

Meeting of the

# **STRATEGIC DEVELOPMENT COMMITTEE**

---

**Thursday, 17 April 2008 at 7.30 p.m.**

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## **A G E N D A**

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### **VENUE**

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

<b>Members:</b>	<b>Deputies (if any):</b>
<b>Chair: Councillor Rofique U Ahmed</b> <b>Vice-Chair: Councillor Helal Abbas</b>	
<b>Councillor Shahed Ali</b>	Councillor Ohid Ahmed, (Designated Deputy representing Councillors Rofique U. Ahmed, Helal Abbas, Md. Shahid Ali, Sirajul Islam and Joshua Peck)
<b>Councillor M. Shahid Ali</b>	Councillor Tim Archer, (Designated Deputy representing Councillor Simon Rouse)
<b>Councillor Lutfa Begum</b>	Councillor Alibor Choudhury, (Designated Deputy representing Councillors Rofique U. Ahmed, Helal Abbas, Md. Shahid Ali, Sirajul Islam and Joshua Peck)
<b>Councillor Sirajul Islam</b>	Councillor Stephanie Eaton, (Designated Deputy representing Councillor Louise Alexander)
<b>Councillor Joshua Peck</b>	Councillor Rupert Eckhardt, (Designated Deputy representing Councillor Simon Rouse)
<b>Vacancy</b>	Councillor Rania Khan, (Designated
<b>Vacancy</b>	

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](mailto:louise.fleming@towerhamlets.gov.uk)

**LONDON BOROUGH OF TOWER HAMLETS**  
**STRATEGIC DEVELOPMENT COMMITTEE**

**Thursday, 17 April 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.

	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>3. UNRESTRICTED MINUTES</b>		
To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 13 <sup>th</sup> March 2008.	<b>3 - 20</b>	
<b>4. RECOMMENDATIONS</b>		
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.		
<b>5. PROCEDURE FOR HEARING OBJECTIONS</b>		
To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.	<b>21 - 22</b>	
<b>6. DEFERRED ITEMS</b>	<b>23 - 24</b>	
<b>6 .1 Site at Caspian Works and Lewis House, Violet Road</b>	<b>25 - 62</b>	<b>Bromley-By- Bow</b>
<b>7. PLANNING APPLICATIONS FOR DECISION</b>	<b>63 - 64</b>	
<b>7 .1 Land Bounded by Limehouse Cut and St Anne's Row and Commercial Road, St Anne Street, London</b>	<b>65 - 88</b>	<b>Limehouse</b>



# Agenda Item 2

## DECLARATIONS OF INTERESTS - 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, 13 MARCH 2008**

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

**Members Present:**

Councillor Helal Abbas (Vice-Chair, in the Chair)  
Councillor Shahed Ali  
Councillor M. Shahid Ali  
Councillor Lutfu Begum  
Councillor Joshua Peck

Councillor Ohid Ahmed  
Councillor Tim Archer  
Councillor Stephanie Eaton  
Councillor Motin Uz-Zaman

**Other Councillors Present:**

Councillor Peter Golds  
Councillor Tim O'Flaherty  
Councillor Oliur Rahman

**Officers Present:**

Megan Crowe	– (Planning Solicitor, Legal Services)
Stephen Irvine	– (Development Control Manager, Planning)
Michael Kiely	– (Service Head, Development Decisions)
Terry Natt	– Strategic Applications Manager
Ila Robertson	– (Planning Officer)
Alison Thomas	– (Manager, Social Housing Group)
Louise Fleming	– Senior Committee Officer

**1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Rofique Ahmed, Sirajul Islam and Simon Rouse. Councillors Ohid Ahmed and Motin Uz-Zaman deputised on behalf of Councillors Ahmed and Islam, and Councillor Tim Archer deputised on behalf of Councillor Rouse.

## 2. DECLARATIONS OF INTEREST

Councillors made declarations of interest in the items included on the agenda as follows:

<b>Councillor</b>	<b>Item</b>	<b>Type of interest</b>	<b>Reason</b>
Helal Abbas	7.1	Personal	Site is within Councillor's Ward
Helal Abbas	7.2	Personal	Phone call received from an objector to the scheme.
Helal Abbas	7.4	Personal	Received e-mails relating to the scheme.
Ohid Ahmed	7.2	Personal	Received e-mails relating to the scheme
Ohid Ahmed	7.4	Personal	Received documentation relating to the scheme.
Shahed Ali	7.2	Personal	Received e-mails relating to the scheme.
Shahed Ali	7.4	Personal	Received documentation relating to the scheme.
Shahid Ali	7.2	Personal	Received an e-mail relating to the scheme.
Tim Archer	7.2	Personal	Received e-mails relating to the scheme.
Tim Archer	7.3	Personal	Attended a presentation hosted by the developer.
Tim Archer	7.4	Personal	Received documentation relating to the scheme.
Lutfa Begum	7.2	Personal	Received an e-mail relating to the scheme.
Stephanie Eaton	7.2	Personal	Received an e-mail relating to the scheme.
Stephanie Eaton	7.4	Personal	Received documentation relating to the scheme.
Josh Peck	7.2	Personal	Received an e-mail relating to the scheme.
Josh Peck	7.4	Personal	Received documentation relating to the scheme.
Motin Uz-Zaman	7.2	Personal	Received an e-mail relating to the scheme.
Motin Uz-Zaman	7.2	Personal	Council nominee on the boards of Poplar Harca and East End Homes, which have worked with Telford Homes.
Motin Uz-Zaman	7.4	Personal	Received documentation relating to the scheme.



### **3. UNRESTRICTED MINUTES**

The minutes of the meeting held on 31<sup>st</sup> January 2008 were agreed as a correct record.

### **4. RECOMMENDATIONS**

The Committee RESOLVED 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 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 relating to deferred items.

### **7. PLANNING APPLICATIONS FOR DECISION**

The order of business of the meeting was varied for procedural convenience but all items are shown in their original agenda order, for ease of reference.

#### **7.1 4 to 6 and 16 to 22 Middlesex Street and 3 to 11 Goulston Street, E1**

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the redevelopment to provide a mixed use development comprising a 17 storey office building rising to a maximum height of 76m (and providing 41,361 sqm office floorspace); 8 storey hotel plus plant room; building (providing 207 guest rooms and comprising 15,002 sqm floorspace); together with 872 sqm of Class A1 to A4 use (retail) floorspace; and ancillary car parking, serving, landscaping and new vehicular access at 4-6 and 16-22 Middlesex Street and 3-11 Goulston Street, E1.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application, outlining the proposal and explaining the reasons why it had been recommended for approval. He informed the Committee that there was a good Section 106 legal agreement proposed to mitigate any effects from the development.

Members asked questions relating to the financial contributions towards affordable housing, and expressed concern that £1.5 million would be insufficient. Questions were also asked relating to carbon emissions, wind effects, landscaping and the Petticoat Lane Market.

The Committee was advised that a number of conditions had been proposed to ensure the development met carbon emissions targets. The wind effects

had been assessed and were considered to be acceptable. Local Area Partnerships would advise on appropriate locations for public realm contributions, in line with the emerging Aldgate Master Plan. Members were reminded that the use of part of the existing site for market stalls was a private agreement with the owner and not for consideration of the Committee.

Members proposed that the Section 106 agreement be amended to include cultural and heritage facilities and initiatives and that the financial contribution towards affordable housing be increased to £3 million. Mr Kiely advised the Committee that increasing the figure for affordable housing could render the application unviable. However, the motion was carried.

Councillor Shahed Ali expressed his concern that the loss of a number of market stalls in Petticoat Lane Market had not been acknowledged in the application, and wished his displeasure to be noted in the minutes.

On a vote of 4 for and 3 against, the Committee RESOLVED that planning permission for the redevelopment to provide a mixed use development comprising a 17 storey office building rising to a maximum height of 76m (and providing 41,361 sqm office floorspace); 8 storey hotel plus plant room; building (providing 207 guest rooms and comprising 15,002 sqm floorspace); together with 872 sqm of Class A1 to A4 use (retail) floorspace; and ancillary car parking, serving, landscaping and new vehicular access at 4-6 and 16-22 Middlesex Street and 3-11 Goulston Street, 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) £1,167,180 for transport improvement including public transport and highways, pedestrian and cycle improvements in the vicinity of the site.
  - (b) Affordable housing - £3 million to mitigate against the loss of affordable housing on site.
  - (c) £333,000 for local community, environmental, cultural and heritage facilities and initiatives
  - (d): Preparation, implantation and review of a Service Management Plan.
  - (d): Preparation, implantation and review of a Green Travel Plan.
  - (e): Public realm improvements
  - (f) TV reception monitoring and mitigation.
  - (g): Completion of a car free agreement to restrict occupants applying for residential parking permits.
- C That the Corporate Director Development and Renewal be delegated authority to negotiate the legal agreement indicated above.

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

#### Conditions

1. Time Limit
2. Design/materials of external materials proposed.
3. Details of
  - a) Design of Building to include inclusive design principles
  - b) Hard and Soft Landscaping
  - c) External lighting and CCTV scheme
4. Secure by design statement
5. Submission of a statement of the methods of working for the demolition and construction phases.
6. Details of construction of the foul and surface water drainage system.
7. Submission of details of external ventilation/extract ducts to A3 units.
8. Submission of high level/roof top plant and sound attenuation.
9. Submission of details of refuse/recycling proposals.
10. Submission of details of disabled access and inclusive design.
11. Limit hours of operation of restaurant/bat (Mon-Sun 8am to 11pm).
12. Details of Water Efficiency measures.
13. Submission of details of site foundations.
14. Details of renewable energy measures/assessment to meet minimum 10% provision.
15. Cycle storage.
16. Site Management Plan: location and management of plantings, next boxes and green walls.
17. Archaeology Investigation Study.
18. Submission of a Code of Construction Practice (CoCP)
19. Hours of construction (8am to 6pm Monday to Friday; 9am to 5pm on Sat and not at all on Sunday or Bank Holidays).
20. Any other condition considered necessary by the Head of Development Decisions.

#### Informatives

1. Section 106 agreement required.
2. Section 278 (Highways) agreement required; and
3. Any other informatives considered necessary by the Head of Development Decisions.
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. Transport Department Advice.

11. London Underground Advice.
12. Landscape department advice.
13. Contact the GLA regarding the energy proposals.

E That if by 13<sup>th</sup> June 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 32-42 Bethnal Green Road, London E1 6HZ**

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing buildings and erection of a 4 to 25 storey buildings to provide 3,443 sq m of commercial floorspace with the use classes A1, A2, A3, A4, B8, D1 and/or D2 together with 360 residential units, 83 car parking, bicycle parking, refuse/recycling facilities, access, public amenity space and new public square at 32-42 Bethnal Green Road, London E1 6HZ.

Mr Brendan Pinch spoke in objection on the grounds that the development would be out of keeping and inappropriate for the area. He highlighted the objection which had been made by English Heritage and raised concerns over the effect of the scheme on the nearby conservation area and listed buildings. He felt that the scheme was too dense and constituted overdevelopment of the site.

