

From: [REDACTED]
To: silvertowntunnel
Cc: [Louise Evans](mailto:Louise.Evans)
Subject: TR010021 Application by TfL for an Order Granting Development Consent for the proposed Silvertown Tunnel
Date: 27 January 2017 17:34:44
Attachments: [Lidoka Estates Ltd Presentation for 20 January 2017 Silvertown CAH.docx](#)
[Lidoka Estates Ltd Presentation for 8 December 2016 Silvertown CAH.docx](#)
[AS-Letter to Chris Mohtram RBG representations on 16-3945-F on behalf of LEL 18 01 2016.pdf](#)
[100117 BF Letter to Mohtram.docx](#)

Dear Examining Authority

I have pleasure in Submitting Lidoka Estates Ltd's (LEL) written submission of the representations made at the Compulsory Acquisition Hearings on 20 January 2017 and 8 December 2016. I also attach copies of our letter and of Quod's letter on behalf of Scotia Gas Networks (SGN) to the Royal Borough of Greenwich (RBG) on Studio 338's planning application to reinstate their burnt out building (RBG reference 16/3945/F).

At the hearing on Friday 20 January, I was asked to "keep the Panel informed regarding the progress on determination of the Studio 338 application lodged to RBG and to keep the Panel informed as to whether the outcome of the planning application changes your objection to the Compulsory Acquisition of plot 01-058 for provision of the fire escape from those premises." I respond to the two points below.

1 Progress with the Studio 338 planning application (RBG reference 16/3945/F)

The planning application was submitted to RBG and made valid on 28th November 2016. The target date for a decision was 23rd January 2017. As of 26th January 2017, RBG have yet to determine the planning application.

The case officer Chris Mohtram has advised that the delay to the determination is due to the need to hear from the GLA who have been consulted in connection with the application but have yet to respond. The GLA has been consulted because the application site includes land that is safeguarded for the Silvertown Tunnel. The officer is expecting to hear back from the GLA by March.

The current expectation is that the planning application will be determined in March by Planning Committee (14th March 2017 is the scheduled meeting). Officers are yet to finalise their recommendation on the application.

As explained above, LEL wrote to RBG on 18th January 2017 to provide representations in objection to the Studio 338 planning application on a number of grounds. A copy of this letter is provided for your information. SGN have also written to RBG with objections to the application (a copy of this letter is also enclosed). The HSE has also objected based on their land use methodology assessment (the application site is within a hazard zone – which LEL expands on in its consultation response).

2 Whether the outcome of the planning application changes your objection to the Compulsory Acquisition of Plot 01-058 for provision of the fire escape from those premises

If RBG grants planning permission for application 16/3945/F, then LEL's objection to TfL's

acquisition of Plot 01-058, within the context of our overall support for the Tunnel, remains.

If RBG refuses to grant planning permission for application 16/3945/F, LEL fully expects that the Applicants will launch an appeal. They could launch an appeal at this stage on the grounds of non-determination as the expiry date for a decision on the application has passed. LEL is monitoring the application closely and will advise PINS of any updates in due course. In the event that an appeal is launched following the refusal of any planning permission by RBG, a decision on the proposed development is unlikely to be known by the time the Silvertown Tunnel DCO Examination has been concluded. In this scenario, LEL would have no option other than to maintain its objection (subject to any Heads of Terms that we can agree with TfL in terms of a Land Agreement – please see below).

LEL will maintain its objection to the acquisition of Plot 01-058 until the outcome of Studio 338's planning application is finally known. It is LEL's position, and we have advised TfL, that we are continuing to negotiate HoTs with TfL for the Land Agreement which we expect will include a clause that will provide for ownership of Plot 01-058 to revert back to LEL in the event that TfL succeed in compulsorily acquiring the land and then decide that they do not need to exercise their compulsory powers, or if Studio 338 – or its successors – no longer need the land for a fire escape.

Therefore we would be grateful if you could take this as formal application to attend and make representations at the compulsory acquisition hearing scheduled for Wednesday 29 March 2017.

