imposed to require the reinstatement of the gasholders at an appropriate point in the development (at least prior to occupation).

The Trust suggests that further refinement of the 'canal edge' landscaping is required. Currently the views of the gasholders from the canal are uninterrupted, and the addition of groves of trees to what is, and has always been, a very industrial site is a questionable response. Whilst something could visually break up this large area of hard landscaping, planting trees in the foreground does seem to undermine the historic industrial character of the site that the scheme is aiming to maintain. Perhaps something lower level would be preferable and could reduce the impacts of shading that will already be quite extensive due to the built form. An alternative approach may be to make the planting appear 'imported' on to the site, through the use of planters etc. It is considered that the Canal Zone should be read as a different space to the rest of the site, with a more industrial feel to it. You are also referred to the heritage impacts section below, in this respect. An interpretation of the original basin would be an eloquent addition in this part of the canal side landscape.

Overall, the impact on the character and appearance of the waterway and adjacent towpath is considered acceptable, but the Canal Zone landscaping needs further consideration. We suggest that this could be achieved through refinement of landscaping plans in accordance with a suitably worded landscape condition.

Impacts on heritage assets.

The Local Plan policy 4:1.3 requires that developments *'respond positively to the special character of the Regent's Canal Conservation Area and its setting, the scale, height, massing and fine urban grain of the surrounding built environment, and specifically integrate heritage assets on site'*. Local Plan policy S.DH3 postscript 8.35 explains that development proposals within conservation areas, require *'consideration to be given to the relative significance of the element affected and its contribution to the significance of the conservation area as a whole and its setting'*. This is further underpinned by chapter 16 of the NPPF which requires that proposals affecting heritage assets describe the significance of the assets and any contribution made to their setting.

As a development proposal with the Regent's Canal Conservation Area, the entire development is within a designated heritage asset and is required to comply with these policies. Whilst the Trust welcomes the retention of the gas holder frames, policy requires the development not only to describe the asset, but to enhance its significance. The dock upon which gasholder 5 was constructed is an older archaeological heritage asset which the Design and Access Statement Pt 2, page 2 refers to. The Trusts has previously suggested that this should be expressed in hard landscaping treatment to indicate the edges of the former basin (cf 1872 Ordnance Survey 25 inch to the mile map), combined with an interpretation lectern showing the historical development of the gasworks. P100 of the Design & Access Statement appears to indicate that demarcation of the historic basin is proposed but this isn't apparent from any of the landscape plans. Instead the proposal incorporates an array of lines radiating from the grassed circular core of the application site. It is considered that this surface treatment design militates against the legibility of the historical evolution of the site contrary to the requirements of policy.

Enhancing the legibility of the former basin would contribute to visitors' appreciation of the archaeology of the site's functional relationship with the Regent's Canal and its development. The basin co-existed with the smaller extant gasholder to the west, while the large gasholder was built somewhat later over the infilled basin.

Subject to an amended interpretation of the archaeological significance of this previous dock through a revised landscaping plan at condition stage, the heritage aspects of this development proposal is considered acceptable by the Trust.

Potential impacts on the structural integrity of the canal.

Policies relevant to the structural integrity of the canal are found in the Local Plan policies D.ES9 Noise and vibration, which requires developments to: 'a. *use the most appropriate, layout, orientation, design and use of buildings to minimise noise and vibration impacts and b. identify/outline mitigating measures to manage noise and vibration from new development, including during the construction phase*'; policy D.ES8 Contaminated land and storage of hazardous substances addresses contaminated land requirements; and policy D.DH6 Tall Buildings which requires developments to '*demonstrate consideration of public safety requirements*'. These requirements are underpinned by paragraphs 178 and 179 of the NPPF which states that any ground condition and pollution issues are addressed appropriately, as the responsibility of the developer/applicant.

