

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 31 January 2008 at 7.30 p.m.

A G E N D A

VENUE

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

Members:

Chair: Councillor Rofique U Ahmed
Vice-Chair: Councillor Helal Abbas

Councillor Louise Alexander
Councillor Shahed Ali
Councillor M. Shahid Ali
Councillor Lutfa Begum
Councillor Sirajul Islam
Councillor Joshua Peck
Councillor Simon Rouse

Deputies (if any):

Councillor Ohid Ahmed, (Designated Deputy representing Councillors Rofique U. Ahmed, Helal Abbas, Md. Shahid Ali, Sirajul Islam and Joshua Peck)
Councillor Tim Archer, (Designated Deputy representing Councillor Simon Rouse)
Councillor Alibor Choudhury, (Designated Deputy representing Councillors Rofique U. Ahmed, Helal Abbas, Md. Shahid Ali, Sirajul Islam and Joshua Peck)
Councillor Stephanie Eaton, (Designated Deputy representing Councillor Louise Alexander)
Councillor Rupert Eckhardt, (Designated Deputy representing Councillor Simon Rouse)
Councillor Rania Khan, (Designated

Deputy representing Councillor Lutfu Begum)
Councillor Harun Miah, (Designated Deputy representing Councillor Shahed Ali)
Councillor Abjol Miah, (Designated Deputy representing Councillor Shahed Ali)
Councillor Abdul Munim, (Designated Deputy representing Councillor Shahed Ali)
Councillor Oliur Rahman, (Designated Deputy representing Councillor Lutfu Begum)
Councillor Motin Uz-Zaman, (Lead Member, Health and Wellbeing)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Louise Fleming, Democratic Services, Tel: 020 7364 4878, E-mail: louise.fleming@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 31 January 2008

7.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Chief Executive.

	PAGE NUMBER	WARD(S) AFFECTED
3. UNRESTRICTED MINUTES		
To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 8 th November and 20 th December 2007.	3 - 30	
4. RECOMMENDATIONS		
To RESOLVE that, in the event of amendments to recommendations being made by the Committee, the task of formalising the wording of any amendments be delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting.		
5. PROCEDURE FOR HEARING OBJECTIONS		
To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.	31 - 32	
6. DEFERRED ITEMS	33 - 34	
6 .1 21 Wapping Lane, London E1W 2RH	35 - 90	St Katharine's & Wapping
6 .2 Site at Caspian Works and Lewis House, Violet Road	91 - 170	Bromley-By- Bow

7.	PLANNING APPLICATIONS FOR DECISION	171 - 172	
7 .1	Building C, New Providence Wharf, Blackwall Way, London	173 - 206	Blackwall & Cubitt Town
7 .2	Greenheath Business Centre, 31 Three Colts Lane, London	207 - 234	Bethnal Green North

Agenda Item 2

NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 8 NOVEMBER 2007

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Rofique U Ahmed (Chair)

Councillor Helal Abbas (Vice-Chair)

Councillor Shahed Ali

Councillor M. Shahid Ali

Councillor Simon Rouse

Councillor Stephanie Eaton

Other Councillors Present:

Councillor Tim Archer

Councillor Azizur Rahman Khan

Officers Present:

Suki Binjal – (Interim Head of Non-Contentious Team, Legal Services)

Megan Crowe – (Planning Solicitor, Legal Services)

Stephen Irvine – (Development Control Manager, Planning)

Michael Kiely – (Service Head, Development Decisions)

Terry Natt – (Strategic Applications Manager)

David Williams – (Development Manager, Development & Renewal)

Louise Fleming – (Senior Committee Officer)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Louise Alexander, Shahed Ali and Josh Peck. Councillor Stephanie Eaton deputised for Councillor Alexander.

2. DECLARATIONS OF INTEREST

Suki Binjal, Interim Legal Services Manager, advised the Committee and members of the public gallery that the Council had adopted a revised Code of

Conduct and detailed the changes made in relation to the declaration of interests.

Councillor M. Shahid Ali declared a personal interest in item 6.1 as the ward member for Limehouse.

Councillor Stephanie Eaton declared a prejudicial interest in item 8.1 and informed the Committee that she wished to stand down from the Committee and make representations in objection to the proposal, in accordance with the provisions of the adopted Code of Conduct.

Councillor Simon Rouse declared a personal interest in items 7.1 and 8.2 as the ward member for Millwall.

3. UNRESTRICTED MINUTES

The minutes of the meeting of the Strategic Development Committee held on 20th September 2007 were agreed as a correct record, subject to an amendment to the final paragraph to read

“The Committee RESOLVED that officers write to the Department of Communities and Local Government...”

4. RECOMMENDATIONS

The Committee RESOLVED that, in the event of amendments to recommendations being made, the task of formalising the wording of any amendments be delegated to the Corporate Director of Development & Renewal, along the broad lines indicated at the meeting.

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure and those who had registered to speak.

6. DEFERRED ITEMS

6.1 721-737 Commercial Road and 2-22 Lowell Street, Commercial Road, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing buildings and redevelopment up to 14 storeys to provide 319 residential units (9 x studio; 107 x 1 bed; 119 x 2 bed; 79 x 3 bed and 5 x 5 bed) and 675 sqm commercial (Class A2, A3, A4, B1, D1 and D2) space at 721-737 Commercial Road and 2-22 Lowell Street, Commercial Road, London.

Mr Terry Natt, Strategic Applications Manager, presented a detailed update report on the application. He reminded Members that the item had been

deferred at the previous meeting to allow a daylight/sunlight assessment on the non-residential elements adjacent to the proposed site to be carried out.

The assessment was carried out using residential standards, as there were no published standards for non-residential properties. It was noted that if the Salmon Lane Evangelical Church had been residential, it would have passed the Average Daylight Factor (ADF) test. Therefore, the objection made on behalf of the Church had been withdrawn.

The Committee was informed that an assessment had been submitted by the residents of the Mission Building. It showed that the Mission Building would experience a loss of light to some windows. However, overall it was considered that the levels of daylight and sunlight would be adequate. As a result, the four letters of objection received from Mission Building residents had been withdrawn. Members asked for clarification on the levels of daylight and sunlight.

The Committee RESOLVED that planning permission for the demolition of existing buildings and redevelopment up to 14 storeys to provide 319 residential units (9 x studio; 107 x 1 bed; 119 x 2 bed; 79 x 3 bed and 5 x 5 bed) and 675 sqm commercial (Class A2, A3, A4, B1, D1 and D2) space at 721-737 Commercial Road and 2-22 Lowell Street, Commercial Road, London be GRANTED subject to:

- A Any direction by the Mayor
- B The completion of a legal agreement, to the satisfaction of the Assistant Chief Executive (Legal Services) to be completed within 3 month from the date of the Committee to secure the following:
- Affordable Housing provision at 35% of the habitable rooms with a 70/30 split between affordable rented/shared ownership.
 - A contribution of £266,100 to mitigate the demand of the additional population on healthcare facilities.
 - A contribution of £530,000 to mitigate the demand of the additional population on education facilities.
 - A contribution of £219,000 towards Employment and training initiatives.
 - A contribution of £35,000 towards TfL bus stop.
 - A contribution of £20,000 to TfL signal booster to DLR or DAISY screen
 - A contribution of £300,000 for Community initiatives (refurbishing and upgrading of nearby community centre.
 - A contribution of £41,000 for upgrade works to Stonebridge Wharf
 - 'Car Free' agreement
 - LLIC
 - TV/Radio reception mitigation
 - Travel Plan

- C That the Head of Development Decisions be delegated authority to impose conditions and informatives on the permission to secure the following:
- 1) Permission valid for 3 years
 - 2) Submission of samples/details/full particulars
 - 3) Submission of a Secured by Design Statement
 - 4) Submission of a desktop study report for land contamination
 - 5) Submission of details of site drainage
 - 6) Submission of details of site foundations
 - 7) Submission of an Investigation and remediation measures for land contamination
 - 8) Provision of a minimum of 319 cycle spaces for the residential component of the scheme
 - 9) Submission of a traffic management plan detailing all routes to be used by construction maintenance programmes and also detailing how sustainable travel to and from the proposed development will be provided amongst residents and staff working on the site.
 - 10) Parking, access and loading/unloading, manoeuvring
 - 11) No parking on site, other than in the basement car park
 - 12) Vehicular access
 - 13) Refuse and recycling facilities
 - 14) Hours of Construction (8.00 am to 6.00 pm Monday to Friday 9.00 am to 5.00 pm on Saturdays and not at all on Sunday or Bank Holidays)
 - 15) Power/hammer driven piling (10.00 am to 4.00 pm Monday to Friday)
 - 16) Submission of full details of the proposed lighting and CCTV scheme.
 - 17) Lifetime Homes
 - 18) 10% Disabled Access
 - 19) Renewable Energy Measures (at least 10% reduction in carbon dioxide emissions)
 - 20) Applicant to use a 35 kilo Watt electrical combined heat and power plant.
 - 21) Further archaeological work or historic building assessment as necessary, to establish the actual impact of development so an appropriate mitigation strategy can be implemented.
 - 22) Any other conditions considered necessary by the Head of Development Decisions.
 - 23) Applicant to enter into the relevant highways agreement with TfL and the Local Planning Authority to secure the construction, reconstruction, alteration, improvement or maintenance of the highway.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Site south of Westferry Circus and west of Westferry Road, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the erection of Class B1 office buildings (330,963 sq. m) comprising two towers (Max 241.1m and 191.34 AOD) with a lower central link building (89.25 AOD) and Class A1, A2, A3, A4 and A5 uses (retail, financial/professional services, restaurant/café, drinking establishments and hot food takeaway) at promenade level up to a maximum of 2367 sq. m together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works (total floor space 333,330 sq. m) at Site south of Westferry Circus and west of Westferry Road, London.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application. He demonstrated the changes between the proposal and that which had been previously approved.

Members asked questions relating to the impact on wildlife, and whether an assessment had been made on the loss of light to the water in terms of fishing and the Tern raft. Mr Natt advised that the Environmental Impact Assessment had addressed the concerns and conditions had been recommended. Members were concerned that they did not have the Environmental Impact Assessment before them. The Committee was advised that the Assessment was a public document and was available to view on the Council's website. Due to the size of the document, it was not practical to attach to the agenda and was therefore summarised in the report.

Members also asked questions relating to the planning gain from the proposed Section 106 legal agreement, and the specific Heads of Terms relating to Healthcare, the Idea Store lease and the extension of the construction period. The Committee was informed that Healthcare provisions would only be sought for residential developments. In respect of the Idea Store lease, the Committee could only secure the lease period; it would be for the Council to determine the future of the Store. It was explained that the applicant had requested the option of a phased construction, for example to secure the occupation of one tower before the other was built. The Committee was advised that the Council could not insist on a development being built in one stage.

Members requested that the Ecological Management Plan take into account their concerns relating to the impact on wildlife and proposed that conditions be added to address these.

The Committee RESOLVED that planning permission for the erection of Class B1 office buildings (330,963 sq. m) comprising two towers (Max 241.1m and 191.34 AOD) with a lower central link building (89.25 AOD) and Class A1, A2,

A3, A4 and A5 uses (retail, financial/professional services, restaurant/café, drinking establishments and hot food takeaway) at promenade level up to a maximum of 2367 sq. m together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works (total floor space 333,330 sq. m) at Site south of Westferry Circus and west of Westferry Road, London be GRANTED subject to

A Any direction by the Mayor

B The prior completion of a legal agreement to the satisfaction of the Assistant Chief Executive (Legal Services) to secure the following:

1) Public Transport

Contribution towards DLR enhancement works - £3,000,000;

Contribution to TfL towards enhancements to the No. 135, 330 and the 330 bus services;

2) Public Realm

Provision and maintenance of the new open space at the southern end of the site, the riverside walkway within the site and other area of public realm within the site - £5,343,000;

3) Isle of Dogs Community Foundation

Contributions towards social and community facilities - £2,500,000;

4) Highway Works

Provision of toucan crossings south of Heron Quay on marsh Wall and Westferry Road and off-site highway works -£546,000;

Adoption of Heron Quays Roundabout and adjacent footpaths under Section 38 of the Highways Act 1980, including payment of works necessary to bring the Highway up to adoptable standard;

5) Lease of Skills/IDEA Store

16 years 6 month lease of the IDEA Store/10 year lease of the Skills Match Unit at peppercorn rents - £5,312,000;

6) Community and Social Infrastructure Provision – projects to be determined through strategy for each area – total of £4,794,000

- Employment Skills
- Sustainable Transport Initiatives
- Public Realm, Design and Open Space Improvements
- Improvements to Sports and Cultural Facilities

7) Preparation of a Travel Plan Framework - to be completed prior to the commencement of the development. The Travel Plan will be subject to ongoing monitoring and review;

8) Code of Construction Practice

9) TV and Radio Reception

C That the Head of Development Decisions be delegated authority to impose conditions and informatives on the planning permission to secure the following:

Conditions

1. Time limit;
2. Details of the following are required prior to the commencement of the development:
 - a) Samples of all external building materials including a 'typical cladding detail mock up';
 - b) Detailed design of all lower floor elevations, including shop fronts;
 - c) Details of hard and soft landscaping, including walkways, design and layout of new park, tree planting scheme, street furniture, CCTV and all external lighting;
 - d) Public art;
 - e) Details of all boundary wall treatments including walls, fences, railings and gates;
 - f) Signage details;
3. Submission of details of external ventilation/extract ducts to A3, A4 and A5 units;
4. Submission of details of high level/roof top plant and sound attenuation;
5. Submission of details of refuse/recycling proposals, including a waste management strategy;
6. Submission of details of disabled access (also to address the matters raised in Council's letter of 15th May 2007 in regards to accessibility);
7. Submission of details of the location of a proposed taxi rank;
8. Submission of details of the location of suitable riparian life saving equipment along the riverside walkway;
9. Submission of details of external lighting to be used during construction and on completion of the development to be considered in consultation with the Port of London Authority;
10. River barges must be used where feasible for the transport of materials to/from the site in both construction and on completion of the development. A strategy must be submitted detailing the use of barges to be considered in consultation with the Port of London Authority;
11. Submission of a Landscape Management Plan;
12. Planting, seeding, turving;
13. Submission of a detailed scheme for the ecological enhancement of the river wall;
14. Submission of an Ecological Management Plan detailing ecological mitigation measures throughout the development;

15. Details of the riverside walkway;
16. Details of the methods of the reconstruction of the riverwall and basement construction, use of barges, storage of materials, etc, to be submitted;
17. Details of brown roofs to be submitted;
18. Details of surface and foul water drainage system required;
19. Details of surface water source control measures;
20. Details of sustainable energy;
21. Investigation and remediation measures for land contamination (including water pollution potential);
22. Details of the construction of the site foundations;
23. Details of Water Efficiency measures;
24. Submission of details of the method of construction including details of use location and height of cranes and other structures to be considered in consultation with London City Airport;
25. Buildings must be equipped with aircraft obstacle lighting;
26. Submission of design specifications of acoustic screens for cooling towers/air cooled chillers;
27. Submission of a Construction Environmental Management Plan (EMP) setting out measures to be applied during the construction phase, relating to site planning, construction vehicles, demolition and construction activities on the site;
28. The following parking spaces are to be provided:
 - A maximum of 150 car parking spaces of which 10% must be allocated for disabled users.
 - A minimum of 345 cycle spaces for the office element and a minimum of 8 spaces located at the entrance for the retail element.
 - 132 motorcycle spaces;
29. Emergency Exit Management Plan detailing how the vehicle access ramp from podium level down to Westferry Circus would be used, controlled and monitored;
30. Submission of a detailed plan to ensure that the barrier to the basement access is setback from the highway in order to allow for sufficient space to allow for queuing vehicles;
31. Pedestrian Capacity Study detailing the impacts of the development upon the surrounding area;
32. Submission of a service management plan detailing a servicing scheme for deliveries and servicing throughout the site;
33. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays, and no works on Sundays or Bank Holidays;
34. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday;
35. Air Quality Monitoring;
36. Details of a monitoring and control regime of the Environmental Management Plan;
37. Impact study of water supply infrastructure required;
38. Renewable energy measures to be approved in writing by the Local Planning Authority in consultation with the Greater London Authority and implemented in perpetuity;

39. Level of noise emitted from the site to be restricted;
40. Implementation of a programme of archaeological work in accordance with the written scheme of investigation;
41. Highway works surrounding the site to be submitted to and approved by the Council;
42. Applicant required to submit details relating to proposed phasing plan for approval;
43. Applicant to ensure Ecological Management Plan take into account concerns relating to local wildlife; and
44. Any other condition(s) considered necessary by the Head of Development Decisions.

Informatives:

1. Section 106 agreement required;
2. Permission to be read in conjunction with the associate Listed Building Consent reference PA/07/943;
3. S278 Highways works agreement required;
4. River works licensing (Port of London Authority);
5. Riparian lifesaving equipment provided to the 1991 Hayes Report Standards (Port of London Authority);
6. Site notice specifying the details of the contractor required;
7. All waste shall be stored in a safe and secure manner;
8. Environment Agency advice;
9. Details of the archaeological project design;
10. Details of the renewable energy;
11. All cycle parking is to be provided in accordance with the London Cycle Network Manual;
12. Thames Water advice;
13. Environmental Health Department Advice;
14. Construction Environmental Management Plan Advice;
15. Metropolitan Police advice;
16. London City Airport Advice; and
17. Any other informative(s) considered necessary by the Head of Development Decisions

- D That if by the 8th February 2008 the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (Legal Services); the Head of Development Decisions be delegated authority to refuse planning permission.

7.2 Site at 61-75 Alie Street, 17-19 Plough Street and 20 Buckle Street, Alie Street, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing buildings and erection of two buildings of 7 and 28 storeys in height to provide 235 residential units, A1/A3 (retail/restaurant/cafe) floor space and B1 (business), formation of associated car and cycle parking and highway access, hard and soft landscaping and

other works associated to the redevelopment of the site at 61-75 Alie Street And 17-19 Plough Street And 20 Buckle Street, Alie Street, London, E1.

Mr Ben Borthwick spoke in objection on behalf of the owner of 32-36 Commercial Road on the grounds of loss of light. He felt that the report contradicted the results of the assessment carried out.

Mr Justin Kenworthy spoke on behalf of the applicant. He informed the Committee that the site was currently vacant and had anti-social problems with squatters and illegal raves. He felt that the reduction of daylight and sunlight to the Commercial Road property was reasonable in an urban location.

Mr Stephen Irvine, Development Control Manager, presented a detailed report on the application. He outlined the main issues for Members to consider, including land use, design, open space and the impact on the surrounding listed buildings. He advised the Committee that the residential use was supported in policy and the affordable housing provision accorded with the London Plan. The proposal was in a designated tall building area within the Local Development Framework. Planning obligations had been recommended to ensure sustainability and Transport for London was satisfied with the traffic assessment. The application was also supported by the GLA.

Mr Irvine detailed the objections which had been received. He advised that the impact on the listed buildings was considered acceptable as they were not uniform, contained in an area of mixed styles, and had been compromised by a building to the north of the site approved in 2001 which English Heritage had not raised an objection to. The proposal was not in a conservation area and did not impact on the Tower of London. Mr Irvine informed Members that there was a high percentage of socially rented properties in the proposal had access to private amenity space. The proposal also included good play space provision.

Mr Irvine advised that four different daylight/sunlight assessments had been carried out and it was considered that the levels were acceptable in an urban location. He also informed Members that a previous appeal decision had overturned a refusal of the Committee for the site. The Inspector had felt that the light was acceptable in the location. Therefore, there was no basis for a refusal on these grounds.

Members expressed concerns relating to the response from English Heritage, and adding further detriment to the area by approving the application. They asked for clarification from the objector relating to daylight/sunlight issues and whether the values were different. Mr Irvine showed the Committee pictures demonstrating the views of the proposal from the surrounding streets, the comparison with the approved Aldgate Union building and the flank wall of the 2001 building. Mr Kiely reminded Members that the Committee had a duty to have special regard to the desirability of preserving the setting of the listed buildings. Officers considered that the proposal enhanced the setting. Mr Irvine also informed the Committee that the drawings had been revised which

had changed the daylight/sunlight values referred to by the objector. In this regard, Environmental Health had raised no objection.

The Committee RESOLVED that planning permission for the demolition of existing buildings and erection of two buildings of 7 and 28 storeys in height to provide 235 residential units, A1/A3 (retail/restaurant/cafe) floor space and B1 (business), formation of associated car and cycle parking and highway access, hard and soft landscaping and other works associated to the redevelopment of the site at 61-75 Alie Street And 17-19 Plough Street And 20 Buckle Street, Alie Street, London, E1 be GRANTED subject to

- A Any direction by the Mayor
- B The prior completion of a **legal agreement** to secure the following planning obligations:
 - a) A proportion of 35% on a gross floor space basis of the proposed units to be provided as affordable housing with the socially rented mix as specified in the table attached in Section 8.15.
 - b) Provide **£40,000** towards general improvements to pedestrian and cycle routes in the immediate area including crossings and new paving surfaces.
 - c) Provide **£914,469** towards the works associated with the Aldgate Gyrotory including provision of open space on Braham Street.
 - d) Provide **£357,918** towards education to mitigate the demand of the additional population on education facilities.
 - e) Provide **£500,000** towards medical facilities to mitigate the demand of the additional population on medical facilities.
 - f) Provide **£257,104.60** towards access to local employment initiatives.
 - g) Provide **£100,000** towards the Aldgate Public Art and Culture Trail as identified in the Draft Aldgate Masterplan.
 - h) A commitment to maximise the employment of local residents.
 - i) Preparation of a Workplace Travel Plan (including welcome pack for residents).
 - j) Preparation of a Service and Delivery Plan.
 - k) TV Reception monitoring and mitigation.
 - l) Completion of a car free agreement to restrict occupants applying for residential parking permits.

That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.

- C That the Corporate Director Development & Renewal be delegated authority to impose conditions and informatives on the planning permission to secure the following matters:

Conditions:

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:

- Elevational treatment including samples of materials for external fascia of building;
 - The design of the lower floor elevations of commercial units including shopfronts
 - External lighting and security measures
- 3) Landscape plan for amenity courtyards and ground floor public realm improvements and with Management Plan.
 - 4) 278 agreement to be entered into for Highway works surrounding the site
 - 5) Parking maximum cars and minimum cycle and motorcycle spaces
 - 6) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
 - 7) Piling hours of operation limits (10am – 4pm)
 - 8) Details of insulation of the ventilation system and any associated plant required
 - 9) Wheel cleaning facility during construction
 - 10) Details of the energy Scheme to meet 10% renewables
 - 11) Land contamination study required to be undertaken with remediation certificate
 - 12) Details of surface water control measures as required by the Environment Agency
 - 13) Details of sustainable drainage measures as required by the Environment Agency
 - 14) Details of Piling Foundations as required by the Environment Agency
 - 15) Details of foul and surface drainage system as required by the Environment Agency
 - 16) Archaeology as required by English Heritage
 - 17) Details of the waste and recycling facilities
 - 18) Construction Management Plan required
 - 19) Bat survey completed
 - 20) Black redstart habitat provision required
 - 21) Details of inclusive design through the scheme
 - 22) Construction noise limits
 - 23) Construction vibration limits
 - 24) Parking, loading and serving areas to be used solely for these purposes.
 - 25) Crane Heights as required by London City Airports
 - 26) Details of Green Roofs

Informatives

- 1) Consult the Environment Agency in terms of conditions 12-13
- 2) Site notice specifying the details of the contractor required
- 3) Building Regulations in terms of means of escape

D That, if within 3 months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

The Committee adjourned for a short break at 8.55 pm and resumed at 9.05 pm.

7.3 King Henry Stairs, Wapping Pier, Wapping High Street, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the replacement of the collar barge with pontoon. Installation of staff toilets, the relocation of the preparation kitchen's odour extractor, the relocation of the glass crusher, relocation of waste oil storage and installation of sewage and grey water tank at King Henry Stairs Wapping Pier, Wapping High Street, London. He also introduced the enforcement issues surrounding the use of the Pier which the Committee had to consider.

Mr John Sayers spoke in objection on behalf of the residents of Gun Wharf on the grounds that the applicant had not applied for a change of use. He felt that consultees had been misled as to the nature of the application. Therefore the process was flawed and the application should be deferred. He also objected on the grounds of noise.

Ms Louise Steele and Ms Judy Moody-Stuart spoke on behalf of the applicant and addressed the residents' concerns. It was felt that the use had not changed, it had developed over time. It was also stressed that the River Thames was a working river and needed to be used.

Councillor Tim Archer spoke on behalf of the St Katherine's and Wapping ward residents. He felt that the application was a breach of planning control and created noise and odours. He asked that it be deferred for a noise assessment to be carried out, in relation to the effect on the residential properties. He also requested that there be a legal agreement to restrict what could be moored at the development.

Mr Kiely presented a detailed report on the application and outlined the history of the site and the background to the report. He informed Members of the advice which had been received from Counsel. It was considered that the structures in place were lawful. However, the use was not. The Council had advised the applicant to submit an application, at which point the applicant had also sought legal advice and decided that an application was not required.

Mr Kiely detailed the planning policies relevant to the application, which supported the principle of the use in the location. In respect of the preparation of food and the noise levels, the Council's Environmental Health officers had examined the application and did not feel that there was a significant impact. However, there were concerns relating to night time noise and therefore a legal agreement would be negotiated to mitigate this issue and it was proposed to delegate authority to the Corporate Director, Development and Renewal to serve an enforcement notice if the agreement was not secured.

Mr Kiely informed the Committee that the most significant element of the application was the replacement of the collar barge. At present the structure was unsightly and potentially noisy. It was proposed to replace with a smaller structure which would potentially improve the situation both visually and

audibly. Therefore, it was the view of officers that there were no justifiable reasons to refuse the application.

Members expressed concern over the breach of planning control. They asked a number of questions relating to the noise assessment carried out by the applicant; the impact of odour in all weather conditions; the relocation of the extractor fan; the notice served on owners; the alleged misleading of statutory consultees; and the retention of the barge.

Mr Kiely advised that it was normal practice for an applicant to submit required assessments, which the officers would then scrutinise prior to making recommendations. The onus was on the applicant to serve notice on all owners; the Council could only bring it to the applicant's attention. In respect of the retention of the barge, he advised that planning permission would be required to do so. However, the application needed to be determined on its merits, and weight could not be given to a potential future situation. Mr Kiely informed the Committee that he would ensure that the Environment Agency had the opportunity to comment with respect to the enforcement issues. If the Environment Agency did raise any significant concerns, he would report those concerns back to the Committee.

Members also expressed concern that an Environmental Impact Assessment had not been carried out. Mr Kiely explained that there were only carried out if the application met certain criteria, and it was considered that the application did not meet those criteria. Therefore, the correct procedures had been followed. Members proposed that the application be deferred to allow the Environment Agency to examine all the issues. Mr Kiely reminded the Committee that the Environment Agency examined the general environmental impact of a development and it was not within its remit to consider specific residential impact. He reminded Members that if it did raise any issues, he would report these back to the Committee. On a vote of 2 for and 3 against, this motion was lost.

The Committee RESOLVED that planning permission for the replacement of the collar barge with pontoon. Installation of staff toilets, the relocation of the preparation kitchen's odour extractor, the relocation of the glass crusher, relocation of waste oil storage and installation of sewage and grey water tank at King Henry Stairs Wapping Pier, Wapping High Street, London be GRANTED subject to the Corporate Director Development and Renewal being given delegated authority to impose conditions and informatives on the planning permission to secure the following:

1. Standard time limit
2. Hours of works (construction)
3. Construction method statement
4. No solid matter stored near river
5. Construction storage for oil, fuel and chemicals in accordance with submitted details to prevent pollution of the water environment
6. No light spill to protect wildlife habitats

Informatives

1. Environment Agency Informative

The Committee RESOLVED **NOT** to take enforcement action against the use as an operational base for a river cruise business because there are no grounds to sustain a reason for refusal subject to:

- A No objections being received from the Environment Agency
- B The completion of a legal agreement to the satisfaction of the Assistant Chief Executive (Legal Services) to secure the following:

- 1. Control activity during the night time

That if within 3 months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development and Renewal be given delegated authority to serve an enforcement notice in respect of the use of the pier as set out in Section 2 of the Committee report.

8. SPECIAL PLANNING CONSIDERATIONS

8.1 33-37 The Oval, London, E2 9DT

Councillor Stephanie Eaton spoke in objection to the proposal to not exercise the powers in S97 or S102 of the Town and Country Planning Act 1990 (as amended); and to delegate authority to the Corporate Director Development & Renewal to negotiate a legal agreement with the developer to secure the obligations described in paragraph 8.30 of the report in relation to 33-37 The Oval London E2 9DT, on behalf of the residents of the Bethnal Green North ward. Her objection was on the grounds of harm to the safety of the residents and was concerned over the response from the Health and Safety Executive (HSE). Following her presentation, Councillor Eaton left the room and did not return for the duration of the consideration.

Mr Michael Kiely, Head of Development Decisions, presented an extensive report and detailed the planning history of the site. He explained the advice which had been received from the National Grid relating to the application. Following the Secretary of State calling-in the application, the applicant had withdrawn and reverted to that which had previously been approved. This application was currently being implemented. The Committee needed to consider if it was reasonable to take action under the powers available to revoke or modify the planning permission, in light of the advice received. Although the Council would be liable to pay the applicant compensation if that course of action was taken, this was not a material planning consideration.

Mr Kiely explained the rationale behind the advice received from the HSE. It was HSE policy to advise against higher density housing developments within 200m of gas holders. If all those applications were refused on that basis, it would significantly impact on the number of properties which could be developed and the number of homes which would be delivered. Mr Kiely presented the update report which contained an updated risk assessment table, taking into account data from both the HSE and Atkins, the independent assessors. The main issue for consideration was whether the development created an unacceptable level of danger. It was the view of the independent assessors and the officers that the risk would be tolerable.

Members asked a number of questions relating to the advice received and the risk assessment.

The Committee RESOLVED that in accordance with Council Procedural Rule 14.1.13 the meeting be extended by up to 1 hour in order to complete its business.

The Committee expressed concern relating to the risk to the residents and it was proposed that action should be taken.

The Committee indicated that it did not support the officers' recommendation to not exercise the powers in S97 or S102 of the Town and Country Planning Act 1990 (as amended); and to delegate authority to the Corporate Director Development & Renewal to negotiate a legal agreement with the developer to secure the obligations described in paragraph 8.30 of the report in relation to 33-37 The Oval London E2 9DT and RESOLVED that the item be deferred to receive a report outlining the options available to the Council and the legal implications of those options.

8.2 Millennium Quarter and Docklands Light Railway - Deed of Variation

Mr David Williams, Development Design and Conservation Manager, presented a report which proposed the variation of the legal agreement dated 24th October 2003 between the Council and Docklands Light Railway Ltd in respect of using S106 resources from the Millennium Quarter (MQ) development contributions for the provision of station improvements at South Quay.

The Committee RESOLVED that

1. the legal agreement dated 24th October 2003 between the London Borough of Tower Hamlets and Docklands Light Railway Limited relating to station improvements at South Quay be varied; and
2. officers be authorised to negotiate and complete the necessary Deed of Variation to the 2003 agreement to revise the payment to DLR and to include any appropriate consequential amendments to the

agreement, to the satisfaction of the Assistant Chief Executive (Legal Services).

The meeting ended at 10.40 p.m.

Chair, Councillor Rofique U Ahmed
Strategic Development Committee

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 20 DECEMBER 2007

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Rofique U Ahmed (Chair)

Councillor Shahed Ali
Councillor M. Shahid Ali
Councillor Lutfu Begum
Councillor Joshua Peck
Councillor Simon Rouse

Other Councillors Present:

Councillor Tim Archer
Councillor Ahmed Hussain

Officers Present:

Stephen Irvine – (Development Control Manager, Planning)
Terry Natt – (Strategic Applications Manager)
Laura Howard – (Housing Development Consultant)

Louise Fleming – (Senior Committee Officer)

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Helal Abbas and Louise Alexander.

2. DECLARATIONS OF INTEREST

Councillor Josh Peck declared a personal interest to Item 7.1 which related to the Leopold Estate, Land Bound by Bow Common Lane, St Paul's Way and Burdett Road, Bow Common Lane as a Council appointed board member on the Mile End Park Partnership Committee.

Councillor Peck also advised the Committee that he had attended a tour of Poplar Harca sites with the Chief Executive of Poplar Harca. The tour included the Leopold Estate. However, there was no discussion relating to the current planning application (Item 7.1) and he made no comments.

3. UNRESTRICTED MINUTES

It was noted that Councillor Shahed Ali was not present at the meeting held on 8th November 2007, and that he would be deleted from the list of attendees.

Concern was also raised relating to the wording on page 16 relating to the view of the independent assessors and officers in respect of The Oval. It was agreed that a revised wording, which would more correctly reflect the advice given, would be presented to the next meeting of the Committee for its approval.

4. RECOMMENDATIONS

The Committee RESOLVED that, in the event of amendments to recommendations being made, the task of formalising the wording of any amendments be delegated to the Corporate Director of Development & Renewal, along the broad lines indicated at the meeting.

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure and those who had registered to speak.

6. DEFERRED ITEMS

The Committee noted the position in relation to deferred items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Leopold Estate, Land Bound by Bow Common Lane, St Paul's Way and Burdett Road, Bow Common Lane, London

Mr Stephen Irvine, Development Control Manager, introduced the site and proposal for the partial demolition of existing housing blocks, demolition of café and tenants hall in Shelmerdine Close and Akroyd Drive, renovation of existing 335 units and in outline the erection of 480 new residential units and 1000m² community use floorspace at the Leopold Estate, land bounded by Bow Common Lane, St Paul's Way and Burdett Road, Bow Common Lane, London.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application outlining the differences between the previous and current applications. He explained the rationale behind the shortfall in affordable housing, that it would be used to offset the cost of renovating existing affordable housing on the site. He advised that the quality of the amenity space would be improved and that both the design and principle of development were considered to be acceptable.

Members asked a number of questions relating to carbon emissions, re-housing of existing tenants, affordable housing and car parking. Mr Natt informed the Committee that a number of energy efficiency measures were proposed, and set out in the report, which had been signed off by the GLA energy officer. Poplar Harca officers would liaise with residents who would need to be temporarily re-housed during renovation works. He explained the viability assessment carried out in respect of affordable housing and Ms Laura Howard, Housing Development Consultant, advised that the proposal had taken into account existing housing needs. The estate in its current state was not fit for purpose. There would be 3 x 6 bedroom houses and 5 x 4 bedroom houses built as part of the proposal. The Committee was advised that disabled tenants would be exempt from the car free agreement.

Members also asked questions relating to the petitions received, the GLA comments, the open space which would be lost, and children's play space. Mr Natt advised that no new issues had been raised in the petitions and no further comments had been received from the GLA. He demonstrated to Councillors the location of the open space and landscaping on plans. Mr Natt advised that talks had taken place with Poplar Harca to secure the minimum level of affordable housing. It would be possible for a voluntary agreement between the adjacent school and Poplar Harca to utilise the children's play space.

The Committee RESOLVED that planning permission for the partial demolition of existing housing blocks, demolition of café and tenants hall in Shelmerdine Close and Akroyd Drive, renovation of existing 335 units and in outline the erection of 480 new residential units and 1000m² community use floorspace at the Leopold Estate, land bounded by Bow Common Lane, St Paul's Way and Burdett Road, Bow Common Lane, London be GRANTED subject to

- A Any direction by the Mayor.
- B The prior completion of a legal agreement to secure the following planning obligations:
 - a) A total of 392 affordable housing units. The affordable housing consists of 220 existing social units, 149 new social units and 23 interim units, as set out in table 2 in Section 8.16 of the report;
 - b) Provide £2,414,245 towards the construction of the replacement community facility as set out in the viability studies and objectives of the Design Statement;
 - c) Provide £4,409,513 towards the environmental improvements (including improved open space) as set out in the viability studies and objectives of the Design Statement;
 - d) Provide £445,000 towards the improvements and upgrades of the transport infrastructure to mitigate the requirements and pressures of the additional population on the road network in the immediate area;

- e) Provide viability assessments for the two remaining phases where average would be allocated towards affordable housing within the ward boundary;
 - f) A Travel Plan (for both the commercial and residential component) which promotes sustainable transport by reducing dependency on the private motor car and implements a shift towards more environmentally sustainable means of servicing the travel requirement of occupants and visitors;
 - g) A Car Free agreement to restrict the occupiers of the new build units from applying for residents' parking permits in the area;
 - h) Compliance with Environmental Management Plan;
 - i) Compliance with Energy Provisions in agreement with approved Energy Strategies (including scoping to incorporate 'existing' 335 residential units, connections to surrounding schools, community uses, 132 St Paul's Way and other sites in the immediate vicinity);
 - j) Secure arrangements with local schools to enable usage of play areas;
 - k) Provision of temporary ball court on site;
 - l) The use of Local Labour in Construction:
 - m) £14,361,713 towards internal and common part improvement and upgrade works related to Elmslie Point, the Closes and the Red Blocks as part of the estate renewal works; and
 - n) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.
- C That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.
- D That the Corporate Director Development & Renewal be delegated authority to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

- 1) 3 Year time limit for reserved matters
- 2) Implementation of phased development
- 3) Particular details of the development
- 4) Refuse details
- 5) Demolition and Construction Management Plan
- 6) Environmental Noise Assessment
- 7) Contamination Assessment
- 8) Car Parking Details
- 9) Bicycle parking details
- 10) Landscape Plan
- 11) Private Amenity Schedule for phased development
- 12) Access Statement for phased development
- 13) Air Quality Assessment
- 14) Vibration levels
- 15) Ventilation and extraction systems details

- 16) Access arrangements for phased development
- 17) Archaeological evidence details
- 18) Drainage system details
- 19) Sunlight and daylight assessment
- 20) Security management system
- 21) Updated bat survey
- 22) Highway works
- 23) Car Parking and bicycle standards
- 24) Energy: CHP System
- 25) Energy efficiency strategy implementation
- 26) Renewable energy details
- 27) Site foundation details
- 28) Control of tree works
- 29) Lifetime Homes standards
- 30) Protection of public sewers
- 31) Noise control
- 32) Hours of operation
- 33) Control of Development Works
- 34) Control of vibration
- 35) No structures over public highway
- 36) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

- 1) Subject to S106 agreement
- 2) Contact Building Control
- 3) Contact Environmental Health
- 4) Contact Highway Services with regard to S278 highway works
- 5) Contact Thames Water
- 6) Contact Cross London Rail Links Ltd
- 7) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

E That if within 3 months of the date of the Committee, the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

The Committee RESOLVED that planning permission for the erection of seven buildings between three and seven storeys high to provide a mixed use proposal comprising 1000m² community use floorspace and 122 dwellings (46 x 1 bedroom, 50 x 2 bedroom, 15 x 3 bedroom, 8 x 4 bedroom plus 3 x 6 bedroom), including 40 car parking spaces, landscaping, bin and cycle stores at the Leopold Estate, land bounded by Bow Common Lane, St Paul's Way and Burdett Road, Bow Common Lane, London be GRANTED subject to

A Any direction by the Mayor

- B The prior completion of a legal agreement to secure the following planning obligations:
- a) A total of 62 affordable housing units, as set out in table 3 in Section 8.19 of the report;
 - b) A car free agreement to restrict the occupiers from applying for residents' parking permits in the area;
 - c) Secure arrangements with local schools to enable usage of play areas;
 - d) Provision of temporary ball court on site;
 - e) Compliance with Environmental Management Plan;
 - f) The use of Local Labour in Construction; and
 - g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.
- C That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement as indicated above.
- D That the Corporate Director Development & Renewal be delegated authority to impose conditions and informatives on the planning permission to secure the following:

Conditions

- 1) Time Limit
- 2) Development completed in accordance with PA/06/00518
- 3) Particular details of development
- 4) Refuse provision
- 5) Construction and Management Plan
- 6) Environmental Noise Assessment
- 7) Contamination Assessment
- 8) Car parking details
- 9) Bicycle parking details
- 10) Landscape Plan
- 11) Access Statement for phased development
- 12) Details of non-residential floor space (1000 sq m community)
- 13) Air Quality Assessment
- 14) Vibration levels
- 15) Ventilation and extraction system details
- 16) Access arrangements for phased development
- 17) Archaeological evidence details
- 18) Drainage system details
- 19) Updated bat survey
- 20) Highway works
- 21) Energy Strategy implementation
- 22) Renewable energy details
- 23) Car parking and bicycle standards
- 24) Details of vehicle parking and movement associated with non-residential uses
- 25) Lifetime Homes standards

- 26) Opening hours
- 27) Site foundation details
- 28) Protection of public sewers
- 29) Control of tree works
- 30) Noise control
- 31) Hours of operation
- 32) Control of Development Works
- 33) Control of vibration
- 34) Control of additional structures
- 35) No structures over the public highway
- 36) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

- 1) Subject to S106 legal agreement
- 2) Contact Building Control
- 3) Contact Environmental Health
- 4) Contact Highway Services with regard to S278 highway works
- 5) Contact Thames Water
- 6) Contact Cross London Rail Links Limited
- 7) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

E That if within 3 months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

7.2 21 Wapping Lane, London E1W 2RH

Mr Stephen Irvine, Development Control Manager, introduced the site and proposal for the demolition of all existing buildings and the construction of five buildings ranging in height from 3 storeys to 19 storeys plus plant (to maximum height of 70.15 AOD) for mixed use purposes to provide 382 residential units (Class C3), retail use (Class A1, A2, A3, A4, A5) and/or community uses (Class D1) and/or leisure use (Class D2), car parking, landscaping, new vehicular and pedestrian access points and other ancillary work at 21 Wapping Lane, London, E1W 2RH.

Councillor Tim Archer spoke on behalf of the residents of the St Katharine's & Wapping ward. He felt that the development was too large, resulting in a 10% increase in the Borough's population. The density was excessive, the proposal would result in parking congestion and the contributions to education represented an underestimation. He asked that the Committee defer the application in order to reduce the height and carry out a further analysis of education and healthcare contributions.

Mr Matthew Gibbs spoke on behalf of the applicant. He addressed the points raised by Councillor Archer and explained the consultation which had been carried out. The scheme complied with policies relating to car parking and met quality indicators relating to density. The scheme was also supported by CABE, the GLA and English Heritage.

Mr Irvine presented a detailed report on the application. He explained that the development was in line with policy and was satisfactory in terms of the Environmental Statement and the level and mix of affordable housing. The scheme did not have any symptoms of overdevelopment and the contributions were in line with Government guidance, and were calculated using a formula which was applied across London. He advised that the contributions must be directly related to the development. The retail uses proposed would contribute to the local community and the development was of a high quality design.

Members asked for clarification relating to the symptoms of overdevelopment and raised a number of concerns relating to parking provision, the effect of the retail uses on the existing retail in the area, the affordable housing provision, the height and the density.

Mr Irvine explained the UDP policy which related to retail uses and the affordable housing toolkit assessment carried out. He advised that the Environmental Impact Assessment had examined the traffic impact and highways officers were satisfied. He also informed the Committee that there were no grounds for a refusal on density.

On a vote of 1 for, 3 against and 1 abstention, the Committee indicated that it did not support the officers' recommendation to grant planning permission for the demolition of all existing buildings and the construction of five buildings ranging in height from 3 storeys to 19 storeys plus plant (to maximum height of 70.15 AOD) for mixed use purposes to provide 382 residential units (Class C3), retail use (Class A1, A2, A3, A4, A5) and/or community uses (Class D1) and/or leisure use (Class D2), car parking, landscaping, new vehicular and pedestrian access points and other ancillary work at 21 Wapping Lane, London, E1W 2RH, on the grounds that:

- 1) the proposal contained a significant retail element which would have a detrimental effect on the existing nearby retail;
- 2) the properties which fronted onto the park posed a security risk;
- 3) the proposal did not comply with the Council's affordable housing policy requirement; and
- 4) the healthcare contribution was not satisfactory.

Therefore it was RESOLVED that the item be DEFERRED to the next meeting to enable officers to draft the reasons for refusal and seek appropriate legal advice.

7.3 Caspian Works and Lewis House, Violet Road, London

Mr Steven Irvine, Development Control Manager, introduced the site and proposal for the redevelopment to provide buildings of between 4 and 11 storeys for mixed use purposes including 148 residential units, Class A1, A2, A3 and B1 (shops, financial and professional services, restaurants/cafes and business) uses with associated car parking and cycle parking, roof terraces, landscaping and servicing at Caspian Works and Lewis House, Violet Road.

Mr Brian Chadwick spoke in objection on the grounds that the application which had been consulted on had subsequently been revised.

Mr Justin Kenworthy spoke on behalf of the applicant. He outlined the benefits of the scheme.

Mr Terry Natt presented a detailed report on the application. He outlined the scheme and the issues which the Committee needed to take into consideration when making its decision. He advised that the Council had negotiated with the applicant to increase the level of affordable housing provision.

Members requested that the maps which had been tabled be made clearer for future meetings. Questions were asked relating to the gated element of the proposal and the proximity of the retail element to existing retail in the area. Mr Natt advised that the closest retail was approximately a 5 minute walk from the site and that the gated element had been developed in liaison with the Metropolitan Police. He demonstrated their positioning to Members on the maps. Members expressed concern relating to the consultation of residents on the revised elements of the scheme and proposed that the application be deferred to allow full consultation to take place, and to liaise with the applicant regarding the removal of the gated element of the scheme.

The Committee RESOLVED that the application for the redevelopment to provide buildings of between 4 and 11 storeys for mixed use purposes including 148 residential units, Class A1, A2, A3 and B1 (shops, financial and professional services, restaurants/cafes and business) uses with associated car parking and cycle parking, roof terraces, landscaping and servicing at Caspian Works and Lewis House, Violet Road be DEFERRED to enable

- 1) consultation with the applicant to take place with a view to removing the gated element of the scheme; and
- 2) consultation with the residents to take place in respect of the revised elements of the scheme.

The meeting ended at 9.30 p.m.

Chair, Councillor Rofique U Ahmed
Strategic Development Committee

Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

Provisions in the Council's Constitution (Part 4.8) relating to public speaking:

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be notified by letter that the application will be considered by Committee at least three clear days prior to the meeting. The letter will explain these provisions regarding public speaking.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant committee from time to time (see below).
- 6.3 All requests to address a committee must be made in writing or by email to the committee clerk by 4pm on the Friday prior to the day of the meeting. This communication must provide the name and contact details of the intended speaker. Requests to address a committee will not be accepted prior to the publication of the agenda.
- 6.4 After 4pm on the Friday prior to the day of the meeting the Committee clerk will advise the applicant of the number of objectors wishing to speak.
- 6.5 The order of public speaking shall be as stated in Rule 5.3, which is as follows:
 - An objector who has registered to speak
 - The applicant/agent or supporter
 - Non-committee member(s) may address the Committee for up to 3 minutes
- 6.6 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to members of the Committee is not permitted.
- 6.7 Following the completion of a speaker's address to the committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.8 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the chair, committee members may ask questions of a speaker on points of clarification only.
- 6.9 In the interests of natural justice or in exceptional circumstances, at the discretion of the chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.10 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

Public speaking procedure adopted by this Committee:

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors (ie 3 or 6 minutes).
- For objectors, the allocation of slots will be on a first come, first served basis.
- For the applicant, the clerk will advise after 4pm on the Friday prior to the meeting whether his/her slot is 3 or 6 minutes long. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or non-committee members registered to speak, the chair will ask the Committee if any member wishes to speak against the recommendation. If no member indicates that they wish to speak against the recommendation, then the applicant or their supporter(s) will not be expected to address the Committee.

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Agenda Item 6

Committee: Strategic Development	Date: 31 st January 2008	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer: Michael Kiely		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
8/11/07	PA/05/00421	33-37 The Oval London E2 9DT	Demolition of existing building and redevelopment to provide a five storey building comprising 3 Use Class B1 (business) units on the ground floor with 14 flats above (6 one bedroom, 6 two bedroom and 2 three bedroom flats).	Committee indicated that it was minded to go against officer's recommendation. A supplementary report is therefore necessary.
20/12/07	PA/06/01787	21 Wapping Lane, London, E1W 2RH	Demolition of all existing buildings and the construction of five buildings ranging in height from 3 storeys to 19 storeys plus plant (to maximum height of 70.15m AOD) for mixed use purposes to provide 382 residential units (Class C3), retail use (Class A1, A2, A3, A4, A5) and/or community uses (Class D1) and/or leisure use (Class D2), car parking, landscaping, new vehicular and	Committee indicated that it was minded to go against officer's recommendation and that decision could be contrary to the development plan. A supplementary report is therefore necessary

**LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6**

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

			pedestrian access points and other ancillary work.	
20/12/07	PA/07/02706	Site At Caspian Works and Lewis House, Violet Road	Redevelopment to provide buildings of between four and eleven storeys (38.95 metres AOD) for mixed use purposes including 143 residential units, Class A1, A2, A3 and B1 (shops, financial and professional services, restaurants/cafes and business) uses with associated works including car parking and cycle parking, roof terraces, landscaping and servicing	1) consultation with the applicant to take place with a view to removing the gated element of the scheme; and 2) consultation with the residents to take place in respect of the revised elements of the scheme.

3. CONSIDERATION OF DEFERRED ITEMS

3.1 The following deferred applications are reported for consideration this time:

6.1 PA/06/01787: 21 Wapping Lane, London, E1W 2RH

6.2 PA/07/02706: Site At Caspian Works and Lewis House, Violet Road

4. PUBLIC SPEAKING

4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

5. RECOMMENDATION

5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.

Agenda Item 6.1

Committee: Strategic Development	Date: 31 st January 2008	Classification: Unrestricted	Agenda Item No: 6.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Tim Porter		Ref No: PA/06/01787	
		Ward(s): St Katherine's and Wapping	

1. APPLICATION DETAILS

Location: 21 Wapping Lane, London, E1W 2RH

Existing Use: Vacant warehouse building with ancillary offices and vehicle parking areas.

Proposal: Demolition of all existing buildings and the construction of five buildings ranging in height from 3 to 19 storeys plus plant (to maximum height of 70.15m AOD) for mixed use purposes to provide 380 residential units (Class C3), 240sqm of retail space (A1, A2 and A3), 201sqm of concierge/management space plus 195sqm of ancillary leisure and 247sqm of meeting room/ function space for the occupiers of the development, car parking, landscaping, new vehicular and pedestrian access points and other ancillary work (Amended Scheme).

Drawing Nos: 1375 (PL)001 (Rev. B), 1375 (PL)002 (Rev. B), 1375 (PL)003 (Rev. B), 1375 (PL)004 (Rev. C), 1375 (PL)005 (Rev. A), 1375 (PL)006 (Rev. A), 1375 (PL)007 (Rev. A), 1375 (PL)008 (Rev. A), 1375 (PL)009 (Rev. A), 1375 (PL)010 (Rev. A), 1375 (PL)011 (Rev. A), 1375 (PL)012 (Rev. A), 1375 (PL)013 (Rev. A), 1375 (PL)014 (Rev. A), 1375 (PL)015 (Rev. A), 1375 (PL)016 (Rev. A), 1375 (PL)017 (Rev. A), 1375 (PL)018 (Rev. A), 1375 (PL)019 (Rev. A), 1375 (PL)020 (Rev. B), 1375 (PL)021 (Rev. B), 1375 (PL)022 (Rev. B), 1375 (PL)023 (Rev. A), 1375 (PL)024 (Rev. A), 1375 (PL)050 (Rev. A), 1375 (PL)051 (Rev. A), 11375 (PL)052 (Rev. A), 1375 (PL)053 (Rev. A), 1375 (PL)054 (Rev. A), 1375 (PL)055 (Rev. A), 1375 (PL)056 (Rev. A), 1375 (PL)218-C, 1375 (PL)219-A, 1375 (PL)220-A, 1375 (PL)221-A, 1375 (PL)222-A, 1375 (PL)223-B, 1375 (PL)224-B, 1375 (PL)225-A, 1375 (PL)226-A, 1375 (PL)227-B, 1375 (SK)232-A

- Environmental Statement – Volume 1 – WSP – September 2007
- Environmental Statement – Volume 2 (Folders 1 and 2) – WSP – September 2007
- Environmental Statement – Volume 3 – WPS – September 2007
- Environmental Statement – Response to the Regulation 19 Issues and Environmental Statement Review Prepared by Bureau Veritas – WSP – 2nd November 2007
- Transport Assessment – WSP – September 2007
- Design & Access Statement – Paul Davis + Partners – September

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers: Tick if copy supplied for register

Name and telephone no. of holder:

Application, plans, adopted UDP. draft
LDF and London Plan

Xxxx Xxxx
020 7364 xxxx

2007

- Design Amendments – Paul Davis + Partners – November 2007
- Landscape Design Report – Whitelaw Turkington – August 2007
- Update Planning Statement – DP9 – September 2007
- GLA Affordable Housing Toolkit Submission and Accompanying Notes – HEDC – September 2007
- GLA Affordable Housing Toolkit 2007-2008 Update Submission

Applicant: Eulysses Limited (Part of the Ballymore Group of Companies)
Owner: Eulysses Limited (Part of the Ballymore Group of Companies)
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2
- The proposal is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 4B.3 of the London Plan and HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
- 2.3
- The retail uses (Class A1, A2, A3, A4, A5) and/or community uses (Class D1) and/or leisure use (Class D2) are acceptable in principle as they will provide a suitable provision of jobs in a suitable location. They will also provide a useful service to the community and future residents of the development, as well as provide visual interest to the street. As such, it is in line with policies ST34, ST49 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, SCF1, and RT4 of the Council's Interim Planning Guidance (2007), which seek to ensure services are provided that meet the needs of the local community.
- 2.4
- The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.4, 3A.7 and 3A.8 of the London Plan, policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007), which seek to ensure that new developments offer a range of housing choices.
- 2.5
- The loss of the employment use on site is acceptable because the site is unsuitable for continued industrial use due to its location, accessibility, size and condition. As such, the proposal is in line with employment policies 3B.5 and 3B.9 of the London Plan, and policies CP9, CP11, CP12, CP19 and EE2 of the Council's Interim Planning Guidance (2007), and CFR1 of Council's Interim Planning Guidance City Fringe Area Action Plan (2007), which consider appropriate locations for industrial employment uses.
- 2.6
- The density of the scheme would not result in the overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to provide an acceptable standard of accommodation.
- 2.7
- The development would enhance the streetscape and public realm through the provision of a public realm area and improved pedestrian linkages along the canal. As

such, the amenity space proposed is acceptable and in line with policies 4C.17 and 4C.20 of the London plan, policies ST37, DEV48 and T18 - T19 of the Council's Unitary Development Plan 1998 and policies CP30, CP36, DEV 3, DEV16 and OSN3 of the Council's Interim Planning Guidance (2006), which seek to improve amenity and liveability for residents.

- 2.8 • The quantity and quality of housing amenity space and the public realm strategy is considered to be acceptable and in line with PPS3, policy 3A.15 of the London Plan, policy HSG16 of the Council's Unitary Development Plan 1998 and policies OSN2 and CFR5 the Council's Interim Planning Guidance City Fringe Area Action Plan (2007) which seeks to improve amenity and liveability for residents without adversely impacting upon the existing open space.
- 2.9 • The building height, scale, bulk and design is acceptable and in line with English Heritage and CABE criteria for tall buildings; Planning Policy Guidance 15, policies 4B.1, 4B.5, 4B.8, 4B.9 and 4B.15 of the London Plan, policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV 27, CON2 and CON5 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.
- 2.10 • The submitted Environmental Statement is satisfactory, including the cumulative impact of the development. Mitigation measures will be ensured through conditions and a s106 agreement.
- 2.11 • The safety and security of the scheme is acceptable in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007), which requires all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.12 • Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policy 3C.22, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport option.
- 2.13 • Sustainability matters, including energy, are acceptable and in line with London Plan policy 4A.7 to 4A.10 and 4B.6, and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007), which seek to promote sustainable development practices.
- 2.14 • Contributions have been secured towards the provision of affordable housing, health care and education facilities, highways, transport, public art, open space and public realm in line with Government Circular 1/97, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

3.1 That the Committee resolve to GRANT planning permission subject to:

3.2 A. Any **direction** by **The Mayor**

3.3 B. The prior completion of a **legal agreement**, to the satisfaction of the Assistant Chief Executive (Legal Services), to secure the following:

1. Affordable housing provision of 35.1% of the proposed habitable rooms with a 68/32

split between rented/ shared ownership to be provided on site

2. A contribution of £300,000 to mitigate the impacts of the additional population on the surrounding highways, to be provided as follows:
 - £75,000 towards the provision of a raised table on Wapping Lane between the development and Tobacco Dock;
 - £100,000 towards pavement improvements (including street lighting and furniture) from the development to Wapping Station and other local amenities including shops and schools, to the direct benefit of residents of the new development;
 - £25,000 towards the realignment of the bus stops to the south of the development on Wapping Lane to improve accessibility;
 - £100,000 towards improving the eastern footway from the northern edge of the development site to The Highway, but not including the length adjacent to the development site as this should be a s278 agreement. This is for supply and lay of ASP paving for improved access to The Highway and Shadwell Station to the north;
3. A contribution of £310,800 to mitigate the demand of the additional population on health care facilities. In addition to this contribution, within 12 months of the final occupation of the development, a survey/assessment of health care facilities and provision in the immediate area will be undertaken in consultation with the PCT. Should this survey/assessment identify that there are health care projects that require additional funding, a further contribution up to a capped figure of £310,800, will be provided.
4. A contribution of £530,706 to mitigate the demand of the additional population on education facilities.
5. Provide £250,000 towards open space improvements to relieve the pressure that will arise from the new dwellings on existing open space and recreational facilities within the area.
6. A contribution of £80,000 towards the maintenance and improvement of the Cable Street Mural (public art).
7. A capped contribution of £20,000 to TFL for bus facility and accessibility improvements.
8. The provision and maintenance of a new public canal footpath along south bank of ornamental canal (providing unrestricted public access).
9. The provision and maintenance of a public walkway along the north-west and northern parts of the site as part of the 'the East-West link' connecting Wapping Lane to Wapping Woods.
10. Completion of a car free agreement to restrict occupants applying for residential parking permits.
11. TV reception monitoring and mitigation.
12. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
13. Preparation, implantation and review of a Green Travel Plan.
14. Preparation, implantation and review of a Service Management Plan.