Ms Amanda Reynolds spoke in objection on behalf of Open Shoreditch. She felt that the applicant had not taken into account the local context, and that the development would have an adverse effect on the public realm. It would overshadow the surrounding buildings; and was too dense. She also raised concerns relating to design, scale and massing.

Mr Tim Gaskell spoke on behalf of the applicant. He felt that the development would regenerate the area, providing employment and housing. He addressed the objections raised regarding the height and explained that the context of the area was changing. The development would open up a link to the Rich Mix Centre from Brick Lane.

Councillor Oliur Rahman spoke on behalf of the residents. He disagreed with the figures stated in the report relating to affordable housing and argued that the residents needed more family sized accommodation. He did not feel that the proposal was in accordance with policy.

Councillor Tim O'Flaherty spoke on behalf of the residents. He did not feel that sufficient consultation had taken place, either with residents or with the Local Area Partnership.

Mr Stephen Irvine, Development Control Manager, presented a detailed report on the application, outlining the proposals including the locations of the blocks

of affordable housing and commercial units. He informed the Committee that the proposal was in line with policy and advised on each issue which the Committee needed to take into consideration when making its decision. He advised on land use, employment generation, height, mass, scale and design, parking, open space, access and sustainability. He explained that the proposal was also acceptable in terms of daylight/sunlight and did not display any of the usual symptoms of overdevelopment, and therefore a refusal on those grounds could not be sustained. The Mayor of London's policy had identified the area as being suitable for tall buildings, and the GLA were in support of the scheme. He reminded Members that the site was not within the conservation area. However, the Committee needed to be mindful of its effect on the setting of the adjacent conservation area.

Members asked a number of detailed questions relating to the environmental assessments which had taken place, affordable housing, density, parking provision, amenity space, public consultation and access to cycle parking. Members expressed concerns relating to the height and density of the building, and its effect on both the adjoining conservation area and residential amenity. Concerns were also raised over the amount of affordable housing.

On a vote of 5 for and 3 against, the Committee RESOLVED that planning permission for the demolition of existing buildings and erection of a 4 to 25 storey buildings to provide 3,443 sq m of commercial floorspace with the use classes A1, A2, A3, A4, B8, D1 and/or D2 together with 360 residential units, 83 car parking, bicycle parking, refuse/recycling facilities, access, public amenity space and new public square at 32-42 Bethnal Green Road, London E1 6HZ be GRANTED subject to

- A Any direction by the Mayor of London.
- B The prior completion of a legal agreement to secure the following planning obligations:
  - 1) Affordable housing provision of 35% of the proposed habitable rooms with a 71/29 split between rented/shared ownership to be provided on site.
  - 2) A contribution of £313,548 to mitigate the demand of the additional population on healthcare facilities.
  - 3) A contribution of £537,000 to mitigate the demand of the additional population on education facilities.
  - 4) A contribution of £25,000 for the improvement of bus stops on Bethnal Green Road and Shoreditch High Street.
  - 5) A contribution of £150,000 towards improving street environment and walking links between the development.
  - 6) £2,093,978 for cultural, social and community products and for the provision of workspace off site.
  - 7) Completion of a car free agreement to restrict occupants applying for residential parking permits.
  - 8) TV Reception monitoring and mitigation.

- 9) Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
  - 10) Preparation, implementation and review of a Green Travel Plan.
  - 11) Preparation, implementation and review of a Service Management Plan.
- C That the Corporate Director, Development & Renewal be delegated authority to negotiate the legal agreement indicated above.
- D The Corporate Director, Development & Renewal be delegated authority to impose conditions and informatives on the planning permission to secure the following matters:

#### Conditions

1. Permission valid for 3 years.
2. Details of the following are required:
  - a) Samples of materials for external fascia of building
  - b) Ground floor public realm
  - c) Cycle parking
  - d) Security measures to the building
  - e) 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, walls, fences, gates and railings, screens/canopies, entrances, seating and litter bins
  - f) The design of the lower floor elevations of commercial units including shopfronts
  - g) Escape doors
3. The storage and collection/disposal of rubbish.
4. Landscape Maintenance and Management Plan.
5. Parking – maximum of 83 cars (including 4 disabled spaces) and a minimum of 360 residential and 110 non-residential bicycle spaces.
6. Construction of storage facilities for oils, fuels and chemicals.
7. Investigation and remediation measures for land contamination (including water pollution potential).
8. Archaeological investigation.
9. Details of the site foundation works.
10. Construction of storage facilities for oils, fuels or chemicals to be carried out.
11. Construction Environment Management Plan, including dust monitoring.
12. Submission of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.
13. Further baseline noise measurements during construction and operational phase (plant noise) to be undertaken for design work purposes.

14. 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.
15. Limit hours of power/hammer driven piling/breaking out to between 10.00 hours to 16.00 hours, Monday to Friday.
16. Ground borne vibration limits.
17. Noise level limits.
18. Implementation of micro-climate control measures.
19. Implementation of ecological mitigation measures.
20. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of affordable housing being wheelchair accessible.
21. Details of the disabled access and inclusive design.
22. Details of the highway works surrounding the site.
23. Full particulars of Class A1-A3 use to be submitted.
24. Full particulars of the means of ventilation for A3 use to be submitted.
25. Details of access to cycle parking.
26. 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. Transport Department Advice.
11. London Underground Advice.
12. Landscape department advice.
13. Contract the GLA regarding the energy proposals.

E That if by 13<sup>th</sup> June 2008, the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

(Councillor Ohid Ahmed left after the consideration of this item and did not return for the duration of the meeting).

### **7.3 Heron Quays West, Heron Quays, London E14**

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the redevelopment of Heron Quays London E14.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application, outlining the reasons why the application had been recommended for approval.

Members asked a number of questions relating to employment, sports pitches and access to the waterway. The view was taken that access should be secured by way of the S106 agreement in perpetuity. It was also proposed that the financial contributions towards community facilities be for the benefit of any community organisation on the Isle of Dogs and not ringfenced for one in particular.

The Committee unanimously RESOLVED that demolition of the existing buildings and structures on the site, partial infilling of South Dock and its redevelopment by:

- erection of a part 12 storey, part 21 storey and part 33 storey building comprising Class B1 offices; construction of 3 levels of basement for Class A retail units, underground parking, servicing & plant;
- construction of a subterranean pedestrian link to the Jubilee Place Retail Mall and the Jubilee Line Station incorporating Class A retail accommodation;
- erection of a 4 storey building for Class A3 (restaurant and cafe) and A4 (drinking establishments) uses, and/or at first and part second floor level Class D1 (training centre);
- relocation of the canal between South Dock and Middle Dock from the eastern to western part of the application site;
- provision of a new publicly accessible open space;
- associated infrastructure and landscaping together with other works incidental to the application (PA/07/3088);

at Heron Quays West, Heron Quays, London E14 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 planning obligations:

#### Financial Contributions

- a) Provide £175,000 for the improvement and upgrade of the 24 hour lighting in the lower Westferry Roundabout.
- b) Provide a contribution of £870,521 towards open space management. This will fund the enhanced management of existing public open spaces on the Isle of Dogs for a period of 5 years.
- c) Provide a contribution of £1,500,000 for Heron Quays public realm improvements.
- d) Provide a contribution of £3,178,000 towards social and physical infrastructure, in line with similar developments elsewhere in the Canary Wharf estate, the projects/improvements would be



defined under specific headings within the S106 agreement, those being

- i. *Sustainable transport initiatives*; improvements to facilitate walking, cycling, sustainable transport modes, including improvements in accordance with the Cycle Route Implementation Plan and Millwall Outer Dock walkway improvements.
  - ii. *Heritage and culture*; improvements to preserve and enhance the history and character of the Docklands/Isle of Dogs area
  - iii. *Open Space improvements to preserve and enhance the history and character of the Docklands/Isle of Dogs area*
  - iv. *Provision of affordable flexible business space*; to assist small/start-up businesses within the Borough
- e) Provide a contribution of **£3,000,000** towards Docklands Light Railway (DLR) capacity enhancement works and works that would improve the hard landscape under Heron Quays station
  - f) Provide **£1,800,000** towards TfL Buses improvements (£200,000 per bus per year for three years)
  - g) Provide **£2,250,000** towards the conversion of 3 grass pitches to Astroturf to increase capacity, in accordance with the Council's emerging Sports Pitch Strategy
  - h) Provide **£2,500,000** towards social and community facilities
  - i) Provide **£3,000,000** towards Employment and Training, such as 'pump priming' the new employment service during the first two years of its operation

(Total s106 contribution of **£18,273,521**)

#### Non-Financial Contributions

- j) TV Reception - mitigation of any impacts on TV Reception
  - k) Publicly Accessible Open Space and Walkways - Maintenance of new publicly accessible open space within the development together with unrestricted public access
  - l) Biodiversity Management Plan - Ensure biodiversity value is maintained in the long-term
  - m) Code of Construction Practice - To mitigate against environmental impacts of construction
  - n) Travel Plan - To promote sustainable transport
  - o) Access to employment - To promote employment of local people during and post construction
  - p) To secure access to the waterway in perpetuity.
  - q) Any other planning obligation(s) considered necessary by the Corporate Director of 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 on the planning permission to secure the following matters:

Conditions

- 1) Time Limit (3 years)
- 2) Phasing programme details
- 3) Particular details of the development
  - External materials;
  - External plant equipment and any enclosures;
  - Wind mitigation measures;
  - Hard and soft landscaping including the reed bed planting and trees; and
  - External lighting and security measures
- 4) Full particulars of energy efficiency technologies required
- 5) Hours of construction (0800-1800 Hours Monday to Friday and 0800 – 1300 Hours on Saturdays)
- 6) Hours of operation of A3/A4 units
- 7) Environmental Noise Assessment required
- 8) Demolition and Construction Management Plan required including feasibility study and details of moving freight by water during construction
- 9) Noise control limits
- 10) Land contamination assessment required
- 11) Details of additional cycle parking spaces
- 12) Green Travel Plan required including
- 13) Biodiversity Plan required
- 14) Full details of the new canal required.
- 15) Programme of archaeological work required
- 16) Drainage strategy details required
- 17) Protection of public sewers
- 18) Impact study of the existing water supply infrastructure required
- 19) Control of development works (restricted hours of use for hammer driven piling or impact breaking)
- 20) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

- 1) Section 106 agreement required
- 2) Contact Thames Water
- 3) Contact London City Airport regarding cranes and aircraft obstacle lighting
- 4) Contact LBTH Building Control
- 5) Contact British Waterways
- 6) Contact London Fire & Emergency Planning Authority
- 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.

and that Listed Building Consent for the

- Partial demolition of a Grade I listed quay wall, copings and buttresses to south edge of West India Export Dock to facilitate works for the relocation of the existing canal; reinstatement of Grade I listed quay wall and copings along existing canal entrance to West India Export Dock alterations and stabilisations of Grade I listed quay wall and copings and associated works (PA/07/3089);

at Heron Quays West, Heron Quays, London E14 be GRANTED subject to the following conditions

- 1) Time Limit (3 years)
- 2) Programme of recording of and historic analysis required.
- 3) Submission of method statement required.
- 4) Matching materials.
- 5) Plus any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

- 1) The works approved are only those specified on the submitted drawings/documentation.
- 2) Any other informatives considered necessary by the Corporate Director Development & Renewal.

