



Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 29 May 2008 at 7.30 p.m.

A G E N D A

VENUE

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

Members:

Deputies (if any):

Chair:

Vice-Chair:

To be appointed

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

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

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 29 May 2008

7.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

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

	PAGE NUMBER	WARD(S) AFFECTED
3. UNRESTRICTED MINUTES		
To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 17 th April 2008.	3 - 10	
4. RECOMMENDATIONS		
To RESOLVE that, in the event of amendments to recommendations being made by the Committee, the task of formalising the wording of any amendments be delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting.		
5. PROCEDURE FOR HEARING OBJECTIONS		
To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.	11 - 12	
6. DEFERRED ITEMS	13 - 14	
7. PLANNING APPLICATIONS FOR DECISION	15 - 16	
7 .1 Car Park At South East Junction Of Prestons Road And Yabsley Street, Prestons Road, London, E14	17 - 48	Blackwall & Cubitt Town
7 .2 Caspian Works and Lewis House, Violet Road, London	49 - 178	Bromley-By- Bow

7 .3	St Georges Estate, Cable Street, London	179 - 208	St Katharine's & Wapping Blackwall & Cubitt Town
7 .4	2 Trafalgar Way, London	209 - 246	
8.	SPECIAL PLANNING CONSIDERATIONS		
8 .1	Observations to Olympic Delivery Authority	247 - 272	

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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, 17 APRIL 2008

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

Members Present:

Councillor Rofique U Ahmed (Chair)

Councillor Shahed Ali
Councillor M. Shahid Ali

Councillor Tim Archer
Councillor Stephanie Eaton

Other Councillors Present:

Officers Present:

Suki Binjal	– (Interim Head of Non-Contentious Team, Legal Services)
Megan Crowe	– (Planning Solicitor, Legal Services)
Michael Kiely	– (Service Head, Development Decisions)
Terry Natt	– Strategic Applications Manager
Alison Thomas	– (Manager, Social Housing Group)
Louise Fleming	– Senior Committee Officer

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Helal Abbas, Sirajul Islam and Josh Peck. Councillor Tim Archer deputised on behalf of the Conservative group vacancy. Councillor Stephanie Eaton deputised on behalf of the Liberal Democrat group vacancy.

2. DECLARATIONS OF INTEREST

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

Councillor	Item	Type of interest	Reason
Rofique Ahmed	6.1	Personal	E-mails received from

Md. Shahid Ali 7.1 Personal objectors. Have not been read.
Application site is within the Councillor's ward.

3. UNRESTRICTED MINUTES

The minutes of the meeting held on 13th March 2008 were agreed as a correct record, subject to an amendment to show that the vote for Item 7.4 (Indecon Court, 20 Millharbour) was 5 for and 1 against.

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.

6.1 Site at Caspian Works and Lewis House, Violet Road

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the redevelopment of Caspian Works and Lewis House, Violet Road, London.

Mr Terry Natt, Strategic Applications Manager, presented a detailed update report on the application, which had been deferred to allow officers to negotiate further with the applicant in respect of the gated element to the scheme. He advised the Committee that the applicant had agreed to the removal of the gates, to be secured through the S106 legal agreement.

On a vote of 2 for and none against, the Committee RESOLVED that planning permission for the 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 at Caspian Works and Lewis House, Violet Road, London be GRANTED subject to

A Any direction by the Mayor

- B The prior completion of a legal agreement to secure the following planning obligations:
- a) A 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 20th December 2007 Strategic Development Committee meeting;
 - b) Provide £1821 towards bus stop survey;
 - c) Provide £14,565 towards bus stop improvements;
 - d) Provide £58,257 towards highway safety improvements;
 - e) Provide £269, 846 towards education to mitigate the demand of the additional population on education facilities;
 - f) Provide £581,792 towards medical facilities to mitigate the demand of the additional population on medical facilities;
 - g) Provide £21,846 towards Public Art;
 - h) Provide £20,000 for a DLR train times information (DAISY) board;
 - i) Provide £20,000 for works towards British Waterways betterment of Limehouse Cut; and
 - j) Agreed to secure removal of gates to provide access to internal courtyard agreed in planning permission PA/07/647 and 1648 approved May 2007.
- C The Corporate Director Development and Renewal be delegated authority to negotiate the legal agreement as indicated above.
- D 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 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 to 1800 Mon to Fri; 0800 to 1300 Sat)
- 6) Piling hours of operation limits (10am to 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 to be undertaken with radiation 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 matter 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 detailed 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 and 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 the Highway works surrounding the site
- 7) Thames Water informative for water pressure

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

(Councillors Tim Archer and Stephanie Eaton could not vote on the proposal as they had not been present as Members of the Committee when the item was previously considered.)

7. PLANNING APPLICATIONS FOR DECISION

7.1 Land Bounded by Limehouse Cut and St Anne's Row and Commercial Road, St Anne Street, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing buildings and 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 5 x 5 beds) and 1040 sq m 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 on land bounded by Limehouse Cut and St Anne's Row and Commercial Road, St Anne's Street, London.

Mr Derek Colvin spoke on behalf of the residents in objection. He thanked officers for addressing many of the residents concerns in the report. However, he questioned the description of the height of the building and asked for assurance that the building would comply with Building Control Regulations.

Mr Phillip Chadda spoke on behalf of the applicant and clarified which parts of the site were included in the application.

Mr Kiely advised the Committee that Building Control monitor compliance with regulations and enforcement action would be taken if necessary. Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application. He advised that the proposal was 5 storeys above ground; the sixth storey described in the report was the basement level. The application had been redesigned to address the concerns of English Heritage. The proposal was in line with planning policy.

Members expressed concern over the loss of employment and the density of the scheme. Mr Natt read out the comments of the GLA in respect to the employment use and advised that the proposal would actually result in an increase in employment as the site was in need of enhancement. Mr Kiely reminded the Committee that the site had a PTAL rating of 6 which was the highest level and that to redevelop the site for its current use was unlikely to be economically viable.

Members also expressed concern over the affordable housing mix and tenure split. Mr Natt advised that the financial viability of the site needed to be taken into account and that the Council's first priority was to secure affordable housing and its second to provide family sized housing in the social rented component. Ms Alison Thomas, Housing Development Manager, explained

that assessments were made based on the 2004 Housing Needs Survey. The term Affordable Housing was one which was defined in both Planning Law and Housing Policy. However, it was acknowledged that many Borough residents could not afford the housing being built and the Government was examining the issue. Members were advised that they needed to take a reasonable view of all applications and strike a balance between the priorities of the Council.

On a vote of 4 for and 1 abstention, the Committee RESOLVED that planning permission for the demolition of existing buildings and 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 5 x 5 beds) and 1040 sq m 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 on land bounded by Limehouse Cut and St Anne's Row and Commercial Road, St Anne's Street, London be GRANTED subject to

- A Any direction by the Mayor
- B The completion of a legal agreement to the satisfaction of the Assistant Chief Executive (Legal Services) to be completed within 3 months from the date of the Committee to secure the following:
 - a) Affordable Housing provision at 35% of the habitable rooms with a 73/27 split between affordable rented/shared ownership to be provided on site;
 - b) A contribution of £1,110,884 to mitigate the demand of the additional population on health care facilities;
 - c) A contribution of £376,761 to mitigate the demand of the additional population on education facilities;
 - d) A contribution of £49,280 towards highways improvements, to mitigate the demand of the additional population on surrounding highways;
 - e) A contribution of £49,280 to mitigate the demand of the additional population on open space facilities;
 - f) 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;
 - g) A contribution of £73,920 towards canal side and towpath improvements;
 - h) Completion of a 'Car Free' agreement to restrict occupants applying for residential parking permits;
 - i) Preparation, implementation and review of an Environmental Management Plan; and
 - j) 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:

Conditions

- 1) Permission valid for 3 years
- 2) Submission of samples/details/full particulars
- 3) Submission of a Secured by Design Statement
- 4) Submission of a desktop study report for land contamination
- 5) Submission of details of site drainage
- 6) Submission of details of site foundations
- 7) Submission of an investigation and remediation measures for land contamination
- 8) Submission of a traffic management plan detailing all routed to be used by construction vehicles and maintenance programmes and also detailing how sustainable travel to and from the proposed development will be provided among 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 am to 6 pm Monday to Friday; 9 am to 5 pm on Saturdays and not at all on Sunday or Bank Holidays)
- 12) Power Hammer driven piling/breaking (10 am to 4 pm Monday to 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) Implementation of a programme of archaeological work.
- 31) Any other conditions considered necessary by the Head of Development Decisions

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 Council's Environmental Health Department
 - 6) Consult with the Council's Highways Development Department regarding any alterations to the public highway
 - 7) During construction consideration must be made to other development within the area and the impact to traffic movements on Commercial Road
 - 8) Detailed proposals in the form of an archaeological project design in accordance with appropriate English Heritage Guidelines.
- D That if by 17th 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.

The meeting ended at 8.10 p.m.

Chair, Councillor Rofique U Ahmed
Strategic Development Committee

Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

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

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

Public speaking procedure adopted by this Committee:

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

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Agenda Item 6

Committee: Strategic Development	Date: 29 th May 2008	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer: Michael Kiely		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
8/11/07	PA/05/00421	33-37 The Oval London E2 9DT	Demolition of existing building and redevelopment to provide a five storey building comprising 3 Use Class B1 (business) units on the ground floor with 14 flats above (6 one bedroom, 6 two bedroom and 2 three bedroom flats).	Committee indicated that it was minded to go against officer's recommendation. A supplementary report is therefore necessary.

3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 There are no deferred items for consideration at this time.
- 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.

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

5. RECOMMENDATION

5.1 That the Committee note the position relating to deferred items.

Agenda Item 7

Committee: Strategic Development	Date: 29 th May 17 th April 2008	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Michael Kiely		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
 - the adopted Tower Hamlets Unitary Development Plan (UDP) 1998 as saved September 2007
 - the adopted London Plan 2004 (as amended by Early Alterations December 2006)
- 3.2 Other material policy documents include the Council's Community Plan, Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

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

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (AS SAVED) is the statutory development plan for the borough (along with the London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 but also the emerging plan and its more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 5.

5. RECOMMENDATION

- 5.1 The Committee to take any decisions recommended in the attached reports.

Agenda Item 7.1

Committee: Strategic Development	Date: 29 th May 2008	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director Development & Renewal	Title: Planning Application for Decision		
Case Officer: Shay Bugler	Ref No: PA/05/1866		
	Ward(s): Blackwall and Cubitt Town		

1. APPLICATION DETAILS

- 1.1 Location: Car park at South East Junction of Prestons Road and Yabsley Street, Prestons Road, London, E14
- 1.2 Existing Use: Car park
- 1.3 Proposal: Erection of buildings between 7 and 17 storeys comprising 43 sqm of commercial use at ground floor and 141 flats (comprising 76 x 1 bed; 29 x 2 bed; 22 x 3 bed; 6 x 4 bed; 8x 5 bed), 49 car parking spaces at basement level, communal open space including roof gardens and associated works
- 1.4 Drawing Nos:
- 709-PA-04-05 Rev B: Context Elevation
 - 709-PA-02-001 Rev B: Basement Plan
 - 709-PA-02-00 Rev B: Ground Floor Plan
 - 709-PA-02-01 Rev B: First Floor Plan
 - 709-PA-02-02 Rev B: Second Floor Plan
 - 709-PA-02-03: Third Floor Plan
 - 709-PA-02-04: Fourth-Sixth Floor Plan
 - 705-PA-02-05 Rev B: Seventh-Tenth Floor Plan
 - 709-PA0-02-06 Rev B: Eleventh-Fourteenth Floor Plan
 - 709-PA-02-07 Rev B: Fifteenth Floor Plan
 - 709-PA- 02-07 Sixteenth floor Plan
 - 709-PA-04-04 Rev B: West Elevation
 - 709-PA-04-03 Rev B: East Elevation
 - 709--04-02 Rev B: Northern Elevation
 - 709-PA-01 Rev B: Southern Elevation
 - 709-PA-02-09 Rev B: Roof top Plan
 - 709-PA-05-01 Rev B: Section AA
 - 709-PA-05-02 Rev B: Section BB
 - 709-PA-05-03 Rev B: Section cc

Applicant: Baladine Properties Ltd.
Owner: Baladine Properties Ltd.
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The proposal is in line with the Mayor's 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 and HSG1 of the Council's Interim Planning Guidance (2007) which seek to ensure this.
- The commercial use on the ground floor (Class A1 or A2 or B1 or D1,) is acceptable in principle as it will provide a suitable provision of employment. It will also provide a useful service to the community and future residents of the development. As such, it is in line with policies ST34, ST49 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, SCF1, and RT4 of the Council's Interim Planning Guidance (2007), which seek to ensure services are provided that meet the needs of the local community.
- The proximity of the proposed residential development to the waste transfer station is acceptable and in line with policies DEV 2 of the UDP and DEV1 of the Interim Planning Guidance (2007) which seeks to protect the amenity of residential occupiers and the environment of the borough generally from the effect of air and noise pollution
- The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies, 3A.7 and 3A.8 of the London Plan, policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007), which seek to ensure that new developments offer a range of housing choices.
- The density of the scheme would not result in the overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to provide an acceptable standard of accommodation.
- The quantity and quality of housing amenity space and the public realm strategy is considered to be acceptable and in line with PPS3, policy 3D.11 of the consolidated London Plan (2008) policy HSG16 of the Council's Unitary Development Plan 1998 and policies OSN2 and CFR5 the Council's Interim Planning Guidance City Fringe Area Action Plan (2007) which seeks to improve amenity and liveability for residents without adversely impacting upon the existing open space.
- The building height, scale, bulk and design is acceptable and in line with CABE criteria for tall buildings; Planning Policy Guidance 15, policies 4B.1, 4B.3, 4B.5; 4B.9 and 4B.15 of the London Plan, policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV 27, CON2 and CON5 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.
- 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.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policy 3C.22, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport option.
- Sustainability matters, including energy, are acceptable and in line with policy 4A.7 of the consolidated London Plan (2008), and policies DEV 5 to DEV9 of the Council's Interim

Planning Guidance (2007), which seek to promote sustainable development practices.

• Contributions have been secured towards the provision of affordable housing, health care and education facilities, highways, transport, public art, open space and public realm in line with Government Circular 1/97, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

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

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 **37%** of the proposed habitable rooms with a **76/24** (social rented/intermediate) split between rented/ shared ownership to be provided on site

(2) A contribution of **£198,784** to mitigate the demand of the additional population on health care facilities.

3) A contribution of **£234,498** to mitigate the demand of the additional population on education facilities.

4) A contribution of **£75,000** for civic works required and upgrading the lights and controller, and **£75,000** to TfL for a commuted sum of ten years to ensure the operation of the lights.

5) **£30,000** for the upgrade of pedestrian links to Blackwall Station

6) Commitment towards utilising employment initiatives in order to maximise the employment of local residents

7) Preparation, implantation and review of a Green Travel Plan.

8) Car free agreement

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:

3.4 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 hard and soft landscaping (including roof level amenity space and details of brown and/or green roof systems) including lighting and security measures)

- (f): The design of the lower floor elevations of commercial units including shopfronts.
3. Details of the design and the proposed use of the commercial use on ground floor to be submitted and approved
 4. Details of site foundations
 5. Details of the basement car park and access ramp
 6. The storage and collection/disposal of rubbish
 7. Parking – maximum of 49 cars (including 6 disabled spaces) and a minimum of 141 residential and 2 non-residential bicycle parking spaces.
 8. Investigation and remediation measures for land contamination (including water pollution potential).
 9. Archaeological investigation
 10. Construction Environmental Management Plan, including a dust monitoring.
 12. Submission of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.
 13. 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.
 14. Limit hours of power/hammer driven piling/breaking out to between 10.00 hours to 16.00 hours, Monday to Friday.
 15. Details of the disabled access and inclusive design.
 16. Details of the highway works surrounding the site.
 17. Any other condition(s) considered necessary by the Head of Development Decisions

3.5 Informatives

1. Section 106 agreement required.
2. Section 278 (Highways) agreement required.
3. Construction Environmental Management Plan Advice.
5. Environment Agency Advice.
6. Ecology Advice.
7. Environmental Health Department Advice.
8. Metropolitan Police Advice.
9. Transport Department Advice.
10. London Underground Advice.
11. Landscape department advice.
12. Contact the GLA regarding the energy proposals.

- 3.6 That, if by 29th August 2008 the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Context

- 4.1 This planning application was originally submitted in November 2005 and originally comprised 154 residential units and 43 sqm of ground floor commercial floorspace. However, in light of consultation with the GLA and the Council the applicant has made significant changes to the scheme.
- 4.2 The revised development now comprises:
- 141 residential units. The mix of units and level of affordable housing provision is set out in the Housing section of the report. (Paras 8.28-8.39)
 - 43 sqm commercial space, provided as a single unit;
 - 820 sqm of communal open space provided in the form of a large ground floor garden and roof gardens provided on both buildings;
 - 49 car parking spaces provided in an underground car park. 6 of the spaces would be disabled standard with cycle parking also provided within the basement.

- 4.3 The development comprises of 2 buildings. The market housing is accommodated within the 17 storey building (50 metres high), located on the northern end of the site, with the affordable housing element of the scheme to be accommodated within the 7 storey slab block which covers most of the remainder of the site.

Site and Surroundings

- 4.4 The site comprises an area of 0.25 hectares. In the past, the site was used for a variety of industrial purposes and has since been cleared, with only sections of boundary wall still remaining. It is currently in use as a temporary car park.
- 4.5 The site is located on Prestons Road, Isle of Dogs, with access to the site from Yabsley Street. The site boundaries are formed by Prestons Road to the west, Yabsley Street to the north, Raleana Road to the south and Northumberland Wharf (waste transfer station) to the east.
- 4.6 New developments have recently being completed at New Providence Wharf and the White Swan Building adjacent to the site on Prestons Road.
- 4.7 The proposed development site has a Public Transport Accessibility Level (PTAL) of 5, with 6 the highest, with the Blackwall DLR station located only 7 minutes walk to the north providing connections to the West End, the City, Stratford and City Airport while the Canary Wharf Jubilee Line station and DLR station is located approximately 15 minutes to the west. Bus stops exist on Preston's Road (2 minute walk) running in both directions providing connections around the borough to Canary Wharf, Mile End, Wapping, Whitechapel, Bethnal Green and Canning Town while the A1206 immediately to the west of the site forms part of the Transport for London Road Network (TLRN).

Planning History

- 4.8 Ref. no: PA/02/1554: Erection of four buildings varying in height between 8 and 16 storeys comprising 96 flats, 50 semi basement car parking spaces, access off Prestons Road and associated landscaping. Withdrawn August 2005.
- 4.9 Ref. no: PA/04/1559: Redevelopment of site to create 147 residential units together with commercial use at ground floor level (Classes A and B1), basement car parking facilities, landscaping and other associated works. Withdrawn 7th April 2005.

5. POLICY FRAMEWORK

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

5.2 Unitary Development Plan 1998 (as saved September 2007)

- | | | | |
|-----|------------|----------|--|
| 5.3 | Proposals: | Proposal | Opportunity Site (Mixed uses, including predominately residential) |
| 5.4 | Policy | DEV1 | Design Requirements |
| | | DEV2 | Environmental Requirements |
| | | DEV3 | Mixed Use development |
| | | DEV4 | Planning Obligations |
| | | DEV | Protection of local views |
| | | DEV12 | Provision of Landscaping in Development |
| | | DEV17 | Siting and Design of Street Furniture |
| | | DEV44 | Protection of Archaeological remains |
| | | DEV50 | Noise |
| | | DEV51 | Contaminated Land |

DEV55	Development and Waste Disposal
DEV57	Development affecting nature conservation areas
DEV69	Water Resources
EMP1	Encouraging New Employment Uses
HSG7	Dwelling Mix
HSG15	Preservation of residential character
HSG16	Amenity Space
T10	Priorities for Strategic Management
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T21	Existing Pedestrians Routes
OS9	Child Play Space
U2	Consultation Within Areas at Risk of Flooding
U3	Flood Defences

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

5.6 Proposals Development site (mixed use development including Residential C3; Employment (B1); Retail (A2,A3,A4); Public open space

5.7 Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Equal Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP11	Sites in Employment Use
	CP15	Range of Shops
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP22	Affordable Housing
	CP25	Housing Amenity Space
	CP27	Community Facilities
	CP28	Healthy Living
	CP29	Improving Education and Skills
	CP30	Improving the Quality and Quantity of Open Space
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A sustainable transport network
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment
	CP50	Important Views
	5.8 Policies:	DEV1
DEV2		Character & Design
DEV3		Accessibility & Inclusive Design
DEV4		Safety & Security

DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV7	Sustainable Drainage
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping
DEV14	Public Art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
DEV27	Tall Buildings
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development and Sequential Approach
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Social and Intermediate Housing ratio
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
SCF1	Social and Community Facilities
OSN2	Open Space
CON1	Listed Buildings
CON4	Archaeology and Ancient Monuments
CON5	Protection and Management of Important Views

5.9 Spatial Development Strategy for Greater London (consolidated with alterations since 2004)

2A.1	Sustainability Criteria
3A.1	Increasing London's Supply of housing
3A.3	Maximising the potential of sites
3A.5	Housing choice
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.11	Affordable housing thresholds
3A.17	Addressing the needs of London's diverse population
3A.23	Health objectives
3A.24	Education facilities
3B.3	Mixed use development
3D.11	Open space provision in DPDs
4B.1	Design principles for a compact City
4B.2	Promoting world class architecture design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.8	Respect and local character and communities

4B.9	Tall buildings location
4B.10	Large scale buildings-design and impact
4B.11	London's built heritage
4A.12	Heritage Conservation
4A.1	Historic Conservation led regeneration
4A.4	Energy Assessment
4A.5	Provision of heating and cooling
4A.6	Decentralised energy, heating, cooling and power
4A.7	Renewable energy
4A.14	Sustainable drainage
4A.17	Water Quality
4A.19	Improving air quality
4A.22	Spatial policies for waste management

5.10 Government Planning Policy Guidance/Statements

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

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

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

5.12 Supplementary Planning Guidance/Documents

- Designing Out Crime
- Residential Space
- Landscape Requirements
- Archaeology and Development

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 Greater London Authority (Statutory):

6.3 The following were comments made in the GLA Stage 1 Report presented to the Mayor on the 14th November 2005.

- The applicant is required to undertake full noise and air quality appraisals to investigate whether any environmental impacts can be mitigated against.

(Officers comment: The applicant has undertaken a detailed noise and air quality impact appraisals which has addressed the GLA concerns. Refer to paragraph 8.101-8.107)

- The applicant should clarify that all homes are to be built to 'Lifetime Homes' standards and that 10% of homes will be built to wheelchair design standards.

(Officers comment: 10% of the homes will be wheelchair accessible. This can be

secured by way of condition)

- A financial contribution will be payable to TfL towards improving pedestrian links to Blackwall station.

(Officers comment: A financial contribution of £30,000 has been proposed by TfL and agreed by the applicant. This will be conditioned in the S106 agreement)

6.4 Following on from the Stage 1 report, the applicant provided information to the GLA which sought to address the concerns raised previously. On the 1st August 2007, the Mayor considered an update report on these proposals. The following additional points were raised:

- The applicant has not addressed the concerns raised previously over the potential impacts the waste transfer station would have on residential amenity.
- The applicant has not modified the design of the building to mitigate against potential noise impacts.

(Officers comment: To address the above concerns raised by the GLA, the applicant conducted a further Environmental Assessment report. In short, the scheme incorporates additional measures as follows:

a) Noise attenuating materials and the use of double glazing to the façade of the eastern elevation

b) Inclusion of mechanical ventilation systems into the scheme

c) Use of noise absorbent materials in the construction of the balconies. These serve to reduce noise ‘reflection’)

It is important to note the Arron House development abuts the Northumberland Waste Transfer Station (WTS) to the south. This site is closer to the loading area of the scheme of the WTS (the loading area) of the scheme. It is considered that the applicant has addressed concerns raised by the GLA and is discussed later in this report

6.5 Samples of the materials to be used on the eastern elevation would be submitted prior to construction works on site. This would be secured by way of condition.

6.6 To help meet the needs of older children within the development a financial contribution should be made towards the procurement, development and future management of recreational facilities in the area.

(Officers comment: The applicant has amended the scheme to increase the amount of child playspace on site. The scheme now provides sufficient child playspace and meets the policy requirement as set out in HSG 7 of the Interim Planning Guidelines).

6.7 GLA raised concerns relating to air quality for future residents as a result of neighbouring Northumberland Wharf site. Clarification is needed that the impact on air quality of the vent was assessed in the recent air quality assessment undertaken by Hilson Moran.

(Officers comment: The applicant has addressed this concern. Refer to paragraph 8.108-8.113)

- The concerns expressed in the Stage 1 update report regarding the proposed design in respect of WTS noise still remain. The applicant should consider a redesign of the

layouts e.g.: moving habitable rooms away from the affected façade.

- The Housing mix is now satisfactory
- Satisfied with the proposed Affordable Housing, provided a cascade mechanism is in place within any S106 to secure more AH in the event that more SHG is forthcoming
- With regard to energy, the officer is satisfied to report favourably to the Mayor when the proposals get to Stage II referral.

6.8 Transport for London (Statutory)

6.9 The following are comments were made in the Stage 1 report presented to the Mayor on the 14th November 2005

- The developer should provide cycle parking inline with London Cycle Design Manual Standards (This requires the developer to provide 1 cycle space per residential unit).

(Officers comment: The applicant has agreed to provide 1 cycle space per unit i.e. 141 cycle spaces. This will be secured by way of condition)

- The development does not impact on the operation of the Blackwall Tunnel. Any permission should be conditional upon the submission and approval of details of the height of the building, and foundation type and cross-section drawings showing both above ground and underground structures including foundations, basement car park and access ramp.

(Officers comment: The applicant will be required to submit details of site foundations by way of condition)

6.10 Environmental Agency (Statutory):

- The Flood Risk Assessment (FRA) is acceptable. The Environmental Agency request a cross section drawing showing the finished floor levels of the car parking and the residential level shall be included in the FRA.
- The applicant needs to undertake an assessment to demonstrate that the risk of pollution to controlled waters is acceptable

(Officers comment: The applicant has been completed a risk assessment and is set out as part of the geotechnical survey undertaken by Card Geotechnics which was submitted with the application. The risk assessment makes specific reference to the risk of pollution to controlled waters. Section 6.5.3 (Page 26) concludes that:

“...it is considered that the identified site contamination poses a low overall risk to the underlying groundwater...given the presence of a layer of relatively impermeable Alluvium beneath the site and the river wall it is considered that the site poses a low overall risk to the nearby River Thames.”

However, Environmental Agency has not commented on the report as yet. The comments will be included in the addendum report on the 28th May 2008)

6.11 English Heritage Archaeology

- This site lies within an area of archaeological interest
- Archaeological investigation should be undertaken on site. These investigations should be secured by way of planning condition.

(Officers comment: This will be secured by way of condition)

6.12 LBTH Highways department

- The proposed 49 basement car parking spaces which equates to 0.35 spaces per unit and hence in line with current LBTH policies.
- Inappropriate location of refuse facilities

(Officers comment: The applicant will be required to submit details of refuse and recycle facilities on a different location on site)

- The developer has indicated in the transport assessment that cycle parking is being proposed at 1 space per 3 flats, this is less than current LBTH standard. 1 cycle space per unit should be provided for the residential unit.

(Officers comment: The applicant has agreed to provide 1 cycle space per unit i.e. 141 cycle spaces. This will be secured by way of condition)

6.13 Education:

3): A contribution of £234,498 to mitigate the demand of the additional population on education facilities.

(Officers comment: The above contribution will be secured in the S106 agreement).

6.14 Environmental Health

- The Prestons road facades will require noise mitigation and all other non glazing facades should achieve RW48.
- The Aircraft Noise from City Airport air traffic movements and taking in consideration the predicted increase in both daytime and night noise levels at the proposed development due to the expansion of City Airport, the noise impact is considered insignificant.

6.15 Primary Care Trust

- A total capital planning contribution of £198,784 to be made for the section 106 agreements.

(Officers comment: The above will be secured in the S106 Agreement)

6.16 British Waterways

Appropriate development of land is welcomed provided it:

- Improves the character of the waterscape
- Improve the general public's appreciation of the waterways; and
- Enhances the environmental attributes of the waterway.

6.17 Crossrail

No comments received

6.18 Thames Water Utilities Ltd-

No comments received

6.19 London Borough of Greenwich

No objection

6.20 London City Airport

(Officer comment: The response will be included in the addendum report)

Veolia Environmental Services

- Veolia Environmental Services (VES) operate the Waste Recycling and Transfer Station (WRTS) located at Northumberland Wharf to the east of the application site. This site is operated on behalf of , and leased from , the London Borough of Tower Hamlets
- VES has no objection in principle to residential usage of nearby land.
- VES request therefore that the Council give full consideration to the potential negative impacts of the introduction of residential uses in such proximity to the existing waste use when determining this application and do not prejudice the ability of VES to provide essential public service activities from this site.

(Officers comment: The Council has given full consideration to the potential negative impacts of the introduction of residential use to this site. Please refer to paragraph 8.2-8.8 & 8.101-8.107 for discussion)

7. LOCAL REPRESENTATION

7.1 A total of 134 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.

7.2 Consultation

No of individual responses:	Objecting: 12	Supporting: 0
No of petitions received:	1 objecting containing 2 signatories	
	0 supporting containing 0 signatories	

Of the 12 objection letters received, 10 were identical response with individual signatures. 1 petition with 2 signatures was also received.

7.3 Design

- The design is out of context with the existing surrounding streetscape.
- The proposal will result in excessive density on site thus resulting in overdevelopment of the site.
- The 17 storey building is excessive in height as it will be more than double the height of neighbouring blocks on Yabsley Street (Nova Court East and West stand at 7 floors) (has a tall building assessment been carried out)
- The cumulative impact of this development and other developments coming forward in the area will result in overdevelopment of the area.
- The proposed layout and positioning, design and external appearance is unacceptable.

(Officers comment: Design issues are discussed in paragraph x)

7.4 Amenity

- The loss of natural light and/or overshadowing to surrounding residents
- Loss of daylight and sunlight to properties at Nova Court East and West
- Overlooking and loss of privacy to residents in Nova Court
- The neighbouring developments (The Lighthouse Development) will now be seriously overlooked and result in loss of privacy for all of its many residents

(Officers comment: Amenity issues are discussed in paragraphs x)

7.5 Infrastructure

- Part of the development will be above Blackwall Tunnel. The development will result in long term structural problems to Blackwall Tunnel.

(Officers comment: This is discussed in paragraphs 8.114-8.177 for discussion on this point)

7.6 Transport

- Lack of car parking on site
- Lack of car parking in the surrounding area resulting in increased pressure on existing spaces
- This development will mean there will be no affordable parking in the area, resulting in the only option available to residents being extremely expensive parking within the Canary Wharf estate.
- The proposal will result in increased traffic congestion

(Officers comment: Parking policy issues are discussed in paragraphs 8.81-8.94)

7.7 Housing

- There are no advantages for more Council and shared owners tenants to move in this new proposed redevelopment. In addition to the high cost of life living within close proximity to Canary Wharf,

(Officers comment: Refer to housing section of the report)

7.8 Environmental Objections

Loss of trees that run parallel with the site cut down and destroyed, as they are not depicted on any plan. Even if the trees remain the neighbouring development (The Lighthouse Development) will no longer be able to benefit from seeing these trees.

(Officers comment: The views of the trees are not protected by any planning policy and is therefore not a material planning consideration)

7.9 Other objections relating to the area in general

- no school or other public services nearby (NHS centre, dentist etc)
- No park/green areas (open space) to sit as a family or for friends to relax (New Providence Wharf is private property and members of the public are not permitted to use the area)
- There are no affordable restaurants and/or places to socialize for Council and shared owners tenants who move into this new proposed redevelopment.
- No real size community centre to accommodate such a huge amount of people
- No sports centre facilities and no real size sports ground
- No childcare facilities for young families.
- Prospect of anti-social behaviour

- Lack of freedom of actions and movement due to high security of New Providence Wharf/Ontario development will increase the risk of social clashes with council/shared ownership tenants.
- Impact Barclays, HSBC and Citigroup views of the o2 Arena and North Greenwich with a tower and building block that will block the view but also emit bright inharmonious colours (red, yellow).

(Officers comments:

1. With reference to school places and health services, the applicant will be required by enter into a Section 106 agreement to provide a contribution of £198,784 to mitigate the demand of the additional population on health care facilities and £234,498 to mitigate the demand of the additional population on education facilities.

2. With reference of open space, the proposal provides an appropriate amenity of public open space which exceeds policy requirement.

3. There is no evidence to suggest the proposal would result in anti social behavior.

4. A community facility does not form part of the application and is considered necessary to include in order to deem the proposed acceptable.

5. The views of o2 Arena and North Greenwich are not protected for Barclays, HSBC and Citigroup)

7.10 Letter of support

- The layout and density of the proposed plan is well designed, at the Preston's Road end the careful landscaping and slope of the building minimizes the loss of natural daylight to Nova Court and surrounding buildings.
- The loss of privacy having a building opposite your own is in fact of life when living in urban spaces.
- Community objections to the loss of car park space is unfounded as the new development includes it's own underground facilities, the incumbent car park whose constant movement of vehicles all day and the associated dust cloud covers surrounding buildings only serve s the contractors of the various building sites around Docklands.
- The Nova Court Buildings have had recent surveys that included residential feedback on any structural problems, and none were found, from this we can assume development will face the same.
- Plans state that it includes a communal open space and further commercial units to complement Blackwall Way and the Ibis Hotel this will lead to a well lit and occupied Yabsley Street which at present is dark and uninviting.
- The proposed community park at Woodland Wharf on Preston's Road redresses fear of lost open spaces.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Density
3. Design
4. Housing
5. Amenity/open space
6. Daylight and Sunlight
7. Transport

8. Sustainability

Land use

- 8.2 The proposed scheme comprises of 141 residential units and 43 sqm of commercial floorspace, which would be provided as a single unit. The site is not designated in the UDP (1998). However, in the Councils Interim Planning Guidance 2007 (Isle of Dogs Area Action Plan), the site is allocated for residential (C3).
- 8.3 The site is not recognised as a location for B1 (office) development and is isolated from the nucleus of such activity around Canary Wharf.
- 8.4 With reference to residential development on site, the GLA Stage 1 report notes that:
- ‘the relationship of residential development on the application site to the neighbouring waste management facility at Northumberland Wharf is of critical importance in making an assessment of the acceptability or otherwise of the current proposals’.*
- 8.5 The applicant has undertaken studies on the environmental impacts in order to assess the impact with Waste Management facility may have on future occupants of the site. In light of the details provided, the Council does not believe that the waste centre should have an adverse impact on residential amenity. Please refer to paragraphs 8.106-9.110 for discussions relating to residential amenity.
- 8.6 In accordance with policies 3A.1, 3A.3 & 3A.5 of the London Plan (2008), the Mayor is seeking the maximum provision of additional housing in London (2008). The London Plan housing target (Dec 2006) for Tower Hamlets from 2007 to 2016 is 31,500 new homes, subject to the provision of adequate social and physical infrastructure and contributing to sustainable communities (CP19).
- 8.7 The principle of residential development within close proximity to this Waste Transfer station has previously been accepted by the Council at the Arron House development. The site abuts the WTS to the south. This site is closer to the noisiest part of the WTS (the loading area) of the scheme). Other examples in London where large scale residential development has been approved in London include Riverside West development by Berkeley Homes in Wandsworth. This is a 434 unit riverside development which is 8 storeys high and which adjoins the Western Riverside Waste Facility. The WRWA is a much larger facility than Northumberland Wharf (as it serves four local authorities rather than the two at Northumberland Wharf) but has a similar functions i.e. it operates as a combined waste transfer and civic amenity facility and moves waste onto river barges for transfer downstream. In this case, Council members at Wandsworth were given sufficient comfort that there would be no adverse impacts on the future residents of the scheme. In light of the preferred uses for the site identified in the London Plan, IPG 2007 and comfort given to officers that future occupiers of residential units would not be adversely affected by the proximity of the waste transfer station.
- 8.8 At present, the site does not contain any commercial uses on site. The proposal will include 43 sqm of commercial floorspace and thus result in new employment floorspace on site. This is acceptable as an ancillary use to the residential led scheme proposed.