- 3.4 That the Head of Development Decisions be delegated authority to impose conditions on the planning permission to secure the following:

Conditions

1. Permission valid for 3 years.
2. Details of the following are required:
 - Samples of materials for external fascia of building
 - Ground floor public realm
 - Entrance to Blocks C and D
 - Cycle parking
 - Security measures to the building
 - All external landscaping (including roof level amenity space and details of brown and/or green roof systems) including lighting and security measures, details of the ground floor defensible spaces overlooking the internal courtyard and Wapping Woods, finishes, levels, walls, fences, gates and railings, screens/ canopies, entrances, seating and litter bins
 - The design of the lower floor elevations of commercial units including shopfronts; and
 - The storage and collection/disposal of rubbish
3. Details of the design and layout of proposed canal side pedestrian walkway.
4. Landscape Maintenance and Management Plan.
5. Parking – maximum of 164 cars (including 4 disabled spaces) and a minimum of 248 residential and 20 non-residential bicycle parking spaces.
6. Archaeological investigation.
7. Record of the nineteenth century warehouse on the eastern flank of the building (south east corner) to be undertaken.
8. Investigation and remediation measures for land contamination (including water pollution potential).
9. Full particulars of the following:
 - Surface/ foul water drainage plans/ works; and
 - Surface water control measures.
10. Details of safe dry escape route from the basement levels below the flood water levels.
11. Details of the site foundation works.
12. Construction Environmental Management Plan, including a dust monitoring.
13. Submission of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.
14. Further baseline noise measurements during construction and operational phase (plant noise) to be undertaken for design work purposes.
15. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays.
16. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
17. Ground borne vibration limits.
18. Noise level limits.
19. Implementation of micro-climate control measures.
20. Implementation of ecological mitigation measures.
21. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.
22. Details of the disabled access and inclusive design.
23. Details of additional cycle parking spaces where identified by the travel plan survey.
24. Details of the highway works surrounding the site.
25. Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

1. Section 106 agreement required.
 2. Section 278 (Highways) agreement required.
 3. Site notice specifying the details of the contractor required.
 4. Construction Environmental Management Plan Advice.
 5. Environment Agency Advice.
 6. English Heritage Advice.
 7. Ecology Advice.
 8. Environmental Health Department Advice.
 9. Metropolitan Police Advice.
 10. Thames Water Advice.
 11. Transport Department Advice.
 12. London Underground Advice.
 13. Landscape department advice.
 14. Contact the GLA regarding the energy proposals.
- 3.5 That, if by 30th April 2008 the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (Legal Services), the Head of Development Decisions be delegated authority to refuse planning permission.

4. BACKGROUND TO THIS REPORT

Previous Meetings

- 4.1 This application was originally put before the members of the Strategic Development Committee on 20th December 2007. The original report, recommending approval of this proposal subject to conditions, is attached as **Appendix 1**. Attached as **Appendix 2** is an extract of the Strategic Development Committee minutes of the 20th December 2007 meeting.
- 4.2 At this meeting, the Committee indicated that it did not support the officers recommendation to grant planning permission on the grounds that:
1. The proposal contained a significant retail element which would have a detrimental effect on the existing nearby retail;
 2. The proposal did not comply with the Council's affordable housing policy requirement;
 3. The healthcare contribution was not satisfactory; and
 4. There is a potential security conflict between the new communal amenity space and the ground floor residential windows.
- 4.3 The Committee resolved that the application be deferred to the next meeting to enable officers to draft the reasons for refusal and seek appropriate legal advice on, whether the reasons for refusal were sustainable.
- 4.4 In response to the Committees potential reasons for refusal, the applicant has made a number of amendments to the scheme, to mitigate the concerns raised. The issues raised by the Committee have been addressed in detail below.

5. ISSUES

Retail Element

- 5.1 Members of the 20th December 2007 Strategic Development Committee raised concern

about the potential detrimental effect the proposed retail space may have on the existing retail parades located nearby.

5.2 In accordance with policy EE2 of the Integrated Planning Guidance (IPG), where a development results in the loss of existing employment land, this should be compensated for through the provision of non-residential employment generating uses on-site. The applicant was proposing to satisfy the Council's planning policy through the provision of 887sqm of the following non-residential uses on the ground floor of Block A:

- retail uses (Class A1, A2, A3, A4, A5); and/or
- community uses (Class D1); and/or
- leisure use (Class D2)

5.3 However, it should be noted that the Applicant originally did not identify the exact nature of the ground floor uses in the scheme presented to the December Committee. As such, one could have interpreted the scheme as having the potential to provide a total of 883sqm of retail space. In response, as highlighted by the concern raised by the Committee, the applicant has consolidated the ground floor uses as follows:

- 240sqm of retail space (A1, A2 and A3)
- 201sqm of concierge/management space;
- 195sqm of leisure use for the occupiers of the development; and
- 247sqm of meeting room/function space.

5.4 As can be seen, the bulk of the ground floor uses will be given over to ancillary functions to the primarily residential use of the site (e.g. the concierge/management space, leisure use for the occupiers of the development and meeting room/ function space).

5.5 The retail element, which now omits the previously proposed A4 and A5 uses (bar/takeaway), is proposed in order to provide an active and animated frontage to the canal, which will be enhanced as a result of these proposals. In policy terms, particularly policy OSN3 of the IPG, this is essential where the canal forms part of the Blue Ribbon Network. Indeed, the GLA Stage 1 report considered that:

"more active uses in the ground floor of Block A would improve the setting of the canal".

5.6 The retail component, which is now 240sqm, is a substantially reduced figure compared to the 883sqm which could have been provided in the scheme considered at the meeting on the 20th December 2007. The reduced retail floor area is considered to be minimal though necessary in meeting policies EE2 and OSN3 of the IPG.

5.7 In response to the amendments made by the Applicant, a refusal based on the Committee's concern is not considered to be sustainable. The Planning Department therefore advises the Committee to give further consideration to this matter. Officers do not believe that the Council could defend a refusal based on the potential impacts caused by 240sqm of retail space upon the existing nearby retail parade if it were placed before a public inquiry.

Affordable Housing

5.8 The Committee report before the December Committee identified that the proposed provision of affordable housing, at 34% by habitable room was justified. However, the Members of the 20th December Committee were concerned that the development did not comply with the Council's affordable housing policy requirement.

5.9 Policy CP22 of the IPG states that the Council will seek a minimum 35% affordable

housing provision from all major residential developments. The scheme before the December Committee was proposing 94 affordable dwellings; which is 34% of the total on a habitable room basis.

- 5.10 Notwithstanding this, and to respond to the Members, the Applicant has agreed to provide further units, in Block E, for affordable housing. This results in a revised unit mix, scheduled as follows:

Unit size	Total units in scheme	affordable housing						market housing		
		social rented			intermediate			private sale		
		units	%	LDF %	units	%	LDF %	units	%	LDF %
Studio	99	0	0	0	0	0	0	99	35	25
1 bed	95	13	19.5	20	17	55	37.5	65	23	25
2 bed	113	15	22.5	35	9	29	37.5	89	31.5	25
3 bed	56	21	32	30	5			30		
4 bed	12	12	18	10	0			0		
5 Bed	5	5	8	5	0	16	25	0	10.5	25
TOTAL	380	66	100	100	31	100	100	283	100	100

- 5.11 The revised unit mix provides for a total of 630 market habitable rooms and 332 affordable habitable rooms, delivering 35.1% of the habitable rooms as affordable housing. The amendments reduce the total number of units from 382 to 380 units, as a result of the loss of 5 market units and the uptake of 3 affordable housing units.
- 5.12 The scheme now exceeds the Council's minimum affordable housing target of 35%. As such, the scheme is considered to be acceptable. The planning department therefore advises the Committee to give further consideration to this matter where, officers believe, the Council could not defend a refusal at a public inquiry based on a scheme that complies with the Council's affordable housing policy.

Healthcare Contribution

- 5.13 Members of the 20th December 2007 Strategic Development Committee were also concerned that healthcare contribution was unsatisfactory.
- 5.14 Under section 6.46 of the December Committee Report, the Primary Care Trust (PCT) requested the developer to contribute £1,742,877 towards health and social care facilities. This included a capital contribution of £310,800 (for building and physical works) and a revenue contribution of £1,432,077 (for staff resources). This figure was calculated by the PCT using the NHS London Healthy Urban Development Unit model (HUDU).
- 5.15 The HUDU model is a computer spreadsheet into which various figures are entered. Some are particular to the size and type of this scheme and some derived from national and other data, whilst there are other figures and calculations set within the programming. Doubt has been cast over the consistency of its application in Tower Hamlets, the detail of which has been considered in two recent Appeal cases as follows:

1. Appeal made by Bernard Construction (Stepney) Ltd against the Council of the London Borough of Tower Hamlets (Former Police Station and Magistrates Court, East Arbour

Square and West Arbour Square, London E1 0PU) – 29 March 2007; and

2. Appeal made by Virsons Ssas against the Council of the London Borough of Tower Hamlets (10 – 22 Dunbridge Street, London, E2 6JA) – 18 June 2007.

5.16 To summarise, both cases, the Planning Inspectorate found that:

- The HUDU model has little current policy backing for its use as yet; and
- There is a lack of in-depth information provided regarding the inputs in the spreadsheet; i.e.:
 - The models assumption that 100% of the residents in any development are new is unrealistic since there is no certainty that prospective residents are all new to the Borough or leaving accommodation suitable for the same number of replacement occupiers;
 - There are no details of capacity of health services in an area, need or slack in the system.
 - Furthermore, the model does not have a geographical or functional link to the proposal. The exact nature or location of any revenue spent/ improvement of healthcare is not identified; and
 - With regard to revenue, the HUDU model relies on the timing of development relative to a three-year funding cycle. However, the harm that is sought to be mitigated may only appear on occupancy, which could occur much later.

5.17 Whilst the Planning Inspectorate indicated that healthcare obligations were reasonable requests in most instances, the appeal examples (and this application) do not fully justify the healthcare contributions required by the PCT. As such, the inspectors concluded that, in these particular circumstances, the health contributions would not accord with all the tests in the Circular 05/05. The Circular states that planning obligations can only be sought where they meet all of the following tests:

- i. relevant to planning;
- ii. necessary to make the proposed development acceptable in planning terms;
- iii. directly related to the proposed development;
- iv. fairly and reasonably related in scale and kind to the proposed development; and
- v. reasonable in all other respects.

5.18 The Inspectors found that the healthcare obligations had not been shown to be necessary to make the proposed development acceptable in planning terms. Similarly, the obligations had neither been demonstrated to be directly related to the proposed development, nor to be fairly related in scale and kind to the proposed development.

5.19 In considering the proposed development, the December Committee report identified that the PCT had provided no real evidence of the capacity, need or slack of existing health facilities in the area which might serve the appeal site, nor any indication as to whether or not additional provision would be necessary to meet the demands made by the development. This was despite the fact that it was requested by the Council.

5.20 With regard to the revenue contribution, the PCT assumed that residents of the proposed development would use the future News International health facility. However, the PCT has provided no evidence to verify this nor have they provided information regarding the nature or timing of the proposed facility, necessary to validate the revenue claim. Further to this, the PCT advised that under current government policy, PCTs are required to give patients choice and cannot direct patients to a particular practice. Moreover, the nature, location or timing of these practices have not been identified.

5.21 In line with the Appeal decisions mentioned above, the proposed development is similar in that there is insufficient evidence to convince the Planning Department that the requested

obligation is directly related to the proposed development, necessary to make it acceptable in planning terms, or fairly and reasonably related in scale and kind to the proposed development.

- 5.22 The request for the financial revenue contribution in this instance is therefore considered to be unreasonable and would fail to comply with Circular 05/05. The contribution sought is considered to be satisfactory.
- 5.23 Notwithstanding this, the applicant has advised that they are prepared to agree within the Section 106 Agreement a clause that would require, within 12 months of the final occupation of the development, a survey/assessment of health care facilities and provision in the immediate area. This survey would be undertaken in consultation with the PCT. Should this survey identify that there are health care projects that require additional funding then the applicant would agree to a further contribution, capped at the equivalent sum of the health care contribution that is currently specified at paragraph 3.3, item, B3, p54, of the Committee report of 20th December 2007 (being £310,800).
- 5.24 In conclusion, the planning department advises the Committee to give further consideration to this matter where, in light of the recent Appeal decisions and the applicant's abovementioned agreement, it is unlikely that a recommendation for refusal based on this ground could be defended at a public inquiry.

Landscape Proposal

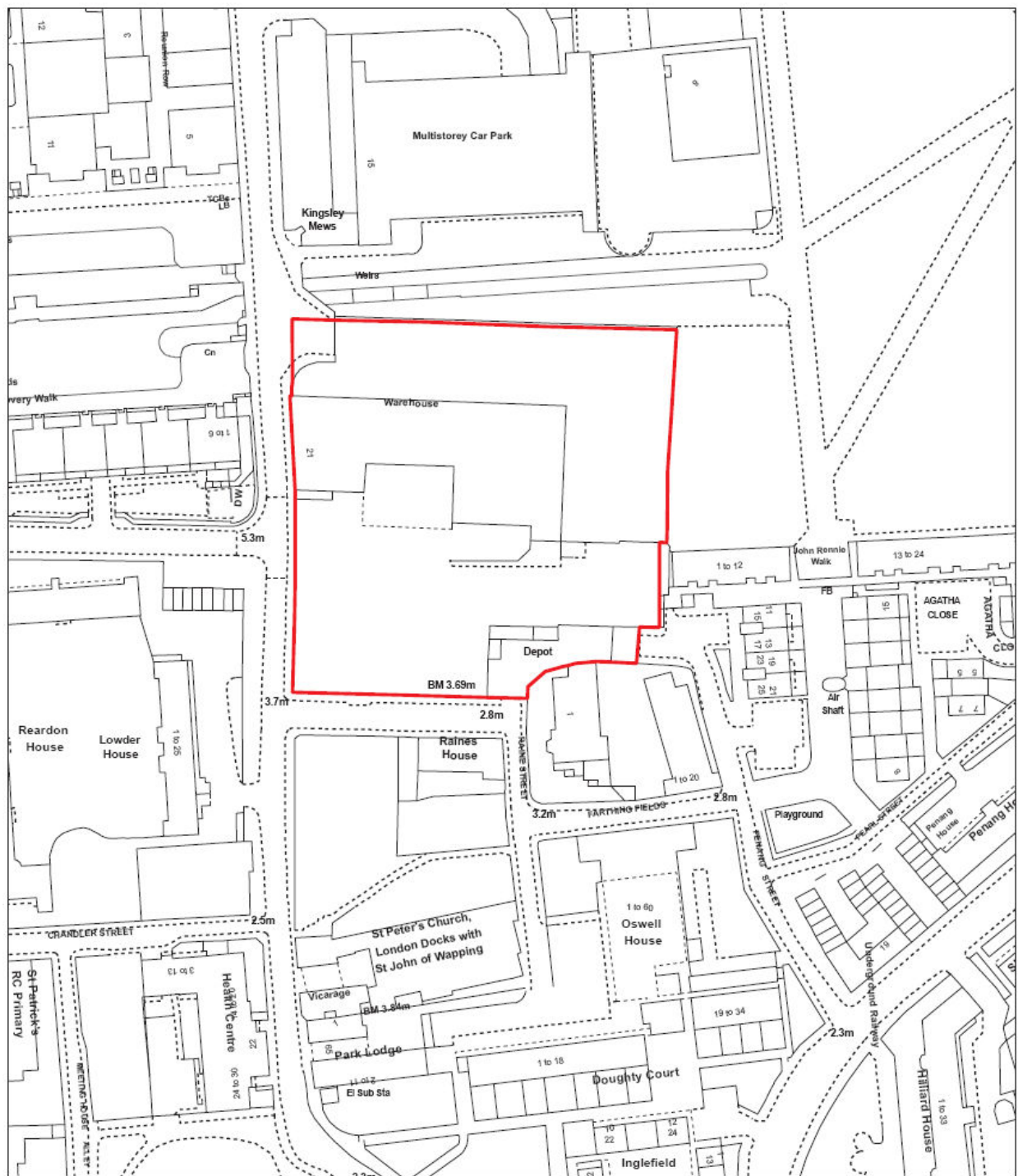
- 5.25 Members of the 20th December 2007 Committee made comments about the distinction between the communal and private spaces within the courtyard area. In response, the Applicant has made some further versions of the illustrative landscape information that was submitted as part of this Planning Application.
- 5.26 The information identifies the manner in which the proposed communal gardens will relate to the more private spaces across the development. In summary, the mixture of rock, gravel and ornamental planting forms a defensible space at the edges for ground floor residential units. Each ground floor unit will have a private external balcony with access to the communal garden space stepping stone paths.
- 5.27 As mentioned in the December Committee report, the details in respect of landscaping are to be the subject of a full detailed submission pursuant to condition attached to any grant of planning permission.

Clarification of Levels


- 5.28 Another matter the subject of discussion by Members on the 20th December was that of the arrangement of the units and window relationships to the street level. Consequently, the applicant submitted supplementary information that seeks to explain the relationship of the proposed new building to the street, particularly with regard to the retained wall on Wapping Lane and Raine Street. In summary, the windows facing Wapping Lane and Raine Street are positioned above the retained historic wall. As such, some are more than 4 metres above street level.

6. Conclusions

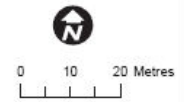
All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



Map of: 21 Wapping Lane

PA/06/1787
 Site Boundary

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Committee: Strategic Development	Date: 20 th December 2007	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Tim Porter		Ref No: PA/06/01787	
		Ward(s): St Katherine's and Wapping	

1. APPLICATION DETAILS

- Location:** 21 Wapping Lane, London, E1W 2RH
- Existing Use:** Vacant warehouse building with ancillary offices and vehicle parking areas.
- Proposal:** Demolition of all existing buildings and the construction of five buildings ranging in height from 3 storeys to 19 storeys plus plant (to maximum height of 70.15m AOD) for mixed use purposes to provide 382 residential units (Class C3), retail use (Class A1, A2, A3, A4, A5) and/or community uses (Class D1) and/or leisure use (Class D2), car parking, landscaping, new vehicular and pedestrian access points and other ancillary work.
- Drawing Nos:** 1375 (PL)001 (Rev. A), 1375 (PL)002 (Rev. B), 1375 (PL)003 (Rev. B), 1375 (PL)004 (Rev. C), 1375 (PL)005 (Rev. A), 1375 (PL)006 (Rev. A), 1375 (PL)007 (Rev. A), 1375 (PL)008 (Rev. A), 1375 (PL)009 (Rev. A), 1375 (PL)010 (Rev. A), 1375 (PL)011 (Rev. A), 1375 (PL)012 (Rev. A), 1375 (PL)013 (Rev. A), 1375 (PL)014 (Rev. A), 1375 (PL)015 (Rev. A), 1375 (PL)016 (Rev. A), 1375 (PL)017 (Rev. A), 1375 (PL)018 (Rev. A), 1375 (PL)019 (Rev. A), 1375 (PL)020 (Rev. B), 1375 (PL)021 (Rev. B), 1375 (PL)022 (Rev. B), 1375 (PL)023 (Rev. A), 1375 (PL)024 (Rev. A), 1375 (PL)050 (Rev. A), 1375 (PL)051 (Rev. A), 11375 (PL)052 (Rev. A), 1375 (PL)053 (Rev. A), 1375 (PL)054 (Rev. A), 1375 (PL)055 (Rev. A), 1375 (PL)056 (Rev. A), 1375 (PL)218-C, 1375 (PL)219-A, 1375 (PL)220-A, 1375 (PL)221-A, 1375 (PL)222-A, 1375 (PL)223-B, 1375 (PL)224-B, 1375 (PL)225-A, 1375 (PL)226-A, 1375 (PL)227-B, 1375 (SK)232-A
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 - Environmental Statement – Volume 2 (Folders 1 and 2) – WSP – September 2007
 - Environmental Statement – Volume 3 – WPS – September 2007
 - Environmental Statement – Response to the Regulation 19 Issues and Environmental Statement Review Prepared by Bureau Veritas – WSP – 2nd November 2007
 - Transport Assessment – WSP – September 2007
 - Design & Access Statement – Paul Davis + Partners – September

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Xxxx Xxxx 020 7364 xxxx

2007

- Design Amendments – Paul Davis + Partners – November 2007
- Landscape Design Report – Whitelaw Turkington – August 2007
- Update Planning Statement – DP9 – September 2007
- GLA Affordable Housing Toolkit Submission and Accompanying Notes – HEDC – September 2007
- GLA Affordable Housing Toolkit 2007-2008 Update Submission

Applicant: Eulysses Limited (Part of the Ballymore Group of Companies)
Owner: Eulysses Limited (Part of the Ballymore Group of Companies)
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2
- The proposal is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 4B.3 of the London Plan and HSG1 of the Council's Interim Planning Guidance (2007) which seek to ensure this.
- 2.3
- The retail uses (Class A1, A2, A3, A4, A5) and/or community uses (Class D1) and/or leisure use (Class D2) are acceptable in principle as they will provide a suitable provision of jobs in a suitable location. They will also provide a useful service to the community and future residents of the development, as well as provide visual interest to the street. As such, it is in line with policies ST34, ST49 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, SCF1, and RT4 of the Council's Interim Planning Guidance (2007), which seek to ensure services are provided that meet the needs of the local community.
- 2.4
- The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.4, 3A.7 and 3A.8 of the London Plan, policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007), which seek to ensure that new developments offer a range of housing choices.
- 2.5
- The loss of the employment use on site is acceptable because the site is unsuitable for continued industrial use due to its location, accessibility, size and condition. As such, the proposal is in line with employment policies 3B.5 and 3B.9 of the London Plan, and policies CP9, CP11, CP12, CP19 and EE2 of the Council's Interim Planning Guidance (2007), and CFR1 of Council's Interim Planning Guidance City Fringe Area Action Plan (2007), which consider appropriate locations for industrial employment uses.
- 2.6
- The density of the scheme would not result in the overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to provide an acceptable standard of accommodation.
- 2.7
- The development would enhance the streetscape and public realm through the provision of a public realm area and improved pedestrian linkages along the canal. As

such, the amenity space proposed is acceptable and in line with policies 4C.17 and 4C.20 of the London plan, policies ST37, DEV48 and T18 - T19 of the Council's Unitary Development Plan 1998 and policies CP30, CP36, DEV 3, DEV16 and OSN3 of the Council's Interim Planning Guidance (2006), which seek to improve amenity and liveability for residents.

- 2.8 • The quantity and quality of housing amenity space and the public realm strategy is considered to be acceptable and in line with PPS3, policy 3A.15 of the London Plan, policy HSG16 of the Council's Unitary Development Plan 1998 and policies OSN2 and CFR5 the Council's Interim Planning Guidance City Fringe Area Action Plan (2007) which seeks to improve amenity and liveability for residents without adversely impacting upon the existing open space.
- 2.9 • The building height, scale, bulk and design is acceptable and in line with English Heritage and CABE criteria for tall buildings; Planning Policy Guidance 15, policies 4B.1, 4B.5, 4B.8, 4B.9 and 4B.15 of the London Plan, policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV 27, CON2 and CON5 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.
- 2.10 • The submitted Environmental Statement is satisfactory, including the cumulative impact of the development. Mitigation measures will be ensured through conditions and a s106 agreement.
- 2.11 • The safety and security of the scheme is acceptable in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007), which requires all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.12 • Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policy 3C.22, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport option.
- 2.13 • Sustainability matters, including energy, are acceptable and in line with London Plan policy 4A.7 to 4A.10 and 4B.6, and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007), which seek to promote sustainable development practices.
- 2.14 • Contributions have been secured towards the provision of affordable housing, health care and education facilities, highways, transport, public art, open space and public realm in line with Government Circular 1/97, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

3.1 That the Committee resolve to GRANT planning permission subject to:

3.2 A. Any **direction** by **The Mayor**

3.3 B. The prior completion of a **legal agreement**, to the satisfaction of the Assistant Chief Executive (Legal Services), to secure the following:

1. Affordable housing provision of 34% of the proposed habitable rooms with a 77/23 split

between rented/ shared ownership to be provided on site.

2. A contribution of £300,000 to mitigate the impacts of the additional population on the surrounding highways, to be provided as follows:
 - £75,000 towards the provision of a raised table on Wapping Lane between the development and Tobacco Dock;
 - £100,000 towards pavement improvements (including street lighting and furniture) from the development to Wapping Station and other local amenities including shops and schools, to the direct benefit of residents of the new development;
 - £25,000 towards the realignment of the bus stops to the south of the development on Wapping Lane to improve accessibility;
 - £100,000 towards improving the eastern footway from the northern edge of the development site to The Highway, but not including the length adjacent to the development site as this should be a s278 agreement. This is for supply and lay of ASP paving for improved access to The Highway and Shadwell Station to the north;
 3. A contribution of £310,800 to mitigate the demand of the additional population on health care facilities.
 4. A contribution of £530,706 to mitigate the demand of the additional population on education facilities.
 5. Provide £250,000 towards open space improvements to relieve the pressure that will arise from the new dwellings on existing open space and recreational facilities within the area.
 6. A contribution of £80,000 towards the maintenance and improvement of the Cable Street Mural (public art).
 7. A capped contribution of £20,000 to TFL for bus facility and accessibility improvements.
 8. The provision and maintenance of a new public canal footpath along south bank of ornamental canal (providing unrestricted public access).
 9. The provision and maintenance of a public walkway along the north-west and northern parts of the site as part of the 'the East-West link' connecting Wapping Lane to Wapping Woods.
 10. Completion of a car free agreement to restrict occupants applying for residential parking permits.
 11. TV reception monitoring and mitigation.
 12. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
 13. Preparation, implementation and review of a Green Travel Plan.
 14. Preparation, implementation and review of a Service Management Plan.
- 3.4 That the Head of Development Decisions be delegated authority to impose conditions on the planning permission to secure the following:

Conditions

1. Permission valid for 3 years.
2. Details of the following are required:
 - Samples of materials for external fascia of building
 - Ground floor public realm
 - Entrance to Blocks C and D
 - Cycle parking
 - Security measures to the building
 - All external landscaping (including roof level amenity space and details of brown and/or green roof systems) including lighting and security measures, details of the ground floor defensible spaces overlooking the internal courtyard and Wapping Woods, finishes, levels, walls, fences, gates and railings, screens/ canopies, entrances, seating and litter bins
 - The design of the lower floor elevations of commercial units including shopfronts; and
 - The storage and collection/disposal of rubbish
3. Details of the design and layout of proposed canal side pedestrian walkway
4. Landscape Maintenance and Management Plan
5. Parking – maximum of 164 cars (including 4 disabled spaces) and a minimum of 248 residential and 20 non-residential bicycle parking spaces
6. Archaeological investigation
7. Record of the nineteenth century warehouse on the eastern flank of the building (south east corner) to be undertaken
8. Investigation and remediation measures for land contamination (including water pollution potential)
9. Full particulars of the following:
 - Surface/ foul water drainage plans/ works; and
 - Surface water control measures.
10. Details of safe dry escape route from the basement levels below the flood water levels.
11. Details of the site foundation works
12. Construction Environmental Management Plan, including a dust monitoring
13. Submission of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures
14. Further baseline noise measurements during construction and operational phase (plant noise) to be undertaken for design work purposes
15. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays
16. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday
17. Ground borne vibration limits
18. Noise level limits
19. Implementation of micro-climate control measures
20. Implementation of ecological mitigation measures
21. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible
22. Details of the disabled access and inclusive design
23. Details of additional cycle parking spaces where identified by the travel plan survey
24. Details of the highway works surrounding the site
25. Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

1. Section 106 agreement required
2. Section 278 (Highways) agreement required
3. Site notice specifying the details of the contractor required
4. Construction Environmental Management Plan Advice
5. Environment Agency Advice

6. English Heritage Advice
7. Ecology Advice
8. Environmental Health Department Advice
9. Metropolitan Police Advice
10. Thames Water Advice
11. Transport Department Advice
12. London Underground Advice
13. Landscape department advice
14. Contact the GLA regarding the energy proposals

3.5 That, if by 20th March 2007 the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive, the Head of Development Decisions be delegated authority to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

4.1 This application represents a revision of two previous proposals for the site first submitted to the Council in June 2004 (LBTH Ref. PA/04/00977). Eulysses Limited was not the applicant at the time. However, the same architect that is involved with the current scheme was involved with the original concept in 2004. The 2004 scheme was similar to the current proposal but there are some significant differences. The 2004 scheme on the subject site was for the following:

“Demolition of existing buildings and the redevelopment to provide five buildings ranging from 4 storeys to 23 storeys in height, and providing 311 residential units, Class A1 retail use (273m²), Class B1 office space (992m²) and Class D1 community use (323m²) with 242 car parking spaces, landscaping, new vehicular and pedestrian access points and other ancillary works”.

4.2 The Mayor reviewed the scheme and concluded in his Stage 1 report (2005) that the principle of the redevelopment of the underused site for a residential-led mixed use, high-density scheme was consistent with London Plan policies. There were, however, a number of planning matters that needed to be resolved. These matters are highlighted below:

- Concerns over the level of affordable housing provision, tenure and unit size
- Concerns regarding residential and environmental amenity relating to play space and improvements to the canal and adjacent open space.
- The design was generally good but there were areas that needed to be improved.
- Improvements were required to the pedestrian route to the Dockland Light Railway Station
- Inadequate consideration had been given to accessibility.

4.3 The application was formally withdrawn in February 2005. Eulysses Limited subsequently purchased the site and through various design changes in consultation with the original architect, resubmitted a duplicate application on the 21st July 2006 (PA/06/1347 and PA/06/1787). The current scheme is based on the original proposal with various changes to the design, layout and overall unit numbers, in an attempt to address the previous concerns raised.

4.4 The duplicate scheme comprised five blocks ranging in height from 3 to 19 storeys plus podium ground level and roof plant (to maximum height of 73.3m) containing a total of 385 residential flats plus retail use (Class A1, A2, A3, A4, A5) and/or community uses (Class D1) and/or leisure use (Class D2), basement car parking, landscaping, new vehicular and pedestrian access points and other ancillary work.

4.5 The applicants appealed to the Planning Inspectorate in respect to a non-determination of application PA/06/1347. The appeal was withdrawn following discussions with the planning

department to overcome a number of concerns with the scheme. The application now before the Council, PA/06/1787, has been amended further to address concerns raised.

4.6 The current proposal for the redevelopment of the site comprises the following:

- The erection of five separate blocks (A to E) incorporating a total of 382 residential units that vary in size and include a mixture of private and affordable flats;
- Each of the blocks are of varying height and include:
 - Block A ranges from 8 to 19 storeys plus roof plant (to a maximum height of 70.15m AOD). The block contains 174 market residential units and the ground floor comprises retail and/ or community and/or leisure uses;
 - Block B ranges from 5 to 10 storeys. The block contains 48 market residential units;
 - Blocks C and D range in height from 3 to 7 storeys. The blocks contain 94 affordable residential units; and
 - Block E comprises an 8 storey building. The block contains 66 market residential units.
- A shared common basement including 164 car parking spaces and 248 cycle parking spaces are proposed;
- As there are no defined users for the proposed commercial floorspace at this stage. The applicant has asked for it to be able to be used for a variety of uses. Consequently, the commercial space is proposed to be used for retail, financial and professional services, restaurant and cafes, drinking establishments, and hot food take-away usage (Classes A1, A2, A3, A4 and A5) and/or community facilities (Class D1) and/or leisure use (Class D2) at ground floor level of Block A; and
- A series of landscaped courtyards and spaces.

4.7 The layout strengthens east-west pedestrian routes along the canal with focus at the junction of Wapping Lane and canal being the main public space. The layout proposes five blocks, but spatially three independent blocks namely A (tall building with stepping profile), B+C+D (perimeter block running along East, South and Western edge of the site) and Block E. This spatial decision has also resulted in three open spaces one linear in nature and other two as squares.

Site and Surroundings

4.8 The site comprises a four storey warehouse building with ancillary offices and vehicle parking areas. The site is currently vacant, but was previously used for the storage of documentation and offices for Group Four Security. The building is constructed from brick and concrete and has high-level windows. A 4 to 6 metre high wall runs along the western and southern boundaries, which serves in part as a retaining wall for the site.

4.9 The site is located on Wapping Lane, which runs north to south from The Highway to Wapping High Street. The application site covers an area of 0.75 hectares. The main vehicular access to the site is on the north-west corner of the site from Wapping Lane with a secondary access point off Raine Street. Pedestrian access to the site is also from Wapping Lane.

4.10 Historically, the site was located within the London Docks complex, on the south western corner of the Eastern Dock. The Docks were closed in 1968 and remained derelict for a number of years. By 1988 most of the docks had been filled in and redeveloped for a range of uses. Immediately to the north of the site is an ornamental canal and public footpath that marks the route of the canal link between Eastern Dock and Western Dock. Beyond that is a multi-storey car park that rises up to ten storeys (32 metres). The ornamental canal continues under Wapping Lane to the west. On its northern side is Tobacco Dock, a Grade I listed building, that was last used as a shopping centre but is currently disused. To the west and north of the canal is the News International print works,

which is to be redeveloped. To the south of the canal there are 3 and 4-storey residential properties. The area to the east of the site comprises open parkland known as 'Wapping Woods', and a 3-storey block of flats. To the south of the site is Raines House, a 2-storey Grade II* listed building occupied by the Academy of St. Martins-in-the-Fields and a small area of open space. There are also blocks of flats that range in height from five to 14 storeys (Oswell House being 14 storeys).

- 4.11 The surrounding area comprises a mix of uses, including commercial, retailing, and residential. The site is located a short distance from local shops. There are also a number of amenity and support services within the area.
- 4.12 In terms of built heritage, the site is not located within a Conservation Area and none of the buildings on the site are listed.
- 4.13 The site has good access to public transport and other amenities, benefiting close proximity to the Shadwell Docklands Light Railway (approximately 500 metres to the north), East London Line and several bus networks. The City is approximately 1.5 kilometres to the west and Canary Wharf is approximately 2.5 kilometres to the east.

Planning History

- 4.14 The following planning decisions are relevant to the application:

PA/04/977 Demolition of existing buildings and the redevelopment to provide five buildings ranging from 4 storeys to 23 storeys in height, and providing 311 residential units, Class A1 retail use (273m²), Class B1 office space (992m²) and Class D1 community use (323m²) with 242 car parking spaces, landscaping, new vehicular and pedestrian access points and other ancillary works – The scheme was withdrawn.

PA/06/1347 Demolition of all existing buildings and the construction of five buildings ranging in height from 3 storeys to 19 storeys plus roof space (to maximum height of 73.3m) for mixed use purposes to provide 385 residential units (Class C3), retail use (Class A1, A2, A3, A4, A5) and/or community uses (Class D1) and/or leisure use (Class D2), basement car parking, landscaping, new vehicular and pedestrian access points and other ancillary work (duplicate application) – The scheme was withdrawn.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Decision" agenda items. The following policies are relevant to the application:

Unitary Development Plan (as saved September 2007)

Proposals: Not subject to site specific proposals
Flood Protection Area

Policies: Environment Policies

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use development
DEV4	Planning Obligations
DEV12	Provision of Landscaping in Development
DEV46	Waterways and Water Bodies
DEV48	Water Frontage
DEV50	Noise

DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV69	Water Resources
EMP1	Encouraging New Employment Uses
HSG7	Dwelling Mix
HSG16	Amenity Space
T3	Provision of Additional Bus Services
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T21	Existing Pedestrians Routes
S7	Public House
S10	New Shopfronts
OS9	Child Play Space
U2	Consultation Within Areas at Risk of Flooding
U3	Flood Defences

Interim Planning Guidance for the purposes of Development Control (Oct 2007)

Proposals: C33 Development Site (Specific uses have not yet been identified)
Flood Risk Area

Core Strategies: IMP1 Planning Obligations

CP1 Creating Sustainable Communities
CP2 Equal Opportunity
CP3 Sustainable Environment
CP4 Good Design
CP5 Supporting Infrastructure
CP7 Job Creation and Growth
CP11 Sites in Employment Use
CP15 Range of Shops
CP19 New Housing Provision
CP20 Sustainable Residential Density
CP21 Dwelling Mix
CP22 Affordable Housing
CP25 Housing Amenity Space
CP27 Community Facilities
CP30 Improving the Quality and Quantity of Open Space
CP31 Biodiversity
CP36 Water Environment and Waterside Walkways
CP37 Flood Alleviation
CP38 Energy Efficiency and Production of Renewable Energy
CP39 Sustainable Waste Management
CP41 Integrating Development with Transport
CP42 Streets for People
CP43 Better Public Transport
CP46 Accessible and Inclusive Environments
CP47 Community Safety
CP48 Tall Buildings

Policies: Development Control Policies

DEV1 Amenity
DEV2 Character & Design
DEV3 Accessibility & Inclusive Design
DEV4 Safety & Security
DEV5 Sustainable Design

DEV6	Energy Efficiency & Renewable Energy
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping
DEV14	Public Art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
DEV27	Tall Buildings
EE2	Redevelopment /Change of Use of Employment Sites
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Social and Intermediate Housing ratio
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
SCF1	Social and Community Facilities
OSN3	Blue Ribbon Network
CON2	Conservation Area

Supplementary Planning Guidance/Documents

Designing Out Crime
Residential Space
Landscape Requirements
Archaeology and Development

Spatial Development Strategy for Greater London (London Plan)

2A.1	Sustainability Criteria
3A.1	Housing Supply
3A.2	Borough Housing Targets
3A.4	Housing Choice
3A.7	Affordable Housing Target
3A.8	Negotiating Affordable Housing
3A.15	Social Infrastructure and Community Facilities
3A.17	Health Objectives
3A.24	Floor Targets
3A.25	Social and Economic Impact Assessments
3C.1	Integrating Transport and Development
3C.2	Matching Development to Transport Capacity
3C.22	Parking
4A.7	Energy Efficiency and Renewable Energy
4A.8	Energy Assessment
4A.9	Providing for Renewable Energy
4A.10	Supporting the provision of renewable energy
4A.14	Reducing Noise
4B.1	Design Principles for a compact city
4B.2	Promoting world class architecture and design

4B.3	Maximising the potential of sites
4B.4	Enhancing the Quality of the Public realm
4B.5	Creating an inclusive environment
4B.6	Sustainable Design and construction
4B.7	Respect Local context and communities
4B.8	Tall Buildings
4B.9	Large scale buildings, design and impact
4C.1	Blue Ribbon Network
4C.2	Context for Sustainable Growth
4C.3	Natural Value of the Blue Ribbon Network
4C.4	Natural Landscape
4C.12	Sustainable Growth Priorities for the Blue Ribbon Network
4C.17	Increasing Access alongside and to the Blue Ribbon Network
4C.20	Design
4C.21	Design Statement
4C.28	Development Adjacent to Canals
5C.1	The Strategic Priorities for East London
5C.2	Opportunity Areas in East London

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPS22	Renewable Energy
PPG24	Planning & Noise

Community Plan The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

6. CONSULTATION RESPONSE

- 6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

LBTH Arts, Sports and Leisure

- 6.2 Residents within the Cable Street/ St. Georges area (which is located within 400m to the north of the site) have expressed concerns about the Cable Street Mural commemorating the 1936 Battle of Cable Street. The mural is now 25 years old and is in need of restoration. The estimated works have been valued at £80,000.

LBTH Cleansing

- 6.3 The proposed refuse/ recycling collection arrangements via a managed scheme to collect from a central store accessed from Raine Street are acceptable.
- 6.4 The waste proposals for the commercial and retail units separate from the household waste using the same managed scheme and collected from the same collection point are also acceptable.
- 6.5 There appears to be an under provision of waste containers.

(OFFICER COMMENT: This matter will be addressed by planning condition).

LBTH Education

- 6.6 A contribution towards the provision of 43 additional primary school places @ £12,342 = £530,706.

LBTH Energy Efficiency Unit

- 6.7 LBTH Energy Services are in support of the proposed development and the energy strategy submitted. The energy strategy however, needs to be developed further to be acceptable. They are satisfied that this matter can be addressed by a planning condition.

LBTH Environmental Health

Contaminated land

- 6.8 The proposal is acceptable subject to conditions.

Air Quality

- 6.9 No objection. However, due to the proximity of sensitive receptors to the proposed site, dust monitoring should be conducted during the demolition/construction phase. This could be incorporated into the Environmental Management Plan or Code of Construction Practice.

Noise

- 6.10 Overall the noise report is satisfactory. However, it appears that the impact of the commercial and leisure facilities on the residential units above have not been assessed

(OFFICER COMMENT: The details of the non-residential uses have not yet been determined. The scheme will be appropriately conditioned to ensure the amenity of the future residential occupants will not be detrimentally affected by the future ground floor uses)

Sunlight

- 6.11 No comment received.

LBTH Highways

- 6.12 This development would be deemed acceptable providing:

- The entire development is covered by a car free agreement;
- That cycle parking provision is improved to meet standards;
- A link is provided between the development and John Rennie Walk and Wapping Woods;
- That car parking be kept at no more than 84 spaces; and
- That section 278 and 106 agreements are entered into.

Section 278 Requirements

- 6.13 There will significant section 278 requirements brought about by the construction of this development; these to include footways surrounding the site and highways adjacent to the site.

Section 106 Requirements

6.14 The scale of the development will require contributions to the following:

- £75,000 towards the provision of a raised table on Wapping Lane between the development and Tobacco Dock;
- £100,000 towards pavement improvements (including street lighting and furniture) from the development to Wapping Station and other local amenities including shops and schools, to the direct benefit of residents of the new development;
- £25,000 towards the realignment of the bus stops to the south of the development on Wapping Lane to improve accessibility;
- £100,000 towards improving the eastern footway from the north edge of the development site to The Highway, but not including the length adjacent to the development site as this should be a s278 agreement. This is for supply and lay of ASP paving for improved access to The Highway and Shadwell Station to the north;
- A construction management plan;
- A Travel Plan; and
- Car Free agreement.

LBTH Landscape

6.15 With regard to S106 contribution, a sum in the region of £250,000 is in order for improvements to public open space and play facilities within the area.

6.16 It is not acceptable for ground floor windows to directly overlook public open space without there being adequately designed and sized private amenity space as buffers. Management problems are being experienced in park sites where these buffers are non-existent or inadequate and where behaviour which should be perfectly acceptable in parks is being perceived by residents as anti-social. This has led to the removal of seats and play equipment, which are essential components of most parks, and an impoverishment of parks' facilities for all users

(OFFICER COMMENT: The ground floor units facing Wapping Woods incorporate a slight change in level from the court yard gardens which minimises direct overlook of the park. Also, the adjacent park slopes downwards away from the site, which would also minimise the effects of direct overlooking of users of this space from the ground floor windows. The design of the boundary walls should be addressed at the detail design stage, via a planning condition to ensure any potential impacts are mitigated).

British Waterways (Statutory)

6.17 No comment to be made.

Environment Agency (Statutory)

6.18 No objection subject to appropriate conditioning.

Government Officer for London (Statutory)

6.19 No comment received.

Greater London Authority (Statutory)

6.20 The Stage 1 report advised that a residential-led redevelopment of this brownfield site is in principal supported but there are a number of issues that are not consistent with strategic planning policy as follows:

- The proposed percentage of affordable housing is well below the policy requirement.

- Concerns about the site lay-out, the orientation of the dwellings, the variety of the dwellings and the architecture.
- Whilst there will be some reduction in likely carbon dioxide emissions, the applicant has not demonstrated fully that the scheme is incorporating any meaningful combined heat and power unit, where the opportunity currently exists. The proposal does not meet the current or proposed renewable energy target and needs to clarify details on cooling.
- There are a number of transport-related issues that need resolving.

(OFFICER COMMENT: The Stage 1 report was prepared on the 26th April 2007. In response to the concerns raised by the GLA, significant amendments have since been made to the scheme to address these issues. This has been addressed in detail later in this report).

Natural England (Formally English Nature and Countryside Agency) (Statutory)

- 6.21 Overall they are happy that the ecological issues are being handled effectively. Furthermore, they are supportive of the proposal for increased public access and connectivity and biodiversity enhancements laid in the landscaping concepts. If the authority is minded to grant planning permission for the proposal they recommend the use of suitable planning conditions or legal agreements to ensure these aspects are fully adhered to.

Transport for London (Statutory)

- 6.22 The provision of 4 disabled parking spaces in the basement, as shown on the same plan, is noted. TfL would expect this number to be increased to approximately 10 and the developer should make sure these spaces are easily accessible to the disabled people.

(OFFICER COMMENT: This has been addressed under the Highways section of the report).

- 6.23 TfL would like to see a green Travel Plan submitted. This should be secured, monitored and reviewed as part of the Section 106 agreement.

- 6.24 In accordance with TfL's Cycle Parking Standards a minimum of 382 spaces for the residential development should be provided (1 space per residential unit). For other components of the development including commercial and D1/D2 uses, the exact types of land use need to be confirmed in order for the number of cycle parking spaces for the respective use to be determined.

(OFFICER COMMENT: This has been addressed under the Highways section of the report)

- 6.25 A service bay is proposed on Wapping Lane and it is noted that the bay will be controlled by a management company on-site. TfL is concerned how this will be enforced.

(OFFICER COMMENT: Wapping Lane is a local highway and the Council's Highways department raised no objection to the service bay).

- 6.26 A capped sum of £20,000 should be provided as contribution by the developer towards bus facility and accessibility improvements.

- 6.27 The TA mentioned that no detailed construction traffic analysis has been undertaken. It is recommended that consultations with TfL on the routing and the hours that construction vehicles can have access to the site should take place.

(OFFICER COMMENT: The scheme will be conditioned to provide a Environmental Construction Management Plan which should address this concern).

CABE

- 6.28 CABE commented on the previous application on 13th October 2004. They have no further comments to add in relation to the proposed development apart from the comments of English Heritage in relation to the existing perimeter wall. CABE is not convinced that the changes made in response to this are an improvement.
- 6.29 The advice provided by CABE 13th October 2004 was in response to the scheme PA/04/977, which was very similar in design to the proposed scheme. Their response was as follows:

“This is not a project that we would normally wish to see, bearing in mind its type and size, neither of which is particularly controversial or unusual for this location.

The scheme appears to us to be a thoughtful and well considered, particularly in relation to front and backs, entrances, and public and private spaces. We think the scale of the development seems appropriate, and we believe that the contrast between the curved and rectilinear elements could work well. However, we feel that the scheme has too many competing forms and geometries, and could benefit from some ‘calming down’. A simpler and stronger solution could be achieved by restricting the expressionist elements to the tower building only, and making the two smaller curved buildings part of the family of rectilinear blocks”.

Council for British Archaeology

- 6.30 Concerns were raised over the impact of the development on the surrounding area.

(OFFICER COMMENT: The details of the impact have not been quantified or qualified).

English Heritage

- 6.31 The scheme incorporates a substantial amount of the existing wall to Wapping Lane and Raine Street. The existing wall is an important element in the setting of the Grade II* listed Raine’s House.
- 6.32 With respect to the original design submitted in 2006, they were not convinced by the design of the towers topmost elements. The complex geometry behind the design was considered to require further refinement. The subsequent amendments that have been undertaken since the previous submission with regard to the design of the various parts of the development, particularly with regard to the top of the main tower, are considered to benefit the scheme with a more simplified architectural treatment.
- 6.33 There appears to be a complete bay of the nineteenth century warehouse on the eastern flank of the building (south east corner), which does not seem to have been picked in the background information supporting the application. It is important that this is fully recorded and a suitable condition is placed on any permission that may be granted to ensure this occurs.

English Heritage - Archaeology

- 6.34 No objection subject to conditions.

Environment Trust

- 6.35 No comment received.

Inland Waterways Association

- 6.36 No comment received.

Lea Valley Regional Park Authority

6.37 No comment received.

London Borough of Southwark

6.38 No comment made.

London City Airport

6.39 No safeguarding objections.

London Fire and Civil Defence Authority

6.40 No comment received.

London Underground Ltd.

6.41 Provided that Blocks A, B and C can be designed and built without posing any detrimental effect to the tunnel either in the short or long term they have no comment to make.

London Wildlife Trust

6.42 No comment received.

Metropolitan Police

6.43 The Metropolitan Police have raised the following concerns:

- Lack of surveillance onto Wapping Lane, Raines Street, and to the ground floor commercial units and ramped areas along the Canal Frontage;
- There are no security measures to prevent access from Wapping Lane between Blocks A & E;
- The use of materials and balcony design at lower levels may encourage climbing to upper levels;
- Recessed entries, particularly to blocks B and E, may encourage loitering of non-residents;
- Concern over the current design of the boundary walls separating Wapping Woods and ground floor units in Block B, which may not provide adequate security or privacy;
- There appears to be no defensive planting proposed between ground floor flats and the internal courtyards; and
- The Raines Street entrance between Blocks B & C may encourage loitering.

(OFFICER COMMENT: Following the comments raised, the applicant met with the Metropolitan Police to address the points raised above. The Metropolitan Police have since advised that these issues have been addressed through amendments to the plans and can also be addressed through the detailed design stage. The scheme has been conditioned appropriately. The applicant will also be implementing a 24 hour concierge service that will provide surveillance of the site).

Museum of London

6.44 No comment received.

Thames Water Utilities

6.45 No objection was raised regarding sewerage and water supply infrastructure capacity to

service the development. Recommended a number of conditions and informatives to ensure that foul and/ or surface water discharge from the site and water pressure is appropriately addressed.

Tower Hamlets PCT

- 6.46 Initial communication with the PCT indicated that the application site will be asked to contribute £1,742,877 towards primary care needs of residents.

(OFFICER COMMENT: The PCT has requested the developer contribute £1,742,877 towards health and social care facilities. This includes a capital contribution of £310,800 and a revenue contribution of £1,432,077. This figure was calculated by the PCT using the NHS London Healthy Urban Development Unit model (HUDU). The model estimates the likely health care requirements and associated costs from proposed housing schemes. The PCT were requested to provide further evidence to justify the reasonableness of their request, in compliance with Circular 05/05.

According to Circular 05/05, planning obligations can only be sought where they meet all of the following tests.

- i. relevant to planning;
- ii. necessary to make the proposed development acceptable in planning terms;
- iii. directly related to the proposed development;
- iv. fairly and reasonably related in scale and kind to the proposed development; and
- v. reasonable in all other respects.

The PCT has developed a long-term strategy for health and well-being facilities across the Borough. There are a number of new projects underway, including one in close proximity to the application site, being the future News International site.

The PCT has provided no substantial evidence however about the capacity of existing health facilities in the area which might serve the appeal site, nor any indication as to whether or not additional provision would be necessary to meet the demands made by the development. As a result, the Planning Department cannot be sure that the requested contribution would meet tests (iii) and (iv) of Circular 05/05 rather than meet any general need or overcome an existing shortfall which would clearly be contrary to the advice in the Circular.

Overall on this matter, the planning department is of the opinion that there is insufficient evidence to confirm that the health contribution is directly related to the proposed development or necessary to make it acceptable in planning terms. In the circumstances we find that the request for a financial revenue contribution in relation to health provision in this instance is inappropriate and unreasonable and would fail to comply with UDP policy DEV4 and the guidance in the Circular)

7. LOCAL REPRESENTATION

- 7.1 A total of 572 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. [The application has also been publicised in East End Life and on site.] The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	41	Objecting: 30	Supporting: 11
No of petitions received:	1 objecting containing 60 signatories		

- 7.2 The following local groups/societies made representations:

- Sir Thomas More Court Residents Association

7.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

7.4 Land Use

- The proposed density is too high and will negatively impact on social and physical infrastructure of the area (i.e. roads, public open space, social facilities, drainage, sewerage, transport, refuse collection, schooling, medical, etc).
- No need for further retail in the area, where the area is currently provided with an excellent range of shops.
- Inadequate provision of family housing.

7.5 Design

- The height, bulk, scale, and design quality (inc. materials) will negatively impact upon the context of the surrounding area.

7.6 Amenity

- Loss of daylight and sunlight.
- Overshadowing.
- Loss of privacy.
- Increased disruption including noise and vibration.
- Increased pollution.
- Increased anti-social behaviour, noise nuisance and crime.
- Sense of enclosure/ outlook.

7.7 Highways

- There is inadequate provision for car parking spaces. This will have a negative impact on the surrounding area which currently experiences problems from lack of parking.
- There is insufficient infrastructure along Wapping Lane to support the increased traffic levels proposed. Wapping Lane is narrow and would become a danger given the increase proposed. The traffic volumes will also ruin the safe and quiet character of the area.

7.8 Other

- The development will have a negative impact on the local biodiversity
- The scheme is not environmentally friendly

7.9 The following issues were raised in representations, but they are not considered to be material to the determination of the application:

- The motive for the development is to maximise profits
- There are currently vacant units in the area. Accordingly, there is no need for further units.
- The increased population could exacerbate the claim to close Wapping Underground Station
- The Council social housing residents list should be vetted to prevent any anti-social behaviour problems.
- Insufficient time to consider the application

- Health and safety issues associated with construction processes.
- Increase in vermin
- Increase in damp and condensation

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the Committee must consider are:

- Land Use
- Design
- Amenity
- Highways
- Other

Land Use

Principle of Residential-Led Mixed Use Development

Residential Use

8.2 The proposed scheme includes the demolition of the existing industrial uses on the Site, to provide a residential development. In accordance with polices 3A.1 and 3A.2 of the London Plan, the Mayor is seeking the maximum provision of additional housing in London. The London Plan housing targets (December 2006) for Tower Hamlets from 2007 to 2016 is 31,500 new homes, subject to the provision of adequate social and physical infrastructure and contributing to sustainable communities (CP19).

8.3 The site is not designated in the Unitary Development Plan 1998 (UDP) or the Interim Planning Guidance 2007 (IPG) for any particular use.

8.4 On the basis of housing targets, it is considered that the site is appropriate for residential-led development.

Employment Use

8.5 According to paragraph 35 of PPS4, land and buildings currently or last used for industrial purposes will be assessed to see if it is a vital local industrial land resource which must be maintained.

8.6 Policy 3B.5 of the London Plan states that the release of surplus employment land for other uses should be managed in the light of strategic and local assessments of demand. Chapter 10 (supporting paragraph 10.4) of the IPG identifies that the Council has rationalised industrial land within the Borough, of which the site is not allocated.

8.7 Further, the Sub Regional Development Framework for East London advises that particularly in East London, there is more provision for economic activity than is necessary to meet future demand. In terms of future land required for industry and warehousing, the document also considers that in East London, some 500 ha of industrial land can be released to other uses between 2001 and 2016 (paragraph 131, p 35)

8.8 The Site is not a Strategic Employment Site according to the London Plan or in a Local Employment Location for employment in the UDP. There is no specific land use designation for the Site according to the proposals map of both the UDP and the IPG. Further, the retention of industrial use on the site is not considered appropriate when considering policy CP11 of the IPG.

8.9 The building is a legacy of the former dock use that does not relate well to the new

surroundings uses (there being no other industrial/warehousing uses nearby). The proximity of the site to central London and good public transport accessibility means that the site can also contribute towards meeting London's housing needs as well as accommodating business.

- 8.10 In accordance with policies CP11 and EE2 of the IPG, a change of use is permitted where the applicant has shown that the site is unsuitable for continued employment use due to its location, accessibility, size and condition and/or where the development creates new employment and training opportunities which meet the needs of local residents are maximised.
- 8.11 A survey report confirms that the building was constructed pre-WWII for storage purposes. The configuration of the building is obsolete by modern standards and requires regeneration or reconstruction to modern standards. The building has deteriorated and it would be un-economic to convert the existing framework to an alternative use. Additionally, the location of the building with narrow streets in what is becoming a predominantly residential area is not suitable for modern logistics requirements which require access for large lorries on a twenty four hour basis.
- 8.12 The 2007 GLA Stage 1 report notes that *"a residential-led redevelopment of this brownfield site is in principal supported"*. Further, the 2005 GLA Stage 1 report mentioned above also stated that *"the principle of the redevelopment of this underused site for a residential-led mixed use, high density scheme is consistent with London Plan policies"*.
- 8.13 Where a residential led development is considered to be appropriate, the loss of employment land should be compensated with an increase in the provision of non-residential uses to ensure direct employment opportunities for local people are maximised. In terms of employment generation, the applicant identified that the previous warehousing/distribution use (Class B8) employed approximately 12 jobs. The current proposal provides an area of 887sqm for Class A1 – A5 and/or D1 – D2 uses. Given the range of employment densities applicable to the proposed development, once operational, the applicant has identified that the scheme could generate between 10 and 68 positions.
- 8.14 Members of the public have raised concerns about the provision of more retail space within the area, particularly given the demise of Tobacco Dock to the west of the site. Whilst the actual details of the commercial uses have not been finalised, the London Development Agency has not objected to proposed commercial uses, which includes retail. Given the range of commercial uses and the relatively small floor area proposed, the retail use is not considered to result in an unacceptable impact on the area.
- 8.15 In view of the above comments and the fact that the site is not designated for industrial uses in the London Plan, UDP or the IPG, there are no land use reasons that would sustain a reason for refusal in this instance. A residential-led redevelopment of this brownfield site is in principal supported.

Density

- 8.16 The Site has a net residential area of approximately 0.75 hectares. The scheme is proposing 382 units or 942 habitable rooms. The proposed residential accommodation would result in a density of approximately 478 units per hectare and 1256 habitable rooms per hectare (hr/ha).
- 8.17 The site has a public transport accessibility level, or PTAL, of 3. According to policy 4B.3 of the London Plan, the site is best described as 'urban' and therefore has a suggested density range of 300 – 450 habitable rooms per hectare (hr/ha) in accordance with the 'Density location and parking matrix'.