The development proposal is immediately beside the Regents Canal. The Regent's Canal comprises mature infrastructure, which is now 200 years of age. Any adjacent development should be required to address associated risks in a Risk Assessment for all activities which have the potential to impact on the integrity of the canal or any of its associated infrastructure. The Trust would expect the developer to sign up to its Code of Practice for works affecting our land and this would require a programme of implementation to be agreed with the Trust. We note, and welcome, the developer's intention to follow our Code of Practice, as set out in the draft CEMP. However, this is not a substitute for appropriate controls being applied through the planning process.

Whilst all canal side development can adversely affect canal infrastructure, additional risks arise on this site, given the close proximity of the gasholders to the canal bank. This increases the risk of major accidents in the event of a gasholder wall failure during de-watering of the gasholders. This risk needs to be identified and addressed in a ground movement impact assessment. The basement proposal, including the basement design for GH5, has a complex canal interface and comprises a substantial engineering project which requires prior Trust consent due to the proximity and scope of works. A detailed ground movement impact assessment will be required due to the structural impact on the canal wall integrity during the gasholder dewatering and basement construction. We suggest that this should be a specific requirement of a Risk Assessment and Method Statement

Modelling of a gasholder wall collapse and the impact that this would have on the canal wall is likely to be required, as a routine requirement, due to the close proximity of the holders and potential unknown condition of the below ground gas holders.

Any encroachment into the canal will require Canal & River Trust agreement. In addition, any new boundary wall in the canal or set back will require Trust design agreement to ensure water tightness of the new wall construction, which is typically achieved with puddle clay installation behind the canal wall. Any works to the canal wall will require the consent of the Trust, and any works within 15m of the canal boundary has implications for the structural integrity of the same. The Trust therefore requests that a condition is applied to this effect.

The Trust has concerns with regards vibrations during construction and demolition, and in particular the potential for numerous activities/contractors who may impact the canal wall integrity via undue vibration loading. We suggest that there is a need for the RAMS and/or CEMP to add the requirement for further consultation with the Trust. The non-technical summary Volume 3 Part 1 section 11.4, identifies potential construction vibrations during piling but discounts this subject to a suitable piling technique. The Trust cannot accept this until we have been provided confirmation of the type of piling and agreed limits of vibrations. The submitted 'Non-technical summary Volume 2 Appendix K1 Page 6' addresses some aspects of this matter, however the Trust requires details of the bespoke vibration levels, and evidence that these are likely to be less than those referenced from BS5228, due to the sensitivity and age of the canal wall infrastructure.

Given the risks inherent in this proposed development as mentioned above, a condition is requested to ensure all relevant and reasonable risks are assessed and mitigated appropriately within a Risk Assessment and Method Statement (RAMS) condition, and it is appreciated that the submission agrees that the canal wall works will follow the Trusts Third Party Works processes. However, the CEMP covers a vast array of activities which will span many years and multiple contractors. Therefore, we should suggest that the CEMP is expanded to state that any activities within the 15m of the Trusts land boundary obtains consent from the Trust as per this process, this will

help to ensure that not only are the impacts on structural integrity considered, in accordance with the RAMS but that measures will be put in place in the interests of users of the canal and its environment.

In addition to these matters, the applicants/agents are advised that any potential new waterway wall within the canal water space, would require the express consent of the Trust and DEFRA which carries a premium fee. The applicant/agent is also advised that such applications take some time.

Overshadowing of the Regent's Canal

The Trust accepts that the 'Sun on the Ground Results for External Receptors' forecasts that 91% of the Grand Union Canal within the area tested would achieve the BRE standard for open space of at least 2 hours of direct sunlight on 21st March. Drawing P1616/SHA/05 appears to indicate that this would be the case even if the study area of the Regent's Canal was directly adjacent to the site. We ask that the Council's relevant experts for the EIA scrutinise the methodology employed by the developer to ensure that the forecast is robust.

As far as we are aware, the applicant has not considered the impact on those boaters on long-term moorings adjacent to Corbridge Crescent. Whether in a residential or leisure use, it is generally accepted that boaters on long-term moorings are able to spend a substantial number of nights staying on their boats. We would suggest that the Council should consult these boaters on the proposals. If the responses suggest that individuals or households do regularly stay on their boats for extended periods of time then this should be considered in the applicant's Daylight and Sunlight Assessment, against standards relevant to the use.