Density

- 8.9 The site has a net residential area of approximately 0.23 hectares. The scheme is proposing 141 units or 405 habitable rooms. The proposed residential accommodation would result in a density of approximately 1760 habitable rooms per hectare (hr/ha).
- 8.10 The site has a public transport accessibility level, or PTAL, of 5 According to TABLE 4b.1 of

the London Plan, the site is best described as 'urban' and therefore has a suggested density range of 650-1100 habitable rooms per hectare (hr/ha) in accordance with the 'Density location and parking matrix'.

- 8.11 In general numerical terms, the proposed density would appear to be an overdevelopment of the site. However, the intent of the London Plan and Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity. The area already contains several high density development residential schemes i.e. Ontario Tower, New Providence Wharf, Poplar Dock and Blackwall Basin.
- 8.12 Residents have considered that this application results in an unacceptable increase in density and is therefore an overdevelopment of the site. However it should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
 - Lack of open space and amenity space;
 - Increased sense of enclosure;
 - Loss of outlook;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure
- 8.13 These issues are all considered in detail later in the report and were considered to be acceptable.
- 8.14 Policy 3A.4 of the consolidated London Plan (2008) states that the Mayor will ensure the development proposals achieve the highest possible intensity of use compatible with local context, the design principles of 4B.1 and with public transport capacity.
- 8.15 Policy 3A.2 of the consolidated London Plan (2008) encourages boroughs to exceed the housing targets and to address the suitability of housing development in terms of location, type and impact on the locality. Policies CP20 and HSG1 of the IPG seek to maximise residential densities on individual sites; taking into consideration the local context and character; residential amenity, site accessibility; housing mix and type; achieving high quality, well designed homes; maximising resource efficiency; minimising adverse environmental impacts; the capacity of social and physical infrastructure and open spaces; and to ensure the most efficient use of land within the Borough.
- 8.16 On review, 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 as it secures a number of contributions towards affordable housing, health, education, transport and community facilities and local employment initiatives been agreed to mitigate any potential impacts on local services and infrastructure.

Design

Height, Bulk and Massing

- 8.17 Good design is central to all the objectives of the London Plan. Policy 4B.1 of the consolidated London Plan (2008) refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design.
- 8.18 Policy CP4 of the Interim Planning Guidance (2007) states that LBTH will ensure the development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 of the IPG reiterates DEV1 of the UDP and states that developments are required to be of the highest quality design, incorporating the principles of good design.

- 8.19 Comments from the 2007 GLA stage 1 report advises *“that the site is able to take up increased massing and height, subject to high quality architecture and use of materials”*.
- 8.20 The GLA support the scale and massing of the proposal. The GLA stage 1 report notes that:
‘ the proposed layout, massing and scale of development responds satisfactorily to the site’s context, with the low rise block to be built parallel to Preston’s Road providing improved definition to this route while the tower will- in terms of it’s massing, height and form- relate well to the nearby density development At ‘New Providence Wharf’ and the ‘White Swan’ Development.’
- 8.21 The use of prefabricated timber panels, large glazing units and engineered balconies gives the opportunity for a high quality of finish. Overall the design makes a positive contribution to the area.

Tall Buildings

- 8.22 The London Plan encourages the development of tall residential buildings in appropriate locations.
- 8.23 Policy 4B.9 of the consolidated London Plan (2008) states that tall buildings will be particularly appropriate where they create attractive landmarks enhancing London’s character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.10 of the consolidated London Plan (2008) requires all large-scale buildings, including tall buildings, to be of the highest quality of design.
- 8.24 CP48 of the Interim Planning Guidance permits the Council to consider proposals for tall buildings in locations outside the tall building cluster locations identified in this policy if adequate justification can be made for their development.
- 8.25 Within the wider context of the site there area a number of tall buildings, these tall buildings occur both within the City Quarter to the south west of the site but also within the more residential areas to the north of the site. Examples of tall residential buildings (and high density development) m approved in the area are: (1): Ontario Tower, (2): New Providence Wharf; (3): White Swan; (4): Polar Dock and (5): Blackwall Basin. In addition, give its close proximity to Canary Wharf, the principle of tall commercial buildings in the area is well established.
- 8.26 Policy DEV27 of the Interim Planning Guidance provides a suite of criteria that applications for tall buildings must satisfy. In consideration of the above comments and policy requirements, the proposal is considered to satisfy the relevant policy criteria as follows:
- 8.27
- The architectural quality of the building is considered to be of a high design quality, demonstrated in its scale, form, massing, footprint, materials & relationship to other buildings
 - Presents a human scaled development at the street level.
 - The wind and micro climate testing has been undertaken and concludes that the impact on the microclimate of the surrounding area, including the proposal site and public spaces, will not be detrimental.
 - Demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management
 - The scheme will contribute positively to the social and economic vitality of the surrounding area at the street level through its proposed mix of uses.
 - Incorporates principles of inclusive design.
 - The site is located in an area with good public transport access.

- Takes into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services. There are 49 car parking spaces proposed which is not considered to be excessive and complies with policy.

Housing

8.28 In summary the key changes made to the mix since the previous submission are:

- a reduction in the overall number of units from 154 to 141
- an increase in the overall amount of affordable housing from 32% to 37% (by habitable room)
- an affordable housing tenure split of 76/24 (social rented/intermediate).
- an increase in the number of family sized (3 + bed units) from 29 to 36. By habitable room, this represents an increase from 1% to 56% of the total mix

Affordable Housing

8.29 Policy 3A.9 of the consolidated London Plan (1998) sets out a strategic target that 50% of the new housing provision should be affordable. Policy CP22 of the IPG document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.

8.30 An evaluation of the schemes viability was prepared by the applicant using the GLA Affordable Housing Financial Viability Toolkit, where the scheme is proposing less than 50% affordable housing, in line with policy 3A.10 of the London Plan. The toolkit assessment has been scrutinised and its results, on balance, are supported by the GLA. This scheme proposes to provide 37% of affordable housing when measured by habitable room, which is the Council's preferred measure. This is above the minimum of 35% required by the IPG and is acceptable. In addition, the GLA have confirmed their acceptance of the level of affordable housing proposed.

Housing mix

8.31 Policy CP21 'Dwelling Mix and Type' of the Interim Planning Guidance governs the ratio of social rented units to those of intermediate tenures.

8.32 The following table below summarises the proposed housing mix against policy HSG2 of the Interim Planning Guidance 2007, which seeks to reflect the Borough's current housing:

		affordable housing						market housing		
		social rented			intermediate			private sale		
Unit size	Total Units in scheme	units	%	target %	units	%	target %	units	%	target %
Studio	0	0		0	0	0	25	0		25
1 bed	76	3	10.7	20	2	20	25	71	69	25
2 bed	29	10	35.7	35	3	30	25	16	15.5	25
3 bed	22	5	17.8	30	1	10	25	16	15.5	25
4 bed	6	2	7.1	10	4	40		0		
5 Bed	8	8	28.5	5	0			0		
TOTAL	141	28	100	100	10	100	100	103	100	100

Table 1: Proposed housing mix and tenure split

- 8.33 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. The Council considers the mix identified in Table 1 to be acceptable in light of policy HSG7 of the UDP.
- 8.34 The Council's Interim Planning Guidance requires 45% of social rented units to be suitable for family accommodation (3 bed or more). The proposal provides 54% family accommodation by unit numbers. The proposed development therefore exceeds the policy requirement of HSG 2 'Housing Mix'.
- 8.35 The Council's Interim Planning Guidance requires 25% of intermediate and market units to be family sized accommodation. The proposal makes provision for 50 % family housing and in the intermediate tenure and therefore exceeds the policy requirement. However, the proposal makes provision for 16% family units in the private tenure and which falls short of the policy requirement. The Council is prepared to accept the deficiency of family units in the private sector and the proposal exceeds the policy requirement provision for family units in the social rented and intermediate tenure.
- 8.36 The 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.

8.37	Tenure	Borough wide %	PA/05/1866
	Social rented	21.7%	54%
	Intermediate	9.7	50%
	Market	1.7	16%
	Total	6.8	26%

Social Rented/ Intermediate Ratio

8.38 Against London Plan policy 3A.9 affordable housing target is 70% should be social rent and 30% should be intermediate rent.

8.39 Policy CP22 of the IPG states that the Council will require a social rented to intermediate housing ratio split of 80:20 for affordable housing. Given the difference between policy objectives, the proposed split of 76/24 falls within the range of acceptability and is supported by Council officers along with the GLA. A summary of the affordable housing social rented/ intermediate split is provided below:

Accessibility

8.40 The IPG Policy HSG9 both require 10% wheelchair accessible accommodation; further the IPG requires that all new homes be built to lifetime homes standards.

8.41 Six car parking spaces will be earmarked for disabled users. In addition, there is also no mention of lifetime homes standards. Meeting the standards of 100% lifetime homes. This will be secured by way of condition.

Amenity/Open Space

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

Tenure	Proposed	SPG Requirement	Total (m ²)
Family Units	36	50sqm of private space per family unit	1800
Non-family units	205	50sqm plus an additional 5sqm per 5 non-family units;	91
Child Bed spaces	83.4	3sq.m per child bed space	250
Total			2141

8.43 Following is an assessment against the residential amenity space requirements under policy

HSG7 of the Interim Planning Guidance (Oct 2007).

Units	Total	Minimum Standard (sq.m)	Required Provision (sq.m)
Upper floor units			
Studio	0	6	0
1 Bed	76	6	456
2 Bed	29	10	290
3 Bed	21	10	210
4 Bed	5	10	50
5 bed	4	10	40
Total			1046
Ground floor Family units			
Studio			
1 bed	0	25	0
2 bed	0	25	0
3 bed	1	50	50
4 bed	1	50	50
5 bed	4	50	200
Total			300
Grand Total	141		1346
Communal amenity	50sqm for the first 10 units, plus a further 5sqm for every additional 5 units		(50sq.m plus 130 sqm). 180
Child play space	83.4 x 3 sqm		834 (83.4 x 3)
Total Housing Amenity Space Requirement			2360

8.45 The table above illustrates that the total amount of amenity space required to make the scheme policy compliant is 2360 sqm. The proposal makes provision for a total of 2, 777 sqm of amenity space which exceeds the policy requirement of 2360 sqm.

8.46 The proposed communal amenity space of 1252 sqm exceeds the policy requirement of 180 sqm identified by the IPG 2007. The scheme provides private amenity space in the form of terraces and balconies which together have a total floorspace of 1225 sqm. This is below the target of 1346 sqm. Of the 141 units, only three do not have private amenity space. However, these three units are all on the ground floor of the tower block and have direct access to the communal gardens at the rear.

8.47 Furthermore, as set out above, the communal amenity space is well above the level sought by Policy HSG7, which assists to offset any shortfall in private space provision. In light of the overall open space provision across the site, this is acceptable.

Child Play Space

8.48 Policy 3A.18 'Protection and enhancement of social infrastructure and community facilities' of the consolidated London Plan (2008) seeks the protection and enhancement of social infrastructure, including child play and recreation facilities. As such, all residential development is expected to provide child play space.

8.49 The GLA Guide to Preparing Play Strategies encourages the provision of a wide range of play opportunities and spaces, rather than prescribed, fenced off area with a quota of manufactured equipment. Further, according to paragraph 11.8 of the Mayor's

SPG for Housing, when assessing needs of children and young people:

“full account should be taken of their need for play and informal recreation facilities within walking distance of their home”.

8.50 According to paragraph 16 of PPS3, matters to consider when assessing design quality of housing developments include the extent to which the proposed development “provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies”. Paragraph 17 of PPS3 states that

8.51 *“where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space”*

8.52

	No units	Child yield	Number of children-
Private and intermediate			
1 bf	73	0.11	8.03
2 bf	19	0.11	2.09
4 bf	17	0.48	8.16
4 bf	4	0.48	1.92
Social rented			
1 bf	3	0.20	0.6
2 bf	10	1.00	10
3 bh	5	2.00	10
4 bh	2	3.3	6.6
5 bh	8	4.5	36
Total	141		83.4

8.53 The child occupancy of the proposed development is calculated as 83.4 children as set out in the table below. The Council’s IPG (2007) notes that the need for play space will equate to the number of children x recommended benchmark standard of 3sq.m /child. This equates to a requirement for 250.2sqm (83.4 x 3 = 250.20)

8.54 The applicant has increased the provision of child playspace from 120 sqm to 300 sqm. The Council considers this to be acceptable as the amount of child playspace provided exceeds the policy requirement of HSG7 of the Interim Planning Guidance.

Daylight /Sunlight Access

8.55 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.

8.56 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.

Daylight Assessment

8.57 Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate

method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the rooms use.

- 8.58 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:
- 2% for kitchens;
 - 1.5% for living rooms; and
 - 1% for bedrooms.

White Swan Development

- 8.59 All but one room that directly face the site achieve the ADF criteria set out in the BRE Report with the proposed development in place. The room is a living room/ kitchen and has an existing ADF value of 1%. The proposal will result in an ADF of 0.76%. However, the windows are small and one of them is set under a balcony, which lead to an inadequate ADF figure in the existing case.

Arran House

- 8.60 All rooms complying with the BRE criteria for VSC, ADF and No-sky line.

Galleon Quay Proposed scheme

- 8.61 All rooms achieve or exceed the BRE and British Standard criteria for daylight.

8.62 **Sunlight**

- 8.63 The sunlight availability before and after development was calculated as a measure of the impact of the proposal on sunlight. The BRE Report recommends that the annual probable sunlight hours in the proposed case should be at least 25% of the annual total including at least 5% in winter. Where the proposed values fall short of these then the diminution should not be greater than 20% in either case. Only those windows that face within 90 degrees of south should be considered.

8.64 White Swan Development (Nova Court)

- 8.65 This building contains balconies and overhangs above some windows. The BRE criterion for sunlight does not consider existing balconies in the calculations. This means that during the summer, apart from early morning and late afternoon, the sun casts a shadow on the window throughout the day.
- 8.66 During the winter months the sun tracks across the sky at low angles of elevation, and in midwinter does not exceed 15 degrees elevation above the horizon. This means that the windows under balconies have relatively high levels of winter sunlight and low levels of summer sunlight. When such windows face a vacant site, even modest development will inevitably cause a reduction of winter sunlight. The summer sunlight level measured at such windows is low and unchanged by the development.
- 8.67 The sunlight results show that the White Swan development will continue to receive high levels of sunlight; all windows that are not affected by balconies typically receive 50% of the Annual Probable Sunlight Hours, which is double the BRE suggested minimum. Some living rooms at first floor are dual aspect. Here one window is affected by the presence of a balcony but the other is unhindered and will receive high levels of sunlight. Therefore even with the balconies these rooms will enjoy good levels of sunlight.
- 8.68 There are four living rooms on the ground floor that are set back behind the main building line so that the floor above projects out above the ground floor windows. The general effect

of this is similar to that described above. Measured at the window centre the summer sunlight levels are low and unaffected by the development, and the winter levels are initially high but reduced significantly by the development. The reasons for this reduction are as follows:

- the sunlight level measured on the main façade is very high: in the range of 54% to 68% of the Annual Probable Sunlight Hours (APSH).
- the figures for all but one of the windows measured at window centres are not unusually low for an urban location with APSH figures of around 20%.
- the low figures are partially due more to that recessed position of the windows than to the scale of development of the Galleon Quay site. The upper half of the proposed building is hidden by the projecting balcony and therefore does not affect the sunlight figures. To comply strictly with the BRE guidelines for these windows would mean reducing the height of the proposals to low rise development, uncharacteristic of this area, namely a high density, Central London location.

8.69 Overall the White Swan development will continue to receive high levels of sunlight, significantly in excess of the BRE guidelines. There are few rooms, where due to recessed windows or balconies the windows do not meet a strict interpretation of the BRE guidelines but in all cases the sunlight availability on the façade of the building is very high.

Arran House

8.70 The façade of this building adjacent to the development site faces northwards and therefore does not have a requirement for sunlight.

Galleon Quay Proposed scheme

8.71 All living rooms with a southerly aspect have windows that achieve the BRE guidelines for sunlight. There are some north facing living rooms within the scheme, which is common in an urban development, and clearly these will not have good sunlight, nor do they have an expectation of such.

8.72 The orientation of the affordable block is such that the living rooms have views over the water and do not face within 90 degrees of south. They would therefore not have an expectation or requirement for high levels of sunlight. The bedrooms at the rear of the block do face within 90 degrees of south and do not achieve the BRE guidelines for sunlight. However the BRE states:

“kitchens and bedrooms are less important, although care should be taken not to block too much sun.”

8.73 The bedrooms in question typically receive around 14% of the annual probable sunlight hours, which are not an unusual figure in an urban location, even for a living room, and therefore should be regarded as a reasonable figure for a bedroom.

Objections received on daylight and sunlight grounds

8.74 The following properties have expressed concern that the development will adversely impact on the existing daylight and sunlight levels:

Aurora Building, 164 Blackwall Way, London, E13 9PG

Flat 11 & 22, Arron House

8.75 The living room in flat 11 will retain a good level of daylight. The room retains ADF values of 2.69%, 2.09%, 1.74%, and 25% which exceeds the BRE recommendation of 1.5%. Likewise, with flat 22, Arron House, the proposed ADF values are 2.27 % and 1.60%
Flat 30, Arron House:

8.76 The daylight levels to the living room will retain the ADF levels. The ADF levels will remain very high at over four times BRE suggested figure for a living room. The sunlight availability as measured by Annual Probable Sunlight Hours (APSH) to the principal living room window will be 73% which is approaching treble the BRE suggested figure of 25%. Therefore the impact to sunlight is small and the property will retain very high levels of sunlight availability

Nova Court (East), 6 Yabsley Street, London, E14 9RX

Flat 11 at Nova Court (east)

8.77 The Average Daylight Factor (ADF) level is 3.7% which exceeds the BRE recommendation of 1.5% for a living room. The daylight levels will remain good. Similarly, the sunlight levels exceed the minimum standards as set out in the BRE guidelines.

Flats 5, 12, 13 & 14 at Nova Court (West) 4 Yabsley Street, London, E14 9SA

8.78 Each of the above properties exceeds the minimum ADF recommendations. Each property has an ADF of around 3.6% Similarly the impact to sunlight is small and the properties will retain very high levels of sunlight availability.

Lumina Building, 29 Prestons Road, London, E14 9RJ

8.79 Flat 20, Lumina Building.

The living rooms pass the ADF tests. The sunlight levels also exceed the BRE suggested figure. The property has two bedrooms one of which retains a high ADF of 2.7% compared to the BRE suggested figure. The property has two bedrooms one of which retains a high ADF of 2.7% compared to the BRE suggested figure of 1%. The other has a low ADF figure of 0.65% in the existing situation, due to its small window located under a balcony, but is not materially impacted by the proposed development since there will be no reduction in ADF and only a small reduction in No-Sky line.

8.80 Flat 21, Lumina Building

The living room will retain a very good level of daylight with an ADF of 4.3% and similarly, with an APSH of 52%, will retain excellent sunlight availability of double the BRE suggested figure. The two bedrooms will retain good levels of daylight with ADFs of 1.7% and 3.3%.

Transport

8.81 Policy T16 of the UDP and policies DEV17, DEV18 and DEV19 of the IPG October 2007 require new development to take into account the operational requirements of the proposed use and the impact (Transport Assessment) of the traffic that is likely to be generated. In addition, policy objectives seek to ensure that the design minimizes possible impacts on existing road networks, reduces car usage and, where necessary, provides detailed mitigation measures, to enable the development to be acceptable in planning terms.

Access

8.82 The site is generally sloped across its length. A level podium is proposed to access the tower and block and is approached directly off of the existing public thoroughfare of Prestons Road via steps and ramps.

Pedestrian

- 8.83 Pedestrian approach is direct from Prestons Road for the residential block and tower as well as the small retail unit at the base of the tower.
- 8.84 The retail development is accessed directly off of a new landscaped pathway from Prestons Road and Yabsley Street via a level approach. These new pathways are connected to existing public thoroughfares.
- 8.85 Both the residential tower (17 storeys) and low rise block (7 storeys) have level access directly off of the access podium.
- 8.86 Given the high amount of accommodation provided, the Council and GLA have determined that contributions for transport infrastructure are required via the S106 agreement to ensure that the development can be sufficiently mitigated against.

Car parking

- 8.87 According to policy 3C.23 of the consolidated London Plan (1998), on-site car parking provision for new developments should be the minimum necessary to ensure there is no overprovision that could undermine the use of more sustainable non-car modes. This in part, is to be controlled by the parking standard in Annex 4 of the London Plan and UDP policies.
- 8.88 Parking standards for residential is 0.5 spaces per dwelling (no parking allowance for visitors) as set out in the Councils Interim Planning Guidance. As a result of discussions with LBTH, the number of car parking spaces is 49 at basement level. Therefore, the proposal is to have a 35% car parking provision and complies with Council policy.
- 8.89 The parking standard in Annex 4 of the London Plan states that boroughs should take a flexible approach in providing disabled spaces. The only minimum standard mentioned is for new developments to provide 2 car parking spaces which the development complies with. The Accessible London Supplementary Planning Guidance (SPG) does not provide additional information with regards to the quantity of spaces to be provided. The proposal provides 6 disabled parking spaces which the Council are satisfied with.
- 8.90 Vehicular arrival is direct from Yabsley Street, Prestons Road and Releana Road to the main entrance. The car parking provision for the development is accommodated at basement level.
- 8.91 It is recommended that a S106 agreement be put in place to ensure that the development is 'car free', so that no controlled parking permits are issued to the new residents of the development. As such, there will be no overspill parking from the development. Most of the residents will therefore be committed to using public transport services and alternative modes for all journeys. Also, a S106 agreement for the preparation, implementation and maintenance of a green travel plan will be secured. The applicant has agreed to such planning contributions.

Cycle Parking

- 8.92 The London Plan does not designate cycle parking standards. Annex 4 of the London Plan states that developments should provide sufficient secure cycle parking and supporting facilities in accordance with PPG13. It also acknowledges that TFL has indicative guidance on cycle parking standards.
- 8.93 PPG13 does not adopt a minimum figure for cycle spaces, rather requires that convenient and secure cycle parking is provided in developments at least at levels consistent with the cycle strategy in the local transport plan.

8.94 The TFL cycle parking standard and the Council's IPG require 1 bicycle space per unit for the residential element. The scheme makes provision for 44 cycle spaces at basement level and 6 motorcycle spaces at basement level. The applicant should provide 141 spaces for the residential element of the proposal and 3 for the commercial element. This can be addressed by way of condition.

Sustainability

Energy

8.95 Policy 4A.7 of the consolidated London Plan (2008) seeks to adopt a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from onsite emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.

8.96 The GLA stage 1 noted that :

" the applicant needs to provide details of the fuel supply and ensure that C2 emissions associated with it take into account transportation. In addition, the applicant should take account of the alterations top the London Plan which sets a 20% CO2 emissions reduction target."

8.97 The applicant has addresses the concerns raised and the GLA are satisfied with the proposal "subject to the applicant addressing the issues raised in the Stage 1 update report" he is satisfied to report favourably to the Mayor when proposals are referred back at Stage II.

8.98 The GLA update report noted that the proposal should accord to the following:

- Heat load profiles should be submitted to the GLA to demonstrate whether combined heat and power is technically feasible; and, should CHP be feasible, it should be incorporated in line with the current and emerging London Plan energy policies.
- Details of the fuel supply should be supplied to seek to ensure that carbon dioxide emissions associated with it take into account transportation.
- The draft further alterations to the London Plan sets a 20% carbon dioxide emissions reduction target and to help meet this target the applicant will need to demonstrate whether it can increase the contribution from the proposed boiler.

8.99 The proposal addresses the previous concerns raised by the GLA by incorporating the following measures:

- a) The use of a gas fired CHP plant is proposed to meet a proportion of the schemes heating and power requirement
- b) Use of dual fuel boilers which will use a combination of glass and biodiesel fuels
- c) The proportion of bio-diesel to be used has been increased significantly under the revised strategy.
- d) The solution will generate a 20% reduction in co2 emissions, and therefore be fully compliant with the Mayor's energy policy.

Microclimate

Wind

8.100 As part of the application, the applicant undertook a Wind Assessment to assess the impact of the proposal on the microclimate. The conclusions of the study show that the pedestrian level wind environment in and around the site will have no significant residual impact. In respect of wind conditions on the thoroughfares surrounding the site, the assessment highlights that the introduction of soft landscaping measures will result in local wind conditions that are suitable for existing and planned activities. (Is this Bethnal Green or Yabsley Street). Details of the landscaping (trees& formal planting) will be required by way of condition.

Noise and Vibration

8.101 The consolidated London Plan (2008) seeks to reduce noise by minimising the existing and potential adverse impacts of noise, from, within, or in the vicinity of development proposals. The plan also states that new noise sensitive development should be separated from major noise sources wherever practicable (policy 4A.14).

8.102 Policy DEV50 of the LBTH UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. This policy relates particularly to construction noise created during the development phase or in relation to associated infrastructure works. Policy HSG15 states that the impact of traffic noise on new housing developments is to be considered.

8.103 The noise report specifies different forms of double glazing, non-glazing façade materials and mechanical ventilation which can be used to meet these requirements. The report also examined the potential impact of future night-time activities at the WTS and concluded that the relevant internal noise limits should not normally be exceeded provided the mitigation measures described above are implemented as suggested. Following on from comments made in the stage I updated report, revisions were made to the design of the façade on the eastern elevation to reduce the impacts of noise from the WTS.

8.104 It is now proposed that the scheme employ some additional measures as follows:

- Inclusion of mechanical ventilation systems into the scheme
- Use of noise absorbent materials in the construction of the balconies. These serve to reduce noise 'reflection'.

The above would be secured by way of condition.

8.105 The above measures will be secured through the use of planning conditions attached to any grant of permission and it is therefore considered that noise issues can be fully addressed. This has been assessed and agreed by Councils Environmental Health officers.

8.106 With reference to the road traffic noise, The GLA noted in correspondence with the applicant that :

8.107 *"having now seen the revised Environmental Assessment (issue 0.10, 17 May 2007) has confirmed that it is satisfactory addresses the concern expressed over road traffic noise assessment methodology in the Stage 1 Update Report should now be withdrawn".*

Air Quality

8.108 The development would result in changes to traffic flow characteristics on the local road network. Effects of the proposed development on local air quality based on traffic flow predictions have been assessed

8.109 The GLA stage 1 report notes that:

“The proximity of the proposed residential units to the waste transfer station may cause dust and odour nuisance for future residents. Concentrations of fine particulate matter (PM10) may also be elevated in the vicinity of the Waste Transfer Station”.

8.110 Air quality assessment was undertaken by Hilson Moran as set out in the submitted Environmental Assessment Report. The main conclusions of the studies are that:

- 8.111 • The emissions from the source would not have a significant contribution to levels at the development and that no additional mitigation measures were necessary.
 - 8.112 • Odour samples were taken in the waste tipping hall of the WTS on the site boundary and upwind of the site. Odour emissions were modelled and the predicted levels at the site boundary (rather than within the application site) did not exceed the guideline levels. It should be noted that the actual levels measured in the same locations were in fact lower than the forecast levels.
- 8.113 There is therefore highly unlikely to any air quality or odour impacts arising from the WTS which might affect the amenity of residents of the proposed development. This has been assessed by Councils Environmental Health officers and found it to be acceptable.

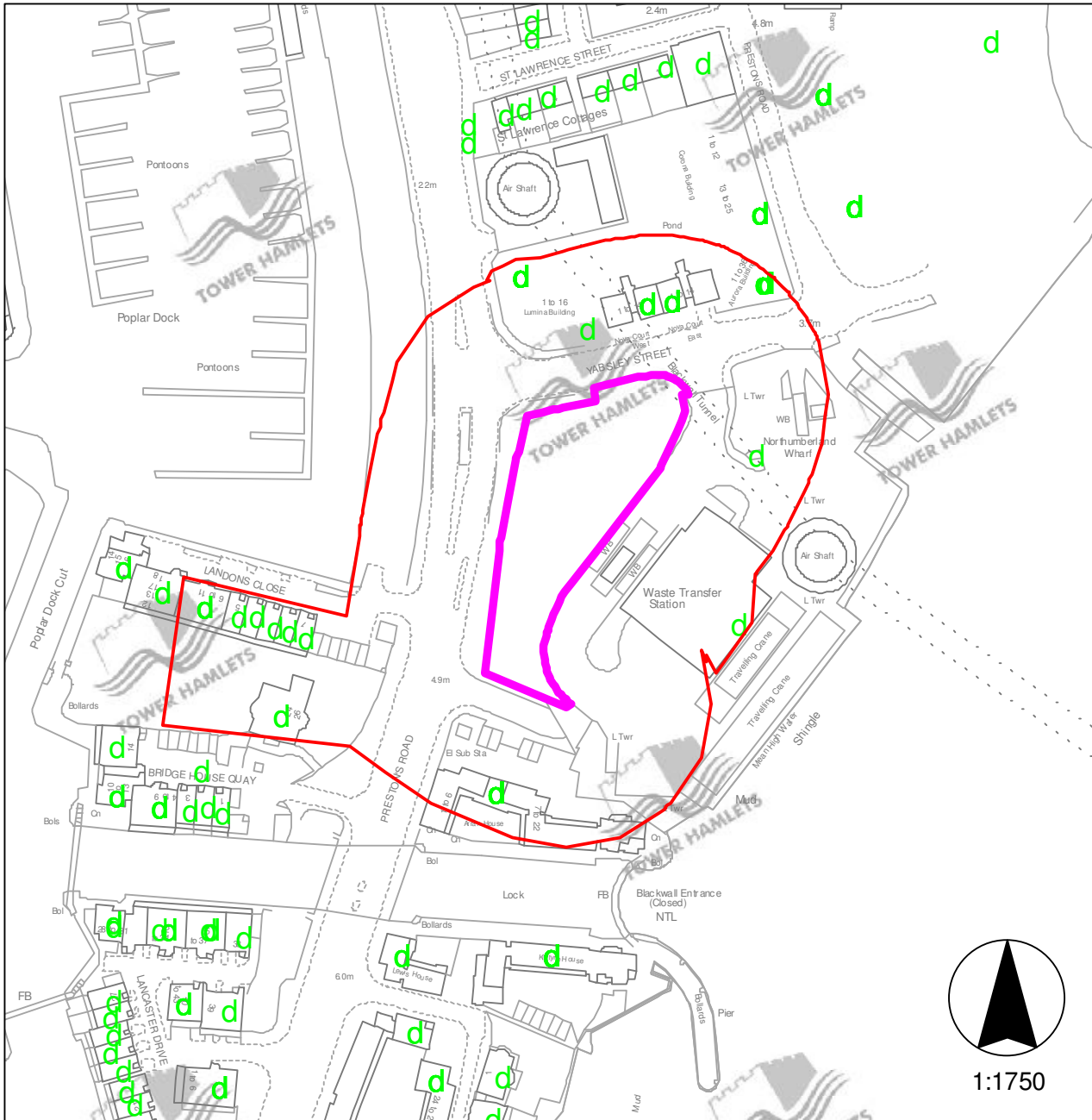
Impact on the physical infrastructure of Blackwall Tunnel

- 8.114 Walsh Associates have been invited by Baladine Properties to act as their structural and civil engineering consultants in connection with the proposed development. As part of this role, Walsh Associates have reviewed the engineering implications of building close to the existing northbound Blackwall Tunnel.
- 8.115 The line of the Blackwall Tunnel clips the very edge of the site. The operation of the tunnel falls under the remit of Transport for London. What have TfL said about this??
- 8.116 A review of the scheme highlighted that new building line is now set approximately 25m from the centre line of the Blackwall Tunnel at the closest point. Given that the invert of the Blackwall Tunnel is approximately 18.5m below Yabsley Street it was established that piling to the proposed new structure will be outside the tunnel of influence.
- 8.117 Nevertheless, Transport for London comments in the Stage 1 GLA report recommends that a condition requiring details of height of the building, foundation type and cross section drawings showing both above ground and underground structures including foundations basement car parking car parking and access ramps to be submitted and approved in writing by the Local Planning Authority. In addition, TfL also request that a condition be attached which will require details of the proposed hard and soft landscaping proposals within 25 m of the Blackwall tunnel including tree planting proposals as well as construction method plan and/or statement and construction access routes must be provided for TfL approval. The recommendations made by TfL will be secured by way of planning conditions to the proposed development.

9 Conclusions

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

Site Map



Legend

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

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

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Agenda Item 7.2

Committee: Strategic Development	Date: 29 th May 2008	Classification: Unrestricted	Agenda Item No: 7.2
Report Corporate Director of Development and Renewal Case Officer: Jason Traves		of:	Title: Planning Application for Decision Ref No: PA/07/02762 Ward(s): Bromley by Bow

1. APPLICATION DETAILS

Location: Site At Caspian Works and Lewis House, Violet Road
Existing Use: Warehouse B1 and B8
Proposal: Redevelopment of site to provide buildings of between four (11.8 metres) and eleven storey's (32.2 metres) for mixed uses purposes including 191 residential units 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.

An Environmental Statement has been submitted in support of the scheme.