- 8.18 In general numerical terms, the proposed density would appear to be an overdevelopment of the site. However, the intent of the London Plan and Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity.
- 8.19 Residents have considered that this application results in an unacceptable increase in density and is therefore an overdevelopment of the site. However it should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
 - Lack of open space and amenity space;
 - Increased sense of enclosure;
 - Loss of outlook;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure;

These issues are all considered in detail later in the report and were considered to be acceptable.

- 8.20 The following response to the proposed density was given in the 2007 GLA Stage 1 report:

"The 'Density location and parking matrix' is not static as it provides a tool for increasing density in situations where transport proposals will change the public transport accessibility ranking and is dependant on the characterization of current conditions or aspirations to create new parts of the city. Policy 4B.3 of the London Plan states that the Mayor will ensure that development proposals achieve the highest possible intensity of use compatible with local context, the design principles of policy 4B.1 and with public transport capacity. The draft further alterations to the London Plan (GLA, May 2006) emphasis that the policy to maximise the development potential should be compatible with sustainable residential quality. It is not evident, however, that the site is within an area that could potentially undergo a transformation from the current 'urban' setting into a 'central' type of location or that the quality of the design of the proposal justifies a higher density".

- 8.21 Given that the above Stage 1 response on density is not conclusive, reference should be made to the GLA's Stage 1 report for the previous planning application on the site, PA/04/00977 dated 9th February 2005, which proposed 311 residential units (856 habitable rooms or approximately 1,141 hr/ha). The report states:

"The site is within walking distance to the City of London and there are direct pedestrian links to a number of public transport modes, including the Docklands Light Rail, East London Line and bus routes 100 and D3. There are also good cycle routes in the area. The development is also adjacent to a park, which could, with improvement meet the recreational needs of the development and therefore off-set the need for on-site amenity space, thus allowing for a greater built footprint. Given these factors, and the quality of design, the higher density is acceptable".

- 8.22 The proposed density does not grossly exceed the density level for the 2004 scheme (only 115 additional habitable rooms), which the GLA deemed to be acceptable. The site continues to be located within easy access to public transport and open space, and of high quality design.

- 8.23 Policy 3A.2 of the London Plan encourages boroughs to exceed the housing targets and to address the suitability of housing development in terms of location, type and impact on the locality. Policies CP20 and HSG1 of the IPG seek to maximise residential densities on individual sites; taking into consideration the local context and character; residential

amenity, site accessibility; housing mix and type; achieving high quality, well designed homes; maximising resource efficiency; minimising adverse environmental impacts; the capacity of social and physical infrastructure and open spaces; and to ensure the most efficient use of land within the Borough.

8.24 On review of these issues, a high density mixed use development can be supported in this location in accordance with London Plan, UDP and IPG policies. The scheme is considered acceptable for the following reasons:

- The proposal is of quality design and responds appropriately to its context.
- The proposal is not considered to result in any adverse symptoms of overdevelopment.
- A number of contributions towards affordable housing, health, education, open space, transport, community and public realm infrastructure have been agreed to mitigate any potential impacts on local services and infrastructure. It is to be noted that residents feel that the developments high density will result in increased social problems. However, whilst this may or may not be the case, it is proposed that these contributions will assist in alleviating any adverse impacts from this development.
- The development is located within an area with reasonable access to public transport services, open space and other local facilities. The site also has good access to cycle and pedestrian linkages. Further, Thames Water has confirmed there is adequate sewerage and water capacity to meet the needs of the development.
- A section 106 agreement will look at ways to improve the use of sustainable forms of transport, as well as prohibiting any overspill parking from the development.

Housing

Housing Mix

8.25 The scheme is proposing a total of 382 residential units.

8.26 Paragraph 20 of Planning Policy Statement 3 states that

“key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people”.

8.27 Pursuant to policy 3A.4 of the London Plan the development should:

“offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation”.

8.28 The GLA housing requirements study identified within the Mayor’s Housing SPG provides a breakdown of housing need based on unit mix. However, according to the Mayor’s SPG, it is inappropriate to apply the identified proportions crudely at local authority level or site level as a housing mix requirement. Rather, they should be considered in preparing more detailed local housing requirement studies.

8.29 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. The UDP does not provide and prescribed targets.

8.30 The following table below summarises the proposed housing mix against policy HSG2 of

the Interim Planning Guidance 2007, which seeks to reflect the Borough's current housing needs:

		affordable housing						market housing		
		social rented			intermediate			private sale		
Unit size	Total units in scheme	units	%	LDF %	units	%	LDF %	units	%	LDF %
Studio	101	0	0	0	0	0	0	101	36	25
1 bed	97	14	21	20	16	57	37.5	67	23	25
2 bed	111	13	20	35	8	29	37.5	90	31	25
3 bed	56	22	33	30	4			30		
4 bed	12	12	18	10	0			0		
5 Bed	5	5	8	5	0	14	25	0	10	25
TOTAL	382	66	100	100	28	100	100	288	100	100

8.31 It is to be noted that the proposed mix represents a significant change from the duplicate application mentioned earlier, PA/06/1347, which was proposing the following mix:

	Studio	1-bed	2-bed	3-bed	4-bed	5-bed	total
social rent	0	4	10	15	15	0	44 (11.5%)
intermediate	0	10	11	0	0	0	21 (5.5%)
Market	85	107	104	22	2	0	320 (83%)
Total	85 (22%)	121 (31.5%)	125 (32.5%)	37 (10%)	17 (4%)	0	385 (100%)

8.32 In seeking to meet the housing mix concerns that the GLA and Council had with the duplicate scheme, the applicant has reduced the number of market dwellings from 320 to 288 units, in order to provide a greater number of affordable dwellings and increase the provision of family units.

8.33 The applicant has increased the number of social rented housing dwellings from 44 units to 66 units from the original scheme. Further, the applicant has increased the numbers of social rented family housing dwellings by 9 units from the original scheme. The scheme now exceeds the Council's targets for family dwellings in the social rented mix, providing 59% against a target of 45%.

8.34 Further, 4 three bed family units have been introduced into the intermediate mix, raising the percentage of family housing from 0% to 14%. The applicant has also increased the provision of family housing within the market element by 6 units.

8.35 With regards to the Market component, the scheme has increased the number of market family units from 7.5% to 10% of the total. It is to be noted that the Mayor's Housing SPG states that it is inappropriate to crudely apply their "housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements".

8.36 A number of residents have raised concern that the scheme does not provide sufficient family housing. However, policy HSG2 and of the IPG identifies that family housing is

needed mostly within social rented housing, which the proposed development exceeds as mentioned above.

8.37 It is to be noted that the scheme also exceeds the amount of family housing otherwise achieved across the Borough based on the most recently published LBTH Annual Monitoring Report 2005-6. The table below demonstrates that the proposed development is a significant improvement upon what has been achieved across the Borough and in terms of aspiration, is a positive step towards LBTH achieving key housing targets and better catering for housing need.

8.38

Tenure	Borough-Wide %	Proposal %
Social-rented	21.7	59
Intermediate	9.5	14
Market	1.7	10
Total	6.8	19

8.39 On balance, the scheme provides a suitable range of housing choices and meets the needs of family housing in the social rented component. As such, the proposed housing mix is considered to comply with national guidance, the London Plan and the Interim Planning Guidance in creating a mixed and balanced community.

Affordable Housing

8.40 Policy 3A.7 of the London Plan sets out a strategic target that 50% of the new housing provision should be affordable.

8.41 Policy CP22 of the IPG document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.

8.42 The applicant was originally proposing to provide 65 affordable dwellings, which represented 24% of the proposed housing on habitable room basis. However, following concerns raised by the Council, the applicant amended the scheme which is now proposing 94 affordable dwellings; which is 34% of the total on a habitable room basis.

8.43 An evaluation of the schemes viability was prepared by the applicant using the GLA Affordable Housing Development Control Toolkit, where the scheme is proposing less than 50% affordable housing, in line with policy 3A.8 of the London Plan. The toolkit assessment has been scrutinised and its results, on balance, are supported.

8.44 Where the scheme is almost meeting the Council's affordable housing target of 35%, the scheme, on balance, is considered acceptable

Social Rented/ Intermediate Ratio

8.45 Against London Plan policy 3A.7 affordable housing target of 50%, 70% should be social rent and 30% should be intermediate rent.

8.46 Policy CP22 of the IPG states that the Council will require a social rented to intermediate housing ratio split of 80:20 for all grant free affordable housing.

8.47 A summary of the affordable housing social rented/ intermediate split is provided below:

Tenure	Units	Habitable Rooms	London Plan	LDF
social rent	66 (70%)	23 (78%)	70%	80%
shared ownership	28 (30%)	77 (22%)	30%	20%
total	94 (100%)	317 (100%)	100%	100%

8.48 The proposed tenure split falls slightly short on the 80% requirement for social rented within the IPG with 77% of the total affordable being for affordable rent. However the scheme exceeds the London Plan target of 70% of the affordable being for rent, and is therefore on balance acceptable.

Design

8.49 The existing industrial development on the site does little to make an active contribution to the urban environment. In fact a number of residents are in support of the demolition of the existing development. However, there is objection to the demolition where the residents are of the opinion that the proposed building does not reflect the scale or character of the surrounding area.

8.50 The Council's Planning Department however is of the opinion that the building's height, scale, bulk and quality of design are appropriate for this location. This assessment is examined in detail below.

Bulk and Massing

8.51 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.

8.52 Policy CP4 of the draft Core Strategy states that LBTH will ensure development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 of the IPG reiterates DEV1 of the UDP and states that developments are required to be of the highest quality design, incorporating the principles of good design.

8.53 Comments from the 2007 GLA stage 1 report advises that the site is able to take up increased massing and height, subject to high quality architecture and use of materials.

8.54 The GLA also considered an almost identical building in design though larger, being 8 to 23 storeys (and a maximum height of 75.8 metres) on this site. The 2005 GLA stage 1 report states that *"the proposed development relates well to the urban context and the massing of the buildings in relation to adjacent sites is acceptable*. In particular, the report states that *"the rising height of Block A reflects the larger grain development north of the canal and its pivotal location at the edge of the park"*.

8.55 CABI has considered the 2004 and 2007 schemes and considered the scale of both developments to be appropriate. In fact, the design was simplified through further amendments to address comments made by English Heritage and CABI.

8.56 The Council and English Heritage raised concern with the termination to the top of the tallest element in Block A in the original scheme. Further articulation to the top of the building has since been made that sees a reduction in bulk and simplification of design, including changes to materials, to enable a more slender reading of the tower from

Wapping Woods.

- 8.57 The general distribution of bulk and massing for Blocks B, C, D and E is acceptable following further amendments to address Council's concerns. As proposed there has been substantial reduction in bulk which would allow better light penetration within courtyards, improved outlook and reduction in overlooking to meet policy requirements. Also, additional open space was released through the reduction in Block E's building footprint from the original proposal.
- 8.58 In summary, on balance of the supporting comments raised by CABI, English Heritage, Council's Design Department and the GLA, the bulk and massing of the development is considered to be acceptable. The scheme should be conditioned appropriately to ensure that a high quality detailing of the development is achieved.

Tall Building

- 8.59 The London Plan encourages the development of tall buildings in appropriate locations. Policy 4B.8 states that tall buildings will be particularly appropriate where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.9 of the London Plan requires all large-scale buildings, including tall buildings, to be of the highest quality of design.
- 8.60 CP48 of the emerging LDF permits the Council to consider proposals for tall buildings in locations outside the tall building cluster locations identified in this policy if adequate justification can be made for their development.
- 8.61 The site is not within an identified tall building cluster. However, as mentioned above, there is evidence that consideration of this type of built form has been given and found to be appropriate on the site. The 2005 GLA Stage 1 report for the withdrawn 23 storey development stated that *"the development will create an attractive landmark and has the potential to act as a catalyst for the regeneration of the surrounding area, in particular the mothballed Tobacco Dock"*. The report goes on to state that *"the height of Block A reflects the larger grain development north of the canal and its pivotal location at the edge of the park. The high design quality and its landmark status also contribute to the justification of this building"*.
- 8.62 As mentioned, the proposed tower is very similar in design and quality to the previous 2004 scheme assessed by the GLA in 2005. The 2007 GLA stage 1 report notes that *"the site occupies a geographically significant point. It marks the difference between the southern part of Wapping with its winding roads, low density development and conservation areas, and the northern part of Wapping which is characterised by a more regular street lay-out and by larger scale buildings and plot sizes. The site also marks the transition of the open space of the park and Shadwell Basin to the built-up area to the west. In addition, the site is strategically located on an east-west bicycle and pedestrian route along the canal. The location on Wapping Lane and opposite Tobacco Dock means that the site has the potential to fulfil a central function for Wapping"*. The report goes on to note that *"the curved block A could fulfil a landmark function along the canal and at the edge of the park"*.
- 8.63 Also, CABI has considered the development and concluded that *"bearing in mind its type and size, neither of which is particularly controversial or unusual for this location...the scheme appears to be thoughtful and well considered...The scale of the development seems appropriate"*.
- 8.64 The Council's urban design officer also noted that *"the preferred location for the taller element was always considered to be furthest away from Wapping Lane and close to*

Wapping Woods to have least impact on the Listed buildings. This location would also guide legibility along canal and will be an anchor to open space”.

8.65 Policy DEV27 of the IPG provides a suite of criteria that applications for tall buildings must satisfy. In consideration of the above comments and policy requirements, the proposal is considered to satisfy the relevant policy criteria as follows:

- The design is sensitive to the local and wider context.
- The architectural quality of the building is considered to be of a high design quality, demonstrated in its scale, form, massing, footprint, materials, relationship to other buildings and open space provision.
- The proposed development does not fall within the strategic views designated in Regional Planning Guidance 3A (Strategic Guidance for London Planning Authorities, 1991) or the Mayor’s draft London View Management Framework SPG (2005). However, the scheme has demonstrated consideration of the appearance of the building as viewed from all angles and is considered to provide an appropriate contribution to the skyline.
- Visually integrated into the streetscape and the surrounding area as a landmark building.
- Presents a human scaled development at the street level.
- Respects the local character and seek to incorporate and reflect elements of local distinctiveness.
- There will be no adverse impact on the privacy, amenity and access to sunlight and daylight for surrounding residents.
- Extensive environmental impact testing including wind and micro climate testing has been undertaken and concludes that the impact on the microclimate of the surrounding area, including the proposal site and public spaces, will not be detrimental.
- Demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management.
- The impact on biodiversity will not be detrimental.
- The scheme will contribute positively to the social and economic vitality of the surrounding area at the street level through its proposed mix of uses.
- Incorporates principles of inclusive design.
- The site is located in an area with good public transport access.
- Takes into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.
- Improves permeability with the surrounding street network and open spaces.
- The scheme provides publicly accessible areas, including the ground floor non-residential uses and public realm.
- The scheme would conform to Civil Aviation requirements. The City Airport has advised there is no safeguarding objection.
- Not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.

8.66 On balance, in accordance with London Plan, CABE / EH guidance on tall buildings, and the IPG the proposal scores merit for its response to the context, evolution of form, distinct character, high quality finishes and generous public realm. The height of the building is considered to be acceptable.

Unit sizes

8.67 According to policy HSG13 of the UDP, all housing units should have adequate provision of internal space in order to function effectively, in accordance with the Council’s residential space supplementary planning guidance (SPG).

- 8.68 The developer identified that of the 382 units, twelve residential units may be below minimum standard. A small unit room analysis was subsequently undertaken following concerns raised by the Council. The analysis confirms that the units that appear to fail are in fact 1 person units. According to the SPG, the minimum floor area for a 1 person unit is 30sqm. The minimum net floor area of the smaller units identified measures approximately 37sqm. Also, the analysis shows that the habitable room sizes exceed the areas within the SPG.
- 8.69 Therefore, the proposed units which were initially considered to be below the areas identified within the Council's residential space SPG, do in fact exceed the minimum areas.
- 8.70 Further to this, the applicant has amended the scheme to provide a greater proportion of dual aspect units to address concerns raised by the GLA. Whilst the GLA has raised concerns over the sizing of the units, on balance, where the unit sizes and design are considered to comply with the Council's SPG, the scheme is considered to be acceptable.

Material and External Appearance

- 8.71 The 2007 GLA stage 1 report states that *"the site is able to take up increased massing and height, subject to high quality architecture and use of materials"*.
- 8.72 A number of amendments have been made to the type and quality of the building materials to address concerns raised by the Council's urban design officer. The choice of material palette for the external cladding system, which includes engineered timber panels, render, stainless steel and terra-cotta panels, is now considered to be of a high quality design. Notwithstanding, further details should be submitted for approval by conditioning to ensure the performance and wearing properties required of a development of this quality is achieved.

Built Heritage

- 8.73 PPG15 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a listed building to have special regard to the preservation of the setting of the listed building as the setting is often an important part of the building's character.
- 8.74 Policy 4B.10 of the London Plan seeks to protect and enhance London's historic environment. Further, Policy 4B.11 states that boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character. Policy CON1[1] of the IPG states that planning permission will not be granted for development which would have an adverse impact upon the setting of the listed building.
- 8.75 As mentioned earlier in this report, the site is not located in a conservation area. There are a number of listed buildings within the vicinity of the site, though there are no listed buildings upon the site.
- 8.76 At the south western corner of the site, along Wapping Lane and Raine Street there is an unlisted brick wall about four metres in height, serving in part as a retaining wall of the site. It is not clear what the history of this wall is. The previous 2004 application demolished this wall. In response to concerns raised by English Heritage, the current application retains most of the wall, making cuts in the upper part of the wall and at ground level for the entrance to the basement car park, vents for its ventilation and for low level balconies.
- 8.77 English Heritage has advised that the retention of the existing wall is a welcome improvement to the scheme. The retained walls are an important and distinctive historic characteristic of many Dockland areas and is an important element in the setting of the Grade II* listed Raines House to the south.

- 8.78 The 2007 GLA stage 1 report advises that the proposed scheme does not enhance the setting of the Grade I listed Tobacco Dock or the Grade II* listed Raines House. However, English Heritage has raised no objection to the proposal and its impact upon the setting of the surrounding listed buildings. The proposal is considered to be appropriate in accordance with PPG15, the London Plan and the IPG.

Permeability and legibility

- 8.79 DEV2 of the IPG seeks to improve legibility and permeability of the urban environment. Whilst the development is not publicly accessible, the proposal does enhance the permeability of the area by opening up the south side of the ornamental canal, and by providing more open space at the northwest corner of the site, opposite Tobacco Dock. Also, private access has been provided to Wapping Woods from the site.
- 8.80 The GLA has raised concern over the transition between block B amenity space and 'Wapping Woods' regarding security and privacy for the inhabitants. Likewise, the transition between private and communal in the courtyards is not considered to be fully resolved. As mentioned elsewhere in this report, this matter was also raised by the Council's landscape department and the Metropolitan Police and it was considered that this matter could be dealt with through the detailed design stage, via condition. This matter is not therefore considered to be a sustainable reason for refusal.
- 8.81 Concerns have also been raised over the legibility of the entrances to blocks C and D, from the court yard, as well as the impact on the privacy of the adjacent bedroom. The applicant has advised that the courtyard entrances to Blocks C and D are secondary entrances. The main entrances to Blocks C and D are from the lift and stair core, which has its address from the lower ground floor at street level on Raines Street. Where the courtyard entrances are secondary, their scale and level of address is considered appropriate. Notwithstanding, to ensure the design of these entrances are clearly legible, further details of there design should be conditioned.
- 8.82 The applicant has also shown how the privacy of adjacent windows to block D entrance can be improved through the repositioning of the bedroom windows and landscape treatment to improve the degree of separation from the entrance. This matter should be addressed by condition.

Blue Ribbon Network

- 8.83 The ornamental canal adjacent to the northern boundary forms part of the Blue Ribbon Network, therefore the policies set out in Chapter 4C of the London Plan are relevant, in particular policy 4C.20, which provides guidance on securing a high quality of design for all waterside developments. The development provides an access along the southern side of the canal for the first time and improves the linkages from the canal to the open space. In general the development responds well to its waterside location and will enhance the Blue Ribbon Network.
- 8.84 The GLA Stage 1 report also considered the impact of the development upon the canal and made the following response:
- "The development provides an access along the southern side of the canal for the first time and improves the linkages from the canal to the open space. In general the development responds well to its waterside location and will enhance the Blue Ribbon Network, although more active uses in the ground floor of Block A would improve the setting of the canal".*
- 8.85 A planning condition is recommended, reserving details of the design and layout of proposed canal side pedestrian walkway to ensure that its design and provision would not

detract from the use and enjoyment of the adjoining water environment. The proposal should also include sustainable urban drainage systems (SUDS) to attenuate water run-off.

Amenity/Open Space

- 8.86 Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space, and they should not increase pressure on existing open space areas and playgrounds. The Council's Residential Space SPG includes a number of requirements to ensure that adequate provision of open space is provided, as shown below:

Tenure	Proposed	SPG Requirement	Total (m ²)
Family Units	73	50sqm of private space per family unit	3650
Non-family units	309	50sqm plus an additional 5sqm per 5 non-family units;	359
Child Bed spaces (according to the ES calculations)	72	3sq.m per child bed space	216
Total			4225

- 8.87 Following is an assessment against the residential amenity space requirements under policy HSG7 of the emerging LDF Core Strategy document.

Units	Total	Minimum Standard (sq.m)	Required Provision (sq.m)
Studio	90	6	540
1 Bed	93	6	558
2 Bed	103	10	1030
3 Bed	51	10	510
4 Bed	6	10	60
5 Bed	4	10	40
TOTAL	347		2738
Ground Floor Units			
Studio	11	25	275
1 Bed	4	25	100
2 Bed	8	25	200
3 Bed	5	50	250
4 Bed	6	50	300
5 Bed	1	50	50
Total	35		1175
Grand Total	382		3913sqm
Communal amenity		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	422sq.m (50sq.m plus 372sqm).
Total Housing Amenity Space Requirement			4335sqm

- 8.88 The applicant's Landscaping Design Report states that the site is designed to be read as four distinct areas of amenity space each with distinctly different character, as follows:

- *The canal frontage and entrance plaza:* Creates a new area of public realm. This area generally provides public access to the development, including the commercial premises along the canal.
- *The water boulevard:* Acting as a central confluence between buildings A, B and E,

this boulevard will act as an informal 'play street' where children can safely ride bikes, play in the water features, kick a ball, etc. A water theme will permeate this space. As only emergency vehicles will use this street a safe home zone type street environment will be created.

- *The (communal) gardens:* this area will contain both hard and soft areas in which the residents can relax and play and is semi-enclosed by buildings B, C, D and E.
- *Private Gardens:* Private courtyard gardens are to be provided to ground floor units on Wapping Woods and Raine Street.

8.89 Also, the majority of all units will be provided with private balconies.

8.90 The total amenity space provision for the proposed development, consisting of both public/communal ground floor amenity space and private amenity space at balcony level, comprises 5,642 sqm. As such, this meets the Council's standard.

Child Play Space

8.91 The revised ES advises that the child yield for the development would be 72 children. Applying the GLA SPG guidelines of 10sqm of play space per child, a total of 720sqm would be required on site.

8.92 The scheme is proposing a total area of 1485sqm for informal child play space. The treatment of the space will encourage a stimulating and robust play environment. Whilst the scheme is not proposing formal child play space, the use of formal child's play space off-site, especially where the applicant is providing a s106 financial contribution, is considered to be sustainable in this instance in accordance with the policy justification provided below.

8.93 London Plan Policy 3A.15 seeks the protection and enhancement of social infrastructure, including child play and recreation facilities. The policy seeks to ensure that these facilities are provided within easy reach by walking and public transport of the population that use them.

8.94 The draft GLA Guide to Preparing Play Strategies encourages the provision of a wide range of play opportunities and spaces, rather than prescribed, fenced off area with a quota of manufactured equipment. Further, according to paragraph 11.8 of the Mayor's SPG for Housing, when assessing needs of children and young people, "*full account should be taken of their need for play and informal recreation facilities within walking distance of their home*".

8.95 According to paragraph 16 of PPS3, matters to consider when assessing design quality of housing developments include the extent to which the proposed development "*provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies*". Paragraph 17 of PPS3 states that "*where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space*".

8.96 The landscape strategy for the site sets out to provide an environment that will accommodate informal play and recreation for all ages. However, as 70% of the children are anticipated to be 10 years and younger, the site will specifically accommodate informal play for that age group. Within 5 minutes walking distance from the site are formal play facilities for 3 – 12 year olds. These facilities are located at Wapping Gardens and include a children's play area. Play areas for secondary school (12+) children are also provided at Wapping Gardens with 1 ball court and 1 kick about, but these facilities are run down and would benefit from resurfacing or upgrading, facilitated through s106 financial

contributions. The subject site is also located adjacent to Wapping Woods which can be used for informal play for children of all ages, as well; John Orwell Sports centre is located within 5 minutes walking distance.

- 8.97 It is clear that the total open space provision exceeds the minimum requires of the Council's housing SPG and the Interim Planning Guidance. Whilst not all of the units are provided with private amenity space, the development provides a significant communal open space area on-site and enables good access to off-site recreational areas. The applicant is also proposing to improve public realm through enhancement of the south side of the Canal. The proposed child play space is also considered to comply with relevant national and local policies and guidance.
- 8.98 On balance, the amenity space provision is considered acceptable subject to a detailed landscape design condition and s106 contribution towards open space and public realm improvements to mitigate and adverse impact upon the surrounding open space areas.

Accessibility and Inclusive Design

- 8.99 The access statement indicates that 10% of the units will be wheelchair accessible. The scheme should be conditioned appropriately to ensure that this is provided for.
- 8.100 The affordable and market housing elements have been designed to incorporate full Lifetime Homes standard requirements.
- 8.101 To ensure the scheme complies with the minimum accessibility standards, the scheme will be conditions appropriately.

Safety and Security

- 8.102 In accordance with DEV1 of the UDP 1998 and DEV4 of the IPG, all development is required to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 8.103 The Metropolitan Police have raised a number of design issues with the scheme regarding the safety and security of the development. As these issues appear to be more detailed design matters, it is suggested that the development should be conditioned appropriately to consider secured by design principles in consultation with the Metropolitan Police and the Design and Conservation Department where appropriate. The issues raised by the metropolitan police do not appear to so significant that would result in detrimental impacts upon the safety and security of the site or the surrounding area, as suggested by members of the community. In fact, comments from the metropolitan police mentioned above appear to suggest that these matters could be best dealt with through the detailed design process.

Amenity

Daylight /Sunlight Access

- 8.104 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.105 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.

8.106 The applicant submitted a Daylight and Sunlight report within the ES, prepared by Delva Patman Associates, which looks at the impact upon the daylight, sunlight and overshadowing implications of the development upon itself and on neighbouring residential properties.

8.107 The following properties that were considered to include habitable rooms were assessed for daylight and sunlight:

- Kingsley Mews, Wapping Lane
- 1 – 6 Discovery Walk
- 1 – 25 Wapping Lane, Lowder House
- 21 Farthing Fields, Wapping
- 11 – 23 Penang Street
- John Rennie Walk, Wapping

8.108 According to the UDP, habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sqm). Delva Patman Associates undertook a survey of 1 John Rennie Walk and 1 – 25 Wapping Lane (Lowder House) and it was found that these particular properties do in fact have kitchens that face the development that are below 13sqm. As these kitchen sizes do not exceed 13sqm, they are not considered to be “habitable” rooms and therefore have not been assessed.

(a) Daylight Assessment

8.109 Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the rooms use.

8.110 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:

- 2% for kitchens;
- 1.5% for living rooms; and
- 1% for bedrooms.

8.111 The daylight analysis identified that the majority of neighbouring buildings are left with adequate ADF for their room use and therefore meet the required standard. The only windows that fell short of the standards were situated on the north elevation of the building at John Rennie Walk, to the east of the site, on the first and second floors. The assessment showed, however, that the reduction in daylight is less than 20% from the existing and this is therefore considered acceptable in accordance with the BRE guideline.

8.112 Consideration was also given for the rooms within the proposed development. A sample of points within the development was tested for ADF. The point chosen are representative of the worst case scenario for most of the blocks as follows:

- Block B – Ground floor bedroom (2.01%);
- Block D – Ground floor bedroom (1.07%); and
- Block E – Ground floor living room (3.22%) and 2 bedrooms (1.54% and 1.10%).

8.113 The results show all of the worst case scenario rooms tested will be left with adequate levels therefore conforming to BRE standards.

(b) Sunlight Assessment

- 8.114 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees of due south.
- 8.115 The applicant has shown that the only neighbouring property that has windows facing south is Kingsley Mews, located to the north east corner of the site. The site was tested at ground level which confirmed that both the annual and winter sunlight hours are substantially above the recommended minimum levels. The required standard is therefore met.

(c) Shadow Analysis

- 8.116 The BRE report advises that for a garden area or amenity area to appear adequately sunlit throughout the year no more than two-fifths and preferably no more than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21st March.
- 8.117 The applicants shadow analysis quantifies the area of shadow in relation to the total ground floor amenity area proposed. The analysis identifies that only 32.9% of the total ground floor amenity area will be in permanent shadow on the 21st March. This is less than the 40% advised by the BRE guidance. Further, the analysis shows that no part of Wapping Woods will experience permanent shadow caused by the development on the 21st March. The shadow impacts therefore comply with the BRE guidance.

Sense of Enclosure/ Outlook

- 8.118 Unlike, sunlight and daylight assessments, this impact cannot be readily assessed in terms of a percentage or measurable loss of quality of light. Rather, it is about how an individual feels about a space. It is consequently far more difficult to quantify and far more subjective. Nevertheless, whilst it is acknowledged that the development may result in an increased sense of enclosure and/or loss of outlook, on balance this proposal is not considered to create an unacceptable impact given the city fringe urban context (which the site borders) and the historical character and grain of the area. A reason for refusal based on these grounds is not considered to be sustainable.

Privacy

- 8.119 According to Policy DEV2 of the UDP, new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline and is interpreted as a perpendicular projection from the face of the habitable room window.
- 8.120 In this regard, the development is not considered to have an impact on the adjacent residential buildings. To the north, west and east of the site, the development is either setback over 18 metres or is off-set from adjacent habitable rooms. Whilst the setbacks from adjacent buildings to the south of the site are within 18 metres, Raines House is not a residential building and the perpendicular distance from adjacent habitable rooms to the south east is appropriately off-set.
- 8.121 The development could have potentially had an unacceptable impact on the privacy of one adjacent habitable room to the south at 21 Farthing Fields where the separation distance is approximately 10 metres. However, the scheme has been amended to off-set the offending window in the south elevation to avoid direct overlooking.
- 8.122 Consideration should also be given to the impact on future occupants of the development.

The internal layout has been redesigned to address policy concerns. Generally, all internal habitable rooms now have a separation distance exceeding 18 metres. The perpendicular distance between parts of Blocks A and E is approximately 16 metres. However, the off-settings of windows has been achieved where possible. This separation distance is considered to be acceptable in this instance.

- 8.123 On balance, the overall impact is considered to be minor and is compliant with planning policy.

Wind/ Microclimate

- 8.124 As part of the application, the applicant undertook a Wind Assessment to assess the impact of the proposal on the microclimate. The conclusions of the study show that the pedestrian level wind environment in and around the site will have no significant residual impact.
- 8.125 In respect of wind conditions on the thoroughfares surrounding the site, the assessment shows that the introduction of soft landscaping measures will result in local wind conditions that are suitable for existing and planned activities.
- 8.126 With the implementation of the proposed soft landscaping measures within the internal courtyard area the wind environment conditions in this area together with the private terraces on the south side of Block C are considered suitable for recreation activities and therefore suitable for the planned uses.
- 8.127 If the Committee was minded to approve the scheme in its current form, the scheme should be conditioned appropriately to ensure the mitigation measures are implemented.

Noise and Vibration

- 8.128 The London Plan seeks to reduce noise by minimising the existing and potential adverse impacts of noise, from, within, or in the vicinity of development proposals. The plan also states that new noise sensitive development should be separated from major noise sources wherever practicable (policy 4A.14).
- 8.129 Policy DEV50 of the LBTH UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. This policy relates particularly to construction noise created during the development phase or in relation to associated infrastructure works. Policy HSG15 states that the impact of traffic noise on new housing developments is to be considered.
- 8.130 A noise assessment was carried out and is included within the Environmental Statement. The assessment considers impacts upon the surrounding environment during the construction phase and the operation phase.
- 8.131 The review of the ES document, undertaken by Bureau Veritas identified the noise assessment to be in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. Whilst the potential impacts during the construction and operation phase are considered to be acceptable, Bureau Veritas has requested that the scheme be conditioned to allow further baseline measurements of the noise from the site during construction phase and the operational phase (plant noise) to be undertaken for design work purposes. The scheme has been conditioned appropriately.
- 8.132 The Council's noise officer also found the noise assessment to be acceptable. The scheme will be conditioned to apply restricted construction hours and operation hours, noise and vibration limits to ensure the amenities of surrounding and future residents will be protected.

Air Quality

- 8.133 The development would result in changes to traffic flow characteristics on the local road network. Effects of the proposed development on local air quality based on traffic flow predictions have been assessed
- 8.134 An assessment shows that the effects of the proposed development are likely to be of minor negative impact. In order to mitigate any potential impacts a Construction Environmental Management Plan (CEMP) will be required setting out measures to be applied throughout the construction phase.
- 8.135 During the operational phase, encouraging sustainable transport and reducing dependence on the private car would reduce the impact of the development in terms of both greenhouse gases and pollutants. This will be addressed through s106 agreement.

Highways

Access

- 8.136 The site is in a location of medium public transport accessibility (PTAL 3) and has good links to areas with high public transport accessibility and is in close proximity to a range of local facilities, thereby encouraging more walking and reducing the reliance on private car use. The Shadwell Underground and DLR stations are located approximately 700m to the north of the site, the East London Line (Wapping underground station) is approximately 400m to the south, and bus routes 100 and D3 are stop on Wapping Lane directly to the south of the site.
- 8.137 There are also good cycle routes in the area. The canal towpath to the north is a shared use pedestrian/cycle path. There is a 'traffic-free cycle route' along its entire length. It connects to the Wapping High Street cycle route to the south, which is part of the London Cycle Network (LCN) route. This route also connects with the Cable Street LCN route to the north, which passes Shadwell underground and DLR stations.
- 8.138 In order to maximise the areas of open space for pedestrians and to minimise the impact of car parking at ground level, basement car parking will be provided. Access into all areas of the car park will be directly from Raine Street. Access into the basement car parking will be controlled by a physical barrier system located at point of entry.
- 8.139 Given the high level of accommodation provided, the Council and TFL have determined that contributions for transport infrastructure and public realm improvements are required via the S106 agreement to ensure that the development can be accommodated within the transport network.
- 8.140 Residents have raised concern regarding impacts associate with the construction traffic. To mitigate this, the scheme has been conditioned to provide an Environmental Construction Management Plan.

Parking

Car parking

- 8.141 The basement car park will provide 164 spaces for residents only, including four disabled spaces. These car parking bays will be operated using a stacking system, with each bay holding two cars. The layout for the disabled bays will be designed as per LBTH guidance. The car park will be managed by a service company who will operate the stacking system. Furthermore, should there be more disabled users requiring parking spaces, valets will be

available to park vehicles using the stacking system, thereby enabling disabled drivers to pull up into the car park as required. No spaces are proposed for the commercial elements of the development.

- 8.142 According to policy 3C.22 of the London Plan, on-site car parking provision for new developments should be the minimum necessary to ensure there is no overprovision that could undermine the use of more sustainable non-car modes. This in part, is to be controlled by the parking standard in Annex 4 of the London Plan and UDP policies.
- 8.143 The residential parking provision is equivalent to a parking provision of 0.43 spaces per dwelling. At the time that the scheme was lodged, the parking provision was in accordance with the Council's adopted maximum standard in the UDP 1998 of 1 space per dwelling. However, since the Secretary of State's recent direction, the UDP parking standard has been removed. Notwithstanding this, the proposed car parking provision is in accordance with the standard set out within the IPG parking standard. Further, the number of car parking spaces complies with the parking standards identified in Annex 4 of the London Plan.
- 8.144 It is recommended that a S106 agreement be put in place to ensure that the development is 'car free', so that no controlled parking permits are issued to the new residents of the development. As such, there will be no overspill parking from the development. Most of the residents will therefore be committed to using public transport services and alternative modes for all journeys. As noted above, the provision of public transport to the site is of a good level. Whilst the Council's Highways department have indicated that the number of spaces should be reduced, there is insufficient policy justification to sustain a refusal on these grounds.
- 8.145 Further, TfL indicated that they expect the number of disabled spaces to increase to approximately ten in compliance with the provisions of the Disability Discrimination Act. TfL have not provided policy direction to support this statement.
- 8.146 The parking standard in Annex 4 of the London Plan states that boroughs should take a flexible approach in providing disabled spaces. The only minimum standard mentioned is for new developments to provide 2 car parking spaces which the development complies with. The Accessible London Supplementary Planning Guidance (SPG) does not provide additional information with regards to the quantity of spaces to be provided.
- 8.147 The Council's IPG requires a minimum disabled parking provision of 2 spaces or 10% of the total parking, whichever is the greater. The development does not comply with this. However, in the absence of a parking standard within the UDP 1998 document, the London Plan is considered to be the 'Development Plan'. Where the development is providing 4 disabled parking spaces and a valet service to meet additional demand, the scheme is considered to comply with the London Plan. Therefore, a refusal based on the shortfall of disabled spaces against the IPG or TfL comments based on non-compliance with Disability Discrimination Act is not considered to be a sustainable reason for refusal.
- 8.148 A condition requiring the submission of a service management plan to be approved by the Council is required to ensure the said valet car parking service is provided for and maintained in perpetuity.

Cycle Parking

- 8.149 The duplicate scheme was providing 193 cycle parking spaces. TfL advised that the parking provision was inadequate and should be provided in accordance with their cycle parking standard of 1 space per dwelling unit. The current amended scheme has increased the cycle parking provision to 248 residential spaces at a level of 0.65 spaces per unit with a commitment to monitor the level of cycle ownership to provide additional spaces if

required. This will be monitored through the travel plan surveys up to a provision of 1 space per unit. The applicant has advised that any additional resident and commercial visitor cycle parking identified through the travel plan could be provided at ground floor level convenient to building entrances within the landscape design. In addition, the applicant is prepared to consider creation of a cycle club to ensure that those who wish to cycle are not prevented from doing so.

- 8.150 Following concerns raised by TFL, the applicant has further amended the scheme to provide an additional 20 bicycle parking spaces at ground floor level to meet the needs of non-residents using the proposed commercial uses (refer to plan 1375(SK)232-A). It is proposed that all residential cycle parking is to be provided within secure locations in the basement car park, in dedicated accessible locations close to each of the building cores. The scheme has been conditioned appropriately. Also, a s106 agreement for the preparation, implementation and maintenance of a green travel plan will be secured.
- 8.151 The London Plan does not designate cycle parking standards. Annex 4 of the London Plan states that developments should provide sufficient secure cycle parking and supporting facilities in accordance with PPG13. It also acknowledges that TFL has indicative guidance on cycle parking standards. The scheme exceeded the UDP 1998 parking standard at the time of lodgement; however this has since been removed by the Secretary of State.
- 8.152 PPG13 does not adopt a minimum figure for cycle spaces, rather requires that convenient and secure cycle parking is provided in developments at least at levels consistent with the cycle strategy in the local transport plan.
- 8.153 The TFL cycle parking standard and the Council's IPG require 1 bicycle space per unit for the residential element. However, in the absence of a detailed standard within the London Plan and the UDP, there is insufficient weight to support the refusal of the scheme in terms of an under provision of cycle parking spaces against the TFL cycle parking standard or the Council's IPG cycle parking standard. The bicycle parking provision is therefore considered, on balance, to be acceptable.

Servicing and Refuse Provisions

- 8.154 The servicing strategy for the site will be undertaken at ground floor level with access gained from an off-street service bay off Wapping Lane. This will be controlled upon entry by the on-site management company. Emergency access to the site will also be gained from the entrance in Wapping Lane. A service management plan should be provided and secured by condition as mentioned above.
- 8.155 Provision for the storage of refuse for the residential and non-residential uses has been provided for. It is recommended that a condition be included to ensure the adequate provision of storage of refuse and recycling facilities is provided.

Other

Biodiversity

- 8.156 The development site is not designated for its ecological importance and is considered to be poor in terms of plant diversity and abundance. The proposed development will have a moderate negative impact through the redevelopment of the site. Proposed mitigation measures include the inclusion of native species in landscaping (including trees, water features and green roof), creation of brown roofs and vertical habitat and installation of bird boxes.
- 8.157 The habitat value of the canal to the north was considered, within the ES, to be low as it has brick walls, a solid base and supports no aquatic plants other than algae. No emergent

or submerged plants were noted but the presence of open water increases the number of habitats in the area and the value was therefore determined to be intermediate. It goes on to say that the loss of the linear area of scrub/shrubs along the canal would reduce the amount of cover available for animals and the value of the canal feeder as a wildlife corridor. The ES considered this to be of moderate negative impact.

- 8.158 The Environment Agency originally objected to the development where the assessment of the risk to the bio-diversity interest of the canal and the measures to deal with it were considered to be inadequate. However, following further assessment the Environment Agency has since withdrawn their objection.
- 8.159 The Council's review of the EIA identified that the ecology statement provides an adequate assessment of the potential impacts of construction and operation on the site and local ecology. A number of conditions have been attached to this development to ensure the provision of the biodiversity measures identified within the ES is implemented.
- 8.160 Natural England are *"supportive of the proposal for increased public access and connectivity and biodiversity enhancements laid in the landscaping concepts"*
- 8.163 On balance, the development is considered acceptable in terms of potential impact on biodiversity, subject to appropriate conditioning.

Flooding/ Water Resources

- 8.164 Policy U3 states that the Council (in consultation with the Environment Agency) will seek appropriate flood protection where the redevelopment of existing developed areas is permitted in areas at risk from flooding. The Environmental Statement identified that the south eastern corner of the site is shown to be affected by the Thames River flood defence system, but is only at risk if the Thames Water flood defences fail.
- 8.165 Regarding the runoff rate and potential impact upon the canal feeder, the exact nature of these mitigation measures should be defined at the detailed drainage design stage in consultation with the Environment Agency and the local authority.
- 8.166 The Environment Agency raised no objection on flooding issues. Appropriate mitigation measures should be enforced via planning conditions if planning permission was granted.

Archaeology

Archaeology

- 8.167 PPG15 Archaeology and Planning advises on procedures for dealing with archaeological remains and discoveries. Policy 4B.10 of the London Plan relates to historic conservation.
- 8.168 The site is not located within an Archaeological Priority Zone as specified within the UDP and the IPG. The applicant has not undertaken an archaeological evaluation of the site, despite the request of English Heritage - Archaeology. Notwithstanding, English Heritage are happy to accept appropriate conditioning of the scheme where such information has not been provided prior to determination.

Waste

- 8.169 The application states that "it is recommended that a Construction Environmental Management Plan is implemented for the site in which management of waste will form an integral part." This is supported and the management plan and its implementation should be conditioned. The management plan will implement the requirement to maximise the reusing or recycling of demolition and construction waste, following targets as set out in the

Tower Hamlets Council Municipal Waste Strategy which has set a performance target for recycling and composting of municipal waste of 35% by 2010.

- 8.170 The GLA have raised concerns that the application is not meeting their targets; however, where it meets the Council's target the scheme is considered to be acceptable. The Mayor has the option to direct refusal at Stage 2 referral, if the Committee was minded to approve this scheme, if he is of the opinion that the shortfall from the London Plan target is unacceptable.

Sustainability

- 8.171 The London Plan energy policies 4A.7-4A.9 aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Energy Efficiency is addressed in policy DEV6 which reiterates the Mayor's target of 10% of new development's energy to come from renewable energy generated on site and a reduction of 20% of emissions. Policies DEV7, DEV8, DEV9 and DEV11 seek sustainable developments through water quality and conservation, sustainable drainage, sustainable construction materials and air pollution and air quality.
- 8.172 The applicant has submitted an energy statement to indicate that it will reduce carbon dioxide emissions through design measures to meet minimum requirements of building regulations. A range of energy technologies have been considered as potential on-site energy generation sources. The proposed scheme will comprise Combined Heat and Power (CHP) to generate heat for the affordable residential units and a biomass heating boiler to serve the market residential units.
- 8.173 The proposed CHP system will provide a 7% reduction in the carbon dioxide emissions and the biomass boiler will reduce carbon emissions by 10%. As a result of the proposed measures, the development will result in an overall 21 - 25% reduction in carbon dioxide emissions, of which 10% would come from on-site renewable energy sources.
- 8.174 The GLA and Council's energy officer considers the approach to be broadly in keeping with the requirements of the London Plan, though further clarifications are required to ensure the strategy is compliant.
- 8.175 Whilst agreed measures should be secured by the Council as part of any planning permission, the Council's energy efficiency unit is satisfied that this matter can be dealt with by an appropriate planning condition.

Environmental Statement

- 8.176 The Council's consultants, Bureau Veritas undertook a review of the Environmental Statement. The ES examines the impact of the proposed development on the following issues:
- EIA Process and Method
 - Design Evolution
 - Planning Policy and Context
 - Landscape and Visual Character
 - Archaeology
 - Built Heritage
 - Geology and Contaminated Land
 - Solid Waste management
 - Ecology and Nature Conservation
 - Water Quality and Drainage
 - Noise and Vibration

- Daylight, Sunlight and Overshadowing
- Wind Assessment
- Energy Assessment
- Telecommunications
- Traffic and Transport
- Local Air quality
- Socio-economics
- Cumulative Impacts

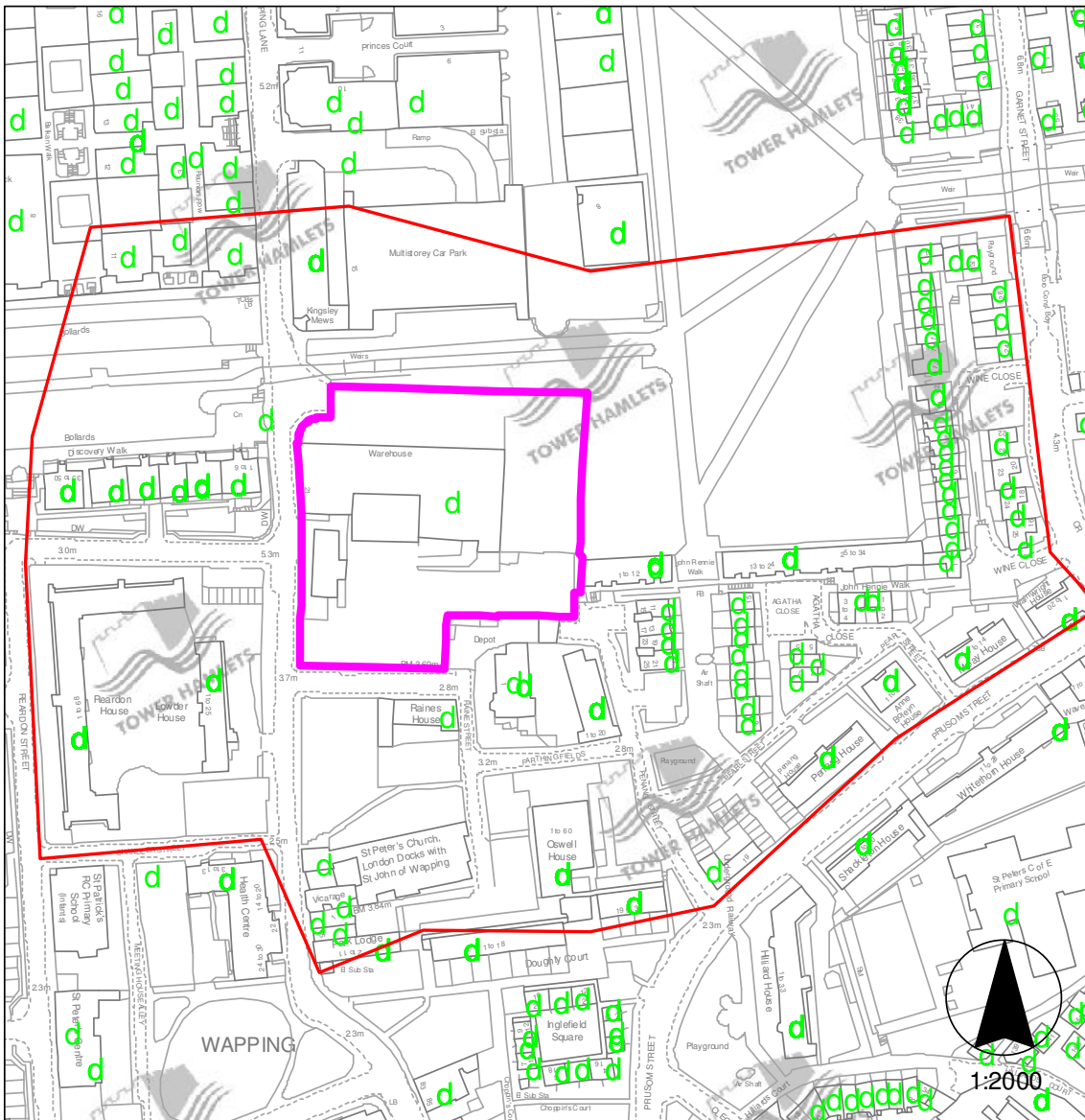
8.177 The review highlighted a number of areas where additional information or clarification was required. Following the submission of further information, Bureau Veritas was satisfied that the additional information provided in the 'Response to regulation 19 issues and environmental statement review prepared by Bureau Veritas' to supplement the original Environmental Statement for 21 Wapping Lane, is adequate for the Council to appropriately form a viewpoint on the environmental impacts of the proposed development. No further information was required.

8.178 The environmental impact has been considered to be satisfactory, with mitigation measures for potential impacts to be implemented through conditions and/ or Section 106 obligations.

9. Conclusions

9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

**EXTRACT FROM THE MINUTES OF THE STRATEGIC DEVELOPMENT
COMMITTEE HELD ON 20th DECEMBER 2007****7.2 21 Wapping Lane, London E1W 2RH**

Mr Stephen Irvine, Development Control Manager, introduced the site and proposal for the demolition of all existing buildings and the construction of five buildings ranging in height from 3 storeys to 19 storeys plus plant (to maximum height of 70.15 AOD) for mixed use purposes to provide 382 residential units (Class C3), retail use (Class A1, A2, A3, A4, A5) and/or community uses (Class D1) and/or leisure use (Class D2), car parking, landscaping, new vehicular and pedestrian access points and other ancillary work at 21 Wapping Lane, London, E1W 2RH.

Councillor Tim Archer spoke on behalf of the residents of the St Katharine's & Wapping ward. He felt that the development was too large, resulting in a 10% increase in the Borough's population. The density was excessive, the proposal would result in parking congestion and the contributions to education represented an underestimation. He asked that the Committee defer the application in order to reduce the height and carry out a further analysis of education and healthcare contributions.

Mr Matthew Gibbs spoke on behalf of the applicant. He addressed the points raised by Councillor Archer and explained the consultation which had been carried out. The scheme complied with policies relating to car parking and met quality indicators relating to density. The scheme was also supported by CABE, the GLA and English Heritage.

Mr Irvine presented a detailed report on the application. He explained that the development was in line with policy and was satisfactory in terms of the Environmental Statement and the level and mix of affordable housing. The scheme did not have any symptoms of overdevelopment and the contributions were in line with Government guidance, and were calculated using a formula which was applied across London. He advised that the contributions must be directly related to the development. The retail uses proposed would contribute to the local community and the development was of a high quality design.

Members asked for clarification relating to the symptoms of overdevelopment and raised a number of concerns relating to parking provision, the effect of the retail uses on the existing retail in the area, the affordable housing provision, the height and the density.

Mr Irvine explained the UDP policy which related to retail uses and the affordable housing toolkit assessment carried out. He advised that the Environmental Impact Assessment had examined the traffic impact and highways officers were satisfied. He also informed the Committee that there were no grounds for a refusal on density.

On a vote of 1 for, 3 against and 1 abstention, the Committee indicated that it did not support the officers' recommendation to grant planning permission for the demolition of all existing buildings and the construction of five buildings ranging in height from 3 storeys to 19 storeys plus plant (to maximum height of 70.15 AOD) for mixed use purposes to provide 382 residential units (Class C3), retail use (Class A1, A2, A3, A4, A5) and/or community uses (Class D1) and/or leisure use (Class D2), car parking, landscaping, new vehicular and pedestrian access points and other ancillary work at 21 Wapping Lane, London, E1W 2RH, on the grounds that:

- 1) the proposal contained a significant retail element which would have a detrimental effect on the existing nearby retail;
- 2) the properties which fronted onto the park posed a security risk;
- 3) the proposal did not comply with the Council's affordable housing policy requirement; and
- 4) the healthcare contribution was not satisfactory.

Therefore it was RESOLVED that the item be DEFERRED to the next meeting to enable officers to draft the reasons for refusal and seek appropriate legal advice.

Agenda Item 6.2

Committee: Strategic Development	Date: 31 st January 2008	Classification: Unrestricted	Agenda Item No: 6.2
Report of: Corporate Director of Development and Renewal Case Officer: Jason Traves		Title: Planning Application for Decision Ref No: PA/07/02706 Ward(s): Bromley by Bow	

1. APPLICATION DETAILS

Location: Site At Caspian Works and Lewis House, Violet Road
Existing Use: Warehouse B1 and B8
Proposal: Redevelopment to provide buildings of between four and eleven storeys (38.95 metres AOD) for mixed use purposes including 143 residential units, Class A1, A2, A3 and B1 (shops, financial and professional services, restaurants/cafes and business) uses with associated works including car parking and cycle parking, roof terraces, landscaping and servicing. (AMENDED PROPOSAL)

A screening opinion was provided by the Council on 7th September 2007 confirming that the proposed development did not fall within Schedule 2 of the EIA Regulations 2006 and therefore, that and EIA is not required.

Drawing No's: Plan Nos:
P007, 206081/050, 206081/051, 206081/052, 20681/053, 20681/055, 206081/056, 206081/057, 206081/058, 206081/059, 206081/110, 206081/120/B, 206081/121/B, 206081/122/C, 206081/123/D, 206081/124/D, 206081/125/C, 206081/126/D, 206081/127/B, 206081/128/C, 206081/129/B, 206081/130/B, 206081/150/C, 206081/151/C, 206081/152/B, 206081/153/C, 206081/155/B, 206081/156/B, 206081/157/B, 206081/158/B, 206081/159/C

Documents:
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Air Quality Assessment
Arboricultural Report
Archaeological Desk Based Assessment
BRE Daylight/Sunlight Report
Computer Generated Images (CGIs)
Design and Access Statement
Ecological Impact Assessment
Employment Property Market Review
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Ground Conditions Report
Landscape Design Statement
Materials Used and Purchasing Strategy
Microclimate Assessment

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Eileen McGrath 020 7364 5321

	Noise and Vibration Report
	Planning Statement
	Socio-economic Impact Report
	Sustainability Strategy and Code for Sustainable Homes
	Telecommunications Assessment
	Townscape and Visual Assessment
	Transport Statement (Incl. TA)
	Waste Management Report
	Water Resources Report
Applicant:	Berkeley Homes (North East London) Ltd
Owner:	Strong Holdings PLC
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, Interim Guidance, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

(1) The proposal is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 4B.3 of the London Plan and HSG1 of the Council's Interim Planning Guidance (October 2007).

(2) Principle of a mixed use scheme is an efficient use of the site, with the subject scheme being of sufficient quality consistent with the extant permission and posing no significant impacts to future occupiers, users or to neighbours. The proposal accords with 2A.1 Sustainability Criteria, 2A.6 Spatial Strategy for Suburbs, 3B.1 Developing London's Economy, 3B.4 and 5C.1 of The London Plan 2004 as well as Policy DEV3 and EMP12 of the adopted UDP 1998.

(3) The loss of industrial floorspace is acceptable as the viability of the Strong and Hoe sites remaining in industrial use is balanced by the available industrial floorspace in the local area, the opportunities to relocate the displaced Strong and Hoe activities in the area, as well as the lack of demand for industrial floorspace in this area as evidenced in the marketing justification for the extant permission. The proposal accords with policies CP11 of the Interim Planning Guidance and EE2 of the adopted UDP 1998.

(4) A reduction in the employment floorspace is justified as more jobs will be created by the more intensive class of uses of the mixed-use scheme which will benefit the local area. The building will be of better quality that will support a range of smaller businesses in a modern and more flexible space. Although contrary to CP9 of the Interim Planning Guidance the proposal is justified and accords with policies EMP1 and EMP2 of the adopted UDP 1998.

(5) Provision of 36% affordable housing based on habitable rooms exceeds the required provision whilst 33% family-sized housing across all tenures (market, social rent, and shared ownership) complies with policy, will contribute significantly towards addressing housing need in the borough and accords with policies CP21 and CP22 of the adopted UDP 1998.

(6) The proposal meets the floor spaces standards for residential dwellings and provides amenity open space including children's play space which exceeds the Borough's requirements in terms of overall provision. The scheme accords with Policies HSG 13 and HSG16 of the adopted UDP 1998 and HSG7 of the Interim Planning Guidance.

(7) The development is not considered to adversely affect the amenity of any neighbouring

properties including overshadowing. It is considered to be in accordance with policies DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 of the Interim Planning Guidance (October 2007) which seek to ensure the amenity of adjoining residential properties is protected and maintained.

(8) Transport matters, including parking, access and servicing is acceptable and in line with policies T16 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments can be supported within the existing transport infrastructure and will not affect the safe operation of the highways.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

A. Any **direction** by **The Mayor**

B. The prior completion of a **legal agreement** to secure the following planning obligations:

- a) A proportion of 36% on habitable rooms of the proposed units to be provided as affordable housing with the socially rented mix as specified in the addendum report to the 20th Dec 2007 Strategic Development Committee meeting;
- b) Provide **£1899.00** towards bus stop survey;
- c) Provide **£14,667.00** towards bus stop improvements;
- d) Provide **£58,667.00** towards highway safety improvements;
- e) Provide **£271,524.00** towards education to mitigate the demand of the additional population on education facilities;
- f) Provide **£585,889.00** towards medical facilities to mitigate the demand of the additional population on medical facilities; and
- g) Provide **£22,000.00** towards Public Art.