We consider the biodiversity impact of overshadowing below.

Impact on biodiversity.

The biodiversity implications of this development proposal should be assessed against Local Plan policies S.ES1 'Protecting and enhancing our environment' and D.ES3 'Urban greening and biodiversity'. NPPF Chapter 15 underpins these and together they require that developments should contribute to and enhance the natural and local environment. The specific policy for the site, 4:1.3 requires the provision of a minimum of 1ha of strategic open space.

The overshadowing report illustrates that the development will increase overshadowing of the Regent's Canal. This is likely to have negative impacts on canal biodiversity, in particular planktonic species such as daphnia which support the aquatic faunal communities such as invertebrates, fish etc. The policies mentioned above require that biodiversity is protected and enhanced and the detrimental impact therefore requires mitigation. The Trust suggests that 100 linear metres of floating marginal habitat is installed to the adjacent canal bank, creating habitat for nesting water fowl, fish spawning / refugia, reptiles & amphibians and invertebrates to offset this detrimental impact.

The Trust would also suggest that all vegetation planted within 25m of the canal bank should be of native origin and that alder, poplar & willow should not be planted within 10m of the canal bank, to ensure that the structural integrity of the canal wall is not harmed by planting.

Lighting within the 25m canal corridor boundary has implications for biodiversity and for bats in particular. It is therefore requested that all exterior lighting should be low lux <5 Lux, directional, not directly on the canal channel surface and only where necessary. Lighting from the gas holder buildings is also likely to increase ambient light onto the canal corridor potentially disrupting the bat foraging corridor and the developer should seek to mitigate this with assistance from the bat conservation trust's planning and development documents.

The Trust suggests that conditions are necessary to address these matters.

Drainage impacts

Drainage impacts are addressed in Local Plan policies D.ES4 Flood Risk and D.ES6 Sustainable water and wastewater management. These, along with the paragraph 163 of the NPPF address the associated issues.

Surface water discharge to the canal is subject to licensing requirements with the Trust, should the developer/applicant wish to pursue this, however, though this is marked as being required on the application form, there is no indication it will be required in any of the submitted technical documents.

The contaminated land search report has indicated there are potential contaminants on the land therefore desk base and site intrusive investigation is required to establish if the waterways is at risk or not. A completed study to identify any hydraulic connectivity between the canal and surrounding groundwater, and if so, how this shall

be managed, is suggested. Volume 1 Chapter F of the Environmental Statement, states that the underlying groundwater is not identified as connective with the canal. However, no justification is provided in respect of the submitted reports or investigations. The draft site conceptual model also puts ground water level just below the canal bed level.

Improvements to the canal

The Transport Statement notes that the development will result in increased numbers of pedestrian and cyclist movements. It is highly likely that a significant proportion of these will use the Regent's Canal towpath. Just east of Mare street (including under the Mare Street bridge and the railway bridge) the towpath is too narrow, there's some muddy patches, and the whole area is in need of some investment. We would welcome a conversation with the council about whether it considers this to be an appropriate scheme for developer contributions and, if so, whether CIL or s106 is most appropriate.

Opportunities for use of the canal – Heating and Cooling and Waterborne Freight

The Energy Strategy states 'the development is adjacent to the Regent's Canal. Bodies of water can be used to extract or reject heat as long as there is an adequate water flow. However, there is minimal flow in a canal and utilising this as a source to extract/reject heat is not feasible'. We would dispute this and suggest that if the developer is keen to reconsider this issue then they should speak to Darren Leftley at the Trust

(Darren.Leftley@Canalrivertrust.org.uk)

We note that the draft CEMP gives no consideration to the opportunities to transport demolition and construction materials on the Regent's Canal. We suggest that this should be considered in accordance with the London Plan and would recommend that a feasibility assessment is required by condition.