I would be grateful if you could confirm receipt of this email and attachments and that you are satisfied that, to the extent possible, I have addressed the Action Points allocated to me at the CAH on Friday 20 January 2017. Please come back to me if you need any further information or clarification.

Yours faithfully

Martin Crane

Martin Crane
Director
Lidoka Estates Ltd

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Lidoka Estates Ltd Presentation for 20 January 2017 Silvertown Tunnel CAH

My name is Martin Crane, I am a director of Lidoka Estates Ltd, the owner of the freehold interest in the "lorry park" site in Boord Street next to the gas holder and Studio 338.

Since I last addressed you in December, we have had one meeting with TfL but we are not much further forward. TfL produced for the meeting in December a draft of Heads of Terms which amalgamated the two plots of our land they are interested in acquiring permanently, so a further draft is required that treats the two plots separately. TfL have provided us with a draft note of our meeting and we will be reverting to them on that shortly.

Looking at Land Plans Regulation 5(2)(i) Sheet 1 of 7 – drawing no. ST150030-MCO-ZZZ-06-DR-XS-0: as in December, we continue to have no objection, subject to normal negotiations, to TfL acquiring permanently Land Parcel 01-046 – although we note that Studio 338 currently use the area in the front and on the other side of the building from us for parking and deliveries. When that is no longer available, we think this area may well become the place for parking and deliveries and therefore may not provide an unobstructed fire escape route or access for the emergency services.

In an oral response to our comments about vehicular access to Studio 338, TfL responded that this would be via Boord Street and the proposed new road and turning head – the area coloured yellow on the General Arrangement Plans Sheet 1 of 3 (Application Document Reference APP-005). Control of parking on Boord St would continue to be managed by the relevant highway authority, ie the Royal Borough of Greenwich. However, if the yellow area is for access/servicing, then it cannot be used for parking. If parking on Boord Street is prevented, it is not clear where visitors to Studio 338 who arrive by car are going to park. There is a very real threat that this whole vehicular access area could become blocked, to the detriment of securing safe emergency access.

We have no objection to TfL occupying temporarily plot 01-047 to store materials while the new footbridge is being built, though we still are concerned at the potential impact on one or more of the businesses using the "lorry park" as sub-tenants of the Evening Standard.

However, this still leaves plot 01-058 the "fire escape land". We still object to Studio 338 using our land to provide their emergency fire escape and none of TfL's four proposed Non-Material Changes address our objections. Given the current state of the building, we see no reason why, if Studio 338 is rebuilt, they should not be required to make provision for fire escapes over their own land and not over other people's.

We note that the proposed fire escape complies with Approved Document B (AD B) of the Building Regulations 2010 in that the width of the proposed fire escape that goes all around the building is 6 metres. However, given the use of straw as sound insulation in the extension at the back of the building, that is where fire is likely to catch most quickly and burn most vigorously. Looking at the plan, 3000 people may have to go through plots 01-058 (a), (b) and (c) and into plot 01-058. I find it difficult to imagine 3000 people. However, I understand that the capacity of the Royal Albert Hall is almost 6000, that of the Royal Festival Hall just under 3000 and the Barbican Hall just over 3000. I find it hard to believe that once everyone had got out of these halls they could get to safety by going around the buildings though two (for the Royal Albert Hall) or one (for the Royal Festival Hall and the Barbican Hall) 6-metre-wide escape routes. People should not be made to go around the danger area but need to get away from it as fast as possible – but this will not be achievable when the proposed works cut off so much of the access to the site.

We have still to arrange a date for our next meeting with TfL but we hope to discuss a revised draft Heads of Terms with TfL shortly. We still look forward to reaching a satisfactory solution with TfL and reporting back to you in due course.

However, at present we are in a state of uncertainty as it will depend on what happens with Studio 338's planning application – which we understand may now not be decided before the end of February - and TfL's intentions for the LEL land in light of the Studio 338 rebuild proposals. We submitted our comments on the application on Wednesday 18 January 2017 and we understand they will be on the public record shortly and we have provided you with a copy.