3.2 That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal be delegated authority to impose conditions and informatives on the planning permission to secure the following matters:

Conditions:

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:
 - a) External including a pallet board of samples of materials for external fascia of building;
 - b) Details of balcony and joinery (scale 1:5 plans)
 - c) Screens on corners of D2 and D3 buildings per microclimate assessment and policy DEV5
 - d) The design of the lower floor elevations of commercial units including shop fronts
- 3) Landscape plan for amenity courtyards and ground floor public realm improvements and with Management Plan.
- 4) Parking maximum cars and minimum cycle and motorcycle spaces
- 5) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
- 6) Piling hours of operation limits (10am – 4pm)
- 7) Details of insulation of the ventilation system and any associated plant required
- 8) Wheel cleaning facility during construction
- 9) Submission of details of the 10% renewable energy measures
- 10) Land contamination study required to be undertaken with remediation certificate
- 11) Details of Piling Foundations as required by the Environment Agency
- 12) Details of surface water control measures as required by the Environment Agency

- 13) Details of foul and surface drainage system as required by the Environment Agency
- 14) Details of sustainable drainage measures as required by the Environment Agency
- 15) Archaeology as required by English Heritage
- 16) Details of the waste and recycling facilities
- 17) Construction Management Plan required
- 18) Details of inclusive design through the scheme
- 19) Construction noise limits
- 20) Construction vibration limits
- 21) Details of Brown Roofs
- 22) Details confirming lifetime homes standards and 10% wheelchair accessible homes
- 23) Retention of the land providing access to DLR land to be retained unless otherwise agreed in writing by DLR and the Local Planning Authority
- 24) Prior to occupation details of the fume extraction for class A3 premises shall be submitted to and approved in writing by the Local Planning Authority prior to occupation
- 25) One silver birch tree on the north east boundary of the Strong site to be retained and protected
- 26) Condition preventing roller shutter or hoardings without prior permission
- 27) Details to be submitted during detailed design construction phase that level 3 Code for Sustainable homes is achieved.
- 28) Details to be submitted following completion that level 3 Code for Sustainable homes is achieved.
- 29) Residents of the Hoe site shall have access to the ground floor communal area of the strong site including the children's play area
- 30) Any other conditions considered necessary by the Head of Development Decisions.

Informatives

- 1) Consult the Environment Agency in terms of conditions 10, 11
- 2) Consult Thames Water in respect of 10, 11 and 13
- 3) Consult Metropolitan Police in terms of conditions 2b, 3, 21, 22
- 4) Site notice specifying the details of the contractor required
- 5) Building Regulations in terms of means of escape
- 6) 278 agreement to be entered into for Highway works surrounding the site
- 7) Thames Water informative for water pressure

3.4 That, if within 3-months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

4. Further Consideration

4.1 The application was presented to the Strategic Development Committee in December 2007. The original report and addendum update report are attached at Appendix 1 and 2. The Committee resolved to defer the matter to enable the following:

- Expiration of the re-notification of the amended scheme as described above in Section 1; and
- Further consideration of the gated access into the site.

These matters are discussed in the following sections.

5.0 Re-notification

5.1 The re-notification period ends 28th January 2007 and the results of which will be reported to the Strategic Development Committee in the addendum report. In the meantime, submissions from neighbours and consultees have been received, as discussed below.

5.2 *Internal/External Consultation Responses*

- National Air Traffic Services (NATS) Ltd – No objection
- Olympic Delivery Authority (ODA) – No objection
- London City Airport – No objection
- Thames Water – No objections raised and informatives recommended for their consultation on drainage and water supply matters
- TFL – Confirmed that contributions being offered for the bus stop survey and works were welcomed
- British Waterways – Previous comments stand (reported in Dec 2007 Strategic Development Committee Report)
- LBTH Primary Care Trust PCT – Revised s106 contribution acceptable
- LBTH Housing Dept – Happy with the revised housing mix
- LBTH Highways - No objection
- LBTH Education – Revised s106 contribution requirement is £271,524.00 (This figure is being offered by the agent)

5.3 *Neighbour Consultation Responses*

5.4 At the time of finalisation of this report, six (6) submissions have been received raising the following issues:

- Impact to water pressure;
- Impact to light/overshadowing;
- Flood risk;
- Overpopulation with many flats going up in the area;
- Concern for design and character of the area including an alternative opinion offered in respect of the design assessment in the Dec 2007 case officer report;
- Incremental series of applications not intended to be constructed but to arrive at a grander scheme for the overall development;
- Concern about the developer's engagement of the local community in consultation on the future scheme;
- References to separate future application including a tower of 30 storeys; and
- Context and design criticism for the future 30 storey tower scheme.

In respect of these matters comments are offered below.

5.5 *Water pressure*

5.6 Although not a planning issue, the Thames Water Authority has considered the scheme and no concerns have been raised.

5.7 *Impact to Light/Overshadowing*

5.8 This matter was previously considered in the Dec 2007 report advising that no significant overshadowing impact is posed to neighbours.

5.9 *Flood Risk*

5.10 This matter was previously considered in the Dec 2007 report advising that the Environment Agency considered this matter and raised no objection to the scheme.

5.11 *Overpopulation*

5.12 This matter was previously considered in the Dec 2007 report in section 8 under Density and was considered to be acceptable.

5.13 *Design & Character*

5.14 The further re-iteration of concerns in response to re-notification has been taken into account although it is further considered that the assessment contained in the December 2007 report stands.

5.15 *Future schemes*

5.16 Whilst not the subject of this application, it is confirmed that there are two (2) separate applications received for Caspian Wharf which have been made valid subsequent to the December 2007 Strategic Development Committee Meeting;

- PA/07/2762 for a scheme of between four and eleven storeys for mixed use purposes including 191 residential units (2 x studio, 54 x 1 bed, 92 x 2 bed, 36 x 3 bed, 7 x 4 bed), Class A1, A2, A3 and B1 uses with associated basement and ground level car parking and cycle parking, roof terraces, children's play area, landscaping, access and servicing; and
- PA/08/00019 for a scheme of between 7, 14 and 30 storeys for mixed use purposes including 634 residential units, Class A1, A2, A3 B1 and D2 uses with associated car parking and cycle parking, roof terraces, landscaping, canalside walkway and servicing.

5.17 PA/07/2762 is for a similar scheme in terms of external appearance with obvious differences to PA/07/2706 that include relocating parking to a new basement level to make way for more communal space for future residents as well as an additional block of residential units. This scheme would link into the design of the extant permission in May 2007 for Caspian Wharf (See **Appendix A** of the December 2007 Strategic Development Committee report).

5.18 PA/08/00018 is for a scheme that supersedes these previous proposals, being an entirely new scheme with a different site layout and appearance including a 30 storey residential tower.

Both schemes are the subject of public consultation in January 2008 and the assessment will follow.

6.0 Further Consideration

6.1 *Entry Gates*

6.2 In respect of gated access and any concern such as restricting access to the site, there are two new gates proposed in this application:

- Gated access to the Hoe site bicycle and car parking area;
- Gates to the access way to DLR land behind the Strong Site for maintenance purposes.

6.3 Note that the access to the Strong site is through the entry gates agreed as part of the extant permission and are not part of this application. Nevertheless, in all cases, entry gates do not alter the extant planning permission for Caspian Wharf including the publicly accessible area adjacent to the canal.

6.4 In further consideration of this matter, the Crime Prevention Officer and agent confirmed that the proposed gates were a necessary feature of the scheme in the interests of safety, security and crime. The gate for the Hoe site as well as the gate securing access to DLR land behind the Strong site prevent unauthorised entry to areas not intended to be publicly

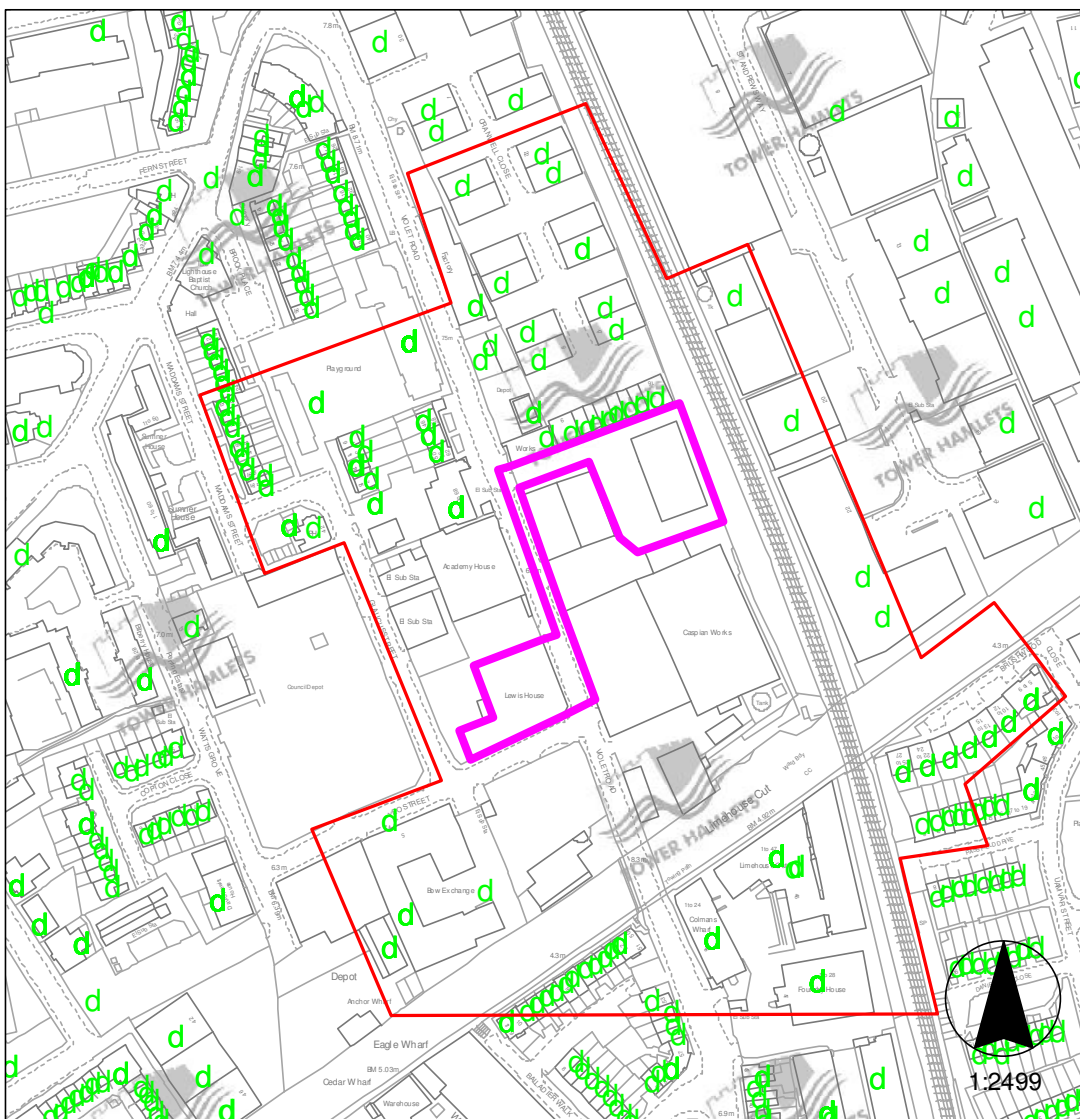
accessible. From a crime prevention and police point of view, it was considered that the proposed gates should not be removed or changed. It was further pointed out that this development is not an open site providing a shortcut to or from somewhere else and therefore, there is no justification to alter the scheme.

7. Conclusions

All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Caspian Works and Lewis House, Violet Road, London

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

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Committee: Strategic Development	Date: 20 th December 2007	Classification: Unrestricted	Agenda Item No: 7.3
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Jason Traves		Ref No: PA/07/02706	
		Ward(s): Bromley by Bow	

1. APPLICATION DETAILS

Location: Site At Caspian Works and Lewis House, Violet Road
Existing Use: Warehouse B1 and B8
Proposal: Redevelopment to provide buildings of between 4 and 11 storeys for mixed use purposes including 148 residential units, Class A1, A2, A3 and B1 (shops, financial and professional services, restaurants/cafes and business) uses with associated car parking and cycle parking, roof terraces, landscaping and servicing.

A screening opinion was provided by council on 7th September 2007 confirming that the proposed development did not fall within Schedule 2 of the EIA Regulations 2006 and therefore, that and EIA is not required.

Drawing No's: Plan Nos:
P007, 206081/050, 206081/051, 206081/052, 206081/053, 206081/055, 206081/056, 206081/057, 206081/058, 206081/059, 206081/110, 206081/120/B, 206081/121/B, 206081/122/B, 206081/123/B, 206081/124/B, 206081/125/B, 206081/126/B, 206081/127/B, 206081/128/B, 206081/129/B, 206081/130/B, 206081/150/B, 206081/151/B, 206081/152/B, 206081/153/B, 206081/155/B, 206081/156/B, 206081/157/B, 206081/158/B, 206081/159/B

Documents:
Accessibility and Lifetime Homes Statement
Air Quality Assessment
Arboricultural Report
Archaeological Desk Based Assessment
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Computer Generated Images (CGIs)
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Ecological Impact Assessment
Employment Property Market Review
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Landscape Design Statement
Materials Used and Purchasing Strategy

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Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
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Sustainability Strategy and Code for Sustainable Homes
Telecommunications Assessment
Townscape and Visual Assessment
Transport Statement (Incl. TA)
Waste Management Report
Water Resources Report

Applicant: Berkeley Homes (North East London) Ltd
Owner: Strong Holdings PLC
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, Interim Guidance, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

(1) The proposal is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 4B.3 of the London Plan and HSG1 of the Council's Interim Planning Guidance (October 2007).

(2) Principle of a mixed use scheme is an efficient use of the site, with the subject scheme being of sufficient quality consistent with the extant permission and posing no significant impacts to future occupiers, users or to neighbours. The proposal accords with 2A.1 Sustainability Criteria, 2A.6 Spatial Strategy for Suburbs, 3B.1 Developing London's Economy, 3B.4 and 5C.1 of The London Plan 2004 as well as Policy DEV3 and EMP12 of the adopted UDP 1998.

(3) The loss of industrial floorspace is acceptable as the viability of the Strong and Hoe sites remaining in industrial use is balanced by the available industrial floorspace in the local area, the opportunities to relocate the displaced Strong and Hoe activities in the area, as well as the lack of demand for industrial floorspace in this area as evidenced in the marketing justification for the extant permission. The proposal accords with policies CP11 of the Interim Planning Guidance and EE2 of the adopted UDP 1998.

(4) A reduction in the employment floorspace is justified as more jobs will be created by the more intensive class of uses of the mixed-use scheme which will benefit the local area. The building will be of better quality that will support a range of smaller businesses in a modern and more flexible space. Although contrary to CP9 of the Interim Planning Guidance the proposal is justified and accords with policies EMP1 and EMP2 of the adopted UDP 1998.

(5) Provision of 37% affordable housing based on habitable rooms exceeds the required provision whilst 25% family-sized housing across all tenures (market, social rent, and shared ownership) is in line with policy and exceeds the amount achieved across the Borough in the most recently published annual Monitoring Report 2005-6. The scheme will contribute significantly towards addressing housing need in the Borough and accords with policies CP21 and CP22 of the adopted UDP 1998.

(6) The proposal meets the floor spaces standards for residential dwellings and provides amenity open space including children's play space which exceeds the Borough's requirements in terms of overall provision. The scheme accords with Policies HSG 13 and

HSG16 of the adopted UDP 1998 and HSG7 of the Interim Planning Guidance.

(7) The development is not considered to adversely affect the amenity of any neighbouring properties including overshadowing. It is considered to be in accordance with policies DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 of the Interim Planning Guidance (October 2007) which seek to ensure the amenity of adjoining residential properties is protected and maintained.

(8) Transport matters, including parking, access and servicing is acceptable and in line with policies T16 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments can be supported within the existing transport infrastructure and will not affect the safe operation of the highways.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

A. Any **direction** by **The Mayor**

B. The prior completion of a **legal agreement** to secure the following planning obligations:

- a) A proportion of 37% on habitable rooms of the proposed units to be provided as affordable housing with the socially rented mix as specified in the table attached in Section 8;
- b) Provide **£1899.00** towards bus stop survey;
- c) Provide **£15,180.00** towards bus stop improvements;
- d) Provide **£60,718.00** towards highway safety improvements;
- e) Provide **£258,233.00** towards education to mitigate the demand of the additional population on education facilities;
- f) Provide **£606,375.00** towards medical facilities to mitigate the demand of the additional population on medical facilities; and
- g) Provide **£22,770.00** towards Public Art.

3.2 That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal be delegated authority to impose conditions and informatives on the planning permission to secure the following matters:

Conditions:

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:
 - Elevational treatment including samples of materials for external fascia of building
 - The design of the lower floor elevations of commercial units including shopfronts
 - External lighting and security measures
- 3) Landscape plan for amenity courtyards and ground floor public realm improvements and with Management Plan.
- 5) Parking maximum cars and minimum cycle and motorcycle spaces
- 6) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
- 7) Piling hours of operation limits (10am – 4pm)
- 8) Details of insulation of the ventilation system and any associated plant required
- 9) Wheel cleaning facility during construction
- 10) Details of the energy Scheme to meet 10% renewables
- 11) Land contamination study required to be undertaken with remediation certificate

- 12) Details of surface water control measures as required by the Environment Agency
- 13) Details of sustainable drainage measures as required by the Environment Agency
- 14) Details of Piling Foundations as required by the Environment Agency
- 15) Details of foul and surface drainage system as required by the Environment Agency
- 16) Archaeology as required by English Heritage
- 17) Details of the waste and recycling facilities
- 18) Construction Management Plan required
- 19) Bat survey completed
- 21) Details of inclusive design through the scheme
- 22) Construction noise limits
- 23) Construction vibration limits
- 24) Parking, loading and serving areas to be used solely for these purposes.
- 25) Crane Heights as required by London City Airports
- 26) Details of Brown Roofs
- 27) Submission of details of walls, fences, gates and railings
- 28) Submission of details of common area lighting which is to be efficient lighting with daylight passive controls
- 29) Submission of details of recycling and refuse
- 30) Submission of details of any external surface
- 31) Submission a pallet board showing external facing materials
- 32) Details of balcony and joinery (scale 1:5 plans)
- 33) Submission of details to be approved in writing by the local planning authority in consultation with the GLA of the 10% renewable energy measures, CHP, biomass boiler which shall be in accordance with the revised energy strategy submitted Dec 2007
- 34) Implementation of the noise control measures as submitted strategy and commitment for bio-fuel boiler, achieve code for sustainable homes level 3 for detailed design and at completed development
- 35) Retention of the land providing access to DLR land to be retained unless otherwise agreed in writing by DLR and the local planning authority
- 36) Prior to occupation details of the fume extraction for class A3 premises shall be submitted to and approved in wiring by the local planning authority prior to occupation
- 37) One silver birch tree on the north east boundary of the Strong site to be retained and protected
- 38) Condition preventing roller shutter or hoardings without prior permission
- 39) Screens on corners of D2 and D3 buildings per microclimate assessment and policy DEV5
- 40) Details to be submitted during detailed design construction phase that level 3 Code for Sustainable homes is achieved.
- 41) Details to be submitted following completion that level 3 Code for Sustainable homes is achieved.
- 42) Residents of the Hoe site shall have access to the ground floor communal area of the strong site including the children's play area
- 43) Details of the children's play area
- 44) Any other conditions considered necessary by the Head of Development and Renewal

Informatives

- 1) Consult the Environment Agency in terms of conditions 12-13
- 2) Consult Metropolitan Police in terms of conditions 3, 27, 28, 32
- 3) Site notice specifying the details of the contractor required
- 4) Building Regulations in terms of means of escape
- 4) 278 agreement to be entered into for Highway works surrounding the site

- 3.4 That, if within 3 months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal is for redevelopment of the Strong Packing Case site on the eastern side of Violet Road and the E.W. Hoe (Export Packers) Ltd site on the corner of Yeo Street and Violet Road. The scheme is for buildings of between 4 and 11 storeys (Highest point is 38.95m Above Ordinance Datum) for mixed use purposes including 148 residential units, Class A1, A2, A3 and B1 (shops, financial and professional services, restaurants/cafes and business) uses with associated car parking and cycle parking, roof terraces, landscaping and servicing.
- 4.2 The details of the development of the Strong and Hoe sites is as follows:
- The provision of 386sqm Gross Estimated Area (GEA) of Office B1 floorspace and 101 sqm of Retail A1/A2/A3 predicted to generate between 30-39 jobs;
 - 12,893sqm of residential C3 flats with sizes ranging between studio – 4 bedroom;
 - Affordable housing provision which equates to 37% of total habitable rooms or 42% of the GEA, or 24% of unit yield;
 - Residential design that achieves level 3 for the Code for Sustainable Homes Criteria as well as 10% wheelchair housing;
 - Incorporation of energy efficient and sustainable measures into the scheme including rainwater re-use, brown roof, Sustainable Urban Drainage System (SUDs) and a Biomass Combined Heat and Power (CHP) system predicted to provide 10% of energy needs;
 - A total of 2,975sqm of amenity space comprising 1,314sqm of private amenity space which includes terraces and balconies, 85sqm of semi public space and 1,575sqm of communal amenity space;
 - The provision of parking on both the Strong and Hoe sites providing a total of 28 car parking spaces including 3 spaces for people with a disability;
 - The provision of 166 secure cycle spaces for both residential and employment components of the mixed use scheme as well as visitors to the site;
 - The provision of refuse and recycling facilities at ground floor for both the Strong and Hoe Sites; and
 - The provision of landscaping which includes permeable surfacing where possible and reservation of access to the Dockland Light Rail (DLR) land and infrastructure to the east of the site.

Site and Surroundings

- 4.3 The application site comprises two properties, the Strong Packing Case site on the eastern side of Violet Road and the E.W. Hoe (Export Packers) Ltd site on the corner of Yeo Street and Violet Road. Both are occupied and operational.
- 4.4 The Strong and Hoe sites adjoin but are completely separate to the Caspian Wharf sites A and B which were granted planning permission on 3rd May 2007 for a mixed use scheme of 4-9 and 13 storeys comprising 390 residential units and Class A1, A2, A3, B1, and D2 uses (LBTH Refs. Nos. PA/05/01647 & PA/05/01648). In this way the extant permission could be constructed as approved independent of any decision for the subject planning application being considered.
- 4.5 The Strong property is a back land site that adjoins DLR land to the east and benefits from an access way onto Violet Road. The site comprises a two storey building in the rear which houses the packing case manufacturing operation as well as a storage shed that is located to the side of the access way. The site is virtually entirely covered by hard surfacing and there are no significant landscape features or ecological values to consider on this site.

There are two silver birch trees both are which are located on the site boundary adjoining DLR land.

- 4.6 The Hoe property is located to the southwest of the Strong site to the west of Violet Road at the intersection with Yeo Street. This warehouse has a blank frontage to both Violet Road and Yeo Street with the point of access being located in Glaucus Street. The site is covered by the 1.5 storey warehouse and forecourt parking, access and loading area. Consequently, there are no trees, landscape features or ecological values to consider.
- 4.7 Pursuant to the adopted Unitary Development Plan (UDP) 1998 the Strong and Hoe sites fall within a flood protection area and the Hoe site also falls within an Industrial Employment Area. In respect of the Interim Planning Guidance 2007 and Leaside Area Action Plan, the Strong site is within LS33 Caspian Wharf. The Strong site is also designated for Mixed Use in adopted UDP 1998. In respect of the spatial development strategy The London Plan (February 2004) the site is located within the East London and Thames Gateway sub-region and is identified in an Area for Regeneration.
- 4.8 Further South is the Spratt's site, 45-48 Morris Road which is now a mixed use scheme.
- 4.9 To the east, the Strong site is bordered by DLR land and further still, residential and commercial uses. Immediately to the north of the Strong and Hoe sites are other commercial uses. Further along Violet Road on the western side and into adjacent streets are residential flats of varying ages including more recent redevelopment schemes at 42 Glaucus Street and 1-24 Violet Road. To the west, land is also in commercial use including Bow Exchange and the Council depot site.

Planning History

- 4.10 On 4th July 1997, planning permission was given for extensions to an existing factory building (Application Ref. PL/96/0048).
- 4.11 In respect of the history of adjoining sites, the extant permission for Caspian Wharf granted in May 2007 is relevant as outlined in the previous section. The Strategic Development Committee report and decision notice are attached at **Appendix A**.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Decision" agenda items. The following policies are relevant to the application:

Unitary Development Plan 1998 (as saved September 2007)

Proposals:		Flood Protection Area (Strong and Hoe sites)
		Industrial Employment Area (Hoe site)
Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV46	Protection of Waterway Corridors
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV69	Efficient Use of Water

EMP1	Promoting economic growth and employment opportunities
EMP5	Compatibility with Existing Industrial Uses
EMP6	Employing local People
EMP8	Encouraging Small Business Growth
EMP10	Development Elsewhere in the Borough
EMP12	Business Uses in Industrial Employment Areas
EMP13	Residential Development in Industrial Employment Areas
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG 14	Provision for Special Needs
HSG15	Development Affecting Residential Amenity
HSG16	Housing Amenity Space
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
S10	Requirements for New Shop front Proposals
OS9	Children's Playspace
U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures

Interim Planning Guidance for the purposes of Development Control (October 2007)

Proposals: L33 Caspian Wharf: Preferred Uses – Residential (C3), Employment (B1) , Public Open Space

Core Strategies:	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP9	Employment Space for Small Businesses
	CP11	Sites in Employment Use
	CP15	Provision of a Range of Shops and Services
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP24	Special Needs and Specialist Housing
	CP25	Housing and Amenity Space
	CP28	Healthy Living
	CP29	Improving Education Skills
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP41	Integrating Development with Transport
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation

DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV14	Public Art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE1	Industrial Land Adjoining Industrial Land
EE2	Redevelopment/Change of Use of Employment Sites
EE3	Relocation of Businesses Outside of Strategic Industrial Locations and Local Industrial Locations
RT3	Shopping Provision Outside of Town Centres
RT4	Shopping Provision Outside of Town Centres
HSG1	Determining Housing Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Ratio of Social Rent to Intermediate Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Affordable Housing
CON5	Protection and Management of Important Views

Supplementary Planning Guidance/Documents

Residential Space Standards
 Archaeology and Development
 Leaside Area Action Plan (AAP)

Spatial Development Strategy for Greater London (London Plan) 2004

Polices	2A.1	Sustainability Criteria
	2A.4	Areas for Regeneration
	2A.6	Spatial Strategy for Suburbs
	2A.7	Strategic Employment Locations
	3A.1	Increasing London's Supply of Housing
	3A.2	Borough Housing Targets
	3A.4	Housing Choice
	3A.5	Large Residential Developments
	3A.7	Affordable Housing Targets
	3A.8	Negotiating Affordable Housing in Individual Private Residential and Mixed use Schemes
	3A.14	Addressing the Needs of London's Diverse Population
	3A.15	Protection and Enhancement of Social Infrastructure and Community Facilities
	3A.17	Health Objectives
	3A.20	Health Impacts
	3A.21	Education Facilities
	3A.23	Community Strategies
	3A.24	Meeting Floor Targets

3A.25	Social and Economic Impact Assessments
3B.1	Developing London's Economy
3B.3	Office Provision
3B.4	Mixed Use Development
3C.1	Integrating Transport and Development
3C.2	Matching Development with Transport Capacity
3C.22	Parking Strategy
3D.10	Open Space Provision in UDPs
3D.12	Biodiversity and Nature Conservation
4A.2	Spatial Policies for Waste Management
4A.7	Energy Efficiency and Renewable Energy
4A.8	Energy Assessment
4A.9	Providing for Renewable Energy
4A.11	Water Supplies
4A.12	Water Quality
4A.13	Water and Sewerage Infrastructure
4A.14	Reducing Noise
4A.16	Bringing Contaminated Land into Beneficial Use
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Maximising the Potential of Sites
4B.4	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4B.6	Sustainable Design and Construction
4B.8	Tall Buildings
4B.9	Large Scale Buildings
5C.1	The Strategic Priorities for East London

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG 4	Industrial, Commercial Development and Small Firms
PPG9	Nature Conservation
PPG16	Archaeology and Planning
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Flood Risk

Community Plan The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

LBTH Highways

6.2 The department raised no objection to the scheme subject to amending ground floor plan to address doors swinging out onto the public highway. Recommended appropriately worded standard condition of approval for highway works plan (section 278/72 Agreement), and appropriately worded standard informative for highway licence for any balconies overhanging the public highway (Section 177 & 178 of the Highways Act 1980).

6.3 The department agreed with the pro-rata section 106 contributions offered in respect of

transport infrastructure with the advice that the highway improvement works for the extant Caspian Wharf permission contained in the agreed heads of Terms should be the basis for the pro-rate payment of contributions associated with this application. Specific mention is made of street works on Violet Road from the north of the site to the Roundabout on Devons Road.

(Officer Comment: Amended plans have been received showing amendments such that doorways to not open out across the public highway and the draft s106 includes the abovementioned contribution and a s278 agreement will be secured by an informative and will include the highway works identified above)

LBTH Education

- 6.4 The s106 contribution towards education is a pro-rata rate based on the extant permission is acceptable as the mix of the current scheme would otherwise warrant a contribution that is only £10,000.00 more being £259,182.00.

(Officer comment: the agent has agreed to pay the additional £10,000.00 and this undertaking will be included in the s106)

LBTH Environment and Ecology Officer

- 6.5 Satisfied that the proposal poses little risk to biodiversity. Recommends opportunities should be taken to promote diversity including flower beds, nectar rich plants and bat bricks and reference to Design for Biodiversity GLA/English Nature publication. Advises the incorporation of a brown roof into the scheme is excellent and recommends use of native seed to accelerate plant establishment.

(Officer comment: Conditions have been added requiring the use of native seedings)

LBTH Energy Efficiency Unit

- 6.6 The following comments were provided:
- SAP calculations to be provided for every flat type in the scheme;
 - Retrofitting cooling systems is prohibited therefore cannot make the allowance for such devices in calculations of electricity demand;
 - In considering energy use reduction, a commitment is needed to achieve Part L Building Regulations, a cooling assessment is required and communal areas shall be powered by efficient lighting and daylight passive controls;
 - In considering renewable energy, a commitment to the hybrid wind-PV system is needed; signing up to green power tariffs cannot be included in CO2 reduction targets; if a biofuel boiler is to be used a clear strategy and commitment is needed; also, must demonstrate the scheme meets the 10% renewable energy requirement;
 - In respect of supplying energy a full CHP study is needed; and
 - Whilst the scheme meets code for sustainable homes, it will need to be revised at detailed design stage and at completion.

(Officer comment: Additional information was provided which was considered satisfactory and addresses the above issues. These issues are covered further in section 8 of this report)

LBTH Arboriculturalist

- 6.7 Two silver birch trees should be retained where possible.

(Officer Comment: The trees are not protected by a Tree Preservation Order and the site is not within a conservation area and could be removed at any time. Nevertheless, the agent has confirmed that one tree could be retained and appropriately worded condition is recommended).

LBTH Trading Standards, Environmental Health

6.8 The following comments are provided:

- Food premises are to be registered 28 days prior to opening;
- Hand washing facilities to be provided in food handling areas;
- Toilets are to be provided and should not be directly accessible from food rooms

(Officer Comment: No action is required as these matters would be considered in any future application for occupation and fitout for Class A3 use).

LBTH Contaminated Land Officer, Environmental Health

6.9 The industrial use of this and surrounding site gives rise to the potential for contamination and appropriately worded standard conditions for investigation and remediation are recommended.

LBTH Cleansing Team

6.10 The team was satisfied with the scheme and made the following comments:

- Clarification of bin hauling distances necessary;
- For information that the Council's refuse and recycling centre at Northumberland Wharf does not take asbestos material.

LBTH Building Control

6.11 No comments received

LBTH PCT

6.12 The s106 planning contribution of £606,375.00 for health is considered reasonable and acceptable.

Crime Prevention Officer (Metropolitan Police)

6.13 The following comments have been provided:

- Suggests that the podium area to be secured for residents only and not available to general public;
- Address issue of ground floor balconies being used to climb up a building;
- Ensuring access to buildings by emergency vehicles;
- Walls/planters and railings being designed to prevent use as seating;
- Gates to be +3m to prevent climbing;
- Secure boundaries to be at least 2.4m high;
- Avoid recessed entrances;
- No tradesman intercom buttons;
- Railing for defensible space to be =1m high to avoid being used for seating.

(Officer comments: Clarification was received that address the abovementioned issues:

- **The podium would only be accessed from the communal areas of the residential units and would be secured, for residents use only;**
- **All first floor balconies would be 3m above ground level, where this is not possible the balcony doors would comply with SBD standards for ground floor doors;**
- **The access to the rear of Building D would be through a secure gate, with all private gardens to the boundary having suitably high fences;**
- **The Landscape Architect will ensure that any walls or planters or low level railings are designed so they are not used as seating;**
- **Points 5-9 of your letter are general requirements which will need to be considered as a matter of course to meet Secured by Design requirements.**

The Crime Prevention Officer confirmed the advice was satisfactory. It is noted that details including boundary treatments, landscaping and balcony details are subject to conditions requiring details be submitted for approval in writing by the council and an appropriately worded informative for Metropolitan Police to be consulted).

Greater London Authority (Statutory Consultee)

- 6.14 Informal comments from the GLA suggest that the application would be viewed within the context of the precedent for development set in the area by the extant permission.

(Officer comments: It is anticipated that the scheme will be presented to Mayor of London mid December 2007 with formal comments to follow)

TfL (Statutory Consultee)/DLR

- 6.15 No comments received.

Environment Agency (Statutory Consultee)

- 6.16 No objection is raised to the scheme subject to appropriately worded standard conditions:
- All surface water control measures to be installed,
 - No storage of materials within 10m of Limehouse Cut;
 - Construction of any storage devices and drainage in accordance with plans to prevent pollution;
 - Consideration of site contamination and any necessary remediation;
 - No infiltration of water or penetrative foundations design without approval from the Local Planning Authority.

English Heritage (Archaeology) (Statutory Consultee)

- 6.17 No comments received.

London City Airport (Statutory Consultee)

- 6.18 No objection is raised to the development.

Thames Water

- 6.19 No comments received.

National Air Traffic Services Ltd (NATS) (Statutory Consultee)

- 6.20 No objections to the application.

British Waterways

- 6.21 No objection was raised to the proposal subject to the following recommendations:
- Safeguarding the pedestrian link to the east to enable access of future residents to the wider development in this canal-side location;
 - £20k towards local towpath works such as access improvements and signage.

In justification for seeking a contribution British Waterways, although specific costing for projects was not available, was considering works in the vicinity including a pavement upgrade scheme; a scheme to form a compliant access ramp to the canal towpath; a bridge painting scheme; and signage and interpretation on the canal side. Any money secured through s106 from this site would be pooled into these schemes. Alternatively it was suggested that monies could fund a stand-alone scheme for bridge painting, signage or interpretation for example and this would be acceptable to British Waterways as any of these schemes would contribute to the protection and enhancement of public access to riverside walkways in accordance with Policy SP 18. In terms of justifying a planning contribution, British Waterways said that whilst market research indicated that canals enhanced property values, the additional impacts as a consequence of regeneration needed to be mitigated. British Waterways cited Circular 5/05 Planning Obligations as well as reports produced by the House of Commons Environment, Food and Rural Affairs Committee and The Department of the Environment, Transport and Regions as justification for seeking planning contributions.

(Officer Comment: At the time of finalising the report the Agent was negotiating with British Waterways in respect for stand-alone schemes such as bridge painting to

secure a contribution up to £20,000.00)

Lea Valley Regional Park Authority

- 6.25 Objects to scheme on grounds of not demonstrating adequate provision for open space for large scale residential development in this area and requests the Council to identify additional land for public open space and secure partly fund this through s106 planning contributions.

(Officer Comment: In respect of open space benefiting future residents the scheme provides a total amenity open space provision in excess of the adopted UDP 1998 and Interim Planning Guidance as discussed in Section 8 under 'Amenity Space'. In respect of publicly available space such provision in accordance with LS33 has already been secured along the northern bank of Limehouse Cut in the extant permission as outlined in the case officer report in Appendix A. Separately, all planning contributions have been secured on a pro-rata basis based on the extant permission heads of terms which does not include open space)

BBC

- 6.26 No comments received

London Fire and Emergency Planning Authority (LFEPA)

- 6.27 No comments received

7. LOCAL REPRESENTATION

- 7.1 A total of 347 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No. of individual responses: 4 Against: 4 In Support: Nil

- 7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

Design and Conservation

- Subject application and extant permission PA/05/1647 cannot be considered in isolation and need to be considered as an integrated whole
- Concern with response to the industrial context
- Questioning of judgements about the area in the context appraisal and notes the (successful) development of Anderson's Wharf is not mentioned
- Criticises scheme as having no relationship to the immediate context and for being a competitive rather than integrative development

Amenity

- Overshadowing

Other

- Significant increase in the intensity of development on Caspian Wharf
- Concern for mix of uses: incompatibility, loss of industrial component
- Questioning supporting information in respect of judgements about the viability of industrial uses on the site and the marketing undertaken

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:

1. Landuse

2. Housing
3. Design, external appearance, character and tall buildings
4. Amenity for future occupiers and users
5. Neighbour Impacts
6. Transport Impacts
7. Sustainability

Landuse

Introduction

- 8.2 As noted in the 'Site and Surroundings' section 4 of this report, the Hoe site also falls within an Industrial Employment Area pursuant to the adopted UDP 1998. In respect of the Interim Planning Guidance October 2007 (withdrawn Local Development Framework) and Leaside Area Action Plan (AAP), the Strong site is allocated for mixed use under LS33 'Caspian Wharf'. The Strong site is designated for Mixed Use in the adopted UDP 1998. In respect of the spatial development strategy, the London Plan (February 2004), both the Strong and Hoe sites are located within the East London and Thames Gateway sub-region.

Principle of mixed use

- 8.3 National, regional and local policy promote a mixed use development approach on this site subject to the following considerations.
- 8.4 In respect of national policy PPS 1 Creating Sustainable Development (Jan 05) promotes in it's 'General Approach' for the more efficient use of land with higher density, mixed-use schemes using previously developed, vacant and underutilised sites to achieve national targets. This consideration of the effective use of land, the re-use of industrial sites and the range of incentives or interventions to facilitate this is also encouraged in 'Effective Use of Land' of PPS3 'Housing' (Nov 06). The 'Re-Use of Urban land' section of PPG 4 'Industrial, Commercial Development and Small Firms' (Nov 1992) states that re-use and optimisation of underutilised or vacant industrial sites is important to achieving regeneration.
- 8.5 In respect of regional policy, The London Plan 2004, 2A.1 'Sustainability Criteria' also promotes the optimisation of land use. Policy 2A.6 'Spatial Strategy for Suburbs' refers to promoting change and enhancing of quality of life with higher density, mixed use development and by considering means of improving sustainability of landuse. Policy 3B.1 'Developing London's Economy' seeks to support the economy of London by promoting a range of premises of different types and sizes thereby encouraging the mixed uses. Policy 3B.4 'Mixed use Development' (90) mentions that mixed uses are also encouraged with sub-regional development frameworks. Identifying capacity to accommodate new job and housing opportunities through mixed-use development is encouraged in Policy 5C.1 'The Strategic Priorities for East London'.
- 8.6 In considering local policy including the adopted UDP 1998, DEV3 'Mixed Use Developments' are generally encouraged with regard to the character and function of the area, the scale and nature of development, the site constraints and the policy context. In Policy EMP12 'Business Uses in Industrial Employment Areas' the principle of mixed use schemes can be considered.
- 8.7 In policy terms, a mixed use scheme is possible. Furthermore, The London Plan identifies the this site as being in an area of regeneration and the Leaside AAP specifically identifies the site as being for a mixed use development. The scheme proposed is discussed in more detail below and in respect of 'Density', 'Housing' and 'Loss of Industrial Floorspace', the development is shown to be acceptable.

Density

- 8.8 In addition to the general guidance Policies 4B.3 'Maximising the Potential of Sites' of The London Plan and Policies CP20 'Sustainable Residential Density' and HSG1 'Determining

Residential Density' of the Interim Planning Guidance outline the standards for maximising intensity and efficient use of sites.

- 8.9 The scheme is equivalent to 893 habitable rooms per hectare. Given the Strong site has a Public Transport Accessibility Level (PTAL) of 4 and the Hoe site has just below PTAL 3, the indicative density provisions based on habitable rooms per hectare are as follows:
- London Plan: 450-700 in an area of accessibility index 4 and 300-450 in area of accessibility index 2-3
 - Interim Guidance: 450-700 HabRms/Ha in PTAL 4 and 200-450 HabRms/Ha in PTAL 1-3
 - Bromley-by-Bow sub area, Leaside Area Action Plan (AAP): 450-700
- 8.10 The density is not considered to be significantly in excess of the range in a PTAL 4 area, and noting that the Traffic and Transportation team have not raised objection to the scheme. Furthermore, the extant planning permission for Caspian Wharf was in May 2007 with a density of equivalent to 960 habitable rooms per hectare (See Appendix A). In the absence of any significant demonstrable harm to neighbours, future occupiers and users of the scheme as well as to the environment, numerical non-compliance with density provisions alone is not a reason to refuse planning permission. This is reinforced by Interim Planning Guidance Policy CP20 'Sustainable Residential Density' which states:

"The Council will resist any proposed housing development that results in an efficient use or under-development of a site."

Principle of Housing

- 8.10 Consideration in this section is limited to the principle of a residential component to a mixed-use redevelopment. The quality of the provision is discussed separately under 'Housing'.
- 8.11 In the Leaside AAP includes Policy L28 'Site Allocation in the Bromley-by-Bow South Sub-Area' the Strong site falls within site LS33 'Caspian Wharf' which requires a residential component for any redevelopment scheme. Note that the Hoe site falls outside the Leaside AAP and has no specific designations. Therefore there is nothing to prevent the consideration of a residential component rather, it is a presumption and reinforced by the extant permission of May 2007.

Loss of industrial Uses

- 8.12 Having established that policy encourages the more efficient and optimal use of industrial sites with mixed use schemes, the acceptability of ceasing altogether the industrial activity is considered below.
- 8.13 Whilst Policy CP11 'Sites in Employment Use' of the Interim Planning Guidance seeks to retain industrial uses, when they become unviable, it allows for alternative employment uses that suit the site and benefit local people. In the adopted UDP 1998 Policy EE2 'Redevelopment/Change of Use of Employment Sites' also allows for the loss of Industrial floorspace to be considered.
- 8.14 The agent proposes that this scheme will bring forth development that maximises the use of the site including employment without significant impact to the availability of industrial floorspace in this area. Furthermore, reference is made to the marketing undertaken by Stretton's Chartered Surveyors for the land associated with the extant Caspian Wharf permission which yielded no success. Although no marketing has been undertaken it is argued that the same set of circumstances make the Strong and Hoe sites undesirable in comparison to the available industrial floorspace in the Borough. The points are explored in more detail in the Employment Market Review, URS, September 2007. The report conclusions are that the Strong and Hoe sites are almost 30-40 years old and are outmoded, being no longer suitable for the needs and requirements of modern business for example:
- Servicing requirements;

- Replacement floorspace has a degree of flexibility for a variety of uses and modern accommodation would be more attractive to potential occupiers;
- Considers demand for B2 Industrial uses to be limited in Violet Road;
- Mentions the inability of Stretton's to let the premises of the extant permission;
- Identifies that there are 22 industrial units equivalent to 7,00sqm within a 1 mile radius of the site;
- Mentions the demand for B1 offices limited and notes 48 offices equivalent to 3,678sqm within 1 mile radius;
- Advises that the proposed floorspace would employ a similar number of workers plus would be more viable in the long term being flexible space that is part of a mixed use format which is considered more sustainable

8.15 Notwithstanding that the Interim Planning Guidance does not designate the Strong and Hoe sites for industrial, the above information supports the case that the loss of industrial uses is not at the expense of local area, the availability of industrial space within the Borough and sustainable regeneration. Additionally, information concerning the relocation of the displaced Strong and Hoe uses has been provided pursuant to Policy EMP13 'Residential Development in Industrial Employment Areas' of the adopted UDP 1998. Therefore, the loss of industrial floorspace is considered to be adequately justified and therefore accords with Policy.

Loss of employment floorspace

8.16 In establishing the appropriateness of mixed use scheme, the employment generating floorspace component is important.

8.17 Policy CP9 'Employment Space for Small Businesses' of the Interim Planning Guidance indicate schemes should supply the same net amount of floorspace. Policy EMP1 'Encouraging New Employment Uses' of the adopted UDP 1998 promotes employment growth that meets the needs of local people. Whilst EMP 2 'Retaining Existing Employment Uses' opposes loss of floorspace, it allows exceptions where quality buildings and a reasonable density of jobs will result.

8.18 The scheme proposes a reduction of employment floorspace from 1,945sqm GEA on the Strong and Hoe sites currently to 386sqm proposed with the redevelopment. Whilst a reduction in employment floor area, the agent advises that the current Strong and Hoe operations provide only 22 jobs whilst the more intensive mixed use scheme proposed would create 30-39 jobs. It is noted that the May 2007 permission of application PA/05/1647 and PA/05/1648 involved a reduction in employment floorspace from 6330sqm to 1825 sqm.

8.19 The loss of floorspace is considered to be justified for the following reasons:

- The potential future uses will generate more jobs for local residents;
- The provision of the employment floor area is suitably accommodated in the scheme;
- That the supporting documentation indicates there is significant existing employment floorspace locally;
- That the supporting documentation indicates demand for floorspace in Violet Road is low; and
- The May 2007 permission for Caspian Wharf which involved a loss of employment floorspace.

8.20 Therefore, the loss of floorspace is not significant to the employment and regeneration of the area and the scheme is otherwise justified in terms of policy. Furthermore the scheme is consistent with DEV3 'Mixed Use Developments', EMP 6 'Employing Local People', EMP8 'Encouraging Small Business Growth' of the adopted UDP 1998, and CP1 'Creating Sustainable Communities', CP11 'Sites in Employment Use' and CP15 'Provision of a Range of Shops and Services' of the Interim Planning Guidance.

Concluding Remarks

- 8.21 This section considered that a mixed use scheme involving a residential and the loss of industrial activity and employment floorspace was acceptable and justified in terms of policy. The remainder of the report considers the acceptability of the scheme.

Housing

- 8.22 The application proposes 148 residential (Class C3) units in the following mix when split into market, social-rent, shared-ownership tenures:

	Market Sale	Social Rent	Shared Ownership
Studios	2	0	0
1 Bedroom flat	32	10	2
2 Bedroom flat	45	15	6
3 bedroom flat	19	9	2
4 Bedroom flat	0	4	2
Total Units	98	38	12
Total Affordable Units		50	

- 8.23 This section of the report considers the acceptability of the housing provision on site in terms of key issues including Affordable housing provision, provision of family sized units, wheel chair housing, lifetime homes, floorspace standards and provision of amenity space.

Affordable Housing

- 8.24 UDP policy requires affordable housing on schemes greater than the 10 ten units.
- 8.25 Based habitable rooms Policy CP22 'Affordable Housing' requires 35% affordable housing provision which the scheme exceeds in providing 37%. It is noted that the extant permission PA/05/1647 and PA/05/1648 permission provided 35% affordable housing based on habitable rooms.
- 8.26 Based on floor area the schemes provides 42% affordable housing which complies with HSG10 'Density of New Housing Development' which requires that the disparity between habitable room (the primary indicator) and floorspace is only 5%.
- 8.27 The affordable housing provision is further split into social rented and shared ownership tenures and a split of 80:20 is required pursuant to Policy HSG 4 'Loss of Housing' in the interim Planning Guidance whilst The London Plan 2004 indicates a region wide requirement of 70:30 split pursuant to Policy 3A.7 'Affordable Housing Targets'. The scheme provides a 75:25 split which is acceptable and considered to be in line with policy. Overall, the proportion of affordable housing provision is acceptable.

Family Housing

- 8.28 Family sized housing (+3 bedrooms p255 of the Interim Planning Guidance) is a requirement in all three housing tenures (market, social-rent, shared-ownership) although varying amounts are required in each.
- 8.29 CP21 'Dwelling Mix and Type' requires family housing in all three tenures. For intermediate housing the policy requires 25% family housing and the scheme provides 33%. In the social-rent housing 45% is required and 35% is provided. In the market housing, 25% is required and 19% is provided. This corresponds to a total provision of 24% family housing provision across the whole scheme for which the policy aspiration is 30%. Additionally, Policy HSG 2 'Location of New Housing' and Table DC.1 set out the appropriate mix of units in the social

rent tenure.

8.30 It is considered that the overall provision of affordable housing including the provision of family sized units is in line with policy aspirations. It is noted that the scheme provides more affordable housing than required based on habitable rooms and floor area. Furthermore, a financial viability assessment in the form of the GLA's Toolkit has been submitted justifying the financial viability of the mix as proposed. Importantly, the scheme exceeds the amount of family housing otherwise achieved across the Borough based on the most recently published LBTH Annual Monitoring Report 2005-6 as shown in the table below. Therefore the scheme is a positive step towards LBTH achieving key housing targets and better catering for housing need.

Table: Family housing provision comparison

Tenure	% Borough-Wide	% PA/07/2706
Social-rented	21.7	35
Intermediate (Shared ownership)	9.5	33
Market	1.7	19
Total	6.8	24

Wheelchair Housing and Lifetime Homes

8.31 Policy HSG9 'Density of Family Housing' of the Interim Planning Guidance requires housing to be design to Lifetime Homes Standards and for 10% of housing to be wheelchair accessible or "easily adaptable".

8.32 An 'Accessibility and Lifetimes Homes Statement' by Berkley Homes was submitted in support of the application. It states that all units in the scheme are accessible in accordance with Lifetime Homes Standards including wheelchair accessibility.

Floor Space

8.33 Policy HSG13 'Conversions and Internal Standards for Residential Space' of the adopted UDP 1998 and Supplementary Planning Guidance (SPG) 'Residential Space' (adopted 1998) sets the minimum space standards for residential developments.

8.34 The floorspace schedule for the scheme shows that the total floor area of each flat complies with the SPG requirements. Whilst clarification that individual rooms of units meet the standards was outstanding at the time writing, internal adjustments to individual rooms could address any shortfall whilst not altering the development in other respects.

Amenity Space

8.35 Policy HSG 16 'Housing Amenity Space' of the adopted UDP 1998 requires schemes to incorporate adequate provision. The Residential Space SPG 1998 sets the space criteria as does HSG7 'Housing Amenity Space' of the Interim Planning Guidance.

8.36 The application proposes the following amenity space provision:

- 2,975sqm of space overall of which;
- 1,314sqm is private amenity space including terraces and balconies (Policy HSG 16 otherwise requires 1,299sqm);

- 85sqm of semi-public amenity space (Policy HSG 16 requires 185sqm); and
- 1,575sqm of communal amenity space.

The Policy requirements are summarised in the tables below

Residential Space SPG 1998 requirements

Tenure	Proposed	SPG Requirement	Total (m ²)
Family Units	36	50sqm of private space per family unit	1800
Non-family units	112	50sqm plus an additional 5sqm per 5 non-family units;	165
Child Bed spaces (according to the ES calculations)	46	3sq.m per child bed space	138
Total			2,103

Interim Planning Guidance

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	2	6	12
1 Bed	43	6	258
2 Bed	62	10	620
3 Bed	29	10	290
4 Bed	2	10	20
5 Bed	-	10	-
TOTAL	138		1200
Ground Floor Units			
Studio	-	25	-
1 Bed	1	25	25
2 Bed	4	25	100
3 Bed	1	50	50
4 Bed	4	50	200
5 Bed	-	50	-
Total	10		375
Grand Total			1575
Communal amenity		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	188
Total Housing Amenity Space Requirement			1763

8.37 Although there are instances where private amenity space for individual units falls below the criteria for individual units in balconies for example, the general amenity space provision across the scheme exceeds the total required provision. The SPG clearly states that space provision can be in open spaces and/or private gardens. In considering this scheme it is emphasised that all flats have some private open space provision and any shortfall is made up in communal space.

8.38 In addition, 126sqm of child space is required and amended plans were received showing provision of 195sqm of children's play space linked to the approved play space proposed in the extant planning permission PA/05/1647 and PA/05/1648. Whilst there is no provision on the Hoe site due to physical constraints, the agent advises that the Strong site play area would be available to Hoe residents. Whilst not ideal the arrangement is realistic and allows for the suitable location of play space and access to it for Hoe residents can be secured by a condition.

Concluding Remarks

8.39 This section considers that provision of housing is acceptable. The affordable housing provision of 37% based on habitable rooms and 42% based on floor area exceeds the minimum criteria. The total provision of 24% family housing is in line with policy aspirations and represents a significant improvement upon the overall delivery of family housing in the Borough as reported in the most recently published Annual Monitoring Report 2005/6. Finally, the proposed units have sufficient floor area and amenity space provision in surplus of the minimum requirements giving a suitable baseline for a scheme that meets the amenity needs of its future occupiers.

Design, External Appearance, Character, Tall Buildings

8.40 Guidance in the form of policy as well as the extant permission noted in Paragraph 4.11 guide the design considerations of this scheme.

8.41 Pursuant to regional Policy contained within The London Plan 2004, Policy 4B.1 'Design Principles for a Compact City' requires schemes, amongst other criteria, to create/enhance the public realm, respect local context/character and be attractive to look. Policy 4B.8 'Tall Buildings – Location' outlines related Plan policies and considerations for the siting of tall buildings which includes tall buildings as a "*catalyst*" for regeneration. Policy 4B.9 'Large-Scale Buildings – Design and Impact' provides further guidance on design considerations including context, attractiveness and quality.

8.42 In consideration of Local Policy and the saved policies of the adopted UDP 1998, Policy DEV1 'Design Requirements' indicates a need for a development to be sensitive to the area, the capabilities of the site, consideration of street frontages, building lines roof lines and street patterns and provide for safety and security. Within the Interim Planning Guidance CP4 'Good Design' buildings and spaces should be high quality, attractive, safe and well integrated. Policy CP48 'Tall Buildings' confirms that tall buildings can be considered anywhere if justified and all proposals should seek, amongst other things, to contribute to a high quality, attractive environment, respond to context and contribute to vitality.

8.43 In addition to the Planning Statement, the application is supported by full drawing sets including landscaping plan, as well as a Design and Access Statement, Landscape Design Statement, Townscape and Visual Assessment, Computer Generated Images (CGIs).

8.44 In respect of the design the extant planning permission for Caspian Wharf in May 2007 is a recent precedent. The subject application seeks to integrate with it in terms of building relationships and access whilst reflecting the architecture of the elevations, the bulk, scale, massing and height. In respect of more detailed assessment of design beyond its appearance and context in terms of the functioning of the building, the application has been considered by different departments of the Council and their considerations are reported in Section 6 of this report.

8.45 The scheme is considered to be consistent with policy in important respects. The aspirations of regeneration and housing in London will come forth in this mixed use scheme, reflective of the form of development permitted in the extant permission. In respect of ground floor commercial uses and servicing, height/bulk/scale, stepped building form, elevation treatment and materials, treatment of amenity open spaces, the building will reinforce the future

character of Caspian Wharf. Minor design improvements have been agreed in terms of materials, terrace treatment and roof form to strengthen the presentation of the proposal especially the Strong building. However, it is queried if the scheme is appropriate to the local context and this is the main substance of neighbour objection on design grounds.

- 8.46 In reflecting upon the context appraisal and the relevance of the architecture to local character and subsequently, aspirations for a contextual and sensitive scheme, the extant planning permission for Caspian Wharf of May 2007 (See Appendix C) is a consideration. In light of the extant permission and the acceptability of the scheme as discussed above, the specific objections to the architecture and how it does not reflect the local context, whilst valid, are not considered significant to warrant refusal. To require a complete rethink and redesign is similarly unreasonable. In fairness to the scheme for example, the design of the elevations and variation in material choices provides a building of interest with defined base, middle and roof components that will add to the varying character of Violet Road. On balance, the design is acceptable, is reflective of the extant permission and will contribute positively to redevelopment in Violet Road.

Amenity for Future Occupiers and Users

- 8.47 The general consideration of amenity for future occupiers and Users is identified in Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4B.6 'Sustainable Design and Construction', 4B.9 'Large-scale Buildings – Design and Construction' of The London Plan 2004, Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3.
- 8.48 In addition to matters under the 'Housing' section of this report, the following details how the scheme accords with more specific amenity considerations and applicable policies;
- Building separation distances in excess of 18m are provided between buildings specifically on the Strong Site to mitigate any issues in respect of privacy, overlooking and outlook;
 - The provisions of Waste and recycling storage in accordance with Policy Dev15 'Waste and Recyclables Storage';
 - The provision of secured cycle parking for residents and visitors in accordance with Policy DEV16 'Walking and Cycling Routes and Facilities';
 - The provision of car parking including spaces for people with a disability in accordance with Policy DEV3 'Accessibility and Inclusive Design' and DEV19 'Parking for Motor Vehicles';
 - The consideration of renewable energy and sustainability in the design which to amenity, the details of which are discussed later under 'Sustainability'.
- 8.49 Overall, the amenity of future occupiers and users of the scheme is satisfactorily addressed in accordance with Policy.