And that Listed Building consent for the

- Partial demolition and associated works to the Grade II listed former lock entrance to South Dock to facilitate works for the relocation of the existing canal (PA/07/3090)

at Heron Quays West, Heron Quays, London E14 be GRANTED subject to the following conditions

- 1) Time Limit (3 years)
- 2) Programme of recording of and historic analysis required.
- 3) Any other conditions or informatives considered necessary by the Corporate Director Development & Renewal.

RESOLVED that in accordance with Council Procedure Rule 14.1.13 (motion to extend the meeting under Rule 9) the meeting be extended by up to 1 hour.

(Councillor Stephanie Eaton left after the consideration of this item and did not return for the duration of the meeting).

#### **7.4 Indescon Court, 20 Millharbour, London**

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the redevelopment of Indecon Court, 20 Millharbour, London.

Ms Ila Robertson, Planning Officer, presented a detailed report on the application. She informed the Committee that two further representations had been received from the GLA and CABE and were detailed in the addendum report and detailed the benefits of the scheme and the reasons for the officers' recommendation for approval.

Members asked questions relating to the unit size, the location of the residential and commercial elements within the site, the financial contributions towards education, the affordable housing split and the access to cycle parking. Some concern was expressed over the height and density of the building.

The Committee RESOLVED that planning permission for the demolition of the existing buildings on site and construction of a mixed use development comprising of two buildings. The main building ranges from 12 to 32 storeys with a maximum height of 95 metres (99.5 AOD) and a 10 storey 'Rotunda' building being a maximum height of 31.85 metres (36.15 AOD). Use of the new buildings for 546 residential units (Use Class C3) (87 x Studios, 173 x 1 bedrooms, 125 x 2 bedrooms, 147 x 3 bedrooms, 14 x 4 bedrooms), 5,390 sqm for hotel (Use Class C1) and /or Serviced Apartments (Sui Generis), 1,557 sqm of Leisure floorspace (Use Class D2) and 1,654 sqm commercial floorspace (Use Classes A1/A2/A3 and/or A4). Plus a new vehicle access, 150 car parking spaces in one basement level, public and private open space and associated landscaping and public realm works at ground floor level at Indecon Court, 20 Millharbour, 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) Affordable housing provision of a 35% minimum of the proposed habitable rooms with a 78/22 split between rented/ shared ownership to be provided on site. In addition the inclusion of a cascade clause to allow for additional affordable housing provision up to a maximum of 50% if grant is received.
  - b) A contribution of £76,973.12 to mitigate the demand of the additional population on health care facilities.
  - c) A contribution of £93,672.88 to mitigate the demand of the additional population on education facilities.
  - d) Provision of public open space being Lightermans Plaza and landscaping to the Millharbour Frontage.
  - e) Provision of public access through the site via the north-south and east-west linkages.

- f) Completion of a car free agreement to restrict occupants applying for residential parking permits.
  - j) Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
  - h) TV reception monitoring and mitigation.
  - i) Preparation, implantation and review of a Green Travel Plan.
  - j) Preparation, implantation and review of an Environmental Management Plan.
  - k) Linkage of new eastern phase into the commencement of work on western phase.
  - l) 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. Permission valid for 3 years.
2. Details of the following are required:
  - Samples of materials for external materials of building in accordance with design precedents detailed in the design and access statement, dated November 2007.
  - Details of all balcony balustrading and screening.
  - The design of the lower floor elevations of commercial units including shopfronts, entrances to the hotel and residential blocks.
  - Mitigation measures required for an acceptable microclimate.
  - Details of all signage.
3. Details of all external landscaping (including roof level amenity spaces and details of brown and/or green roof systems and bird, bat and insect boxes) including lighting and security measures, finishes, levels, walls, fences, gates and railings, screens/ canopies, entrances, seating and litter bins.
4. Landscape Maintenance and Management Plan
5. Implementation of Landscaping
6. Parking – maximum of 150 cars (including 15 disabled spaces) and a minimum of 546 residential and 32 non-residential bicycle parking spaces.
7. Provision of details regarding servicing management plan.
8. Details of provision of ducting pathways and ventilation systems for A3/A4 uses.
9. Operating hours for A3, A4 and D1 uses (8.00am – 11pm Mon – Sun).
10. Further baseline noise measurements during construction and operational

- phase (plant noise) to be undertaken for design work purposes.
11. 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.
  12. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
  13. Construction Management Plan, including a dust monitoring
  14. Ground borne vibration limits.
  15. Noise level limits
  16. Implementation of micro-climate control measures
  17. Implementation of ecological mitigation measures
  18. Submission of the sustainable design measures and construction materials, including details of energy strategy, efficiency and renewable measures.
  19. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.
  20. Details of the disabled access and inclusive design
  21. Hotel/ Serviced Apartment 90 day maximum stay
  22. Details of noise insulation between residential and commercial uses.
  23. Details of foundation design
  24. Investigation and remediation measures for land contamination (including water pollution potential) including submission of verification report, and long-term monitoring of and maintenance plan to ensure remediation.
  25. Details of water efficiency measures.
  26. Full particulars of the surface/ foul water drainage plans/ works.
  27. Details of Secure by Design Measures
  28. Details of access to cycle parking.
  29. 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. Site notice specifying the details of the contractor required.
  4. Construction Environmental Management Plan Advice.
  5. Environment Agency Advice on Pollution Control
  6. Environment Agency Advice on Construction and Duty of Care
  7. Environmental Health Department Advice.
  8. Code of Construction Practice.
  9. Contact the GLA regarding the energy proposals.
- 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.

The meeting ended at 10.50 p.m.

Chair, Councillor Rofique U Ahmed

Strategic Development Committee

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# 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

<b>Committee:</b> Strategic Development	<b>Date:</b> 17 <sup>th</sup> April 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Deferred Items	
<b>Originating Officer:</b> Michael Kiely		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> 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.
31/01/08	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	To allow officers to negotiate further with the applicant on the gated element.

**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

### **3. CONSIDERATION OF DEFERRED ITEMS**

3.1 The following deferred applications are for consideration by the Committee. The original reports along with any update reports are attached.

6.1 PA/07/02706: Site at Caspian Works and Lewis House, Violet Road

3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

### **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.

# Agenda Item 6.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 17 <sup>th</sup> April 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6.1
<b>Report of:</b> Corporate Director of Development and Renewal  <b>Case Officer:</b> Jason Traves		<b>Title:</b> Planning Application for Decision  <b>Ref No:</b> PA/07/02706  <b>Ward(s):</b> 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 142 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 7<sup>th</sup> 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 No's:  
P007, 206081/050, 206081/051, 206081/052, 20681/053, 20681/055, 206081/056, 206081/057, 206081/058, 206081/059, 206081/110A, 206081/120/D, 206081/121/D, 206081/122/E, 206081/123/F, 206081/124/F, 206081/125/E, 206081/126/F, 206081/127/D, 206081/128/E, 206081/129/D, 206081/130/D, 206081/150/C, 206081/151/C, 206081/152/B, 206081/153/C, 206081/155/B, 206081/156/C, 206081/157/B, 206081/158/B, 206081/159/D

Documents:  
Accessibility and Lifetime Homes Statement  
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  
Energy Assessment  
Flood Risk Assessment  
Ground Conditions Report  
Landscape Design Statement  
Materials Used and Purchasing Strategy  
Microclimate Assessment

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### 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
<b>Applicant:</b>	Berkeley Homes (North East London) Ltd
<b>Owner:</b>	Strong Holdings PLC
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	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 a 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 20<sup>th</sup> December 2007 Strategic Development Committee meeting;
- b) Provide **£1821.00** towards bus stop survey;
- c) Provide **£14,565.00** towards bus stop improvements;
- d) Provide **£58,257.00** towards highway safety improvements;
- e) Provide **£269,846.00** towards education to mitigate the demand of the additional population on education facilities;
- f) Provide **£581,792.00** towards medical facilities to mitigate the demand of the additional population on medical facilities;
- g) Provide **£21,846.00** towards Public Art;
- h) Provide **£20,000.00** for a DLR train times information (DAISY) board;
- i) Provide **£20,000.00** for works towards British Waterways betterment of Limehouse Cut; and
- j) Agreement to secure removal of gates to provide access to internal courtyard agreed in planning permission PA/07/647 & 1648 approved May 2007.

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) Elevation treatment including a pallet board of samples of materials for external fascia of building, including balconies;
  - b) Screens on corners of D2 and D3 buildings per microclimate assessment and policy DEV5
  - c) The design of the lower floor elevations of commercial units including shop fronts  
External lighting and security measures
- 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) Renewables
- 10) Land contamination study required to be undertaken with remediation certificate
- 11) Details of Piling Foundations as required by the Environment Agency
- 12) No infiltration of surface water drainage into ground
- 13) No storage of solid mater within 10m of Limehouse Cut
- 14) Storage facilities for oils, fuels and chemicals to be approved
- 15) Details of foul and surface drainage system as required by the Environment Agency
- 16) Method statement for the removal of waste and construction phase
- 17) Surface water source control measures in accordance with the approved details
- 18) Archaeology as required by English Heritage
- 19) Insulation and PPG 24 noise assessment
- 20) Details of the waste and recycling facilities
- 21) Construction Management Plan required
- 22) Details of inclusive design through the scheme
- 23) Construction noise limits
- 24) Construction vibration limits
- 25) Details of Brown Roofs
- 26) Lifetime homes standards
- 27) Reservation of access to DLR land
- 28) Details of fume extraction for the Class A3 premises
- 29) No roller shutters/hoardings
- 30) Details to be submitted during detailed design construction phase that level 3 Code for Sustainable homes is achieved.
- 31) Details of the CHP system
- 32) Residents of the Hoe site shall have access to the ground floor communal area of the strong site including the children's play area

#### **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 on 31<sup>st</sup> January 2007. The previous reports are attached at Appendices 1 and 2. The Committee resolved to defer the matter to enable the agent to secure the removal of security gates through the s106 planning agreement.

Since the January 2008 meeting, the agent has also undertaken amendments to relocate the waste and cycle storage from the central courtyard of the Strong site to within the building footprint on the ground floor. This has resulted in the loss of 1 x 2bed flat and a reduction in the overall number of units to 142. Affordable and family housing provision remains unchanged. The subsequent mix is shown in the table below:



**Table - Revised scheme (142 Units)**

	<b>Market Sale</b>	<b>Social Rent</b>	<b>Shared Ownership</b>
Studios	2	0	0
1 Bedroom flat	28	7	2
2 Bedroom flat	44	12	6
3 bedroom flat	20	12	2
4 Bedroom flat	1	4	2
<b>Total Units</b>	<b>95</b>	<b>35</b>	<b>12</b>
<b>Total Affordable Units</b>		<b>47</b>	

The revisions were placed on renotification for 21 days between 25<sup>th</sup> February 2008 to 17<sup>th</sup> March 2008. Three (3) submissions from previous objectors were received raising issues relating to loss of light, impact on local character, impact on local services/infrastructure and separate application PA/08/00019. These matters have been considered previously in the assessment and findings are contained in the previous reports.