Drawing No's: Plan No's:

16249 P005

207041 110C, 120D, 121C, 122C, 123C, 124C, 125C, 126C, 127C, 128C, 129C, 130C, 151A, 152A, 154A, 155A, 156C, 158B, 159C, 160A

Documents:

Accessibility and Lifetime Homes Statement
 Computer Generated Images (CGIs)
 Design and Access Statement
 Employment Property Market Review
 Energy Assessment
 Environmental Statement – Main report
 Environmental Statement – Non-technical Summary
 Environmental Statement – Technical Appendices
 Landscape Design Statement
 Materials Used and Purchasing Strategy
 Planning Statement
 Sustainability Strategy and Code for Sustainable Homes
 Transport Statement (Incl. TA)

Applicant: Berkeley Homes (North East London) Ltd

Owner: Strong Holdings PLC

Historic Building: N/A

Conservation Area: N/A

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

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 2008 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. As such, the proposal accords with 2A.1 Sustainability Criteria, 2A.9 The Suburbs: Supporting Sustainable Communities, 3B.1 Developing London's Economy, 3B.3 Mixed Use Development and 5C.1 The Strategic Priorities for North East London of The London Plan (Consolidated 2008) 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) The provision of 46.5% affordable housing based on habitable rooms exceeds the required provision whilst 28% family-sized housing across all tenures (market, social rent, and shared ownership) is in line with policy and exceeds the amount achieved across the borough in the most recently published annual Monitoring Report 2005-6. The scheme will contribute significantly towards addressing housing need in the borough and accords with policies CP21 and CP22 of the adopted UDP 1998

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

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

(8) Transport matters, including parking, access and servicing are acceptable on balance 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 London Mayor**

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

- a) A proportion of **46.5%** on habitable rooms of the proposed units to be provided as affordable housing with the socially rented mix as specified in the table attached in Section 8;
- b) Provide **£1,961.54** towards bus stop survey;
- c) Provide **£15,692.31** towards bus stop improvements;
- d) Provide **£62,769.23** towards highway safety improvements;
- e) Provide **£309,972.66** towards education to mitigate the demand of the additional population on education facilities;
- f) Provide **£626,860.22** towards medical facilities to mitigate the demand of the additional population on medical facilities;
- g) Provide **£23,538.46** towards Public Art;
- h) Provide **£20,000.00** for British Waterways Improvements;
- i) Provide **£20,000.00** for the DLR (DAISY) system; and
- j) Provide car-free agreement, Transport Assessment, s278 agreement, TV/radio/DLR reception monitoring and impact mitigation, employment/training initiatives

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:
 - External appearance and materials board
 - Design and ground floor
 - Balcony details
 - Privacy screens to balconies
- 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) Details of the energy Scheme to meet 20% renewables
- 10) Land contamination study required to be undertaken with remediation certificate
- 11) Method of piling as required by the Environment Agency (EA)
- 12) No infiltration to ground waters required by EA
- 13) No storage within 10m of Limehouse cut required by EA
- 14) Storage facilities for oil, fuels and chemicals required by EA
- 15) Details of foul and surface drainage system as required by the EA
- 16) Method statement for waste removal during construction phase as required by EA
- 17) Archaeology as required by English Heritage
- 18) Details of insulation measures

- 19) Details of the waste and recycling facilities
- 20) Construction Management Plan required
- 21) Lifetimes homes Standards and 10% wheelchair accessible
- 22) Reservation of access to DLR land
- 23) Extract ventilation for Class A3 premises
- 24) No roller shutters on commercial units
- 25) Details of Code for sustainable homes compliance
- 26) Access to children's playground for Hoe residents
- 27) Asbestos condition as recommended in the environmental Assessment
- 28) Any additional conditions as directed by the Corporate Director Development and Renewal

Informatives

- 1) Subject to s106 agreement
- 2) Consult the Environment Agency in terms of conditions 10-16
- 3) Site notice specifying the details of the contractor required
- 4) EA prior approval for dewatering
- 5) Waste storage
- 6) Registration of food premises
- 7) Inspection prior to occupation
- 8) Obtaining consent under the pollution act prior to commencement
- 9) Submission of an archaeological project design
- 10) S278 highways agreement
- 11) Licence for structures oversailing the public highway
- 12) Dedication of land adjacent the public highway
- 13) Drainage provision
- 14) Fitting petrol/oil interceptors
- 15) Installation of fat traps
- 16) Water supply provision.

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal is similar to application PA/07/2706 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 four and eleven storeys (Highest point is 32.2m Above Ordinance Datum) for mixed use purposes including 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 However, the proposal takes in the semi-private amenity area in the middle of Site A of Caspian wharf approved under application PA/05/1647-1648 being for a mixed use scheme of 4-9 and 13 storeys comprising 390 residential units and Class A1, A2, A3, B1, and D2 uses which were granted 03 May 2007. Taking in the semi-private amenity area in this application facilitates the undergrounding of car parking to allow for landscaping and amenity open space at ground level.
- 4.3 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;

- sqm of residential C3 flats with sizes ranging between studio – 4 bedroom;
- Affordable housing provision which equates to 46.5% of total habitable rooms or 49% of the GEA, or 32% 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 35% of energy needs and CO2 reduction of 20%;
- A total of 3192sqm of amenity space comprising 1,617sqm of private amenity space which includes terraces and balconies, 85sqm of semi public space and 1,575sqm of communal amenity space;
- The 2,500sqm of public land adjacent the canal is retained per the extant permission PA/05/1647 & PA/05/1648;
- The provision of parking on the Strong, Hoe and A sites providing a total of 83 car parking spaces (Hoe 13 spaces + Strong 70spaces) including 11 spaces for people with a disability;
- The provision of 221 secure cycle spaces for both residential and employment components of the mixed use scheme as well as visitors to the site. This is in addition to the 392 cycle spaces agreed in the extant permission.
- The provision of refuse and recycling facilities at ground floor; 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.

4.4 A comparison between this scheme and the other applications is provided below:

	PA/07/2762	Extant + PA/07/2706	Extant + PA/07/2762
Units	191	533	543
Density <i>(Habitable rooms per Ha)</i>	953	940	956
Total Affordable Housing (%)	46.5	34	37.6
Total Family Housing (%)	28	24.8	29
Total Amenity Space <i>(sqm)</i>	3192	12575	12792
Playspace <i>(sqm)</i>	172	195	317

Site and Surroundings

4.5 The application site comprises three (3) properties:

- The Strong Packing Case site on the eastern side of Violet Road;
- Site A Caspian Works
- The E.W. Hoe (Export Packers) Ltd site on the corner of Yeo Street and Violet Road.

The Strong and Hoe sites are occupied and are operating whilst Site A Caspian Works has been cleared other than a two storey building which is occupied by the sales and marketing sweet for the development of Sites A and B Caspian Works applications PA/05/1647-1648.

- 4.6 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 are which are located on the site and are immediately adjacent the boundary adjoining DLR land to the east.
- 4.7 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.
- 4.8 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 and A sites are bordered by DLR land and further still, residential and commercial uses. Immediately to the north of the Strong and Hoe sites are other commercial uses. Further along Violet Road on the western side and into adjacent streets are residential flats of varying ages including more recent redevelopment schemes at 42 Glaucus Street and 1-24 Violet Road. To the west, land is also in commercial use including Bow Exchange and the Council deport 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 PA/05/1647-1648 for Caspian Wharf granted on 03 May 2007 is relevant as outlined in the previous section. Approval was granted for an amended scheme involving redevelopment of site to provide buildings of between 4 & 9 storeys and of 13 storeys for mixed use purposes including 390 residential units, Class A1, A2, A3, B1 and D2 uses with associated car and cycle parking, roof terraces, landscaping, canal side walkway and servicing. The Strategic Committee report and decision notice are **Appendix A**.
- 4.12 In December 2007 and January 2008 Strategic development committee deferred application PA/07/2706 for 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). The application was approved by the Strategic Development Committee in March 2008.
- 4.13 A third application Ref. PA/08/00019 for redevelopment of site to provide buildings 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, canal side walkway and servicing was refused planning permission under delegated authority.
- 4.14 Both these applications are submitted by the agents Barton Wilmore although the third application has been design by a different architect to the earlier schemes, namely Hawkins Brown. Whereas applications PA/07/2706 and PA/07/2762 are of equivalent architecture to the extant permission of Sites A and B, the application PA/08/00019 proposed a complete redesign.

5. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007)

Proposals:		Flood Protection Area (Strong and Hoe sites)
		Industrial Employment Area (Hoe site)
Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV46	Protection of Waterway Corridors
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV69	Efficient Use of Water
	EMP1	Promoting economic growth and employment opportunities
	EMP5	Compatibility with Existing Industrial Uses
	EMP6	Employing local People
	EMP8	Encouraging Small Business Growth
	EMP10	Development Elsewhere in the Borough
	EMP12	Business Uses in Industrial Employment Areas
	EMP13	Residential Development in Industrial Employment Areas
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG 14	Provision for Special Needs
	HSG15	Development Affecting Residential Amenity
	HSG16	Housing Amenity Space
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development
	S10	Requirements for New Shop front Proposals
	OS9	Children’s Playspace
	U2	Development in Areas at Risk from Flooding
	U3	Flood Protection Measures

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

Proposals:	L33	Caspian Wharf: Preferred Uses – Residential (C3), Employment (B1) , Public Open Space
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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 Provision of Affordable Housing
	CON5	Protection and Management of Important Views

Supplementary Planning Guidance/Documents

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

The Mayor's Spatial Development Strategy for Greater London, The London Plan (Consolidated with Alterations since 2004) 2008

Consider adding 2A.7, 2A.10, 3A.3, 3A.6

Polices	2A.1	Sustainability Criteria
	2A.7	Areas for Regeneration
	2A.9	The suburbs: Supporting Sustainable Communities
	3A.1	Increasing London's Supply of Housing
	3A.2	Borough Housing Targets
	3A.5	Housing Choice
	3A.7	Large Residential Developments
	3A.9	Affordable Housing Targets
	3A.10	Negotiating Affordable Housing in Individual Private Residential and Mixed use Schemes
	3A.17	Addressing the Needs of London's Diverse Population
	3A.18	Protection and Enhancement of Social Infrastructure and Community Facilities
	3A.20	Health Objectives
	3A.23	Health Impacts
	3A.24	Education Facilities
	3A.23	Community Strategies
	3A.24	Meeting Floor Targets
	3A.28	Social and Economic Impact Assessments
	3B.1	Developing London's Economy
	3B.2	Office Demand and Supply
	3B.3	Mixed Use Development
	3C.1	Integrating Transport and Development
	3C.2	Matching Development with Transport Capacity
	3C.23	Parking Strategy
	3D.11	Open Space Provision in DPDs
	3D.14	Biodiversity and Nature Conservation
	4A.22	Spatial Policies for Waste Management
	4A.7	Renewable Energy
	4A.4	Energy Assessment
	4A.3	Maximising the Potential of Sites
	4A.16	Water Supplies and Resources
	4A.17	Water Quality
	4A.18	Water and Sewerage Infrastructure
	4A.20	Reducing Noise and Enhancing Soundscapes
	4A.33	Bringing Contaminated Land into Beneficial Use
	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
	4A.3	Sustainable Design and Construction
	4B.9	Tall Buildings - Location
	4B.10	Large Scale Buildings – Design and Impact
	5C.1	The Strategic Priorities for North East London

Mayor of London's Lower Lea Valley Opportunity Area Planning Framework

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:

Tower Hamlets Primary Care Trust

6.2 Accept the s106 contribution of £626,860.22 towards medical facilities to mitigate the demand of the additional population on medical facilities

LBTH Highways

6.3 No objections to the scheme and conditions and informatives recommended

LBTH Environmental Health

6.4 BRE (daylight/sunlight) Officer – The scheme proposes minimal impact and is therefore acceptable in the urban environment

Contaminated Land Officer - An appropriate condition for site investigation and remediation where required is recommended.

LBTH Education

6.5 The scheme would create a need for an additional 25 primary school places with the associated s106 contribution being £309,972.66.

LBTH Energy Efficiency Unit

6.6 The energy strategy submitted along with further information is acceptable whilst sustainability considerations will be secured by an appropriately worded condition.

LBTH Waste

6.7 No objection to the scheme and standard waste details condition recommended.

The Government Office of London

6.8 No comments received

Greater London Authority (Statutory Consultee)

6.9 No comments received

Environment Agency (Statutory Consultee)

6.10 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;
 - Construction of foul and surface drainage systems
 - Consideration of site contamination and any necessary remediation;
 - No infiltration of water or penetrative foundations design without approval from the Local Planning Authority.
 - Piling and foundations in accordance with any approval granted
 - Method statement for waste removal
- Informatives
- Dewatering of excavated material
 - Section 34 and duty of care regarding storage of excavated/construction materials

(Officer Comment: The abovementioned conditions and informatives will be secured if the application is approved.)

TfL (Statutory Consultee)

6.11 No comments received.

BBC

6.12 No comments received.

English Heritage (Archaeology) (Statutory Consultee)

6.13 No objection subject to appropriate mitigation is undertaken in the form of a program of archaeological work and historic building recording.

(Officer Comment: An appropriate condition is recommended to address this matter.)

London City Airport (Statutory Consultee)

6.14 No safeguarding objection

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

6.15 No safeguarding objection

Thames Water Authority

6.16 In respect of waste comments the authority recommended std informatives and prior approval need to discharge into the public sewer. No objections in respect of water comments

(Officer Comment: An appropriate informative is recommended to address the above matter.)

British Waterways

6.17 No objection subject to securing pedestrian link adjacent the canal as well as s106 contribution of £20K towards local towpath works.

(Officer Comment: The planning contribution will be secured as part of the s106 if the application is granted.)

Lea Valley Regional Park Authority

6.18 No comments received

DLR

- 6.19
- Consideration of diverting funds from previous applications to DLR works
 - A planning obligation fro mitigation of adverse impacts to the DLR radio operations should remain incl radio signal boosters
 - Consideration of public art contributions by DLR

- A planning obligation of £20K for the provision of a Docklands Arrival Information System (DAISY)

(Sending info received)

Olympic Delivery Authority

6.20 No comments received

Crime Prevention Officer (Metropolitan Police)

- 6.21
- Notes the changing location of access point adjacent the canal towpath
 - Control/securing access to balconies at the centre of the development
 - The building at the centre of the development splits the communal gardens and limits views/surveillance
 - CCTV and lighting to form further discussions

(Officer Comment: The abovementioned issues can be addressed by appropriately worded conditions for details of landscaping, boundary treatments, balconies and CCTV to be agreed prior to commencement.)

London Fire and Emergency Planning Authority (LFEPA)

6.22 Queries regarding emergency vehicle access to the rear blocks as well as the availability of water pressure at the supply locations.

(Officer Comment: An informative has been applied requesting the applicant consult with LFEPA during development to ensure appropriate access and emergency measures/infrastructure)

English Nature

6.23 Requesting a condition requiring a management plan including consideration of the impacts of lighting on nocturnal wildlife.

Officer Comment:

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: 7 Against: 7 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:

- Development intensity/Overpopulation
- Building height
- Character

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

- Direct consultation by the developer with residents
- Criticism of the developer regarding successive plan changes

- Right to Light
- Impact on water pressure
- Overshadowing

7.4 The following procedural issues were raised in representations, and are addressed below:

- Flood risk (Officer comment: Flood risk has been considered by the Environment Agency and no objection raised)
- Complaint in respect of consultation process (Officer Comment: The complaint has been followed up in accordance with the LBTH stage 1 complaints procedure. Notwithstanding this, it is noted that the scheme and subsequent amendments have been notified in accordance with the LBTH Statement of Community Involvement)
- Relationship to /conflict with /preference for/ consideration of the separate application PA/08/00019 (Officer comment: Comparisons between the schemes are provided throughout this report. There is no preferential judgment made and the application is considered on its individual merits)

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 The Hoe site falls within an Industrial Employment Area pursuant to the adopted UDP 1998. In respect of the Interim Planning Guidance October 2007 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 (Consolidated 2008) both the Strong and Hoe sites are located within the North East London and Thames Gateway sub-region. In respect of the relevant SPG supporting the London Plan, The Lower Lea Valley Opportunity Area Planning Framework Strong and Site A are identified as potential new housing areas within 'Section 2 Vision and Principles' and 'Section 5 Delivery and Implementation'. Although, the Strong, Hoe and A sites have no designation according to the specific detailed considerations for 'Sub Area 8 Bromley by Bow' within 'Section 4 Sub Area Issues, Opportunities and Landuse Scenarios' of the SPG.

Principle of mixed use

8.3 National, regional and local policy promotes 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 promotes in its '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 (Consolidated 2008), 2A.1 'Sustainability Criteria' also promotes the optimisation of land use. Policy 2A.9 'The Suburbs: Supporting Sustainable Communities' refers to promoting change and enhancing of quality of life with higher density, mixed use development and by considering means of improving sustainability of land use. 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.3 '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 North East London'. Having regard for the Mayors SPG, The Lower Lea Valley Opportunity Area Planning Framework development proposals should seek to provide and support a mix of uses with particular reference to providing a range of facilities and services at accessible locations in accordance with Policy B1. The notion of mixed use schemes in various aspects are also advocated by Policies D4 and D5 of this SPG.
- 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 the policy terms described above, a mixed use scheme can be considered on its merits on the subject site. Furthermore, The London Plan identifies 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 As discussed in section 4 of this report, the scheme proposes the similar buildings for the Strong and Hoe sites as proposed in PA/07/2706 (as reported in the December 2007 Strategic Development Committee meeting) and on this basis and excluding the extant permission, the proposal is equivalent to 953 habitable rooms per hectare. It is noted that application PA/07/2706 proposes 893 habitable rooms per hectare in comparison. 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 in excess of the range in a PTAL 4 area, although, the extant planning permissions PA/05/1647-1648 were approved 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 inefficient 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 LBTH 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. In respect of the relevant SPG supporting the London Plan (Consolidated 2008), The Lower Lea Valley Opportunity Area Planning Framework, the Strong and A sites are identified as potential new housing areas within 'Section 2 Vision and Principles' and 'Section 5 Delivery and Implementation'. Therefore there is nothing to prevent the consideration of a residential component. Rather, it is a presumption which is further 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. In respect of the relevant SPG supporting the London Plan, The Lower Lea Valley Opportunity Area Planning Framework, Policy D1 advocates that schemes involve the management of the transition of Industrial land through release and intensification according to the Opportunity Area Planning Framework. In seeking to protect industrial capacity in Policy D4, it also advocates the introduction of additional uses and activities on sites. All this is demonstrated by the application as discussed below.
- 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. Similar to Employment Market Review by URS In September 2007 in support of the application PA/07/2706, the points are explored in more detail for the subject schemes in the Employment Market Review, URS, and October 2007. The report conclusions are the same for the September and October reports, namely, 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:
- Existing servicing requirements are inadequate;
 - 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 and Lower Lea Valley Opportunity Area Planning Framework do 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 nevertheless allows for exceptions where quality buildings and a reasonable density of jobs will result.

8.18 For information purposes and to set the current scheme within context, it is noted that the earlier application PA/07/2706 proposed 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. It is also noted that the application PA/07/2706 proposes a reduction from 1,945sqm GEA to 386 sqm with 30-39 jobs proposed compared to 22 jobs from the existing operations. The subject scheme proposes a reduction in employment floor floorspace to 386sqm and creates between 30-39 jobs, being the same as in PA/07/2706.

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 for Caspian Wharf which involved a loss of employment floorspace;

8.20 Therefore, it is considered that the loss of floorspace will not impact on the employment potential of the site and regeneration of the area. 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 includes 191 residential (Class C3) units within the red line although, given that the extant permission included the building centrally located within the courtyard which contained 38 units, the subject application only contributes an additional 153 units. These 153 units** are set out in the table below with 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	30	7	4
2 Bedroom flat	49	12	6
3 bedroom flat	22	12	2
4 Bedroom flat	1	4	2
Total Units	104	35	14
Total Affordable Units		49	

*(**All affordable and family housing calculations in this report are based on 153 units i.e. it does not include the 38 units approved in the extant planning permission PA/05/1647-1648 comprising the building located in the central courtyard area of Site A. Where applicable, calculations are provided in this section showing the compliance of the combined provisions of the extant permission and subject application in respect of affordable and family housing criteria)*

- 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 46.5%. It is noted that the extant permission PA/05/1647 and PA/05/1648 permission provided 33% affordable housing based on habitable rooms and PA/07/2706 proposed 37%. Were both the extant and permission and the subject schemes realised the overall provision of affordable housing would be 37.6%
- 8.26 Policy HSG10 'Calculating Provision of Affordable Housing' requires that the disparity between habitable room (the primary indicator) and floorspace is only 5%. The subject scheme proposes 49% based on floor area which therefore complies with the Policy. It is noted that application PA/07/2706 provided 37% affordable housing based on habitable rooms and 42% based on floor area which also complied with the Policy.
- 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 subject scheme provides 71:29 split with is acceptable and generally in line with London Plan policy. It is noted that application PA/07/2706 provided a 75:25 split which is also acceptable and considered to be in line with policy.
- 8.28 Overall, the proportion of affordable housing provision in the subject application PA/07/2762

is acceptable.

Family Housing

- 8.29 Family sized housing is a requirement in all three housing tenures (market, social-rent, and shared-ownership) although varying amounts are required in each.
- 8.30 CP21 'Dwelling Mix and Type' of the Interim Planning Guidance 2007 requires family housing in all three tenures. For intermediate housing the policy requires 25% family housing and the scheme provides 28.6%. In the social-rent housing 45% is required and 45.7% is provided. In the market housing, 25% is required and 22% is provided. This corresponds to a total provision of 28% 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.
- 8.31 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. It is noted that that application PA/07/2706 exceeded the amount of family housing otherwise achieved across the borough based on the then most recently published LBTH Annual Monitoring Report 2005-6 the subject application PA/07/2762 improves on this provision and is therefore, a positive step towards LBTH achieving key housing targets and better catering for housing need. The combined provision of the extant permission PA/05/1647-1648 as well as the subject application PA/07/2762 is shown in the table for the sake of completeness and indicates the provision is in line with policy aspirations. This section concludes that provision of housing is acceptable. The affordable housing provision of 46.5% 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.

Table: Family housing provision comparison

Tenure	% Extant (PA/05/1647-1648)	% PA/07/2706	% PA/07/2762	% Extant + 2762
Social-rented	65.2	45	45.7	58.4
Intermediate (Shared ownership)	0	24	28.6	10.5
Market	16.7	22	22	18.2
Total	23	24	28	29

Wheelchair Housing and Lifetime Homes

- 8.32 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".
- 8.33 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. This is acceptable

Floor Space

- 8.34 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.

8.35 The floorspace schedule for the scheme shows that the total floor area of each flat complies with the SPG requirements. Therefore, internal adjustments to individual room sizes could address any shortfall whilst not altering the development in other respects.

Amenity Space

8.36 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.

8.37 The Policy requirements are summarised in the tables below.

Residential Space SPG 1998 requirements

Tenure	Proposed	SPG Requirement	Total (m ²)
Family Units	43	50sqm of private space per family unit	2150
Non-family units	110	50sqm plus an additional 5sqm per 5 non-family units;	160
Child Bed spaces	57.341	3sq.m per child bed space	172
Total			2482

Interim Planning Guidance

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	2	6	12
1 Bed	40	6	240
2 Bed	63	10	630
3 Bed	35	10	350
4 Bed	3	10	30
5 Bed	Nil	10	Nil
TOTAL	143		1262
Ground Floor Units			
Studio	Nil	25	Nil
1 Bed	1	25	25
2 Bed	4	25	100
3 Bed	1	50	50
4 Bed	4	50	200
5 Bed	Nil	50	Nil
Total	10		375
Grand Total	153		1637
Communal amenity		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	195
Total Housing Amenity Space Requirement			1832

- 8.38 The application proposes the following amenity space provision:
- 1,617sqm is private amenity space including terraces and balconies;
 - 3,783 sqm of communal amenity space taking into account the entire communal area within the red line or roughly 1,575 sqm as achieved by the similar built form in PA/07/2706 and excluding the communal space secured in the extant permission PA/05/1647-1648;
 - A total provision of approximately 3192 sqm over the Strong and Hoe sites (excludes Site A provision secured under the extant)
 - 172sqm of children's playspace
- 8.39 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 of the Adopted UDP 1998 and the Interim Planning Guidance. 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. It is further noted that the total provision of approx 3192sqm of amenity open space in the subject scheme exceeds the
- 8.40 In addition, 172sqm of child playspace is provided per the requirements of the adopted UDP 1998. Along with the 145sqm secured in the extant permission PA/05/1647-1648 a total provision of 317sqm of children's play space is achieved and is acceptable. As in Application PA/07/2706, 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.
- 8.41 Finally, the proposed units have sufficient total floor area except and the total amenity space provision 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

- 8.42 Guidance in the form of policy as well as the extant permission noted in Paragraph 4.11 guide the design considerations of this scheme.
- 8.43 Pursuant to regional Policy contained within The London Plan (Consolidated 2008), 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.9 '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.10 'Large-Scale Buildings – Design and Impact' provides further guidance on design considerations including context, attractiveness and quality.
- 8.44 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.
- 8.45 In respect of the design the extant planning permission for Caspian Wharf in May 2007 is a recent precedent. As discussed in the assessment of PA/07/2706 the subject application is intended to integrate with the extant permission in terms of building relationships and access

whilst also being reflective 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.

- 8.46 The scheme is considered to be consistent with policy as was the view taken in the assessment of PA/07/2706. 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 that have been agreed in PA/07/2706 in terms of materials, terrace treatment and roof form to strengthen the presentation of the proposal especially the Strong building have been incorporated into the subject scheme.
- 8.47 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, having been raised in the consideration of PA/07/2706, are not considered significant to warrant refusal. As considered in PA/07/2706 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 and integrate with the extant permission. The design is acceptable on balance, is reflective of the extant permission and will contribute positively to redevelopment in Violet Road.

Amenity for Future Occupiers and Users

- 8.48 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', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3.
- 8.49 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'.
- 8.50 Overall, the amenity of future occupiers and users of the scheme is satisfactorily addressed in accordance with Policy.

Neighbour Impacts

- 8.51 The consideration of potential impacts to neighbours is identified in 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.

- 8.52 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.
- 8.53 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. The relevant BRE standards for Vertical Sky Component (VSC) and Average Daylight Factor (ADF) have been considered and are acceptable. 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.
- 8.54 An objection was also raised on grounds of the impact to the future development potential of neighbouring sites, specifically, to the north of Strong. Concern was raised that the sole light source kitchen windows of flats D1G1 and D1G2 faced the adjacent property being approx 1m from the boundary would impact the ability to develop out the neighbouring site. This issue was also raised regarding the same units in PA/07/2706. The agent addressed this concern, as per the suggested solution of the objector, by creating open plan kitchen/living rooms such that the combined area benefits from more substantial windows that face away from the neighbour to the north. These changes are shown on the plans to be considered for approval. This matter is considered to be addressed and no further action is necessary.

Transport

- 8.55 Transport provision and impact is considered in PPG13 'Transport' as well as Policies 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', 3C.1 'Integrating Transport and Development' of The London Plan (Consolidated 2008), 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 (Oct '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 following amendment to the scheme reducing the car parking

reduced from 117 to 70 spaces and endorse the s106 contribution offered for transport improvements.

Environmental Impact Assessment (EIA)

8.56 The application is supported by an EIA and has been considered accordingly. Following receipt of additional information, the EIA has been assessed and the following summary is provided.

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 and leisure facilities 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;
- Consider the bringing for of a residential scheme with affordable and market housing will be beneficial and contribute to regeneration
- Considers that recreational opportunities in area are adequate; and
- That the scheme will create employment opportunities on site.

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, sunlight and overshadowing assessment.

8.60 The Environmental Health Team has assessed the scheme and considers that there are 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. The report advises of the following in terms of any residual impact;

- Prevailing 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 FFLs 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.16 'Water Supplies and Resources', 4A.17 'Water Quality', 4A.18 'Water and Sewerage Infrastructure' of The London Plan (Consolidated 2008), the proposal is supported by a Water Resources report considering the baseline conditions, significant/cumulative/residual effects and the appropriate mitigation measures available. Mitigation measures are considered to render the effect of the scheme to negligible to beneficial.

The Environment Agency 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.

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

Renewable Energy, Energy Efficiency and Sustainability

8.66 In respect of PPG22, CP38 'Energy Efficiency and Production of Renewable Energy', DEV5 'Sustainable Design', DEV6 'Energy Efficiency and Renewable Energy' of the Interim Planning Guidance the application is supported by an Energy Assessment which was submitted as a separate document to the ES. Recommendations are made in the report and the following key indicators are reported:

- 35% of energy needs are provided through a biomass combined heat and power (CHP) plant, hybrid wind-PV outdoor lighting and sign-up of residential flats to a 'green-tariff' electricity provider;
- 20% reduction in Carbon Dioxide will be achieved

8.67 This is acceptable to council's Energy officer and subject to consideration by the Greater London Authority.

Biodiversity

8.68 Pursuant to PPG9 and Policy CP31 'Biodiversity' of the Interim Guidance and 3D.14

'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 and is recorded as 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 whilst previous surveys of Site A identified the presence of wild celery and round-leaved fluellen which is considered rare,
- The baseline assessment recorded no habitat or evidence of any significant mammals bird species
- Overall the application site was not critical or important for any protected, rare or notable species,
- 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.

No objection was raised by the Council's Ecology officer.

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 has been submitted in support of the application.
- 8.70 The application was considered by the Council's Contaminated Land Officer, Environmental Health. It is noted that the site and surrounding are have been considered 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 4A.3 of The London Plan (Consolidated 2008) 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.10 of the London Plan (Consolidated 2008) 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.15 'Archaeology' of The London Plan (Consolidated 2008) an 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 and 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. English Heritage raised no objection to the scheme.

9.0 Conclusions

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

List of Appendices

- A. Strategic Development Committee report and minute extract for PA/05/1647 & PA/05/1648
- B. Dec 2007, January 2008 and April 2008 Strategic Development Committee reports for PA/07/2706

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

1. APPLICATION DETAILS

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

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

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

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

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

Owner: Berkeley Homes (Capital) Plc

Historic Building: No

Conservation Area: No

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

Reasons for grant

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

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

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

3. RECOMMENDATION

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

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

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

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

Conditions

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

Informatives

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

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

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

Site and Surroundings

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

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

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

Planning History

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

5. POLICY FRAMEWORK

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

Unitary Development Plan

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

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

Emerging Local Development Framework

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

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

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

Planning Standards

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

Supplementary Planning Guidance/Documents

Designing Out Crime
Sound Insulation
Residential Space
Canalside Development
Landscape Requirements

Spatial Development Strategy for Greater London (London Plan)

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

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

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

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

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

6. CONSULTATION RESPONSE

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

LBTH Housing

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

LBTH Education

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

LBTH Environmental Health

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

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

Request condition for investigation/remediation of contaminated land.

LBTH Highways

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

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

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

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

Tower Hamlets Primary Care Trust

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

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

Greater London Authority (Statutory Consultee (Includes TfL))

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

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

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

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

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

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

Transport for London (TfL):

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

TfL requests:

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

English Heritage (Statutory Consultee)

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

Environment Agency (Statutory Consultee)

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

Thames Water (Statutory Consultee)

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

Countryside Agency (Statutory Consultee)

- 6.11 No formal representation.

English Nature (Statutory Consultee)

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

Lea Rivers Trust (Statutory Consultee)

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

British Waterways (Statutory Consultee)

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

Lee Valley Regional Park Authority (Statutory Consultee)

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

Inland Waterways Association

- 6.15 No objection.

CABE

- 6.16 Not able to comment.

Metropolitan Police Crime Prevention Design Advisor

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

7. LOCAL REPRESENTATION

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

as follows:

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

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

Land Use:

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

Design:

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

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

Amenity:

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

Highways and Transportation

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

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

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

Refuse:

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

Overdevelopment:

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

Sustainability:

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

Ecology:

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

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

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

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

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

8. MATERIAL PLANNING CONSIDERATIONS

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

Land Use

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

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

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

Housing Policy

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

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

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

8.11 The affordable housing would comprise the following dwelling mix:

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

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

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

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

8.15 The market housing would comprise the following dwelling mix:

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

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

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

Design

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

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

Amenity Space and Public Realm

8.26 Paragraph 4.46 of the Leaside Action Area Plan of the emerging LDF, states that development along this part of the Limehouse Cut Canal should maximise the potential of the waterway and provide an ecological space, designed to offer a haven for wildlife and birds through a series of soft spaces that can also be enjoyed by new and existing residents of the area. The adjacent TPO trees are likely to be affected by this part of the proposal, however, the Arboricultural Study, and inspection by Council officers, has confirmed that many of the trees within the group are of limited value. Accordingly it is considered that the retention of the trees should not hinder the redevelopment of the site as proposed. It is recommended that a replacement tree planting schedule be submitted for approval to ensure the high quality re-provision of appropriate semi-mature trees along the canal.

8.27 Across the two sites, the proposal would provide approximately 9,600 sq m of amenity space. This would take the form of landscaped public open space and canalside walkway that includes an ecological habitat (2,500 sq m), semi private amenity space in the form of podiums and roof gardens (2,483 sq m), private amenity space in the form of individual balconies, roofs or balconies (2,609 sq m) and a 145 sq m children's play area. All units would benefit from private amenity space either in the form of individual gardens / roof or balconies and / or communal amenity at podium level or at ground level fronting the canal. This level of amenity space provision generally exceeds that required by emerging LDF Policy HSG7.

8.28 The public open space and walkway provision is particularly welcomed and, at 2,500 square metres, matched the Council's aspirations for the site in the Leaside Action Area Plan of the emerging LDF and generally which seek to maximise opportunities for greater public use of the Borough's waterway networks and increase provision of much needed open space.

Density

8.29 Emerging LDF Policy CP20 states that the Council will resist any proposed housing development that results in the inefficient use or under-development of a site. Paragraph 4.43 of the Leaside Action Area Plan, from the emerging LDF, states that housing densities in the Bromley-by-Bow South Sub-Area up to 700 habitable rooms per hectare (hrh) would normally be permitted.

8.30 The residential density of the proposed development is approximately 960 hrh which is significantly in excess of the normally expected level. However it is considered that a higher density residential development is supported in this strategically important location by the Leaside Action Area Plan and Policy HSG1 of the emerging LDF, PPS3, PPG13 and the

London Plan and is considered acceptable for the following reasons:

- The development will provide significant open space and other local facilities;
- The proposal does not result in any consequence typically seen in an overdeveloped site (i.e. poor size of flats, significant loss of light to adjacent properties, loss of privacy/overlooking of adjacent amenity space, lack of amenity space etc); and
- TfL has confirmed that the development would have a sustainable impact on public transport services;
- The proposed DLR station at Langdon Park, which is to be constructed in late 2007/early 2008, will increase the accessibility of the site to public transport facilities; and,
- The proposal meets the other standards for new development in the UDP.

8.31 In summary, the proposed development will be of a high quality design, will not have any detrimental impact on its context and is considered to be set within an accessible location that would justify the density proposed. Accordingly, the proposed density is considered acceptable.

Residential Amenity

8.32 The application sites are generally due north of the nearby Spratts complex and Balladier Walk. Due to this orientation, and due to the manner in which the application buildings are set back and then tiered away from the southern end of the site, any impact on the surrounding residential uses is minimal. This is reflected by the daylight and sunlight assessment submitted with the application that demonstrates that the proposed development will result in acceptable levels both to existing residential properties in the vicinity and within the development itself.

8.33 The nearest distance of any of the proposed windows to the residential/commercial buildings on the south side of Limehouse Cut is 34 metres (Balladier Walk) and 36 metres (Spratts Complex) which is considered against the Council's minimum standard of 18 metres. Similar distances are maintained between the main facades on Site A. However, in maintaining the building line of the sites across from each other on Violet Road, the distance between the facades of Site A and Site B is approximately 17 metres. However, this type of relationship is common and appropriate in an urban context. Accordingly it is not considered that the proposal would give rise to any significant overlooking or loss of privacy.

8.34 The proposed development has been designed to mitigate the noise impacts from both Violet Road and the DLR line. The noise assessment submitted with the application demonstrates that, subject to the provision of appropriate noise attenuation measures, an acceptable residential environment can be attained.

Highways and Transportation

8.35 The proposed development would provide for 69 car parking spaces accessed from Violet Road and Yeo Street. This provision meets the standards of the emerging LDF and is acceptable in view of the site's public transport accessibility. The proposed development will also provide for 392 cycle parking spaces, which is in excess of 1 space per residential unit. TfL and the Council's Highways officers raise no significant concerns with regard to the level of car parking provision, the servicing of the commercial units, the refuse collection arrangements or the capacity of the public transport system. Details of refuse collection and

recycling are to be required by condition.