Neighbour Impacts

- 8.50 The consideration of potential impacts to neighbours is identified national, regional and local policies previously referred to in this report. It is noted that objections have been received from occupiers of the Spratt's complex to the south of the site across Limehouse Cut on grounds of overshadowing. As outlined in section 4 under Site and Surroundings, the nearest residential occupiers are those across the street from the Strong Site and commencing at Property numbers 64-68 Violet Road and further north. Notwithstanding the extant permission, all other properties surrounding both the Strong and Hoe sites are commercial uses.
- 8.51 Impacts during construction such as noise, dust, vibration and general disturbance, vehicular movements are temporary and not a consideration. Nevertheless it is noted that these will be otherwise mitigated through the management of the construction process and any unreasonable or excessive impacts subject to investigation and enforcement action.

8.52 There are no significant neighbour impacts identified with the operation of the scheme. It is particularly noted in respect of objections received that the potential overshadowing effects of the proposal were considered by the Council's Environmental Health Team and were not significant. Notwithstanding that overshadowing is more of a concern where it affects residential properties rather than commercial uses, nevertheless, no significant impact was identified and the scheme is acceptable in this regard. There are no significant privacy/overlooking impacts and any noise or general disturbance impacts are considered to be reflective of the residential use and commercial activity which applicable to and compatible with the surrounding area. No significant impacts are identified in respect of vehicular access and parking as discussed under 'Transport'. Any impacts to the capacity of service provision including education, health and transport will be mitigated by the securing a s106 planning contribution.

Transport

8.53 Transport provision and impact is considered in PPG13 'Transport' as well as Policies 2A.1 'Sustainability Criteria', 3A.5 'Large Residential Developments', 3C.1 'Integrating Transport and Development' of The London Plan, Policies ST25, ST28, ST30, EMP10 'Development Elsewhere in the Borough' of the adopted UDP 1998 and Policies CP1 'Creating Sustainable Communities, CP41 'Integrating Development with Transport' CP43 'Better Public Transport', DEV16 'Walking and Cycling Routes and Facilities' of the Interim Planning Guidance.

8.54 The application is supported by a Transport Assessment and Travel Plan by WSP Development and Transportation (Sep '07) providing consideration of the policy context, baseline conditions in respect of the local area, public transport and road network. The report then considers trip generation, impacts of the construction phase as well as consideration of an assessment of the implications in respect of walking/cycling, public transport and road network. A travel plan is proposed. The report concludes that the site has a good level of accessibility to sustainable modes of transport such that there is a reduced need to travel and facilities are available locally; that parking is consistent with Policy; and trips in different modes (walking, cycling, public transport) can be accommodated by the available infrastructure in the area.

8.55 The application was considered by the Traffic and Transportation team who raise no objection to the scheme and endorse the s106 contribution offered for transport improvements.

Environmental Impact Assessment (EIA)

8.56 A screening opinion was provided by council on 7th September 2007 confirming that the proposed development did not fall within Schedule 2 of the EIA Regulations 2006 and therefore, that an EIA is not required. Nevertheless, the following issues have been considered in the assessment.

Socio-economic Impact

8.57 Pursuant to DEV25 'Social Impact Assessment' of the Interim Planning Guidance a socio-economic impact assessment has been submitted in support of the scheme. The following case is made;

- Considers adequate open space in area therefore no mitigation measures are required in this regard;
- A financial contribution is recommended to address assessment that provision of health and education would not otherwise meet demand;
- Considers that recreational opportunities in area are adequate; and
- That the scheme will create employment opportunities.

8.58 Additionally, the proposal is not considered to pose any significant impacts to particular communities or groups pursuant to Policy CP2 'Equality of Opportunity' of the Interim Planning Guidance.

Daylight and Sunlight (Building Research Establishment – BRE)

- 8.59 Pursuant to CP1, CP3, DEV1, DEV5 and DEV27 of the interim Guidance and 2A.1 of The London Plan 2004 the application is supported by a daylight and sunlight assessment by Anstey Horne and Co.
- 8.60 Following receipt of further details concerning overshadowing, it was confirmed by the Environmental Health team that there is no significant impacts to neighbours or to future occupiers proposed by the scheme.

Microclimate

- 8.61 In respect of Policy CP1 'Creating Sustainable Communities', CP3 'Sustainable Environment', DEV5 'Sustainable Design', DEV27 'Tall Buildings Assessment' the application is supported by a microclimate assessment by URS Corporation Limited. The report advises of the following in terms of any residual impact:
- Winds are from a southwest direction throughout the year;
 - The analysis of meteorological data indicates that site conditions on an idealised site would be suitable for standing/entrance use;
 - The site will be safe and suitable for leisure walking or better during the windiest season;
 - Microclimates outside entrances are suitable for entrance use; and
 - Protruding balconies are generally suitable for sitting in summer although, the report recommends that an end screen would provide benefit to balconies along the Yeo Street elevation of building C and near to the corners of buildings D2 and D3.

The report concludes that there are no residual impacts following mitigation measures such as the screens mentioned above and landscaping.

Flood Risk

- 8.62 In respect of PPS 25, and Policies 'Flood Alleviation' and DEV21 'Flood Risk management' of the Interim Planning Guidance and U2 and U3 'Tidal and Flood Defences' of the adopted Plan the application is supported by a Flood Risk Assessment (FRA) by URS Corporation Ltd. The site is within proximity to Limehouse Cut to the south although, does not fall within an area of flood risk. Some key points of the FRA are summarised below:
- Finish Floor Levels (FFLs) are 6.6m Above Official Datum (AOD) and 1.3m above tidal flood levels of the Limehouse Cut so there is no risk from tidal flooding, nor overland flow or groundwater flood risk;
 - The FFLs also provide sufficient margin of safety to deal with climate change;
 - Surface attenuation is provided by Sustainable Urban Drainage Systems (SUDS) including porous surface materials and cellular storage limiting runoff to 1 in 30 yr events and 30% climate change with discharge to public sewer; and
 - Conclusions: flood risk is low; any 1-100 year flood event is 1.3m below floor levels exceeding the Environment Agency's guidelines; discharge from site is reduced and will not be increased elsewhere in accordance with PPS25 flood risk.

- 8.63 The Environment Agency raised no objection and recommended appropriately worded standard conditions of approval (See paragraph 6.19 of this report).

Water Resources

- 8.64 In respect of DEV46 'Protection of Waterway Corridors', DEV69 'Efficient Use of Water' of the adopted Plan and DEV7 'Water Quality and Conservation', DEV8 'Sustainable Drainage', of the interim Planning Guidance and Policies 2A.1 'Sustainability Criteria', 4A.11 'Water Supplies', 4A.12 'Water Quality', 4A.13 'Water and Sewerage Infrastructure' of The London Plan, the proposal is supported by a Water Resources report by URS Corporation Limited and the following considerations have been incorporated into the scheme;
- Permeable paving where possible;
 - Brown roof with runoff collected and reused for watering;
 - SUDS providing 50% attenuation during peak discharge; and

- Discussion justifying the unfeasible nature of greywater re-use given the conflict of providing the additional infrastructure (piping) with other competing needs of high density development.

The Environment Agency and Thames Waterways raised no objection and recommended appropriately worded standard conditions of approval (See paragraph 6.19 of this report).

Air Quality

8.65 The site falls within an Air Quality Management Area and pursuant to Policies DEV11 'Air Pollution and Air Quality' , DEV12 'Management of Demolition and Construction' an Air Quality Assessment by URS Corporation Ltd has been submitted in support of the application. The key points are:

- Modelling shows application site and sensitive receptors are predicted to comply with National Air Quality Strategy Objectives for NO₂ (nitrogen dioxide) and PM₁₀ (particulate matter) and concentrations across site 20% below the National Air Quality Standard objectives;
- The effect of additional road traffic by this development and cumulative development is negligible; and
- Dust emissions during construction will be minor adverse impact that will be of temporary and local nature.

Renewable Energy, Energy Efficiency and Sustainability

8.66 In respect of PPG22, CP38 'Energy Efficiency and Production of Renewable Energy', DEV5 'Sustainable Design', DEV6 'Energy Efficiency and Renewable Energy' of the Interim Planning Guidance the application is supported by an Energy Assessment by Energy for Sustainable Development Ltd. Recommendations are made in the report and the following key indicators are reported:

- 10% of energy needs are provided through a biomass combined heat and power (CHP) plant;
- 16% reduction in Carbon Dioxide will be achieved.

8.67 Although development should seek to reduce Carbon Dioxide by 20% what is achieved is in line with policy aspirations and is acceptable to the Council's Energy officer, subject to consideration by the Greater London Authority.

Biodiversity

8.68 Pursuant to PPG9 and Policy CP31 'Biodiversity' of the Interim Guidance and 3D.12 'Biodiversity and nature Conservation' of The London Plan an Ecological Impact Assessment by SLR Consulting Ltd has been submitted in support of the application. The relevant considerations are summarised below:

- There are no wildlife designations but notes that a portion of the Limehouse Cut is within the London Canals Site of Importance for nature Conservation being a Site of Metropolitan Importance for nature Conservation,
- The baseline assessment for both the Strong and Hoes sites does not identify any significant vegetation,
- Greenspace Information for Greater London confirmed that Strong and Hoe sites are not critical or important for any protected, rare or notable species of flora (plants) or fauna (animals),
- In respect of birds, the site falls within a key Known Area for Black Redstart and similar habitats available in the area but no suitable habitat on this site.
- Mitigation measures regarding dust and noise generation during construction and water discharge and lighting during operational phase amongst other things will ensure no significant impact.

The Council's Environment and Ecology officer raised no objection.

Site Contamination

8.69 In respect of PPS23 as well as DEV51 'Soil Tests' of the adopted and DEV22 'Contaminated Land' of the Interim Planning Guidance a Ground Conditions Report by URS Corporation Ltd has been submitted in support of the application. The key aspects of the report are summarised below:

- Ground conditions not well defined for this site;
- It is necessary to undertake risk assessment and subsequently develop a remediation strategy;
- Commencement of an asbestos survey for demolished buildings will be necessary,
- All demolition should be according to standards;
- Validation of any necessary remediation works is to be provided.

8.70 The application was considered by the Council's Contaminated Land Officer, Environmental Health and no objection was raised subject to appropriately worded conditions for investigation, remediation and validation.

Construction Materials Sourcing

8.71 Pursuant to DEV9 of the Interim Planning Guidance and 4B.6 of The London Plan a Materials Used and Purchasing Strategy by Barton Wilmore has been submitted in support of the application detailing measures to reduce consumption of materials and waste generation whilst promoting reuse, recycling as well as more prudent use of resources and consequently, environmental protection.

Telecommunications

8.72 Pursuant to PPG8 DEV27 of the Interim Guidance and 4B.9 of the London Plan a Telecommunications Assessment has been submitted in support of the application. The key matters are summarised below:

- There would be negligible to moderate adverse impacts to various telecoms with mitigation measures possible to make any residual impact negligible.
- Only Microwave link (line of site) would be a major adverse effect due to the physical obstruction created nevertheless mitigation measures would result in the residual impact being also negligible.

There was no summary/conclusions provided but it is considered that the report suggests any potential impact can be resolved such that this is not a matter to refuse planning permission. No comments from the BBC had been received at the time of finalising this report.

Archaeology

8.73 Having regard to PPG16, 4B.14 of The London Plan and Archaeological Desk Based Assessment has been prepared by the Museum of London Archaeology Service in support of the scheme. The report advised there are no monuments, sites or finds recorded in the Greater London Sites Monuments Record. Although the site has an uncertain but possibly low potential for unrecorded remains of prehistoric and roman periods land low potential for medieval and early post-medieval periods. It is recommended that monitoring and rapid recording (watching brief) be carried out prior and during construction with the details to be agreed by the Council as secured in an appropriately worded condition. No comments or objection was received from English Heritage at the time of finalising this report.

9.0 Conclusions

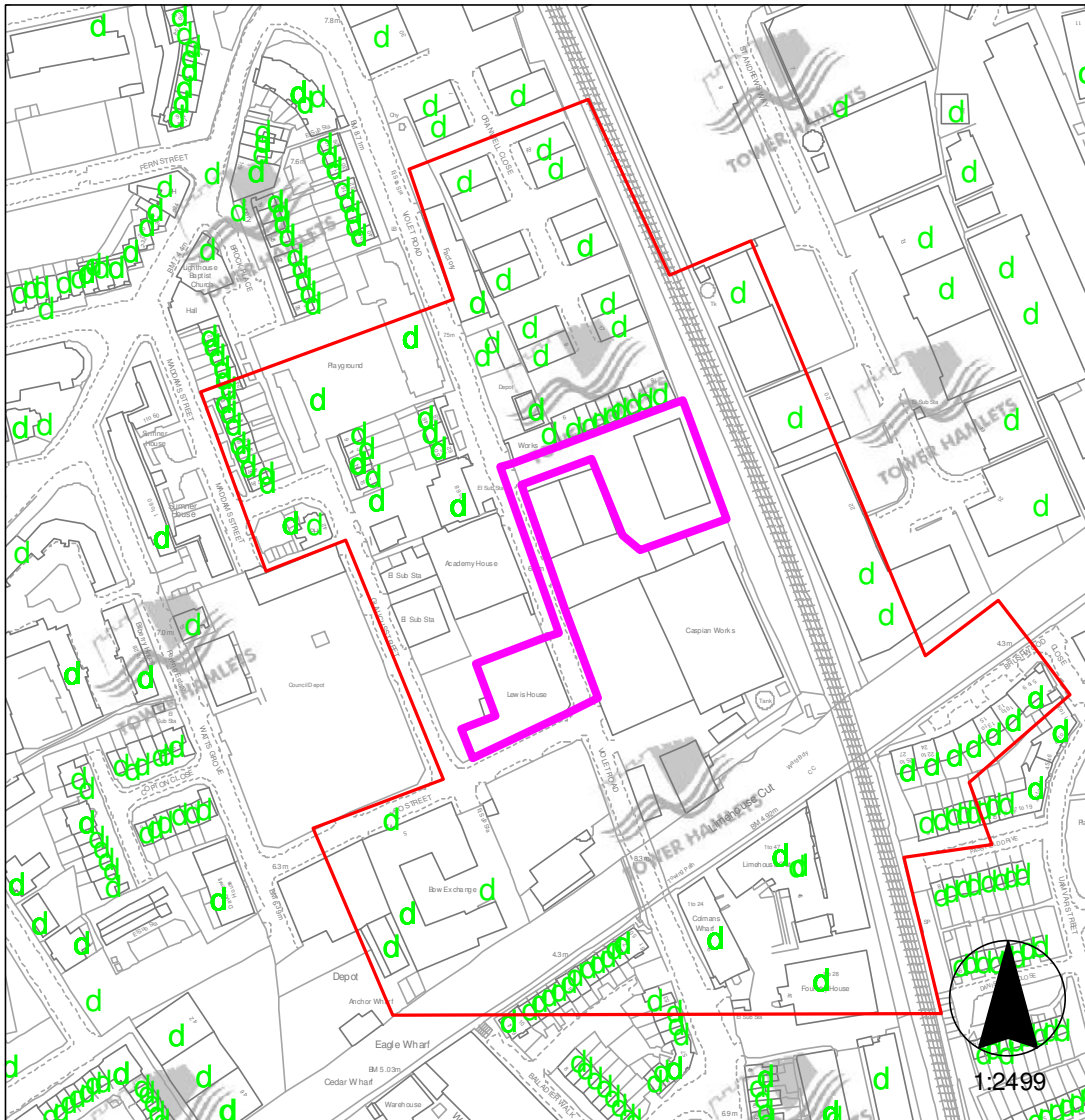
All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

List of Appendices

- A. Strategic Planning Committee report for PA/05/1547 & PA/05/1648 and decision notice
- B. LBTH Annual Monitoring Report 2005-6 extract, Table 9: Family Housing Provision, p483

Caspian Works and Lewis House, Violet Road, London

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

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Committee: Strategic Development	Date: 18 th January 2007	Classification: Unrestricted	Agenda Item No: 8.1
Report of: Corporate Director of Development and Renewal		Title: Planning application for decision	
Case Officer: David Gittens		Ref No: PA/05/01647 & 01648	
		Ward(s): Bromley By Bow	

1. APPLICATION DETAILS

Location: Caspian Works and 1-3 Yeo Street (Caspian Wharf), London, E3
Existing Use: Mixed office, industrial, vacant.
Proposal: Revised application: Redevelopment of site to provide buildings of between 4 & 9 storeys and of 13 storeys for mixed use purposes including 390 residential units, Class A1, A2, A3, B1 and D2 uses with associated car and cycle parking, roof terraces, landscaping, canalside walkway and servicing.

Drawing Nos: The application is accompanied by an Environmental Statement under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

203286/010; 030A; 031A; 032A; 033A; 110D; 120D; 121D; 122D; 123C; 124C; 125C; 126C; 127B; 128B; 129B; 130B; 150D; 151D; 152D; 153C; 154D; 155C; 156C; 157C; 158C; 159C;

Arboricultural Survey;
 Architectural Design Statement;
 Computer Generated Images;
 Construction Traffic Assessment;
 Energy Demand Statement;
 Environmental Statement & Non Technical Summary;
 Employment Property Market Review;
 Landscape Design Statement;
 Materials Used and Purchasing Strategy;
 Planning Statement;
 Planning Update Report;
 Sustainability and Eco Homes Statement;
 Transport Assessment;
 Urban Design Statement

Applicant: Berkeley Homes (Capital) Plc C/-Barton Willmore Partnership

Owner: Berkeley Homes (Capital) Plc

Historic Building: No

Conservation Area: No

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

Reasons for grant

2.1 The local planning authority has considered the particular circumstances of this application

against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Statements and Guidance and has found that:

- a) In principle, the redevelopment of the site to provide buildings of between 4 & 9 storeys and of 13 storeys for mixed use purposes including 390 residential units, Class A1, A2, A3, B1 and D2 uses with associated car and cycle parking, roof terraces, landscaping, canalside walkway and servicing is acceptable, subject to an appropriate planning obligations agreement and conditions to mitigate against the impact of the development;
- b) It is considered that the proposed uses would not have an adverse impact on the residential amenity of any nearby properties. A number of conditions are recommended to secure submission of details of materials, landscaping, wetland management, external lighting and to control noise and hours of construction.
- c) The submitted Environmental Impact Assessment is satisfactory, including the cumulative impact of the development, with mitigation measures to be implemented through conditions and a recommended legal agreement;
- d) The proposed development would deliver regeneration benefits comprising: improved townscape; public open space; canalside access; modern employment facilities; and new residential accommodation including a good level and mix of affordable family and market housing.
- e) The proposed development would result in a sustainable, high quality, high density, mixed-use scheme that would contribute to the regeneration of the wider area and that is considered to be in the interests of good strategic planning in London.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

- A. Any direction by the Mayor of London.
- B. The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:
 - a) Affordable Housing (35% of the residential floor space as affordable housing and a 70/30 ratio split between rented and intermediate units by habitable room);
 - b) £1,597,879 towards local healthcare;
 - c) £654,126 towards education provision;
 - d) £60,000 towards public art;
 - e) £40,000 funding towards improvements to bus stops in Violet Road;
 - f) Canalside and open space access in perpetuity, with the potential of providing future canalside access beneath the DLR line (subject to DLR agreement);
 - g) Highways, pedestrian & cycle improvements namely a pinch-point zebra crossing to the north of the site and a raised level zebra crossing south of the site on Violet Road (cost to be confirmed by Highways);
 - h) Preparation and approval of and compliance with a Travel Plan to demonstrate that everything is being done within reason to promote non car based travel;
 - i) 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits;

- j) TV reception monitoring and mitigation as appropriate;
- k) DLR radio reception monitoring and mitigation as appropriate;
- l) Air quality monitoring during construction;
- m) Local labour in construction.

3.2 That the Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:

Conditions

- 1) Permission valid for 3 years.
- 2) Submission of details of external materials.
- 3) Submission of details of hard and soft landscaping treatment.
- 4) All planting, seeding or turfing.
- 5) Submission of detailed treatment of wetland terrace and management plan.
- 6) Submission of a tree planting schedule in respect of the replacement of the TPO trees.
- 7) Submission details of any proposed walls fences gates and railings.
- 8) Submission of revised drawings to increase width of eastern part of canalside walkway.
- 9) Submission of details of recycling and refuse.
- 10) Submission of details of any external lighting.
- 11) Investigation and remediation measures for land contamination.
- 12) Archaeological investigation.
- 13) Recording of building prior to demolition.
- 14) Submission of details of compensatory flood storage works.
- 15) Submission of details of surface water drainage works.
- 16) Submission of details of surface water control measures.
- 17) Submission of details of a scheme for renewing and maintaining flood defences.
- 18) 4 metre wide maintenance access to Limehouse Cut via the site for Environment Agency.
- 19) No solid matter stored within 10 metres of the banks of Limehouse Cut during construction.
- 20) Installation of adequate sewerage infrastructure.
- 21) Remediation Strategy and Method Statement of details of prevention of water pollution.
- 22) Submission of a final Remediation Validation Report to ensure against water pollution.
- 23) Submission of Water Supply Impact Study.
- 24) Submission of details to be approved in writing by the local planning authority in consultation with the Greater London Authority of the 10% renewable energy measures, gas fired primary Combined Heat and Power system, secondary liquid biomass oil boiler, which shall be in accordance with the revised energy strategy submitted January 2007 and retained in perpetuity.
- 25) Implementation of noise control measures as submitted.
- 26) Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays.
- 27) Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
- 28) Details of means of fume extraction and ventilation for proposed A3 uses.
- 29) Submission of details of brown and green roof systems.
- 30) Submission of materials strategy.
- 31) All residential accommodation to be built to Lifetime Homes standard.
- 32) Submission of a study of suitability of canal system for transfer of construction materials; household waste.
- 33) Any other condition(s) considered necessary by the Head of Development Decisions.

Informatives

- 1) This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990.
 - 2) With regard to Condition 11 (Decontamination), you should contact the Council's Environmental Health Department.
 - 3) With regard to conditions 12 and 13 you are advised to contact English Heritage.
 - 4) With regard to conditions 14 to 22 you are advised to contact the Environment Agency.
 - 5) You are advised that the Council operates a Code of Construction Practice and you should discuss this with the Council's Environmental Health Department.
 - 6) You are advised to consult the Council's Highways Development Department, regarding any alterations to the public highway.
 - 7) With regard to condition 23 you are advised to contact Thames Water with whom you should also consult on: water pressure; water supply infrastructure; public sewer connections; sewage disposal on site; and, separation of foul and surface water.
 - 8) You are advised to contact Docklands Light Railway Limited with regard to details of design and construction methods to ensure safety and operating requirements of the DLR.
 - 9) You are advised to contact English Nature with regard to the design of the external lighting system and its impact upon foraging bats.
- 3.3 That if the Committee resolves that planning permission be granted the Committee **confirm** that it has taken the environmental information into account, as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- 3.4 That the Committee **agree** that following the issue of the decision, a statement be placed on the Statutory Register confirming that the main reasons and considerations on which the Committee's decision was based, were those set out in the Planning Officer's report to the Committee (as required by Regulation 21(1) (c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- 3.5 That, if by 1 July 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Application is made for full planning permission for the demolition of the existing buildings on two sites and redevelopment to construct buildings between four and thirteen storeys for mixed use purposes including 390 residential units, Class A1, A2, A3, B1 and D2 uses with associated car and cycle parking, roof terraces, landscaping, canal side walkway and servicing. The composition of the proposed development is as follows:
- 30,985 m2 (GEA) of Class C3 (residential) floor space, comprising 390 residential units;
 - 93.5 m2 (GEA) of Class A1 (Shops), A2 (Financial & Professional) floor space;
 - 220.3 m2 (GEA) of Class A3 (Restaurant & Cafe) floor space;
 - 1,296.2 m2 (GEA) of Class B1 (Business) floor space;

- 215 m2 (GEA) of Class D2 (Leisure Centre) floor space;
 - 145 m2 of children's play space;
 - 2,500 m2 of publicly accessible amenity space;
 - 2,483.5 m2 of semi-private amenity space;
 - 2,609.5 m2 of private amenity space;
 - 1,895.8 m2 of circulation space;
 - 69 residential car parking spaces;
 - 14 residential motorcycle parking spaces; and
 - 392 residential cycle parking spaces.
- 4.2 The larger eastern site would accommodate a "barrier" block adjacent the DLR tracks, with a building that would rise from a height of 4 storeys at the southern end up to a tower element of 13 storeys opposite the site's southern entrance. There would be 8 storey blocks fronting Violet Road with the upper storeys set back and appearing as predominantly 6 storeys when viewed from ground level.
- 4.3 The proposed development would provide ground floor and first floor level commercial units fronting Violet Road and the adjacent canal creating a new active frontage to Violet Road. Servicing of these commercial units will take place to the rear, within the site, the main vehicular access points into the proposed development being off Violet Road for Site A and Yeo Street for Site B.
- 4.4 The sites would be arranged with a walkway and open spaces along the southern side adjacent to Limehouse Cut canal, and incorporates habitat enhancement measures at the canal interface. The mass of the proposed buildings would be generally stepped away from the walkways.
- 4.5 The present scheme is the latest of a number of proposals for the site that have been submitted by the applicants both at pre application stage and since the applications were first submitted.

Site and Surroundings

- 4.6 The application site is split into two vacant sites which straddle Violet Road where it crosses Limehouse Cut canal which runs along the southern boundary of the site from east to west. Violet Road provides the main pedestrian and vehicular route to the site from the north and south. It also passes through the centre of the site dividing it into two parcels of land, (Sites A and B).
- 4.7 Site A (0.882 hectares) is occupied by six single and two-storey warehouses (Class B8). The floor space area of these units (including mezzanine offices) totals 5,840sqm. Site A has a number of trees adjacent the canal that are protected by a Tree Preservation Order (TPO). Site B (0.254 hectares) is occupied by a two and a half storey building (Class B1, 490sqm) located along its southern boundary, adjacent to the Limehouse Cut. The remainder of the site is enclosed by a 1.8 metre high security fence. Site A lies within the Leaside Action Area Plan area (within the Bromley-by-Bow South Sub-Area) whilst site B lies within the emerging Central Area Action Plan area.
- 4.8 In the immediate vicinity of the application site the area has a mix of employment and residential uses. Site A is bounded to the north by commercial buildings and a residential development (Providence Row Housing). The DLR line forms the east boundary of Site A. Violet Road forms the western boundary. Site B is bounded to the north by Yeo Street,

beyond which is a warehouse building. Bow Exchange, a commercial development, is located to the west of Site B. Violet Road forms the eastern boundary.

- 4.9 On the southern side of the canal lies a residential development known as 9 – 52 Balladier Walk and the converted former Spratts factory complex which is now in residential and live/work use.
- 4.10 Approximately 380 metres to the north of the site is Devons Road DLR station which provides public transport access to Stratford, Lewisham, Poplar, Bank, Tower Gateway and Beckton. The existing bus services that pass within the vicinity of the site currently provide connections to destinations that include the Isle of Dogs and Stratford.

Planning History

- 4.11 The following planning decisions are relevant to the application site:
- **April 1972** – Erection of 5 warehouse buildings with ancillary offices;
 - **November 1975** – Change of use of unit A to manufacturing of export packing cases and storage of timber;
 - **September 1976** – Erection of a factory building for the manufacture of cardboard boxes with ancillary offices; and
 - **August 2001** – Demolition of existing single storey warehouse plus erection of new warehouse and provision of underground car parking (ref: PA/99/1129).

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Decision” agenda items. The following policies are relevant to the application:

Unitary Development Plan

Proposals:		Industrial Employment Areas Flood Protection Areas Green Chains Lee Valley Regional Park Sites of Nature Conservation Importance
Strategic Policies:	ST3	To promote sustainable development
	ST4	Development that respects the built environment
	ST5	Development that contributes to a safe and attractive environment
	ST6	Protect environment/borough/residents from development pollution
	ST7	Energy efficient design
	ST8	Protect/enhance nature conservation, create new wildlife habitats
	ST15	Facilitate expansion and diversification of local economy
	ST16	Encourage development which promote job opportunities
	ST17	Promote and maintain high quality work environments
	ST18	Economic development alongside protection of local environment
	ST20	Ensure sufficient housing land and buildings
	ST22	Improve the range of housing available, including affordable

	ST23	Standards of design in residential development
	ST25	New housing and infrastructure
	ST28	Restrain use of private cars
	ST30	Improve safety and convenience for all road users
	ST35	Range of local shops for all residents
	ST37	Improve appearance of borough
	ST40	Support Lea Valley Regional Park Authority
	ST43	Public art
	ST49	Provision of a range of community facilities
Policies:	HSG1	Housing demand
	HSG3	Affordable housing provision
	DEV1	Urban design
	DEV2	Environmental requirements
	DEV3	Mixed use development
	DEV4	Planning obligations
	DEV6	Tall buildings
	DEV12	Provision of landscaping
	DEV13	Design of landscaping schemes
	DEV18	Public art
	DEV50	Noise
	DEV51	Contaminated land
	DEV55	Development and waste disposal
	EMP1	Promoting employment growth
	EMP2	Oppose loss of employment generating uses
	EMP3	Surplus office floor space
	EMP6	Employing local people
	EMP7	Work environment
	EMP8	Encouraging small business growth
	EMP11	Location and purpose
	EMP13	Residential development in Industrial Employment Areas
	HSG1	Quantity of housing
	HSG2	New housing development
	HSG3	Affordable housing
	HSG7	Dwelling mix
	HSG8	Mobility housing
	HSG9	Density
	HSG16	Housing amenity space
	T15	Transport and development
	T16	Impact of traffic
	T17	Parking standards
	T19	Pedestrians
	T23	Cyclists
	S6	Retail development
	SCF6	Community services
	OS5	Use of vacant land as open space
	OS14	Lea Valley regional park
	U2	Development in areas at risk from flooding
	U3	Flood protection measures

Emerging Local Development Framework

Proposals: C34 Development site within forthcoming Central Area Action Area Plan boundary. Designation undetermined.

	LS33	Caspian Wharf: Residential (C3)/ Commercial (B1)/ Public open space (requirement of 0.25 ha)
	CP34	Green Chain
	CP35	Lea Valley Regional Park Tree preservation order: 9 trees adjacent canalside
Core Strategies:	CP1	Creating sustainable communities
	CP2	Equality of opportunity
	CP3	Sustainable environment
	CP4	Good design
	CP5	Supporting infrastructure
	CP7	Job creation and growth
	CP9	Employment space for small businesses
	CP11	Sites in employment use
	CP12	Creative and cultural industries and tourism
	CP13	Hotels, serviced apartments and conference centres
	CP15	Provision of a range of shops and services
	CP19	New housing provision
	CP20	Sustainable residential density
	CP21	Dwelling mix and type
	CP22	Affordable housing
	CP25	Housing amenity space
	CP29	Improving education and skills
	CP30	Improving the quality and quantity of open spaces
	CP31	Biodiversity
	CP33	Sites of importance for nature conservation
	CP34	Green chains
	CP35	Lea Valley Regional Park
	CP36	The water environment and waterside walkways
	CP37	Flood alleviation
	CP38	Energy efficiency and production of renewable energy
	CP39	Sustainable waste management
	CP40	A sustainable transport network
	CP41	Integrating development with transport
	CP42	Streets for people
	CP43	Better public transport
	44	Promoting sustainable freight movement
	CP46	Accessible and inclusive environments
	CP47	Community safety
	CP48	Tall buildings
Policies:	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessibility and inclusive design
	DEV4	Safety and security
	DEV5	Sustainable design
	DEV6	Energy efficiency and renewable energy
	DEV9	Sustainable construction materials
	DEV10	Disturbance from noise pollution
	DEV11	Air pollution and air quality
	DEV12	Management of demolition and construction
	DEV14	Public art

DEV15	Waste and recyclables storage
DEV16	Walking and cycling routes and facilities
DEV17	Transport assessments
DEV19	Parking for motor vehicles
DEV21	Flood risk management
DEV22	Contaminated land
DEV24	Accessible amenities and services
DEV27	Tall buildings assessment
EE2	Redevelopment/change of use of employment sites
HSG1	Determining residential density
HSG2	Housing mix
HSG3	Affordable housing provision in individual private residential and mixed use schemes
HSG7	Housing amenity space
HSG9	Accessible and adaptable homes
HSG10	Calculating provision of affordable housing
OSN2	Open space
L1	Leaside spatial strategy
L2	Transport
L3	Connectivity
L5	Open space
L6	Flooding
L7	Education provision
L8	Health provision
L26	Residential and retail uses in the Bromley-by-Bow South Sub-Area
L27	Design and built form in the Bromley-by-Bow South Sub-Area
L28	Site allocation in the Bromley-by-Bow South Sub-Area

Planning Standards

Planning Standard 1:	Noise
Planning Standard 2:	Residential waste refuse and recycling provision
Planning Standard 4:	Tower Hamlets density matrix
Planning Standard 5:	Lifetime Homes

Supplementary Planning Guidance/Documents

Designing Out Crime
Sound Insulation
Residential Space
Canalside Development
Landscape Requirements

Spatial Development Strategy for Greater London (London Plan)

Policy 3B.4	Mixed use Development
Policy 4A.7	Energy Efficiency and Renewable Energy
Policy 4A.8	Energy Assessment
Policy 4A.10	Supporting the provision of renewable energy
Policy 4A.14	Reducing Noise
Policy 4B.1	Design Principles for a compact city
Policy 4B.3	Maximising the potential of sites
Policy 4B.4	Enhancing the Quality of the Public realm
Policy 4B.5	Creating an inclusive environment
Policy 4B.6	Sustainable Design and construction

Policy 4B.8	Tall buildings, location
Policy 4B.9	Large scale buildings, design and impact
Policy 4C.1	The strategic importance of the Blue ribbon network
Policy 4C.3	The natural value of the Blue ribbon Network
Policy 4C.20	Design, starting from the water
Policy 4C.28	Development adjacent to canals

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

Community Plan The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

LBTH Housing

6.2 In terms of affordable housing taking into account the emerging LDF and taking into account HSG 4 the mix and over all provision of affordable housing is adequate with over 50% of the rented units being family units. The rented to intermediate mix is 74/26% by area. The overall provision of affordable housing appears to equate to around 35% by floor area. On balance the high provision of family units makes this scheme worth supporting.

LBTH Education

6.3 Taking account of the cumulative impact of residential developments throughout the Borough, recommend that a contribution is sought from the applicant for 53 additional primary school places @ £12,342 = £654,126.

LBTH Environmental Health

6.4 The PPG24 assessment and the Assessment of Construction Noise & Vibration are satisfactory. The Developer should be made to implement the contents of the report especially the application of glazing specification of 10/12/6.4 on all sensitive facades, including the provision of acoustic fence on Violet Road to mitigate the noise further.

The Daylight/Sunlight reports and the revised report dated 28/11/06 indicated shadowing the play area and a number of proposed south facing windows on the 1st/2nd floor marginally did not meet appropriate levels of Annual Probable Sunlight Hours (APSH). Following discussion with the architects, revisions have been made that have seen an increase in APSH so as to meet BRE guidelines.

Request condition for investigation/remediation of contaminated land.

LBTH Highways

- 6.5 A bus stop review is required and will be undertaken by LBTH and any improvements/changes required will need to be fully funded by the applicant under a s106 agreement.

A raised level zebra crossing south of the bridge, and a pinch point crossing on Violet Road at an appropriate location slightly north of the site will also be required to be paid for by the applicant under a s106 agreement.

The southern vehicular access on Site A to be used for emergency access only.

Under a s278 agreement the applicant will be liable for the total cost of upgrading the existing footways and carriageway fronting the sites.

Tower Hamlets Primary Care Trust

- 6.6 Calculates that in respect of the provision of healthcare in the Borough, the proposal would generate a requirement in revenue and capital contributions respectively of £1,597,879 + £350,750 = £1,948,629.

(OFFICER COMMENT: On 15 December 2006 the Council's Planning Contributions Overview Panel considered the applicants increased offer of £1,597,879 (which is equivalent to the revenue contributions requested) as an acceptable level of contributions towards healthcare in this case.)

Greater London Authority (Statutory Consultee (Includes TfL))

- 6.7 The GLA's Stage 1 report is generally supportive of the development as originally proposed and advised the Council that the principle of mixed-use redevelopment is accepted if the loss of employment land can be reconciled with the long-term need for (industrial) employment land in the wider area.

It recognised the regenerative benefits that the proposals would bring to this area of East London. However they recommended further clarification or revision the following aspects of the scheme:

- Improving the affordable housing offer;
- Clarification of the housing mix in terms of size and tenure;
- A financial assessment of a potential CHP plant;
- A number of urban design issues, in particular open spaces;
- Social infrastructure and community facilities;
- The assessment of the noise and air quality impact; and
- Legal agreements to address local employment and transport improvements.

The GLA have been in discussions with the applicant and the application has been revised since the Stage 1 report to address these matters. Although the GLA has subsequently advised of its support in principle for the proposal, it is not currently in a position to formally advise on the above listed matters until after its Stage 2 report has been completed.

However, Officers can confirm that the applicant has undertaken the above outstanding matters.

In summary, the affordable housing offer has been increased; a CHP plant has been incorporated into the scheme; a single-storey structure has been removed from the scheme to allow a larger area of open space fronting the canal; the noise and air quality impact of the scheme has been considered in the applicant's Environmental Statement and appropriate mitigation measures proposed; financial contributions have been offered by the applicant to help improve social infrastructure and community facilities (including, healthcare and education place provision, traffic calming measures, bus stop improvements); and, local employment training initiatives are proposed during the construction phase of the proposed development.

Transport for London (TfL):

- recognise that the impact on the Docklands Light Railway (DLR) as a result of the proposed development in terms of trips generated as a proportion of total capacity is likely to be small.
- agrees with the Transport Assessment that no additional service is required of bus services, especially given the proximity of the DLR including the proposed new station at Langdon Park, however notes that the proposed development will increase bus loadings, as well as generating additional activity at nearby bus stops.

TfL requests:

- a developer contribution of £40,000 to upgrade nearby bus stops on Violet Road and Devons Road to full TfL accessibility standards and this should form part of the Section 106 agreement.
- that conditions relating specifically to the design of the development and construction methods are imposed to ensure that DLRL's safety and operating requirements are not compromised
- surveys before and after construction to ensure that DLRL radio communications are not adversely affected by the proposals.
- that a Travel Plan is submitted to demonstrate that everything is done within reason to promote non car based travel.

English Heritage (Statutory Consultee)

- 6.8 No objections subject to conditions safeguarding archaeological investigation and recording of an existing building prior to its demolition.

Environment Agency (Statutory Consultee)

- 6.9 No objection subject to conditions related to flood alleviation, drainage works, and water pollution.

Thames Water (Statutory Consultee)

- 6.10 Recommend an informative with regard to water pressure; water supply infrastructure; public sewer connections; sewage disposal on site; and, separation of foul and surface water.

Countryside Agency (Statutory Consultee)

- 6.11 No formal representation.

English Nature (Statutory Consultee)

- 6.12 Scheme should be lit to minimum levels to ensure a minimum impact on foraging bats.

Lea Rivers Trust (Statutory Consultee)

- 6.12 Support the proposal based on the environmental improvements incorporated into the design of the proposal which could benefit local wildlife. The Trust sees the redevelopment as a potential catalyst for greater public use of Limehouse Cut and public enjoyment of the waterway network in East London.

British Waterways (Statutory Consultee)

- 6.13 Expect the developer to contribute to canalside improvements in this location.
Would like to see moorings provided for within the scheme.
Would like more detailed information of the treatment and landscaping of the canals edge.
Would like to see the canal used for the transport of materials and waste during construction works.

Lee Valley Regional Park Authority (Statutory Consultee)

- 6.14
- The Authority objects to this development on the grounds that it is premature pending the securement of adequate open space to meet the needs of residents within this former employment area.
 - So far as the details of the proposed scheme are concerned, the Authority would seek the incorporation of some of the trees and mature vegetation along the eastern part of the southern boundary of the site.

Inland Waterways Association

- 6.15 No objection.

CABE

- 6.16 Not able to comment.

Metropolitan Police Crime Prevention Design Advisor

- 6.17 The CPDA remains concerned that the canal will be opened up to the general public. However, in accordance with the Council's and GLA objectives, and as is presently the case with the southern bank, the applicant does not intend to restrict access to the canal which is presently overlooked by the dwellings on the south bank and would similarly be overlooked by the proposed dwellings.

7. LOCAL REPRESENTATION

- 7.1 A total of 256 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were

as follows:

No of individual responses: 24 Objecting: 24 Supporting: Nil
No of petitions received: Nil

7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

Land Use:

- The land is designated employment land in the UDP which is the statutory Plan.
- The development is contrary to UDP policy EMP2. The granting of permission would result in the loss of 180 light industrial jobs in the locality.
- The area delimited by Violet Road, Devons Road, the DLR and the canal, is unmistakably a light industrial zone.
- If this scheme is allowed other developers will buy the rest of the industrial land along the canal and move the workforce out.
- The proposal promotes the mixing of incompatible land uses contrary to Government policy PPG4. The proposed use would place unacceptable constraints on the future operations of the surrounding businesses which could affect their ability to develop and prosper and have an adverse effect on the suitability and supply of employment land in the area for industry and warehousing.
- The applicant states that the new development will generate new jobs, however this is questionable given the habit of such developers to leave commercial units empty and then after a short period of time claim that they are unviable and convert them to more lucrative residential use.
- The provision of canalside restaurants would not be appropriate to the locality and would not be seen as a serious counter-attraction to Canary Wharf.
- No sequential testing has been carried out as required by PPS6.

Design:

- The development is contrary to UDP Policy DEV1.1 which states that all development proposals should take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials.
- The development is contrary to London Plan policy 4C.20 which states that the Mayor will, and boroughs should, seek a high quality of design for all waterside development that should reflect local character, meet general principles of good urban design and improve the quality of the built environment. The policy also states that in particular development should “relate successfully in terms of scale, materials, colour and richness of detail, not only to direct neighbours but also to buildings on the opposite bank...”.
- The proposed complex looks as if its not thought through and as if put together with unpleasant haste and having no regard for the locality on which it would be foisted.
- The development is much too bulky for this quiet canal-side area and would dominate the narrow Violet Road with its overbearing presence.
- The development resembles a jumble of different buildings thrown onto the site. This in combination with its height will severely detract from the amenity of residents and visitors over a wide area.
- The proposal is much taller than any surrounding buildings including those on the opposite side of the canal and there is no overall architectural theme.

- The yellow bricks proposed would be out of keeping with the locality.

Amenity:

- Overshadowing - The development will cause loss of daylight to the south and also loss of sunlight on summer evenings to the warehouse development to the south east. Many of the most affected would be artists in live work studios whose work will be compromised.
- Overlooking - All of the north facing studios, patios and roof gardens of the established warehouse developments on the south bank of the canal will be overlooked to some degree. This will cause a loss of privacy that may also be detrimental to work/employment
- Canal-side Access - The proposal appears to be for a gated community but this conflicts with the London Plan which requires access for the public to canal walkways.
- Noise – The proposed speed bumps will create excessive noise for residents.
- The affordable housing does not appear to be well integrated with the market housing.
- The combination of the proposed two blocks means that loss of light to Colman's Wharf is inevitable and extremely worrying.
- The present industrial buildings on the site already contribute to a funnelling of traffic noise which has a large impact on my property and that of my neighbours. The new proposed buildings will contribute to an increase in noise.
- As a photographer, the proposed building will affect my business in that the reflected light coming off their exterior walls directly into my studio will affect my photography, therefore my business. This will also impede local working opportunities and future prospects for young people who wish to participate in the media industry.

Highways and Transportation

- The proposed density would lead to overcrowding of the bus and rail systems which are already over capacity at peak hours between 7:30 am to 10:00 am and 4:00pm to 6:30 pm.
- There is insufficient parking proposed for residents and none for customers and visitors in a difficult to access area.
- There will be parking on the pavement during non restricted parking hours, creating a road hazard.
- During restricted parking hours the proposal will result in increased competition for resident's parking spaces as visitors to the commercial units from elsewhere in the Borough will be able to use their permits for the controlled parking zone to park in the vicinity.
- Servicing of the commercial units is not adequately provided for in the submitted plans. The Transport Assessment claims that all deliveries to the commercial units will be made from the internal access roads. This would not be possible as the commercial units have no access to them from the access roads. In reality deliveries would be made from vehicles parked on the roads and pavements. In the case of Violet Road this would compromise the existing cycle routes as cyclists would have to swerve around the delivery vehicles and into the path of oncoming traffic.
- The location of the commercial unit on the corner of Violet Road and Yeo Street would make deliveries a particularly hazardous process to everybody using the streets concerned, in addition the disposal of waste from this unit to the bin store involves its transportation along the street and into the sole major access to the site compromising pedestrian movement along the pavement leading to, from and into the

access to the site. This example of access to a unit is representative to a great degree for all of the other proposed accesses.

- Refuse collection vehicles servicing the bin stores located in the entrances would block pedestrian and vehicular access to the site.
- There is no need for a pedestrian crossing on the northern part of the bridge as a continuation of the new canalside walkway. There is already an extensive public canal pathway on the south side of the canal with an existing entrance by Balladier Walk.
- There is already a significant build up of traffic at the Chrisp Street/A13 junction and the proposal will exacerbate these problems.

Refuse:

- The bin stores provided are of inadequate size, quantity and shape to cater for recycling.

Overdevelopment:

- The proposal constitutes overdevelopment as it seeks to provide some 960 (net) habitable rooms per hectare (hrh) which is contrary to UDP Policy HSG9 which stipulates a maximum of 247 (gross) hrh.
- The Environmental Statement indicates that the site has a PTAL rating of 3 and the London Plan states that given this rating the maximum density should be 150 units/hectare – this development provides 366 units/hectare.
- The extreme density proposed would be visually inappropriate to the site and its setting leading to crowded open spaces, amenities, pavements and public transport contrary to UDP Policy DEV1.2.

Sustainability:

- The plans do not offer evidence of incorporating energy-efficient features in residential construction.

Ecology:

- The plans show a lack of interest in preserving and enhancing what ought to be its salient feature, the natural wildlife preservation area at the edge of the canal.
- The development is contrary to London Plan policy 4C.3 which states that boroughs should resist development that results in a net loss of diversity and design new waterside developments in ways that increase habitat value.
- The development is also contrary to London Plan policy 4C.4 which states that where appropriate natural landscapes should be protected and enhanced.
- This valuable wilderness area and its protected trees which provides a massive range of environments, including to rare species, will be lost to the detriment of the ecology of the local and wider area.

7.3 The following issues were raised in representations, but they are not material to the determination of the application:

- The height of the proposed development would obscure the view of the historic Spratts Factory from several locations.
- The retail space on the development could be better used for ancillary support retail

such as dry-cleaning that will be in demand from the growing local population once the flats are built.

- The 9 storey 'affordable' towers of the development are serviced by only one lift. If the lift breaks down, or someone is using it for removals, disabled persons in the upper storeys will be unable to leave their flats, people will be unable to dispose of their rubbish and so will throw it into the street. This is not an acceptable design for a 9 storey tower in this day and age. Surely we have seen enough of this in the past. I thought they were all being knocked down.
- Loss of visual amenity – The occupants of the existing canal-side developments to the south will see large amounts of their open sky blotted out, views of the hills to the north and the city to the northwest will disappear. While it is recognised that there is no right to a specific view, the general visual amenity of residents will be compromised which is a material consideration.

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:
1. land use
 2. housing policy
 3. design
 4. impact on the amenity of nearby residents; and,
 5. highway issues.

Land Use

- 8.2 The Proposals Map associated with the Adopted UDP identifies all of Site B and the southern half of Site A within an 'Industrial Employment Area'. Policy EMP1 of the UDP promotes employment growth that meets the needs of local people and opposes development resulting in a loss of employment generating uses (EMP2). However, exceptions to EMP2 will be considered for example where the loss of employment generating land is made good by replacement with good quality buildings likely to generate a reasonable density of jobs.
- 8.3 The emerging LDF documents expect that low intensity industrial uses in the Leaside area to relocate elsewhere and that the retained and new commercial uses will provide a significantly greater number of jobs through the provisions of new purpose built flexible workspace. The Council's emerging LDF proposals for this site (Bromley-by-Bow South Sub-Area (Site Proposal LS33)) and GLA's Lower Lea Valley Framework proposals for this site indicate it's appropriateness for 'Mixed Use' purposes, focusing specifically on the potential for residential and office uses to enable the delivery of open space on the north side of the Limehouse Cut canal.
- 8.4 At present the site contains approximately 5,840 square metres of industrial floor space and 490 square metres of office floor space, all of which is now vacant having previously employed 167 people. The applicants have provided marketing information that demonstrates no demand for the site for continued employment purposes other than what is being proposed as part of this mixed-use proposal.
- 8.5 The application scheme would provide 1,825 sq m of employment generating floor space (93.5 sq m for either A1 or A2 Class uses, 220.3 sq m of Class A3 floor space, 1,296.2 sq m of Class B1 floor space and the remaining 215 sq m for Class D2). The applicant reasonably suggests that the proposed commercial units would have a higher employment density than the previous warehouse uses and could provide jobs for up to 220 permanent employees; a

net increase of 53 jobs. The modern commercial floor space could also have the potential to deliver a greater diversity of employment opportunities whilst at a total of 93.5 sq m it is not considered that the potential retail floor space would threaten the vitality and viability of established shopping locations in the area such that would warrant sequential testing under PPS6.

- 8.6 The scheme would provide regenerative benefits to this part of the Borough, including providing good quality housing, employment floor space and local facilities (e.g. a leisure centre, a restaurant/café fronting the canal, public open space, a local retail unit).
- 8.7 Whilst it could be argued that the range of uses proposed on the site would reduce its role as an employment generator, the structure of employment in the locality is changing significantly. This is recognised by the emerging policy, the recent residential redevelopments undertaken nearby in Barchester Street and other residential-led mixed-use proposals coming forward in Morris Road and Chrisp Street. Accordingly, it is not considered that the proposed land uses would be incompatible with their surroundings, indeed it is anticipated that more of the declining employment sites in the locality would be redeveloped in a similar residential-led manner.
- 8.8 In summary, the change of use of this site from industrial employment purposes to mixed use purposes would not conflict with the aims and objective of the UDP. Further, the principal of the redevelopment of the site for residential-led, mixed-use purposes, providing affordable housing, employment generating floor space, open space and a canalside walkway is endorsed by the emerging LDF and closely reflects the Council's current aspirations for the site. It also satisfies the land use concerns previously expressed by the GLA in their Stage 1 report with regard to reconciling the loss of employment land with the long-term need for industrial employment land in the wider area.

Housing Policy

- 8.9 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. The application proposal would provide 390 residential units in the following mix:

	Studio	1-bed	2-bed	3-bed	4-bed	5-bed	Total
Affordable Units (RSL)	0	7	16	23	15	5	66
Affordable Units (S/O)	0	13	25	0	0	0	38
Affordable Sub-total	0	20	41	23	15	5	104
Private Units	35	105	98	48	0	0	286
Total	35	125	139	71	15	5	390
%	8.97%	32.05%	35.64%	18.21%	3.84%	1.29%	

- 8.10 Policy HSG2 of the emerging LDF requires that the following affordable housing mix is achieved: 0% studios; 20% one-bed; 35% two-bed; 30% three-bed; 10% four-bed; 5% five+ bed.

8.11 The affordable housing would comprise the following dwelling mix:

	Number of Units	% of Total Units	Number of Habitable Rooms	% of Total Habitable Rooms	LBTH Housing Needs Survey (Unit Basis)
Studio	0	0%	0	0%	0%
1 Bed	20	19.23%	40	11.11%	20%
2 Bed	41	39.43%	123	34.17%	35%
3 Bed	23	22.12%	92	25.56%	30%
4 Bed	15	14.42%	75	20.83%	10%
5 Bed	5	4.80%	30	8.33%	5%
TOTAL	104	100%	360	100%	100%

8.12 Of the residential floor space some 35% would be affordable housing which complies with Policy HSG3 of the emerging LDF. Floor space as opposed to habitable rooms was the means of calculating affordable housing in use in the prevailing policies during the earlier stages of the life of the application. However 35% of floor space does equate to 32.5% of habitable rooms and Policy HSG10 of the emerging LDF states that there should be no more than 5% disparity between the respective floor space and habitable room percentages. Accordingly the level of provision is considered acceptable.

8.13 The applicants also have agreed to a 70/30 ratio split between rented and intermediate units when measured by habitable room. Although the proposed 70:30 split in terms of rented/intermediate housing does not conform with the Council's standard of 80:20, it does conform with the GLA requirements in the London Plan and is therefore considered acceptable.

8.14 In terms of habitable rooms the scheme is heavily weighted (54.72%) to the provision of family units. This exceeds the expected minimum of 45% as indicated as required by the Council's Housing Needs Survey. These arrangements are considered acceptable.

8.15 The market housing would comprise the following dwelling mix:

	Number of Units	% of Total Units	Number of Habitable Rooms	% of Total Habitable Rooms	Policy HSG6 Requirements
Studio	35	12.24%	35	04.79%	
1 Bed	105	36.71%	210	28.73%	25%
2 Bed	98	34.27%	294	40.22%	50%
3 Bed	48	16.78%	192	26.26%	25%
TOTAL	286	100%	731	100%	100%

8.16 Emerging LDF Policy HSG2 states that the Council require the intermediate and market housing to provide an even mix of dwelling sizes including a minimum provision of 25% family housing comprising 3, 4, and 5 plus bedrooms to meet housing needs. Policy HSG2 of the also requires that 25% of the market housing is provided for family housing purposes. Accordingly, the mix of market dwellings is considered acceptable.

8.17 The units generally meet the Council's space standards and in some instances these are exceeded substantially, which is welcomed.

Design

- 8.18 Violet Road, which merges into Morris Street and then Chrisp Street as it progresses southwards, is a busy traffic corridor that links Bow with Poplar that is characterised by larger industrial or warehouse buildings that generally turn their back on the main road, presenting buildings with large blank frontages that have a ‘deadening’ effect on the street scene and contribute to creating a harsh built environment that is unfriendly to pedestrians.
- 8.19 The application site is presently occupied by vacant large industrial sheds and a car parking area, which combined with the low level of activity in and around the site gives rise to an environment with minimal natural surveillance to deter against anti-social activity along Violet Road or Yeo Street. The proposed redevelopment therefore provides an opportunity to significantly enhance the locality in urban design terms. Paragraph 4.45 of the Leaside Action Area Plan of the emerging LDF acknowledges the need and potential to increase the intensity of residential development to increase activity and reduce the number of inactive frontages.
- 8.20 The proposed building on Site A is a “stepped” development, ranging in height from predominantly 5 storeys (plus 1) along Violet Road with a further 2 storeys set back from the main façade, and a number of higher focal elements of 7, 8, and 9 storeys in height located at the entrances to the site. The lower elements of the proposed development (4, 5 & 6 storeys) are generally located at the most northerly and southerly ends of the site whilst there is a 1 storey landscaped podium in the centre of the site. The tallest parts are located on the eastern boundary adjacent to the DLR line that incorporates a 13 storey tower element facing the southern entrance, where increased height has no detrimental effect on neighbouring properties a more distant perception from the street scene. Site A also provides a significant wetland habitat adjacent its width, to encourage the existing wildlife that proliferates in this part of the canal.
- 8.21 The proposed building on Site B is also a stepped development, ranging in height from 4 to 6 storeys along Violet Road with one taller focal element of 7 storeys located at the northeast corner, opposite the southern entrance to Site A. The lowest parts of the scheme are located at the southern and western ends of the site.
- 8.22 The buildings on both sites are set back significantly from the edge of the canal to create a new canalside walkway on the northern bank of Limehouse Cut and are both set in tiers around landscaped south facing public open spaces. This is in keeping with paragraph 4.46 of the Leaside Action Area Plan of the emerging LDF which states that development along this part of the Limehouse Cut Canal should maximise the potential of the waterway. The principal elevations to Violet Road would comprise a frontage of varying heights, but with regular fenestration that would give an overall appearance of building 6-storeys.
- 8.23 The scale of the proposed buildings is quite large in relation to the immediate area however the modulated heights across the two sites reduce the visual impact of the scheme and allow it to successfully integrate into its varied surroundings formed by the Spratts building, light industrial sheds and offices, lower-scale residential buildings, public open space and canalside walkway.
- 8.24 Whilst it is a high density scheme the overall design and appearance of the proposal, with its south facing open spaces, canalside walkway and set back upper storeys, would minimise the prominence of the development and any sense of enclosure experienced along Violet Road.

8.25 The proposed development would incorporate an active ground floor frontage which, in particular the canalside restaurant, would animate the pedestrian environment where a mix of lively employment and residential activity can contribute to the quality of the street environment. This is in keeping with Policy L27 of the Leaside Action Area Plan of the emerging LDF. The upper storeys and residential accommodation would provide passive surveillance that would make this part of the street scene more pedestrian friendly, increase natural surveillance in the locality and thus discouraging anti-social behaviour and crime which are key concerns raised within the Community Plan. In view of the above the design of the scheme is considered acceptable. However, should planning permission be granted it is recommended that the details of the elevations and materials be requested for subsequent approval.

Amenity Space and Public Realm

8.26 Paragraph 4.46 of the Leaside Action Area Plan of the emerging LDF, states that development along this part of the Limehouse Cut Canal should maximise the potential of the waterway and provide an ecological space, designed to offer a haven for wildlife and birds through a series of soft spaces that can also be enjoyed by new and existing residents of the area. The adjacent TPO trees are likely to be affected by this part of the proposal, however, the Arboricultural Study, and inspection by Council officers, has confirmed that many of the trees within the group are of limited value. Accordingly it is considered that the retention of the trees should not hinder the redevelopment of the site as proposed. It is recommended that a replacement tree planting schedule be submitted for approval to ensure the high quality re-provision of appropriate semi-mature trees along the canal.

8.27 Across the two sites, the proposal would provide approximately 9,600 sq m of amenity space. This would take the form of landscaped public open space and canalside walkway that includes an ecological habitat (2,500 sq m), semi private amenity space in the form of podiums and roof gardens (2,483 sq m), private amenity space in the form of individual balconies, roofs or balconies (2,609 sq m) and a 145 sq m children's play area. All units would benefit from private amenity space either in the form of individual gardens / roof or balconies and / or communal amenity at podium level or at ground level fronting the canal. This level of amenity space provision generally exceeds that required by emerging LDF Policy HSG7.