## **5. Further Consideration**

### *5.1 Entry Gates*

5.2 The entry gates of concern to the Committee control access to the central area of Site A and were previously agreed in planning permission for PA/07/647-1648 issued in May 2007. The gates fall outside the red line of the current application.

5.3 The agent agrees to the removal of the gates and this undertaken has been incorporated into the s106 agreement.

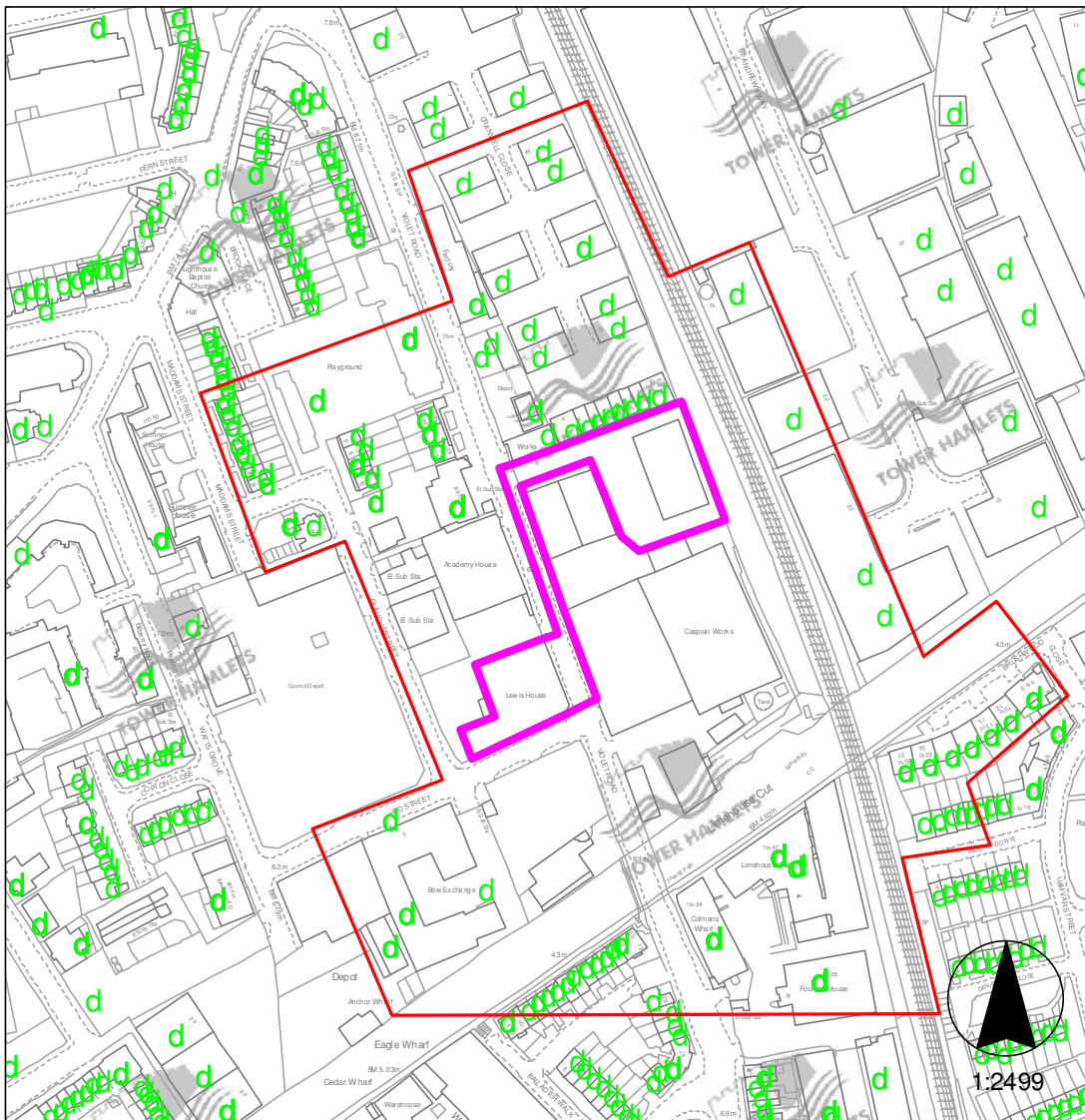
## **6. Conclusions**

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.

## **Appendices**

- 1 31<sup>st</sup> January 2008 Strategic Development Committee Report**
- 2 20<sup>th</sup> December 2007 Strategic development Committee 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

<b>Committee:</b> Strategic Development	<b>Date:</b> 31 <sup>st</sup> January 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6.2
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Jason Traves		<b>Ref No:</b> PA/07/02706	
		<b>Ward(s):</b> 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 7<sup>th</sup> 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/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:  
Accessibility and Lifetime Homes Statement  
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  
Energy Assessment  
Flood Risk Assessment  
Ground Conditions Report  
Landscape Design Statement  
Materials Used and Purchasing Strategy  
Microclimate Assessment  
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:

- k) 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 20<sup>th</sup> Dec 2007 Strategic Development Committee meeting;
- l) Provide **£1899.00** towards bus stop survey;
- m) Provide **£14,667.00** towards bus stop improvements;
- n) Provide **£58,667.00** towards highway safety improvements;
- o) Provide **£271,524.00** towards education to mitigate the demand of the additional population on education facilities;
- p) Provide **£585,889.00** towards medical facilities to mitigate the demand of the additional population on medical facilities; and
- q) 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**

- 8) Consult the Environment Agency in terms of conditions 10, 11
- 9) Consult Thames Water in respect of 10, 11 and 13
- 10) Consult Metropolitan Police in terms of conditions 2b, 3, 21, 22
- 11) Site notice specifying the details of the contractor required
- 12) Building Regulations in terms of means of escape
- 13) 278 agreement to be entered into for Highway works surrounding the site
- 14) 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 is attached at Appendix 1. 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 28<sup>th</sup> 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.

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

**Drawing No's:** Plan No's:  
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/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  
Arborcultural Report  
Archaeological Desk Based Assessment  
BRE Daylight/Sunlight Report  
Computer Generated Images (CGIs)  
Design and Access Statement  
Ecological Impact Assessment  
Employment Property Market Review  
Energy Assessment  
Flood Risk Assessment  
Ground Conditions Report  
Landscape Design Statement  
Materials Used and Purchasing Strategy  
Microclimate Assessment  
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 37% affordable housing based on habitable rooms exceeds the required provision whilst 25% family-sized housing across all tenures (market, social rent, 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:

- r) 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;
- s) Provide **£1899.00** towards bus stop survey;
- t) Provide **£15,180.00** towards bus stop improvements;
- u) Provide £60,718.00 towards highway safety improvements;
- v) Provide **£258,233.00** towards education to mitigate the demand of the additional population on education facilities;
- w) Provide **£606,375.00** towards medical facilities to mitigate the demand of the additional population on medical facilities; and
- x) Provide **£22,770.00** towards Public Art.

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

3.3 That the Corporate Director Development & Renewal is delegated power 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 writing 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**

- 15) Consult the Environment Agency in terms of conditions 12-13
- 16) Consult Metropolitan Police in terms of conditions 3, 27, 28, 32
- 17) Site notice specifying the details of the contractor required
- 18) 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 is delegated power 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 3 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 accessway 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 accessway. 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 of 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 west, land is also in commercial use including Bow Exchange and the council depot site.

### Planning History

- 4.10 On 4 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 Committee report and decision notice are **Appendix A**.

## 5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" 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 do 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 Arborculturalist**

- 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, they were 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 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 permissions 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' apposes 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 and
- That the supporting documentation indicates there is significant existing employment floorspace locally;
- That the supporting documentation indicates demand for floorspace it in Violet Road is low;
- The May 2007 permission fro 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
<b>Total Units</b>	<b>98</b>	<b>38</b>	<b>12</b>
<b>Total Affordable Units</b>		<b>50</b>	

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**

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

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 <sup>2</sup> )
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
<b>Total</b>			<b>2,103</b>

#### 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	-
<b>TOTAL</b>	<b>138</b>		<b>1200</b>
<b>Ground Floor Units</b>			
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	-
<b>Total</b>	<b>10</b>		<b>375</b>
<b>Grand Total</b>			<b>1575</b>
<b>Communal amenity</b>		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	<b>188</b>
<b>Total Housing Amenity Space Requirement</b>			<b>1763</b>

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 can be 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 outline 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 affects 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 07 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;
- 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;
- 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 NO<sub>2</sub> (nitrogen dioxide) and PM<sub>10</sub> (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 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 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 councils Council's Environment and Ecology officer who 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 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 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.

# Agenda Item 7

<b>Committee:</b> Strategic Development	<b>Date:</b> 17 <sup>th</sup> April 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Michael Kiely		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> 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.

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**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

<b>Committee:</b> Strategic Development	<b>Date:</b> 17 <sup>th</sup> April 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.1
<b>Report of:</b> Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Shay Bugler/Jacob Jaarsma		<b>Ref No:</b> PA/08/00042	
		<b>Ward(s):</b> Limehouse	

## 1. APPLICATION DETAILS

- 1.1 **Location:** Land Bounded by Limehouse Cut and St. Anne's Row and Commercial Road, St. Anne's Street.
- 1.2 **Existing Use:** Vacant Industrial Units, A2 Betting Shop on Corner of Commercial Road and St. Anne's Street.
- 1.3 **Proposal:** Demolition of existing buildings and the construction of 6-9 storey residential-led mixed use development to provide 233 residential units (16 x studios, 52 x 1, 120 x 2, 39 x 3, 4 x 4 and 2 x 5 beds) and 1040m<sup>2</sup> of Use Class A1, A2, A4, A5 and B1 floorspace. Provision of 255 cycle storage spaces, 60 underground car parking spaces and the provision of public open space with access to Limehouse Cut.

1.4 **Drawing Nos:** Drawings:

206106/PA/001; PA/010; PA/030; PA/031; PA/032; PA/033; PA/034; PA/035; PA/110; PA/120; PA/121A; PA/122; PA/123; PA/124; PA/125; PA/126; PA/127; PA/130; PA/131; PA/132; PA/133; PA/134; PA/135; PA/136; PA/137; PA/138; PA/139 & Sketch Section Extract.