- 8.36 A car free arrangement to ensure that future residents of the scheme cannot obtain on-street parking permits will be required. It is considered that the proposed limited levels of parking combined with the car free arrangements would mean that the development would have minimal impact on traffic in the locality. It is not anticipated that the small commercial units would give rise to Borough-wide attraction such that would create an unusually high demand for the on-street resident parking bays by permit holders some distance away. Accordingly the highways impacts are considered acceptable.

Sustainability, Energy Efficiency & Recycling

- 8.37 In accordance with emerging LDF policies a site wide 'Materials Use and Purchasing Strategy' covering all construction management activities for the proposed development has been submitted in support of the planning application. The conclusion of this statement is that, in accordance with the Council's emerging LDF policies, the material purchased and used to construct the proposed development will be sourced, where practicable, from sustainable sources and should help to:

- a) Reduce consumption of irreplaceable material assets;
- b) Promote reuse and minimisation of waste;
- c) Promote prudent use of sustainably managed natural and semi-natural resources;
- d) Promote recycling in demolition and deconstruction; and
- e) Promote the effective protection of the environments.

- 8.38 The proposed development also seeks to achieve either a reduction of 10% in the carbon footprint of the development (should this be deemed necessary) or utilising 10% of its energy requirement from renewable energy sources in accordance with emerging LDF policies. This will include the use of a gas fired combined heat and power (CHP) system in Site A with district mains running to Site B.

- 8.39 Furthermore, in keeping with the emerging LDF policies, the proposed development will:

- make sufficient provision for waste disposal and recycling facilities within each unit and in the communal waste storage areas;
- use Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water runoff; and
- include grey water recycling in order to conserve water and minimise piped water demand.

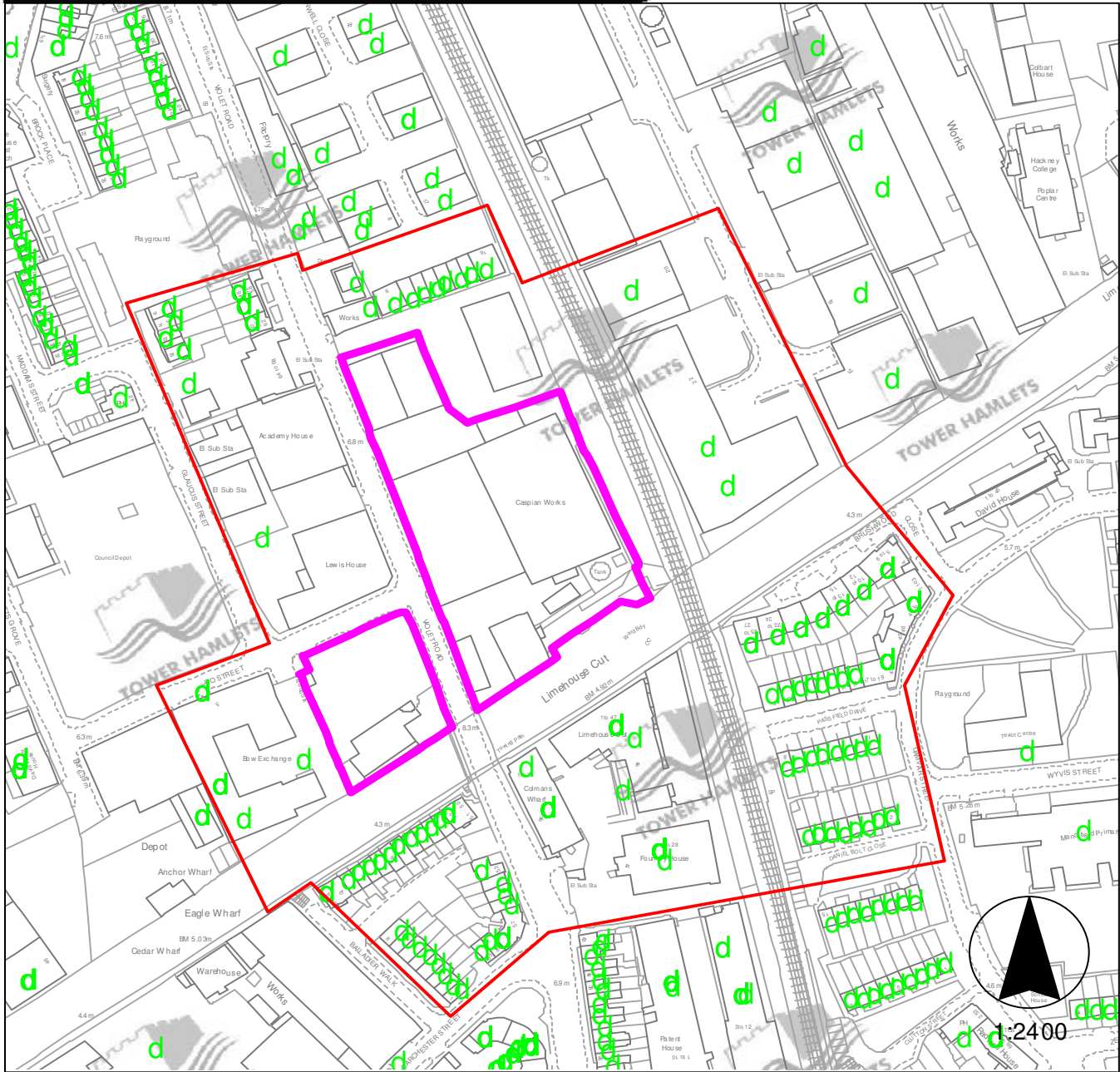
Environmental Impact Assessment

- 8.40 The Council's consultants, Casella Stanger undertook a review of the Environmental Statement. The review highlighted a number of areas where additional information or clarification should be provided. Further to the Council's request, the applicant submitted a range of additional information some of which was re-advertised in accordance with the legislation and reviewed by the Council and Casella Stanger.
- 8.41 The Environmental Statement has been assessed as satisfactory, with mitigation measures to be implemented through conditions and/ or Section 106 obligations.

Conclusions

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

Site Map



Legend

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

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

Caspian Works And, 1-3 Yeo Street (Caspian Wharf), London, E3

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LONDON BOROUGH OF TOWER HAMLETS

**EXTRACT OF THE MINUTES OF THE STRATEGIC DEVELOPMENT
COMMITTEE**

HELD AT 7.30 P.M. ON THURSDAY, 18 JANUARY 2007

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

8. PLANNING APPLICATIONS FOR DECISION

8.1 Caspian Works and 1-3 Yeo Street (Caspian Wharf) London E3

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the redevelopment of site to provide buildings of between 4 and 9 storeys for mixed use purposes including 390 residential units, Class A1, A2, A3, B1 and D2 uses with associated car and cycle parking, roof terraces, landscaping, canalside walkway and servicing at Caspian Works and 1-3 Yeo Street (Caspian Wharf), London E3.

Ms Helen Cantalo spoke in objection on the grounds of height and density. She felt that the proposal would reduced daylight/sunlight and was contrary to London Plan policy.

Mr Hugo Marchant spoke in objection on the grounds of height and density. He felt that there was insufficient healthcare and education provision in the area to cater for additional residents.

Mr Justin Kenworthy spoke on behalf of the applicant. He attempted to address the residents concerns and gave reasons why the development should be approved. He felt that it would improve the area and provide affordable housing.

Ms Mignano AnnaMaria spoke in support of the application, on behalf of the residents of Colmans Wharf. She felt it would maximise the potential of the site and would regenerate the area. She also welcomed the affordable housing provision.

Ms Renee Goodwin, Strategic Applications Manager, presented a detailed report on the application and outlined the main planning issues for the Committee to consider when making its decision. She addressed the concerns of the residents and informed Members that the application satisfied the relevant planning policies and would have minimal impact on the neighbouring properties.

Members asked questions relating to the Environmental Impact Assessment, the scale of the buildings, the affordable housing provision, the amount of car

parking provision, the comments received from the Police and the impact on transport.

Ms Goodwin advised the Committee that the Environment Agency was satisfied, subject to conditions being imposed. The Police accepted that the development complied with policy and that Transport for London was satisfied with the financial contribution to local transport.

The Committee RESOLVED that planning permission for the redevelopment of site to provide buildings of between 4 and 9 storeys for mixed use purposes including 390 residential units, Class A1, A2, A3, B1 and D2 uses with associated car and cycle parking, roof terraces, landscaping, canalside walkway and servicing at Caspian Works and 1-3 Yeo Street (Caspian Wharf), London E3 be GRANTED subject to:

- A Any direction by the Mayor of London.
- B The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:
 - a) Affordable Housing (35% of the residential floor space as affordable housing and a 70/30 ratio split between rented and intermediate units by habitable room;
 - b) £1,597,879 towards local healthcare;
 - c) £654,126 towards education provision;
 - d) £60,000 towards public art;
 - e) £40,000 funding towards improvements to bus stops in Violet Road;
 - f) Canalside and open space access in perpetuity, with the potential of providing future canalside access beneath the DLR line (subject to DLR agreement);
 - g) Highways, pedestrian and cycle improvements namely a pinch-point zebra crossing to the north of the site and a raised level zebra crossing south of the site on Violet Road (cost to be confirmed by Highways);
 - h) Preparation and approval of and compliance with a Travel Plan to demonstrate that everything is being done with reason to promote non car based travel;
 - i) 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits;
 - j) TV reception monitoring and mitigation as appropriate;
 - k) DLR radio reception monitoring and mitigation as appropriate;
 - l) Air quality monitoring during construction; and
 - m) Local labour in construction.
- C That the Head of Development Decisions be delegated power to impose conditions and informatives on the planning permission to secure the following:
 - 1) Permission valid for 3 years.
 - 2) Submission of details of external materials.

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

Informatives

- 1) This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990.
- 2) With regard to condition 11 (Decontamination), you should contact the Council's Environmental Health Department.
- 3) With regard to conditions 12 and 13 you are advised to contact English Heritage.
- 4) With regard to conditions 14 to 22 you are advised to contact the Environment Agency.
- 5) You are advised that the Council operates a Code of Construction Practice and you should discuss this with the Council's Environmental Health Department.
- 6) You are advised to consult the Council's Highways Development Department, regarding any alterations to the public highway.
- 7) With regard to condition 23 you are advised to contact Thames Water with whom you should also consult on: water pressure; water supply infrastructure; public sewer connections; sewage disposal on site; and separation of foul and surface water.
- 8) You are advised to contact Docklands Light Railway Limited with regard to details of design and construction methods to ensure safety and operating requirements of the DLR.
- 9) You are advised to contact English Nature with regard to the design of the external lighting system and its impact upon foraging bats.

The Committee confirmed that it had taken the environmental information into account, as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

The Committee agreed that, following the issue of the decision, a statement be placed on the Statutory Register confirming that the main reasons and considerations on which the Committee's decision was based were those set out in the Planning Officer's report to the Committee (as required by Regulation 21(1) (c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

That if by 1st July 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

(Councillor Ahmed Hussain arrived during the consideration of this application and therefore did not take part in the vote.)

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

1. APPLICATION DETAILS

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

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

Drawing No's: Plan Nos:
P007, 206081/050, 206081/051, 206081/052, 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
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

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

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, and shared ownership) is in line with policy and exceeds the amount achieved across the Borough in the most recently published annual Monitoring Report 2005-6. The scheme will contribute significantly towards addressing housing need in the Borough and accords with policies CP21 and CP22 of the adopted UDP 1998.

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

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

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

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

3. RECOMMENDATION

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

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

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

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

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

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

Conditions:

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

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

Informatives

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

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

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

Site and Surroundings

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

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

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

Planning History

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

5. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007)

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

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

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

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

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

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

Supplementary Planning Guidance/Documents

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

Spatial Development Strategy for Greater London (London Plan) 2004

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

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

Government Planning Policy Guidance/Statements

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

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

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

6. CONSULTATION RESPONSE

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

LBTH Highways

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

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

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

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

LBTH Education

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

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

LBTH Environment and Ecology Officer

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

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

LBTH Energy Efficiency Unit

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

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

LBTH Arboriculturalist

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

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

LBTH Trading Standards, Environmental Health

6.8 The following comments are provided:

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

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

LBTH Contaminated Land Officer, Environmental Health

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

LBTH Cleansing Team

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

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

LBTH Building Control

6.11 No comments received

LBTH PCT

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

Crime Prevention Officer (Metropolitan Police)

6.13 The following comments have been provided:

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

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

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

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

Greater London Authority (Statutory Consultee)

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

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

TfL (Statutory Consultee)/DLR

- 6.15 No comments received.

Environment Agency (Statutory Consultee)

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

English Heritage (Archaeology) (Statutory Consultee)

- 6.17 No comments received.

London City Airport (Statutory Consultee)

- 6.18 No objection is raised to the development.

Thames Water

- 6.19 No comments received.

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

- 6.20 No objections to the application.

British Waterways

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

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

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

secure a contribution up to £20,000.00)

Lea Valley Regional Park Authority

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

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

BBC

- 6.26 No comments received

London Fire and Emergency Planning Authority (LFEPA)

- 6.27 No comments received

7. LOCAL REPRESENTATION

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

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

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

Design and Conservation

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

Amenity

- Overshadowing

Other

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

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Landuse

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

Landuse

Introduction

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

Principle of mixed use

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

Density

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

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

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

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

Principle of Housing

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

Loss of industrial Uses

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

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

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

Loss of employment floorspace

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

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

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

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

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

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

Concluding Remarks

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

Housing

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

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

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

Affordable Housing

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

Family Housing

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

rent tenure.

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

Table: Family housing provision comparison

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

Wheelchair Housing and Lifetime Homes

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

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

Floor Space

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

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

Amenity Space

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

8.36 The application proposes the following amenity space provision:

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

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

The Policy requirements are summarised in the tables below

Residential Space SPG 1998 requirements

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

Interim Planning Guidance

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

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

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

Concluding Remarks

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

Design, External Appearance, Character, Tall Buildings

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

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

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

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

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

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

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

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

Amenity for Future Occupiers and Users

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

Neighbour Impacts

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

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

Transport

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

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

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

Environmental Impact Assessment (EIA)

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

Socio-economic Impact

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

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

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

Daylight and Sunlight (Building Research Establishment – BRE)

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

Microclimate

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

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

Flood Risk

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

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

Water Resources

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

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

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

Air Quality

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

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

Renewable Energy, Energy Efficiency and Sustainability

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

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

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

Biodiversity

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

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

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

Site Contamination

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

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

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

Construction Materials Sourcing

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

Telecommunications

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

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

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

Archaeology

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

9.0 Conclusions

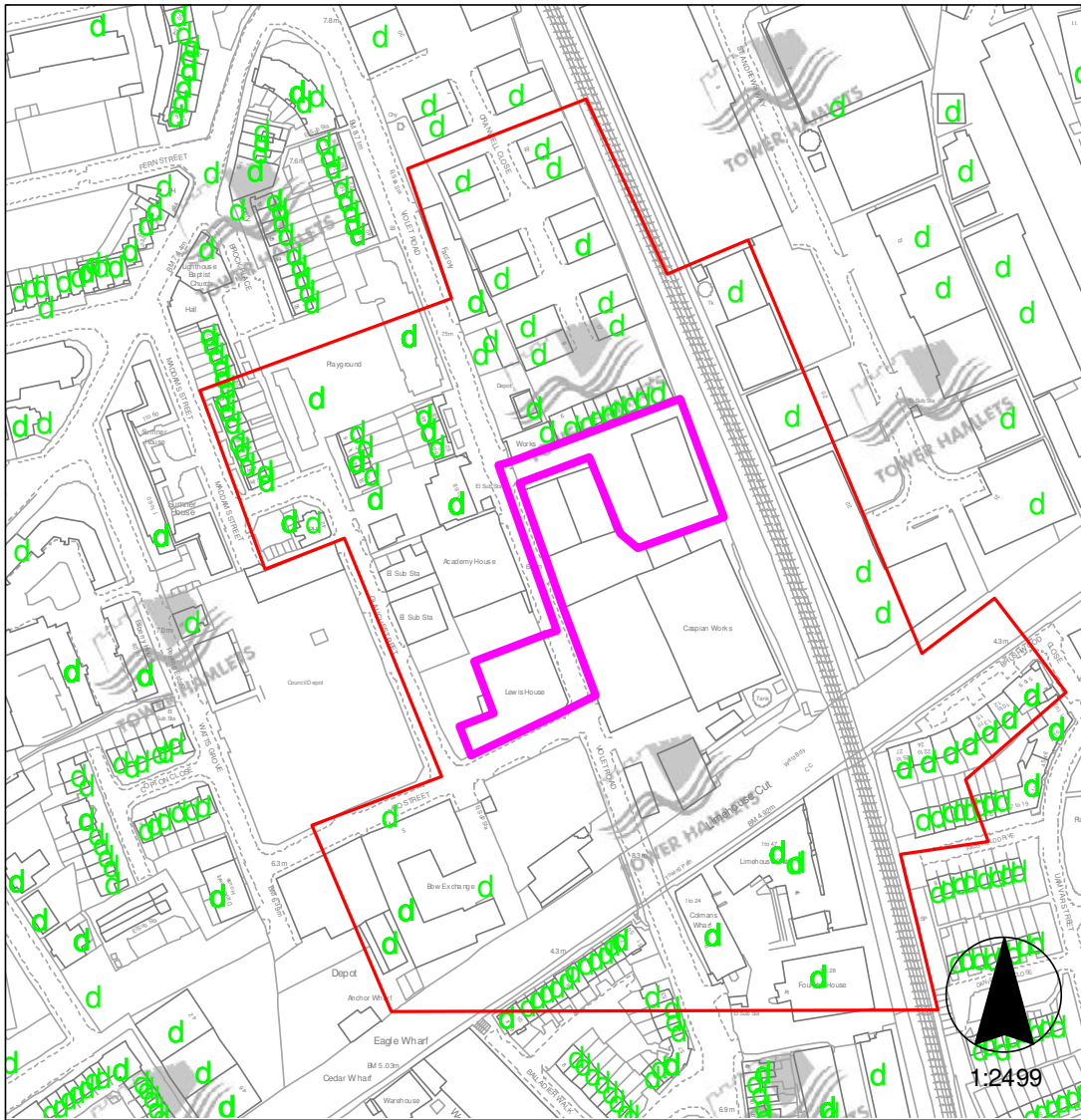
All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

List of Appendices

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

Caspian Works and Lewis House, Violet Road, London

Site Map



Legend

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

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

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

1. APPLICATION DETAILS

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

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

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

Documents:
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

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

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:

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

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

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

Conditions:

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

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

Informatives

- 1) Consult the Environment Agency in terms of conditions 10, 11
 - 2) Consult Thames Water in respect of 10, 11 and 13
 - 3) Consult Metropolitan Police in terms of conditions 2b, 3, 21, 22
 - 4) Site notice specifying the details of the contractor required
 - 5) Building Regulations in terms of means of escape
 - 6) 278 agreement to be entered into for Highway works surrounding the site
 - 7) Thames Water informative for water pressure
- 3.4 That, if within 3-months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

4. Further Consideration

- 4.1 The application was presented to the Strategic Development Committee in December 2007. The original report and addendum update report are attached at Appendix 1 and 2. The Committee resolved to defer the matter to enable the following:
- Expiration of the re-notification of the amended scheme as described above in Section 1; and
 - Further consideration of the gated access into the site.

These matters are discussed in the following sections.

5.0 Re-notification

- 5.1 The re-notification period ends 28th January 2007 and the results of which will be reported to the Strategic Development Committee in the addendum report. In the meantime,

submissions from neighbours and consultees have been received, as discussed below.

5.2 *Internal/External Consultation Responses*

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

5.3 *Neighbour Consultation Responses*

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

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

In respect of these matters comments are offered below.

5.5 *Water pressure*

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

5.7 *Impact to Light/Overshadowing*

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

5.9 *Flood Risk*

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

5.11 *Overpopulation*

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

5.13 *Design & Character*

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

5.15 *Future schemes*

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

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

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

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

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

6.0 Further Consideration

6.1 *Entry Gates*

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

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

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

6.4 In further consideration of this matter, the Crime Prevention Officer and agent confirmed that the proposed gates were a necessary feature of the scheme in the interests of safety,

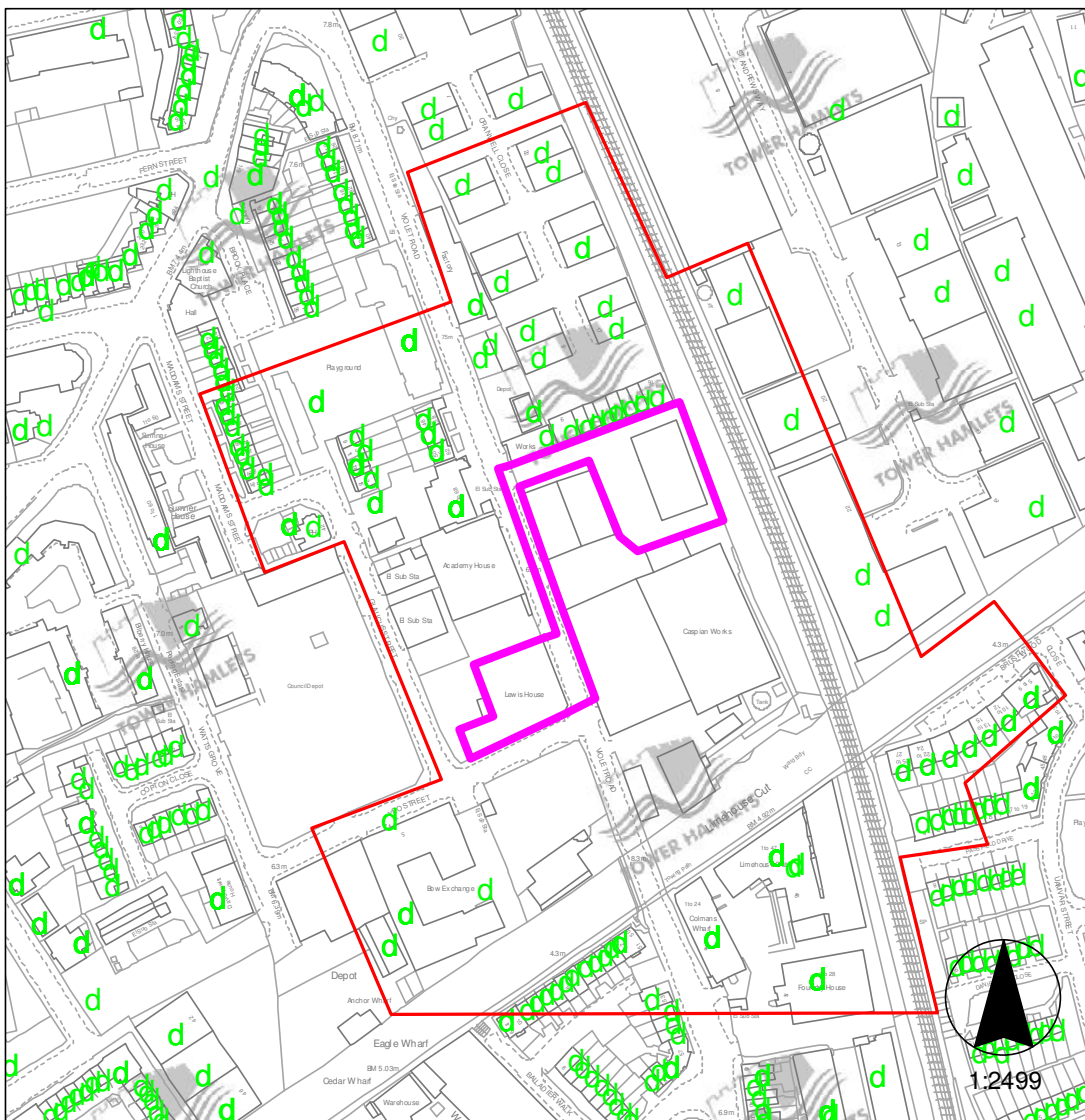
security and crime. The gate for the Hoe site as well as the gate securing access to DLR land behind the Strong site prevent unauthorised entry to areas not intended to be publicly accessible. From a crime prevention and police point of view, it was considered that the proposed gates should not be removed or changed. It was further pointed out that this development is not an open site providing a shortcut to or from somewhere else and therefore, there is no justification to alter the scheme.

7. Conclusions

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

Caspian Works and Lewis House, Violet Road, London

Site Map



Legend

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

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

Committee: Strategic Development	Date: 17 th April 2008	Classification: Unrestricted	Agenda Item No: 6.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Jason Traves		Ref No: PA/07/02706	
		Ward(s): Bromley by Bow	

1. APPLICATION DETAILS

Location: Site At Caspian Works and Lewis House, Violet Road
Existing Use: Warehouse B1 and B8
Proposal: Redevelopment to provide buildings of between 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 7th September 2007 confirming that the proposed development did not fall within Schedule 2 of the EIA Regulations 2006 and therefore, that and EIA is not required.

Drawing No's: Plan 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

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

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 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 20th 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 31st 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)

	Market Sale	Social Rent	Shared Ownership
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
Total Units	95	35	12
Total Affordable Units		47	

The revisions were placed on renotification for 21 days between 25th February 2008 to 17th 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.

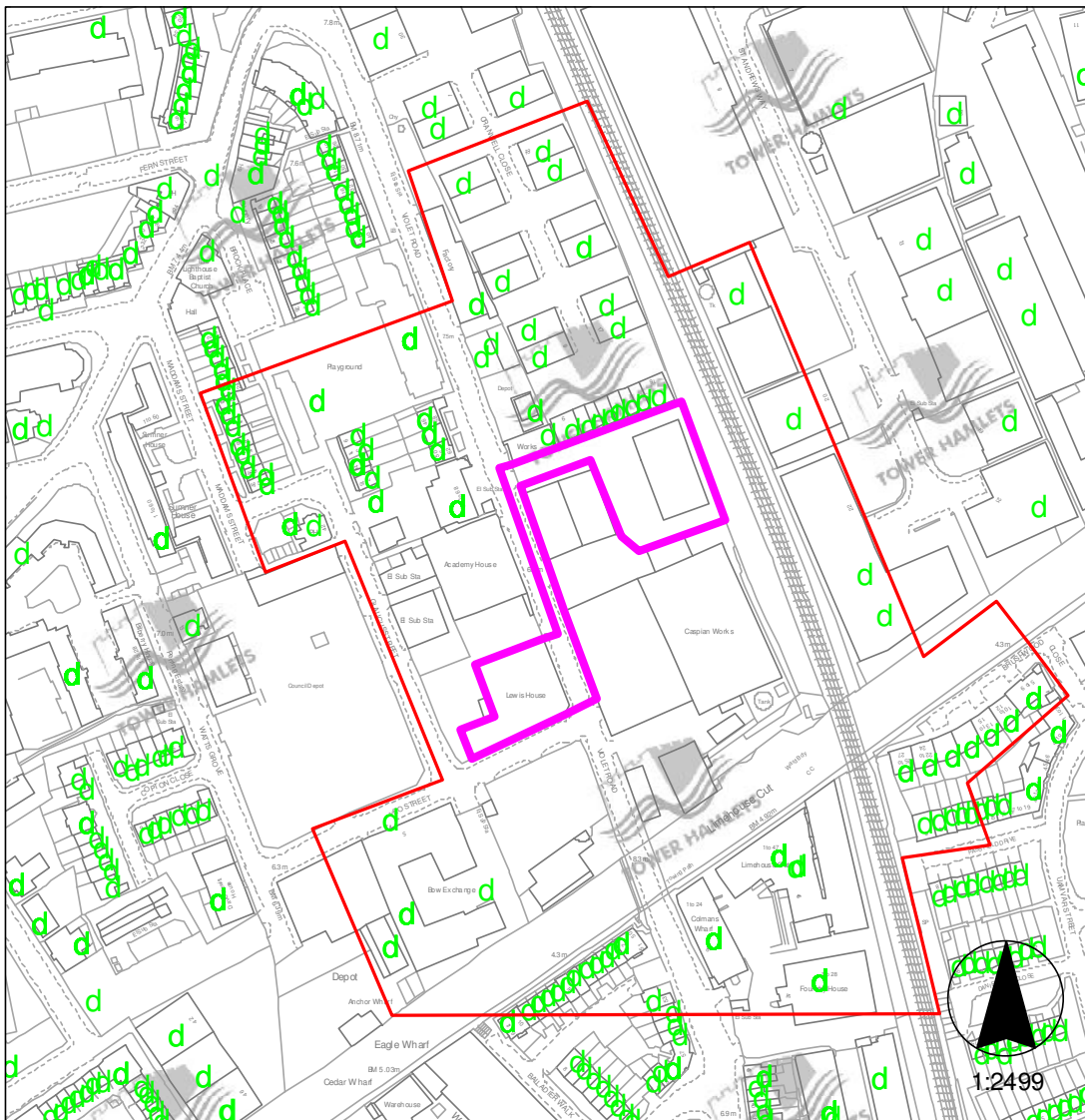
6. Conclusions

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 31st January 2008 Strategic Development Committee Report**
- 2 20th 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

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

1. APPLICATION DETAILS

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

A screening opinion was provided by the Council on 7th September 2007 confirming that the proposed development did not fall within Schedule 2 of the EIA Regulations 2006 and therefore, that an 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 20th 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 28th January 2007 and the results of which will be reported to the Strategic Development Committee in the addendum report. In the meantime, submissions from neighbours and consultees have been received, as discussed below.

5.2 Internal/External Consultation Responses

- National Air Traffic Services (NATS) Ltd – No objection

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

5.3 *Neighbour Consultation Responses*

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

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

In respect of these matters comments are offered below.

5.5 *Water pressure*

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

5.7 *Impact to Light/Overshadowing*

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

5.9 *Flood Risk*

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

5.11 *Overpopulation*

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

5.13 *Design & Character*

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

5.15 *Future schemes*

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

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

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

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

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

6.0 Further Consideration

6.1 *Entry Gates*

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

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

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

6.4 In further consideration of this matter, the Crime Prevention Officer and agent confirmed that the proposed gates were a necessary feature of the scheme in the interests of safety, security and crime. The gate for the Hoe site as well as the gate securing access to DLR land behind the Strong site prevent unauthorised entry to areas not intended to be publicly accessible. From a crime prevention and police point of view, it was considered that the proposed gates should not be removed or changed. It was further pointed out that this development is not an open site providing a shortcut to or from somewhere else and

therefore, there is no justification to alter the scheme.

7. Conclusions

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

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

1. APPLICATION DETAILS

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

A screening opinion was provided by council on 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 in Violet Road is low;
- The May 2007 permission from Caspian Wharf which involved a loss of employment floorspace;

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

Concluding Remarks

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

Housing

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

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

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

Affordable Housing

8.24 UDP policy requires affordable housing on schemes greater than the 10 ten units.

8.25 Based habitable rooms Policy CP22 'Affordable Housing' requires 35% affordable housing provision which the scheme exceeds in providing 37%. It is noted that the extant permission PA/05/1647 and PA/05/1648 permission provided 35% affordable housing based on habitable rooms.

8.26 Based on floor area the schemes provides 42% affordable housing which complies with HSG10 'Density of New Housing Development' which requires that the disparity between habitable room (the primary indicator) and floorspace is only 5%.

8.27 The affordable housing provision is further split into social rented and shared ownership tenures and a split of 80:20 is required pursuant to Policy HSG 4 'Loss of Housing' in the interim Planning Guidance whilst The London Plan 2004 indicates a region wide requirement of 70:30 split pursuant to Policy 3A.7 'Affordable Housing Targets'. The scheme provides a 75:25 split which is acceptable and considered to be in line with policy. Overall, the proportion of affordable housing provision is acceptable.

Family Housing

8.28 Family sized housing (+3 bedrooms p255 of the Interim Planning Guidance) is a requirement in all three housing tenures (market, social-rent, shared-ownership) although varying amounts are required in each.

8.29 CP21 'Dwelling Mix and Type' requires family housing in all three tenures. For intermediate housing the policy requires 25% family housing and the scheme provides 33%. In the social-rent housing 45% is required and 35% is provided. In the market housing, 25% is required and 19% is provided. This corresponds to a total provision of 24% family housing provision across the whole scheme for which the policy aspiration is 30%. Additionally, Policy HSG 2

'Location of New Housing' and Table DC.1 set out the appropriate mix of units in the social rent tenure.

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

Table: Family housing provision comparison

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

Wheelchair Housing and Lifetime Homes

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

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

Floor Space

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

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

Amenity Space

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

8.36 The application proposes the following amenity space provision:

- 2,975sqm of space overall of which;
- 1,314sqm is private amenity space including terraces and balconies (Policy HSG 16 otherwise requires 1,299sqm);
- 85sqm of semi-public amenity space (Policy HSG 16 requires 185sqm); and
- 1,575sqm of communal amenity space.

The Policy requirements are summarised in the tables below

Residential Space SPG 1998 requirements

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

Interim Planning Guidance

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

8.37 Although there are instances where private amenity space for individual units falls below the criteria for individual units in balconies for example, the general amenity space provision across the scheme exceeds the total required provision. The SPG clearly states that space 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 NO₂ (nitrogen dioxide) and PM₁₀ (particulate matter) and concentrations across site 20% below the National Air Quality Standard objectives;
- The effect of additional road traffic by this development and cumulative development is negligible; and
- Dust emissions during construction will be minor adverse impact that will be of temporary and local nature.

Renewable Energy, Energy Efficiency and Sustainability

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

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

8.67 Although development should seek to reduce Carbon Dioxide by 20% what is achieved is in line with policy aspirations and is acceptable to 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 7.3

Committee: Strategic Development	Date: 29 th May 2008	Classification: Unrestricted	Agenda Item No: 7.3
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Shay Bugler		Ref No: PA/08/146	
		Ward(s): St Katherine's and Wapping	

1. APPLICATION DETAILS

1.1 **Location:** Saint Georges Estate, Cable Street, London

1.2 **Existing Use:** Residential

Proposal Refurbishment of existing buildings and erection of nine buildings ranging from 6 to 9 storeys in height to provide 193 dwellings (13 x studios, 67 x 1 bed; 79 x 2 bed, 22 x 3 bed, 7 x 4 bed and 5x5 bed). Erection of four townhouses and erection of a community centre of 510 sq.m and landscaping.