8.28 The public open space and walkway provision is particularly welcomed and, at 2,500 square metres, matched the Council's aspirations for the site in the Leaside Action Area Plan of the emerging LDF and generally which seek to maximise opportunities for greater public use of the Borough's waterway networks and increase provision of much needed open space.

Density

8.29 Emerging LDF Policy CP20 states that the Council will resist any proposed housing development that results in the inefficient use or under-development of a site. Paragraph 4.43 of the Leaside Action Area Plan, from the emerging LDF, states that housing densities in the Bromley-by-Bow South Sub-Area up to 700 habitable rooms per hectare (hrh) would normally be permitted.

8.30 The residential density of the proposed development is approximately 960 hrh which is significantly in excess of the normally expected level. However it is considered that a higher density residential development is supported in this strategically important location by the Leaside Action Area Plan and Policy HSG1 of the emerging LDF, PPS3, PPG13 and the

London Plan and is considered acceptable for the following reasons:

- The development will provide significant open space and other local facilities;
- The proposal does not result in any consequence typically seen in an overdeveloped site (i.e. poor size of flats, significant loss of light to adjacent properties, loss of privacy/overlooking of adjacent amenity space, lack of amenity space etc); and
- TfL has confirmed that the development would have a sustainable impact on public transport services;
- The proposed DLR station at Langdon Park, which is to be constructed in late 2007/early 2008, will increase the accessibility of the site to public transport facilities; and,
- The proposal meets the other standards for new development in the UDP.

8.31 In summary, the proposed development will be of a high quality design, will not have any detrimental impact on its context and is considered to be set within an accessible location that would justify the density proposed. Accordingly, the proposed density is considered acceptable.

Residential Amenity

8.32 The application sites are generally due north of the nearby Spratts complex and Balladier Walk. Due to this orientation, and due to the manner in which the application buildings are set back and then tiered away from the southern end of the site, any impact on the surrounding residential uses is minimal. This is reflected by the daylight and sunlight assessment submitted with the application that demonstrates that the proposed development will result in acceptable levels both to existing residential properties in the vicinity and within the development itself.

8.33 The nearest distance of any of the proposed windows to the residential/commercial buildings on the south side of Limehouse Cut is 34 metres (Balladier Walk) and 36 metres (Spratts Complex) which is considered against the Council's minimum standard of 18 metres. Similar distances are maintained between the main facades on Site A. However, in maintaining the building line of the sites across from each other on Violet Road, the distance between the facades of Site A and Site B is approximately 17 metres. However, this type of relationship is common and appropriate in an urban context. Accordingly it is not considered that the proposal would give rise to any significant overlooking or loss of privacy.

8.34 The proposed development has been designed to mitigate the noise impacts from both Violet Road and the DLR line. The noise assessment submitted with the application demonstrates that, subject to the provision of appropriate noise attenuation measures, an acceptable residential environment can be attained.

Highways and Transportation

8.35 The proposed development would provide for 69 car parking spaces accessed from Violet Road and Yeo Street. This provision meets the standards of the emerging LDF and is acceptable in view of the site's public transport accessibility. The proposed development will also provide for 392 cycle parking spaces, which is in excess of 1 space per residential unit. TfL and the Council's Highways officers raise no significant concerns with regard to the level of car parking provision, the servicing of the commercial units, the refuse collection arrangements or the capacity of the public transport system. Details of refuse collection and

recycling are to be required by condition.

- 8.36 A car free arrangement to ensure that future residents of the scheme cannot obtain on-street parking permits will be required. It is considered that the proposed limited levels of parking combined with the car free arrangements would mean that the development would have minimal impact on traffic in the locality. It is not anticipated that the small commercial units would give rise to Borough-wide attraction such that would create an unusually high demand for the on-street resident parking bays by permit holders some distance away. Accordingly the highways impacts are considered acceptable.

Sustainability, Energy Efficiency & Recycling

- 8.37 In accordance with emerging LDF policies a site wide 'Materials Use and Purchasing Strategy' covering all construction management activities for the proposed development has been submitted in support of the planning application. The conclusion of this statement is that, in accordance with the Council's emerging LDF policies, the material purchased and used to construct the proposed development will be sourced, where practicable, from sustainable sources and should help to:

- a) Reduce consumption of irreplaceable material assets;
- b) Promote reuse and minimisation of waste;
- c) Promote prudent use of sustainably managed natural and semi-natural resources;
- d) Promote recycling in demolition and deconstruction; and
- e) Promote the effective protection of the environments.

- 8.38 The proposed development also seeks to achieve either a reduction of 10% in the carbon footprint of the development (should this be deemed necessary) or utilising 10% of its energy requirement from renewable energy sources in accordance with emerging LDF policies. This will include the use of a gas fired combined heat and power (CHP) system in Site A with district mains running to Site B.

- 8.39 Furthermore, in keeping with the emerging LDF policies, the proposed development will:

- make sufficient provision for waste disposal and recycling facilities within each unit and in the communal waste storage areas;
- use Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water runoff; and
- include grey water recycling in order to conserve water and minimise piped water demand.

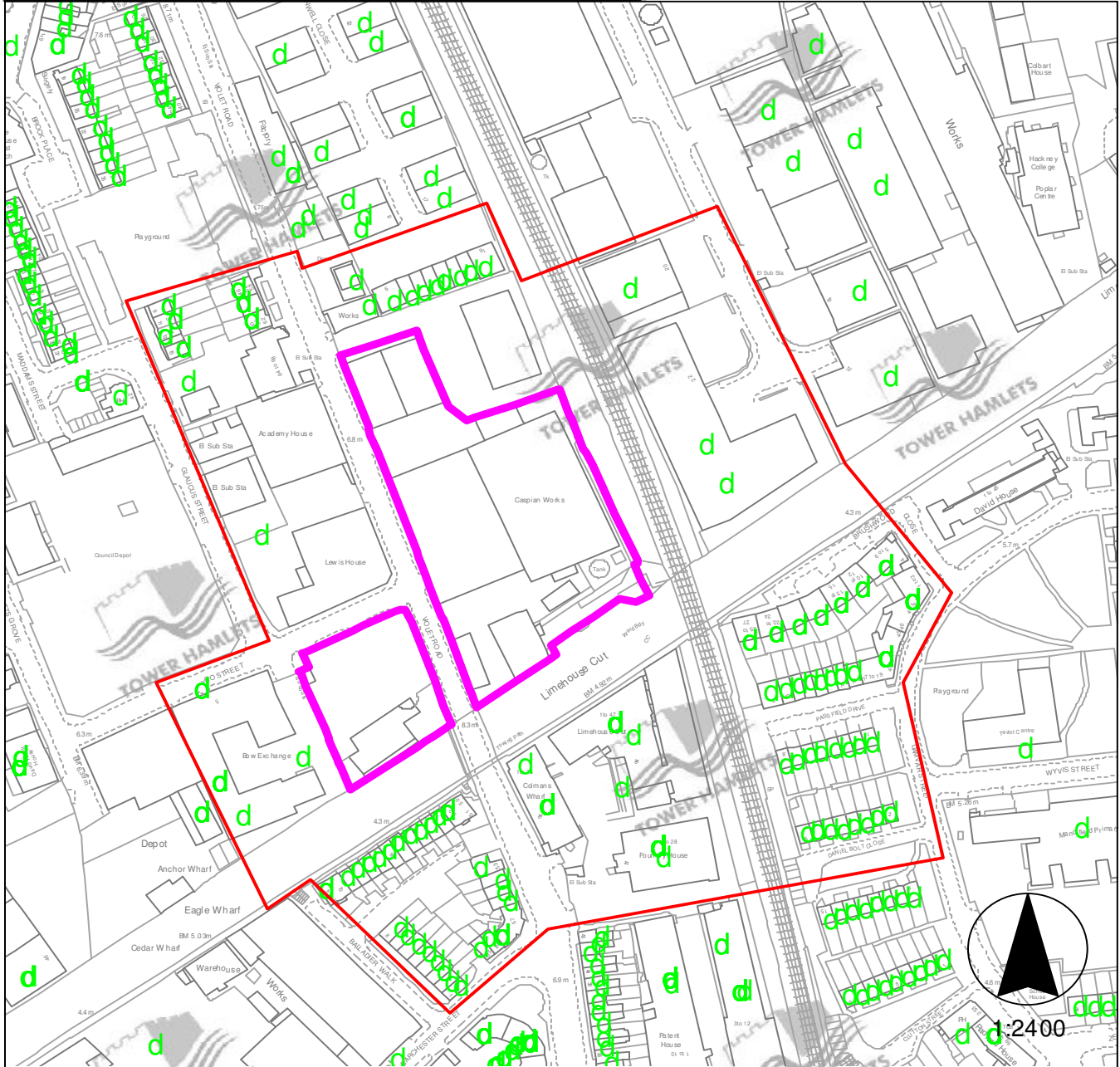
Environmental Impact Assessment

- 8.40 The Council's consultants, Casella Stanger undertook a review of the Environmental Statement. The review highlighted a number of areas where additional information or clarification should be provided. Further to the Council's request, the applicant submitted a range of additional information some of which was re-advertised in accordance with the legislation and reviewed by the Council and Casella Stanger.
- 8.41 The Environmental Statement has been assessed as satisfactory, with mitigation measures to be implemented through conditions and/ or Section 106 obligations.

Conclusions

- 8.42 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

Caspian Works And, 1-3 Yeo Street (Caspian Wharf), London, E3

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Your ref:
My ref: PA/05/01647

3 May 2007

Barton Willmore
7 Soho Square
London
W1D 3QB

Development & Renewal
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Mulberry Place (AH) Anchorage House
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5 Clove Crescent
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Tel: 020 7364 0436
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Town and Country Planning Act 1990 (as amended)
Town and Country Planning (General Development Procedure Order) 1995
Dear Sir/Madam,

CONDITIONAL PERMISSION FOR DEVELOPMENT

In accordance with the Act and Order mentioned above, Tower Hamlets Council as Local Planning Authority hereby gives notice of its decision to grant permission for the development referred to in the schedule to this notice and as shown on the submitted plans and particulars subject to the conditions set out in the schedule.

You are advised that this permission does not modify or extinguish any covenants, easements or other restrictions applying to or affecting the land, or the rights affecting the land, or the rights of any other person entitled to the benefits thereof. You are also advised that this permission does not relieve you of the need to obtain any approval necessary under the Building Act 1984, Building Regulations 2000, or other related legislation. In this connection you should contact the Head of Building Control, Mulberry Place (AH) Anchorage House, PO Box 55739, 5 Clove Crescent, London, E14 1BY (020 7364 5241) for advice or guidance on the necessity for obtaining building regulation approval in this particular case.

Applicants are reminded of the need to comply with the provisions of Part II of the London Building Acts (Amendment) Act 1939 in order to obtain official postal addresses. This should be carried out at least one month prior to the completion of the exterior works. Details of the development, including site and block plans should be sent to the Assistant Director (Street Services), Mulberry Place (AH) Anchorage House, PO Box 55739, 5 Clove Crescent, London, E14 1BY.

Your attention is drawn to the following statement of applicants' rights:-

1) Appeals to the Secretary of State

If you are aggrieved by this decision you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990. If you want to appeal then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 6372). The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

2) Purchase Notice

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990.

3) Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

Yours faithfully



Michael Kiely
Head of Development Decisions

SCHEDULE

Full Planning Permission

Location: Caspian Works And, 1-3 Yeo Street (Caspian Wharf), London, E3

Proposal: Revised application: Redevelopment of site to provide buildings of between 4 & 9 storeys and of 13 storeys for mixed use purposes including 390 residential units, Class A1, A2, A3, B1 and D2 uses with associated car and cycle parking, roof terraces, landscaping, canalside walkway and servicing.

Date: 3 May 2007

Reference: PA/05/01647

Application Received on: 30 September, 2005
Application Registered on: 16 May, 2006

Drawings Approved:

Registered Number: PA/05/01647

Applicant's Number: 203286/010; 030A; 031A; 032A; 033A; 110D; 120D; 121D; 122D; 123C; 124C; 125C; 126C; 127B; 128B; 129B; 130B; 150D; 151D; 152D; 153C; 154D; 155C; 156C; 157C; 158C; 159C;
Arboricultural Survey;
Architectural Design Statement;
Computer Generated Images;
Construction Traffic Assessment;
Employment Property Market Review;
Energy Demand Statement;
Environmental Statement & Non Technical Summary;
Landscape Design Statement;
Materials Used and Purchasing Strategy;
Planning Statement;
Planning Update Report;
Sustainability and Eco Homes Statement;
Transport Assessment;
Urban Design Statement.

Reason(s) for Grant:

This application was granted for the following reason(s):

The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that it:

- a) satisfies the land use /environmental criteria adopted by the Council and
- b) does not result in material harm to the amenity of residents or the character and environment of the adjacent area.

Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions.

2. Full particulars of the materials to be used on the external faces of the buildings shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is commenced and the development shall not be carried out otherwise than in accordance with the particulars so approved.

Reason: To ensure that the external appearance of the buildings is satisfactory and that it contributes positively to the character and appearance of the area.

3. Details of hard and soft landscaping treatment of the site shall be submitted for the Council's written approval. The approved landscaping shall be implemented prior to the occupation of any part of the development.

Reason: To ensure that the open spaces and amenity spaces are of a high quality; to ensure that the appearance of the development is satisfactory and that it contributes positively to the character and appearance of the area; and to ensure the development meets the requirements of the following policies in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998):
DEV1 and DEV2 General Design and Environmental Requirements
DEV12 to DEV16 Landscaping and Trees
DEV17 Siting and Design of Street Furniture.

4. All planting, seeding or turfing comprised in the approved details of landscaping and tree planting schedule shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the open spaces and amenity spaces are of a high quality; to ensure that the appearance of the development is satisfactory and that it contributes positively to the character and appearance of the area; and to ensure the development meets the requirements of the following policies in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998):
DEV1 and DEV2 General Design and Environmental Requirements
DEV12 to DEV16 Landscaping and Trees.

5. Full details of the materials of all surfaces, features and plant species proposed for the wetland terrace shall be submitted to and approved by the local planning authority. The approved terrace details shall be implemented prior to the occupation of any part of the development.

The scheme shall incorporate a management plan for the long term maintenance of the wetland terrace that shall thereafter be adhered to by the owner.

Reason: To ensure that the design of the wetland terrace of a high quality and that it provides satisfactory support to, and enhancement of, the wildlife environment on the adjacent canal.

6. Full details of a planting schedule for trees within the open space and canalside walk shall be submitted to and approved in writing by the Council.

Reason: To ensure that the open spaces and amenity spaces are of a high quality; to ensure that the appearance of the development is satisfactory and that it contributes positively to the pedestrian environment and to the character and appearance of the area; and to ensure the development meets the requirements of the following policies in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998):

DEV1 and DEV2 General Design and Environmental Requirements
DEV12 to DEV16 Landscaping and Trees.

7. Details of any railings, walls, gates and fences shall be submitted for the Council's written approval.

Reason: To ensure that the appearance of the development is satisfactory and that it contributes positively to the pedestrian environment and to the character and appearance of the area.

8. No development shall commence until revised drawings, that show an increase to the depth of the eastern part of the canalside walkway to a minimum of 6 metres, have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development contributes positively to the pedestrian environment, to the character and appearance of the area, and to ensure the development meets the requirements of the following policies in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998):

DEV1 and DEV2 General Design and Environmental Requirements
DEV12 to DEV16 Landscaping and Trees.

9. Details of provision for the storage of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. Such provision shall be implemented prior to the occupation of the building and shall thereafter be made permanently available for the occupiers of the building.

Reason: In compliance with the Council's policies which seek to protect amenity and ensure the adequate provision for the storage of refuse.

10. Full particulars of any external lighting to be installed on the building shall be submitted to and approved in writing by the local planning authority before the lighting is installed. The lighting shall thereafter be installed and maintained in accordance with the details as approved. Any subsequent lighting shall first be approved in writing by the local planning authority.

Reason: To safeguard the amenity of the occupiers of nearby properties by preventing light pollution; to minimise the impact of the lighting on local wildlife; and to ensure a satisfactory external appearance.

11. Development of the site shall not begin until a scheme to identify the extent of the contamination on the site and the measures to be taken to avoid risk to the human health, buildings and environment when the site is developed has been submitted to and approved by the local planning authority. Details of the scheme should include:
- i. A proposal to undertake additional sampling in soft landscaped areas of the site not overlying any basement;
 - ii. An Addendum Report detailing the results of the additional investigation undertaken in proposed soft landscaped areas not overlying any basement including a Risk Assessment and any recommendations for remedial works at the site; and
 - iii. Where remediation is required, it shall be carried out before the site is occupied and a validation report stating that remediation has been completed as agreed with the local planning authority must also be prepared by a suitably qualified person and submitted to the local planning authority for written approval. Occupation of the site must not occur until the certificate or validation report has been approved by the local planning authority.

Reason: To ensure that contaminated land is properly treated and made safe before development, to protect public health and to meet policy DEV51 Contaminated Land in the London Borough of Tower Hamlets Unitary Development Plan 1998.

12. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the local planning authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the local planning authority.

Reason: Significant archaeological remains may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG16, and to meet the requirements of the following policy in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998):
DEV45 Protection of Archaeological Heritage.

13. No works shall take place on site until the applicant has secured the implementation of a programme of recording and historic analysis, which considers buildings structure, architectural detail and archaeological evidence. This shall be undertaken in accordance with a written scheme of investigation submitted by the applicants and approved by the local planning authority.

Reason: Important structural remains are present on the site. Accordingly the local planning authority wishes to secure the provision of historic building recording prior to development, in accordance with the guidance set out in PPG15.

14. Compensatory flood storage works shall be carried out in accordance with calculations and details demonstrating that there will be no reduction in flood storage capacity of the Limehouse cut. These shall have been submitted to and approved in writing by the local planning authority before the development commences.

Reason: To prevent an increase in the risk of flooding.

15. Surface water drainage works shall be carried out in accordance with calculation and details which shall have been submitted to and approved in writing by the local planning authority before the development commences.

Reason: To minimise the risk of flooding.

16. Surface water control measures shall be carried out in accordance with details which shall be submitted to and approved in writing by the local planning authority before development commences.

Reason: To ensure the implementation of sustainable drainage principles; the minimisation of the risk of flooding; and, to improve water quality.

17. No development approved by this permission shall be commenced until a scheme for renewing and maintaining the flood defences to the Limehouse cut has been approved by the local planning authority. The scheme shall be constructed and completed in accordance with the approved plans.

Reason: To maintain flood defences in both the short and long terms.

18. Access to the Limehouse Cut from the public highway at both blocks A and B shall be a minimum of 4 metres high by 4 metres wide clear of all obstructions. An access strip parallel to the Cut shall be a minimum 4 metres high by 4 metres wide clear of all major obstructions. Any obstructions in this space shall be capable of being easily removed.

Reason: To maintain access to the watercourse for the Agency to carry out its functions.

19. During construction no solid matter shall be stored within 10 metres of the banks of the Limehouse Cut and thereafter no storage of materials shall be permitted in this area.

Reason: To prevent solid materials from entering the Limehouse Cut and causing pollution.

20. No development approved by this permission shall be commenced until the local planning authority is satisfied that adequate sewerage infrastructure will be in place to receive foul water discharges from the site. No buildings (or uses) hereby permitted shall be occupied (or commenced) until such infrastructure is in place.

Reason: To prevent pollution of the water environment.

21. Before the development is commenced a detailed Remediation Strategy and Method Statement shall be developed giving details of appropriate measures to prevent pollution of controlled waters, including suitable provision for monitoring surface and groundwater where appropriate.

Remedial target values shall be submitted to, and approved in writing by, the local planning authority. A detailed treatability study, site specific working plan, and contingency arrangements shall also be agreed prior to remedial work commencing.

Reason: To prevent pollution of groundwater.

22. Before the development is commenced a final Remediation Validation Report shall be submitted detailing the final remediation target values and any variance in actual soil contamination concentrations. Any exceedance of target values should be justified within the report.

Reason: To prevent pollution of the water environment.

23. Development should not be commenced until impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

24. Prior to the commencement of the development the applicant shall submit details to be approved in writing by the local planning authority of the 10% renewable energy measures, gas fired primary Combined Heat and Power system and secondary liquid biomass oil boiler, which shall be in accordance with the revised energy strategy submitted January 2007.

The combined renewable energy technologies shall reduce carbon dioxide emissions from the development by at least 10% or meet at least 10% of the development's energy demand. The approved Combined Heat and Power system and renewable energy technologies shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.

Reason: To support national energy reduction strategies and comply with London Plan policies 4A.7 - 4A.9.

25. Details of noise control and insulation measures for the development, to prevent the transmission of noise and vibration between the approved residential units and the adjacent railway, as submitted by the applicant dated 12 October 2006 shall be implemented before the occupation of the residential units and shall thereafter be permanently retained to the satisfaction of the local planning authority.

Reason: To safeguard the amenity of the future occupants of the accommodation hereby approved by preventing noise and vibration nuisance.

26. The Building works required to carry out the use/development allowed by this permission must only be carried out within the following times:-

- 8.00 Hours to 18.00 Hours, Monday to Friday
- 9.00 Hours to 13.00 Hours on Saturdays
- You must not carry out the building works on Sundays or Bank Holidays.

Noisy operations shall not take place outside these hours unless the Council has agreed that there are exceptional circumstances, for example to meet police traffic restrictions, in an emergency or in the interests of public safety

Reason: To safeguard the amenity of nearby residents and the area generally from noise, vibration and dust and to meet the requirements of the following policies in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998):

DEV50 Noise

HSG15 Preservation of Residential Character.

27. Any power/hammer driven piling or impact breaking out of materials required during the demolition or construction carried out in pursuance of this permission shall only take place between the hours of 10.00am and 4.00pm Monday to Friday and at no other time, except in emergencies or as otherwise agreed by the local planning authority in writing.

Reason: To safeguard the amenity of the adjoining premises and the surrounding area generally from noise, vibration and dust and to make sure the operation meets the requirements of the following policy in the London Borough of Tower Hamlets Unitary Development Plan 1998:

Policy HSG15 Preservation of Residential Character.

28. No use within Classes A3 shall commence until detailed drawings showing the design, construction and insulation of a suitable means of fume extraction and ventilation, incorporating grease and odour filters, has been submitted to and approved in writing by the local planning authority.

Provision in accordance with the details thus approved shall be made prior to the commencement of the use and shall thereafter be permanently retained to the satisfaction of the local planning authority.

Reason: To safeguard the amenity of the occupiers of nearby properties by preventing noise disturbance; to ensure that the development is satisfactory in function; and to ensure a satisfactory appearance in accordance with the following policies in the London Borough of Tower Hamlets Unitary Development Plan 1998:

DEV2 Environmental Requirements

DEV50 Noise

HSG15 Preservation of Residential Character

S7 Development of Special Uses.

29. Full details of any brown and green roof systems shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is commenced. The development shall not be carried out otherwise than in accordance with the details so approved.

Reason: To ensure that the roof systems provide satisfactory support and enhancement of the wildlife environment in the locality.

30. Applicant shall submit a detailed study considering the feasibility of using the canal system for the transportation and transfer of construction materials and household waste as a viable alternative to road transport for the consideration of the Council before the development hereby approved commences.

Reason: To consider the opportunities to increase the sustainability of the development by the incorporating existing underused adjacent facilities.

31. All residential units hereby permitted shall be built to the Joseph Rowntree Lifetime Homes Standards, and 10% of the units shall be designed as wheelchair units, details of which should be submitted to and approved in writing by the local planning authority prior to the commencement of works on site.

Reason: To comply with Planning Standard 5 of the Council's Core Strategy and Development Control Submission Document of the Local Development Framework November 2006 "Lifetime Homes".

32. An Air Quality Assessment shall be submitted to and approved by the Council as local planning authority before any work is commenced on site:

The development shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the impact of the development upon Air Quality is minimised.

Informatives:

1. This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990.
2. You are advised to consult the Council's Highways Development Department regarding any alterations to the public highway.
3. With regard to conditions 3 and 6, details of hard landscaping works must include the following.
 - Proposed earthworks and finished levels or contours.
 - Means of enclosure.
 - Car parking layouts.
 - Other vehicle and pedestrian access and circulation areas.
 - Hard surfacing materials.
 - Minor artefacts and structures (for example, furniture, play equipment, refuse or other storage units, signs, lighting including floodlighting and so on).
 - Walls, fencing, railing and gates.
 - Proposed and existing functional services above and below ground (for example drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports and so on).
 - Retained historic landscape features and proposals for restorations, where relevant.
 - Boundary treatment.

Details of soft landscaping works must include the following.

- Planting plans.
 - Written specifications (including cultivation and other operations associated with plants and grass).
 - Schedules of plants, noting species, plant sizes and proposed numbers where appropriate. Comment: Please also refer to densities where appropriate
 - A programme setting out how the plan will be put into practice including measures for protecting plants both during and after development has finished.
4. With regard to Condition 11 (Decontamination), you should contact the Council's Environmental Health Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY.
 5. You are advised that the Council operates a Code of Construction Practice and you should discuss this with the Council's Environmental Health Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY.

6. With regard to conditions 12 and 13 you are advised to contact English Heritage (David Divers), 23 Savile Row, London W1S 2ET. Tel: 020 7973 3748.
7. With regard to conditions 14 to 22 you are advised to contact the Environment Agency, Apollo Court, 2 Bishops Square Business Park, St Albans Road West, Hatfield, Herts AL10 9EX. Tel: 08708 506 506.
8. With regard to condition 23 you are advised to contact Thames Water with whom you should also consult with regard to: water pressure; water supply infrastructure; public sewer connections; sewage disposal on site; and, separation of foul and surface water, Thames Water, Development Control, Asset Investment Unit, Maple Lodge, Denham Way, Rickmansworth, Herts, WD3 9SQ. Tel: 01923 898072.
9. You are advised to contact Docklands Light Railway Limited with regard to details of design and construction methods to ensure safety and operating requirements of the DLR. Docklands Light Railway Limited, Property Services, PO Box 154, Castor Lane, Poplar, London, E14 0DX. Tel: 020 7363 9700.
10. You are advised to contact English Nature (Samantha Lyme) with regard to the design of the external lighting system and its impact upon foraging bats, Essex, Hertfordshire and London Team, Devon House, 12-15 Dartmouth Street, Queen Anne's Gate, London SW1H 9BL.

5.2.9 In addition to these affordable housing completions, Council records show 178 completed dwellings resulted from external funding (including key worker funded programmes), 291 vacant homes were brought back into use and 304 non-self contained dwellings were completed.

5.2.10 Planning obligations secured a potential 2,033 affordable housing units during the monitoring period (LOI 41).

Housing Quality

5.2.11 67% of Tower Hamlets homes were reported as being non-decent at 1 April 2005 (SEI 3). This is an improvement from last year's figure of 78% reported as non-decent.

Family Housing

5.2.12 The Council has achieved 21.7% provision of family housing in the social rented sector (based on the number of units completed). There is particular need to improve on past provision of family housing in the market sector where only 1.7% family housing was achieved. In the intermediate sector 9.5% of dwellings were affordable. The table below shows the amount and percentage of family housing completed during the monitoring period (LOI 10, LOI 11).

Table 9: Family housing provision

Sector	Number of family dwellings	Total dwellings completed	Percentage
Social Rented	147	678	21.7%
Intermediate	13	137	9.5%
Market	34	2019	1.7%
Total	194	2834	6.8%

Gypsy and Traveller Sites

5.2.13 There are currently 19 designated pitches in the Borough for gypsies and travellers. These are all located at Eleanor Street at the existing designated gypsy and travellers site (LOI 15).

Open Space

5.2.14 There is a total of 244 ha of designated open space in the Borough (LOI 22). This equates to 1.14 ha per 1,000 population. This is below the target for the Borough.

5.2.15 In 2005, four parks in the Borough were awarded the Green Flag Award. These included Island Gardens (1.25 ha), Trinity Square Gardens (0.49 ha), Weavers Fields (6.31 ha) and Mile End Park (62.93 ha). This represents 29% of the Borough's open space (COI 4c). Green Flag Awards visibly demonstrate a clear improvement to parks and green spaces and rely on independent verification.

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LONDON BOROUGH OF TOWER HAMLETS

Agenda Item number:	7.3
Reference number:	PA/07/02706
Location:	Site at Caspian Works and Lewis House, Violet Road
Proposal:	Redevelopment to provide buildings of between four and eleven storeys (38.95 metres AOD) for mixed use purposes including 143 residential units, Class A1,A2, A3 and B1 (shops, financial and professional services, restaurants/cafes and business) uses with associated works including car parking and cycle parking, roof terraces, landscaping and servicing. (AMENDED PROPOSAL)

3. AMENDMENTS TO THE APPLICATION AND REPORT

- 1.1 Following finalisation of the report to Committee, the agent submitted revised scheme involving a reduction in units which altered the dwelling mix. The changes are internal and the external appearance, height, bulk and relationships to neighbours are unchanged. This is the subject of this addendum report.

Revised Proposal Description

- 1.2 The proposal has been amended as reflected in the revised proposal description:

"Redevelopment to provide buildings of between four and eleven storeys (38.95 metres AOD) for mixed use purposes including 143 residential units, Class A1,A2, A3 and B1 (shops, financial and professional services, restaurants/cafes and business) uses with associated works including car parking and cycle parking, roof terraces, landscaping and servicing. (AMENDED PROPOSAL)"

Revised Application Drawings

- 1.3 The amendments are reflected in the revised application drawings:

P007, 206081/050, 206081/051, 206081/052, 20681/053, 20681/055, 206081/056, 206081/057, 206081/058, 206081/059, 206081/110, 206081/120/B, 206081/121/B, 206081/122/C, 206081/123/D, 206081/124/D, 206081/125/C, 206081/126/D, 206081/127/B, 206081/128/C, 206081/129/B, 206081/130/B, 206081/150/C, 206081/151/C, 206081/152/B, 206081/153/C, 206081/155/B, 206081/156/B, 206081/157/B, 206081/158/B, 206081/159/C

Application revisions – reduced units

1.4 The proposed revisions involve a reduction in units from 148 flats to 143 flats:

Table - Original scheme (148 Units)

	Market Sale	Social Rent	Shared Ownership
Studios	2	0	0
1 Bedroom flat	32	10	2
2 Bedroom flat	45	15	6
3 bedroom flat	19	9	2
4 Bedroom flat	0	4	2
Total Units	98	38	12
Total Affordable Units		50	

Table - Revised scheme (143 Units)

	Market Sale	Social Rent	Shared Ownership
Studios	2	0	0
1 Bedroom flat	28	7	2
2 Bedroom flat	45	12	6
3 bedroom flat	20	12	2
4 Bedroom flat	1	4	2
Total Units	96	35	12
Total Affordable Units		47	

Application revisions – Change to dwelling mix including family housing

- 1.5 The subsequent change to the dwelling mix with an increased percentage of family housing in accordance with HSG2 of the Interim Planning Guidance:

Table – Family housing provision by tenure

Tenure	% Original	% Revised	% HSG2 req't
Social-rented	35	45	45
Intermediate (Shared ownership)	33	34	25
Market	19	22	25
Total	24	33	30

4. NOTIFICATION OF THE REVISED APPLICATION DETAILS

- 2.1 The above material changes necessitate re-consultation of the application to neighbours, all external consultees and relevant internal consultees. In addition a new site notice and newspaper notification is required. The re-notification period will be finishing 28 January 2008. It is noted that there are no external alterations that would otherwise change the relationships to neighbouring properties which have been considered as part of the assessment of the original application.

3. ADDITIONAL CONSULTATION RESPONSES RECEIVED

- 3.1 Since the finalisation of the report the Council received the following consultation response(s):

Lee Valley Regional Park Authority (LVRPA)

- 3.2 The LVRPA objects to the scheme on grounds that the applicants and council have failed to demonstrate adequate provision for open space is to be made to meet the needs of large scale residential development in the area formerly used for commercial purposes. Additionally, the LVRPA requests that the council identify additional land in the area for public open space and endeavour to fund this through section 106 planning contributions.

- 3.4 (Officer comment – In the extant permission which is reproduced in Appendix A of this committee agenda item, it was reported that the Lee Valley Regional Park Authority raised objection to the scheme on grounds that the scheme was premature before seeking adequate open space to meet the needs of local residents in this former employment area. However, the case officer reported that the extant scheme made provision for 9,600sqm of open space including public open space associated with the canal-side walkway along Limehouse Cut as well as semi-private, private amenity space and children’s playspace on the site for future residents.
- 3.5 The subject scheme on the Strong and Hoe sites relate to the extant permission. With the extant permission securing the public open space in the form of the public canal-side walkway, the subject scheme makes provision for semi-private, private amenity space and children’s amenity playspace on site which exceeds the minimum requirements. In terms of s106 planning contributions, it is considered that the improvements in the area for Limehouse Cut have already been secured. Nevertheless, as discussed in the officer report on the subject scheme, the agent and British Waterways are in discussions to agree a planning contribution for canal-side improvement projects which would contribute to public protection and enhancement of public access to riverside walkways.
- 3.6 Therefore, the objections of the Lee Valley Park Authority are acknowledged however, it is considered that the provision of open space, both public and private, is of an acceptable level in the area so as to cater for the needs of future residents as well as providing improvements along Limehouse cut that will benefit existing residents. In the absence of any demonstrable harm, the existing agreement to improve Limehouse Cut which was secured in the extant permission as well as contributions being negotiated with British Waterways on the subject scheme are an acceptable and seeking further contributions is not considered justifiable.)

The Greater London Authority (GLA)

- 3.7 The GLA considers that the scheme is consistent with the Lower Lea Valley Opportunity Area Planning Framework in terms of Landuse. The principle of development is acceptable but an affordable housing toolkit is required to demonstrate affordable housing can be delivered. In terms of detailed matters, the energy strategy should link to the extant permission and more/better communal open space including children’s playspace should be provided. Clarification on dwelling typology and transport matters is requested. The GLA also notes the scheme is EIA (Environmental Impact Assessment) development.
- 3.8 (Case Officer Report – The following comment is provided:
- The request for an affordable housing toolkit has been made to the agent although, it is noted that the scheme has since been revised with an improved affordable and family housing provision as discussed previously in this addendum report;
 - The energy strategy for the development considers the extant permission with the Council’s energy officer satisfied with the scheme and noting in particular that the bio-fuel Combined Heat and Power Plant (CHP) will integrate with the wider communal network that serves the extant permission;

- The scheme provides a total provision of amenity open space in excess of policy requirements and amended plans now incorporate children's playspace therefore is considered to address the GLA's concern. It is also noted that the provision including communal spaces are made in varying provisions including ground floor on the strong site to podium and terraced areas on both the Strong and Hoe sites in addition to private amenity space to cater for the needs of future residents. More detailed discussion is provided in paragraphs 8.35-8.39 of the case officer report. This provision is in addition to the public walkway improvements along Limehouse Cut that were already secured in the extant planning permission;
- In respect of dwelling typology, the revised plans now provide 45% family-sized housing in the social rent tenure in accordance with Council policy HSG2 therefore is considered to address the GLA concerns;
- Noting that the GLA report advises that Transport For London (TFL) have no in-principle objections and no objection raised by the Council's Highways Team, the transport matters raised in the detailed GLA officer report are for the consideration and response of the agent;
- As advised in the case officer report in paragraph 8.56 a screening opinion was provided by Council on 7th September 2007 confirming the scheme does not fall within schedule 2 of the EIA regulations 2006 and therefore, an EIA is not required.

3.9 Therefore, the report assessment and recommendation is unchanged, noting that a decision of the Council to grant planning permission is subject to any direction given by the Mayor.)

4. RECOMMENDATION

4.1 Subject to any new issues raised in the re-notification of the scheme, the recommendation to grant permission remains unchanged subject to revisions mentioned below

Heads of terms

4.2 The reduction in units necessitates a corresponding revision to the heads of terms:

*"B. The prior completion of a **legal agreement** to secure the following planning obligations:*

- a) A proportion of **36%** on habitable rooms of the proposed units to be provided as affordable housing with the socially rented mix as specified in this addendum report;*
- b) Provide **£1834.00** towards bus stop survey;*
- c) Provide **£14,667.00** towards bus stop improvements;*
- d) Provide **£58,667.00** towards highway safety improvements;*
- e) Provide **£249,847.00** towards education to mitigate the demand of the additional population on education facilities;*

- f) Provide **£585,889.00** towards medical facilities to mitigate the demand of the additional population on medical facilities; and
- g) Provide **£22,000.00** towards Public Art."

Delegation to the Corporate Director to determine the application following re-notification

- 4.3 The re-notification period expires in January 2008 and given that there are no external changes that otherwise alter the relationships to the neighbours, it is recommended that the Committee give delegation to the Corporate Director Development and Renewal to determine the application:

"3.2 That following the finalisation of the re-notification of the application that the Corporate Director Development & Renewal be delegated authority to determine the application and negotiate the legal agreement indicated above."

(End of addendum)

Agenda Item 7

Committee: Strategic Development	Date: 31 st January 2008	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Michael Kiely		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
 - the adopted Tower Hamlets Unitary Development Plan (UDP) 1998 as saved September 2007
 - the adopted London Plan 2004 (as amended by Early Alterations December 2006)
- 3.2 Other material policy documents include the Council's Community Plan, Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 Decisions must be taken 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. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (AS SAVED) is the statutory development plan for the borough (along with the London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 but also the emerging plan and its more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 5.

5. RECOMMENDATION

- 5.1 The Committee to take any decisions recommended in the attached reports.

Agenda Item 7.1

Committee: Strategic Development	Date: 31 st January 2008	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Joe Salim		Ref No: PA/06/02101	
		Ward(s): Blackwall and Cubbitt Town	

1. APPLICATION DETAILS

- Location:** Building C, New Providence Wharf, Blackwall Way, London
- Existing Use:** Part of former oil depot used as a construction site (Use Class B2).
- Proposal:** Erection of a part 12, part 44 storey building to provide 486 flats, a 323 sq m retail unit (Use Class A1) and concierge, a 948 sq m Health and Fitness club (Use Class D2) together with associated landscaping, car parking, servicing and plant.
- Drawing Nos:**
- DPA-001/01, DPA-002/01, DPA-101/01, DPA-102/01, DPA-103/02, DPA-104/02, DPA-105/02, DPA-105/02-27% Option, DPA-106/02, DPA-106/02-27% Option, DPA-107/02, DPA-108/01, DPA-109/02, DPA-109A, DPA-110/012, DPA-201/01, DPA-202/01, DPA-251/01, DPA-252/01, DPA-253/01, DPA-254/01, DPA-501/01, DPA-503/01, LSK002;
 - Design and Access Statement, dated November 2006;
 - Addendum to Design and Access Statement, dated July 2007;
 - Response to CABE Review, dated February 2007
 - Planning Statement, dated November 2006;
 - GLA Toolkit and Renewable Energy Report, dated November 2006;
 - Energy Strategy Response and Revised Proposals – July 2007-Issue2 9/7/07, received on 13 July 2007;
 - GLA Toolkit and Renewable Energy Report July – Proposal Executive Summary-Issue2, received on 17 July 2007;
 - Transport Assessment, dated November 2006;
 - Transport Assessment addendum (Tfl comments - ref: 11140186), received on 13 July 2007;
 - GLA Affordable Housing Toolkit Submission, dated 13 April 2007;
 - GLA Affordable Housing Toolkit 2007/2008 Submission, dated 16 November 2007;
 - Archaeological Excavation and Watching Brief, dated November 2007;
 - Letter on consultation response, dated 15 May 2007;
 - Environmental Statement Volume I, dated November 2006;
 - Environmental Statement Volume II, dated November 2006;
 - Environmental Statement Volume I:Technical Appendices,

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Xxxx Xxxx 020 7364 xxxx

- dated November 2006;
- Non-Technical Summary, dated November 2006;
- Statement of Community Involvement, dated November 2006;
- Regulation Response, dated 16 April 2007;
- ES Response letter (44407420), dated 5 July 2007;
- ES Reg19 Response letter (44407420), dated 19 November 2007;
- ES Reg19 Response letter (44407420), dated 13 December 2007;
- ES Non-Technical Summary, December 2007;
- Geo-Environmental Investigation New Providence Wharf – Building C (12040265/006), November 2007

Applicant: Landor (Dundee Wharf), Landor Residential Limited and Ballymore Ontario Limited
Owner: Landor (Dundee Wharf), Landor Residential Limited and Ballymore Ontario Limited
Historic Building: Adjoining Grade 2 listed vent shaft
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The proposal is in line with the Mayors and Council's policy, as well as government guidance, which seeks to maximise the development potential of sites. As such, the development complies with policy 4B.3 of the London Plan and HSG1 of the Council's Interim Planning Guidance (October 2007) which seeks to ensure this.
- The change of use from General Industrial use (Class B2), to a residential mixed use scheme (Use Classes A1, D2 and C3) is acceptable as the site is located in a designated housing area and is unsuitable for continued industrial use due to its location, accessibility, size and condition. As such, the proposal is in line with employment policies 3B.1 and 3B.4 of the London Plan, policies CP1, CP11, CP14, CP15, EE2, HSG1 and RT4 of the Council's Interim Planning Guidance (October 2007) and policy IOD23 of the Council's Interim Planning Guidance (October 2007) for the purpose of Isle of Dogs Area Action Plan, which consider appropriate locations for future development and redevelopment of employment sites.
- The retail (Class A1) and leisure uses (Class D2) are acceptable in principle as they will provide for the needs of the development and also present employment opportunities in a suitable location. As such, it is in line with policies ST34, ST49 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, SCF1, and RT4 of the Council's Interim Planning Guidance (October 2007), which seek to ensure services are provided that meet the needs of the local community.
- The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.4, 3A.7 and 3A.8 of the London Plan, policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (October 2007), which seek to ensure that new developments offer a range of housing choices.
- The density of the scheme would not result in the overdevelopment of the site or any of the problems that are typically associated with overdevelopment. As such,

the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, DEV1 and DEV2 of Council's Interim Planning Guidance (October 2007), which seek to provide an acceptable standard of accommodation.

- The quantity and quality of housing amenity space and the public realm strategy is considered to be acceptable and in line with PPS3, policy 3A.15 of the London Plan, policy HSG16 of the Council's Unitary Development Plan 1998 and policy HSG7 of the Council's Interim Planning Guidance (October 2007), which seek to improve amenity and liveability for the future residents.
- The building height, scale, bulk and design is acceptable and in line with regional and local criteria for tall buildings. As such, the scheme is in line with Planning Policy Guidance 15, policies 4B.1, 4B.5, 4B.8 and 4B.9 of the London Plan, policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies CP48, DEV1, DEV2, DEV3, DEV27, CON1 and CON5 of the Council's Interim Planning Guidance (October 2007), which seek to ensure buildings are of a high quality design and suitably located.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policy 3C.22, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport option.
- Sustainability matters, including energy, are acceptable and in line with policies 4A.7 to 4A.10 and 4B.6 of the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable development practices.
- Contributions have been secured towards the provision of affordable housing; health care and education facilities; highways improvements; transport; open space; and access to employment for local people in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.
- The submitted Environmental Statement is satisfactory, including the cumulative impact of the development. Mitigation measures will be ensured through conditions and a s106 agreement.

3. RECOMMENDATION

3.1 That the Committee resolve to GRANT planning permission subject to:

3.2 A. Any **direction** by **The Mayor**

3.3 B. The prior completion of a **legal agreement**, to the satisfaction of the Assistant Chief Executive (Legal Services), to secure the following:

1. Affordable housing provision of 27% (of the total proposed habitable rooms) with a 75/25 split between rented/ shared ownership to be provided on site;
2. A contribution of £4,000,000 towards the proposed Preston's Road Roundabout Project, to mitigate the impacts of the additional population on the surrounding highways (surplus to be provided towards local infrastructure improvements);
3. Establish and prepare the legal framework for a Working Group (consisting of the Council, developers, statutory stakeholders and other parties) to deliver
 - short term improvements to enhance north-south connections at grade level between the application site and local amenities north of Aspen Way; and
 - long term public realm improvements within the existing Preston's Road Roundabout and surrounding linkages.

4. A contribution of £1,952,000 to mitigate the demand of the additional population on health care facilities;
5. A contribution of £548,000 to mitigate the demand of the additional population on education facilities;
6. Provision of public open space to the north of the application site (on TfL land), including landscape and management plan, to relieve the pressure that will arise from the new dwellings on existing open space and recreational facilities within the area;
7. A contribution of £250,000 towards public open space (TfL land if secured or then other space), to relieve the pressure that will arise from the new dwellings on existing open space and recreational facilities within the area;
8. Completion of a car free agreement to restrict occupants applying for residential parking permits;
9. Preparation, implementation, and review of a Green Travel Plan;
10. Preparation, implementation and review of a Environmental Management Plan;
11. Commitment towards utilising employment initiatives in order to maximise the employment of local residents in and post construction phase;
12. TV reception monitoring and mitigation;
13. DLR Radio Communication investigation, mitigation and monitoring; and
14. Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.4 That the Head of Development Decisions be delegated authority to impose conditions on the planning permission to secure the following:

Conditions

- 1) 3 year time limit for reserved matters
- 2) Particular details of the development
 - External materials;
 - Balcony details;
 - External plant equipment;
 - Hard landscaping;
 - External lighting and security measures; and
 - Communal telecommunication reception facilities
- 3) Refuse details required
- 4) Demolition and Construction Management Plan needs to be provided
- 5) Environmental Noise Assessment needs to be provided
- 6) Contamination Assessment required
- 7) Parking Management plan required
- 8) Landscape Plan required
- 9) Biodiversity Plan required
- 10) Flood Risk Management and Emergency Evacuation Plan required
- 11) Air Quality Assessment required
- 12) Radio impact survey on DLR signals required
- 13) Archaeological evidence details required
- 14) Drainage system details required
- 15) Section 278 highway works associated with the development required
- 16) Maximum and minimum parking standards for car, motorcycle and cycle.
- 17) Full details of the proposed CHP system required
- 18) Full particulars of energy efficiency technologies required
- 19) Site foundation details required
- 20) Lifetime Homes standards required
- 21) Protection of public sewers
- 22) Noise control limits
- 23) Hours of operation (only between the hours of 0800 to 1800 Mondays to Fridays and between the hours of 0800 to 1300 Saturdays)
- 24) Control of development works (restricting hours of use for hammer driven piling or

- impact breaking)
- 25) Maximum limits for vibration on site
 - 26) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

1. Section 106 agreement required
 2. Section 278 (Highways) agreement required
 3. Contact Environment Agency
 4. Contact Environmental Health Department Advice
 5. Metropolitan Police Advice.
 6. Contact Thames Water
 7. Contact LBTH Landscape Department
 8. Contact London City Airport on cranes
 9. Contact the GLA regarding the energy proposals.
- 3.5 That, if within 3-months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

- 4.1 The application is for the redevelopment of Site C, New Providence Wharf, with the erection of a part-12, part-44 storey (54,778 sq m) building, to provide 486 flats, 323 sq m of retail floor space (Use Class A1), concierge and a 948 sq m Health and Fitness club (Use Class D2), together with associated landscaping, car parking, servicing and plant.
- 4.2 The proposed development is the fourth and final part of the redevelopment of the former Charrington's Wharf site, now know as New Providence Wharf Estate. Sites A, B and D have already been completed.
- 4.3 The proposed building would comprise a curved 12 storey element, joined to a 44-storey tower that's 142.2 metres high. The health and fitness club would be located along the east end, at lower ground and basement levels. A small retail unit and Concierge would be located along the west, near Blackwall Way. The residential element would have entrances on the north and south side of the building, which then link with the 202 car, 19 motorcycle and 286 cycle parking spaces at basement level. Access would be via the existing roadway running off Blackwall Way into New Providence Wharf, which would be narrowed to allow increased landscaping around proposed building C. The proposed development would be provided with landscaping surrounding the building. This includes a children's play area in the north west corner of the site.
- 4.4 The Mayor reviewed the scheme and concluded in his Stage 1 report that the principle of the redevelopment of this underused site for a residential-led, mixed use, high-density scheme is consistent with London Plan policies. There were however the following planning matters affordable housing, energy, internal design, and open space that needed to be resolved. Subsequently, the scheme was amended to what is now proposed and the following table provides a summary of the alterations:

	Current scheme	Change from originally submitted scheme
Total Floorspace	54,778 sq m	+1971 sq m (Results from increase in the width of the tower by 1.2m and decrease in length by 250mm)
Residential floor area	45, 981 sq m	+1848 sq m
Total Residential Units	486	-13
Market Units	389	-7
Affordable Units	97	-6
Family Accommodation Units	73	+3
Car parking spaces	202	No change
Disabled parking spaces	1 at entrance of affordable units, and 2 informal spaces.	+1
Cycle parking spaces	486	+236
Retail (A1) and Concierge	323 sq m	No Change
Health and Fitness Club	948 sq m	No Change
Communal Open Space	2,599 sq m	+314 sq m
Private amenity space (garden and balconies)	3,261 sq m	+145 sq m
Children's Play Space	450 sq m	No Change

Table 1

4.5 To summarise, the changes include:

1. A decrease in the number of residential units on site from 499 to 486;
2. A change in the mix of units proposed on site, with an increase of 3 family size units;
3. 4% increase in building area with associated internal reconfiguration to improve layout of units, including provision of amenities for staff (There is no increase in the height of any component of the scheme);
4. Design changes to the solid and glazed areas of the exterior walls, including additional balconies;
5. Increase of communal open space, owing to the reduction in the width of the entry boulevard off Blackwall Way; and
6. Improved Energy Strategy.

4.6 In addition to the above changes to the scheme, the applicant also committed towards providing £4,000,000 towards the Council's Preston's Road Roundabout Project. This project would form part of the Council's Section 106 support for social and physical infrastructure improvements for the local area, that is now experiencing regeneration and an increase in population. Furthermore, the applicant is committed towards the provision of open space to the north of the site through further negotiations with landowner TfL (who, in principle, is in support for this area being used as meaningful useable open space).

4.7 Additionally, it should also be noted that the applicant, is prepared to increase the affordable housing provision from 27% to 30% in lieu of the £2.5m financial contribution towards health care and education facilities.

Site and Surroundings

4.8 The application site forms the 0.89 ha northern part of the 3.1 hectare former Charrington's

Wharf, now New Providence Wharf Estate. Charrington's Wharf was previously used as an oil depot and is being redeveloped in four phases, principally for residential and hotel purposes.

- 4.9 To the south, the application site is surrounded by the recently completed three phases. These separate the site from the Thames, with Building D, a 31 storey 111.95 m high residential tower and 8 storey hotel, Building A a 19 storey residential block completed in 2004, and Building B, a 11 storey residential block was completed in 2006 and forms the southwest boundary to the site. Blackwall Way bounds the site to the north and west.
- 4.10 North of Blackwall Way lies Aspen Way and the elevated Docklands Light Railway. To the west along Blackwall Way is the former Brunswick Arms PH, Alberta House and a hotel fronting Preston's Road. A pedestrian subway links the northern and south parts of Preston's Road that is bisected by a roundabout lying beneath Aspen Way and the DLR. To the east lies the Reuters Technical Centre. The Blackwall Tunnel runs beneath the site with a Grade 2 listed vent shaft, adjoining the site on vacant land to the north.
- 4.11 In terms of built heritage, the site adjoins the Grade 2 listed vent shaft to the north east. The closest conservation areas are Coldharbour Conservation Area some 200 metres to the south west and the Naval Row Conservation Area approximately 250 metres to the north beyond Aspen Way. The site occupies an outer edge in a bend in the Thames and is prominent in views from Aspen Way, Greenwich and the Millennium Dome opposite.
- 4.12 The surrounding area is experiencing the redevelopment of disused sites and comprises a mix of uses, primarily residential, commercial and retailing. The site has good access to public transport. On either side of Aspen Way lie Blackwall DLR station (150m via pedestrian subway link) and East India DLR Station (300m via Blackwall Way). Canary Wharf is approximately 850 metres to the west of the site and London City Airport lies some 2 kilometres to the east.

Planning History

The following planning decisions are relevant to the application:

- 4.13 On 22nd June 2001, planning permission (PA/00/00267) was granted for the redevelopment of Charringtons Wharf by erection of four buildings to provide 735 residential units, a 29,500 sq. m hotel (400 bedrooms) in a building 85.85 metres high, 42,600 sq. m of office accommodation (Building C), retail accommodation, a restaurant, health club, car parking, a riverside walk, landscaping and public open space. (PA/00/267). It was proposed that Building C would comprise a curvilinear building up to 16 storeys.
- 4.14 A legal agreement was executed between the developer and the Council. It secured the following obligations:
- A community contribution of £1,140,000.
 - Public art contribution of £150,000.
 - A public transport contribution of £50,000 for improvements to the pedestrian access between the site and East India DLR Station.
 - A riverside walk and public access through the site.
 - Affordable housing totalling 185 flats.
 - 'Car free' arrangements.
 - A public viewing gallery within the hotel.
 - The funding of associated highway works.
- 4.15 The developer paid 25% of the community contribution on commencement of the development and a further 25% on the start of the residential component. Payment of the public transport and public art contributions has also been made. The balance was due pro-

rata upon the commencement of the office and hotel elements. The riverside walk has been constructed across the whole of the site.

- 4.16 On 1st February 2002, planning permission was granted for amendments to the scheme that overall added 6 residential units (PA/01/1736). The number of flats in Building A increased by 56 to 556 and decreased in Building B by 50 to 185 resulting in a total of 741 units. A deed of variation to the Section 106 Agreement was executed.
- 4.17 On 27th February 2003, planning permission was granted for an amended version of Building B to create 47 additional residential units together with the retail and community uses previously approved (PA/02/1049). The scheme resulting in 232 flats in Building B and 788 units overall in New Providence Wharf. A Supplemental Agreement and further Deed of Variation to the Section 106 Agreement were executed. Inter-alia, these secured an additional £50,000 contribution to the community fund and 514 habitable rooms within Building B to be affordable housing.
- 4.18 On 6th October 2004 (PA/03/1387) and again on 20th October 2005 (PA/04/1858), permissions were granted for amended versions of Building D (the hotel). The final scheme, as currently being built, involved the erection of a 36,552 sq. m tower and podium building 111.95 m high AOD, to provide 260 flats (158 studios, 75 one-bedroom, 23 two-bedroom and 4 three-bedroom), a 14,106 sq. m 169 bedroom hotel, a 605 sq. m health club, a 36 sq. m A1/A2/A3/B1 unit and 45 car parking spaces.
- 4.19 The final planning permission for Building D involved a fresh composite agreement with the Council that secured, in addition to relevant outstanding matters from the earlier agreements, a minimum of 25% of the residential accommodation within the New Providence Wharf development to be affordable in terms of habitable rooms, car free arrangements and a pro-rata adjustment to the community contribution.

Planning history of surrounding area:

Reuters/Blackwall Yard (Development site ID16 in the IOD IPG October 2007 AAP)

- 4.20 On 15 July 2005, planning permission (PA/03/01515) was granted for the redevelopment of the site to provide six buildings of 11 to 29 storeys comprising 708 residential units (C3) and leisure (D2), non-residential institution (D1), business (B1a) and retail (A1,A2,A3) uses, new open space, access arrangements and car parking. Involves works to listed dock structure.

Alberta House, Gaselee Street, R Boyle Motor Engineering Ltd Site, Blackwall Way, And Brunswick Arms Public House, 78 Blackwall Way, London, E14

- 4.21 On 20 September 2007, planning permission (PA/07/00241) was granted for the demolition of the existing buildings and the redevelopment of the site to provide 133 residential units in buildings up to 25 storeys plus roof plant, 47sq.m of retail (A1/A3) use and 26sq.m of community (D1) use at ground floor level, with associated car parking, servicing & landscaping.

5. POLICY FRAMEWORK

- 5.1 The following policies are relevant to the application. For details of the status of relevant policies see the front sheet for "Planning Applications for Decision" agenda items.

Unitary Development Plan (as saved September 2007)

- 5.2 Proposals: Opportunity Site (Mixed uses, including predominately residential).