Supporting Statements:

- Architectural Design and Access Statement
- Daylight/Sunlight Report prepared by Waterslade (dated January 2008)
- Planning Statement (dated January 2008)
- Accommodation Schedule
- Travel Plan
- Landscape Design Statement
- Urban Design Study
- Tenure Diagrams Document
- Family Unit Diagrams Document
- Amenity Space Diagrams Document
- Accessibility & Lifetime Homes Statement
- Air Quality Statement (February 2008)
- Industrial Property Overview
- Waste Recycling Storage Strategy
- Biodiversity Statement
- Contamination Report (Desk Top Study)
- Archaeological Desk-Based Assessment
- Road Traffic Noise & Vibration Assessment Report
- Flood Risk and Drainage Assessment (February 2007)
- Sustainable Energy Strategy
- Sustainability Strategy

- Play Space Strategy
- Transport Assessment (February 2008)
- Historic Building Statement

- 1.5 **Applicant:** Longnor Ltd. c/o Gordonsbury Ltd.  
 1.6 **Owner:** As above  
 1.7 **Historic Building:** Adjacent to Grade II Listed Building  
 1.8 **Conservation Area:** Adjacent to St Anne's Church Conservation Area

## 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 and 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 3A.3 of the London Plan (Consolidated with Alterations since 2004) and policy HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
- 2.3 The retail uses (Class A1, A2, A4 & A5) and office floorspace (Class B1) are acceptable in principle as they will provide a suitable provision of jobs in an appropriate location. They will also provide essential services 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 EMP1 and DEV3 of the Council's Unitary Development Plan 1998 and policies CP9, DEV1 and SCF1 of the Council's Interim Planning Guidance (2007), which seek to ensure services and jobs are provided that meet the needs of the local community.
- 2.4 Following the submission of a planning toolkit the applicant has illustrated that the proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.5, 3A.8, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), 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.2, 3B.3 and 3B.11 of the London Plan (Consolidated with Alterations since 2004), and policies CP9, CP11, CP19 and EE2 of the Council's Interim Planning Guidance (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 symptoms that are typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and 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 proposal is

acceptable and in line with policies 4B.3, 4B.5 and 4C.11 of the London Plan (Consolidated with Alterations since 2004), policies ST37, DEV48 and T18 - T19 of the Council's Unitary Development Plan 1998 and policies CP30, CP36, DEV3, DEV16 and OSN3 of the Council's Interim Planning Guidance (2007), 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 4B.3 of the London Plan (Consolidated with Alterations since 2004), policy HSG16 of the Council's Unitary Development Plan 1998 and policy OSN2 the Council's Interim Planning Guidance (2007) which seeks to improve amenity and liveability for residents without adversely impacting upon the existing open space.
- 2.9 The developments' height, scale, bulk and design is acceptable and in line with policies 4B.1 and 4B.5 of the London Plan, policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2 and CON1 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located in relation to listed buildings.
- 2.10 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.
- 2.11 Transport matters, including parking, access and servicing, are acceptable and in line with London Plan (Consolidated with Alterations since 2004) policies 3C.1 and 3C.23, 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 options.
- 2.12 Sustainability matters, including energy, are acceptable subject to a condition for further mitigation measures. This is in line with London Plan (Consolidated with Alterations since 2004) policies 4A.4 and 4A.7 and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007), these policies seek to promote sustainable development practices.
- 2.13 Contributions have been secured towards the provision of affordable housing, health care and education facilities, highways, transport, open space and public realm 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 (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:

#### **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 months from the date of the Committee to secure the following:

- Affordable Housing provision at 35% of the habitable rooms with a 73/27 split between affordable rented/shared ownership to be provided on site;

- A contribution of £1,110,884 to mitigate the demand of the additional population on health care facilities;
- A contribution of £376,761 to mitigate the demand of the additional population on education facilities;
- A contribution of £49,280 towards highways improvements, to mitigate the demand of the additional population on surrounding highways;
- A contribution of £49,280 to mitigate the demand of the additional population on open space facilities;
- A contribution of £87,375 towards TFL and DLR for improvements and upgrades of the public transport infrastructure, to mitigate the demand of the additional population on public transport ;
- A contribution of £73,920 towards canal side and towpath improvements;
- Upgrading and landscaping of public open space to the south of the application site (on Council land);
- Completion of a 'Car Free' agreement to restrict occupants applying for residential parking permits;
- Preparation, implementation 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.

**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 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) Submission of a traffic management plan detailing all routes to be used by construction vehicles and 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.
- 9) No parking on site, other than in the basement car park
- 10) Refuse and recycling facilities
- 11) Hours of Construction (8.00am to 6.00pm Monday to Friday 9.00am to 5.00pm on Saturdays and not at all on Sunday or Bank holidays)
- 12) Power/hammer driven piling/breaking (10am – 4pm Monday – Friday)
- 13) Submission of full details of the proposed lighting and CCTV scheme.
- 14) Detailed scheme for the input of reed rafts to the Limehouse Cut
- 15) Submission of a construction environmental management plan
- 16) Submission of a detailed scheme for green/brown roofs
- 17) Details of the design and layout of proposed canal side pedestrian walkway
- 18) External artificial lighting within 5 metres of the bank directed away from the Limehouse Cut



- 19) No storage of materials related to the development within 5 metres of the watercourse
- 20) Submission of details landscape management plan
- 21) All planting within 5 metres of the Limehouse Cut watercourse shall be of locally native plant species only, of UK genetic origin
- 22) The statutory flood defence level shall be maintained at all times with temporary works if necessary
- 23) Preparation, implementation and review of a Green Travel Plan
- 24) Surface water source control measures
- 25) No solid material shall be stored within 8 metres of the banks of the Limehouse Cut
- 26) Construction of the surface and foul drainage system
- 27) Lifetime Homes
- 28) 10% Disabled Access
- 29) Renewable Energy Measures (at least 20% reduction in carbon dioxide emissions)
- 30) Any other condition(s) considered necessary by the Head of Development Decisions

**3.5 Informatives**

- 1) Section 106 of the Town and Country Planning Act 1990.
- 2) Locally native plant species on site, of UK genetic origin.
- 3) Adequate sewerage infrastructure in place
- 4) With regard to (Decontamination), contact Council’s Environmental Health Department
- 5) Code of Construction Practice, discuss this with Councils’ Environmental Health Department
- 6) Consult with the Councils’ Highways Development Department regarding any alterations to the public highway
- 7) During construction consideration must be made to other developments within the area and the impact to traffic movements on Commercial Road

3.6 That if by the 17<sup>th</sup> July 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 PROPOSAL AND LOCATION DETAILS**

**Proposal**

4.1 Demolition of existing buildings and the construction of 6 – 9 storey residential-led mixed use development comprising 233 residential units (16 x studios, 52 x 1, 120 x 2, 39 x 3, 4 x 4 and 2 x 5 beds) and 1040m<sup>2</sup> Use Class A1, A2, A4, A5 and B1. Provision of 255 cycle storage spaces, 60 underground car parking spaces (including disabled spaces) and the provision of public open space with access to Limehouse Cut.

4.2 The unit mix is as follows:

<b>Tenure</b>	studio	1 bed	2 bed	3 bed	4 bed	5 bed			
Affordable rent	0	12	24	16	4	2			
Shared ownership	0	5	10	0	0	0			
Private market	16	35	86	23	0	0			

4.3 The proposal includes public open space, in the form of a public pedestrian area with seating places, communal landscaped areas, private gardens, roof gardens, balconies and planting

on higher roof level.

- 4.4 Where the proposed development faces onto Commercial Road to the south, the height would be 4 storeys plus a stepped back element at top floor. Along the Limehouse Cut elevation the proposed scheme extends across the whole site from the southwest to the northeast boundary with only a gap in the façade to allow access to St. Anne's Street (and Commercial Road further to the south). The height of the development along Limehouse Cut to the north is four storeys with a fifth floor on setback. The development adjoins a Grade II listed warehouse along the north-western boundary of the site.
- 4.5 On the St. Anne's Row frontage the development comprises four storeys with a fifth floor on setback, and rises to a sixth floor on setback along the St. Anne's Street frontage. The highest part of the development is located between the St. Anne's Row block and the Limehouse Cut block (along the eastern boundary of the site); this is the tallest part of the development rising to 9 storeys, overlooking the central courtyard to the west.

### **Site and Surroundings**

- 4.6 The application site is 5900m<sup>2</sup> (net) and is located on the southern side of Limehouse Cut just to the north of Limehouse Basin.
- 4.7 The site lies just off Commercial Road, in the middle of a 'triangular' plot of land that sits between Limehouse Cut Canal, Commercial Road and Burdett Road. Vehicular access to the site is via the main thoroughfare of Commercial Road, which runs east-west, linking the City of London with the M25 motorway and beyond. A short length of the southern boundary of the site borders this road at the junction of Commercial Road and St. Anne's Street. Further site boundaries are with both St. Anne's Street and St. Anne's Row. Both of these streets culminate in cul-de-sacs.
- 4.8 The surrounding buildings comprise of a mixture of uses including retail, offices, warehousing, light industry and residential. The south western part of the application site (adjacent the Grade II listed warehouse – on the Commercial Road frontage) is located just outside the St. Anne Church Conservation Area however no part of the application site is located within the St. Anne Church Conservation Area. The majority of the buildings along this part of Commercial Road are Statutory Grade II Listed. To the east and north of the site lies the vacant part 3/5 storey warehouse buildings (787 Commercial Road) which are currently the subject of a comprehensive redevelopment scheme. To the north-east of the application site lies a warehouse currently occupied by Royal Mail, and east of the site abuts the part three, part four storey terrace properties along Burdett Road. To the south of the site adjoins the three to four storey terrace properties (majority listed).
- 4.9 The St. Anne Church Conservation Area extends over to the south of Commercial Road. Further to the south west lies St Anne Church, an Ecclesiastical Grade A Listed Building.
- 4.10 In terms of transport, the site is served by the D3 bus route connecting Wapping with Canary Wharf. Bus D3, 15 and 115 on Commercial Road, directly outside the site, connect to Canning Town and Stratford to the east and the City to the west. Limehouse DLR Station to the South west is approximately a 5 minute walk from the site.
- 4.11 The site is connected within close proximity to transport with Limehouse DLR and Mainline Station located approximately 0.2 miles to the west and Salmon Lane to the east.
- 4.12 The site straddles the boundary between Public Transport Accessibility Level (PTAL) scores 5 and 6a. The London Borough of Tower Hamlets suggests that the portion of the site fronting onto Commercial Road has PTAL scores of 6a (on a scale of 1a – 6b, where 6a is the second

highest score – 6b being the highest). Seven bus services run within 640m of the site. Limehouse rail and DLR station is 370 metres to the west of the site on Commercial Road.