Drawing Nos: SA-000; 122L001.1 D; 122L008.1 Rev A; 122L008.2 Rev A; 122L008.3 Rev A; 122L008.4; 122 L008.5 Rev A; AP.230E; AP.234.B; SA-085A; AP.270.A; AP.271.A; AP.280.C; AP.281; AP.282; AP.283; SA.103A; SA-125C; AP.395A; AP.396.A; AP.397; AP.405; AP.406; AP.407; AP.417.A; AP.425.A; AP.430; AP.431; SA-115B; SA-100A; SA-105A; SA-103A; AP.370.B; AP.371 A; AP.386; PA.387; AP.388; AP.385; AP.375; AP.376; SA. 090; SA-091 SA-095A; SA-092; AP.285.A; AP.286; AP.295; AP.296; AP.297; AP.298A; SA-075A; AP.255.A; AP.256.A; AP.265.B; AP.265.B AP.266; AP.267; AP.268; AP.003.B; SA-001.E; AP.010.B; AP.011.B AP.025.A; AP.020; AP.030; AP.031; AP.032; AP.033; AP.034; AP.037; AP.045; AP.040; AP.050; AP.051; AP.052; AP.065; AP.060; AP.070; AP.071; AP.074; AP.076; AP.077; AP.078; AP.085; AP.080; AP.090; AP.091; AP.092; AP.096; AP.097; AP.105; AP.100; AP.110 AP.111; AP.125; AP.120; AP.130.B; AP.131.BF; AP.133.B; AP.145 AP.150; AP.151; AP.152; AP.155; AP.157; AP.190; AP.191; AP.192; AP.196; AP.197; AP.210; AP.211; AP.301; AP.300; AP.450; AP.455; AP.452; AP.301 ; AP.300

Documents

- Design, ACCESS AND Community involvement Statement (Burrell. Foley, Fisher)
- Landscape Statement (Coe Design Landscape Architecture)
- Ground Conditions Report (Herts & Essex Site Investigation)
- Noise Assessment (Enviros)
- Air Quality Assessment (Enviros)
- Daylight and Sunlight Report (Calford Seaden)
- Archaeological Assessment (Sutton Archaeological Services)
- Aboricultural Impact Assessment (DF Clark Bionomique Ltd)
- Transport Assessment (Peter Brett Associates)
- Sustainability and Energy Efficiency Report (Whitecode Design Associates)

Applicant: East End Homes
Owner: East End Homes

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

- The proposal is in line with the national, regional and Council estate regeneration policy and guidance, which seek that all homes be brought up to Government's decent homes plus standard as part of estate renewal schemes. The proposal maximises the development potential of the site without a net loss of housing or net loss of affordable housing or any of the problems typically associated with overdevelopment. As such, the development complies with policy 3A.9, 3A.12 and 4B.3 of the London Plan and policies DEV1, DEV2, HSG1 and HSG5 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to ensure this.
- In light of the estate renewal objectives, the proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.4, 3A.7, 3A.8 and 3A.9 of the London Plan, policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2, HSG3 and HSG5 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to ensure that new developments offer a range of housing choices.
- The replacement and overall increase of multi-functional community (Class D1) use is acceptable and would provide essential community services. As such, it is in line with policies S7, and SCF11 of the Council's Unitary Development Plan 1998 and policy SCF1 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to ensure services are provided that meet the needs of the local community.
- The amount of amenity space is acceptable and in line with policies HSG16 of the Council's Unitary Development Plan 1998 and policies HSG7 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to improve amenity and liveability for residents.
- The height, scale and design of the proposed buildings are acceptable and in line with policy criteria set out in 4B.1 of the London Plan, policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- Transport matters, including parking, access and servicing are acceptable and in line with policies DEV1 and T16 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) for the purposes of Development Control, which seek to ensure developments can be supported within the existing transport infrastructure.
- It is considered that the proposed development would not have an adverse impact on the residential amenity of the surrounding properties, subject to appropriate

conditions, to mitigate against the impact of the development. A number of conditions are recommended to secure the submission of details of materials, landscaping, external lighting, plant, and to control noise and hours of construction.

- Planning contributions have been secured towards the provision of additional affordable housing, a new community centre, highway improvements and environmental improvements across the entire site in line with Government Circular 05/2005, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Interim Planning Guidance (October 2007) for the purposes of Development Control, 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 for PA/08/00146, subject to:

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

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

- A total of 343 affordable housing units. The affordable housing consists of 311 existing affordable and 42 new affordable units. The new development comprises of 25% affordable by habitable rooms.
- A contribution of £262,941 to mitigate the demand of the additional population on health care facilities.
- A contribution of £296,208 to mitigate the demand of the additional population on education facilities
- A contribution of £806,677 for the provision of a new community centre
- Preparation of a Green Travel Plan
- A car free agreement to restrict the occupiers of the new build units from applying for residents parking permits in the area;
- Car club scheme
- Commitment towards utilising employment initiatives in order to maximise the employment of local residents
- Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

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

- 3.4
- 1) 3 year time
 - 2) Details of the following are required: material, CCTV
 - 3) Particular details of the development
 - 4) Full refuse details
 - 5) Demolition and Construction Management Plan
 - 6) Amending condition bicycle parking details (1 cycle space per unit)
 - 7) Energy efficiency strategy implementation
 - 8) Disabled car parking details
 - 9) Bicycle parking details
 - 10) Landscape Plan

- 11) Wind Assessment
- 12) Telecommunications study
- 13) Soil contamination
- 14) Highways works
- 15) Ventilation and extraction system details
- 16) Limit hours of power/hammer driven piling/breaking out to between 10.00 hours to 16.00 hours Monday to Friday
- 17) Archaeological evidence details
- 18) Full details of tree works
- 19) Lifetime Home standards
- 20) 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.
- 22) Community centre to be restricted to D1 use
- 23) Servicing management Plan
- 21) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.5 Informatives

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

- 3.6 That, if by 29th August 2008 of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal is for:
- Refurbishment of existing buildings
 - Erection of nine blocks up to nine storeys to provide 193 dwellings(13 x studios; 67 x 1 bed; 79 x 2 bed; 22 x3 bed ; 7x 4 bed and 5 x 5 bed)
 - Erection of four townhouses
 - Erection of a community centre of 510 sq.m and landscaping works
- 4.2 The majority of the current properties on the estate fail to meet the decent homes standard with regard to kitchens, bathrooms, heating and insulation. It is proposed to refurbish the existing 502 homes and introduce 193 new dwellings in twelve new buildings. These additional units will raise the density of the estate from 419 to 565 habitable rooms per hectare.
- 4.3 The new buildings will integrate with the existing buildings on the site. There will be nine new blocks, between 6 and 9 storeys in height, seven will front Cable Street and two will front The Highway. In addition, a group of four houses will be introduced off Cowder Street and Swedenborg Gardens.
- 4.4 Tower Hamlets Council affected the transfer of St George's estate to Eastend Homes in January 2006.

4.5 The applicant has advised that the introduction of market for sale units is necessary to provide cross subsidy by bringing all units on to St. Georges estate 'Decent Homes Plus' Standard. In order to bring units on St. Georges Estate to 'Decent Home Plus' standard, the following refurbishment works to the estate are proposed following public consultation with residents of the estate:

- Introduction of new bathrooms and kitchens,
- Improvement of existing entrance foyers,
- Introduction of new and additional lifts,
- Improvements to the external appearance of buildings
- Improvement of thermal insulation, through over-cladding and double glazing of existing blocks
- Improving lighting throughout the estate
- Improvements the quality of public, private and communal space
- Improvements to the security and convenience of building entrances

Site and Surroundings

4.6 The St. Georges estate comprises an area of 3.75 hectares. Its eastern boundary is formed by Cannon Street Road, and its northern and southern boundaries by Cable Street and The Highway respectively. St Paul's Primary School (Grade II Listed) on Wellclose Square and Fletcher Street form the western edge of the site. To the north of the site, running parallel to Cable Street, is an area of open space with the elevated DLR rail lines forming a series of brick arches below. The site lies within 480 meters of Shadwell DLR and Shadwell Underground stations (from centre of site). The Highways is a major road into central London and is well served by a number of bus routes.

4.7 The land use within the site is predominantly residential made up of 3 high rise blocks, Stockholm House (17 storeys), Hatton House (22 storeys), and Shearsmith House (27 storeys). Noble Court forms a series of 5 storey, linked linear blocks onto Cable Street. Brockment House is a 6 storey, linear block with its frontage onto Crowder Street. To the rear of this block is an area of open space bounded by Cannon Street Road to the east. The remaining major block is the 5 storey Betts House to the west of Crowder Street. Each of these blocks has decked access. The remaining, lower rise residential buildings are clustered around Swedenborg Gardens. To the southwest of the site is 1.56h of green public open space in the ownership of the London Borough of Tower Hamlets. This small local park includes a children's play area adjacent to Stockholm House and a youth club adjacent to Wellclose Square.

4.8 The site is adjacent to the St. Georges Town Conservation Area on the eastern side of Cannon Street Road. The site includes a London Square. No new buildings are proposed adjacent to the space. It is proposed to refurbish Stockholm House.

4.9 The area immediately to the south of the application site is designated a small local park and a site of local importance for nature conservation. The site currently has children's play equipment that will be retained.

4.10 The site also lies within an Archaeological Priority Area where potential applicants are asked to check whether archaeological remains are expected on the site. The applicant has carried out an assessment and found the potential for archaeological remains.

Planning History

St. Georges Estate

4.11 PA/08/226: Request for Screening Opinion as to whether an EIA is required in respect of an application for refurbishment of existing buildings and erection of nine blocks up to nine storeys to provide 193 dwellings (12x studios; 67 x 1 bed;

72 x 2 bed; 22 x 3 bed; 7x 4 bed; 5x 5 bed). Erection of four townhouses. Erection of a community centre of 510sqm of landscaping. EIA not required. 12/02/2008

4.12 Flat 20, Noble Court

PA/03/1718 Provision of a wheelchair access ramp. Permitted in 03/02/04

4.13 Brockmer House, Crowder Street, London

PA/00/364 External refurbishment including new roof, replacement of doors and windows and alterations to staircase and lobbies. Approved in 02/10/2000)

5 POLICY FRAMEWORK

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

5.2 Unitary Development Plan 1998 (as saved September 2007)

Core Strategies	ST1	Deliver and implementation of policy
	ST12	Cultural and leisure facilities
	ST15	Encourage wide range of economic activities
	ST17	Maintain high quality of work environment
	ST23	Quality of housing provision
	ST25	Provision of social and physical infrastructure
	ST26	Improve public transport
	ST28	Restrain private car
	ST30	Safety and movement of road users
	ST34	Provision of quality shopping
	ST37	Improve local environment
	ST41	Provision of adequate space for local business
	ST43	Use of high quality art
	ST49	Provision of full range of social and community facilities
	ST51	Public Utilities
Policies	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Development
	DEV4	Planning Obligations
	DEV9	Minor works
	DEV12	Landscaping
	DEV15	Retention/replacement of mature trees
	DEV18	Art and Development Proposals
	DEV50	Noise
	DEV51	Contaminated land
	DEV55	Development and waste disposal
	EMP1	Employment uses
	EMP6	Employing Local People
	EMP8	Small businesses
	HSG4	Loss of housing
	HSG7	Dwelling Mix
HSG13	Internal Standards for Residential Developments	
HSG15	Preserving residential character	
HSG16	Amenity Space	
T8	New roads	

T10	Traffic management
T16	Impact of Traffic
T18	Pedestrians
T21	Pedestrians
T23	Cyclists
T26	Use of Waterways for movement of Bulky Goods
O7	Loss of Open Space
O9	Children's Play Space
013	Youth Provision
SCF11	Meeting places

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

Designation	Within 200m from East West Crossrail
Core Policies:	IMP1 Planning Obligations
	CP1 Creating Sustainable Communities
	CP3 Sustainable Environment
	CP4 Good Design
	CP5 Supporting Infrastructure
	CP9 Employment Space for small businesses
	CP11 Sites in employment uses
	CP19 New Housing Provision
	CP20 Sustainable Residential Density
	CP21 Dwelling Mix and Type
	CP22 Affordable Housing
	CP23 Efficient use and retention of existing housing
	CP24 Special needs and specialist housing
	CP25 Housing Amenity Space
	CP27 High Quality Social and Community Facilities to Support Growth
	CP29 Improving Education and Skills
	CP30 Improving the Quality and Quantity of Open Spaces
	CP31 Biodiversity
	CP38 Energy Efficiency and Production of Renewable Energy
	CP39 Sustainable Waste Management
	CP40 Sustainable Transport Network
	CP41 Integrating Development with Transport
	CP42 Streets for People
	CP43 Better Public Transport
	CP46 Accessible and Inclusive Environments
	CP47 Community Safety
	CP48 Tall Buildings
Policies:	DEV1 Amenity
	DEV2 Character and Design
	DEV3 Accessibility and inclusive design
	DEV4 Safety and Security
	DEV5 Sustainable Design
	DEV6 Energy Efficiency and Renewable Energy
	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 Recyclable 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	Contamination Land
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing Provisions in Individual private Residential and Mixed-use Schemes
HSG4	Varying the Ratio of Social Rented to Intermediate Housing
HSG5	Estate Regeneration Schemes
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
SCF1	Social and Community Facilities
OSN2	Open Space
PS1	Noise
PS2	Residential Waste refuse and recycling provision
PS3	Parking
PS4	Density Matrix
PS5	Lifetime Homes

5.4 Supplementary Planning Guidance/Documents

Residential Space
 Designing out crime 1 and 2
 Landscape requirements

5.5 Spatial Development Strategy for Greater London (Consolidated London Plan 2008)

2A.1	Sustainability Criteria
3A.1	Increasing London's Supply of housing
3A.3	Maximising the potential of sites
3A.5	Housing choice
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.11	Affordable housing thresholds
3B.1	Developing London's economy
3B.2	Office demand and supply
3B.5	Supporting Innovation
3B.6	Improving London's ICT infrastructure
3B.7	Promotion of e-London
3B.8	Creative Industries
3A.17	Addressing the needs of London's diverse population
4B.1	Design principles for a compact City
4B.2	Promoting world class architecture design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment

4B.6	Safety, security and fire prevention and protection
4B.8	Respect and local character and communities
4B.9	Tall buildings location
4B.10	Large scale buildings-design and impact
4B.11	London's built heritage
4A.12	Heritage Conservation
4A.1	Historic Conservation led regeneration
4A.3	Sustainable design and construction
4A.4	Energy Assessment
4A.5	Provision of heating and cooling
4A.6	Decentralised energy, heating, cooling and power
4A.7	Renewable energy
4A.14	Sustainable drainage
4A.17	Water Quality
4A.19	Improving air quality

5.6 Spatial Development Strategy for Greater London Supplementary Planning Guidance/Documents

Children and Young People's Play and Informal Recreation
(March 2008)

5.7 Government Planning Policy Guidance/Statements

PPG13	Transport
PPG24	Planning and Noise
PPS1	Delivering Sustainable Development
PPS3	Housing
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. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

The following were consulted regarding the application:

6.2 LBTH Highways Department

The Transport Assessment Plan were assessed by LBTH highway Officers and the following conclusions were made:

- The applicant has indicated a reduction from 207 spaces to 195 spaces which is acceptable
- The 193 new build units have been allocated zero parking provision, the applicant has indicated these units would be designated as "car free" and residents would be prohibited from applying for any additional on street parking permits.
- Details of the parking management plan should be submitted for comments/approval
- The location and design of the parking areas meet the requirements of Tower Hamlets and is therefore considered sufficient to serve the proposal and would be acceptable.

- To encourage the use of sustainable transport measures the applicant is required to meet the standard set out in the Tower Hamlets “Local Development Framework” and provide cycle stands at 1 per unit.
- The applicant should provide a car club scheme as part of this application. This would be of benefit to both the proposed and existing dwellings.

(Officers comment: The applicant will be required to submit a parking management plan by way of condition. In addition, the applicant is required to submit details of cycle parking by way of condition. A car club scheme will be secured in the S106 Agreement)

6.3 LBTH Environmental Health Department

- The Daylight/Sunlight Assessment by Calford Seaden dated November 2007 is satisfactory.
- Details on soil contamination to be submitted prior to development

(Officers comment: The application will be required to submit a detailed soil contamination assessment which will be secured by way of condition)

- The Council is satisfied that with the scope and methodology of the noise assessment. The developer must confirm in writing, specific and acceptable noise mitigation measures for each of the noise exposure category (C& D)

(Officers comment: The above will be secured by way of condition)

6.4 **Primary Care Trust**

A capital contribution of £262,941 to mitigate the demand of the additional population on health care facilities.

6.5 **LBTH Education**

The proposed development will require a contribution towards the provision of 24 additional primary school places @ £12,342 = £296,208 The school places will be provided as part of the borough*s overall strategy for meeting the increased need for places.

6.6 **Cleansing Officer**

No response received

6.7 **English Heritage Archaeology**

No comments received

6.8 **Environmental Agency**

- The applicant is required to submit a Flood Risk Assessment
- The applicant is required to submit a desktop study report to demonstrate that the risk of pollution to controlled waters is acceptable.

(Officers comment: The applicant has submitted the above information to the Environmental Agency who is currently assessing the reports. The comments received will be recorded in the addendum report on the 29th May 2008)

6.9 Transport for London

- The application site is bounded to the south by A1203 The Highway which forms part of the TfL Road Network (TLRN).
- No additional car parking is proposed for the new 193 residential units. TfL requests that the development be bound by Section 106 'Car Free' Agreement with the exclusion of the new residents from eligibility for on-street car parking in surrounding CPZ
- The reduction in the number of car parking spaces from 207 to 195 is supported by TfL
- TfL requests details of the proposed disabled car parking spaces, with bays clearly marked on a layout plan and they must be comply with the Disability Discrimination Act (DDA) 1995 requirements

(Officers comment: Details of disabled parking spaces need to be submitted and approved prior to commencements of work on site. This will be addressed by way of condition. In addition, a 'car free' agreement will be included in the S106 to restrict the occupiers of the new build units from applying for residents parking permits in the area).

- 104 cycle parking spaces are proposed for the 193 new residential units. This is inconsistent with the London Plan recommendations
- The new residential block needs to accord with TfL cycle parking standards, which states that there should be 1 secure cycle park for every unit, preferably at ground floor level. This requires a minimum of 193 spaces.

(Officers comment: This will be secured by way of condition)

- TfL recommends submission of a servicing management strategy which should seek to rationalise servicing with the aim to avoid critical times on the road network and reduce the total number of trips made.

(Officers comment: This will be secured by way of condition)

7. LOCAL REPRESENTATION

7.1 A total of 1023 neighbouring properties within the area shown on the map appended to this report were notified about the outline and full application and invited to comment. The applications have also been publicised in East End Life and on site. The number of representation received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 38 Objecting: 38 Supporting: 0
No of petitions received: 1 129 signatures

7.2 Of the 38 objection letters received, 25 were identical response with individual signatures received from residents at George Leybourne House. 1 petition (3 separate sections) with 129 signatures was also received. The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

7.3 Design

- The infill at Noble Court & Brockmer House will create a continuous wall of flats along Cable Street and along Cannon Street Road in the fashion of the fortress architecture of past times.
- The towers at Noble Court and 2 at Brockmer House of would block fire emergency access and light and dwarf the existing buildings
- Development of the tower has an adverse effect on the skyline and will interrupt views
- Insensitive to the character of the surrounding area in terms of its design, bulk and scale and will result in over development and poor space standards.
- Its scale and its unsympathetic design are not sensitive to the context or development capacities of the site and will result in overdevelopment and poor space standards
- The infill development within Noble Court will create a disproportional concentration of new high rise concentration within Noble Court along Cable Street.
- The proposal does not take account of existing building lines, roof lines and street patterns.

(Officers comment: The above issues will be addressed in paragraphs 8.46-8.59 in the report)

7.4 Land use

- It will result in the increase of the built area

(Officers comment: The above issues are addressed in paragraph 8.35-8.39 in the report)

7.5 Amenity

- Loss of privacy to adjoining buildings
- Deterioration of daylighting and sunlighting
- The infill development adjacent to existing blocks of flats will have a detrimental effect on the noise situation for existing and new
- Loss of sunlight, daylight and outlook through the overbearing, overshadowing and massing of the proposed blocks on the Strangers Rest Building.
- The development on site 1 will mean the entire rear and east of the building is overlooked.

Objection specific to Strangers Rest building

- No analysis for the large chapel window seems to be undertaken
- The daylight and sunlight reports do not really deal with overshadowing at all.
- The proposed development on site 10 will overshadow the garden terrace associated with the flat
- The scale and development of site 10 will result in a sense of enclosure

(Officers comment: The above issues are addressed in the paragraphs 8.79- 8.97)

7.6 Housing

- The demand in the borough is for two to six bedroom properties. The proposal does not give any thought into the current housing needs in the Borough in their planning application.

(Officers comment: The proposal does make adequate provision for 2- 5 bed units.

Housing issues are addressed in sections 8.26-31 of the report)

7.7 Amenity space

The proposed development will occupy existing open and amenity space

(Officers comment: The proposal will not result in the net loss of open space on site. Amenity space is examined in section 8.60-8.67 of the report)

7.8 Environment concerns

An EIA should be required for this proposed development.

(Officers comment: Having considered the information provided in the full planning application, the Council confirmed that the proposed development is an 'Urban Development Project' within Schedule 2, category 10 (b) under the Environmental Impact Assessment Regulations. After taking into account the selection criteria set out in Schedule 3 to the Regulations and having regard to Circular 2/99, the proposed development did not require an Environmental Impact Assessment as it is not located within a sensitive area or thought to have significant urbanising effects)

The effect of the proposal on microclimate, wind turbulence and telecommunication interference have not been considered.

(Officers comment: The applicant will be required to undertake a wind impact assessment and telecommunication study. This would be secured by way of condition).

7.9 Transport

- The proposed development does not ensure that land use and transport policies and investment are co-ordinated. Due to its proximity to the City of London and the congestion charge area, the site is unsuitable for the volume of housing proposed by the development.
- The proposed housing development is not adequately served by public transport provision
- Lack of car parking spaces on site.
- The planned change to the exit from the underground car park in Himdmarsh Close to existing on Fletcher Street and Wellclose Square. Such an exit as planned can be safely managed.
- The proposed development does not ensure that land use and transport policies and investment are co-ordinated

(Officers comment: The above issues are examined in paragraph 8.73- 8.78)

7.10 Infrastructure

- The proposal housing development is not adequately serviced by social and physical infrastructure
- Pressure on existing medical facilities
- Existing local medical centres are struggling to cope with the current population. The present transport links are struggling to cope with the existing development in the local area of congestion at peak hours
- The proposed development does not maintain or enhance street markets

(Officers comment: To mitigate against the development, the developer will be making a contribution of £262,941 to mitigate the demand of the additional

population on local health care facilities. In addition, the developer will make a contribution of £296,208 to mitigate the demand of the additional population on local education facilities. The proposal should not have an adverse impact on existing street markets in the area)

7.11 Other objections

- The proposal will result in more crime
- Reduce security and increase rubbish
- Result in more anti social behaviour
- Increase in residential properties in the area will reduce the value of existing properties

(Officers comment: There is no evidence to suggest the proposal will result in further anti social behaviour within the estate. On the contrary, the design of the proposal can relieve certain problems with the development particularly with the proposed removal of the walkway area around Stockholm House, which opens up views to/from the surrounding park/green areas. In addition, it is proposed to have CCTV and extra lighting within the development. This can be secured by way of condition)

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Housing
2. Land use
3. Density
4. Design
5. Amenity space
6. Access and transport
7. Residential amenity
8. Sustainability

Housing

Principle of estate regeneration

8.2 Under the Housing Choice transfer programme, Saint Georges and is considered as an estate regeneration site. A significant level of investment is required to bring homes up to a Decent Homes *plus* standard and in accordance with guidance; the residents were consulted on new build options. It was made clear to residents that cross-subsidy generated from building new properties for sale would be reinvested in the estates to fund improvements over and above minimum Decent Homes standards. The objective of the redevelopment of the estate is to achieve improvements over and above minimum Decent Homes standards across the entire estate.

Particular situation for St. Georges

8.3 This planning application for the St. Georges Estate Choice transfer proposes refurbishment of all the existing buildings and the erection of new housing, including private units. The regeneration of the estate to achieve the Decent Homes plus standard will rely in part on the sale of 161 of the 193 new build homes. The scheme delivers a target level of cross subsidy of £10.555m.

Proposal

8.4 The regeneration proposal can be summarised as follows:

- Refurbishment of 502 existing units in the red blocks to Decent Homes *plus* standards;
- provision of an additional 23 affordable housing units;
- introduction of 23 new intermediate units,
- provision of additional 161 private units

8.5 The principles and objectives set out in regional and local policies for estate regeneration proposals are achieved in the St Georges estate through a comprehensive redevelopment scheme. All the homes would be brought up to Government's decent homes plus standard and the proposal maximises the development potential of the site without a net loss of housing provision or net loss of affordable housing provision. In addition, the scheme proposes associated provision of new community facilities and environmental improvements across the entire site. As such, the proposed estate renewal proposal is in accordance with the policies 3A.7, 3A.8 and 3A.12 of the London Plan, policies CP19, CP23, HSG3, HSG4 and HSG5 of the IPG and GLA Housing SPG.

8.6 Further assessment of the housing provision and relevant issues are set out below.

Affordable Housing

8.7 Policy 3A.9 of the consolidated London Plan (1998) sets out a strategic target that 50% of the new housing provision should be affordable. Policy CP22 of the IPG document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.

8.8 Policy HSG3 of the IPG Oct 2007 seek to secure that the maximum amount of affordable housing on new schemes. The policy states that the Council will have regard to:

- The Borough's overall affordable housing target, and the expected minimum requirements for affordable housing on sites proposing 10 new dwellings or more;
- the economic viability of the proposal, including individual site costs;
- the availability of public subsidy to support affordable housing on site;
- other site requirements, including other planning contribution requirements; and
- the need to ensure new housing development contributes to creating sustainable communities, including being responsive to housing needs.

8.9 Policy HSG5 of the IPG Oct 2007 supports the principle of the estate regeneration proposal subject to the following criteria:

"Where proposed housing on estate regeneration sites includes market housing, the Council may consider varying its requirement for contributions towards additional affordable housing where it can be sufficiently demonstrated that the provision of market housing on the estate regeneration site is necessary in order to cross subsidise the works being undertaken to bring existing dwellings on site up to a decent homes plus standard".

8.12 The proposal results in no net loss of affordable housing and refurbishes the existing affordable housing stock. As illustrated in table 1 below, the existing percentage of affordable housing on site is 53.7% by habitable rooms. In addition, the proposed new development includes 25.5% of the total additional habitable rooms constructed on the estate as additional affordable housing (as demonstrated by the applicant to be the maximum if this proposal is to remain viable). Although the newly proposed affordable housing does not meet the 35% affordable housing as sought in the Councils Interim Planning Guidance (2007), the overall provision for affordable housing on site (including existing and proposed) would be 46.3% by habitable rooms (refer to table below). This exceeds the Councils target of 35% and is therefore considered acceptable.

Unit Size	Total units	Total Hab Rooms	Total %age(Units)	Social			Leaseholder		
				Unit No.	Hab Rooms	%age (hab)	Unit No.	Hab Rooms	%age (hab)
Studio	11	11	2.2%	11	11	0.7%	0	0	0%
1 Bed	93	186	18.7%	77	154	9.9%	16	32	2.1%
2 Bed	239	717	48.0%	152	456	29.3%	87	261	16.8%
3 Bed	136	544	27.3%	51	204	13.1%	85	340	21.9%
4 Bed	18	90	3.6%	2	10	0.7%	16	80	5.0%
5 Bed	1	7	0.2%	0	0	0%	1	7	0.5%
Total	498	1555	100%	293	835	53.7%	205		

Table 1

Occupation	Existing No. Hab Rooms	Proposed No. Hab Rooms	Total Hab Rooms	Percentage Habitable Rooms
Private	720	409	1129	53.7%
Affordable	835	140	975	46.3%
Total	1555	549	2104	100%

Table 2

8.15 The financial viability of the proposal has been assessed by the applicant using the GLA's 'Three Dragons' financial viability model. The applicant has provided details of the scheme with costs, and values for the proposed new housing. This has been tested and verified by officers from the Council's Housing Department.

8.16 In the light of the viability assessment produced for the regeneration of the estate as a whole, the proposed affordable housing provision and additional regeneration benefits arising from the proposal, the failure to provide a minimum of 35% affordable housing on the new build is considered acceptable. As such, the proposed development is in accordance with policy 3A.12 of the London Plan and policies HSG3 and HSG5 of the IPG Oct 2007.

Housing tenure and mix

8.17 As noted previously, the development not only brings the existing affordable units up to decent homes standard, it also increases the affordable housing by 32 units (18 social rented and 14 intermediate). The development also provides 161 additional new homes for outright sale.

8.18 The proposal has been devised in order to reflect the mix of the accommodation to be replaced, the needs of the local area for larger family units and the market for sale.

8.19 **Total new scheme (including existing and new build = 695 units)**

Units	social	intermediate	private	Total
bedsits	11		13	24
1 bed	77	1	82	160
2 bed	156	13	151	320
3 bed	55	0	103	158
4 bed	25	0	2	27
5 bed	5	0	1	6
Total	329	14	352	695

Table 3

8.20 In light of the proposal's financial viability and site requirements, the proposed dwelling type

and mix is considered acceptable as it accords with local and London-wide policy and need requirements set out for mixed tenure developments. As such, the estate regeneration proposal is in accordance with policies 3A.4 and 3A.12 of the London Plan 2004 and relevant GLA SPG on Housing, policy HSG7 of the UDP 1998 and policies CP21 and HSG2 of the IPG Oct 2007, which seek to ensure that housing accommodation in new residential developments include those housing types and sizes to meet local needs and promote balanced communities in accordance with the Government's sustainable community objectives.

8.21 As mentioned, the outline proposal includes the erection of 193 new residential units. The housing mix for this phase is set out in table 3.

8.22

		affordable housing						market housing		
		social rented			intermediate			private sale		
Unit size	Total Units in scheme	units	%	target %	units	%	target %	units	%	target %
Studio	13			0			25	13	8.0	25
1 bed	67	0		20	1	7.1	25	66	41	25
2 bed	79	2	11	35	13	92.85	25	64	40	25
3 bed	22	4	22	30			25	18	11.8	25
4 bed	7	7	39	10						
5 Bed	5	5	28	5						
TOTAL	193	18	100	100	14	100	100	161	100	100

Table 4

Social rented/intermediate ratio

8.23 Against London Plan policy 3A.9 affordable housing target is 70% should be social rent and 30% should be intermediate rent.

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

8.25 As noted previously, the proposal new development provides 25% habitable rooms as affordable housing. The proposed tenure split is 70/ 30% (social rented/intermediate). As such, it accords with London Plan policy and is considered to be acceptable.

Housing mix

8.26 Policy CP21 'Dwelling Mix and Type' of the Interim Planning Guidance governs the ratio of social rented units to those of intermediate tenures.

8.27 The Council's Interim Planning Guidance (2007) requires:

- 45% of social rented units to be suitable for family accommodation (3 bed or more);

- 25% of shared ownership units to be suitable for family accommodation
- 25% of private units to be suitable for family accommodation
- Overall provision for family units within an entire scheme should be 30%

8.28 The existing development on site makes provision for 18% family units in the social rented tenure and 50% family units in the private tenure. The overall provision for family units on site is 31%

8.29 The proposed new development makes provision for 89% family units within the social rented tenure which far exceeds policy requirement. The proposal does not make provision for family units in the intermediate tenure and 10.3% in the private tenure which does not meet policy requirement. On balance, the shortfall of family units in the intermediate and private tenure is acceptable given that the overall provision for family units on site is 32% which exceeds policy requirement of 30%.

8.30 In addition, when the number of existing and proposed family units are added together, the proposal makes provision for 27% (191/695) against the Council's target of 30%. This is broadly in line with the Council's aspirations.

8.31 Whilst the proposed dwelling mix, if taken in isolation does not fully accord with local and London-wide policy, it is considered that in conjunction with the larger estate renewal, it provides for an appropriate residential type, tenure and mix.

Standard of accommodation

8.32 Policy 3A.4 of the London Plan states that developments should cater for a range of housing sizes and types and should be built to lifetime homes standards and provide 10% wheelchair accessible units. Policy HSG9 of the IPG Oct 2007 continues this objective and seeks to ensure that new developments consider existing and changing needs of all residents. Furthermore, policy HSG13 of the UDP and HSG9 of the IPG Oct 2007 require that all new developments have adequate provision of internal residential space in order to function effectively and should take into account the Council's supplementary guidance on residential space.

8.33 100% of the new housing stock (4193 units) is to be built to lifetime homes standards and 10% of these are to be wheelchair accessible. The detailed plans submitted indicate that the flat and room sizes are all above the minimum figures as set out in the Supplementary Planning Guidance Note 'Residential Space' and the layouts would provide for an acceptable standard of accommodation. The proposal provides sufficient refuse storage and it is recommended that further information is submitted by way of condition. Overall, the standard of accommodation is considered acceptable and in accordance with the above mentioned policies and guidance.

8.34 **Land use**

8.35 The site is unallocated on the proposals map of both the UDP and the Interim Planning Guidance. The proposed residential use is in line with the existing land use on site.

8.36 The site currently contains 502 residential units and there are no specific site land use designations in any of the Council's planning documents. The new development has been concentrated in two general locations. The first is along the Cable Street frontage, where new buildings are to be 'inserted' into the void spaces between the existing elements of Noble Court. The second primary location for new development is on the southern boundary adjacent to the highway.

8.37 Policies 2A.1 and 3A.15 of the London Plan 2004, policy SCF11 of the UDP and policy SCF1 of the IPG Oct 2007 require the Council to consider the need for social and community facilities within redevelopment proposals.

- 8.38 The applicant has advised that the existing community centre (OAP Club) adjacent to Swedenborg Gardens will be refurbished and integrated into the regeneration estate. In addition, a new community centre of approximately 510 sq.m will be provided at ground level on the site's frontage to The Highway as part of the development of site 10. This aspect of the proposal supports the Borough's planning objectives to secure community infrastructure to respond to the additional needs of the local community and help achieve a sustainable residential development (Policies CP5, CP19, and SCF1 of the IPG). The provision of the additional community centre will be secured by way of S106 agreement
- 8.39 It is considered that the community facility for the residents is welcomed and is appropriate to the proposed density increase. It is recommended that a condition be attached which will require the applicant to provide a full management plan which sets out the detailed information regarding the size, access, accessibility, procedures and general operation of the proposed community facility.

Density

- 8.40 The site lies in PTAL 3 (Central), which permits a density range of 300-650 HRs/ Ha. The net proposed density is 572, which is acceptable.
- 8.41 The application site benefits an 'Urban' setting and has a PTAL level 3 (in a range of 1-6, where 6b is the highest). The site has a net residential area of approximately 0.63 hectares. The scheme is proposal comprises 193 new units or 549 habitable rooms.
- 8.42 According to TABLE 4b.1 of the London Plan, the site is best described as 'urban' and therefore has a suggested density range of 200-450 habitable rooms per hectare (hr/ha) in accordance with the 'Density location and parking matrix'. The proposed density is 572 hrph which exceeds the density matrix guidance. The existing density is 419 hr/hectare.
- 8.43 In general numerical terms, the proposed density would appear to be an overdevelopment of the site. However, the intent of the London Plan and Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity. In addition, it could be anticipated that the improvements to the East London Line currently underway and due to be completed by 2010, will take the PTAL rating to a level 4 where a density of 450 to 750 hrph would be suitable.
- 8.44 Residents have considered that this application results in an unacceptable increase in density and is therefore an overdevelopment of the site. However it should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
 - Lack of open space and amenity space;
 - Increased sense of enclosure;
 - Loss of outlook;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure

The proposal has not of these impacts.

- 8.45 To mitigate against the demand of the additional population, the applicant will be required to provide £262,941 towards the provision of health contributions and £296,208 towards the provision of education facilities. This will be secured by way of a S106 agreement. In addition, the proposed scheme will retain and refurbish the existing community centre and children's play area on site. A new community centre (510 sqm) will be provided which represents a value of £806,677. This will be secured in the Section 106 agreement This

complies with policy SF1 of the adopted UDP and policy SCF1 of the IPG as it ensures that all residents will have access to social facilities.