Lidoka Estates Ltd Presentation for 8 December 2016 Silvertown Tunnel CAH

My name is Martin Crane, I am a director of Lidoka Estates Ltd, the owner of the freehold interest in the "lorry park" site in Boord Street next to the gas holder and Studio 338.

TfL have indicated they wish to acquire 3 parcels of land permanently or temporarily - Land Parcels 01-046, 01-047 and 01-058 on Land Plans Regulation 5(2)(i) Sheet 1 of 7 – drawing no. ST150030-MCO-ZZZ-06-DR-XS-0.

This representation is provisional, as we are waiting to examine Studio 338's planning application, which of course is subject to normal approval procedures and may well change substantially in the process.

In the meantime, we have not moved from the position in our previous representations, ie:

- Plot 01-046 the "permanent land" – we have no objection in principle to TfL acquiring this permanently, subject to normal negotiations.
- Plot 01-047 the "temporary land" – we have no objection to TfL occupying this for some 15 months to store materials while the new footbridge is being built, though we are concerned at the potential impact on one or more of the businesses using the "lorry park" as sub-tenants of the Evening Standard.
- Plot 01-058 the "fire escape land" – we are challenging TfL's need to acquire this land permanently. We are concerned that Studio 338's fire escape should still need to go over our land. We have also expressed concern over the adequacy of the proposed fire escape route in the event of a stampede of panic-stricken clubbers around a burning building. We only saw a report on fire safety within the building shortly before the fire, but noted that this did not consider how people would escape once they were outside the building. Finally on this plot - if TfL need it, our preference would for TfL to rent the land on a lease – as the rest of the site is rented - rather than acquiring it outright.

We are due to meet with TfL on 14 December, when we hope to discuss a revised draft Heads of Terms. We understand from TfL they will share some thoughts on how TfL's requirements can be met. We look forward to reaching a satisfactory solution with TfL.

However, at present we are in a state of uncertainty as it will depend on what happens with Studio 338's planning application and whether there is any need consequently for TfL to acquire our land. We expect to be able report more progress to you [ie the Inspectors] at the next CAH on 20 January.



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Our Ref: AS/JCG20202
Your Ref: 16/3945/F

E-mail: schembria@rpsgroup.com
Date: 18th January 2017

Mr Chris Mohtram
Development Team
Directorate of Regeneration, Enterprise and Skills
Royal Borough of Greenwich
The Woolwich Centre
35 Wellington Street
London
SE18 6HQ

By Email Only (chris.mohtram@royalgreenwich.gov.uk)

Dear Mr Mohtram,

REINSTATEMENT OF THE FIRE DAMAGED PROPERTY KNOWN AS STUDIO 338 (PLANNING APPLICATION REFERENCE 16/3945/F)
STUDIO 338 BAR, 338 TUNNEL AVENUE, GREENWICH, LONDON, SE10

I write on behalf of my Client Lidoka Estates Limited (LEL) in connection with the above planning application. My Client would like to register an objection to the planning application for the reasons provided below.

By way of background, LEL are the freehold owners of land immediate adjacent to the site which is the subject of planning application 16/3945/F on Boord Street to the east. Their site is currently leased to the Royal Borough of Greenwich (RBG) who in turn lease it to London Evening Standard (LES) who use it as an Operations Distribution Centre to distribute papers all over London. LES also sub-lease parts of the site to two other businesses. As a neighbouring land owner, LEL should have, but were not formally notified of the planning application having been submitted and we wish to highlight this administrative error.

It is also worth explaining that LEL is currently participating in the Examination into the application by Transport for London (TfL) for an Order granting Development Consent for the Silvertown Tunnel Project where significant discussions have taken place regarding the application premises in relation to this project given the tunnel safeguarding position that applies. To this end, LEL are very familiar with the application site, its constraints and the issues that apply in the greater context. We note that RBG have consulted with the Greater London Authority (GLA) on this application. We await their response and trust that RBG will not determine planning application 16/3945/F until the GLA provide their comments.