## Planning History

4.13 The following planning decisions are relevant to the application:

PA/07/00994 Demolition of existing buildings and the construction of 6-9 storey residential-led mixed use development to 243 residential units (12xstudios, 75x1, 123x2, 28x3, 3x4 and 2x5 beds) and 1060m<sup>2</sup> Use Class A1, A2, A4, A5 and B1. Provision of 319 cycle storage, 50 underground car parking spaces and the provision of public open space with access to Limehouse Cut.  
Withdrawn – 10/01/2008

## 5.0 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:

### 5.2 Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV12	Provision Of Landscaping in Development
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	EMP1	Promoting economic growth and employment opportunities
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG15	Development Affecting Residential Amenity
	HSG16	Amenity Space
	ST37	Open Space, Leisure and Recreation
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T19	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development

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

Proposals: St Anne’s Church Conservation Area

Core Strategies:	CP1	Sustainable communities
	CP4	Good Design
	CP5	Supporting infrastructure
	CP9	Employment space for small businesses
	CP11	Sites in employment use
	CP19	New Housing Provision
	CP20	Sustainable residential density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing

CP25	Housing Amenity Space
CP27	Social and community facilities
CP28	Health Living
CP30	Improving the Quality and Quantity of Open Spaces
CP36	The Water Environment and Waterside Walkways
CP38	Energy efficiency and renewable energy
CP41	Integrating development with transport
CP46	Accessible and Inclusive Environment
CP49	Historic Environment

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
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
DEV22	Contaminated Land
EE2	Redevelopment/change of use of employment sites
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
SCF1	Social and Community Facilities
OSN2	Open Space
CON1	Listed Buildings
CON2	Conservation Areas
IMP1	Planning Obligations

**5.4 Planning Standards**

- Planning Standard 1: Noise
- Planning Standard 2: Residential Waste Refuse and Recycling Provision
- Planning Standard 3: Tower Hamlets Density Matrix
- Planning Standard 4: Lifetime Homes

**5.5 Supplementary Planning Guidance/Documents**

- Design out crime
- Sound Insulation
- Residential Space
- Landscape Requirements

## Archaeology and Development

### 5.6 The London Plan (consolidated with alterations since 2004) - the Mayor's Spatial Development Strategy

2A.1	Sustainability Criteria
3A.1	Increasing London's Supply of Housing
3A.2	Borough Housing Targets
3A.3	Maximising the potential of sites
3A.5	Housing Choice
3A.6	Quality of new housing provision
3A.7	Large residential developments
3A.8	Definition of Affordable Housing
3A.9	Affordable Housing Targets
3A.10	Negotiating affordable housing in individual private residential and mixed-use schemes
3A.18	Protection and Enhancement of social infrastructure and community facilities
3B.2	Office Demand and Supply
3B.3	Mixed use developments
3B.11	Improving Employment Opportunities for Londoners
3C.1	Integrating Transport and Development
3C.23	Parking Strategy
4A.4	Energy Assessment
4A.7	Renewable Energy
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an Inclusive Environment
4B.10	Large Scale Buildings – Design and Impact
4B.12	Heritage Conservation
4C.11	Increasing access alongside and to the Blue Ribbon Network
4C.20	Development adjacent to canals

### 5.7 Government Planning Policy Guidance/Statements

PPS1	Sustainable Development
PPS3	Housing
PPG13	Transport
PPG24	Planning & Noise
PPG15	Conservation
PPS22	Renewable Energy

### 5.8 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

## 6.0 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 Development:**

- 6.2 The site is located within an area of good public accessibility and the provision of 60 car parking spaces is in line with Council policies and deemed acceptable as demonstrated by the transport assessment.
- 6.3 The proposed access to Limehouse Cut to the north is welcomed however the footway will have to be upgraded to a minimum width of 2m. The developer should dedicate some land under section 72 of the Highway Act 1980 to upgrade the existing footway to a minimum of 2m on both sides of the road.
- 6.4 The northern end of St. Anne Street is privately owned and cannot be accepted as a turning head for refuse or service vehicles as shown on the Transport assessment (Plan No. SAW/T01). The headroom for the entrance to the car park is also not suitable for turning head for refuse and service vehicles. The developer should provide additional information to demonstrate that refuse/service vehicles can access/aggress the site safely.
- 6.5 The planning permission should include a section 106 agreement for a car-free development as well as resurfacing works to the carriageway of St Anne Street & St Anne Row for the cost of £50,000. A section 278 agreement would also be required for works to the footway adjacent to the site. In accordance with section 177 & 178 of the Highways Act 1980, the applicant is required to apply for a projection licence for the part of the building (balcony) that projects over a public highway, as part of the process for agreeing & issuing a licence Technical Approval, (BD2/05), must be submitted prior to this Council agreeing the licence.
- 6.6 *Officer Comment:* The applicant has provided a toolkit viability study satisfactorily illustrating that the contribution of £50,000 will make the scheme unviable, consequently they can provide £49,280. With regards to paragraph 6.6 above, please see the highways section of this report. The remaining highways issues can be addressed through relevant conditions and S106 contributions towards highway works and S278 works.

**LBTH Energy Services:**

- 6.7 In general 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**

- 6.8 The Daylight/Sunlight Report by Waterslade dated January 2008 and its contents are satisfactory in line with BRE guidelines in VSC.AD.APSH.

External consultees

**Greater London Authority (Statutory Consultee):**

- 6.9 No response received at time report completed

**Environment Agency:**

6.10 No objection subject to a number of mitigation conditions.

**British Waterways:**

6.11 In summary, British Waterways raised no objections to the proposed development, subject to the imposition of three conditions (a feasibility study; a landscaping scheme and a lighting and CCTV scheme) as well as the applicant first entering into a legal agreement to secure a financial contribution of £75,000 towards local canal infrastructure works. These works would include underbridge lighting, towpath remedial/resurfacing works in the vicinity of No. 769 – 785 Commercial Road, timber cladding of the high sheet piling on the opposite side of the canal by Britannia Bridge to improve and enhance its ecological value and improve aesthetics.

6.12 *Officer Comment:* The applicant has provided a toolkit viability study illustrating that the above figure of £75,000 will make the scheme unviable, consequently they can provide £73,920.

**English Heritage (Statutory consultee)**

6.13 No Response

**Lea Valley Regional Park Authority**

6.14 No Response

**7.0 LOCAL REPRESENTATION**

7.1 A total of 371 neighbouring properties within the area shown on the map appended to this report were notified of 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:

7.2 Consultation:

No. of individual responses	6	Objecting: 6	Supporting: 0
No. of petitions received	0	0	0

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:

- a) The development will result in a loss of light into the residential development on the north side of Limehouse Cut (Andersen’s Wharf).
- b) Proposed development will block out views of Canary Wharf (from Andersen’s Wharf)
- c) Increase in noise generated by the new development as well as reflected noise between buildings.
- d) The developments’ excessive height is out of context with surrounding buildings.
- e) The development would adversely affect the character and appearance of St. Anne’s Church Conservation Area. It would also adversely affect the setting of nearby listed buildings.
- f) Overlooking and privacy issues.
- g) Daylight and Sunlight Issues

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use
- Density
- Standard of Accommodation
- Design and Layout
- Accessibility and Inclusive Design – Safety and Security
- Daylight/Sunlight Assessment
- Affordable Housing, Dwelling Mix and Housing Standards
- Analysis of Unit Mix
- Transport and Parking
- Open Space/Amenity Space
- Sustainability/Energy

### **Land Use**

- 8.2 The subject site is not specifically designated for any particular use within the adopted Unitary Development Plan (UDP) proposals map or the Interim Planning Guidance (IPG) proposals map, although it is located within very close proximity to the Industrial Employment and Office Employment area in the UDP. Land use within the area is presently evolving and the surrounding area has been designated in the IPG as a suitable location for mixed use development.
- 8.3 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 where the needs of local residents are maximised.
- 8.4 All of the existing buildings on site are vacant, apart from the A2 betting office on the ground floor of “Cape House” (corner of Commercial Road and St. Anne’s Street). The configuration of the warehouse buildings are obsolete by modern standards and require regeneration and reconstruction. Additionally, the locations of the buildings with narrow streets in what is becoming a predominantly residential area are not suitable for modern logistics requirements which require access for large lorries on a twenty four hour basis.
- 8.5 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 existing betting office on the corner of Commercial Road and St. Anne’s Street is employing approximately 3 people and is imminently due to become vacant. The current proposal provides an area of 1040sqm for Class A1, A2, A4, A5 and/or B1 uses. Given the range of employment densities applicable to the proposed development, once operational, the applicant has identified that the scheme could generate up to 50 full time positions.
- 8.6 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 supported.



## **Density**

- 8.7 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 8.8 The site has a public transport accessibility level (PTAL) of 6a. For urban sites with a PTAL range of 6a the appropriate density is 450-700 habitable rooms per hectare. The proposed density would be 1166 habitable rooms per hectare (Net site area). In 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.
- 8.9 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;
- 8.10 These issues are all considered in detail later in the report and were considered to be acceptable. In summary, 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:
- 8.11
- The development of the site for mixed use development will assist in the regeneration of this area and promote investment in infrastructure and services in the long term which will benefit both existing and future residents.
- 8.12
- A number of contributions towards health, education and public infrastructure have been agreed to mitigate any potential impacts on local services and infrastructure.
- 8.13
- The development is located within an area with good access to public transport services, open space and other local facilities.
- 8.14
- The proposal does not result in any of the common symptoms of overdevelopment, i.e., inappropriate height, bulk and massing, excessive site coverage, undersized flats and open space, or significant amenity impacts to surrounding properties, and
- 8.15
- The proposal is of a high quality and complies with the Council's objectives for new development as outlined in the UDP and the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007).

## **Standard of accommodation**

- 8.16 Policies HSG13 and DEV2 of the UDP and policies CP4, CP20 and HSG9 of the IPG October 2007 and Supplementary Planning Guidance Note 'Residential Space' seek to ensure an adequate standard of accommodation to ensure satisfactory levels of residential amenity and quality of life for future occupiers.
- 8.17 The layout of both blocks (Block A and Block B) feature units off central corridors. The units have habitable rooms which face onto communal amenity space/children's play areas or the Limehouse Cut canal. All habitable rooms/living rooms will have descent separations distances and outlook. All the units will comply with the Councils Supplementary Planning Guidance on Residential Space Standards, as illustrated in the applicants' accommodation schedule, dated January 2008.

### **Design and layout**

- 8.18 Policy 4B.2 of the London Plan states that the Mayor seeks to promote world class design. Development proposals should show that developers have sought to provide buildings and spaces that are designed to be beautiful and enjoyable to visit, as well as being functional, safe, accessible for all and sustainable. Policy 4C.20 seeks a high quality of design for all waterside development. All development should reflect local character, meet general principles of good design and improve the character of the built environment.
- 8.19 Policy DEV1 of the LBTH UDP sets out the general principles that the Council will promote, stating 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;
  - Be sensitive to the development capabilities of the site, not result in over development or poor space standards; be visually appropriate to the site and its setting; and take full account of planning standard No.1: Plot Ratio
  - Normally maintain the continuity of street frontages, and take account of existing building lines, roof lines and street patterns;
  - Provide adequate access for disabled people in respect of the layout of sites and the provision of access to public buildings;
  - Be designed to maximise the feeling of safety and security for those who will use the development; and
  - Include proposals for the design of external treatments and landscaping.
- 8.20 Policy CP4 of the IPG 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 reiterates this and DEV1 of the UDP and states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.21 On the Commercial Road frontage the fifth floor will be set back by approximately 10m. Design and Conservation were initially concerned that the fifth floor on this frontage would be visible from the south side of Commercial Road (this part of Commercial Road is particularly wide), or indeed from further west and east along Commercial Road. Councils' Design and Conservation Team requested that the fifth floor be set back further than the existing 10m.