Areas of archaeological importance or potential
 East West Crossrail
 Flood Protection Area

5.3	Policies	DEV1	Design Requirements
		DEV2	Environmental Requirements
		DEV3	Mixed Use development
		DEV4	Planning Obligations
		DEV8	Protection of local views
		DEV12	Provision of Landscaping in Development
		DEV17	Siting and Design of Street Furniture
		DEV44	Protection of Archaeological remains
		DEV50	Noise
		DEV51	Contaminated Land
		DEV55	Development and Waste Disposal
		DEV57	Development affecting nature conservation areas
		DEV69	Water Resources
		EMP1	Encouraging New Employment Uses
		HSG7	Dwelling Mix
		HSG15	Preservation of residential character
		HSG16	Amenity Space
		T10	Priorities for Strategic Management
		T16	Impact of Traffic
		T18	Pedestrian Safety and Convenience
		T21	Existing Pedestrians Routes
		OS9	Child Play Space
		U2	Consultation Within Areas at Risk of Flooding
		U3	Flood Defences

Interim Planning Guidance for the purposes of Development Control (Oct 2007)

5.4	Proposals		Areas of archaeological importance or potential East West Crossrail Flood Protection Area
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5.5	Core Strategies:	IMP1	Planning Obligations
		CP1	Creating Sustainable Communities
		CP2	Equal Opportunity
		CP3	Sustainable Environment
		CP4	Good Design
		CP5	Supporting Infrastructure
		CP7	Job Creation and Growth
		CP11	Sites in Employment Use
		CP15	Range of Shops
		CP19	New Housing Provision
		CP20	Sustainable Residential Density
		CP21	Dwelling Mix
		CP22	Affordable Housing
		CP25	Housing Amenity Space
		CP27	Community Facilities
		CP28	Healthy Living
		CP29	Improving Education and Skills
		CP30	Improving the Quality and Quantity of Open Space
		CP31	Biodiversity
		CP37	Flood Alleviation
		CP38	Energy Efficiency and Production of Renewable Energy

	CP39	Sustainable Waste Management	
	CP40	A sustainable transport network	
	CP41	Integrating Development with Transport	
	CP42	Streets for People	
	CP43	Better Public Transport	
	CP46	Accessible and Inclusive Environments	
	CP47	Community Safety	
	CP48	Tall Buildings	
	CP49	Historic Environment	
	CP50	Important Views	
5.6	Policies:	DEV1	Amenity
		DEV2	Character & Design
		DEV3	Accessibility & Inclusive Design
		DEV4	Safety & Security
		DEV5	Sustainable Design
		DEV6	Energy Efficiency & Renewable Energy
		DEV7	Sustainable Drainage
		DEV10	Disturbance from Noise Pollution
		DEV11	Air Pollution and Air Quality
		DEV12	Management of Demolition and Construction
		DEV13	Landscaping
		DEV14	Public Art
		DEV15	Waste and Recyclables Storage
		DEV16	Walking and Cycling Routes and Facilities
		DEV17	Transport Assessments
		DEV18	Travel Plans
		DEV19	Parking for Motor Vehicles
		DEV20	Capacity of Utility Infrastructure
		DEV21	Flood Risk Management
		DEV22	Contaminated Land
		DEV24	Accessible Amenities and Services
		DEV25	Social Impact Assessment
		DEV27	Tall Buildings
		EE2	Redevelopment /Change of Use of Employment Sites
		RT4	Retail Development and Sequential Approach
		HSG1	Determining Residential Density
		HSG2	Housing Mix
		HSG3	Affordable Housing
		HSG4	Social and Intermediate Housing ratio
		HSG7	Housing Amenity Space
		HSG9	Accessible and Adaptable Homes
		HSG10	Calculating Provision of Affordable Housing
		SCF1	Social and Community Facilities
		OSN2	Open Space
		CON1	Listed Buildings
		CON4	Archaeology and Ancient Monuments
		CON5	Protection and Management of Important Views

Interim Planning Guidance for the purposes of Isle of Dogs Area Action Plan (IOD AAP October 2007)

5.7	Policies	IOD1	Spatial Strategy
		IOD2	Transport and movement
		IOD3	Health Provision
		IOD4	Education Provision
		IOD5	Open Space Provision
		IOD7	Flooding

IOD8	Infrastructure capacity
IOD9	Waste
IOD	
IOD23	East India South sub-area

5.8 **Supplementary Planning Guidance/Documents**

Designing Out Crime
Residential Space
Landscape Requirements
Archaeology and Development

5.9 **Spatial Development Strategy for Greater London (London Plan)**

2A.1	Sustainability Criteria
2A.4	Areas of Regeneration
3A.1	Housing Supply
3A.2	Borough Housing Targets
3A.4	Housing Choice
3A.5	Large residential development
3A.7	Affordable Housing Target
3A.8	Negotiating Affordable Housing
3A.15	Social Infrastructure and Community Facilities
3A.17	Health Objectives
3A.24	Floor Targets
3A.25	Social and Economic Impact Assessments
3C.1	Integrating Transport and Development
3C.2	Matching Development to Transport Capacity
3C.18	Local Area Transport Treatments
3C.22	Parking
3D.10	Open space provision in UDPs
4A.7	Energy Efficiency and Renewable Energy
4A.8	Energy Assessment
4A.9	Providing for Renewable Energy
4A.10	Supporting the provision of renewable energy
4A.14	Reducing Noise
4B.1	Design Principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Maximising the potential of sites
4B.4	Enhancing the Quality of the Public realm
4B.5	Creating an inclusive environment
4B.6	Sustainable Design and construction
4B.7	Respect Local context and communities
4B.8	Tall Buildings
4B.9	Large scale buildings, design and impact
4B.10	London's built heritage
4B.14	Archaeology
4C.6	Flood plains
4C.7	Flood defences
5C.1	The Strategic Priorities for East London
5C.2	Opportunity Areas in East London

5.10 **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

PPS22	Renewable Energy
PPG24	Planning & Noise
PPS25	Development and Flood Risk

- 5.11 **Community Plan** The following Community Plan objectives relate to the application:
- A better place for living safely
 - A better place for living well
 - A better place for creating and sharing prosperity
 - A better place for learning, achievement and leisure
 - A better place for excellent public services

6. CONSULTATION RESPONSE

The following were consulted regarding the application. The views of officers within the Directorate of Development and Renewal and officer comments on the external consultees are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

LBTH Cleansing

- 6.1 No comments received.

LBTH Education

- 6.2 A contribution towards the provision of 53 additional primary school places @ £12,342 = £654,126.

LBTH Energy Efficiency Unit

- 6.3 LBTH Energy Services are in support of the proposed development and the energy strategy submitted. The energy strategy however, needs to be developed further to be acceptable. They are satisfied that this matter can be addressed by a planning condition.

LBTH Environmental Health

Contaminated land

- 6.4 The proposal is acceptable subject to condition requiring further contamination investigation and mitigation works.

Air Quality

- 6.5 Concerns raised with regard to 'significance criteria' used in the assessment and the assessment not considering the impact of the car park emissions. It is recommended that a revised and updated assessment be submitted together with a separate Environmental Management Plan that considers the proximity of sensitive receptors to the site, provide air quality mitigation and dust monitoring during the demolition/construction phase.

Noise

- 6.6 Overall the noise report is satisfactory. However, it appears that the impact of the DLR and vent shaft on the residential units have not been fully assessed and further glazing specification and the proposed means of ventilation need to be agreed prior to commencement of the development.

Sunlight

6.7 No comment received.

LBTH Highways

It is considered that the development would be deemed acceptable providing:

- 6.8
- That section 106 agreement is entered into;
 - the Preston's Road Roundabout proposal, with £4m financial contribution is considered acceptable;
 - the entire development is covered by a car free agreement;
 - cycle parking provision is improved to meet 1:1 standard;
 - car parking be kept at no more than 202 spaces;
 - disabled car parking spaces be conveniently located;
 - a construction management plan is agreed;
 - a Green Travel Plan is agreed; and
 - a section 278 highway agreement is entered into.

Crossrail (Statutory)

6.9 No objection, subject to condition requiring full details of all structures below ground.

Environment Agency (Statutory)

6.10 No objection, subject to appropriate conditioning securing a flood warning system and an evacuation plan to upper levels, details of the green roofs, and native species for planting, details of surface and foul water drainage, foundation details, decontamination and no soakaways in contaminated land.

Government Officer for London (Statutory)

6.11 No comment received.

Greater London Authority (Statutory)

6.12 The Stage 1 report, dated 5 June 2007 (which includes TfL comments) concluded that a residential-led redevelopment of this site, as the last phase of the former Carrington Wharf, is in principle supported. Further negotiations with GLA and TfL concluded that, in principle, the regeneration of the Preston's Road Roundabout and provision of public open space to the north of the application site is acceptable, and that these should be given priority. Notwithstanding the support in principle, the following issues were identified as not being consistent with strategic planning policy:

- 27% affordable housing provision, and required further review of the financial appraisal to ensure that the affordable housing offer represents the maximum reasonable amount of affordable housing.
- Internal design (layout) and housing mix of the units requires improvement;
- The children's play space falls 1330m² short of that required, within an area that lacks good quality usable open space and outdoor facilities for children and young people;
- Energy strategy should consider district heating network and increased use of combined heat and power (tri-generation);
- Renewable energy technologies require further detailed work to ensure feasibility and provision;
- With the further network improvements, the scheme would not impact adversely on the road network or rail network; and
- A number of transport-related issues were raised, with the majority to be conditioned or secured under the S106 agreement.

Officer comment: In response to the concerns raised by the GLA, considerable amendments and commitments have been made to the scheme, to address these issues. This has been addressed in detail latter in this report.

Natural England (Formally English Nature and Countryside Agency) (Statutory)

- 6.13 Overall, they are happy that the ecological issues are being handled effectively. Furthermore, they are supportive of the proposal for increased public access and connectivity and recommend the use of suitable planning conditions or legal agreements secure 'brown roofs' to provide a habitat for Black Redstarts.

National Air Traffic Air Traffic Services (Statutory Consultee)

- 6.14 No safeguarding objection.

London City Airport (Statutory Consultee)

- 6.15 No safeguarding objection but requests a condition requiring the approval of details of the height and location of cranes and plant to be used during construction.

Docklands Light Railway

- 6.16 No objection in principle but seeks a condition regarding DLR radio communications. Advises excessive noise from the railway may affect the upper floors.

BBC

- 6.17 No comments received.

CABE

- 6.18 Generally supports the proposal but considers:
- The opportunity for improved permeability across Aspen Way should be pursued or improvements secured to the existing Preston's Road subway;
 - Notwithstanding the fact that the facing materials is considered to be of high quality to give the development a unique appearance, the relationship between the tower and the 'curved bar building' (the 12 storey element) is considered awkward and it is recommended that the buildings be separated; and
 - The position of the children's play space is too close to the noisy and sterile environments of Blackwall Way and Aspen Way.

Association of Island Communities

- 6.19 No comments received.

English Heritage

- 6.20 No objection.

English Heritage - Archaeology

- 6.21 The revised Archaeological Written Scheme of Investigation submitted in December 2007 is considered acceptable and it is recommended that further archaeological fieldwork in the area of the 17th century Mansion House be completed. On completion of all fieldwork a post-excavation assessment report should be submitted which will summarise the results of the excavation and will outline a programme of analysis and publication required to complete the

archaeological work.

London Borough of Greenwich

6.22 No comments received.

Metropolitan Police

6.23 No objection in principle. The development should be to Secured by Design Standards.

Splash Tenancy Association

6.24 No comments received.

Thames Water Utilities

6.25 No objections received. Details should be submitted for surface water drainage, and requires that development should impact on public sewers.

Tower Hamlets PCT

6.26 Initial communication with the PCT indicated that the application site will be asked to contribute £2,234,368 towards primary care needs of residents.

7. LOCAL REPRESENTATION

7.1 A total of 1031 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	4	Objecting: 2	Supporting: 1	No objection: 1
No of petitions received:	0			

7.2 The following local groups/societies made representations:

- Blackwall Way Residents Association

7.3 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

- Increased pressure on existing deficient public open space (including play space) in the area;
- Loss of view with associated overshadowing and sense of enclosure; and
- Increased disruption from construction, including noise and vibration.

7.4 The following issues were raised in representations, but they are not considered to be material to the determination of the application:

- Lack of consultation of Ontario Tower by developer prior to submission. Officer Comment: Although the Local Planning Authority encourages robust consultation prior to submission, the applicant is not required/obligated to do so. The matter was raised to the applicant who confirmed that a public consultation exercise (including notification of forthcoming residents of Ontario Tower) was conducted on 8 November 2006.

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the Committee must consider are:

- Land Use
- Housing
- Design, mass and scale
- Transport and Highway
- Impact on surrounding amenity
- Energy and renewable technology
- Section 106 Planning Contributions
- Other

Land Use

- 8.2 The application site is located within the East India South sub-area of the Interim Planning Guidance Isle of Dogs Area Action Plan (IPG IOD AAP Oct 2007). It identifies the site, larger New Providence Estate, and local area for potential residential use. This designation follows the mixed use designation as set out in the adopted UDP. The site is also located within the boundary of the Lower lea Valley Opportunity Area Planning Framework, which identifies the area for 'potential new housing'.
- 8.3 The application site forms part of the New Providence Wharf Estate (former Carrington Wharf), and the redevelopment of estate has been phased over the past six years. Originally, the application site was allocated for office use in the 2001 consent. Since approval, the emerging policy framework for the Isle of Dogs has focused the location of office more towards the Canary Wharf area.
- 8.4 With the designation for residential use and good linkages to the wider area, it is considered that there is no planning objection to the redevelopment of the site as part of a residential-led mixed use scheme. The proposal will provide 486 residential units, being consistent with the requirements of policy HSG2 of the UDP and policy HSG1 of the IPG October 2007 and Council's aims to meet the housing targets of 41,280 homes between 2006 and 2016.
- 8.5 Additional uses include 56sqm of retail, 267sqm of concierge (property caretaker) space and 948 sqm of Health and Fitness Club. It is considered that no planning objection could be sustained concerning the inclusion of this small commercial unit for retail, or the proposed health club, both of which would be appropriate within a residential complex and proportionately sized to meet the needs of the future residents.
- 8.6 As such, it is considered that the proposal is in accordance with policies 2A.4, 3A.1 and 3A.2 of the London Plan, policies CP1, HSG1 and RT4 of the IPG October 2007 and policy IOD23 of the IPG IOD AAP October 2007, which seek to ensure that the East India Sub Region will continue to be promoted as a residential area capable of accommodating significant new residential development.

Housing

Density

- 8.7 Policies 3A.2 and 4B.3 of the London Plan encourage Boroughs to exceed the housing targets and to address the suitability of housing development in terms of location, type and impact on the locality. Policies CP20 and HSG1 of the IPG October 2007 seek to maximise residential densities on individual sites taking into consideration the local context

and character, residential amenity, site accessibility, housing mix and type, achieving high quality, well designed homes, maximising resource efficiency, minimising adverse environmental impacts, the capacity of social and physical infrastructure and open spaces, and to ensure the most efficient use of land within the Borough.

- 8.8 Table PS8: Tower Hamlets Density Matrix of the IPG October 2007 locates the site within the northern part of Isle of Dogs. The site has a PTAL level 4 (in a range of 1-6, where 6b is the highest). The scheme is proposing 486 units and the proposed residential accommodation would result in a density of approximately 1429 habitable rooms per hectare (1272hr/0.89ha).
- 8.9 It is considered that the proposal is highly compatible with the local context and applies good design principles to the highest possible form (as fixed in the build cost of the viability assessment). Furthermore, the site is located close to Canary Wharf and benefits from good linkages to public transport, which would further be improved by the major improvement created by the site's contribution towards the Preston's Road Roundabout Project.
- 8.10 Other factors, such as standard of accommodation for prospective occupiers, impact on microclimate, energy strategies, sense of enclosure to neighbours, loss of privacy and overlooking to neighbours, sufficient on-site amenity space; and provision of public open space, were considered by GLA at Stage I. The Mayor recommended an increase in affordable housing, alterations to the internal design of the building, provision of open space and improved sustainability. As mentioned above, the applicant has addressed these issues and these were considered to be acceptable by the Council. These issues are all considered in detail in relevant sections of the report.
- 8.11 On review of the above issues, a high density residential-led mixed use development can be supported in this location as the proposal is considered to satisfy the relevant policy criteria as follows:
- Integrates effectively within the local context and character;
 - protect and enhance residential amenity;
 - incorporate good design principles;
 - provide range of housing choices;
 - benefits from good accessibility;
 - provide adequate open space;
 - mitigate likely cumulative impact on local services and infrastructure; and
 - maximising resource efficiency.
- 8.12 As such, although the density level is above the normal density range (1100hr/ha) expected for such a location, the density of the proposed development is considered to be in accordance with policies 3A.2 and 4B.3 of the London Plan and policies CP20 and HSG1 of the IPG October 2007, subject to the delivery of a high quality development and provision services and social infrastructure to mitigate impact associated with the development.

Affordable Housing

- 8.13 Policy 3A.7 of the London Plan sets out a strategic target that 50% of the new housing provision should be affordable, with 70% social rent and 30% intermediate rent. Policies CP22 and HSG3 of the IPG October 2007 states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought. Policy HSG4 of the IPG October 2007 require the ratio of social rented to intermediate housing at 80:20.

- 8.14 A total of 97 affordable housing units out of the total 486 units are proposed, representing 27% as calculated by habitable rooms (358 out of a total of 1251). Of the affordable housing provision, 75% would comprise social rented accommodation and 25% intermediate, calculated by habitable rooms. The provision does not meet the targets of the London Plan or IPG October 2007. Whilst the Stage 1 Report accepted the reasoned justification and figures as set out in the applicant's viability assessment, the Mayor required further review of the affordable housing officer and the viability appraisal.
- 8.15 The applicant revisited the housing provision and the Council required a revised and updated viability appraisal, using the 2007/2008 GLA Three Dragon Toolkit. The applicant reconsidered and revised the proposal to improve the housing mix but confirmed that, in light of the scheme's economic viability, the scheme cannot increase the affordable housing offer. After extensive review by Council Officers, it is considered that the reasoned justification and the figures appear to be reasonable, and that the 27% affordable housing provision is the maximum that can be provided.
- 8.16 Policy 3A.8 of the London Plan states that:
- 'Boroughs should seek maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, having regard to their affordable housing targets adopted in line with policy 3.7, the need to encourage rather than restrain residential development and the individual circumstances of the site. Targets should be applied flexibly, taking into account of individual site costs, the viability of public subsidy and other scheme requirements'.*
- 8.17 In accordance with GLA requirement, the Council have sought the maximum amount of affordable housing whilst taking into account the factors set out in the policy 3A.8 of the London Plan. These include the most effective use of private and public investment, which includes use of financial contributions. In this case, the most relevant planning contributions (financial contribution or public investment) offered by this scheme (as worked into the viability assessment) includes:
- A contribution of £4,000,000 towards the proposed Preston's Road Roundabout Project to mitigate the impacts of the additional population on the surrounding highways;
 - A contribution of £1,952,000 to mitigate the demand of the additional population on health care facilities;
 - A contribution of £548,000 to mitigate the demand of the additional population on education facilities;
 - Provision of public open space to the north of the application site (on TfL land), to relieve the pressure that will arise from the new dwellings on existing open space and recreational facilities within the area;
 - A contribution of £250,000 towards public open space (TfL land if secured, or other), to relieve the pressure that will arise from the new dwellings on existing open space and recreational facilities within the area; and
 - establish and prepare the legal framework for a Working Group.
- 8.18 As such, in the light of the viability assessment produced for the proposed development, the affordable housing provision and additional regeneration benefits arising from the proposal, the failure to provide a minimum of 35% affordable housing is considered acceptable. The proposed development is therefore in accordance with policy 3A.7 and 3A.8 of the London Plan and policies CP22, HSG3 and HSG4 of the IPG October 2007.
- 8.19 As mentioned above, the applicant is also prepared to increase the affordable housing provision from 27% to 30% in lieu of the £2.5m financial contribution towards health care and education facilities. This would result in a tenure split of 69% social rented accommodation and 31% intermediate. There would no variation to the housing mix overall.

Housing Mix

8.20 PPS3 and policy 3A.4 of the London Plan state that new developments should offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups. The GLA housing requirements study identified within the Mayor's Housing SPG provides a breakdown of housing need based on unit mix. However, according to the Mayors SPG, it is inappropriate to apply the identified proportions crudely at local authority level or site level as a housing mix requirement. Rather, they should be considered in preparing more detailed local housing requirement studies.

8.21 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. The UDP does not provide and prescribed targets.

8.22 The following table below summarises the proposed housing mix against policy HSG2 of the IPG October 2007, which seeks to reflect the Boroughs current housing needs:

8.23

		affordable housing						market housing		
		social rented			intermediate			private sale		
Unit size	Total units in scheme	units	%	IPG %	units	%	IPG %	units	%	IPG %
Studio	58	0	0	0	0	0	0	58	15%	25
1 bed	185	5	8%	20	19	59%	37.5	161	41%	25
2 bed	170	21	32%	35	13	41%	37.5	136	35%	25
3 bed	58	25	38%	30	0			33		
4 bed	12	11	17%	10	0			1		
5 Bed	3	3	5%	5	0	0	25	0	8%	25
TOTAL	486	65	100	100	32	100	100	389	100	100

8.24 Whilst taking into account the viability of the scheme, the applicant has made alterations to the proposed mix following the reviewed by GLA in their Stage 1 report. The proposed mix maintains 60% family accommodation within the social rent. Although the overall percentage for the private sale remains at 85, the applicant has increased the number of family size private units from 30 to 34.

8.25 Policy HSG2 of the IPG identifies that family housing is needed mostly within social rented housing. The following table demonstrates family housing achieved across the borough based on the most recently published LBTH Annual Monitoring Report 2006-2007.

8.26

Tenure	Borough-Wide %	Proposal %
Social-rented	17.5	60%
Intermediate	2.5	0%
Market	4.1	8%
Total	7.1	15%

8.27 The proposed development therefore far exceeds policy guidance for social family housing and also exceeds the amount of family housing otherwise achieved across the borough.

- 8.30 On balance, the scheme provides a suitable range of housing choices and meets the needs of family housing in the social rented component, and is therefore considered to comply with national guidance, the London Plan and the IPG October 2007 in creating a mixed and balanced community.

Amenity Space and Open Space

Private and Communal Amenity Space

- 8.31 Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space, and they should not increase pressure on existing open space areas and playgrounds. The Council's Residential Space SPG includes a number of requirements to ensure that adequate provision of open space is provided, and the following provides a summary of the sq. m required by the proposed development.

Unit Type	Proposed	SPG Requirement	Total (m ²)
Family Units	73	50sqm of private space per family unit	3650
Non-family units	413	50sqm plus an additional 5sqm per 5 non-family units;	463
Child Bed spaces (according to the GLA calculations)	178	3sq.m per child bed space	534
Total			4,647

- 8.33 Following is an assessment against the residential amenity space requirements under policy HSG7 of the IPG October 2007.

Units	Total	IPG October 2007 Minimum Standard (sq.m)	Required Provision (sq.m)
Upper Floor Units			
Studio	58	6	348
1 Bed	181	6	1086
2 Bed	167	10	1670
3 Bed	53	10	530
4 Bed	11	10	110
5 Bed	0	10	0
Total	470		3,744 sq. m
Ground Floor Units			
Studio	0	25	0
1 Bed	4	25	100
2 Bed	3	25	75
3 Bed	5	50	250
4 Bed	1	50	50
5 Bed	3	50	150
Total	16		625 sq. m
GRAND TOTAL	486		4,369 sq. m
Communal amenity		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	526 sq. m (50sq.m plus 476sqm).
Child Play Space		3 sq m for every child bed	534 sq. m (178*3) (GLA child

	space	calculation = 178)
Total Housing Amenity Space Requirement		5,429 sq. m

- 8.35 The total housing amenity space provided by this development is 5860 sq m, a figure above policy requirement.
- 8.36 The private amenity space provision for the proposed development, consisting of both private gardens at ground floor (192 sq m) and private balconies (3069 sq m) accumulates to 3,261 sq m. All two bedroom and family size units would benefit from private garden / balconies space.
- 8.37 The proposed communal/public ground floor amenity space accumulates to 2,599 sq m. The development provides an additional 450 sq m for formal children play space to the north of the building, which is surrounded by communal open space. The landscape design continues from that already established within the recently completed New Providence Wharf Estate. The proposed open space is to integrate with the various landscape spaces on the estate and would reinforce existing pedestrian links with new links to surrounding developments and the Thames.
- 8.38 Whilst providing good legibility and permeability within the communal space (publicly accessible and disabled friendly), the landscaping design (using the site's level changes and an ornamental canal/reflective pool) secure the privacy for future inhabitants and security of the site. This is reinforced by passive and natural surveillance from the proposed units and provision of adequate lighting. Notwithstanding the detailed design, it is recommended that further details be requested to ensure the design of these areas in accordance with the landscape objectives.

Open Space

- 8.39 Policy HSG16 of the adopted UDP states that all new housing developments should include an adequate provision of amenity space. Core Strategy CP25 of the IPG Oct 2007 continues this objective and states that all new housing developments should provide high quality, useable amenity space, which includes private and communal amenity space for all. This is further reinforced by CP25 which seek to ensure innovative opportunities to protect, improve and increase access to all types of open spaces to a standard of 1.2 hectares per 1000 population.
- 8.40 With an expected population of approximately 1251, the proposed development should provide a minimum of 1.5ha. The applicant has agreed to securing (to reasonable endeavours) the use of the Tfl land (approximately 0.4 ha) to the north of the application site as public open space. Within the viability assessment the applicant included the provision of a S106 financial contribution (£250,000) for landscaping the latter space, which adjoins the application site. Failure to secure the use of the Tfl land as open space, the contribution would be directed to improving other surrounding public open space.
- 8.41 Whilst not all of the units are provided with private amenity space (only small number of non-family units), the total on-site amenity space (5,860 sq m) provision exceeds the minimum requires of the Council's housing SPG and the Interim Planning Guidance. Although marginally below the required standards, the proposed child play space is considered to meet the reasonable needs of the future occupiers. The development would secure a significant public open space area north of the site and would enable good access to off-site recreational area for not only the development but also for the wider area.
- 8.42 On balance, the amenity space and open space provision is considered acceptable subject to a detailed landscape design condition and s106 contribution towards open space and

public realm improvements to mitigate and adverse impact upon the surrounding open space areas.

Standard of accommodation

- 8.43 Policy 3A.4 of the London Plan states that developments should cater for a range of housing sizes and types and should be built to lifetime homes standards and provide 10% wheelchair accessible units. Policy HSG9 of the IPG October 2007 continues this objective and seek to ensure that new developments consider existing and changing needs of all residents. Furthermore, policy HSG13 of the UDP and HSG9 of the IPG Oct 2007 require that all new developments have adequate provision of internal residential space in order to function effectively and should take into account the Council's supplementary guidance on residential space.
- 8.44 The new housing units are to be built to lifetime homes standards and a minimum of 10% of these are wheelchair accessible. The revised floor plates improves the internal design and layouts and also increase the floor areas of the unit, to meet and exceed minimum standards as set out in the Supplementary Planning Guidance Note 'Residential Space'. Further to this, the applicant has amended the scheme to provide a greater proportion of dual aspect units to address concerns raised by the GLA. The proposal provides sufficient refuse storage, subject to further information by way of condition. Overall, the standard of accommodation is considered acceptable and in accordance with the above mentioned policies and guidance.

Mass, bulk and design

- 8.45 Policy 4B.8 of the London Plan states that tall buildings will be promoted where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.9 of the London Plan provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design.
- 8.46 Policy DEV6 of the UDP specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference.
- 8.47 Policies CP1, CP48 and DEV27 of the IPG October 2007 state that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying wide range of criteria.
- 8.48 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at high quality design, which incorporate the principles of good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.
- 8.49 Policies DEV1 and DEV2 of the UDP and policy CP4 of the IPG October 2007 state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.50 In terms of form, height and massing, the proposed development responds to the existing Estate buildings. The scheme continues the predominant curvilinear form of the estate and proposes a low rise 12 storey (43.24m) base which then extends into a 44 storey (142.2m) tower. This form creates a gateway entrance to the estate between the proposed curved building and the Michigan building. The tower element would form the pinnacle to the

estate whilst it gathers together the low rise buildings through its relation with Ontario Tower.

- 8.51 The curved building uses a 'A-B' floor plate system and alternate solid and vision glass panels from floor to floor. The design shifts the balconies within a woven pattern between the solid masonry panels. The curved building is stitched together with the base of the tower by using balconies on alternative floors. The tower comprises a 'pinecone' plan allowing 5 balconies on each side (east and west), which look out directly south towards the Thames. The tower uses two different floor plan types throughout which provide a unique woven fabric appearance. The top of the tower steps down towards the north to mirror Ontario Tower, and in acknowledgment of the height and massing of the surrounding area. This design comprises good architectural and urban design quality, with high quality external materials.
- 8.52 Although the site is not within an identified tall building cluster, there are number of other tall residential buildings recently completed, consented or at pre-application stage. The scheme seeks to complete the emerging group of tall buildings, with the tower at the most northern tip of the estate adjacent to Aspen Way. Comments from the GLA Stage 1 report advises that the site is able to take up increased massing and height, and that the massing studies demonstrate that the scale and massing in relation to the surrounding buildings is appropriate, subject to high quality architecture and use of materials.
- 8.53 As mentioned, policy DEV27 of the IPG October 2007 provides a suite of criteria that applications for tall buildings must satisfy. Considering the form, massing, height and overall design against the above mentioned policy requirements, the proposal is considered to satisfy the relevant policy criteria as follows:
- The context of the site requires high architectural and design quality to complete the recent completed phases of the New Providence Wharf Estate. This design not only meets this standard but also achieve good architectural composition with surrounding buildings and relationship to open space provision (design alternatives other than tall buildings were considered inappropriate);
 - the development creates an acceptable landmark building within the centre of the newly defined housing area, which creates a focus point for the emerging group of tall buildings;
 - it contributes to an interesting skyline, from all angles and at night time;
 - the site is not within a strategic view corridor;
 - the site is not within a local view corridor and would not impact adversely on local landmarks;
 - the scheme provides adequate, high quality and usable amenity space;
 - the proposal also includes an appropriate S106 to secure land for public open space and secure a contribution towards the proposed open spaces;
 - the scheme present a human scaled development at street level and enhances the movement of people, including disabled users, through the communal/public open space whilst securing high standard of safety and security for future residents of the development;
 - the proposal satisfies the Council's requirements in terms of impact on privacy, sunlight & daylight, amenity and overshadowing;
 - the scheme meets the Council's requirements in terms of micro-climate;
 - demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management;
 - the impact on biodiversity will not be detrimental;
 - the mix of uses proposed are considered appropriate and will contribute positively to the social and economic vitality of the surrounding area;
 - the site is located in an area with good public transport accessibility;
 - takes into account the transport capacity of the area and includes an appropriate S106

contribution towards transport infrastructure, to ensure the proposal will not have an adverse impact on transport infrastructure and transport services;

- the scheme complies with density requirements set out in policy HSG1 of the IPG October 2007;
- conform with Civil Aviation requirements; and
- not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.

8.54 In light of supporting comments raised by the Council's Design Department and the GLA, the form, height, massing of the development is considered to be acceptable. The minor revisions to the design of the scheme, which includes additional balconies, addresses the concerns raised by GLA and CABE. It is recommended that the scheme be conditioned appropriately, to ensure that a high quality detailing of the development is achieved. Overall, it is considered that the proposed development is acceptable in design terms and in accordance with the above mentioned policy and guidance set out in the London Plan and IPG October 2007.

Built Heritage

8.55 PPG15 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a listed building to have special regard to the preservation of the setting of the listed building as the setting is often an important part of the building's character.

8.56 Policy 4B.10 of the London Plan seeks to protect and enhance London's historic environment. Furthermore, Policy 4B.11 states that Boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character.

8.57 Policy CON1 of the IPG October 2007 states that planning permission will not be granted for development which would have an adverse impact upon the setting of the listed building.

8.58 As mentioned earlier in this report, the site is not located in a conservation area. There is only the listed vent shaft within the vicinity of the site.

8.59 English Heritage, the Council's Design Department and GLA have raised no objection to the proposal and its impact upon the setting of the listed building. As such, the proposal is considered to be appropriate in accordance with PPG15, the London Plan and the IPG October 2007.

Transport and Highways

8.60 Policy T16 of the UDP and policies DEV17, DEV18 and DEV19 of the IPG October 2007 require new development to take into account the operational requirements of the proposed use and the impact (Transport Assessment) of the traffic that is likely to be generated. In addition, policy objectives seek to ensure that the design minimizes possible impacts on existing road networks, reduces car usage and, where necessary, provides detailed mitigation measures, to enable the development to be acceptable in planning terms.

Access

8.61 The site is in a location of good public transport accessibility (PTAL 4), with Blackwall DLR station (150m via pedestrian subway link) and East India DLR Station (300m via Blackwall Way) on either side of Aspen Way, and local bus services. The site is in close proximity to a range of local facilities (Poplar High Street) and Canary Wharf is approximately 850 metres to the west of the site. There are also good cycle routes in the area, and with the

estate and future developments complete, the area would benefit from good local pedestrian/cycle links.

- 8.62 Given the high amount of accommodation provided, the Council and GLA have determined that contributions for transport infrastructure and public realm improvements are required via the S106 agreement to ensure that the development can be accommodated within the transport network, particularly the pedestrian north-south subway links of the Preston's Road roundabout, lying beneath Aspen Way and the DLR.
- 8.63 The applicant has agreed to a contribution of £4,000,000 (including the new at-grade crossings and the decking of the roundabout) towards the proposed Preston's Road Roundabout Project.
- 8.64 Subsequent to the above review and comments, the Council's Planning Contribution Overview Panel (PCOP) agreed that contributions from future developments in the surrounding area should be pooled together to provide transport, social, community, public open space and other supporting infrastructure, which are required to sustain and encourage the current regeneration of this area. The panel agreed that contributions towards transport infrastructure and public realm improvements are priority at this stage, thereby improving the deficient transport infrastructure, to accommodate the future population of the area.
- 8.65 The application site and other future development sites in close proximity to the roundabout would contribute via S106 planning contributions to the Preston's Road Roundabout project and other necessary services. The roundabout project comprises of two stages, stage 1 securing at grade north-south crossings with appropriate treatment of the underpass and surrounding area, and the stage 2 actively addressing the underpass redevelopment and wider north-south linkages. A working group, consisting of the Council, developers, landowners, statutory stakeholders and other relevant parties, is to be set up to prepare and present detailed briefs to be submitted to the Council for approval prior to works commencing.
- 8.66 To mitigate the impacts of the proposed development on the surrounding transport infrastructure, the Council requires this development to provide contributions towards the development works in the two stages of the project. It is recommended that any surplus from the proposed £4m contribution be directed towards local social or public realm infrastructure improvements.
- 8.67 The applicant also agreed to establish and prepare the legal framework for the working group to deliver:
- short term improvements to enhance north-south connections at grade level between the application site and local amenities north of Aspen Way; and
 - long term public realm improvements within the existing Preston's Road Roundabout and surrounding linkages.
- If successful, this group may oversee further detailed briefs for the other community, public open space and other supporting infrastructure that are required to sustain and encourage the current regeneration of this area.

Car Parking

- 8.68 According to policy 3C.22 of the London Plan, on-site car parking provision for new developments should be the minimum necessary to ensure there is no overprovision that could undermine the use of more sustainable non-car modes. This in part, is to be controlled by the parking standard in Annex 4 of the London Plan.
- 8.69 Policy DEV19 of the IPG October 2007 requires development to comply with maximum parking levels set out in Planning Standard 3, unless otherwise justified. Table PS7 of the

IPG October 2007 sets out standards for motor car and motor cycle parking, which include:

- 1 car parking space per residential unit (no visitor spaces required), of which 10% must meet disabled space standards;
- 1 car parking space per 1,250sqm of office floorspace (GEA);
- No car parking provision for retail / restaurant floorspace; and
- Motorcycle parking is welcomed as a substitute for car parking. Motorcycle parking may be provided within the space allowed by the maximum standards, at a guideline rate of 5 motorcycle spaces in place of each permitted car parking space.

8.70 In order to maximise the areas of open space for pedestrians and to minimise the impact of car parking at ground level, 202 car and 19 motorcycle basement parking spaces will be provided. Access into the car park will be from the boulevard and will be controlled by a physical barrier system located at point of entry. One designated disabled parking bay would be provided at the entrance of the affordable housing entrance, at ground level. The development uses a stacking system and cars will be parked by a valet service. The informal area of drop off for the service is located to minimise distance between the principal entrances of the development whilst providing full disabled access. No spaces are proposed for the commercial elements of the development.

8.71 The only minimum standard mentioned for disabled parking bays is two. The revised scheme provides one designated disabled bay and given the stacking system and valet parking arrangement (drop-off spaces are disabled sized), it is considered that there is no need to provide additional disabled bays. A condition requiring the submission of a service management plan to be approved by the Council is required to ensure the said valet car parking service is provided for and maintained in perpetuity.

8.72 It is recommended that a S106 agreement be put in place to ensure that the development is 'car free', so that no controlled parking permits are issued to the new residents of the development. As such, there will be no overspill parking from the development. Most of the residents will therefore be committed to using public transport services and alternative modes for all journeys. Also, a S106 agreement for the preparation, implementation and maintenance of a green travel plan will be secured. The applicant has agreed to such planning contributions.

8.73 As such, the number of parking spaces is therefore supportable in light of planning standards set out the above mentioned policy documents, and TfL has expressed support for the level of parking spaces provided. Whilst the Council's Highways department have indicated that the number of spaces should be reduced, there is insufficient policy justification to sustain a refusal on these grounds.

Cycle parking

8.74 TfL advised that the 250 cycle parking spaces were inadequate and more should be provided, in accordance with their cycle parking standard of 1 space per dwelling unit. The current amended scheme has increased the cycle parking provision to 1:1 residential spaces and provides cycle stands for visitors and the retail unit within the landscaping plan. It is proposed that all residential cycle parking will be provided within secure locations in the basement and lower ground floor, in dedicated accessible locations close to each of the building cores. The revised scheme complies with planning standards set out by TfL and the Council's IPG October 2007.

Servicing and Refuse Provisions

8.75 Refuse for both affordable and private would be provided close the entrances and the landscaping/road network is laid out to allow refuse collection within 9 metre of the refuse vehicle. It is recommended that a condition be included to ensure the adequate provision

of storage of refuse and recycling facilities is provided. Small deliveries can also be made directly to the estate concierge by using the taxi drop-off area. Move-in and out of both curved building and tower is facilitated by the estate's management team.

Amenity

- 8.76 Policy DEV2 of the UDP and policy DEV1 of the IPG October 2007 state that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms. According to the UDP, habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sqm).

Daylight /Sunlight provision and impact

- 8.77 Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the rooms use
- 8.78 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees of due south or, in other words, windows that receive sunlight.
- 8.79 The applicant submitted a Daylight and Sunlight report within the ES, prepared by URS, which looks at the impact upon the daylight, sunlight, overshadowing, solar glare and light pollution implications of the development upon itself and on neighbouring residential properties.
- 8.80 The assessments have concluded that:
- with the proposed building in place, all operational rooms tested at existing properties would meet the minimum standards for daylight;
 - the habitable rooms within the proposed development would received daylight in excess of the minimum criteria;
 - there will be no impact on sunlight reaching the existing properties; and
 - there is good potential for sunlight availability to the proposed development.
- 8.81 With regard to solar glare, overshadowing and light pollution, it is considered that the development would have a negligible impact on the existing environment.

Sense of Enclosure/ Outlook

- 8.82 This impact cannot be readily assessed in terms of a percentage and there are no measurable standards. Whilst it is acknowledged that the development result in an increased mass and height towards the north of the estate, the proposed building would not have an unacceptable impact as it is well set within an open grain away from surrounding building.

Privacy

- 8.83 According to Policy DEV2 of the UDP, new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people.
- 8.84 To the east, south and west of the site, the development is setback over 18 metres from

adjacent habitable rooms, and to the north the development would look out onto the raised Aspen Way. As such, it is considered that the overall impact is considered to be minor and is compliant with planning policy.

Wind/ Microclimate

- 8.85 As part of the application the applicant undertook a Wind Assessment, to assess the impact of the proposal on the microclimate. The conclusions of the study show that the pedestrian level wind environment in and around the site will have no significant impact. With the implementation of the proposed soft landscaping measures on the site and wider estate, the wind environment conditions are considered suitable for recreation activities and therefore suitable for the planned uses.

Noise and Vibration

- 8.86 Policy DEV50 of the UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. This policy relates particularly to construction noise created during the development phase or in relation to associated infrastructure works. Policy HSG15 states that the impact of traffic noise on new housing developments is to be considered.
- 8.87 The Noise and Vibration Assessment, submitted as part of the ES (Chapter 17), concludes that the proposed insulation will ensure the residents enjoy a comfortable internal acoustic environment. However, Environmental Health considers that the impact of the DLR and vent shaft on the residential units have not been fully assessed. It is recommended that a revised assessment, with further glazing specification and a proposed means of ventilation, be agreed prior to commencement of the development.

Air Quality

- 8.88 Notwithstanding the fact that the Air Quality Assessment submitted as part of the ES (Chapter 16) concludes that additional traffic flows attributed to the development are expected to lead to a negligible change in local air quality and no mitigation measures are recommended, the Council's Environmental Health Officer has concerns with regard to the 'significance criteria' used in the assessment and the assessment not considering the impact of the car park emissions. These investigation and mitigation measures can easily be conditioned without impacting on the final design or built form.

Other

- 8.89 Impact on residential amenity by reason of noise, vibration, dust, transport and other operation during construction phase would be mitigated by way of securing the implementation of a robust Construction Environmental Management Plan (CEMP), which should set out measures to be applied throughout the construction phase i.e. restricted construction hours and operation hours, noise and vibration limits.

Energy and renewable technology

- 8.90 Policies 4A.7, 4A.8 and 4A.9 of the London Plan sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used generated from renewable sources. The latter London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the IPG Oct 2007. In particular, policy DEV6 requires that:
- all planning applications include an assessment which demonstrates how the development minimises energy demand and carbon dioxide emissions;
 - major developments incorporate renewable energy production to provide at least

10% of the predicted energy requirements on site.

8.91 Subsequent to GLA comments set out in the Stage 1 Report, the applicant submitted a revised energy strategy which addresses each of the concerns. The information has been considered by the Council's Energy Officer who considers that:

- Although the low energy measures comply with building regulations, the energy efficiency measures could be increased further to go beyond the building regulations requirements;
- Woodchip biomass boiler and solar thermal (DHWS) are both acceptable technology which can be utilised to meet the on-site renewable energy requirement, however the further information required;
- CHP system is the ideal solution in providing energy efficiently to this development, combined heat and power should be fully optimised before any renewable energy is considered. Consideration should be given to the following points:
 1. Two combined heat and power units have been considered. One to serve the affordable apartments building and the other to serve the private apartment building and the health club. The applicant should consider providing a single CHP unit to serve both buildings, although this has been considered and dismissed as the preferred RSL requires that their building is separately serviced to eliminate the requirement for sub metering and joint ownership of plant, an ESCo could be appointed, who will manage the plant independently to eliminate the hassle of joint ownership etc.
 2. It also states that joining two plants together does not deliver any further carbon savings, although no supporting evidence has been provided to support this statement, a full assessment should be completed to show that a single CHP unit serving both buildings does not deliver further carbon savings over two independent CHP units.
 3. Has consideration been given to provide a private wire network to the residential units, providing a private wire network will allow for a larger CHP unit to be installed, therefore providing further CO2 savings, providing a private wire network does complicate the management aspect of the system, this is easily resolved by appointing an ESCo.
 4. Tri-generation has been considered and dismissed as the full waste heat from the CHP is used for domestic hot water generation in the evening when the cooling load occurs, please provide the cooling load profiles to support this statement.
- A code for sustainable homes assessment should be submitted.

8.92 The approach is considered to be broadly in keeping with the requirements of the London Plan, though further clarifications are required to ensure the strategy is compliant. As such, the energy strategy is considered acceptable and measures in accordance with policies set out in the London Plan and IPG October 2007, subject to conditions requiring full details of the above mentioned prior to implementation.

Section 106 Planning Contributions

8.93 ODPM Circular 05/2005 states that *'the principal objective of the planning system is to deliver sustainable development, through which key Government social, environment and economic objectives are achieved'*. The Circular states that where a number of smaller developments are likely, it is important that the cumulative impact to be taken into account when planning obligations policies are drawn up and that the principle of pooled contributions could help to assist in establishing the required infrastructure, in circumstances where particular development proposals cannot provide the required infrastructure and remain economically viable. The Circular is a material consideration and should be taken into account on all relevant planning decisions. The Circular also states that a planning obligation must be:

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable in planning terms;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development;
- and
- (v) reasonable in all other respects.

- 8.94 Both regional and local policies consider the provision of basic physical and social infrastructure as an essential part of all new development as to ensure the acceptability of such new development in terms of its nature, sustainability and possible impact on the surrounding areas. Policy 6A.4 and 6A.5 of the London Plan sets out the Mayor's detailed objectives for boroughs to provide appropriate strategies in their policies as to provide a clear framework for negotiations on planning obligations for basic infrastructure, having regard to central government policy and guidance and local and strategic considerations. Policy DEV4 of the UDP 1998 and Core Strategy IMP1 of the IPG October 2007 seek to secure planning contributions, on site and off site. Core Strategy IMP1 of the IPG October 2007 sets out that the main priorities for securing contributions are towards affordable housing and necessary physical and social infrastructure, such as education contributions and social facilities. The use of these obligations is to prescribe the nature of a development, compensate for loss or damage created by the proposed development or to mitigate the development's impact.
- 8.95 The application is considered on its own merits. With the proposal providing 486 residential units and 1271m² employment floorspace, it is considered that the size and type of development creates a need for the contributions, including essential physical and social infrastructure. Furthermore, it is considered that the needs may have an adverse impact on people that do not benefit directly from the development and it is therefore essential that planning obligations are secured to allow to make this an acceptable development, which would otherwise be unacceptable in planning terms. The following planning obligations were identified to prescribe the nature of the development and to mitigate the development impact, in accordance with the above mentioned local, regional and national planning policies. It is considered that the following should be secured:
- Essential on-site affordable housing
- 8.96 On site affordable housing is provided in the form of 27% habitable rooms, of which 75% would be allocated towards social rented accommodation and 25% towards intermediate.
- 8.97 The applicant has provided an alternative option which increased the affordable housing (without a variation in housing mix percentages) to 30% in lieu of the £2.5m financial contribution towards health care and education facilities. On the long run, the advantage is an increase in on-site affordable housing whilst future developments, such as Blackwall Reach Regeneration Area, would mitigate the additional pressure of the current development on the existing community and social infrastructure. The disadvantage is that in the short term there may be a lack of funding to mitigate the needs of the site's future occupiers.
- highway improvement contribution;
- 8.98 The applicant provides a contribution of £4,000,000 (surplus to be provided as local social or public realm infrastructure improvements) towards the proposed Preston's Road Roundabout Project, to mitigate the impacts of the additional population on the surrounding highways. The applicant also agrees to establish and prepare the legal framework for a Working Group (consisting of the Council, developers, statutory stakeholders and other parties) to deliver the two stages of the roundabout project.

- health and education contribution;

8.99 A total of £2,888,494 was sought by the PCT (£2,234,368) and LBTH Education (654,126). After extensive review by Council Officers, only a maximum of £2.5m can be provided for the planning contributions before the scheme becomes unviable. A pro-rata financial contribution of £1,952,000 is therefore allocated towards health care and £548,000 to education. The short fall is less than 17% of that required. In light of the scheme's viability appraisal, the provision is considered acceptable, and would meet the reasonable needs of the future occupiers.

8.100 As mentioned above, there is an option to increase affordable housing (highest in priority) to 30% in lieu of the £2.5m financial contribution. The advantage and disadvantages are set out above.

- provision of public open space;

8.101 The applicant agreed to not only securing the provision of public open space to the north of the application site (on TfL land) but also contribute £250,000 towards the public open space (TfL land if secured or then other space), to relieve the pressure that will arise from the new dwellings on existing open space and recreational facilities within the area.

8.102 In addition to the above, the Council recommends that any surplus from the financial contribution towards the transport infrastructure improvements to the Preston's Round Roundabout be provided towards local social or public realm infrastructure improvements.

8.103

- sustainable transport measures - 'car free' development and green travel plan;
- preparation, implantation and review of a Environmental Management Plan;
- commitment towards utilising employment initiatives in order to maximise the employment of local residents in and post construction phase;
- TV reception monitoring and mitigation measures; and
- DLR Radio Communication investigation, mitigation and monitoring

8.104 The applicant has agreed to these heads of terms.

Other

Flooding/ Water Resources

8.105 Policy U3 of the UDP and policy DEV21 of the IPG October 2007 states that the Council (in consultation with the Environment Agency) will seek appropriate flood protection where the redevelopment of existing developed areas is permitted in areas at risk from flooding.

8.106 The Environmental Statement (chapter 15) states that the development would not increase the flood risk at the site or elsewhere. The site benefits from two existing floor defences. In an unlikely event that these fail, the development would not impact on the flood flow direction or flood levels. In this situation, approximately 30% of the site would flood to a depth that would cause significant risk to residents.

8.107 The Environment Agency raised no objection on flooding issues, but required details on a flood warning system and an evacuation plan.

8.108 Regarding the runoff rate and potential impact, the exact nature of these mitigation measures should be defined at the detailed drainage design stage in consultation with the Environment Agency and the local authority.

Archaeology

- 8.109 PPG15 Archaeology and Planning advises on procedures for dealing with archaeological remains and discoveries. Policy CON4 of the IPG October 2007 states that the Council will require any investigation to be carried out in accordance with the British Archaeologists and Developer Liaison Code of Practice.
- 8.110 The site is located within an Archaeological Priority Zone as specified within the UDP and the IPG October 2007. The applicant has undertaken a detailed archaeological evaluation of the site, and further phases are still underway. Whilst English Heritage – Archaeology are satisfied with the works to date, they require that a fieldwork and a post-excavation assessment report should be submitted, which will summarise the results of the excavation and will outline a programme of analysis and publication required to complete the archaeological work. This would be conditioned.

Biodiversity

- 8.111 Policy 3D.12 of the London Plan and policy CP31 of the IPG October 2007 seek to ensure that the protection, conservation, enhancement, and effective management of the Borough's biodiversity. Although the development site is not designated for its ecological importance, it falls within the Black Redstart Key Known Area.
- 8.112 It is considered that the proposed development will not have a direct adverse impact on the biodiversity of the area. Through the implementation of the proposed mitigation measures, the proposal is considered acceptable and in accordance with policy guidance.
- 8.113 It is recommended that appropriate conditions, securing full details of the mitigation measures, which include the inclusion of native species in landscaping (including trees, water features and green roofing), creation of brown roofs plus vertical habitat and installation of bird boxes. This should include details for habitats and features to enhance the proposed development for the utilisation by black redstarts.

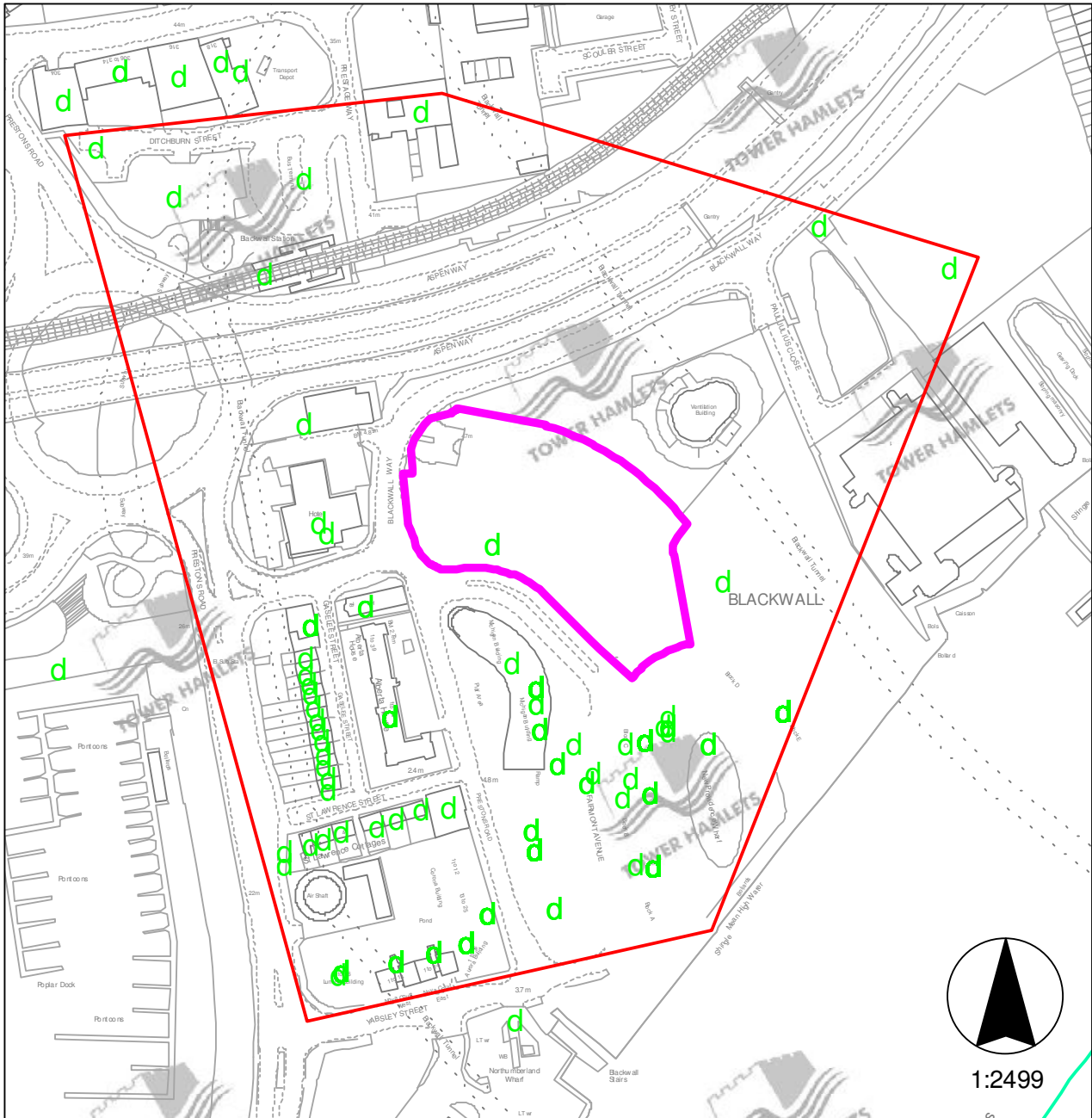
Environmental Statement

- 8.114 The Environmental Statement and further information/clarification of points in the ES have been assessed as satisfactory by Council's independent consultants Atkins. Mitigation measures required are to be implemented through conditions and/ or Section 106 obligations.

9. Conclusions

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Site Map



Legend					
	Planning Application Site Boundary		Consultation Area		Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office © Crown Copyright. London Borough of Tower Hamlets LA086568

Building C, New Providence Wharf, Blackwall Way, London

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Agenda Item 7.2

Committee: Strategic Development	Date: 31 st January 2008	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Laura Webster		Ref No: PA/07/02054	
		Ward(s): Bethnal Green South	

1. APPLICATION DETAILS

Location:	Greenheath Business Centre, 31 Three Colts Lane, London
Existing Use:	Business Centre (B1 light industrial uses, B8 storage uses and offices)
Proposal:	Demolition of some of the existing commercial buildings. Erection of a side and roof extension plus atrium to the existing Greenheath Business Centre in connection with its use as class B1 business space (10,275sqm). The erection of new 9 and 16 storey buildings in connection with the use of the premises as 101 units (253 beds) of student accommodation and 572sqm of commercial floorspace (Class B1)
Drawing Nos:	Stock Woolstencroft Drawing nos. PL200 Rev A, PL210 Rev A, PL211 Rev A, PL212 Rev A, PL213 Rev C, PL214 Rev A, PL215 Rev A, PL216 Rev A, PL217 Rev A, PL218 Rev A, PL219 Rev A, PL220 Rev C, PL221 Rev C, PL222 Rev A, PL233 Rev A, PL224 Rev A, PL225 Rev A, PL226 Rev A, PL227 Rev A, PL228 Rev A, PL230 Rev A, PL231 Rev A, PL232 Rev A, PL233 Rev A, PL240 Rev A, PL241 Rev A, PL242 Rev A, PL260 Rev A, PL244, PL242, PL243, PL240, PL241. FSP Drawing nos. 495 L (--) 104 Rev P1, 495 L (--) 105 Rev P1, 495 L (--) 106 Rev P1, 495 L (--) 107 Rev P2, 495 L (--) 103 Rev P1, 495 L (- -) 102 Rev P1, 495 L (0-) 01 Rev P0, 495 L (0-) 02 Rev P0, 495 L (0-) 03 Rev P0, 495 L (0-) 04 Rev P0, 495 L (0-) 05 Rev P0, 495 L (0-) 06 Rev P0, 495 L (0-) 07 Rev P0, 495 L (0-) 08 Rev P0, 495 L (0-) 11 Rev P0, 495 L (0-) 12 Rev P0, 495 L (0-) 13 Rev P0, 495 L (0-) 14 Rev P0, 495 L (0-) 15 Rev P0, 495 L (0-) 16 Rev P0, 495 L (0-) 17 Rev P0, 495 L (0-) 18 Rev P0, 495 L (0-) 19 Rev P0, 495 L (--) 100 rev P3, 495 L (--) 101 rev P3, 495 L (--) 108 rev P2, 495 L (--) 201 rev P2, 495 L (--) 202 rev P2, 495 L (--) 300 rev P3, 495 L (--) 301 rev P3, 495 L (--) 302 rev P3, and 495 L (--) 303 rev P3.
Applicant:	Workspace Group Plc and Unite Group Plc
Owners:	Workspace Group Plc and Unite Group Plc
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Eileen McGrath 020 7364 5321

London Plan and Government Planning Policy Guidance and has found that:

1. The proposal is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 4B.3 of the London Plan and HSG1 of the Council's Interim Planning Guidance (2007) which seek to ensure this.
2. The proposed student accommodation is considered acceptable in principle as it will fulfil a proven need for student accommodation and is situated in a suitable location. As such, the proposed use is in line with policies 3A.22 in the London Plan, policy HSG14 in the UDP 1998 and policy CP24 in the Interim Planning Guidance (October 2007) which seek to ensure provision of specialist housing is met.
3. The extended business use is considered acceptable in principle and would contribute to employment and job creation and is situated in a suitable and accessible location. As such, the proposed use is in line with policies 3B.4 in the London Plan, policies EMP1, EMP3, EMP7 and EMP8 in the UDP 1998 and policies CP7, CP9, CP11 and EE2 in the Interim Planning Guidance (October 2007) which seek to promote and enhance sites of employment use.
4. The density of the scheme would not result in the overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to provide an acceptable standard of accommodation.
5. The proposal would enhance the existing site creating a better environment with activity within the site contributing to the regeneration of the area. As such, the proposal is in line with policy 4C.20 in the London Plan, policy DEV1 in the UDP 1998 and policy DEV2 and DEV3 in the Interim Planning Guidance (October 2007) which seek to ensure a high quality environment.
6. The height, scale, bulk and design of the buildings are considered to be acceptable within the context of the area in accordance with policies 4B.1, 4B.5, 4B.8 and 4B.9 of the London Plan, policies DEV and DEV2 of the UDP 1998 and policies DEV1, DEV2, DEV3 and DEV27 of the Interim Planning Guidance (October 2007) which seek to ensure buildings are a high quality design and suitably located.
7. The safety and security of the scheme is acceptable in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007), which requires all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
8. The proposal would not have an unacceptable impact on the residential amenity of nearby properties in terms of loss of light, increased overlooking, increased sense of enclosure or noise. As such, the proposal is in line with policies 4A.14 and 4B.9 in the London Plan, policies DEV2 and DEV50 in the UDP 1998 and policies DEV1 and DEV10 in the Interim Planning Guidance (October 2007) which seek to protect the amenity of residents.
9. Sustainability matters, including energy, are acceptable and in line with London Plan policy 4A.7 to 4A.10 and 4B.6, and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007), which seek to promote sustainable development practices.
10. Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policy 3C.22, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport option.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

A. The prior completion of a **legal agreement**, to the satisfaction of the Assistant Chief Executive (Legal Services), to secure the following:

- a) Contributions to Bethnal Green gardens: **£50,000**.
- b) Preparation of a Green Travel Plan.
- c) Car Free Agreement.
- d) Contribution to Highways of **£50,000** towards highways works
- e) Contribution towards employment **£10,847**

3.2 That the Head of Development Decisions be delegated authority impose conditions and informatives on the planning permission to secure the following:

Conditions

- 1) Time limit for Full Planning Permission.
 - 2) Details of the elevational treatment including samples of materials for external fascia of buildings.
 - 3) Details of the ground floor public realm (paving and ground floor public realm improvements).
 - 4) Details of window specification for student accommodation
 - 5) Landscape Management Plan required.
 - 6) Student housing Management Plan required.
 - 7) Secured by Design Statement for windows and doors required.
 - 8) Submission of full details of the proposed lighting and CCTV scheme.
 - 9) Full particulars of the refuse/ recycling storage required.
 - 10) Submission of an Investigation and remediation measures for land contamination.
 - 11) Submission of a Noise and Vibration Survey to ensure minimal impact during construction to surrounding properties and to protect future residents from surrounding industrial impacts.
 - 12) Submission of further vibration surveys to protect future occupiers
 - 13) 10% Disabled Access for student accommodation
 - 14) Renewable Energy Measures (at least 20%) reduction in carbon dioxide emissions.
 - 15) Provision of a minimum of 157 cycle spaces.
 - 16) 278 (Highways) agreement required.
 - 17) Hours of construction limits (0800 – 1800, Mon-Fri, 0800 – 1300 Sat).
 - 18) Power/hammer driven piling/breaking (10am – 4pm Monday – Friday).
 - 19) Code of Construction Practice, including a Construction Traffic Management Assessment required.
 - 20) Details required for on site drainage works.
 - 21) Details of surface water source control measures required.
 - 22) Details of finished floor levels required.
 - 23) Details of parking, access, loading/unloading and manoeuvring
 - 24) Details of energy technologies
- Any other condition(s) considered necessary by the Head of Development Decisions.