LEL wish to object to the proposals set out planning application 16/3945/F for the following reasons:

The principle of the development proposed is not acceptable and contrary to RBG's local planning policy for land at Greenwich Peninsula West

The Design and Access Statement submitted with the application states that the proposal is for a public house (Use Class A4 . Drinking Establishments) on the ground and first floor with residential accommodation (Use Class C3 - Dwellinghouses) on the second and third floors. Neither use is compatible with RBG's spatial planning policies for the area and on this basis, and for the other

reasons quoted below, the principle of what is being proposed is unacceptable and the application should be refused.

The RBG Local Plan is part of the Local Development Framework (LDF) and consists of the Core Strategy (adopted July 2014); the Policies Map (2006 but changed when the Core Strategy was produced) and the Site Allocations Local Plan (Issues and Options Consultation, February 2016). In addition to the Local Plan, the LDF consists of Supplementary Planning Documents (including the Greenwich Peninsula West Masterplan, adopted April 2012) and a number of procedural documents.

Policy EA3 (Greenwich Peninsula West) in the Core Strategy and the Proposals Map identify land at Greenwich Peninsula West as a Strategic Development Location (SDL) which will include a range of uses including residential and commercial. The policy further states that the Greenwich Peninsula West Masterplan (2012)ⁱ will guide development in this area. The Masterplan identifies land comprising the application site for sports fields and pavilions that could provide suitable permanent sites for the London Soccerdome on the Greenwich Peninsula. A mix of uses is suggested to complement these sports uses. It is suggested that a pub with upper floor residential uses is not compatible with the proposed uses for the area as set out in these documents.

Furthermore, the application site is located within Site G3 (Site to the east of A102(M), west of Bugsby's Way) in the Site Allocations Local Plan (Issues and Options Consultation, February 2016) where the preferred land uses include employment (B class uses) until such time as the gasholder's hazardous substances consent is revoked. The A4 and C2 uses being proposed are contrary to the preferred use of land in this location. Whilst there is potential for a mix of uses identified for Site G3 once the gasholder consent is revoked, this obviously hasn't happened yet and could take some time. Residential development is only considered appropriate once the gasholder consent is revoked and if noise and air quality issues can be resolved. Aside from the fact that the proposed uses are deemed incompatible with the proposed spatial strategy for the area, the application does not include any information which assesses the likely noise and air quality impacts on the proposed residential development either from the surrounding area or from the proposed public house use at the ground and first floor levels. In this sense, the application is missing key information which should be submitted by the Applicants if RBG accept that the proposed uses are acceptable (see further commentary below).

In summary, the uses proposed by the planning application are contrary to RBG's spatial Development Plan policies and the planning application should be refused. Whilst using the premises for Class A4 uses in the past may have been acceptable when the area was predominantly in industrial use, this is no longer the case.

The proposal is contrary to national planning policy on town centre uses

The National Planning Policy Framework (NPPF) defines main town centre uses as including entertainment and recreation facilities, such as bars, pubs and nightclubs. In paragraphs 23 to 27, the NPPF requires an analysis where town centre uses are proposed and confirms that Local Planning Authorities should apply a sequential test for planning applications including main town centre uses that are not in an existing centre and not in accordance with an up to date Local Plan. The preference is for main town centre uses to be located in town centres. The planning application site is not within a town centre location and there has not been a sequential assessment submitted as part of the planning application. The NPPF states that if an application fails to satisfy the sequential test it should be refused. The Applicants should be required to provide this information before the planning application is determined.

Additionally, and with further reference to the NPPF, we would argue that some impact analysis of the proposed leisure uses should be provided again in order to justify the out of centre location for the proposed pub use. This should include an analysis of the impacts associated with the proposed A4 use by virtue of local amenity, noise and customer dispersion. If the proposals cannot be shown to be acceptable in these terms, then this would lend further weight to our opinion that the proposed uses are not acceptable in this location.