- 8.22 In response to the above comment, the applicant prepared and submitted a section through Block A (fronting Commercial Road), extending across Commercial Road, showing the sightline of the proposals as well as a view from further east and west along Commercial Road. This was to assist in the assessment of the visual impact of the top storey as currently proposed. It was clear from these drawings that the top floor on Commercial Road frontage would not be visible from the south side of Commercial Road or indeed from further west and east along Commercial Road. Following this exercise Councils' Design and Conservation Team confirmed no objection to the scheme.
- 8.23 The Environmental Agency initially objected to the proposed development on the grounds of an inadequate buffer zone along the Limehouse Cut water course. Normally a five metre buffer zone between the development and the canal should be provided along the length of the canal (a two metre buffer zone is currently proposed).
- 8.24 Councils' Conservation officer advised at pre-application stage that in this instance the proposed buildings should be built up to the edge of the footpath to maintain the frontage, continuous with the listed building directly to the west. It was agreed that the zone along the waters' edge would be limited to the width of the towpath. The towpath is approximately 2.2m wide in front of the site (i.e. approximately 2.2m from the edge of Limehouse Cut Canal to the back of the footpath). The new frontage along Limehouse Cut also needs to be in keeping with the character of the existing historic frontage, i.e. a continuous frontage (in line with the listed building) is preferred above a 5m setback along the watercourse.
- 8.25 Following discussions, the Environment Agency has agreed to the above subject to a number of conditions to mitigate the impact of the proposed development on the towpath adjacent to the watercourse.
- 8.26 Along the active frontages of Commercial Road to the south and Limehouse Cut to the north, the proposed development would generally be four storeys in height (with additional floors on setback). Taking the above into account it is considered the proposal would maintain the continuity of the street and canal frontages as well as taking account of existing building lines, roof lines and street patterns. Residents of Andersen's Wharf (on the north side of Limehouse Cut) raised objection stating that the proposed development will block out views of Canary Wharf (from Andersen's Wharf). The existing warehouse buildings on site are generally three to four storeys in height and are in poor condition. The development along the south side of Limehouse Cut will only be slightly higher than the existing buildings and would therefore have a negligible impact on these views.
- 8.27 Predominantly of brick construction, the development utilises two contrasting brick colours throughout the design. The primary brick colour is that of a light coloured yellow/orange London stock to reflect the character of the surrounding existing buildings and the local context. The development would also relate well to the adjacent listed building to the west. A dark coloured brown/grey brick to offset and compliment the stock brick is to be used at the lower floors and between the areas of glazing to the commercial elements. Notwithstanding the above, Councils' Conservation Officer requested that any planning approval should still be conditioned to ensure control over the use of materials.
- 8.28 The overall layout, design, height, massing and footprints of the development demonstrate sensitivity to its context. The proposal complies with national and local design policies.

#### **Accessibility & Inclusive Design – Safety & Security**

- 8.29 The Mayor requires a commitment to delivering an inclusive environment in accordance with policy 4B.5 of the London Plan.

- 8.30 UDP policies DEV1 and DEV2 and policy DEV3 of the IPG 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 occupants.
- 8.31 Further UDP policies DEV1 and DEV2 and policy DEV 4 of the IPG 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.
- 8.32 The proposed development would include the extension of St. Anne's Street as a public access route through to the towpath along Limehouse Cut. The removal of the 'dead end' status of the street is commended and would reinvigorate the site and immediate surroundings.
- 8.33 All public and semi-private spaces would be overlooked by habitable room windows and commercial frontages, providing much needed natural surveillance.
- 8.34 The commercial component of the development is located along Commercial Road and St. Anne's Street as well as the eastern end of St. Anne's Row, providing for an active frontage. The entries to the residential component of the development and individual units are provided off St. Anne's Street and St. Anne's Row. Five different residential entrances provide good natural surveillance for the site.
- 8.35 The layout of the site and the through linkages from Commercial Road to Limehouse Cut results in good accessibility and inclusive design which would lead to a high quality environment for future occupants.
- 8.36 Overall it is considered that the proposal represents a design, massing and scale which achieve a positive response appropriately to the broader context of the site. The proposed development would therefore be in accordance with relevant design and safety and security policies.

### **Daylight/Sunlight Assessment**

- 8.37 Policy 4B.10 of the London Plan refers to the design and impact of large scale buildings and includes the requirement that in residential environments particular attention should be paid to privacy, amenity and overshadowing.
- 8.38 DEV2 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 policy DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.39 Policy DEV1 of the IPG 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.
- 8.40 A Daylight/Sunlight analysis prepared by Waterslade (January 2008) considered the sunlight, daylight and shading effects from the proposed development. The assessment considers the potential impact on existing neighbouring dwellings and open spaces

surrounding the site and compares the results against the current Building Research Establishment (BRE) discretionary guidance.

- 8.41 To calculate the impact the proposal will have on the daylight levels for the future residents of the development, the BRE guidelines have two methods of assessing daylight levels. The first method is usually used for assessing daylighting levels to neighbouring properties where the internal arrangements are not known.
- 8.42 The residents in flats 7; 13; 19 and 25 Andersen's Wharf as well as an occupier of a residential boat, located on the opposite side of Limehouse Cut (north side of the canal) have objected to the treatment of development along the canal and its potential impact on the current daylight/sunlight levels.
- 8.43 The submitted BRE Daylighting/Sunlighting report assesses the impact the proposal has on all the flats facing Limehouse Cut to the south. The results demonstrated that there is a slight reduction in daylight when comparing the existing and proposed situations, however the internal daylight analysis demonstrates that there will be a satisfactory level of daylight to all the windows in the south elevation of the residential development facing Limehouse Cut.
- 8.44 Whilst there is a slight reduction in daylight in all the residential units that have objected, when comparing the existing and proposed situations, the internal daylight analysis demonstrates that there will be a satisfactory level of daylight retained in the proposed situation. With reference to the residential boats on the north side of the canal, residential boats are not permanent structures and they are often found in locations which are surrounded by bulky warehouse type buildings.
- 8.45 This proposal is located in a high density inner city development and this is reflected on the number of habitable rooms being created by the proposed development. The properties to the east of the development site did not require a daylight/sunlight assessment primarily because it is not in residential usage.
- 8.46 An internal daylight report has been undertaken to assess the impact the proposal will have for future residents on site. The report identifies the key areas around the proposed site where it is considered the lowest daylight levels will be achieved in the proposed development. A small proportion of rooms will fall below the suggested BRE guidelines. However, on balance the scheme meets the BRE guidelines and a good level of daylight/sunlight will be achieved.
- 8.47 Whilst it is acknowledged there will be a loss of daylight/sunlight, the proposed residential units will receive sufficient daylight/sunlight levels and will not undermine the residential amenity of future occupiers.
- 8.48 To summarise, Councils' Environmental Health Department was satisfied with the results of the daylight/sunlight report.

### **Affordable housing, dwelling mix and housing standards**

#### Affordable Housing

- 8.49 Adopted UDP Policy HSG3 seeks an affordable housing provision on sites capable of providing 15 or more units in accordance with the Plan's strategic target of 25%. Policy 3A.9 of the London Plan states that Borough's should seek the maximum reasonable amount of affordable housing taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable as well as the Borough's own affordable

housing targets.

- 8.50 The Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007) policy CP22 seeks 50% affordable housing provision from all sources across the borough with a minimum of 35% affordable housing provision on sites capable of providing 10 or more dwellings. Policy HSG10 confirms that affordable housing will be calculated in terms of habitable rooms with the exception of where this yields a disparity of 5% or more compared to calculation in terms of gross floor space.
- 8.51 Policy CP22 of the IPG governs the amount of affordable housing expected; For schemes providing more than 10 units there is a target of 50% with a minimum requirement of 35% affordable housing.
- 8.52 Policy HSG2 'Housing Mix' of the IPG specifies an expected unit mix. The schemes' unit mix is analyzed on table 4 of the attached sheet. Paragraph 5.14 of HSG2 states that a range of dwellings with differing layouts should be provided to widen housing choice. Sites with a larger site area have a greater opportunity to provide a mix of housing types including flatted and terraced style homes. Paragraph 12.12 reinforces the expectation that both terrace style and flatted units will be provided in suitable locations.

Provision of affordable housing

- 8.53 This provision meets the policy requirement for 35% minimum affordable housing.

**Table 2: Tenure breakdown**

	Number of units	Habitable rooms
Affordable rent total	49	169
Shared ownership	24	63
Market total	160	436
<i>Total</i>	<i>233</i>	<i>668</i>

- 8.54 A total of 73 affordable housing units (232 habitable rooms) out of the total 233 units (668 habitable rooms) is proposed, representing 35% provision overall. The scheme therefore satisfies the Council's IPG and Housing Needs Survey targets.

Social Rented / Intermediate Ratio

- 8.55 Against London Plan policy 3A.7 affordable housing target of 50%, 70% should be social rent and 30% should be intermediate rent.
- 8.56 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.
- 8.57 A summary of the affordable housing social rented/ intermediate split is provided below:

**Table 3: Social rented/intermediate split**

Tenure	Units	Habitable Rooms	London Plan	IPG
social rent	49 (67%)	169 (73%)	70%	80%
shared ownership	24 (33%)	63 (27%)	30%	20%
total	73 (100%)	232 (100%)	(100%)	(100%)

8.59 The proposed tenure split falls slightly short on the 80% requirement for social rented within the IPG with 73% 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.

Overall Dwelling Mix

8.60 On appropriate sites, UDP policy HSG7 requires new housing schemes to provide a mix of unit sizes including a “substantial proportion” of family dwellings of between 3 and 6 bedrooms.

8.61 Policy HSG2 of the Councils IPG specifies the appropriate mix of units to reflect local need and provide balanced and sustainable communities. In terms of family accommodation, the Policy requires that 45% of social housing to comprise units with 3 or more bedrooms respectively.

8.62 It is considered that on balance the scheme provides a reasonable match with the Councils preferred unit mix specified in the IPG.