Design

- 8.46 Good design is central to all the objectives of the London Plan. Policy 4B.1 of the consolidated London Plan (2008) refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.
- 8.47 Policy CP4 of the Interim Planning Guidance (2007) states that LBTH will ensure the development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 of the IPG reiterates DEV1 of the UDP and states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.48 Policy DEV27 of the Interim Planning Guidance provides a suite of criteria that applications for tall buildings must satisfy. In consideration of the above comments and policy requirements, the proposal is considered to satisfy the relevant policy criteria as follows:
- The architectural quality of the new proposed development is considered to be of a high design quality, demonstrated in its scale, form, massing, footprint, materials & relationship to other buildings
 - Presents a human scaled development at the street level.
 - Demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management
 - The scheme will contribute positively to the social and economic vitality of the surrounding area at the street level through its proposed mix of uses.
 - Incorporates principles of inclusive design.
 - The site is located in an area with good public transport access.
 - Takes into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.
 - Improves permeability with the surrounding street network and open spaces.
 - The scheme provides publicly accessible areas, including the ground floor non residential uses and public realm.
- 8.49 Policies CP1, CP4, DEV1 and DEV2 of the IPG Oct 2007 and policies 4B.1, 4B.7 and 4B.9 of the London Plan 2004 seek to ensure that new development take into account and respect the local character and setting of the development within the site. In particular, it seek to ensure that the siting, scale and bulk of the buildings in relation to the plot size and street patterns integrate effectively whilst the design details and elevations enhance the development and public realm in which it is located.

The new buildings (Site 1-7) will adjoin as infill and integrate with the existing buildings on Noble Court. There will be nine new blocks of between 6 and 9 storeys in height, seven will front Cable Street and two will front The Highway.

- 8.50 The height and massing respects the scale and form of the existing and adjoining buildings. Particular care has been taken at the western and eastern boundaries, where the site has interface with existing residential development and a conservation area (east). In these locations, the proposed new buildings have been kept to a maximum height of 6 storeys and are of a massing consistent with the existing adjacent development.
- 8.51 The proposed height and massing of the blocks are acceptable as they broadly in context the existing form with the development. The existing estate is characterised by a mix of building heights i.e.:

- Noble Court (5 stories)
- Brockmer House (6 stories)
- Betts House 6 stories
- Swedenborg House (1 storey)
- Stockholm House (17 storeys)
- Shearsmith House (27 storeys)
- Hatton House (22 storeys)

8.52 Along Cable Street, the existing buildings on Noble Court are 6 storeys. The proposed infill blocks along the street are 9 storeys.

The proposed infills comprise of:

- the new building to the west of Noble Court (Site 1) – 6 storeys
- the 2 archway infill buildings (Site 2 & 3)- 9 storeys
- the 2 infill buildings (site 4, 5)- 9 storeys
- the building at the eastern end (site 6)- 9 storeys
- the building at the north end of Brockmer House (Site 7)- 6 storeys
- site 9: 1 storey
- site 10: 9 storeys

site 11: 1 storeys

8.53 The building in site 1 and site 7 are 6 storeys in height. The proposed 6 storeys on the western and eastern boundaries are of a massing consistent with the adjacent development.

8.54 The variety of building heights of both the existing and proposed adds to the visual interest of the site and the design greatly enhances the appearance of the site along Cable Street. In addition, the proposed infill developments will result in efficient use of land in line with PPS1.

8.55 The other buildings in the St. Georges estate are three and four storey residential buildings grouped around the towers

8.56 The adoption of taller buildings is confined to the two principal areas of the site identified for development. The southern section along the Highway (Site 10) and the northern edge along Cable Street (sites 1-7).

8.57 In accordance with DEV1 of the Interim planning Guidance, the development enhances the appearance of the area. Whilst residents have objected that the design of the proposed infill blocks on the grounds of poor design quality and because they consider they do not relate to the existing buildings, it is important to note that, on balance, the scheme provides an important vehicle through which the improvement of existing substandard housing is achieved.

8.58 Policies CP1, CP4, DEV1 and DEV2 of the IPG Oct 2007 and policies 4B.1, 4B.7 and 4B.9 of the London Plan 2004 seek to ensure that new development take into account and respect the local character and setting of the development within the site. In particular, it seek to ensure that the siting, scale and bulk of the buildings in relation to the plot size and street patterns integrate effectively whilst the design details and elevations enhance the development and public realm in which it is located.

8.59 Overall, it is considered that the proposal would enhance the character of the local street scene through good design and quality finishing. The development creates an accessible and inclusive environment and provides opportunities to create quality open space. As such, the development is considered acceptable and in accordance with the above mentioned policies. It is recommended that conditions require submission of further information, to ensure quality finishing.

Amenity space

- 8.60 Policy HSG16 of the adopted UDP states that all new housing developments should include an adequate provision of amenity space. Core Strategy CP25 of the IPG Oct 2007 continues this objective and states that all new housing developments should provide high quality, useable amenity space, which includes private and communal amenity space for all. Policy OSN2 of the IPG Oct 2007 states that planning permission will not be normally given for any development which results in the loss of public or private open space having significant recreation or amenity value. This is further reinforced by CP25 which seek to ensure innovative opportunities to protect, improve and increase access to all types of open spaces to a standard of 1.2 hectares per 1000 population.
- 8.61 The other area of development on the site is the extension of the landscaped podium over the existing car parking in the open roadway of Hindmarsh Close. The podiums is to be extended to create a further 1,597 m² of amenity space as hard and soft landscaping. There will be some demolition of the podium (338m²) to enable the existing ramped access to be made more gradual with a compliant gradient of 1:20 rather than 1:10
- 8.62 The total loss of open space on site is 1344 sq.m. However, the total gain of new open space is 1558sq.m. Therefore, the proposal provides a total gain of open space of 214sqm

Private amenity space

- 8.63 A minimum housing amenity space of 6sqm, 10sqm, 25sqm and 50sqm for 1, 2, 3 and larger bedroom units respectively are required under policy HSG7 of the IPG Oct 2007.
- 8.64 The total amount of private amenity space proposed is approximately 1962 sqm and the policy requirement is 1833 sqm. The proposal therefore exceeds the policy requirement and as such is considered acceptable and is in accordance with policy HSG17 of the UDP.

Child Playspace

- 8.65 HSG7 of the IPG 2007 informs the Council on the amount of child playspace that should be provided on site as outlined in the table below:

Unit	No of units	No. of child bed spaces	Total area (3sqm per child bed space)
Existing			
Studio	11	0	0
1 bed	93	0	0
2 bed	241	241	723
3 bed	136	272	816
4 bed	20	60	180
5 bed	1	4	12
Total	502	577	1731
New			
Studio	13	0	0
1 bed	67	0	0
2 bed	79	79	237
3 bed	44	44	132
4 bed	21	21	63
5 bed	20	20	60

Total	193	164	492
Grand	695	741	2223

Table 5

8.67 The estate will provide 2253 sq.m of play area which adheres to the Council's policy requirements by 30 sqm and is therefore welcomed by the Council.

Access and Transport

8.68 Policy T16 of the UDP and policies DEV17, DEV18 and DEV19 of the IPG Oct 2007 require new development to take into account the operational requirements of the proposed use and the impact (Transport Assessment) of the traffic that is likely to be generated. In addition, policy objectives seek to ensure that the design minimizes possible impacts on existing road networks, reduce car usage and where necessary provide detailed mitigation measures, to enable the development to be acceptable in planning terms.

Access

8.69 The applicant is proposing to access the site from the existing access at the junctions of Cable Street, Crowder Street and Hindmarsh Close. A change is proposed to the access at Cable Street / Hindmarsh Close. The applicant proposes restricted vehicle access via site number 2. These will provide access for refuse, collection and servicing vehicles only. The access and exit to the Podium Car Park would be retained. In addition, it is proposed to allow vehicles to exit the site via a new ramped access from Wellcome Square.

8.70 Pedestrians can access the site from several accesses (5 on Cable Street), (2 on The Highway). The existing accesses at Cable Street / Hindmarsh Close and site number 2 will be predominately pedestrian access only and vehicle access will be restricted to refuse, collection and servicing vehicles only. A new pedestrian access will be provided from Infill Building 7, along with improvements to the pedestrian access point at the junction of Crowder Street and the highway and would be acceptable.

8.71 Service vehicles would be able to enter the site via Crowder Street and the Cable Street. Crowder Street and Hindmarsh Close accesses would serve both Hatton and Shearsmith House. These accesses will provide access for refuse, collection and servicing vehicles and will be controlled via a gated system. A turning head has been provided to the north of Stockholm House. These new refuse points have been provided to service Noble Court, Shearsmith House, Hatton House and Betts House and would be acceptable.

8.72 The applicant has provided swept path analysis to demonstrate that refuse vehicles would be enter and leave the site in forward gear and as such, the location and design of refuse storage as well as the collection thereof, meet the requirements of Tower Hamlets and is therefore considered sufficient to serve the proposal and would be acceptable.

Parking

8.73 There will be no additional car parking provision for the new developments on the estate for which a S106 car free agreement is proposed. The intention is that parking will be by permit only, and will be managed by Eastend Homes.

8.74 It is proposed that the overall car parking on the estate will be reduced from 207 spaces to 195 spaces and that some of the existing on street parking will be moved to an extended parking area beneath the new podium between Shearsmith House and Hatton House. This will much improve the street environment of the estate. The new residential units will not be allocated car parking spaces; all parking except for necessary disabled spaces, 20 in total, will be retained for existing dwelling units. Overall, this equates to 28% of the Council's

adopted maximum standard of 1:1 spaces per unit and as such is policy compliant. It is recommended that the S106 agreement include a clause to ensure that the development is 'car free', ensuring that no controlled parking permits are issued to the new residential of the development and thus alleviating additional pressure on the surrounding streets. Overall, the car parking provisions support current Government guidance on encouraging trips by means.

- 8.75 LBTH supports car free development and the total reduction of 12 car parking spaces on the estate.

Cycle parking

- 8.76 Bicycle stores have been incorporated into the design of all new build blocks. The Interim Planning Guidance (2007) standard is 1 cycle parking space per unit. TfL have also advised that their standard is 1 cycle space per unit. The proposed cycle parking spaces therefore does not comply with relevant policies. Consequently, an amending condition will be applied to ensure details of acceptable cycle parking are provided.
- 8.77 The proposal makes provision for 104 secure and sheltered cycle spaces. However, the applicant will need to make provision for 193 cycle spaces in line with council policy. It is recommended that an amending condition to require full details of the layout, access, security and management be added.
- 8.78 It is recommended that a condition to require full details of the layout, access, security and management be added.

Daylight and sunlight

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

Daylight Assessment

- 8.81 Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the rooms use.
- 8.82 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:
- 2% for kitchens;
 - 1.5% for living rooms; and
 - 1% for bedrooms.
- 8.83 The windows to the rooms of the following properties were assessed as they could be affected by the development.

Cannon Streets Road

8.84 Flat numbers 44 46 48 50 52 54 passed the VSC tests

Brockmer House

8.85 The following properties adhere to the BRE standards were assessed and all adhere to the BRE standards: Flats 12 13 14 15 16 17 18 36 39 40 41 62, 12, 3, 4, 5, 6, 7, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 31, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 63, 64, 65, 66, 65, 67, 68, 69, 8, 9, 10, 11, 32, 33, 34, 35, 36, 57, 58, 59.

Swedenborg Gardens

8.86 The following residential units comply with BRE standards: flats no 71, 70, 69, 68, 64, 63, 62, 46, 47, 48, 4, 5

8.87 67 Swedenborg gardens falls both VSC and ADF. The ADF results show that the ground floor of 67 Swedenborg Gardens is a technical failing losing 23% of the existing, the resulting value is only 0.65. Although windows do not achieve BRE compliance, the council considers this to be acceptable given the urban context of the site. In addition, a refusal based on the loss of daylight to windows at 67 Noble Court could not be sustained.

Noble Court

Site 3

8.88 A property which appears to be altered, adjacent to site 3, and under Noble Court, has a reduced ADF of 0.6 to what is assumed to be an entrance hall and not therefore critical. 57 Noble Court is affected both front and rear with ADFs reduced to 0.8 and 0.7 for the rooms/ areas closest to site 2. Although windows do not achieve BRE compliance, the council considers this to be acceptable given the urban context of the site. In addition, a refusal based on the loss of daylight to windows at 57 Noble Court could not be sustained.

Site 4

8.89 The following residential units comply with BRE standards:
Flats number 35, 36, 37, 38, 39, 1, 2, 3, 35, 36, 37, 39, 39, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86 & 87

Site 6

8.90 The following properties comply with BRE minimum daylight standards

- Flats nos 1- 34 at Noble Court.

8.91 Betts House

- Flat number 17 meets the minimum criteria and therefore complies with BRE guidelines.

8.92 Strangers Rest

8.93 There are two habitable rooms facing the site. The largest is the living room, which has two windows on opposing elevations. This room passes the ADF test. The smaller room is a bedroom. The ADF minimum requirement for bedrooms is 1%. The bedroom will have an

ADF value of 0.84. As such, the ADF will be below the recommended standard by 16%. However, given the urban context of the site and bearing in mind the overall benefits of the proposal, a refusal based on the loss of daylight to a bedroom at Strangers Rest building could not be sustained. A daylight and sunlight assessment to the chapel windows was not undertaken as the BRE tests relate to residential development only. The applicant was therefore not required to carry out a BRE assessment on the chapel.

Sunlight and shadow Assessment

- 8.94 The sunlight availability before and after development was calculated as a measure of the impact of the proposal on sunlight. The BRE Report recommends that the annual probable sunlight hours in the proposed case should be at least 25% of the annual total including at least 5% in winter. Where the proposed values fall short of these then the diminution should not be greater than 20% in either case. Only those windows that face within 90 degrees of south should be considered.
- 8.95 The sunlight results reveal that the following properties will have an annual reduction greater than 20%
- Numbers 1, 57 and 75 Noble Court and 12 Brockmer House
 - Number 1 and 3 Brockmer House and 4 and 5 Swedenborg Gardens will suffer a loss of sunlight greater than 20% during the winter months although 4 and 5 Swedenborg Gardens receive more than the annual guidance level for sunlight.
- 8.96 The sunlight availability to the Strangers Rest flat is impaired although the living rooms will retain its original more than the annual guidance level of sunlight, being overshadowed by the existing structure. Whilst there is a loss of sunlight levels to the above mentioned properties, the vast majority of properties meet the BRE guidelines. As such, the scheme is considered compliant in these terms.
- 8.97 In addition, the proposed is likely to overshadow the garden terrace associated with the flat at certain times of the day. Given the urban context of the site and bearing in mind the overall benefits of the proposal, a refusal based on increased overshadowing to Strangers Rest building and the above mentioned properties (listed paragraph 8.95) can not realistically be sustained.

Privacy

- 8.98 According to Policy DEV2 of the UDP, new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline and is interpreted as a perpendicular projection from the face of the habitable room window. The objections relating to loss of privacy are made by residents from George Leybourne House. However, the six storey development on site 1 will not result in direct overlooking of these properties. At an oblique angle, the distance between site 1 & George Leybourne House is 17.5 metres. At a 45% angle, the distance between the 2 buildings is 22 metres. The closest possible distance is approximately 15.9 metres. In view of these distances, the proposal is therefore not considered to result in undue loss of privacy given the orientation of windows will not face into the windows of residents at George Leybourne House. The Council considers these distances to be acceptable given that the distance between the two buildings broadly complies with the recommended distance of 18 metres.

Sustainability

Energy

- 8.99 Policies 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan (2008) sets out that the Mayor will

and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used generated from renewable sources. The latter London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the IPG Oct 2007. In particular, policy DEV6 requires that:

- All planning applications include an assessment which demonstrates how the development minimises energy demand and carbon dioxide emissions;
- Major developments incorporate renewable energy production to provide at least 20% of the predicted energy requirements on site.

- 8.100 The existing homes on site use centralised heating boilers. The refurbishment of the site intends to remove the old heating systems and central boilers, together with old heating mains which are failing. The existing and new apartments will include the use of new condensing boilers with new controls together with heat recovery and ventilation in the new development and low energy lighting. This together with the replacement of single glazed, with double glazed windows and improved insulation to the existing buildings will provide carbon savings.
- 8.101 The Energy Statement concludes that the improvements to the existing residential units on the estate will save 293,980 KgC/year from the current emissions of 915, 750 kgC/year, a reduction in carbon emissions of some 32%. When the savings of the new is combined with the savings of the existing, the total is 44, 908 kgC/year less than the current carbon emissions, or a total savings for the estate of 5%.
- 8.102 Although the scheme overall does not achieve a reduction in carbon emissions by 20%, the council considers this to be acceptable given the particular situation of this estate regeneration scheme. Overall, the Council is satisfied that the proposed new development of 193 dwellings will provide large carbon savings over the current operating scheme on the existing development

Air quality

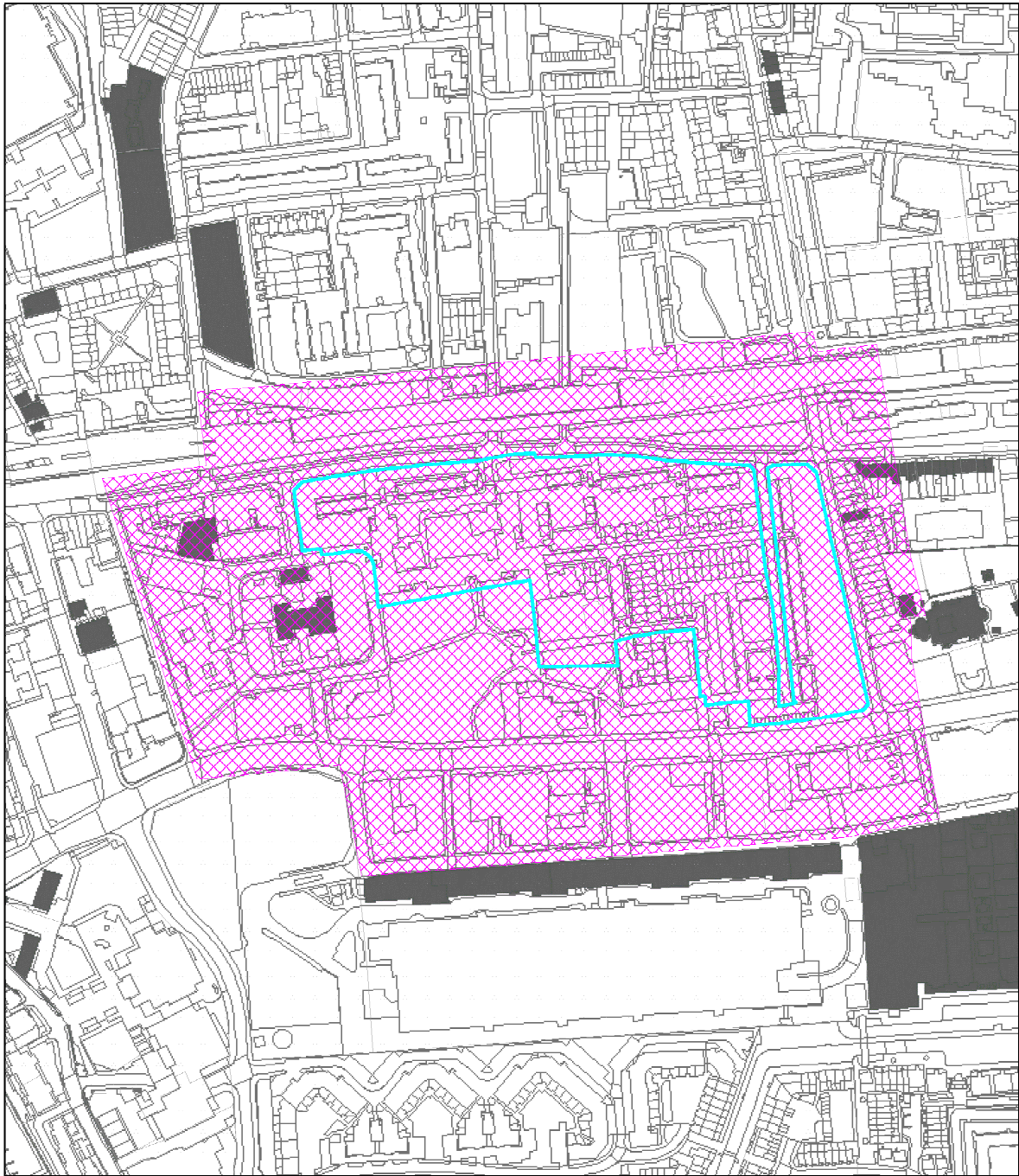
- 8.103 Policy 4A.6 of the London Plan 2004 and policies CP3 and DEV11 of the IPG Oct 2007 set out specific air quality strategies and objectives. They seek to ensure that air quality assessments are undertaken at the planning application stage. The Council's Air Quality Action Plan provides key actions to ensure that proposed mitigation measures are acceptable to reduce impacts to acceptable levels. The application site is located within an Air Quality Management Area.
- 8.104 Enviro Consultancy Limited was commissioned by Eastend Homes to assess the impact of air emissions from road traffic and other sources at the site of a proposed residential development at St. Georges Estate.
- 8.105 The impact of the additional road traffic as a result of the development is forecast to be insignificant.
- 8.106 During the construction phase of the development at St Georges Estate dust is likely to be generated. This is likely to have no more than a short term moderate impact on the surrounding environment. This impact can be further reduced by the use of appropriate mitigation measures. The applicant will be required to submit an Air Quality Management Plan by way of condition. .
- 8.107 The scoping opinion requires full details regarding possible traffic generated by the scheme and its impacts on air quality, including details on the capacity of the transport infrastructure. The submitted air quality statement was reviewed and the methodology is considered acceptable. However, it is considered that further investigation and mitigation measures





should be conducted to ensure that the development provides for an acceptable and sustainable development. This will be addressed by way of condition

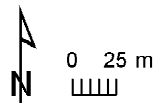
9 Conclusions

- 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.

Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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

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Agenda Item 7.4

Committee: Strategic Development	Date: 29 th May 2008	Classification: Unrestricted	Agenda Item No: 7.4
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Jason Traves		Ref No: PA/08/00274	
		Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location: Site At 2 Trafalgar Way

Existing Use:

Proposal:

Redevelopment of the site to provide a residential-led, mixed use scheme, including two towers of 29 storey and 35 storeys in height, use of the site as 397 residential units, a re-provided drive-through restaurant, retail / financial and professional service units, a crèche, gymnasium, associated amenity space including a children's play area atop a podium level and car parking.

This application includes the submission of an Environmental Statement

Drawing No's:

Plan No's:

950-100-C3; 950-32-C2; 950-SK-34; 950-33-C2

A0000-00; A1000-00; A1100-01; A1101-00; A1102-00, A1103-00; A1104-02; A1105-02; A1106-02; A1107-02; A1108-02, A1109-02; A1200-00, A1201-00; A1202-00; A1203-00; A1300-00; A1301-00; A1302-00; A1303-00; A1304-00; A1305-00; A1306-00; A1307-00; A1400-00; A1401-00; A1402-00; A1500-00; A1501-00; A1502; A1503-00

1045-200-F; 1045-201-D; 1045-202-A; 1045-203; 1045-204; 1045-300

Documents:

Wider Vision Plans – Landscape Perspective

Planning Statement

Design and Access Statement

Affordable Housing Toolkit

Environmental Statement (3 Volumes)

Transport Assessment

GLA Toolkit and Renewable Energy report

Statement of Community Involvement

Archaeology Assessment

Applicant:

2 Trafalgar Way Limited and McDonalds Real Estate LLP Limited

Owner:

As above

Historic Building:

N/A

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

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 principle of a mixed use scheme is acceptable on this site as supported by PPS1: Creating Sustainable Development, as well as Policies 2A.1, 2A.9, 3B.1, 3B.3 and 5C.1 of the London Plan (Consolidated 2008) which seek to maximise the efficient use of sites in a way that is sustainable.

(2) A high density scheme is considered to be an efficient use of the site that results in no significant adverse impact. Whilst exceeding the density nominated in the London Plan (Consolidated 2008) and LBTH Interim Planning Guidance, a density of 2633 habitable rooms per hectare is considered to be acceptable on balance for the following reasons:

- The scheme is of high architectural quality;
- A tall building is appropriate in the areas context;
- There are no symptoms of overdevelopment;
- There are no adverse impacts to neighbours;
- Residents and users;
- There is access to public transport;
- Significant planning contributions have been secured to mitigate the demand for local facilities and services.

(3) The scheme is considered to deliver good-quality housing that will cater for the needs of residents within the Borough. The scheme provides for the maximum possible affordable housing (30%) having regard to the Affordable Housing (Three Dragons) toolkit. It is also balanced by the need to secure planning contributions in other matters. On balance, it is acceptable in respect of Policy CP22 of the LBTH Interim Planning Guidance.

(4) The provision for family housing achieves the amount required in the social rent and shared ownership tenures pursuant to CP21 of the Interim Planning Guidance. In terms of overall family housing provision of 25%, the scheme considerably exceeds the levels secured borough-wide as shown in the LBTH Annual Monitoring Report 2006/7 and is therefore considered acceptable.

(5) In addition to the provision of affordable and family housing, there is a good standard of residential amenity achieved in this scheme. In particular:

- All flats exceed the minimum floorspace standards in accordance with HSG13 of the LBTH Adopted UDP 1998 and 'Residential Space' SPG;
- Communal amenity open space is provided in accordance with HSG16 of the LBTH adopted UDP 1998, Policy HSG7 of the Interim Planning Guidance and Residential Space SPG;
- Similarly, every flat has a balcony;
- A children's play area and crèche is provided in accordance with HSG16 of the LBTH adopted UDP 1998, Policy HSG7 of the Interim Planning Guidance and Residential Space SPG;
- Over 10% wheelchair housing is provided in accordance with HSG9 of the Interim Planning Guidance;
- The scheme has been designed to Lifetime Homes standards in accordance with HSG9 of the Interim Planning Guidance.

(6) The architectural quality of this tall building is appropriate for the site with no significant

visual impact posed on the surrounding context. Consideration of tall buildings policies of the LBTH Interim Planning Guidance and The London Plan (Consolidated 2008) indicate that the scheme satisfies the context, design, and amenity criteria and is therefore appropriate in this location. The analysis indicates that there are no significant adverse impacts upon views, including those from St Anne's Church, in accordance with PPS1 and PPG15. Nor is there any significant impact to the view from General Wolfe Statue in Greenwich Park pursuant to The Mayor's London View Management Framework' 2007.

(7) A suitable level of residential amenity for future occupiers is achieved which will satisfy need and create a sustainable community. The scheme provides for facilities and service including waste/recycling; car parking, bicycle parking; communal amenity open space, children's play area and crèche, and a balcony for every flat. All flats are in excess of the minimum floorspace standards. The scheme is therefore in accordance with PPS1, PPS3, as well as Policies 4B.1, 4B.5, 4A.3, 4B.10 of the London Plan (Consolidated 2008) and Policy CP1 of the LBTH Interim Planning Guidance.

(8) There are no significant impacts to neighbours posed. No significant privacy, overlooking, noise or disturbance impacts to neighbours are identified. The scheme has also been considered in detail by the Environmental Health team. They confirm that there is no significant overshadowing impact posed. Therefore the proposal is in accordance with DEV2 of the LBTH Adopted UDP 1998, and Policy DEV1 of the Interim Planning Guidance. It is also noted that any impacts during construction such as noise, dust and vibration are not planning considerations. These would be mitigated through the management of the construction process in accordance with DEV12 of the LBTH Interim Planning Guidance.

(9) The scheme is considered to be within the transport capacity of the area, with no significant impact posed. An extensive analysis, including 24hr surveys, indicates that the local road system has capacity to accommodate the scheme. It is also considered that there is no safety impact posed to residents and users on site, owing to the ground floor level design. In respect of the re-provision of MacDonald's car parking and drive-thru facility, these were already approved. The residential car parking is below the maximum threshold for residential parking provision and is therefore considered acceptable. Finally, the scheme secures planning contributions to upgrade the Aspen way roundabout. This will improve access between the site and Shadwell DLR station giving future residents improved public transport accessibility to greater London. Therefore the scheme is considered to be in accordance with PPG13 as well as Policies 2A.1, 3A.7, and 3C.1 of the London Plan (Consolidated 2008) and Policies CP1, CP41, CP43, DEV16 of the LBTH Interim Planning Guidance.

(10) The scheme secures significant planning contributions to mitigate the demand of additional residents on local facilities and services. In accordance with Circular 05/2005 of planning contributions, the scheme secures affordable housing (30%) as well as contributions for transport, education, health and amenity space improvements. The contributions have increased significantly as compared to the original offer. Following extensive analysis, they are considered to represent the maximum contribution possible having regard to the affordable Housing (Three Dragons) Toolkit. Therefore, the contributions are considered acceptable.

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 **30%** based on habitable rooms of the proposed units to be provided as affordable housing with a 70:30 split between social rent and shared ownership tenures;
- b) Provide **£1,500,000.00** towards highway improvements;
- c) Provide **£607,758.00** towards education to mitigate the demand of the additional population on education facilities;
- d) Provide **£545,253.00** towards medical facilities to mitigate the demand of the additional population on medical facilities;
- e) Provide **£522,989.00** towards an improved public space between the site and Poplar Dock to supplement the private and communal open space achieved of site; and
- f) Provide for car club, car-free agreement, Travel Plan, TV/radio reception monitoring and impact mitigation, employment/training initiatives

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:
 - External appearance and materials board
 - Design and ground floor
 - Balcony details
- 3) Details of the children's play area
- 4) Parking for a maximum 97 cars (60 x residential basement spaces, 37 x MacDonalds restaurant 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) Renewable energy measures satisfying 20% of energy demand to be implemented in accordance with the ES and Renewable Energy Toolkit.
- 10) Land contamination study required to be undertaken with remediation certificate
- 11) Method of piling as required by EA
- 12) No infiltration to ground waters required by EA
- 13) No storage within 10m of any watercourse required by EA
- 14) storage facilities for oil, fuels and chemicals required by EA
- 15) Details of foul and surface drainage system as required by the Environment Agency
- 16) Method statement for waste removal during construction phase as required by EA
- 17) Archaeology as required by English Heritage
- 18) Insulation measures shall be provided in accordance with the PPG 24 noise assessment contained in the ES
- 19) The waste and recycling facilities to be provided in accordance with the approved details and plans
- 20) Construction Management Plan required
- 21) The green/brown roofs to be constructed in accordance with the details submitted in the ES
- 22) Lifetimes Homes standards and 10% wheelchair accessible
- 23) No roller shutters on commercial units
- 24) Code for sustainable homes compliance
- 25) The CHP shall be implemented in accordance with the renewable energy toolkit and ES
- 26) Bats and Black Redstarts protection

- 27) Construction program and site mgt to consider Black redstarts nesting and seasonal requirements (natural England)
- 28) Any additional conditions as directed by the Corporate Director Development and Renewal

Informatives

- 1) Subject to s106 agreement
- 2) Consult the Environment Agency in terms of conditions 10-17
- 3) Consult Metropolitan Police in terms of conditions 2 & 3
- 4) Consult English heritage on materials condition
- 5) Consult Natural England on the open space adjacent poplar dock
- 6) Consult Parks, landscape, BW and English Nature on the s106 for poplar dock
- 7) Site notice specifying the details of the contractor required
- 8) EA prior approval for dewatering
- 9) Registration of food premises
- 10) Inspection prior to occupation
- 11) Obtaining consent under the pollution act prior to commencement
- 12) Submission of an archaeological project design
- 13) S278 highways agreement
- 14) Licence for structures oversailing the public highway
- 15) Drainage provision
- 16) Fitting petrol/oil interceptors
- 17) Installation of fat traps
- 18) Water supply provision.
- 19) No adverts without consent
- 20) Surface water discharge (BW)
- 21) Advert consent required for all signage

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal is for redevelopment of the MacDonald's restaurant/drive-thru site to provide a residential-led mixed use scheme including two towers of 29 storey and 35 storeys in height. It is to be used as 395 residential units, a drive-through restaurant, retail / financial and professional service units, a crèche and gymnasium. Associated amenity space including a children's play area atop a podium level and car parking is also included.
- 4.2 The details of the scheme are as follows:
- The provision of 65sqm Gross Estimated Area (GEA) of restaurant (A3) floorspace and 970sqm Retail (A1/A2/A3) predicted to generate between 165 - 200 jobs;
 - 25,434sqm of residential (C3) flats with sizes ranging between studio – 5 bedroom;
 - Affordable housing provision which equates to 30% of total habitable rooms or 19% of the GEA, or 24% of unit yield;
 - Residential design that achieves level 3 for the Code for Sustainable Homes Criteria as well as 10.4% wheelchair housing;
 - Incorporation of energy efficient and sustainable measures into the scheme to provide 10% of energy needs and reduce carbon emission by 10%;
 - A total of 5205 sqm of amenity space comprising:
 - 1755 sqm of private amenity space in the form of balconies;

- 380 sqm of children's playspace at podium level;
- 420 sqm communal space at podium level;
- 100 sqm associated with the podium level crèche;
- 2550sqm of publicly accessible space at ground floor located between the site and Poplar Dock which will be upgraded as part of the s106 planning contribution undertaking;
- The provision of 97 car parking spaces comprising 60 spaces for the residential (C3) uses and 37 spaces for the MacDonald's restaurant. 2 spaces of the MacDonalds parking is for people with a disability whilst all spaces in the residential are accessible for people with a disability;
- The provision of 407 secure cycle spaces for both residential and employment components of the mixed use scheme as well as visitors to the site; and
- The provision of refuse and recycling facilities

4.3 The principle design element of the scheme is the two circular tower elements, clad in horizontal bands of glass and metal. The metal banding is perforated (holes) to allow for increased light penetration into the building and also adds an interesting feature. Unique building projections between the towers provide added visual interest as well as accommodating skygardens for flats. Rooftop gardens complete the tower design. The ground floor comprises the residential access and servicing areas, as well as the being the location for the commercial units, including the MacDonald's restaurant which is to be reprovided on the site. A podium level accommodates amenity open space, the children's play areas and crèche.

4.4 A notable feature of the scheme is the mechanical car storage system. Working in a manner of a vending machine, drivers can deposit and retrieve their car from the designated access point at the ground floor using their access code. The mechanical system does the rest, moving the car between the basement storage and ground floor access point. This solution is helpful for people with a disability as there is no need to enter the basement. The transport assessment predicts that only 2 cars will queue to use this space in peak periods and the queuing area provided on site can accommodate 3 cars.

Site and Surroundings

4.5 The island site has a total area of 0.4 hectares and is located to the south of Aspen Way and to the North of Polar Dock. The site slopes down gently towards the east. The site is occupied by a MacDonald's restaurant and drive-thru takeaway facility. The site currently benefits from landscaping and on-site car parking for 41 cars.

4.6 Pursuant to the London Borough of Tower Hamlets (LBTH) adopted Unitary Development Plan (UDP) 1998, the site is located within the Central Activity Zone, a Flood Protection Area, is within 200m of east-west Crossrail, and is adjacent a site of nature conservation importance. Pursuant to the LBTH Interim Planning Guidance (IPG) the site is identified as ID58 (Res C3, Employment B1), and falls within a Flood Risk zone 2 – 3.

4.7 Pursuant to the Isle of Dogs Area Action Plan (AAP), the site is specifically identified as ID58 (for Residential C3 and Employment B1 uses), is adjacent new housing focus area, adjacent residential-led mixed use and adjacent to the Crossrail route.