The proposed development encroaches on land that is safeguarded for the Silvertown Tunnel

The application site is almost entirely identified on the RBG Proposals Map as being within the River Crossing Safeguarded Area where Policy IM3 of the Core Strategy applies. The policy states that RBG will continue to safeguard land required for the Silvertown Link Tunnel in accordance with national policy. The Silvertown Tunnel was designated as a 'Nationally Significant Infrastructure Project' by the Secretary of State for Transport in 2012. The Studio 338 planning application is not therefore acceptable on this basis and especially when considering the proposals put forward by TfL as part of their application for a Development Consent Order (DCO) for the Silvertown Tunnel which is currently under examination until April 2017.

Land Plan drawing number ST150030-PLN-ZZZ-ZZ-DSD-ZZ-0094 (Sheet 1 of 7) as submitted with the Silvertown Tunnel DCO application identifies two parcels of land within the Studio 338 planning application red-line boundary which are permanently required for the tunnel project. These are land parcels 01-058b and 01-058c. It is appreciated that the DCO examination is yet to conclude and no Order has been formally granted as yet. However, it is reasonable to assume that there is every prospect that the DCO is consented for what is nationally, a significant infrastructure project, in which case, land currently contained within the Studio 338 planning application will be required by TfL to implement the tunnel project.

We note that RBG have consulted with the GLA on the Studio 338 application. We await their response and trust that RBG will not determine planning application 16/3945/F until the GLA/TfL has provided comments especially in light of the current Silvertown Tunnel DCO examination.

The land required for the proposed development is insufficient and fails to take into proper account the land needed for associated parking, access and servicing, fire exit strategy, screening and other mitigation

The Silvertown Tunnel scheme will remove land that Studio 338 is proposing in their planning application to use as their fire escape. This is land comprising the north-western section of the fire damaged building (Silvertown Tunnel DCO Land Plan drawing number ST150030-PLN-ZZZ-ZZ-DSD-ZZ-0094 (Sheet 1 of 7) . Land Parcel 01-058c). As part of the Silvertown Tunnel DCO application, the TfL proposal is to provide a replacement fire exit route for Studio 338 by permanently acquiring land which is not in theirs or Studio 338's ownership and this includes land that is currently owned by LEL. This is being contested by LEL at the DCO Examination at present because it is LEL's view that there is insufficient land being proposed for the replacement fire exit route (based on the Studio 338 Fire Escape Provision Report by Atkins dated July 2016 - document reference STWTN-ATK-GEN-XXXX-RP-Y-0004 Revision P04) and the ultimate concern is that a wider route could require additional LEL land take.

Consequently, and specifically in the context of planning application 16/3945/F, LEL are concerned that there is insufficient land included within the planning application boundary for an adequate fire escape route. The Applicants should be required to provide details of the proposed fire exit strategy

and demonstrate that proper fire escape arrangements can be accommodated on land within their ownership or control. If more land is required, then this needs to be included as part of the planning application. At present, the Applicants have not approached LEL about using their land at Boord Street in order to realise their proposals. Unless a technically compliant and deliverable fire exit route can be demonstrated, the planning application should be refused.

Furthermore, there is no information submitted with the planning application to confirm what proposed parking provision is being made (and whether this in accordance with RBG's adopted standards); the proposed means of accessing the site by both vehicles and pedestrians and if this is acceptable in transport planning terms and what mitigation measures may be needed to reduce potentially harmful environmental impacts (noise, air quality, contaminated land etc.) The land that Studio 338 previously used for car parking is now identified by TfL as being permanently required for the Silvertown Tunnel project. Similarly, the Applicants have not provided any technical information with the planning application to back-up their assertions that the ground floor and parts of the first floor are structurally sound and capable of being rebuilt.

Flood Risk

The planning application site is located in a Flood Zone 3a area (high probability of flooding). The Applicants acknowledge this on their planning application form but contrary to the advice provided, they have not provided a Flood Risk Assessment as part of the planning application. Consequently, the planning application should not therefore be determined until this assessment has been provided and it can be adequately demonstrated that the proposed development will not be at risk from flood.