Informatives

- 1) Section 106 of the Town and Country Planning Act 1990.
- 2) With regard to (Decontamination), contact Council's Environmental Health Department.
- 3) Code of Construction Practice, discuss this with Council's Environmental Health Department.
- 4) Consult with the Council's Highways Development Department regarding any alterations

to the public highway.

- 5) Site notice specifying the details of the contractor required
- 6) Standard of fitness for human habitation means of fire escape and relevant Building Regulations.
- 7) The developer should be directed to 'Design for Biodiversity', a publication jointly produced by the LDA, Greater London Authority and English Nature which illustrates how ecologically sensitive designs and features can be integrated into new development.
- 8) Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 9) It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 10) There are public sewers crossing this site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over / diversion application form, or other information relating to Thames Waters assets be required, the applicant should be advised to contact Thames Water Developer Services on 0845 850 2777.
- 11) Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 12) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

3.3 That, if by 30th April 2008 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated authority to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 It is proposed to demolish the existing single storey commercial warehouse buildings on the south eastern corner of site and redevelop for a mixed use scheme to provide two buildings of 16 and 9 storeys in height comprising 101 units (253 bedspaces) of student accommodation with business units at ground floor level. The redevelopment includes extension and refurbishment of the existing Greenheath business centre including a side extension, two additional floors at roof level and an atrium. The development would comprise the following features:

- The extension and extensive refurbishment of the existing Greenheath Business Centre which will include a side extension, an additional two storeys at roof level, extension to the water tower and rooftop atrium to the existing building. An extensive refurbishment programme is proposed for the rest of the commercial space within the existing business centre. This would provide 84 business units with an associated reception area, café, communal areas, car parking and landscaping.

- The remainder of the existing commercial buildings on the site would be demolished and redeveloped to create one 16 storey building and one 9 storey building. They would provide 101 units (253 bedspaces) of student accommodation with associated single storey substation building, amenity areas and landscaping. Commercial units to the ground and first floor, communal common rooms and a roof terrace for residents to the top floor are also proposed. Block A would be situated to the north of the site and is 9 storeys in height. Block B is situated to the south of the site and would be 16 storeys high.
- A total 101 units, equating to 253 student bedspaces, ranging in size and including 32 self contained studios is proposed. Each student bedroom includes en-suite facilities and, with the exception of self contained studios, shared kitchen and living rooms shared by a maximum of 4 bedrooms. A common room and roof terrace for all residents would be provided on the top floors. A laundrette for resident use would be provided on the ground floor.
- The provision of a total of 84 B1 class units totalling 10,847.5sqm of commercial floorspace, would be provided. Active frontages at ground floor level throughout the site are also created.
- Amenity space is provided for residents of the student accommodation via roof terraces. For the rest of the site, the amenity space will be at ground floor level.
- Given the accessible location of the site and good accessibility to public transport, no car parking is proposed for student accommodation. A total of 10 spaces, including 2 disabled spaces would be provided within the site. A total of 102 cycle parking spaces would be provided within one of the railway arches and at the northern boundary of the site.
- Unite would be responsible for the tenant management of the student accommodation. The provision of residential coordinators at a ratio of approximately 1 per 75 residents would be the first level of social management for anti social behaviour or unacceptable noise nuisance. The second level may be the accommodation manager or lastly, in extreme cases interventions from the institutions. Management functions would include maintenance, and service provision and to ensure the health and safety of residents and users. The site would benefit from 24 hour presence with a manned reception during daytime hours and security at other times.

4.2 The application was received by LBTH 10th August 2007. The application has since been amended and a full re-consultation was carried out 7th December 2007.

4.3 The description of the proposal prior to the amendments was;

'Redevelopment of the site to provide two buildings of 14 and 8 storeys comprising 77 units (232 beds) of student accommodation with business units at ground floor level. Extension and refurbishments of existing business centre including two additional floors and an atrium'.

The amendments altered the description and therefore full re-consultation was carried out. Whilst reconfiguration of the proposed student accommodation did increase the number of bedspaces, and the number of proposed storeys has changed, the height has not been significantly altered. Block A has been reduced in its overall height by 2.5m by the amendments and block B has remained largely unchanged in terms of height.

4.4 In summary, the amendments to the proposed student blocks reduced the floor to floor height, reconfigured the layout of the buildings and refined the roof profiles. At ground floor

level, alterations to the public realm were made to reduce car parking and increase the useable amenity space. Amendments to the existing Greenheath Business Centre included minor internal reconfiguration, amendments to the entrances, alterations to the external finish and amended design for the proposed atrium and water tower extension. The overall height to the Greenheath Business Centre was not increased by the amendments.

Site and Surroundings

4.5 The Site

The application site has an area of 0.49 hectares and comprises of land bounded by Three Colts Lane to the south, Witan Street to the east, Sunlight Square to the north and Corfield Street to the west. A railway viaduct curves along the south eastern corner boundary of the site.

4.6 Access to the site is gained off Three Colts Lane to the south and Witan Street to the north west corner. The area is identified in the interim planning guidance as a development site. A designation for the type of the development envisaged for this location has not been established as the preparation of the Central Area Action plan is still being undertaken.

4.7 The site currently consists of 2 storey commercial buildings to the southern half of the site and the existing 5 (rising to 7 in part) storey building. The existing buildings comprise of commercial floorspace of approximately 9052sqm and are currently let for mixed Class B purposes.

4.8 The site is situated to the south of Bethnal Green and to the west of Cambridge Heath Road. The site is located approximately 200 metres away from Bethnal Green main line railway station. Bethnal Green underground station is located to the north approximately 300 metres away. A variety of bus services operate on nearby Cambridge Heath Road and Bethnal Green Road. The site has an excellent public transport accessibility level (PTAL) of 6a.

4.9 Surrounding Area

The surrounding area is a mix of commercial and residential uses. The site is dominated by the railway to the south east corner. Beyond the railway line to the south east there are light industrial and commercial buildings predominantly 2 storey in height.

4.10 Directly to the north of the site is Sunlight Square, which is a residential development ranging three to five storeys in height. Also to the north, a development of flats 5 storeys in height is situated within Witan Street. To the west of the site is a five storey residential development, which is situated along Corfield Street.

4.11 Emerging development in the area includes proposals for built form from 6 to 11 storeys in height. Recent development approvals in the area include:

- 249-253 Cambridge Heath Road, to the north of the site for mixed uses including student accommodation (305 student rooms) in a 7–11 storey built form. (PA/06/01652).
- 13-19 Herald Street (Built on the Rock Bibleway Church), also to the north of the site for the erection of part one and part two storey extension at roof level, erection of a 25 metre cross from within the building at the western end (with a maximum of 15.7 metres shown above roof level), provision of a roof terrace at second floor level, including renovation and alterations to the existing building. (PA/05/01225).
- Erection of a part 5 part 6 storey building comprising basement plus ground & 6 storeys to provide ground floor commercial uses with 203 student residences above (PA/07/00297) at site bounded by 41-65 Three Colts Lane and 14-20 Glass Street.

Planning History

4.12 The following planning decisions are relevant to the application:

PA/04/1050 Outline Application for the demolition of existing industrial units and redevelopment of the site with a mixed use scheme comprising 3754sqm of commercial floorspace and 132 residential units, with associated landscaping and parking. Application withdrawn 2004

PA/03/01117 Use of part of the site as a motor cycle training, equipment and servicing centre. Permission granted 2003.

5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Decision" agenda items. The following policies are relevant to the application:

Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	General design requirements
	DEV2	Environmental requirements
	DEV3	Mixed use developments
	DEV4	Planning obligations
	DEV12	Landscaping
	DEV 50	Noise
	DEV51	Contaminated land
	DEV55	Litter and Waste
	DEV56	Waste Recycling
	EMP1	Employment growth
	EMP3	Redevelopment of office floor space
	EMP7	Enhancing the work environment
	EMP8	Small businesses
	HSG14	Special needs accommodation
	HSG15	Development affecting residential amenity
	HSG16	Amenity space
	T16	Traffic priorities
	T21	Improvement of pedestrian routes

Interim Planning Guidance for the purposes of Development Control

Proposals:	C23	Unspecified use- awaiting Central Area AAP
Core Strategies:	CP1	Creating Sustainable Communities
	CP2	Equal Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP9	Employment space for small businesses
	CP11	Sites in employment use
	CP24	Special needs and Specialist housing
	CP38	Energy Efficiency
	CP41	Integrating development with transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	IMP1	Planning Obligations
Policies:	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessibility and inclusive design

DEV4	Safety and security
DEV5	Sustainable design
DEV6	Energy efficiency
DEV10	Disturbance from noise pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of demolition and construction
DEV13	Landscaping
DEV15	Waste and Recyclables storage
DEV17	Transport assessments
DEV18	Travel Plans
DEV19	Parking for motor vehicles
DEV20	Capacity of utility infrastructure
DEV22	Contaminated Land
DEV27	Tall Buildings
EE2	Redevelopment/change of use of employment sites

Spatial Development Strategy for Greater London (London Plan)

Policies	3A.22	Higher and Further education
	3A.10	Special needs and specialist housing
	3A.4	Housing choice
	3B.4	Mixed Use Development
	3C.1	Integrating Transport and Development
	3C.2	Matching Development to Transport Capacity
	3C.22	Parking
	4A.7	Energy Efficiency and Renewable Energy
	4A.8	Energy Assessment
	4A.9	Providing for Renewable Energy
	4A.10	Supporting the provision of renewable energy
	4A.14	Reducing Noise
	4B.1	Design Principles for a compact city
	4B.2	Promoting world class architecture and design
	4B.3	Maximising the potential of sites
	4B.4	Enhancing the Quality of the Public realm
	4B.5	Creating an inclusive environment
	4B.6	Sustainable Design and construction
	4B.7	Respect Local context and communities
	4B.8	Tall Buildings
	4B.9	Large scale buildings, design and impact
	4C.20	Design
	4C.21	Design Statement
	5C.1	The Strategic Priorities for East London
	5C.2	Opportunity Areas in East London

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPG13	Transport
PPS22	Renewable Energy
PPS24	Planning and Noise

Community Plan The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

6. CONSULTATION RESPONSE

- 6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

The following were consulted regarding the application:

London Borough of Tower Hamlets - Environmental Health

6.2 Air Quality

Air Quality assessment is satisfactory. No objections, subject to dust depositional monitoring during the demolition and construction phase. The details of this can be agreed in the Environmental Management Plan or Code of Construction Practice.

(OFFICER COMMENT: This matter will be addressed by planning condition).

Noise and Vibration

- Concern was raised regarding the night time internal noise to some student rooms and confirmation of window glazing specification should be sought.
- There are no proposals for mitigating noise from building services plant equipment.
- The vibration should be monitored at the closest point to the railway (i.e. at the junction of Three Colts lane and Violet Street).
- The building layout to be designed such that habitable rooms do not face the railway line.

(OFFICER COMMENT: The plant and services for the building would be contained within the building and not externally located. It is therefore considered that noise mitigation measures for the plant equipment are not necessary. Window details for the student rooms, to ensure the windows are a standard that would mitigate external noise, will be addressed by planning condition. Designing the building so that no habitable rooms face the railway is not considered feasible).

Contaminated Land

No response received to date.

Daylight/Sunlight

Daylight and sunlight report dated 31st July 2007 has been reviewed. The daylight assessment is acceptable in terms of VSC and ADF. The sunlight assessment fails in some areas and there would be losses between existing sunlight hours and proposed sunlight hours to 79-84 Sunlight Square and 1-17 Sunlight Square. Subsequently, more information was requested, to consider these failures further.

The revised daylight and sunlight report dated 18th October 2007 has been reviewed. Concern regarding the impact of the scheme within itself and sunlight losses for winter to 79-84 Sunlight Square were raised.

(OFFICER COMMENT: Additional Daylight and Sunlight information dated 22nd November 2007 and 3rd January 2008 has been received. No further comment from Environmental Health has been received to date).

London Borough of Tower Hamlets - Highways

- 6.3 The applicant should provide cycle parking, in accordance with current policy standard which is 1 cycle space per 2 students and 1 cycle space per 250sqm of GEA for the business units including shower facilities. Total cycle spaces required are 156. This can be conditioned.

A Section 278 will need to be entered into for any improvements and repairs to the public highway adjacent to the site.

(OFFICER COMMENT: Cycle parking and the section 278 agreement will be addressed by planning condition).

The proposal should be subject to a S.106 car free agreement.

S.106 contribution towards highways works to improve visibility of Three Colts Lane site entrance, appropriate signage to emphasize low bridge restriction on Three Colts Lane and other linkages improvements on Witan Street. **£50,000** contribution required.

London Borough of Tower Hamlets - Access Officer

6.4 No response received to date.

London Borough of Tower Hamlets - Education Development

6.5 No comment.

London Borough of Tower Hamlets - Building Control

6.6 No response received to date.

London Borough of Tower Hamlets - Cleansing

6.7 Suitable bin stores for the scale of the development are required. It would be the responsibility of the centre management to arrange a commercial waste collection contract with suitable frequency of collection to match the volumes of waste produced.

(OFFICER COMMENT: This matter will be addressed by planning condition).

London Borough of Tower Hamlets - Ecology

6.8 Opportunities should be taken however to promote biodiversity through inclusion of features such as flower beds with nectar-rich plants, bird boxes and bat bricks.

The developer should be directed to 'Design for Biodiversity', a publication jointly produced by the LDA, Greater London Authority and English Nature which illustrates how ecologically sensitive designs and features can be integrated into new development.

London Borough of Tower Hamlets - Crime Prevention

6.9 Open access through the site may create a pedestrian cut through. Only authorised visitors and residents should be allowed access and a secure boundary with access control and 24 hour security/concierge and CCTV. It would be relatively easy to secure the individual buildings, but the landscaping offers numerous areas that are not overlooked, multi-layered routes, and extensive seating opportunities, all of which could create anti-social behaviour/criminal damage possibilities.

Because its student accommodation, I would hope that the developers would seek Secured by Design, but we should ask for the minimum SBD standards for doors (Pas 23/24) and windows (BS7950) plus laminated glass to everything on the ground floor and accessible from the ground floor.

(OFFICER COMMENT: The issues raised are discussed in more detail within the design section of this report).

London Borough of Tower Hamlets - Energy

6.10 Comments received 28th December 2007

- To maximise the potential of the energy efficiency measures and renewable energy provisions, these should be designed in to the buildings rather than adding these on when the building has already been designed.
- Satisfied that the provision of a Combined Heat and Power plant (CHP), and a central energy centre is being considered.
- The submission of the preliminary SBEM calculations for both buildings is appreciated. As the carbon footprint of the development has now been established, the design should now seek to incorporate renewable energy provisions to meet the 10% renewable energy requirement, and should also seek to incorporate the energy services measures
- The proposed energy efficiency measures appear satisfactory.
- The final energy strategy and renewable energy provisions for this particular development is yet to be submitted, and the information provided so far is not an acceptable energy strategy for this particular development.
- Nevertheless, I am confident that a suitable final energy strategy will be submitted by the applicant. It was not clear if the applicant was informing the Local Authority on the progression of the work completed so far or if they were seeking planning approval with condition. If latter is the case, then I can agree a conditional approval if also agreed by the planning officer and the GLA.

(OFFICER COMMENT: It is considered the outstanding energy issues can be addressed by planning condition).

Transport for London (Statutory Consultee)

6.11 TfL recommends the following conditions are met if the planning application is approved:

- Cycle parking provision is consistent with the TfL Cycle Parking Standards, as referred to in the London Plan (Annex 4, Para 37). Attached below.
- A legal agreement must be entered between the applicant and London Borough of Tower Hamlets to ensure that the proposed student accommodation be 'car free' and that a robust Travel Plan is produced and implemented.

Following re-consultation further comments were received 4th January 2008 and are detailed below.

It is not expected that the proposal will result in an unacceptable impact to the TLRN or SRN. However, they noted that:

- The cycle parking provision should be consistent with the TfL Cycle Parking Standards, as referred to in the London Plan (Annex 4, Para 37).
- A Delivery and Servicing Plan (DSP) should be provided to minimise the impact of service and refuse vehicles on the road network.
- A statement of intent should be supplied detailing how sustainable travel to and from the proposed development will be promoted and implemented.
- The parking ratio exceeds the recommend level with the London Plan. Parking levels should be adjusted to conform to current standards of 1 space per 600 sqm.

Other comments

- The proposed development is not expected to generate significant public transport trips based on the information in the TA. TfL agree with these assumptions.
- No car parking provision is proposed for the student accommodation. TfL support the car-free approach to this development via the section 106 agreement with Tower Hamlets.
- 19 parking spaces are provided for the B1 use within the development. The parking ratio exceeds the recommended level contained in the London Plan. Parking levels should be adjusted to conform to current standards of 1 space per 600 sqm. (OFFICER COMMENT: Parking provision has been amended following these comments and is discussed further within the highway section of this report).
- 2 disabled parking spaces are provided for the B1 use. TfL support the provision parking spaces for disabled users. However, parking spaces should be for the use of both the B1 use and student accommodation.
- No contributions are sought for this development.

Greater London Authority (Statutory Consultee)

- 6.12 The stage 1 report advised that the scheme is acceptable in urban design terms and the layout and massing responds well to a difficult and highly constrained site. The contemporary design will add variety and interest to the area, The proposed student accommodation would meet an identified need and the improvements to the existing business centre will support the economic growth objective of the London Plan.

The stage 1 report concludes that the principle of the development is supported from a strategic perspective, but there are a number of issues that are not consistent with strategic planning policies. The following issues must be addressed:

- Energy: the provision of separate heating systems for the business centre and student accommodation is not acceptable. A feasibility assessment of the potential for a single combined heat and power unit to jointly serve both the business centre and the student accommodation should be undertaken. If feasible, this should be incorporated prior to the inclusion of complementary renewable energy technologies.
- Inclusive design: there are a number of outstanding issues which need to be addressed in order to ensure that the scheme meets the highest standards of accessibility and inclusion. These include ramp gradients, size and specification of lifts, and number and configuration of wheelchair units.
- Transport: revisions are required to address Transport for London's concerns in respect of car and cycle parking provision, which do not currently accord with the relevant standards. Car parking is in excess of the standard in the London Plan. TfL is not satisfied that refuse vehicles are able to manoeuvre within the site and further analysis is required. A construction management plan is to be agreed.

(OFFICER COMMENT: This stage 1 report was prepared 31st October 2007. In response to the concerns raised by the GLA, amendments have been made to the scheme to address these issues).

English Heritage Archaeology

- 6.13 No objection, subject to conditions.

(OFFICER COMMENT: This matter will be addressed by planning condition).

Thames water

6.14 No objection. Standard informatives recommended.

Crossrail

6.15 No objections or comments.

London Fire & Civil Defence Authority

6.16 No objections.

7. LOCAL REPRESENTATION

7.1 A total of 635 neighbouring properties within the area shown on the map appended to this report were notified about the application. The application has also been publicised in East End Life and via a site notice on site. Following amendments to the application, re-consultation was carried out to all neighbouring properties on 7th December 2007. The total number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 67 Objecting: 66 Supporting: 1
No of petitions received: 0 objecting containing 0 signatories
 1 supporting containing 8 signatories

7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

Land Use

- No need or demand for more student accommodation within the area
- The cumulative impact of this and other student accommodation in the immediate area would be detrimental in terms of overpopulation, unbalanced population, crime and pressure on local services
- Too much student accommodation leads to an unbalanced and transient population.
- Family housing is required
- Overpopulation of area and pressure on local services such as healthcare and community facilities
- Strain on Utilities, sewerage and drainage
- Overdevelopment of the site and density too high for location
- Housing students in high concentration is 'prison-like'
- High concentration of students would cause anti social behaviour
- Effects of a high concentration of students should be known before building more student accommodation.
- Concern that the site is not considered by developers as suitable for open market housing, but is suitable for students
- Student housing should be spread amongst other boroughs
- Loss of 'real' business space

Design

- Scale and height out of character
- Poor design and materials
- Design of the proposal may lead to increased crime
- The extension would harm existing warehouse building
- No green space provided
- Would not regenerate area

- Creation of a Ghetto or 'seedy' area

Amenity

- Lack of daylight and sunlight to surrounding properties and student rooms
- Overlooking and loss of privacy
- Harm views within vicinity
- Would result in increased sense of enclosure for adjacent residents
- Noise and disruption from building works
- Noise from students
- Noise from roof terraces
- Increase in crime and anti social behaviour
- More noise and vibration from railway due to new buildings

Employment

- Disruption would harm existing businesses or make business space unaffordable
- Suitable relocation of businesses required for redevelopment
- Loss of employment
- Unemployment within area due to increased population and competition for jobs

Highways

- Parking and traffic issues
- Local transport network would be saturated

Other

- Unknown uses of business units is a worry
- Increased litter and rubbish would result
- Increased pollution would result
- Harm to telecommunications and TV reception would result
- Housing lower class next to middle class would increase crime
- Where will the students be studying?
- Amendments increase size of development
- Building Regulations, Environmental Health, Fire Safety and energy have not been considered

7.3 The following issues were raised in representations, but they are not material to the determination of the application:

- Effect on property values
- Average income within the area would be lowered
- Students don't pay council tax so less money for the area
- Local convenience stores may not have enough stock for population increase
- Stress and health problems as a result of the proposal

7.4 The following procedural issues were raised in representations, and are addressed below:

- Consultation insufficient. (OFFICER COMMENT: A total of 635 neighbouring properties were notified of the proposal by letter and a 3 site notices were displayed around the site. The application was also advertised in the local press. It is therefore considered that the consultation and consultation period was sufficient in accordance with statutory requirements. The planning consultation letter was written in English. However, it is recognised that there is a high number of residents where English is not their first language. There are translators available within the Council and translation pages available on the Councils website. With regard to the developers' consultation with the public, the developer informed the council that several meetings have been held with local residents).

- Daylight and sunlight survey insufficient and selective. (OFFICER COMMENT: The submitted daylight and sunlight reports are considered to be sufficient for development control purposes. The daylight and sunlight report takes into account the nearest affected residential windows. Once the affect on the nearest affected residential windows has been calculated, it is considered the impact on windows further a field can be appropriately considered. Given the position of the previous planning approvals to the east of the site, it was not required for the daylight and sunlight report to include these as the windows affected by the previous approval would not directly affect the south facing windows affected by this application).
- Noise survey insufficient (OFFICER COMMENT: The submitted report carried out by WSP is considered appropriate for development control purposes. It is considered that any outstanding issues can be addressed by planning condition).
- EIA may be required. (OFFICER COMMENT: A request for Screening Opinion as to whether an Environmental Impact Assessment was required was submitted to the Council. It was determined that no Environmental Impact Assessment was required.

7.5 The following comments were raised in support of the application:

- Will further help diversify the local community
- Regeneration benefits

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the Committee must consider are:

Land Use

Acceptability of student housing in this location.

Employment

Accommodation of employment uses on site. Whether there is a loss of employment resulting from this scheme.

Design

Design and scale of proposed building.

Amenity

Impact on the amenity of the surrounding area, including sunlight, daylight, noise and privacy of surrounding properties.

Sustainability

Energy efficiency and sustainability.

Highways

Transport and highways implications.

Land Use

Student Housing

8.2 Unitary Development Plan saved Policy HSG14 states that the Council will seek to encourage the provision of housing to meet the needs of residents with special housing needs. It goes on to state that: *“Such housing should be appropriately designed and suitably located for groups with special needs...including students”*.

8.3 Paragraph 5.29 of saved policy HSG14 of the Unitary Development Plan states that the Council will *“consider student housing in a variety of locations providing there is no loss of permanent housing or adverse environmental effects.”* It also notes that: *“Additional provision*

could release dwellings elsewhere in the Borough in both the public and the private rented sector”.

- 8.4 Policy CP24 of the Interim Planning Guidance states that the Council will promote special needs and specialist housing by focusing purpose built student housing ... *in close proximity to the London Metropolitan University at Aldgate.*”
- 8.5 London Plan policy 3A.22 states that the Mayor will ensure that the needs of the education sector are addressed and will support the provision of student accommodation, subject to other policies contained in the London Plan.
- 8.6 The Council’s Interim Planning Guidance notes that student housing should be focused around the Borough’s existing higher educational establishments or within close proximity, being 5 minutes walking distance, from London Metropolitan University. The site is located in close proximity to Bethnal Green Tube Station, and is approximately 15 minutes walk from the London Metropolitan University at Aldgate via Cambridge Heath Road. Bethnal Green Tube Station lies on the Central Line, whilst Aldgate East which is the closest to London Metropolitan University is on the District/Hammersmith and City lines. There is a variety of bus services that travel directly along Cambridge Heath Road providing services from Bethnal Green directly to Aldgate and the London Metropolitan University campus. Bus services include:
- 106 Whitechapel Road – Finsbury Park
 - 254 Aldgate Bus Station – Holloway
- 8.7 From a strategic perspective, there is a shortage of student accommodation across London. The London Plan seeks to support the provision of student accommodation yet provides no indication as to the most appropriate locations for student accommodation. The adopted Unitary Development Plan, whilst supporting student accommodation does not specifically identify any area as appropriate for student housing, and is thus flexible in its approach.
- 8.8 The use of this site for student accommodation may initially be considered inappropriate given the Interim Planning Guidance direction that student housing should be located within 5 minutes walking distance of the London Metropolitan University campus at Aldgate. However, both the London Plan and the Unitary Development Plan indicate that there is strong strategic support for student housing across London as a whole. Given the Interim status of the guidance, in this instance it is difficult to justify a refusal on this basis. Taking into consideration the current policy position, the sites highly accessible location that is located within walking distance or a short bus ride from Aldgate, the use of this site for student housing is supported.
- 8.9 The need for student accommodation is recognised by higher education institutions within the London Borough of Tower Hamlets such as London Metropolitan University and the University of the Arts London, who are seeking to meet the accommodation needs of its students. London Metropolitan University and the University of the Arts London have provided a letters in support of the application. London Metropolitan University are of the view that:

‘there is a significant shortfall in the provision of University managed accommodation...and the Universities strong preference is for the delivery of additional student housing through referral agreements with specialist providers such as UNITE, with student housing in the form of clusters and studios to meet student requirements’.

The University of the Arts London share the same view with regard to the student accommodation need.

- 8.10 A report investigating the student accommodation market in London carried out by Savills August 2007 was submitted with the application. This report concludes the following;

- The increase in higher education students has led to an increase in demand for student housing in all areas of London.
- Purpose built student accommodation is the most appropriate solution as it minimises the negative impact of students on local communities and provides the necessary support services.
- Many boroughs in London such as the City of London, City of Westminster, Camden and Kensington and Chelsea are unable to accommodate the large number of students attending universities in these boroughs.
- Students as part of a mixed and balanced community can support the voluntary sector, raise economic profile, create a demand for local businesses and provide critical mass for services to assist in regeneration.
- Purpose built student housing can play a role in the housing market by freeing up market rented housing stock for general use.

8.11 Overall, it is considered there is an identified need for student accommodation and the site is situated in an appropriate location, with good transport links. It therefore accords with the London Plan and Council policy.

When the application is considered in conjunction with the two other recent approvals for student accommodation within the area, there would be a reasonably high number of students within the immediate area. However, it is clear that a lot may already be living in private accommodation within East London. This is proved in the Savills study which estimates 31,938 students are living in the private rented sector. The report goes on to state that London accommodates 47% of its demand in purpose built accommodation, whereas other cities such as Manchester, Birmingham and Sheffield provide purpose built accommodation for between 70-90%. Given the suitable location, it is concluded that student accommodation at this location is acceptable and a refusal would be difficult to sustain on land use grounds.

8.12 London Plan encourages the intensification of brownfield sites and policy 4B.1 seeks to ensure developments maximise the potential of sites. The site currently provides a poor environment and does not contribute positively to the surrounding area. The redevelopment of the site would improve the appearance of the site and help aid regeneration. Evidence contained within the report on the student accommodation market shows that students contribute to economy and would bring activity to the site. The proposal is therefore considered to be an efficient use of brownfield site.

Employment

8.13 A total of 10,847.5m² of Class B1 floorspace is proposed. This space is provided within the existing Greenheath Business Centre and the proposed extensions, and at the ground and first floors of the two proposed student accommodation buildings.

8.14 Saved Policy EMP1 of the Unitary Development Plan encourages the redevelopment and upgrading of employment sites already or last in employment use, to produce more employment opportunities for all sectors of the community.

8.15 Policy CP11 of the Council's Interim Planning Guidance states that the Council will seek to protect viable employment sites (not specifically allocated for employment uses) which may form part of a mixed use development. Further, the Council will seek to retain sites for employment:

- Where the site is well-located in relation to the strategic or local highway networks; or rail or water transport;
- Where the site benefits from high public transport accessibility and/or are on the edge of town centres;
- Where there is current or future demand for them as employment uses; and
- Where sites are viable for the existing employment use.

- 8.16 Policy EE2 in the Interim Planning Guidance (October 2007) generally resists development resulting in a loss of employment except in certain circumstances.
- 8.17 The existing Class B industrial and commercial buildings located on the site provides approximately 9052sqm of floorspace. The existing buildings are in need of modernisation and are poorly laid out.
- 8.18 The proposal provides for a total of 10,847.5sqm of commercial floorspace which will provide a modern, accessible and attractive small business centre, which will seek to meet the needs of modern day local businesses. The business centre would include a café, meeting areas and flexible performance space. In addition, the proposed student accommodation itself would provide employment opportunities in the day to day running and management of the accommodation. Overall, it is considered that the proposal would result in an increase of commercial floorspace and employment within the site.
- 8.19 Small commercial units for small businesses and flexible floorspace would be provided in accordance with saved policy EMP8 in the Unitary Development Plan 1998 and policy CP9 in the Interim Planning Guidance (October 2007) which seek to protect and encourage small and new businesses.
- 8.20 In line with saved policy EMP1 of the Unitary Development Plan, and policy EE2 in the Interim Planning Guidance (October 2007), the proposal is not considered to result in a loss of employment and provides good quality replacement employment floorspace, likely to generate an appropriate density of jobs for this location. As such, this proposal is acceptable in employment terms.

Design

Site layout

- 8.21 The existing Greenheath Business Centre, in its current condition, makes little contribution to the urban environment. The proposed redevelopment seeks to regenerate the site, providing permeability at ground floor level and a unique design statement for the area.
- 8.22 The existing Greenheath Business Centre is a former factory building constructed in brick with a saw-tooth roof. A large water tower is located at the north east corner of the site. The proposal would open up the main ground floor reception area to a new atrium and voids in the floor which would link this space to the basement below, where the café and performance areas are to be located. A single storey extension with mezzanine would link the existing building and the existing Duke of Wellington public house. The existing Greenheath Centre itself would have an additional two storeys at roof level, providing business space and terraces to the east. The additional storeys would be set back and constructed in materials to make the extension appear as a lightweight glass extension.
- 8.23 The roofs to both the proposed buildings provide amenity space in the form of a roof terrace. Amenity space for all users is provided at ground floor level with defined paved areas and seating areas. This space coupled with the proposed roof space should provide a high standard of amenity for future residents.
- 8.24 In addition, the site is located in close proximity to Bethnal Green Gardens. The applicant intends to contribute **£50,000** via S106 contributions towards ongoing improvements to the gardens.
- 8.25 The proposed boundary treatment of the site would consist of steel gates that would remain open in the day, closing at night to enable controlled entry to the site.

- 8.26 The external landscaping and layout of the site was amended following concerns from the Council's Urban Design Officer and the GLA. Visitor parking to the Business Centre at the Three Colts Lane entrance was omitted to create more amenity space. Benches and low level seating provide better quality amenity space. The landscape plan has structured zones located at major entrances to help define movement and way finding through the site. Block C has been reduced in size and now only houses a sub station to create more amenity space and a seating area.
- 8.27 Comments from the 2007 GLA stage 1 report advises that the glazed extension to the business centre will be a contemporary addition to the traditional industrial architecture of the existing building. Similarly, the contemporary design of the student accommodation block will add variety and interest to the area.
- 8.28 The design is considered appropriate and therefore in accordance with policy DEV2 in the Interim Planning Guidance (October 2007) since it would:
- Respect the local character and setting of the site;
 - Reinforce local distinctiveness and contribute to a sense of place;
 - Produces a public realm that is integral to the development;
 - Ensure the public realm is comfortable and useable for pedestrians;
 - Creates visual interest and building articulation;
 - Contributes to the legibility and permeability of the urban environment;
 - Ensure the use of high quality materials and finishes;
- Ensure the development is comfortable and appropriate for the needs of all users.
- 8.29 Overall, it is considered that the design and layout of the scheme as discussed above seeks to provide a high quality response to the constraints of the site. The proposed commercial component will seek to provide an active frontage to the ground floor throughout the site.

Height, bulk and massing

- 8.30 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These principles are also reflected in saved policies DEV1 and DEV2 of the UDP 1998 and the Interim Planning Guidance (October 2007).
- 8.31 Policy CP4 of the Interim Planning Guidance (October 2007) states that LBTH will ensure development creates buildings and spaces of high quality, design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 of the Interim Planning Guidance (October 2007) reiterates DEV1 of the UDP 1998 and states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.32 Comments from the 2007 GLA stage 1 report advises that the layout and massing of the scheme responds well to what is a difficult and highly constrained site.
- 8.33 The general bulk and massing for the proposed student blocks is considered acceptable following further amendments to address Council's concerns. A review of the floor plates of the proposed student blocks resulted in some reduction in width. The more slender profile enhances the relationship between the buildings and the urban context by creating glimpses and views into and out of the site. The submitted townscape analysis illustrates the buildings are not that visible from a wider context, given the tight pattern of the urban fabric in this area.
- 8.34 The height, bulk and massing of the extensions to the existing business centre are considered appropriate and the contemporary additions would provide a contrast to the traditional brick building, yet would not detract from its character.

8.35 The London Plan encourages the development of tall buildings in appropriate locations.

Policy 4B.8 states that tall buildings will be particularly appropriate where:

- They create attractive landmarks enhancing London's character;
- Help to provide a coherent location for economic clusters of related activity;
- Act as a catalyst for regeneration; and
- Where they are acceptable in terms of design and impact on their surroundings.

Policy 4B.9 of the London Plan requires all large-scale buildings, including tall buildings, to be of the highest quality of design.

8.36 CP48 of the emerging LDF permits the Council to consider proposals for tall buildings in locations outside the tall building cluster locations if adequate justification can be made for their development.

8.37 The scheme would be in accordance with policy CP48 in the Interim Planning Guidance (October 2007) and would contribute positively by:

- Contributing positively to a high quality, attractive environment;
- Responding sensitively to the surrounding local context;
- Not creating unacceptable impacts on the surrounding environment;
- Contributing to the social and economic vitality of the surrounding area; and
- Not creating an unacceptable impact on social and physical infrastructure.

8.38 The site is not within an identified tall building cluster. The LDF Central Area Action Plan: Issues and options (March 2007) identifies the area subject to this application as a location with potential for increased heights in terms of urban design. Whilst this is draft documentation, it does carry some weight and emerging development within the area and recent planning approvals, have shown an emerging pattern of increased building heights to the east between Cambridge Heath Road and the Viaduct.

8.39 Moreover, the scheme satisfies the criteria for tall buildings set out in DEV27 in the Interim Planning Guidance (October 2007) in that it would;

- Achieve high architectural quality and innovation in the design of the building;
- Demonstrate consideration of the appearance of the building as viewed from all angles;
- Not adversely impact on important views and views of strategic importance;
- Provide a positive contribution to the skyline;
- Not adversely impact on Conservation Areas or Listed Buildings;
- Provide high quality accommodation and useable amenity space;
- Achieve a very high standard of safety and security;
- Not harm privacy and amenity of surrounding residents;
- Demonstrate consideration of sustainability;
- Contribute positively to the social and economic vitality of the surrounding area;
- Be located in an area with good public transport access;
- Take into account the transport capacity within the area; and
- Improve permeability with the surrounding street network.

8.40 On balance, in accordance with London Plan guidance on tall buildings, and the Interim Planning Guidance (October 2007), the proposal scores merit for its response to the context, evolution of form, distinct character, high quality finishes and the efficient use of a brownfield site that would contribute to the economy and regeneration of the area. The height of the building is considered to be acceptable. In conjunction with the supporting comments raised by the GLA and the Council's Design Department, the bulk and massing of the development is considered to be acceptable. The scheme should be conditioned appropriately to ensure that a high quality detailing of the development is achieved.

Material and External Appearance

8.41 The proposed student blocks would be a contemporary addition that would add interest to the area, creating a distinctive architectural impression. The proposed materials are considered appropriate. However, to ensure the highest quality finishes are achieved, conditions requiring details of materials will be imposed.

In relation to the existing business centre, the proposed extensions are considered visually appropriate and would not harm the character of the existing building. Proposed materials are considered appropriate, subject to conditions.

8.42 The proposal has been assessed by the Council's Design and Conservation officers who are supportive of the scheme. It is acknowledged that, whilst the proposed scale and massing is greater than the present context, it would sit comfortably in emerging context for the area.

8.43 To this end, the proposal takes into account and respects the local character and setting of the development site, through:

- the provision of a scale and form of development that is appropriate for this area;
- a distinctive architectural impression;
- conditions requiring details of building materials and external finishes;
- the provision of flexible employment space to create activity; and
- the provision of good quality purpose built and fully managed student accommodation.

8.44 Overall, it is considered that the proposal represents a design, massing and scale which achieves a positive response to the sites context, including its relationship with surrounding opportunities and constraints including the railway viaduct. On the basis of the above, the proposal generally satisfies the requirements of both the adopted Unitary Development Plan and Interim Planning Guidance (October 2007) and is considered acceptable.

Accessibility & Inclusive Design – Safety & Security

8.45 Saved policies DEV1 and DEV2 in the UDP 1998 and policy DEV3 of the Interim Planning Guidance (October 2007) seek to ensure that development incorporates inclusive design principles and can be safely, comfortably and easily accessed and used by as many people as possible. It is considered that the design and layout of public and private spaces within the development are inclusively designed, resulting in improved permeability and connectivity, and a high standard of amenity for future users and residents.

8.46 Comments from the 2007 GLA stage 1 report advise that there are a number of issues outstanding in relation to inclusive design. These include ramp gradients, size and specification of lifts and number of wheelchair accessible units.

8.47 Policy **3A.4 in the London plan** requires 10% of new dwellings to be designed to be wheelchair accessible – this should also extend to student housing. To this end an informative will be added to an approval requiring the scheme comply with the Building Regulations. Wheelchair accessible rooms are situated on every floor of the student accommodation in block B. This equates to 15 accessible rooms which is 14% of the total 101 rooms. On this basis, the scheme is acceptable.

8.48 Further Unitary Development Plan Policies DEV1 and DEV2 and Policy DEV4 of the Interim Planning Guidance seek to ensure that safety and security within development and the surrounding public realm are optimised through good design and the promotion of inclusive environments.

8.49 The redevelopment of this site would increase activity within the area, especially at night where the site is currently under utilised. Policy DEV4 in the Interim Planning Guidance

(October 2007) states:

'The safety and security of development and the surrounding public realm should be optimised, without compromising the achievement of good design and inclusive environments, by:

*a) Ensuring building entrances are located and designed to be visible, safe and accessible;
b) Creating opportunities for natural surveillance of the public realm, including streets and open spaces, by:*

- i. Designing development to face the street;*
- ii. Providing windows in development to overlook streets and open spaces;*
- iii. Providing active frontages adjoining the public realm; and*
- iv. Providing an appropriate mix of uses within the development'.*

The proposal is considered to meet the above criteria and would add activity and natural surveillance from the windows throughout the site. At present, the site currently has public access during the day and therefore it is not considered the proposal would exacerbate this situation. It is not considered the proposed seating areas would encourage anti social behaviour as they are all overlooked. The site would be fully managed and has 24 hour security. A condition requiring Secure By Design standards for doors and windows will be attached to any permission.

- 8.50 There is no evidence that the presence of students in an area would cause an increase in crime. It is unlikely that the development would result in adverse behaviour. Moreover, given the full management of the accommodation, it is considered any issues of adverse behaviour as a result of the proposed accommodation can be addressed if they did arise.

Amenity

- 8.51 Saved Policy DEV2 in the UDP 1998 and Policy DEV1 of the Interim Planning Guidance seek to ensure that development where possible protects and enhances the amenity of existing and future residents as well as the amenity of the public realm.
- 8.52 The site is located in an area which has residential uses to the north and west and predominantly commercial uses to the south and east.
- 8.53 The applicant has submitted daylight and sunlight reports, prepared by GVA Grimley, which looks at the daylight and sunlight implications of the development upon itself and on neighbouring properties. The reports take into account both the proposed student blocks.
- 8.54 The following properties that were considered to include habitable rooms were assessed for daylight and sunlight:
- 1-17 Sunlight Square (Witan Street)
 - 79-84 Sunlight Square
 - 353-360 Corfield Street
 - 345-352 Corfield Street

Daylight Assessment

- 8.55 Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the rooms use.
- 8.56 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:
- 2% for kitchens;

- 1.5% for living rooms; and
- 1% for bedrooms.

8.57 It should be noted that the daylight analysis has been carried out prior to the amendments to the scheme. However, given that the amendments did not increase the bulk, scale and height of the proposal, it is not considered essential to request further analysis given the satisfactory results discussed below.

8.58 79-84 Sunlight Square

The property is a three storey building with residential accommodation at ground, second and third floor levels. Six windows on each floor face south towards the proposed development. The original approved plans for this building (approved under planning reference PA/97/00026) have been reviewed and show that these windows serve bedrooms.

The proposed vertical sky component readings for these windows are below the 27% requirement. However guidelines state that if the VSC is less than 27% or less than 0.8 times its former value the property may be adversely affected. In this case, the first and second floor windows are 0.8 or above and therefore are compliant. The ratio for the ground floor windows is 0.74, just below the 0.8 requirement.

Following the relatively low VSC readings, an ADF calculation was carried out. This calculation indicates ground floor windows would receive a level of daylighting representing 1.5% which is satisfactory for both bedrooms and living rooms.

In light of the above tests, the proposed level of daylight is considered acceptable.

8.59 1-17 Sunlight Square (Witan Street)

This property has four storeys with garages at ground floor and residential above. The majority of the building faces south and the windows to the south west corner facing the development have been tested.

The proposed VSC for the second and third floor windows would exceed the 27% requirement. The proposed VSC reading for the first floor window would be 26.32, just below the 27% requirement and therefore an ADF calculation was completed in relation to this window. Calculations show this window would receive 2.5%, which exceeds the 1.5% requirement for living rooms.

In light of the above tests, the proposed level of daylight is considered acceptable.

8.60 345-352 and 353-360 Corfield Street

The properties are 5 storey residential flats with rear extensions that result in windows to the rear elevation that are significantly set back. It appears the windows serve bedrooms and are therefore required to exceed a ADF calculation of 1%.

After testing it was found that all the windows would exceed the minimum 1% requirement.

As such, the proposed level of daylight is considered acceptable.

Sunlighting

8.61 Sunlight is assessed through the calculation method known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for windows within 90 degrees of due south.

8.62 It should be noted that the sunlight analysis has been carried out following amendments to the scheme that made elevational changes to reduce the bulk of the proposed student blocks. The results illustrated some improvements in APSH following the amendments in comparison to the original drawings.

8.63 79-84 Sunlight Square

It is acknowledged that the calculations for the windows within this property would fail in terms of total loss of sunlight (i.e. they result in an over 20% reduction of sunlight). However, in assessing the acceptability of the scheme it is important to consider the current situation and the urban context of the site and whether the proposal would affect residential amenity to an extent that would warrant a refusal on sunlight grounds.

The windows tested within 79-84 Sunlight Square receive relatively little sunlight at present. This is because of the tight urban context of the area surrounding the site. A total of 1486 sunlight hours are available in London assuming there are no obstructions. At present, the average sunlight hours to the rear windows of this property in the summer is 22, which equates to 7.3 hours per month. As a result of the proposed development, the average in summer would be reduced to 21.1 which equates to 7 hours per month.

The window worst affected by loss of sunlight would lose 13 hours over the year, which when considered against the total of 1486 available within London, equates to only 0.8% of the sunlight available in London.

On balance, it is considered the property at present receives a relatively small amount of sunlight because of the urban environment it is located in. When considered in relation to the total loss over the year, it is not considered that the losses would be significant enough to cause unacceptable harm to residential amenity. It is therefore considered that a refusal could not be sustained on sunlight grounds.

8.64 1-17 Sunlight Square (Witan Street)

A total of 12 out of 31 windows would fail with regard to total percentage loss. However, a large number would pass within this property. In relation to those windows that fail, the window worst affected by loss of sunlight would lose 22 hours over the year, which when considered against the total of 1486 sunlight hours available within London, equates to only 1.5% of the sunlight available in London. This loss of just 22 hours sunlight equates to 24 minutes hours per week over the year. Furthermore, none of the windows in question receive significant amounts of sunlight because of its tight urban context.

The windows tested appear to serve bedrooms and living rooms with the living rooms having two windows. It is considered that given the worst affected window would lose 22 hours over the year (24 minutes per week), and the small amount of sunlight received by the windows at present, plus the urban context of the site, that a refusal could not be sustained on these grounds.

8.65 345-352 and 353-360 Corfield Street

It is considered that the rear windows would received very little sunlight due to the positioning of the rear extensions. In any event they would not be affected by the design proposals for Greenheath Business Centre due to its orientation. Therefore, the sunlight calculations were confined to the two properties above.

Proposed accommodation

8.66 The submitted report carried out by GVA Grimley calculates that all student bedrooms and living areas would have ADF readings over and above the minimum 1% for bedrooms and

2% for kitchens.

The proposed accommodation is therefore considered to receive sufficient daylight and is therefore acceptable.

Overlooking and loss of privacy

- 8.67 Given its design, it is not considered the extension to the existing Greenheath Business Centre would create any additional overlooking to the residents at Corfield Street. No terraces overlooking Corfield Street are proposed.
- 8.68 The proposed student blocks have been designed and orientated to minimise any unacceptable direct overlooking. Windows to the student accommodation are orientated away from existing residential uses to ensure no direct overlooking occurs. Given the orientation, design and distance away from neighbouring residential windows (approximately 25m to the windows of 79-84 Sunlight square), it is not considered the proposal would cause any unacceptable harm to the residential amenity of surrounding properties in terms of overlooking and loss of privacy.

Sense of enclosure/outlook

- 8.69 Unlike, sunlight and daylight assessments, this impact cannot be readily assessed in terms of a percentage or measurable loss of quality of light. Rather, it is about how an individual feels about a space. It is consequently far more difficult to quantify and far more subjective. Nevertheless, whilst it is acknowledged that the development may result in an increased sense of enclosure, on balance this proposal is not considered to create an unacceptable impact given the sites city fringe urban context (which the site borders) and the historical character and grain of the area. A reason for refusal based on these grounds is not considered to be sustainable.

Noise and vibration

- 8.70 Policy DEV50 of the UDP 1998 states that attenuation measures will be required for development sensitive to noise and vibration pollution.
- 8.71 The site is bounded almost on two sides by the railway viaduct to the south eastern corner of the site. The acoustic integrity of the building therefore needs to be enhanced to exceed building regulation requirements, to ensure a high standard of amenity for future occupants. This will be dealt with by condition.
- 8.72 A noise survey carried out by WSP has been submitted with the application. The report concludes that, whilst the site does fall within a high noise exposure category, due to its proximity to the railway, the provision of sufficient noise mitigation measures into the building façade would mean the buildings would be acceptable for residential use. Conditions will be imposed with regard to noise levels in rooms and can be reduced with appropriate build finishes.
- 8.73 Subject to conditions restricting noise from any new plant equipment proposed on this site, it is not considered that any unacceptable noise impact will be created.
- 8.74 There is no evidence to show that the proposal and the proposed groundworks would increase noise from railway within the area and therefore it is not considered a refusal could be justified on these grounds.
- 8.75 There is no evidence to suggest that the student residents would cause more noise than any other residents. It is not considered the students would cause unacceptable noise disturbance, especially in conjunction with proper management of the site, that would

address any unacceptable anti social behaviour and noise.

- 8.76 Officers understand that the size of the proposed development creates concern about construction noise, debris from the site and traffic. In these circumstances, the Planning Department proposes to include a condition ensuring a stringent construction environmental management plan to this scheme to minimise noise and disturbance to nearby residents caused by construction noise, debris and traffic.

Energy Efficiency & Sustainability

- 8.77 The Council's Interim Planning Guidance contains a number of policies to ensure the environmental sustainability of new development. Policy DEV6 requires major development to incorporate renewable energy production to provide at least 10% of the predicted energy requirements on site. In addition, all new development is required to include a variety of measures to maximise water conservation (Policy DEV7) incorporate sustainable drainage systems (Policy DEV8) and construction materials (Policy DEV9). In addition all new development is required to make sufficient provision for waste disposal and recycling facilities (Policy DEV15).
- 8.78 The applicant has submitted an energy strategy and numerous additional information following comments from the Council's energy officer and the GLA. No further comments from the GLA have been received to date, following the further information. However, any comments will be reported to the Committee.

It is considered that the outstanding energy issues can be addressed through a planning condition.

Transport & Highways

- 8.79 Both the Unitary Development Plan and the Interim Planning Guidance contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, lorries and supports movements by walking, cycling and public transport.
- 8.80 In accordance with Policy DEV17, the applicant has submitted a transport assessment which demonstrates the impacts of the development upon the local transport network. It concludes that the existing public transport network is capable of absorbing the additional passenger demands generated by the proposed development.
- 8.81 Both Transport for London and London Borough of Tower Hamlets Highways department are generally satisfied with the proposal and have no objections, subject to conditions. Concerns raised with regard to car parking have been addressed and cycle parking will be conditioned. Other concerns raised within the GLA stage 1 report can be addressed under planning condition.
- 8.82 Following amendments, the car parking and cycle parking have been changed. The current proposed provision of 102 cycle parking spaces for the proposed development is still under the required standard. However, it is considered that there is opportunity at the site to provide more spaces and therefore a condition will be attached to any permission requiring further details for additional cycle parking. Car parking has been reduced in line with officer comments. No further comments from Transport for London have been received to date.
- 8.83 The development will promote sustainable transport methods. The development will be 'car free' for the student accommodation. The site has a PTAL of 6a. There are excellent public transport services in the area, including bus, tube and national rail services, which provide direct linkages to London Metropolitan University in Aldgate. Transport for London is satisfied that the proposed development is not expected to generate significant public transport trips

based on the information in the Transport Assessment. Therefore, it is not expected that the proposal will result in an unacceptable impact to the TLRN or SRN. It is therefore concluded the proposal would not cause traffic disruption or disruption to local public transport services.

- 8.84 Appropriate contributions for pedestrian and cycling improvements in the vicinity of the site, and a car free agreement are required and would be included in the Section 106 agreement. A Section 278 agreement will be required by planning condition.

Other

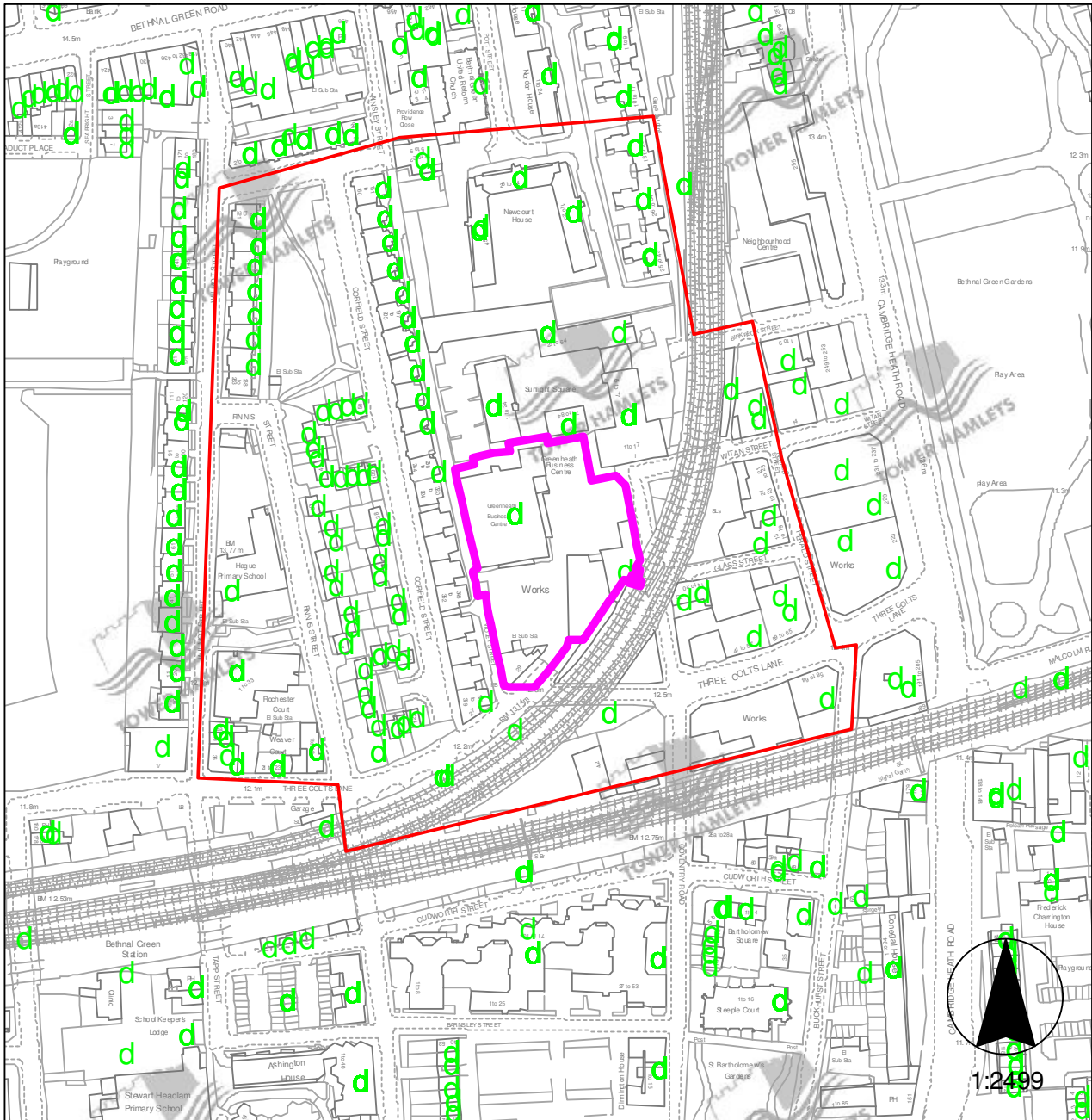
- 8.85 In response to concerns raised in submissions, the following issues not mentioned in previous discussion are considered:

- Increased wind effect – Following a wind environment study submitted by the applicant, it is not expected that the proposal will result in an increase in wind turbulence
- Dust and detritus during construction – The applicant is required to submit a Construction management plan to be assessed by Council Environmental Health Officers.
- Additional noise and disturbance caused by student residents – a management plan will be submitted to for the student component of the development. This will be assessed by Council officers
- Development will further help diversify the local community - noted
- Regeneration benefits - noted

9.0 CONCLUSIONS

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568