4.8 Pursuant to the Mayor's London Plan Consolidated with Alterations since 2004, the site is identified within an area of regeneration, is adjacent to the Canary Wharf Opportunity Area and is within an area with a Public transport Accessibility Level (PTAL) of 6a.

4.9 Pursuant to the Mayor's East London Sub-regional Development Framework, the site is identified within an area for mixed uses with strong arts, cultural and entertainment character.

- 4.10 To the north of the site is Aspen Way, and further north is a mix of predominantly residential development. To the south is a recent residential development and the Poplar Dock marina. To the west is Billingsgate Market and Canary Wharf whilst to the east is a mix of residential commercial floorspace (office and retail) as well as a hotel. Blackwell DLR station is in proximity of the site to the north east across Aspen Way.

Planning History

The Site

- 4.11 In June 1994 application T/94/170 was granted for the MacDonald's development. Subsequently, various minor applications have been approved for signage and a freestanding cash point (ATM).

Neighbour – Building C New Providence Wharf

- 4.12 On 31 January 2008, application PA/06/2101 was granted for erection of a part 12, part 44 storey 54,778 sqm building to provide 484 flats, 323 sqm of retail floorspace (Use Class A1), a 948 sq m Health and Fitness club (Use Class D2). An ancillary concierge facility together with associated landscaping, car parking, servicing and plant was also provided, subject to signing the s106 legal agreement.

Neighbour – Building D New Providence Wharf

- 4.13 On 06 October 2004, application PA/03/1387 was granted for erection of a 33,291 sqm. tower and podium building, 104.3m high, to provide a 210 room hotel, 257 flats (139 studio apartments, 70 one bedroom, 39 two bedroom, 3 three bedroom and 6 three bedroom duplex apartments) together with a 86 sq. m Class A1/A2/A3/B1 unit.
- 4.14 On 20 April 2005 application PA/04/1858 was granted for the erection of a 36,552 sqm tower and podium building (111.95 m tall) to provide a 14,106 sq. m, 169 bedroom hotel, a 605 sq. m health club, a 36 sq. m A1/A2/A3/B1 unit, 45 car parking spaces, landscaping and means of access was permitted.

Neighbour – Poplar Dock

- 4.15 On 07 October 1997, the London Docklands Development Corporation (LDDC) granted permission for the redevelopment of Poplar Dock and its use as 21 Houses, 294 flats and 230sqm of commercial floorspace (Class A1, A2 or A3), as well as ancillary car parking and landscaping.
- 4.16 On 30 June 1998, the LBTH Development Subcommittee granted permission for an application to vary the 7th October 1997 permission, including provision of an extra storey on the north/south blocks D1, D2 and F to create 16 additional units as well as an increasing commercial floorspace by 75sqm from 230sqm to 305 sqm.
- 4.17 On 03 February 1999, the LBTH Development Panel granted planning permission for an amended scheme at block C to provide 86 flats comprising of 1 to 3 bedrooms as well as a contributions to social housing.
- 4.18 On 08 January 2001, the LBTH Development Panel granted permission for application PA/99/1540 for erection of a part 4/5 storey building to provide 14 x 1 bed and 36 x 2 bed flats with car parking and landscaping.

Neighbour - Land S/w Jnc Of Poplar High St And Preston's Road And East Of Poplar Business Park, Preston's Road

- 4.19 On 13 March 2006, application PA/04/510 was granted for the erection of two buildings rising to 13 and 25 storeys in height and its use as 1,084 sq. m of Class A1 (Shop) and 243 residential units (131 x 1 bedroom, 82 x 2 bedroom and 30 x 3 bedroom).

5. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007)

Proposals: CAZ, Flood Protection Area, within 200m of east-west Crossrail, adjacent a site of nature conservation importance

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: IPG – ID58 (Res C3, Employment B1), Flood risk zone 2 and 3, Isle of Dogs AAP
IOD AAP – , mixed use site, ID58 (Res C3 Employment B1), adjacent new housing focus area, adjacent res led mixed use adjacent crossrail route

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 Provision of Affordable Housing
CON5	Protection and Management of Important Views

Supplementary Planning Guidance/Documents

Residential Space Standards
 Archaeology and Development
 Isle of Dogs Action Plan (AAP)

The Mayor's Spatial Development Strategy for Greater London, The London Plan (Consolidated with Alterations since 2004) 2008

Consider adding 2A.7, 2A.10, 3A.3, 3A.6

London Plan – area for regeneration, adjacent canary wharf opportunity area

East London Sub-Regional Development Framework – Mixed uses with strong arts, cultural and entertainment character

PTAL 6a (area only)

Polices	2A.1	Sustainability Criteria
	2A.7	Areas for Regeneration
	2A.9	The suburbs: Supporting Sustainable Communities
	3A.1	Increasing London's Supply of Housing
	3A.2	Borough Housing Targets
	3A.5	Housing Choice
	3A.7	Large Residential Developments
	3A.9	Affordable Housing Targets
	3A.10	Negotiating Affordable Housing in Individual Private Residential and Mixed use Schemes
	3A.17	Addressing the Needs of London's Diverse Population
	3A.18	Protection and Enhancement of Social Infrastructure and Community Facilities
	3A.20	Health Objectives
	3A.23	Health Impacts
	3A.24	Education Facilities
	3A.23	Community Strategies
	3A.24	Meeting Floor Targets
	3A.28	Social and Economic Impact Assessments
	3B.1	Developing London's Economy
	3B.2	Office Demand and Supply
	3B.3	Mixed Use Development
	3C.1	Integrating Transport and Development
	3C.2	Matching Development with Transport Capacity
	3C.23	Parking Strategy
	3D.11	Open Space Provision in DPDs
	3D.14	Biodiversity and Nature Conservation
	4A.22	Spatial Policies for Waste Management
	4A.7	Renewable Energy
	4A.4	Energy Assessment
	4A.3	Maximising the Potential of Sites
	4A.16	Water Supplies and Resources
	4A.17	Water Quality
	4A.18	Water and Sewerage Infrastructure
	4A.20	Reducing Noise and Enhancing Soundscapes
	4A.33	Bringing Contaminated Land into Beneficial Use
	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

4A.3	Sustainable Design and Construction
4B.9	Tall Buildings - Location
4B.10	Large Scale Buildings – Design and Impact
5C.1	The Strategic Priorities for North East London

**Mayor of London’s Sub Regional Development framework For East London
Mayor of London SPG, London View Management Framework 2007**

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 Primary Care Trust (PCT)

6.2 Advised that the contribution for healthcare based on the HUDU model is £2,378,709.00 comprising of £545,253.00 capital contribution and £1,833,456.00 revenue contribution

(Officer Comment: These issues are discussed in section 8: ‘S106 Planning Contributions’.)

LBTH Landscape Section

6.3 Concern is raised about provision of family housing with limited play area which is also prescriptively design. Furthermore, the lack of any public open space within this area and isolation of the site would otherwise make accessibility difficult for children. Concerned also raised with density of the scheme but notes this is not a reason for refusal of itself.

(Officer Comment: Section 8 under ‘Amenity Space’ outlines provision of amenity open space including 380sqm of dedicated children’s playspace and 100sqm playspace relating to the crèche. This provision satisfies the Interim Planning Guidance requirements in terms of area and concern about the detailed design could be reasonably addressed by an appropriately worded condition for the detailed design stage. In respect of the availability of open space, the scheme will provide for an improved open space between the site and Poplar Dock and contribute a planning contribution in excess of £500k in support of this work. On the basis of the variety of provision of amenity space and that the detailed design will be secured by condition, the concerns expressed are not considered sufficient reasons to refuse planning permission.)

LBTH Parks and Open Spaces

6.4 Clarification requested in respect of the amenity area adjacent the site and Poplar Dock.

(Officer Comment: It was confirmed that this area fell outside the red line of the application and was land controlled by British Waterways and for which it was agreed to seek s106 planning contributions for the improvement of this space for public use. As part of the s106 agreement, appropriately worded heads of terms will include the requirement for LBTH to be consulted on the works to this space including the detailed landscape design treatment and the retention and replacement of trees.)

LBTH Traffic and Transport

6.5 Initial comments since been addressed by further information and conditions of approval recommended:

- A recent 24 hour traffic study considering Billingsgate market;
- The loading bay on the public highway is incorporated within the site proper;
- The vehicle barrier onto Trafalgar way has been repositioned further into the site to prevent queuing on the public highway.
- Recommend a car free agreement ad section 106 for highway improvements including contributions for at grade pedestrian crossing facilities for Preston Road roundabout and contributions towards highway improvements on Trafalgar Way
- Recommend s278 agreement to secure the highway works.

The remaining concerns about the scheme such that the department cannot recommend approval:

- Provision of 37 parking for the MacDonald's restaurant;
- The internal road layout giving rise to pedestrian/vehicle conflicts

(Officer Comment: These issues are discussed in section 8: 'Transport'.)

LBTH Energy Officer

6.6 Considers the energy Strategy to be acceptable and recommends appropriately worded conditions to ensure carbon dioxide reductions are capable of being achieved on site.

LBTH Environmental Health – Health

6.7

- No bedroom to be less than 6.5sqm
- Sufficient extract ventilation for kitchens, bathrooms and WCs
- Premises must comply with relevant statutes including Housing Act 2004 and relevant building regulations.

(Officer Comment: In respect of the issues raised, all bedrooms exceed the minimum requirements and satisfy the LBTH Supplementary Planning Guidance on amenity space standards; ventilation will be addressed as part of the approval under building regulations; compliance with other legislation is noted but not a planning consideration.)

LBTH Environmental Health – Construction, Noise/vibration, Microclimate (wind) and BRE (daylight sunlight) Issues

6.8

- Construction management plan acceptable and hours to be conditioned;
- Noise vibration conditions to be imposed for internal amenity pursuant to PPG24 and BS8233.1999;
- Microclimate assessment acceptable and sufficient comfort/safety levels are achieved through the development;
- Since the receipt of further information including Vertical Sky Component (VSC), Average Daylight Factor (ADF), DDT, Annual Probable Sunlight Hours (APSH), shadow analysis and Sun Path for Sunlight Assessment, the scheme is considered to be acceptable;
- Concern in respect of the noise impact for residents form the A3 (MacDonald's and D1/D2 (Gymnasium and crèche) have been addressed by window glazing specifications as well as the insulation level of the intended floor construction

(Officer Comment: Appropriately worded conditions of approval are recommended where relevant to address the abovementioned matters.)

LBTH Environmental Health – Land Contamination Issues

6.9 No objection to the scheme and recommends standard conditions for further investigation.

LBTH Education

6.10 A planning contribution of £607,758. 00 is requested to accommodate 49 additional primary school places to mitigate against the impact on the local education provision.

(Officer Comment: The full planning contribution sought will be secured within the s106 agreement.)

LBTH Waste

- 6.11
- Concern raised in respect of compaction of residential waste with handling difficulties that may result form heavier bins;
 - Twice weekly collection services are acceptable
 - Concern that storage facilities could be cramped
 - Further consideration of the above matters is required before concluding the most suitable waste handling arrangements on the site

(Officer Comment: An appropriately worded condition is recommended for the resulting waste arrangements to be agreed prior to commencement of works on site)

Greater London Authority (Statutory Consultee)

6.12 No comments received

The Government Office of London

6.13 No comments received

Environment Agency (Statutory Consultee)

6.14 No objection to the scheme subject to appropriately worded standard conditions:

- Flood warning system and evacuation plan
- Preliminary risk assessment
- Verification report for the remediation strategy
- No infiltration of surface water drainage into the ground
- Piling and penetrative foundation design to be approved

Additionally, the following informatives are recommended:

- Drainage systems to allow groundwater to bypass
- Abstraction license required under the Water Resources Act 1991
- Follow risk management of CLR11
- Surface water attenuation for 1 in 100 year events with 30% increase for climate change

(Officer Comment: These conditions and informatives are recommended if the application is granted.)

TfL (Statutory Consultee)

6.15 No comments received

DLR

6.16 No comments received

BBC

6.17 No comments received

English Heritage (Archaeology) (Statutory Consultee)

6.18 Concern for impact to sensitive conservation area views Eg from portico of All Saints, East India Dock Road and effect of materials and detailed design especially a shiny finish. Note that consultation as part of Scoping opinion are not a view on the scheme and are merely an outline of the information to be contained within the Environmental Impact Assessment (EIA). No pre-application was had on this scheme.

(Officer comment: The impact to conservation area views is discussed in section 8 under 'Design'. Advice that the Scoping opinion is an assessment and that pre-application discussions have not been had are noted but do not otherwise prejudice the assessment and determination of the application)

London City Airport (Statutory Consultee)

6.19 No safeguarding objection to the proposal

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

6.20 No safeguarding objection to the proposal.

Thames Water Authority

6.21 No comments received

British Waterways

6.22 No objection subject to:

- Financial contribution for landscaping of area between the site and Poplar Dock
- A condition for detailed landscaping plan
- An informative in respect of surface water discharge

(Officer Comment: A contribution is secured for the improvement works to land adjacent Poplar Dock and the condition and informatives are recommended if the scheme is granted)

Lea Valley regional Park Authority

6.23 No comments received

Metropolitan Police

6.24 No comments received

London Fire and Emergency Planning Authority (LFEPA)

6.25 The Authority raise no objection the proposal following receipt of the following clarification:

- The stacking arrangement of the parking facility
- The lower car park plan
- Inclusion of the escape stair for the basement
- Reliance on an engineering design solution needs to be clarified

London Borough of Greenwich

6.26 No objections and no observations.

English Nature – Natural England

6.27 The Environmental Assessment does not cover current conservation value although, it is accepted this was covered in the Scoping Report. However, the need to better consider nesting and breeding of birds is required. Black Restarts are found in LBTH and the Isle of Dogs has the most breeding pairs. A condition is recommended to ensure impacts during felling are minimised. The nesting, breeding and seasonal requirements is to be factored into the construction program as well as in a management strategy for the birds on site during this phase. A management program is recommended for maintaining planting on site and to include the green/brown roofs in this plan. A legal agreement is recommended towards the

maintenance and continued provision of accessible natural greenspace.

(Officer Comment: The Thompson Ecology Habitat Survey which was submitted as part of the Environmental Impact Assessment (EIA) states that there was no evidence of Black Redstarts on site. In addition to this, the ecological consultant advised that Black Redstarts prefer to nest in derelict sites of brick and rubble rather than trees. Advice was that a new habitat would be provided for Black Redstarts in the form of the proposed brown roofs. Finally, the s106 legal agreement includes monies to improve the open space in between the site and Poplar Dock which has the potential to support natural greenspace.)

Port of London Authority

6.28 No objection to the proposal.

National Grid

6.29 Consider that the scheme has a negligible risk in respect of proximity and sensitivity of electricity and gas transmission network.

Canary Wharf Group PLC

6.30 No objecting in principle but concerned about impact of development including traffic in Trafalgar Way. Proposal is a significant intensification with new restaurant having a potentially high turnover and stacked parking may not be sufficient and possible queues in Trafalgar Way and Impact to Preston's Road needs to be considered.

(Officer Comment: These concerns have also been considered in the officer comments for the traffic and Transportation and Strategic Transport Team)

Crossrail

6.31 Advice that the Authority has no comments to make on the proposal

CABE

6.32 No comments received

Barkantine Tenants and Residents Association

6.33 No comments received

Alpha Grove and Barkantine Tenants Association

6.34 No comments received

Maritime Greenwich World Heritage Site

6.35 Notes the site is considerable distance from Maritime Greenwich but nevertheless is visible from General Wolfe Statue, Greenwich Park being listed in the GLA London View Development Framework. Concern is raised regarding the enlargement of the cluster of tall building to east and west of the Canary Wharf cluster which may create a wall of buildings. The gap is important as it visually defines Canary Wharf and extending this group of buildings as viewed from the General Wolfe Statue is a concern. Also, there is concern for scale and design of the tower rather than details.

(Officer Comment: The agent has provided CGIs and additional written justification in support of the scheme in response to these concerns as discussed in detail in Section 8 under 'Design'.)

The Greenwich Society

6.36 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: 1 Against: Nil; Support: Nil; Neutral 1

- 7.2 The following comments were raised in representations that are material to the determination of the application:
- 7.3 Design – attractive building that will improve the tone of LBTH
(Officer comment: The appearance and design of the scheme is considered to be of high quality and an appropriately worded condition recommended to control the detailed design and materials)
- 7.4 Concern in respect of TV and radio reception
(Officer comment: TV and radio reception was considered as part of the EIA. The assessment concludes that the impact would be minimal subject to mitigation measures for example relocating antennas or using repeaters and amplifiers. To ensure that this matter is considered following completion of the scheme it is included a term of the s106 agreement requiring monitoring and mitigation is undertaken as appropriate).

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
4. Amenity for future occupiers and users
5. Neighbour Impacts
6. Transport Impacts
7. Sustainability
8. Planning Contributions

Landuse

Introduction

8.2 As noted in the 'Site and Surroundings' section 4 of this report, the site falls within ID58 of the Isle of Dogs AAP and is designated for a residential-lead, mixed-use scheme.

Principle of mixed use

- 8.3 National, regional and local policy promotes 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), the PPS 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, and the range of incentives or interventions to facilitate this is also encouraged in 'Effective Use of Land' of PPS3 'Housing' (Nov 06).
- 8.5 In respect of regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria' also promotes the optimisation of land use. Policy 2A.9 'The Suburbs: Supporting Sustainable Communities' refers to promoting change and enhancing of quality of life with higher density, mixed use development and by considering means of improving sustainability

of land use. 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.3 '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 North East London'.

8.6 In policy terms, a mixed use scheme is policy compliant on this site. Therefore, this mixed use residential and commercial scheme is acceptable in principle.

Density

8.7 In addition to the general guidance Policy 3A.3 'Maximising the Potential of Sites' of The London Plan, CP20 'Sustainable Residential Density' and HSG1 'Determining Residential Density' of the Interim Planning Guidance, outline the standards for maximising intensity and the efficient use of sites.

8.8 The proposal is equivalent to 2633 habitable rooms per hectare which is in excess of published local and regional guidance. The indicative density provisions based on habitable rooms per hectare are as follows:

- London Plan: 650-1100 habitable rooms per hectare in an area of a Public Transport Accessibility Index (PTAL) 4-6 for central areas (within 800m walking distance of Canary Wharf)
- LBTH Interim Guidance: 650-1100 habitable rooms per hectare in PTAL 4-6 in northern isle of Dogs area

8.9 The density is in excess of the range of the London Plan and LBTH Interim Guidance. However, it is considered that the density is acceptable for the following reasons:

- There are no significant impacts identified for neighbours as discussed under 'Neighbour Impacts';
- There are no significant impacts identified for future residents and users as discussed under 'Amenity for Future Occupiers and Users';
- There are no symptoms of overdevelopment including poor design, substandard accommodation, inappropriate housing mix referred to in CP20 Sustainable Residential Density of the LBTH Interim Planning Guidance;
- The scheme is of high architectural quality as discussed under 'Design';
- Tall buildings are appropriate in this location as discussed under 'tall Buildings';
- The scheme has acceptable access to public transport;
- Planning contributions for transport, health, education and amenity space will be secured to compensate for the demand that the scheme will pose to local service and facility provision as discussed under 'S106 Planning Contributions';

8.10 For these reasons the scheme is considered to be an efficient use of the site and not over-dense.

8.11 Furthermore, higher density is also promoted by Interim Planning Guidance Policy CP20 'Sustainable Residential Density' which states:

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

8.12 In addition, high density precedents have been recently approved in particular application PA/04/00510 at Land S/w Jnc Of Poplar High St And Preston's Road And East Of Poplar Business Park, Preston's Road. A density in excess of 2259 habitable rooms per hectare was granted in 2006 for this scheme.

8.13 Therefore, on balance, the density is considered acceptable given that the proposal poses no significant impacts, is appropriate to the area context and planning contributions will be

secured.

Principle of Housing

- 8.14 Consideration in this section is limited to the principle of a residential component in a mixed-use redevelopment. The quality of the provision is discussed separately under 'Housing'.
- 8.15 The scheme is identified in the Isle of Dogs AAP as development site ID58. Its description indicates a residential C3 component of any redevelopment scheme is considered acceptable. In respect of the London Plan (Consolidated 2008), the site is within the North-East sub region and should also have regard to the Blue Ribbon Network. However, there are no specific designations identified for this site. Therefore there is nothing to prevent the consideration of a residential component rather it is a presumption which is further reinforced by the extant permission of May 2007.

Concluding Remarks

- 8.16 This section considered that a residential-lead, mixed-use scheme is appropriate and justified in terms of policy. The remainder of the report considers the acceptability of the scheme.

Housing

- 8.17 The application includes 395 residential (Class C3) units. Its mix is as follows:

	Market Sale	Social Rent	Shared Ownership
Studios	63	0	4
1 Bedroom flat	86	5	10
2 Bedroom flat	105	12	13
3 bedroom flat	47	33	9
4 Bedroom flat	0	7	0
5 Bedroom flat	0	1	0
Total Units	301	58	36
Total Affordable Units		94	

Affordable Housing

- 8.18 UDP policy requires affordable housing on schemes greater than the 10 ten units.
- 8.19 Policy CP22 'Affordable Housing' requires a 35% affordable housing provision.
- 8.20 An Affordable Housing (Three Dragons) Toolkit was submitted in justification for providing a reduced affordable housing contribution. Issues including build cost and residual land value were identified as affecting the financial viability of the scheme. Additionally, provision of affordable housing is balanced with the need to consider planning contributions in other areas including transport, health and education for example.
- 8.21 Initially, the scheme offered a contribution 28% affordable housing and £5,000.00 per unit based on the affordable housing toolkit. The applicant reconsidered this and improved the contribution to 30% affordable housing and £8,000.00 per unit in financial contributions. The agent confirmed that, in light of the scheme's economic viability, the scheme could not increase the affordable housing offer further. After extensive review by Council Officers, it is considered the figures appear to be reasonable, and that the 30% affordable housing provision is the maximum that can be provided.

- 8.22 Policy 3A.8 of the London Plan states that:
'Boroughs should seek maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, having regard to their affordable housing targets adopted in line with policy 3.7, the need to encourage rather than restrain residential development and the individual circumstances of the site. Targets should be applied flexibly, taking into account of individual site costs, the viability of public subsidy and other scheme requirements'.
- 8.23 In accordance with GLA requirement, the Council have sought the maximum amount of affordable housing whilst taking into account the factors set out in the policy 3A.8 of the London Plan. These include the most effective use of private and public investment, which includes use of financial contributions. In this case, the most relevant planning contributions (financial contribution or public investment) offered by this scheme (as worked into the viability assessment) includes:
- £1,500,000.00 towards highway safety improvements;
 - £607,758.00 towards education to mitigate the demand of the additional population on education facilities;
 - £545,253.00 towards medical facilities to mitigate the demand of the additional population on medical facilities;
 - £522,989.00 towards an improved public space between the site and Poplar Dock to supplement the private and communal open space achieved of site; and
- 8.24 Overall, in the light of the viability assessment produced for the proposed development, the overall s106 package and additional regeneration benefits arising from the proposal, the failure to provide a minimum of 35% affordable housing is considered acceptable on balance. The proposed development is therefore in accordance with policy 3A.7 and 3A.8 of the London Plan and policies CP22, HSG3 and HSG4 of the LBTH Interim Planning Guidance.
- 8.25 Moreover, a similar on-balance consideration was given to the nearby application for Building C New Providence Wharf (Ref PA/06/2101). In this scheme the revised affordable housing toolkit indicated that a maximum provision of 32% affordable housing was possible. This application was approved by the Strategic Development Committee on 31st January 2008. Therefore, it is considered reasonable that similar regard should be had for the merits of this application and the contribution of affordable housing being offered.
- 8.26 In addition to the above requirement, Policy 3A.7 'Affordable Housing Targets' of The London Plan (Consolidated 2008) requires a 70:30 split between social rent and shared ownership tenures. The scheme achieves a split of 70:30 and is therefore acceptable in this regard.
- Family Housing
- 8.27 Family sized housing is a requirement in all three housing tenures (market, social-rent, and shared-ownership) although varying amounts are required in each.
- 8.28 Policy 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 23%. In the social-rent housing 45% is required and 70% is provided. In the market housing, 25% is required and 16% is provided. This corresponds to a total provision of 25% 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. It is noted that this improves upon the recent approval of nearby Building C, New Providence Wharf, application PA/06/2101 for 30% affordable housing of which a total of 16% family housing was achieved.
- 8.29 Whilst short on of the nominated percentages in the mark tenure, the overall provision as

well as provision in the social-rent and shared ownership tenures is in line with policy aspirations. It is noted that the scheme exceeds the amount of family housing otherwise achieved across the borough based on the most recently published LBTH Annual Monitoring Report 2006-7 and is therefore, a positive step towards LBTH achieving key housing targets and better catering for housing need. Figures are given in the following table:

Table: Family housing provision comparison

Tenure	% Policy	% PA/08/274	% Annual Monitoring Rpt 2006-07
Social-rented	45	70	17.5
Intermediate (Shared ownership)	25	25	2.5
Market	25	16	4.1
Total	30	25	7.1

Wheelchair Housing and Lifetime Homes

8.30 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”. 10.4% is provided, in compliance with policy.

Floor Space

8.31 Policy HSG13 ‘Conversions and Internal Standards for Residential Space’ of the adopted UDP 1998 and Supplementary Planning Guidance (SPG) ‘Residential Space’ (adopted 1998) set the minimum space standards for residential developments.

8.32 The floorspace schedule for the scheme shows that the total floor area of each flat as well as individual rooms complies with the SPG requirements.

Amenity Space

8.33 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. The LBTH Residential Space SPG also sets criteria for calculating open space.

8.34 The application proposes the following amenity space provision:

- 1755sqm is private amenity space in balconies;
- 420sqm of communal amenity space at podium level (excluding brown/green roofs);
- In addition, 380sqm of children’s play area and 100sqm of outdoor space relating to the crèche;
- 2550_sqm of public open space adjacent to Poplar Dock
- A total provision of approximately 5205sqm

8.35 The Policy requirements are summarised in the tables below:

Residential Space SPG 1998 requirements

Tenure	Proposed	SPG Requirement	Total (m ²)
Family Units	97	50sqm of private space per family unit	4850
Non-family units	298	50sqm plus an additional 5sqm per 5 non-family units;	348
Child Bed spaces	104.2	3sq.m per child bed space	312.6
Total			5510.6

Interim Planning Guidance

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	67	6	402
1 Bed	101	6	606
2 Bed	130	10	1300
3 Bed	89	10	890
4 Bed	7	10	70
5 Bed	1	10	10
TOTAL	395		3278
Ground Floor Units			
Studio	-	25	-
1 Bed	-	25	-
2 Bed	-	25	-
3 Bed	-	50	-
4 Bed	-	50	-
5 Bed	-	50	-
Total	-		-
Grand Total	395		3278
Communal amenity		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	435
Total Housing Amenity Space Requirement			3713

8.36 The overall amenity space provision across the scheme exceeds the total required provision of the Interim Planning Guidance, although falls short of the adopted UDP. In considering this scheme, it is emphasised that all flats have some private open space provision and a significant planning contribution is being made to enhance the publicly accessible space adjacent to Poplar Dock. The scheme is considered acceptable on this basis.

8.37 In addition, 312.6sqm of child playspace is required and the scheme makes provision for 480sqm in the form of a dedicated playspace as well as 100sqm of outdoor play area associated with the crèche.

Concluding Remarks

8.38 On balance, the affordable housing provision (of 30%) is considered the maximum possible

in light of the affordable housing toolkit, the viability of the scheme and the need to consider other planning contributions including transport, health and education. It is noted that the same on-balance justification has been applied to another recently approved scheme, namely, Building C New Providence Wharf. The total provision of 25% family housing is also considered acceptable and considerably exceeds the 7.1% of family housing achieved across the borough as indicated in the Annual Monitoring report 2006/7. Finally, the proposed units have a sufficient total floor area and amenity space provision to meet the amenity needs of its future occupiers.

Design

Introduction

- 8.39 Guidance in the form of policy as well as approved schemes nearby guide the design considerations of this scheme.
- 8.40 Pursuant to regional Policy contained within The London Plan (Consolidated 2008), 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 at. Policy 4B.9 'Tall Buildings – Location' outlines considerations for the siting of tall buildings which includes tall buildings as a “*catalyst*” for regeneration. Policy 4B.10 'Large-Scale Buildings – Design and Impact' provides further guidance on design considerations, including context, attractiveness and quality.
- 8.41 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.
- 8.42 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 (within the EIA).

Tall Buildings

- 8.43 The scheme is defined as a tall building pursuant to the LBTH Interim Planning Guidance, namely:
- “Buildings or structures generally exceeding 30m in height, or which are significantly higher than the surrounding buildings (usually 2 or more storeys higher), dependant on the scale of existing development and character of the area”*
- 8.44 Accordingly, local and regional tall buildings policy advise on the relevant considerations for tall buildings and discussed below in detail below. Moreover, there is a range of published national policy including PPS1, PPS3 and PPG15 as well guidance that includes 'By Design' published by DETR/CABE in 2000.
- 8.45 Policy CP49 Tall Buildings of the LBTH Interim Planning Guidance states:
- “1. The Council will, in principle, support the development of tall buildings:*
- a) in the northern part of the Isle of Dogs where they consolidate the existing tall building cluster at canary wharf; and*
- b) At Aldgate to facilitate the regeneration of the area.*

2. The Council may consider proposals for tall buildings in locations outside the tall buildings cluster locations identified in this policy if adequate justification can be made for their development

3) All proposals for tall buildings must:

a) contribute positively to a high quality, attractive environment;

b) respond sensitively to the surrounding local context;

c) not create unacceptable impacts on the surrounding environment, including the surrounding amenity;

d) contribute to the social and economic vitality of the surrounding area

e) not create unacceptable impacts on social and physical infrastructure”

8.46 In respect of 3a, the scheme is considered to contribute positively to a high quality and attractive environment for the following reasons:

- It proposes good internal floorspace as well as a range of outdoor open space options as detailed under the ‘Housing’ chapter of this report;
- The scheme provides complimentary facilities to the residential C3 uses including a gymnasium and crèche which will benefit future residents;
- The scheme provides for waste, recycling and cycle storage to serve future residents;
- The application proposes high quality external finishes, creative architectural treatments including the sky gardens suspended between the towers as well as perforated metal panel cladding. All of this creates a very distinctive and unique architectural statement that will add to the variety of buildings in this evolving urban context.

8.47 In respect of 3b the scheme responds sensitively to the context in the following ways:

- In terms of ground floor treatment, the building is designed in such a way that it addresses the ground floor street frontages with a series of entrances, and open pedestrian thoroughfares whilst minimising the impact of vehicular access to the western edge of the site and a discrete point at the southern edge of the scheme;
- In terms of upper levels, the two contemporary towers reduce the appearance of bulk in the skyline as compared with a single tower as shown further in different design options for the site.
- It utilises durable metal and glass finishes in a creative way that will add to the skyline and compliment the existing diversity of architectural style in this location.
- Moreover, it is an outward looking scheme with rounded building form that presents an interesting façade from all vantage points.
- The towers are seen in the context of other taller buildings in this location as discussed in detail under ‘Wider Context’;
- Nevertheless, it does not fill in or detract from the tall building cluster of Canary Wharf as discussed in detail under ‘Wider Context’;
- There is no adverse impact to any views as discussed in detail under ‘Local Context’ and ‘Wider Context’

8.48 In respect of 3c, the scheme does not pose any unacceptable impacts on neighbours including overshadowing, microclimate (wind), noise, privacy/overlooking or general disturbance impacts which is discussed in detail later in section 8 ‘Neighbour Impacts’.

8.49 In respect of 3d, the proposal contributes socially and economically to the surrounding area by providing housing of appropriate mix in terms of affordable and family housing, as well as satisfying amenity spaces standards, Lifetime Homes standards and providing for minimum 10% wheelchair accessible housing along with accessible parking for people with a disability is also provided. All this contributes to the creation of a sustainable and diverse community in the local area. In addition to the economic benefits of growing a sustainable community and local businesses, the scheme itself is predicted to generate between 165-200 Jobs.

8.50 In respect of 3e, planning contributions towards transport improvement, health, education and the upgrade of open space adjacent to Poplar Dock will all be secured to ensure impacts on local infrastructure are mitigated.

8.51 Policy DEV27 Tall Buildings Assessment of the Interim Guidance states:

“Applications for all tall buildings must satisfy the criteria listed below:

Design and Context

- 1. Demonstrate the design is sensitive to the context of the site.*
- 2. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements.*
- 3. Where the site is outside a location identified for tall building clusters in CP48, demonstrate the consideration of built form design alternatives other than tall buildings.*
- 4. Demonstrate consideration of the appearance of the building as viewed from all angles, and its night-time appearance, as demonstrated through an Accurate Visual Representation.*
- 5. Not adversely impact on important views including strategic London-wide views and important local views, including their settings and backdrops, as demonstrated through an Accurate Visual Representation.*
- 6. Provide a positive contribution to the skyline, when perceived from all angles, assisting to consolidate clusters within the skyline, as demonstrated through an Accurate Visual Representation.*
- 7. Not adversely impact on Conservation Areas, Listed Buildings, historic assets, World Heritage Sites, scheduled monuments, areas of archaeological importance or potential, or their settings.*
- 8. Where residential uses are proposed, include high quality, useable communal and private amenity spaces.*
- 9. Achieve a very high standard of safety and security for occupants of the development and users of the immediate surrounding area.*
- 10. Be visually integrated into the streetscape and the surrounding area.*
- 11. Present a human scaled development at the street level.*
- 12. Respect the local character and seek to incorporate and reflect elements of local distinctiveness.*
- 13. Incorporate adaptable design measures.*

Environment

- 14. Demonstrate the privacy, amenity and access to sunlight and daylight for surrounding residents and building occupants will not be adversely affected by the development and that acceptable levels of privacy, amenity and sunlighting and daylighting conditions will be achieved for future occupants of the development.*
- 15. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces.*
- 16. Demonstrate consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction, and resource management.*
- 17. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them.*
- 18. Achieve high internal and external noise standards, including the consideration of appropriate mixes of uses and use locations within the development.*

Socio-Economic Impacts

- 19. Contribute positively to the social and economic vitality and of the surrounding area at the street level through its proposed mix of uses.*
- 20. Be acceptable in terms of its potential social impacts, and maximise positive social impacts, as demonstrated through a Social Impact Assessment.*

Access and Transport

- 21. Incorporate the principles of inclusive design.*
- 22. Be located in an area with good public transport access.*
- 23. Take into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.*
- 24. Respect, and, where possible, improve permeability with, the surrounding street network, and take into account impacts on the movement of people.*
- 25. Have good access to, or contribute to the provision of, high quality pedestrian and cyclist routes between the site and public transport, public open space, shops and social and community facilities.*
- 26. Provide publicly accessible areas within the building, including the ground floor, and where there are opportunities to provide viewing platforms, the top floor.*

Additional Considerations

- 27. Where residential uses are proposed, comply with the density requirements in policy HSG1.*
- 28. Conform to Civil Aviation requirements.*
- 29. Not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.*
- 30. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes."*

8.52 Points 1, 2, 8, 10, 12, 14, 15, 19, 20 and 21 have been addressed in the considerations of CP 49 tall Buildings.

8.53 In respect of 3, alternatives have been considered in the pre-application discussions with LBTH and in the applicant's Design and Access Statement, which accompanies the application.