Analysis of unit mix

8.63 The following table below summarises the proposed housing mix against policy HSG2 of the Interim Planning Guidance 2007, which seeks to reflect the Boroughs current housing needs:

8.64 **Table 4: Proposed housing mix against HSG2 of the emerging LDF**

		affordable housing						market housing		
		social rented			intermediate			private sale		
Unit	Total Units in scheme	units	%	target	unit	%	target	units	%	target
Studio	16	0	0	0	0	0	0	16	10	25
1 bed	52	8	16	20	9	38	37.5	35	22	25
2 bed	120	19	39	35	15	62	37.5	86	54	25
3 bed	39	16	33	30	0	0	25	23	14	25
4 bed	4	4	8	10	0	0	0	0	0	0
5 Bed	2	2	4	5	0	0	0	0	0	0
<b>TOTAL</b>	<b>233</b>	<b>49</b>	<b>100</b>	<b>100</b>	<b>24</b>	<b>100</b>	<b>100</b>	<b>160</b>	<b>100</b>	<b>100</b>

8.65 On officers request the applicant has reduced the percentage of 1 and 2 bedroom units in the social rented component by 8%, and increased the number of 1 and 2 bedroom units in the intermediate component by 12%. The above exchange (between social rented and intermediate housing for 1 and 2 beds) has enabled the applicant to increase the number of social rented family dwellings by 2 units from the original accommodation schedule. The scheme now reflects the Councils’ targets for family dwellings in the social rented mix, providing 45%.

8.66 It is acknowledged that there is a shortfall in the intermediate and private family housing section, however the toolkit viability study provided by the applicant justifies this shortfall. In addition, social family housing takes priority over intermediate housing and, on officer request the applicant is providing the 45% social housing target as per policy requirement.

**Transport & Parking**

Current Parking Standards

8.67 For development control purposes, parking standards set out in the UDP have now been superseded by those set out in Planning Standard 3: (Parking) of the IPG. The development proposes residential and commercial development and the table below set out the acceptable range of maximum car parking and minimum car parking provision.

**Table 5: Tower Hamlets Borough Parking Standards**

8.68	Land Use	Maximum car/motorcycle parking	Minimum cycle parking
	C3 Dwelling Houses	Car free housing up to 0.5 Spaces per dwelling	1 space per unit + 1 space Per 10 units for visitors
	A1; A2; A4; A5 and B1 Office and Light Industry	No parking	1 space per 125m2 (A1 & A2), 1 space per 100m2 (A4), 1 space Per 50m2 (A5) and 1 space Per 250m2 (B1 office and Light industrial)

8.69 In terms of accessible parking for people with disabilities, Planning Standard 3 sets out a minimum requirement of 1 space to be provided on site for a car free development.

8.70 Public Transport Accessibility (PTALs) have been adopted in London to produce a consistent public transport access mapping facility to assist boroughs with locational planning and assessment of appropriate parking provision by measuring broad public transport accessibility levels.

8.71 A total of 60 underground car parking spaces are provided within the proposed development, including six disabled spaces. The proposal therefore complies with car parking standards as set out in the IPG.

8.72 The provision of 255 cycle storage is in line with standards as set out in the Interim Planning Guidance.

Service Vehicle Access

8.73 Council Highways Department stated that northern end of St. Anne Street is privately owned and cannot be accepted as a turning head for refuse or service vehicles as shown on the Transport assessment (Plan No. SAW/T01). It was also explained that the headroom for the entrance to the car park is also not suitable for turning head for refuse and service vehicles.

8.74 In response to this comment the developer has explained that they have a right-of-way across the northern end of St. Anne's Street as well as the area in which part of the primary turning head for the development is located.



8.75 In addition, it was explained that the second turning head, located at the far end of St. Anne's Row, will allow for turning for all but very large service vehicles.

8.76 Further to this response by the application, Councils' Highways Department were satisfied that these issues have been addressed.

**Open space/amenity space**

8.77 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:

<b>Tenure</b>	<b>Proposed</b>	<b>IPG Requirement</b>	<b>Total (sqm)</b>
Family Units	45	50sqm of private space per family unit	2250
Non-family units	188	50sqm plus an additional 5sqm per 5 non-family units;	238
Child Bed spaces	75	3sq.m per child bed space	226
<b>Total</b>			<b>2714sqm</b>

8.79 Following is an assessment against the residential amenity space requirements under of the Interim Planning Guidance.

<b>Units</b>	<b>Total</b>	<b>Minimum (sqm)</b>	<b>Standard</b>	<b>Required (sqm)</b>	<b>Provision</b>
Studio	16	6		96	
1 bed	52	6		312	
2 bed	120	10		1200	
3 bed	39	10		390	
4 bed	4	25		100	
5 bed	2	25		50	
<b>Total</b>	<b>233</b>			<b>2118sqm</b>	

<b>Communal amenity</b>	50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	<b>270sq.m</b> (50sq.m plus 220sqm).
<b>Total Housing Amenity Space Requirement</b>		<b>2388sqm</b>

8.81 The applicant has provided an amenity audit illustrating the breakdown of communal amenity areas and private amenity space. In summary the communal space is 2231 sq.m and the total private space is 1852.50 sq.m. The total amenity space within the site is therefore 4083.50 sq.m. This provision exceed policy requirement and is commended. The London Borough of Tower Hamlets considers the provision of private, communal and child space to be acceptable.

Blue Ribbon Network

8.82 The Limehouse Cut 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 and improves the linkages from the canal to Commercial Road to the south. In general the development responds well to its waterside location and will enhance the Blue Ribbon Network.

- 8.83 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

### **Sustainability/Energy**

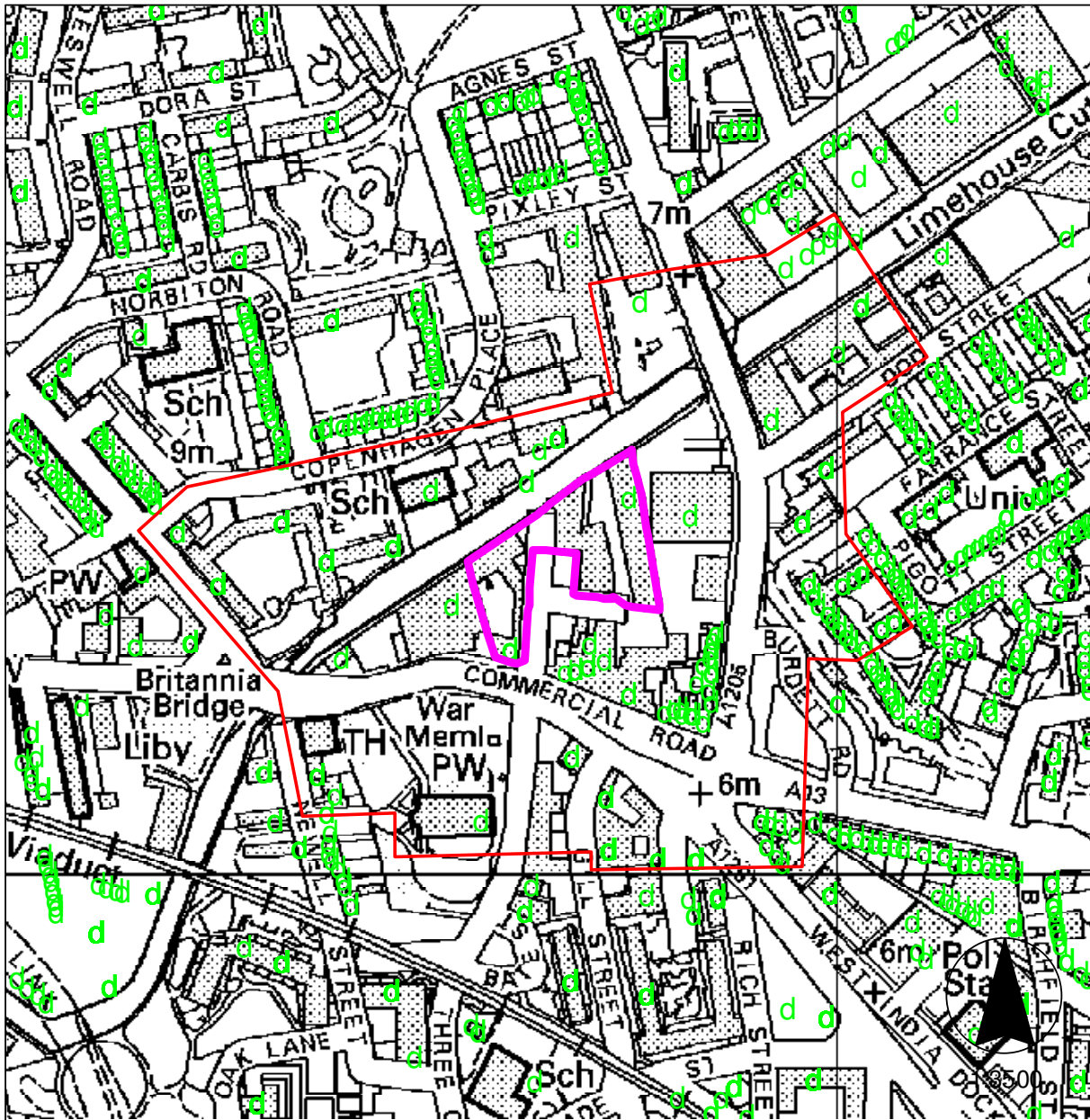
- 8.84 Policy 4A.7 Renewable Energy of the London Plan states that new developments should meet the highest standards of sustainable design and construction. Policy 4A.4 *Energy assessment* states that the Major will require an assessment of energy demand of proposed major developments. This should demonstrate the steps taken to apply the Major's energy hierarchy. Renewable energy should be considered first (preferably to fuel combined heat and power and community heating), then secondly, community heating with combined heat and power, and thirdly, gas condensing boilers and gas central heating. At least 10% of the site's energy needs should come from renewable energy and design should incorporate passive solar design, natural ventilation, borehole cooling and vegetation on and adjacent to buildings where technically feasible. It is recommended that the above measures be secured by way of condition and appropriate legal agreement.
- 8.85 Comments from the Council's Energy Officer requested that the applicant carry out a robust investigation on the use of a combined heat and power system plus complimentary renewable, rather than the currently proposed biomass boilers. The applicant was required to undertake a combined heat and power study. It was also stated that the baseline energy demand of the development needs to be calculated using the SAP2005 calculation method, with the recent Further Alterations to the London Plan, the development need to take in to account "whole energy", this includes making an allowance for the energy use by the appliances. The baseline energy demand of the development needs to be calculated using SBEM or other industry recognised method. The total baseline energy demand of the development needs to include the residential and the commercial units.
- 8.86 The design proposes some good energy efficiency measures and passive design methods, reducing the carbon dioxide emissions of the development by 11%, this is satisfactory and inline with current 'best practice' guidelines.
- 8.87 The report has considered most of the major renewable energy technology available, the design team should look at the commercial units in more detail and if cooling is found to be required, that needs to consider Ground Source Cooling in more detail, Solar PV and small scale wind turbines also needs to be considered to supplement the electricity produced by the CHP system.
- 8.89 The Council wants to ensure the development minimises impacts on the environment by complying with the highest standards in current 'best practice' guidelines for sustainable design and construction. A Code for Sustainable Homes assessment is required, the development must achieve at least a Code Level 3, which is the current 'best practice' standard. The assessment is carried in two stages, one at the detailed design stage and one at post completion, for the assessment to be valid it must be completed by an independently qualified assessor.

8.90 It is recommended that the above measures be secured by way of condition.

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

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