The Trust as Landowner

Encroachment into the canal or its airspace, including on a temporary basis (e.g. crane oversailing) will require the prior agreement of the Canal and River Trust.

Should planning permission be granted we request that the following conditions are appended to the decision notice:

1. No development shall take place within 15m of the canal until the details of a Risk Assessment Method Statement (RAMS) have been submitted to and approved in writing by the Local Planning Authority for all activities within 15m of the Regent's Canal. These details shall include a programme of implementation; a ground movement impact assessment; modelling of a gasholder wall collapse; details of works to the canal wall; forecasts of the impacts of piling on the canal wall and measures to monitor and mitigate impacts. The requirements set out in the RAMS shall be followed throughout the construction and demolition process.
Reason: To ensure that all activities which have the potential to impact on the integrity of the canal or any of its associated infrastructure are reasonably and properly assessed and that appropriate mitigation is provided, in compliance with relevant policies and procedures.
2. No development shall take place within 15m of the canal until an updated Construction Environmental Management Plan (CEMP) is provided with respect to all construction development activities within 15m of the Regent's Canal. This shall be submitted and approved by the Local Planning Authority in writing. The CEMP shall be complied with thereafter.
Reason: To ensure that all activities which have the potential to impact on the integrity of the canal or any of its associated infrastructure, its environment and its users are reasonably and properly assessed and appropriate mitigation is provided, in compliance with relevant policies and procedures.
3. Prior to the commencement of the development of the superstructure an intrusive site investigation shall be carried out to assess the potential for contamination of the Regent's Canal during demolition, construction and operational phases of the development.
Reason: To protect the water quality of the Regent's Canal.
4. A revised canal side landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of this development hereby permitted. This shall include:
 - i) Revised landscaping details including specific indications of the location of the former dock, with an interpretation board to highlight the archaeological significance within the landscape;

ii) The revised landscaping scheme shall include floating marginal habitat, installed adjacent to the canal bank, creating habitat for nesting waterfowl, fish spawning / refugia, reptiles & amphibians and invertebrates.

The detailed landscaping and interpretation board shall be implemented in full within 12 months of the first occupation of the development hereby permitted.

Reason: In the interest of the provision of an appropriate canal side landscape, to ensure no threat to the structural integrity of the canal walls, to ensure the heritage significance of this former dock is recorded appropriately on site and in compliance with biodiversity requirements, Local Plan policy and the NPPF.

5. An exterior lighting scheme for all areas within 25m of the canal corridor boundary shall be submitted to and approved in writing by the Local Planning Authority prior to their first installation. These shall be low lux <5 Lux, directional, and not directly on the canal channel surface and only where necessary.

Reason: In the interest of biodiversity preservation and in compliance with relevant policy.

We also suggest that the Council should consider the need for a condition or planning obligation requiring the reinstatement of the repaired gasholder frames by an appropriate point in the development programme.

Should planning permission be granted we request that the following **informatives** are appended to the decision notice:

1. The applicant is advised that lighting from the gas holder buildings is likely to increase ambient light onto the canal corridor potentially disrupting the bat foraging corridor. The applicant/developer should seek to mitigate this with assistance from the bat conservation trust's planning and development documents: <https://www.bats.org.uk/our-work/buildings-planning-and-development>.
2. The applicant /developer should refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>).
3. The applicant/developer is advised that any encroachment or access over the water space requires written consent from the Canal & River Trust, and they should contact the Canal & River Trust's Estates Surveyor, Bernadette McNicholas (Bernadette.McNicholas@canalrivertrust.org.uk) regarding this.
4. The applicant/developer is advised that any surface water discharge into the waterway requires written consent from the Canal & River Trust, and they should contact the Canal & River Trust's Utilities team, Liz Murdoch (liz.murdoch@canalrivertrust.org.uk) regarding this.

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Astrid Lynn MRTPI
Area Planner

Astrid.Lynn@canalrivertrust.org.uk

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>