In this context, the advice in the NPPF is that only ~~less~~ ~~vulnerable~~ land uses should be allowed. A public house falls within the ~~more~~ ~~vulnerable~~ category and is therefore not appropriate in such a location. A Sequential Test will also need to be carried out as part of the Flood Risk Assessment in accordance with the planning policy guidance.

Noise

National Planning Policy Guidance states that noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Both apply to the consideration of this planning application especially in terms of how the proposed residential element of the scheme will be affected by the proposed Class A4 uses and the extremely noisy prevailing acoustic environment which includes significant noise sources including the heavily trafficked A102(M) Blackwall Tunnel Southern Approach Road and heavy industrial activity to the south and west.

The planning application does not include a Noise Assessment. Therefore, the likely noise impacts of the proposed development are unknown albeit that we are aware that noise complaints had been received previously in connection with operations at the premises which suggest that pre-existing means of reducing noise were not effective. RBG should request that an assessment is prepared before the application is determined and this assessment should consider whether rebuilding the damaged acoustic walls will provide adequate noise mitigation and whether there may be opportunities to further consider improvements to the acoustic environment.

Design

Paragraph 9 of the NPPF encourages the replacement of poor design with better design and states that developments should function well and add to the overall quality of the area, not just for the short

term but over the lifetime of the development (paragraph 58). Policy DH1 of the 2014 Core Strategy states that all developments are required to be of a high quality of design and should demonstrate that they positively contribute to the improvement of both the built and natural environments.

The proposal seeks to replicate what was an ugly building that had been altered and extended in a haphazard and unsympathetic fashion over many years resulting in a quite negative and uncharacteristic contribution to the townscape. The proposal fails to achieve a high design standard contrary to relevant planning policy guidance.

HSE Safety Zones

The planning application site is located within the inner zones of the Brenntag and Gas Holder HSE Safety Zones where indoor and outdoor public use of facilities is advised against. This further demonstrates that the proposed uses are not appropriate to the location. The Health and Safety Executive need to be notified of the planning application proposals and their advice should be provided to RBG in advance of any decision being made.

Conclusions

LEL believe that planning permission should be refused for the proposals put forward under planning application 16/3945/F for the following reasons which are considered material to the application's determination:

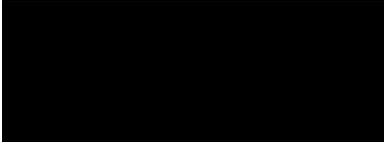
- The principle of the development proposed is not acceptable and contrary to RBG's local planning policy for land at Greenwich Peninsula West;
- The proposal is contrary to national planning policy on town centre uses;
- The proposal is located within two HSE Safety Zones where the public use of facilities is advised against;
- The proposed development involves land that is safeguarded and needed for the Silvertown Tunnel project;
- The proposal fails to make adequate provision for parking, means of vehicular and pedestrian access to the site, a fire exit strategy which does not rely on the need to secure approvals for the use of land outside of the Applicant's ownership and other environmental mitigation as may be required (but which requires further assessment in any event);
- The planning application does not include a Flood Risk Assessment, Noise Assessment and other necessary technical reports to properly assess the likely environmental impacts of the proposed development. Officers do not have sufficient information with which to make an informed decision on the planning application; and
- The proposals will fail to achieve a high quality of design.

The proposals for development do not accord with the relevant Development Plan policies and there are no material considerations that would suggest that they are otherwise acceptable. In accordance with Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should be refused.

I would be grateful if you could acknowledge receipt of this representation and confirm that its contents will be taken into consideration as part of your considerations. I shall look forward to being kept fully informed on progress with the application and your final decision. Please do not hesitate to contact me should you have any question or queries associated with the above.



Yours sincerely,



ANGELA SCHEMBRI
Planning Director

cc. Neil Willey
Martin Crane

Area Planning Manager, RBG
LEL

ⁱ It is understood that a Planning Brief for the gas holder site is to be prepared this year by RBG, working jointly with the land owner and the GLA.

our ref: **BF/Q30195**
your ref:
email: ben.ford@quod.com
date: 10 January 2017



Chris Mohtram
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chris.mohtram@royalgreenwich.gov.uk

Dear Mr Mohtram,

STUDIO 338 BAR, 338 TUNNEL AVENUE, GREENWICH, LONDON, SE10
PLANNING APPLICATION 16/3945/F OBJECTION

We are instructed by our client Scotia Gas Networks (SGN) who own a considerable piece of land adjacent to the application site known as Studio 338.

The planning application submitted under reference 16/3945/F for the reinstatement of a fire damaged property known as Studio 338 was validated on the 28th November 2016. Our client as adjacent land owner has not received notification of the application albeit has been made aware of the application and on this basis wishes to object to the proposal on the following grounds:-

- The Studio 338 Bar is a nightclub and entertainment facility which can host up to 3,000 people. This type of use is reflective of an industrial area where residential amenities are not taken into consideration and perhaps is a use that was acceptable where it was first envisaged some years ago. However, Greenwich Council as part of their vision within the Local Plan are promoting residential led mixed used development. In particular site GP3 (the gas holder site) is subject to a development brief that seeks comprehensive redevelopment against a series of key objectives. This includes high quality building spaces and accessibility delivered through residential development to compliment the 16,000 new homes proposed by Night Dragon on adjacent land. It is considered that the reinstatement of the nightclub would prejudice the objectives of site brief GP3 and undermine the future aspirations as set out within the Royal Greenwich Local Plan.
- National Plan Policy Framework defines main town center uses as including entertainment and recreation facilities, such as bars, pubs, nightclubs etc. Section 2 of the NPPF (para.23 – 27) requires an analysis where town center uses are proposed and in particular para.24 confirms that Local Planning Authorities should apply a sequential test for planning applications including main town center uses that are not in an existing center and not in accordance with an up to date Local Plan. They should require applications for main town center uses to be located in town centers then in edge of center locations and only if suitable sites are not available, should out of center locations be considered. This application is not within a town center location and is not supported by a sequential

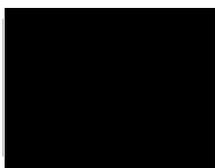


assessment. As a result para.27 is relevant noting that where an application fails to satisfy the sequential test it should be refused.

- The NPPF also refers to the requirements for an impact analysis for leisure developments which are outside of town centers and not in accordance with an up to date Local Plan. The Local Authority will determine the extent to which an impact assessment is necessary however we would suggest that at the very least an analysis of the impacts associated with the operation by virtue of local amenity, noise and customer dispersion should be assessed. This does not appear to be submitted with the application and therefore the impacts of the 3,000 customers entering and leaving the site have not been adequately assessed by applicant and therefore the local planning authority do not have the necessary material to hand to make a decision.
- Fire Evacuation Facilities - The planning application drawings do not detail a fire evacuation strategy or development required to implement this and as a result we believe it would be advisable to ensure that this component forms part of the planning application. We believe that a fire evacuation strategy is material for the determination of the planning application in light of the history of the site and the implications of this strategy on adjacent land owners will be an important consideration for adjacent land owners.
- Hazardous Substances Consent – as you will be aware the site is located within the inner zone of the gas holder HSC and also within the inner zone of the Brenntag HSC. The Health and Safety Executive needs to be notified and we would welcome a copy of their advice.
- There are questions regarding the deliverability of the proposal given that part of the land is owned by our client SGN who have not readily given their permission for the redevelopment to take place.
- Part of the site is also leased from NGP but is only leased on a temporary basis. Part of the site will also be required for the Silvertown tunnel. These are material considerations which weigh against the grant of planning permission.

I trust that you will register this letter of objection and should you have any queries please do not hesitate to contact me. Please keep us advised on the progress of the application.

Yours sincerely,



Ben Ford
Director

Enc.

cc: Neil Willey - Royal Borough of Greenwich