8.54 Regarding 4 (views), Computer generated Images (CGIs), as well as artist perspectives in the design and access statement and analysis in Chapter 11 of the EIA, indicate consideration of the external appearance from all angles as well as its night-time appearance.

The requirements of points 5, 6 and 7 (consideration of views) has also been considered namely:

- Strategic London-wide views,
- the contribution made to the skyline
- any listed buildings, conservation areas and world heritage sites and their settings.

These are explored in more detail later under 'Wider context'.

8.55 In respect of 9, safety and security is achieved with access to the upper levels controlled at ground level by foyer access. Minimisation of blank frontages, as well as the activity associated with the MacDonald's restaurant, will ensure surveillance to maintain safety and security and deter crime.

- 8.56 In respect of 11, a human scale is achieved at street level with a series of single storey commercial premises, including the Macdonald's restaurant, as well as the residential foyer which breaks up façade of the building and provides multiple openings (doorways and windows). This prevents continuous and/or blank frontages.
- 8.57 In respect of 13, adaptability is incorporated into the scheme by generous floor-ceiling heights at ground floor level to accommodate the needs of commercial uses. The residential flats including wheelchair accessibility, lifetime homes and minimum floorspace standards in the design, as discussed previously under 'Housing'.
- 8.58 In respect of 16, sustainability has been considered with energy efficient and renewable energy measures in the scheme. It achieves 10% of energy from renewable sources, as well as a 20% reduction in Carbon Dioxide, as detailed in the Planning Statement, the Design and Access Statement and supporting Energy Renewable Toolkit.
- 8.59 In respect of 17, there is no impact identified to biodiversity or open spaces including watercourses, waterbodies and their hydrology. The Environment Agency, Natural England and the Council's Arborculturalist have raised no objections to the scheme subject to various conditions, informatives and s106 heads of terms.
- 8.60 In respect of 18, the internal noise standards have been considered by LBTH Environmental Health Team, who are satisfied that there will be no significant impact to neighbours.
- 8.61 In respect of 22, the site has good access to public transport with a site specific Public Transport Accessibility Level (PTAL) 4 and is within an area considered generally to be PTAL 6a.
- 8.62 In respect of 23, the proposal is considered to be within the capacity of the area and the Traffic and Transportation team.
- 8.63 In respect of 24, the proposal will contribute a planning contribution of £1.5million to funding works to the nearby roundabout. This will improve pedestrian links in the surrounding area and especially links to nearby Blackwell DLR station.
- 8.64 In respect of 25, the above monies will contribute to linking the development into the wider area and further afield with improved links to the DLR station. This will also assist in linking the site to the London Cycle Network, including, the dedicated link along Cable Street to Tower Bridge which provides access to greater London.
- 8.65 In respect of additional consideration 27 – 30:
- The scheme is in excess of the density provisions for the area. However, this is considered justified given the high quality external appearance, the internal amenity achieved, the variety of amenity space provided on site plus the significant planning contributions that have been secured for the scheme;
 - No objections have been raised by London City Airport and the National Air Traffic Services Ltd (NATS);
 - No objections have been received from the BBC. The s106 legal agreement includes an obligation for monitoring and mitigating of any impacts, in accordance with the analysis contained in the Environmental Impact Assessment;
 - No objection has been received from LBTH Building Control. Such matters can be dealt with at the detailed design phase under the Building Regulations.
- 8.66 Policies DEV 1 and DEV 2 of the LBTH adopted UDP 1998 as well as consolidated London Plan Policies 4B.8 Tall Buildings – Location, Policy 4B.1 Design Principles for a Compact City', Policy 4B.3 'Maximising the Potential of Sites' 4B.9 'Large-Scale Buildings – Design and Impact are also considered to be addressed by the above comments.

8.67 It is concluded that the principle of a tall building is supported on this site having regard to local and regional policy.

External Appearance

8.68 The building's appearance is considered to be one of the strongest aspects of the proposal, offering an attractive and complimentary addition to the skyline in this area.

Local Context

8.69 As discussed previously under 'Tall Buildings', regard has been had for the impact of the proposal on the surrounding area. The 'Townscape and Visual' assessment in Chapter 11 of Volume 01 of the Environmental Impact Assessment (EIA) considers 12 view points within the Isle of Dogs, Poplar and North Greenwich which show the before and after changes in the skyline. Regard is also had for the surrounding areas in general as well as specific consideration of the Cold Harbour and Naval Row Conservation Areas, All Saints and Matthias Church as well as other individually listed structures and buildings are also assessed. In respect of the conservation areas, it is evident that all the identified areas have been already impacted upon in various degrees by development either within the conservation area itself and/or adjacent. In respect of the listed items for example, West India and Millwall Docks, Blackwell Basin and Poplar Dock are locally listed but are not nearer than 260m of the site nor do any of them enjoy their original settings. Such factors are a consideration when analysing the significance of any impact of the proposal.

8.70 The analysis provided in the EIA was undertaken having regard to national, regional and local guidance and within the context of a methodology set out in the 2002 edition of the Guidelines for Landscape and Visual Impact Assessment (GVLIA) produced by the Landscape Institute and the Institute of Environmental Management and Assessment (IEMA). The report conclusions are that:

- The design offers something distinctive and different to the townscape;
- There is no significant impact to the setting of listed buildings, conservation areas, the riverscape or any adverse impact on any protected or strategic views or vistas;
- That the impact will be lessened as nearby consented schemes of similar height are constructed;
- The towers will not appear in isolation based on the 12 views analysed, but will form part of the cluster of buildings in this part of the north eastern edge of the Isle of Dogs; and
- The scheme would have a visual benefit to the townscape of Poplar by adding a development of high visual quality.

8.71 An objection has been received from English Heritage. Concern was raised about the possible impact to sensitive conservation area views (for example from the portico of All Saints, East India Dock Road) and its materials and detailed design (especially a shiny finish). In considering this objection in detail, the details of the conservation area and listed items of All Saints were considered, along with policy and the assessment of the EIA.

8.72 The All Saints Conservation Area was designated in 1986 and contains the 1920s All Saints Church which is grade II* listed. The namesake of the conservation area is evident in Poplar owing to its Spire which is a landmark for the area. The 'Townscape and Visual' assessment reports that the church forms a group with two listed terraces. The conservation area also takes in residential streets to the south of the church. The townscape surrounding the church is evident today including some three/four storey residential properties of the late Georgian period, with important examples being listed including terraces on Montague Place and Bazeley Street as well as the Rectory on Newby Place. However, the 'Townscape and Visual' notes that, following wartime bombing and the subsequent redevelopment, the setting of the church and the townscape has been eroded. In this way, the setting of this listed building and the conservation area in general is not pristine and it is considered that this

should be considered when evaluating the impact of the proposal of views in around and out of the All Saints Conservation Area.

- 8.73 In respect of Policy, in addition to those identified previously under 'Tall Buildings', PPS1 considers the role of design in planning but cautions us not to impose architectural styles and tastes, but instead consider overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally (paragraph 38). Nevertheless, when assessing schemes "*Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted*" (paragraph 34). PPG 15 'Planning and the Historic Environment' refers to consideration of preserving or enhancing the conservation area when considering proposals that fall outside conservation areas (paragraph 4.14) and is applicable in this situation.
- 8.74 Within the EIA, Figures 11.4 and 11.5 visually quantify the change in view from St Anne's church in the images presented. Whilst there is a moderate change in view, given the architectural quality of the proposed building, the visual impact on the view is neutral and therefore acceptable.
- 8.75 As demonstrated in this section and under 'Tall Buildings', the possible impact to St Anne's church is has been considered. The following has been established:
- That a tall building is acceptable;
 - This scheme is considered to be high quality architecture; and
 - The EIA concludes that the change in view created by this building has a neutral effect which is acceptable
- 8.76 Therefore, the proposal is considered to have been adequately assessed in terms of its potential impact to St Anne's. The proposal is not considered to have a significant detrimental impact on St Anne's Church. The high quality architecture will not have a significant impact to the views and the high quality finishes proposed in this scheme will be secured by an appropriately worded condition to ensure construction is undertaken in accordance with the design considered here.
- 8.77 In considering the effect of the materials and the detailed design specifically, the shiny finish, it is noted that such matters would be controlled by an appropriately worded condition requiring details and samples of the materials to be submitted for approval in writing by the local planning authority LBTH prior to commencement. An appropriately worded informative is recommended for English heritage to be consulted on the details prior to discharging the condition.

Wider Context

- 8.78 The 'Townscape and Visual' assessment in Chapter 11 of the EIA has considered the wider context, including the view from General Wolfe Statue in Greenwich Park. From this viewpoint the scheme will alter view 5A.1 of the 'London Panorama' of the 'View Protection Framework' as set out in the Mayor's 'London View Management Framework' 2007. Figures 11.34 and 11.35 and associated text in the EIA visually represent and analyse the effect of the scheme on this view framework. The EIA has also had regard to Greenwich Maritime World Heritage site which includes the Old Royal Naval College, the Fan Museum, The National Maritime Museum, The Royal Observatory, The Queens House and Greenwich Park (Grade I registered park). However, the scheme does not affect any linear views, townscape views or any protected vistas defined within the framework.
- 8.79 An objection has been received from the Maritime Greenwich World Heritage. They raise concern about the enlargement of the cluster of tall building to east and west of the Canary Wharf cluster, thereby creating a wall of buildings. They consider the gap is important as it visually defines Canary Wharf. Extending this group of buildings as viewed from General

Wolfe Statue is therefore a concern.

- 8.80 In considering the impact of the scheme on the Canary Wharf Cluster and View 5A.1, it is noted that this report has established:
- That a tall building is acceptable;
 - The proposal's architectural style is not a concern providing materials and finishes are conditioned.
- 8.81 Paragraph 3.53 makes specific reference to the acceptability of the incremental clustering at Canary Wharf and outlines circumstances where tall buildings outside designated clusters would be considered.
- 8.82 Specific guidance is also offered in respect of London panoramas in general in paragraph 3.37 which indicates:
- London panoramas are vulnerable to development in the front and middle ground;
 - Buildings in these area should fit within the prevailing pattern of development;
 - Proposals should not detract from the panorama as a whole; and
 - Landmarks should be afforded an appropriate setting and canyoning effects should be prevented.
- 8.83 This review of the London View Framework indicates clear priorities in considering the impact of this view:
- The effect on St Pauls as the strategic Landmark,
 - Canary Wharf as another landmark,
 - The impact to the backdrop of the World heritage site (Maritime Greenwich); and
 - The effect on the panorama overall.
- 8.84 The objection by the Maritime Greenwich World Heritage site is necessarily concerned with the last three points.
- 8.85 The 'Townscape and Visual' assessment provided in the EIA shows clear before and after representations of the effect the proposal will have on Strategic Views. It concludes:
- The scheme is nowhere near the view path of St Pauls;
 - The scheme is distinct and separate to the Canary Wharf cluster of buildings;
 - The scheme would be consolidated within an undesignated cluster of taller elements that already exist and will be added to with recent approvals such as New Providence Wharf;
 - This undesignated cluster is within the backdrop of the Greenwich world heritage site and is reflective of the form, scale and location of a series of clusters including Canary Wharf to the left and the Greenwich power station and the Millennium Dome (O2) to the right.
- 8.86 As described in the EIA, the scheme does not detract from the Canary Wharf cluster. The change in the panorama overall is considered to be minor, with the significance of the change being moderate and the overall effect being beneficial.
- 8.87 In specific reference the objection, the EIA demonstrates that the scheme does not detract from the distinct Canary Wharf cluster as it is visually separated. It clearly does not fill in the gap between Canary Wharf and tall elements to the north of the Isle of Dogs and Poplar. The scheme will remain within a distinct undesignated cluster of taller elements. As discussed earlier, an appropriately worded condition for materials will make certain that the scheme is a beneficial addition to the panorama. Therefore, the objection of the Maritime Greenwich World Heritage Site is not a sustainable reason for refusal.

Amenity for Future Occupiers and Users

- 8.88 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', 4A.3 'Sustainable Design and Construction', 4B.10 'Large-scale Buildings – Design and Construction' of The London Plan (Consolidated 2008), Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3.

8.89 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;

- The provisions of waste and recycling storage is in accordance with Policy Dev15 'Waste and Recyclables Storage';
- The provision of secured cycle parking for residents and visitors is in accordance with Policy DEV16 'Walking and Cycling Routes and Facilities';
- The provision of car parking, including spaces for people with a disability, is in accordance with Policy DEV3 'Accessibility and Inclusive Design' and DEV19 'Parking for Motor Vehicles';
- Renewable energy and sustainability in the design is acceptable.

8.90 In other aspects, there are no significant adverse impacts:

- Specifically, although the provision of open space falls short of the standards of the LBTH adopted UDP 1998, it is in accordance with the requirements of the Interim Planning Guidance and is considered satisfactory in this regard;
- Although window to window separation distances are at 16m, this is merely at the closest point of the spherical towers. Furthermore, no significant privacy, overlooking or outlook impacts result, as the outlook from the towers is a 365 degree panorama, with offset plans and windows, rather than being single aspect buildings which directly face each other;

8.91 On balance, the overall amenity of future occupiers and users of the scheme is satisfactorily addressed and is consistent with Policy.

Neighbour Impacts

8.92 The consideration of potential impacts to neighbours is identified national, regional and local policies previously referred to in this report. It is noted that no objections have been received from occupiers of immediately surrounding properties.

8.93 Impacts during construction such as noise, dust, vibration and general disturbance, vehicular movements are temporary and not a planning 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.

8.94 There are no significant neighbour impacts identified with the operation of the scheme. The overshadowing affects of the proposal were considered by the Council's Environmental Health Team and were not considered significant. There are no significant privacy/overlooking impacts and any noise or general disturbance impacts. Vehicular access and parking is discussed under 'Transport'. Any impacts to the capacity of service provision including education, health and transport will be mitigated by the s106 planning contributions.

Transport

8.95 Transport provision and impact is considered in PPG13 'Transport' as well as Policies 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', 3C.1 'Integrating Transport and Development' of The London Plan (Consolidated 2008), 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.

8.96 The application is supported by a Transport Assessment and Travel Plan by WSP Development and Transportation (Oct '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, 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.

- 8.97 The application was considered by the Traffic and Transportation Team. Their matters are outlined in section 6: 'Consultation response' and discussed below. It is noted that the topics covered are similar to the considerations of the Strategic Transport.

Existing MacDonald's car parking and Drive-thru

- 8.98 In respect of the provision of the MacDonald's and associated facilities including parking and drive-thru, this was granted permission on the site and is therefore not a reason for refusal.

Residential car parking design and numbers

- 8.99 The residential car storage facility has been considered by the Traffic and Transportation team in their discussions with the agent's transport consultant. The mechanised car parking system as outlined in section 4 is considered to be acceptable and particularly advantageous for users such as people with a disability. Therefore there is no significant impact to warrant refusal.)
- 8.10 In respect of provision, a total of 97 spaces represents a 0.25 spaces per unit provision against policy which allows for up to 0.5 spaces per unit. Therefore the scheme is policy compliant and a reason for refusal in this regard is not sustainable.

Vehicle/pedestrian conflicts and safety

- 8.10 In respect of pedestrian/vehicle conflicts, the internal circulation arrangement on site involves interaction between pedestrians and vehicles relating to the restaurant parking and drive-thru facility and the residential C3 uses.
- 8.10 In respect of pedestrian/vehicle conflict the ground floor shows an '8'-shaped circulation system for the drive through facility with vehicles entering and leaving the site at the western end. The restaurant parking is also accessed from this western end, it being noted that this is an existing access and egress point for MacDonald's. The access to the residential car lift is via a separate access from the south which also provides an egress for the restaurant parking and loading.
- 8.10 In respect of the pedestrian interface, pedestrian thoroughfares and entry points to the residential tower foyers and the ground floor commercial activities are located on the southern and eastern edges of the site. These are pedestrian only areas and are not accessible by vehicles. Consequently, there is no safety concern as there is no interaction with vehicle traffic. Where there is the possibility of interaction it is in the area to the rear of site especially in the MacDonald's parking areas and drive-thru loop. In acknowledging the potential conflict, it is restated that the MacDonald's parking and drive-thru is existing and operated for a considerable time (albeit in a different arrangement). Where pedestrians may choose to take the shortest path between car parking and the restaurant entrances, the development provides for a marked pedestrian crossing thereby alerting drivers and giving priority to pedestrians.

Road capacity

- 8.10 In respect of transport capacity, the Traffic and Transport Team has considered this issue

- 4 further and upon receipt of further information about 24 traffic surveys, there is no objection is raised to the development on this ground. It is considered that this matter has been sufficiently explored and resolved and does not a reason for refusal.

Planning contributions

- 8.10 A section in the s106 agreement will include the requirement for a car-free development to
5 prevent future occupiers from applying for parking permits in the area. Also, a £1.5million contribution is secured for transport improvements.

Concluding remarks

- 8.10 In summary, the provision of parking for both the commercial and residential components of
6 the scheme does not constitute a reason for refusal. Rather, it is considered to be acceptable. The ground level design provides separation/segregation between pedestrian and vehicles and in other instances, measures to alert drivers and to ensure pedestrians are given priority. Importantly, that pedestrian access to the residential towers does not involve interaction with vehicles. The scheme is also with the capacity of the local road network based on detailed analysis of 24hr traffic surveys. A significant planning contribution is secured for works to upgrade the Aspen Way roundabout thereby, improving access to Shadwell DLR station. Therefore, the development is considered acceptable on balance as being within the capacity of the site and local area and posing no significant safety impacts to warrant refusal.

Environmental Impact Assessment (EIA)

- 8.10 A scoping opinion was prepared by Romboll Whitybird in July 2007 and commented upon by
7 both the Environment Agency and LBTH in August 2007. Recommendations for ecological enhancements through the scheme were also made by Thomson Ecology in November 2007. Subsequently, the application is supported by an EIA addressing the following topics:
- Socio-economics pursuant to DEV25 'Social Impact Assessment' of the Interim Planning Guidance;
 - Transport and access pursuant to Policies 3C.1 'Integrating Transport and Development' and 3C.2 'Matching Development with Transport Capacity' of The London Plan (Consolidated 2008), Policies CP41 '@integrating Development and Transport, CP 43 'Better Public Transport', DEV17 'Transport Assessments', DEV18 'Travel Plans', Dev19 'Parking and Motor Vehicles' and DEV20 'Transport Capacity' of the of the LTH Interim Planning Guidance and Policies T10 'Priorities for Strategic Management', T16 'Traffic Priorities for New Development', T18 'Pedestrians and the Road Network' and T21 'Pedestrian Needs in New Development' of the LBTH adopted UDP 1998.
 - Noise and Vibration pursuant to PPG 24;
 - Air quality given that 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';
 - Land Quality pursuant to PPS23 as well as DEV51 'Soil Tests' of the adopted and DEV22 'Contaminated Land' of the Interim Planning Guidance;
 - Water Resources pursuant to 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 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.16 'Water Supplies and Resources', 4A.17 'Water Quality', 4A.18 'Water and Sewerage Infrastructure' of The London Plan (Consolidated 2008
 - Townscape and Visual Amenity pursuant to the policy identified in section 8 under 'Design';
 - Microclimate (wind) pursuant to Policy CP1 'Creating Sustainable Communities', CP3

‘Sustainable Environment’, DEV5 ‘Sustainable Design’, DEV27 ‘Tall Buildings Assessment’

- Daylight and Sunlight pursuant to CP1, CP3, DEV1, DEV5 and DEV27 of the interim Guidance and 2A.1 of The London Plan 2004
- Aviation safety;
- Television and Radio Interference pursuant to PPG8 DEV27 of the Interim Guidance and 4B.10 of the London Plan (Consolidated 2008)
- Waste pursuant to DEV9 of the Interim Planning Guidance and 4A.3 of The London Plan (Consolidated 2008)
- Sustainability pursuant to PPG22, CP38 ‘Energy Efficiency and Production of Renewable Energy’, DEV5 ‘Sustainable Design’, DEV6 ‘Energy Efficiency and Renewable Energy’ of the Interim Planning Guidance.

•

8.10 Note that Archaeology pursuant to PPG 16, 4B.15 ‘Archaeology’ of The London Plan
8 (Consolidated 2008) was dealt with in a separate report. In considering the EIA and archaeological report, no objections have been received from LBTH departments or external consultees and appropriately worded conditions of approval are recommended. See section 6 ‘Consultation Response’ for details.

S106 Planning Contributions

8.10 Circular 05/2005 outlines, among other things, the broad principles of Planning Obligations.
9 Obligations can take the form of private agreements or unilateral undertakings given by a developer and are *‘intended to make acceptable development which would otherwise be unacceptable in planning terms’*.

8.11 Planning obligations can be used in the following three ways: -

0

- (i) They may be used to *prescribe* the nature of the development to ensure it is suitable on planning grounds. For example by requiring a given proportion of housing is affordable;
- (ii) Secondly they may require a contribution to *compensate* against loss or damage that will result from a development. For example loss of open space;
- (iii) Thirdly obligations may be used to *mitigate* against the impact of a development. For example through increased public transport provision.

8.11 Planning Obligations should only be sought where they are found to meet the 5 key tests of
1 the Secretary of States policy, as outlined in Circular 05/2005. The tests should be considered in conjunction with the guidance contained within the circular and can be summarised as follows: -

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

8.11 Circumstances may arise where it is not feasible for a development scheme to be both
2 economically viable and compliant with all local, regional and national planning policy requirements. Guidance within the circular states that in such cases, *‘where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what the balance of contributions should be’*.

8.11 Similarly the circular states that decisions on the amount of contributions *‘should be based
3 [on] negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place’*.

8.11 Policy DEV4 of the adopted UDP and Policy IMP1 of the emerging Local Development

- 4 Framework, Submission Document clearly indicate that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 8.11 The agent has submitted an affordable housing toolkit advising that various matters, including exceptional building costs, would only allow for a planning contribution of £5,000 per unit and 28% affordable housing. Following LBTH negotiations, the agent has agreed to contribute £8,000 per unit and 30% affordable housing. This revised contribution is considered acceptable. The breakdown is summarised in section 3 of this report discussed in more detail below.
- 8.11 In respect of a healthcare contribution, the Primary Care Trust (PCT) requested the developer contribute £2,378,709.00 (Capital = £545,253.00, Revenue = £1,833,456.00) towards primary care needs of future residents. Given the range of contributions being sought for this site and the five tests of the Circular 05/2005 as well as recent planning appeals, it is considered that seeking only the capital component **£545,253.00** can be readily justified as discussed below in more detail.
- 8.11 Doubt has been cast over the consistency of the HUDU model and its application in Tower Hamlets, the detail of which has been considered in two recent Appeal cases as follows:
- Appeal made by Bernard Construction (Stepney) Ltd against the Council of the London Borough of Tower Hamlets (Former Police Station and Magistrates Court, East Arbour Square and West Arbour Square, London E1 0PU) – 29 March 2007; and
 - Appeal made by Virsons Ssas against the Council of the London Borough of Tower Hamlets (10 – 22 Dunbridge Street, London, E2 6JA) – 18 June 2007.
- 8.11 To summaries both cases, the Planning Inspectorate found that:
- The HUDU model has little current policy backing for its use as yet; and
 - There is a lack of in-depth information provided regarding the inputs in the spreadsheet; i.e.:
 - There are no details of capacity of health services in an area, need or slack in the system.
 - Furthermore, the model does not have a geographical or functional link to the proposal. The exact nature or location of any revenue spent/ improvement of healthcare is not identified; and
 - With regard to revenue, the HUDU model relies on the timing of development relative to a 2/3 year funding cycle. However, the harm that is sought to be mitigated may only appear on occupancy, which could occur much later.
- 8.11 Whilst the Planning Inspectorate indicated that healthcare obligations were reasonable requests in most instances, the appeal examples (and this application) do not fully justify the healthcare contributions required by the PCT. As such, the inspectors concluded that, in these particular circumstances, the health contributions would not accord with all the tests in the Circular 05/05. The Circular states that planning obligations can only be sought where they meet all of the five tests.
- 8.12 The Inspectors found that the healthcare obligations had not been shown to be necessary to make the proposed development acceptable in planning terms. Similarly, the obligations had neither been demonstrated to be directly related to the proposed development, nor to be fairly related in scale and kind to the proposed development.
- 8.12 The request from the PCT shows no real evidence of the capacity, need or slack of existing health facilities in the area which might serve the appeal site, nor any indication as to whether or not additional provision would be necessary to meet the demands made by the development. Moreover, the exact nature, location or timing of the proposed new service has not been identified.

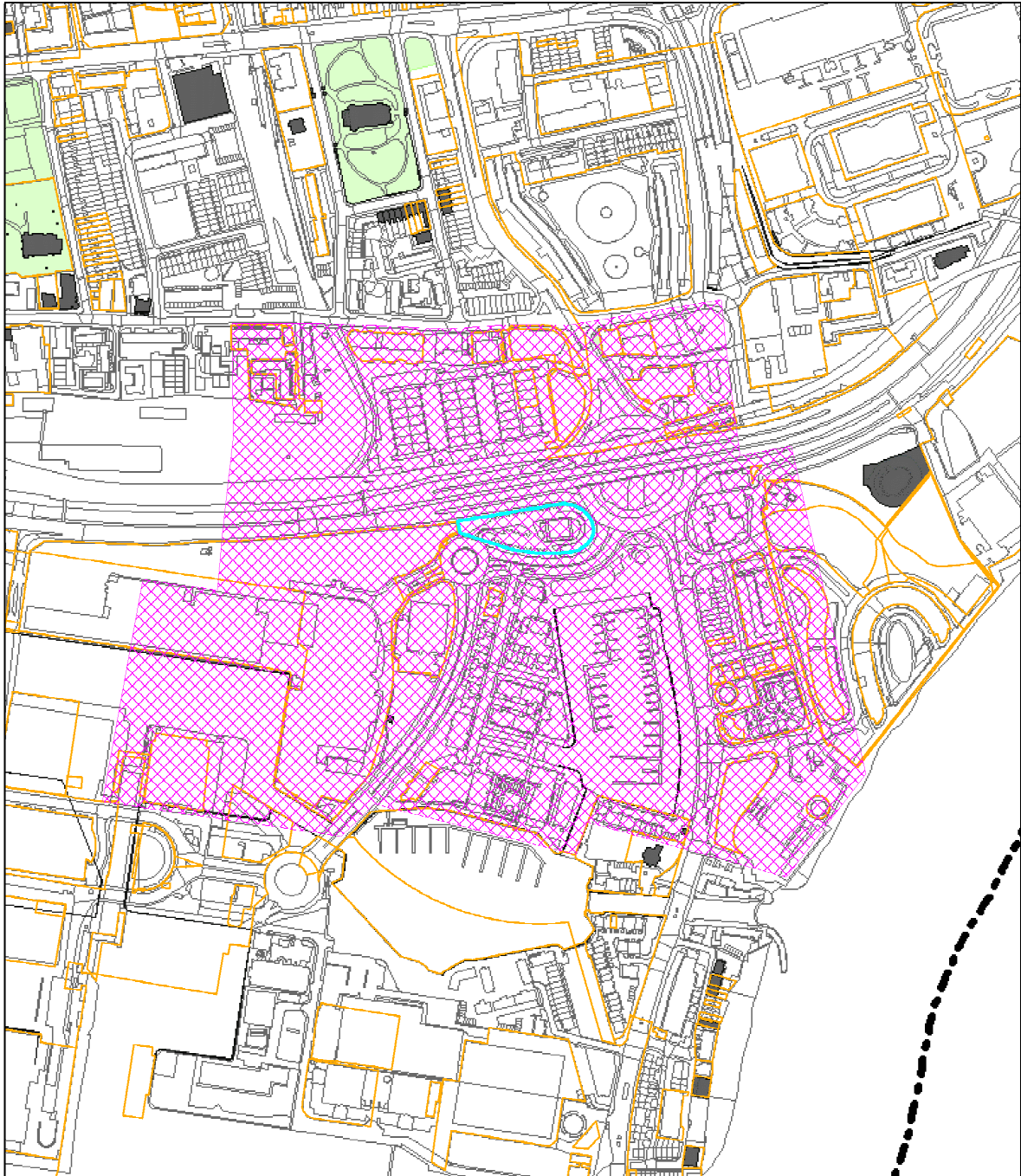
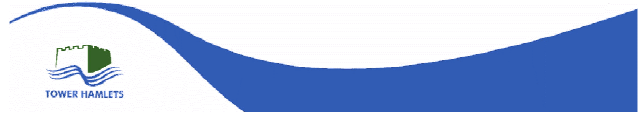
- 8.12 In line with the Appeal decisions mentioned above, and recent Planning Committee
2 decisions, the proposed development is similar in that there is insufficient evidence to convince the Planning Department that the requested obligation is directly related to the proposed development, necessary to make it acceptable in planning terms, or fairly and reasonably related in scale and kind to the proposed development.
- 8.12 The request for the financial revenue contribution in this instance is therefore considered to
3 be unreasonable where it may fail to comply with Circular 05/05. The capital contribution (£545,253.00) sought however is considered to be satisfactory.
- 8.12 In respect of an education contribution, the LBTH Education section indicates that the
4 proposed development will generate the need for an additional 49 school places. The developer will be asked to contribute **£607,758.00** towards the education needs of future residents not covered by existing provisions. This represents the full contribution requested by LBTH education.
- 8.12 In respect of affordable housing, the scheme comprises of 30% affordable residential units,
5 and includes 1, 2, 3, 4 and 5 bedroom apartments, with a split of 70:30. A summary table as well as discussion of the provision is provided previously under 'Housing'.
- 8.12 In respect of transport, the Traffic and Transportation Team advises **£1,500,000.00** for
6 improvements to Aspen Way roundabout and improvement to pedestrian linkages especially to the Blackwell DLR station to the north east. The full contribution will be secured as part of the development.
- 8.12 There will also be standard S278 highway improvements/ modifications, including: new
7 access points, modification of existing access points and general repaving as required. No formal advice had been received from TFL in respect of contributions they would consider appropriate such as contributions towards buses or the DLR although this may be provided through the Stage 1 comments from the GLA. Note that comments from the GLA have not been received.
- 8.12 A 'Car Free' agreement is recommended restrict the occupants from applying for residents
8 parking permits in the area.
- 8.12 In respect of other heads of terms, British Waterways have requested a contribution for
9 upgrade and improvement of BW land adjacent Poplar Dock which will serve as open space. The agent indicates an initial independent estimate of £560,000.00 for such works. However, given the available monies potentially secured and the current estimate for the transport contributions a contribution of **£522,989.00** is realistic. The agreement will include the requirement for the design including landscaping to be submitted for approval in writing by LBTH prior to commencement. Council's arborculturalist and Parks and Landscape team as well as British Waters and Natural England will need to consider the detailed design prior to commencement.
- 8.13 Other heads of terms include Transport Assessment, TV/radio reception monitoring and
0 impact mitigation, employment/training initiatives.
- 8.13 Overall, the revised planning contributions negotiated by LBTH with the developer are
1 considered to be acceptable, in line with the guidance of the Circular and will mitigate the impacts of the development.





9.0 Conclusions

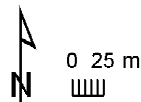
- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL

PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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

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Agenda Item 8.1

Committee: Strategic Development	Date: 29 th May 2008	Classification: Unrestricted	Agenda Item No: 8.1
Report of: Corporate Director Development & Renewal		Title: Observations to Olympic Delivery Authority	
Case Officer: Richard Murrell		Ref No: PA/08/00615 and PA/08/00682	
		Ward(s): Bow East	

1. APPLICATION DETAILS

Location: Land East of River Lee Navigation and Land North of Carpenters Road (known as Kings Yard) contained within Planning Delivery Zone 4, London E15

Existing Use: Vacant site, previously light industrial (B1 Use Classes)

Proposal:

1. Observations to the Olympic Delivery Authority for a reserved matters application and submission of details with respect to OD 4.1 (i) to (xvii), OD 4.2, OD 4.3, OD 4.4 and OD 4.5 of Outline Planning Permission (Ref: 07/90010/OUMODA) for the Olympic, Paralympic and Legacy Transformation Planning Applications: Facilities and their Legacy Transformation dated 28/9/2008 for

The construction of a new Energy Centre building housing combined heat and power units, absorption chillers, gas boilers, electric chillers and associated plant and use of an existing 2 storey building to house biomass boilers, offices and a visitors centre and provision of 3 car parking spaces

2. Observations to the Olympic Delivery Authority on the construction of inter-connecting flue between the existing two storey building and the proposed energy centre.

Drawing Nos: **Reserved Matters application**

Drawing numbers : - OEC-KY-G100-P-00-009, OEC-K1-G200-P-00, OEC-K1-G200-P-01, OEC-K3-G200-E-S, OEC-KY-G200-E-N-AL, OEC-K1-G200-S-CC, OEC-K1-G200-S-AA, OEC-K1-G200-E-E, OEC-KY-G200-E-S-AL, OEC-K2-G200-S-DD, OEC-K1-G200-P-RF, OEC-K1-G200-E-N, OEC-K1-G200-E-S, OEC-K1-G200-E-W, OEC-K1-G200-S-DD, OEC-K1-G200-BB, OEC-K2-G200-P-RF, OEC-KY-G100-P-00-004, OEC-K2-G200-E-S, OEC-K2-G200-E-N, OEC-K2-G200-E-E, OEC-K2-G200-E-W, OEC-K2-G200-S-AA, OEC-K2-G200-S-BB, KY-H100-P-00-007, KY-G100-P-OO-EX, OEC-KY-G200-XP-00, OEC-KY-G200-XP-AL, OEC-KY-G200-XP-RF, KY-G200-XE-AL, KY-G200-XS-AL, OEC-K2-G200-P-01, OEC-KY-G100-P-00-006, OEC-K2-G200-P-00, OEC-K1-and G200-P-02.

Appendices:
Inclusive Design
Design and Access Statement
Telecommunications
Emissions Dispersion / Air Quality Statement
Statement of Participation
Noise Report

Equalities Statement
Energy Appraisal
Water Use Statement
External Lighting
Accommodation for loading and unloading, set down and pick up of vehicles
Context Drawings

Interconnection Flue Planning Application

Drawing numbers – OEC-K3-G100-P-00-004, OEC-K3-G200-E-E, OEC-K3-G200-E-N, OEC-K3-G200-E-S, OEC-k3-G200-P-01, OEC-K3-G200-P-02, OEC-K3-G200-P-RF and OEC-K3-G200-S-BB

Appendices:

Design and Access Statement
Emissions Dispersion / Air quality Statement

Other Submissions

Feasibility study for the Mounting of Telecommunications Equipment to the Olympic Park Energy Centre

Feasibility study of Biomass Fuel Delivery to King Yard by Barge

Historic Building: No

Conservation Area: No

2. SUMMARY OF OBSERVATIONS

2.1 The Council would raise the following observations in relation to the above proposals

In overall terms the Council is impressed with the design of the proposed Energy Centre and flue stack. The retention of the existing western building is also welcomed. However, the Council have a number of concerns over detailed aspects of the proposals which should be resolved prior to the determination of the application.

- The Council objects to the current design of the Energy Centre as it does not make provision for the future installation of telecommunications equipment within the flue stack, and it has not been demonstrated that the Energy Centre will not be required to host such equipment.
- The Council objects to the omission of a graded entrance route to the Visitors Centre in the retained building.
- The Council objects to the failure to provide a step-free access to the Energy Centre control room.
- The Council objects to the approval of any design of the retained building that does not make provision for barge deliveries, or that precludes barge delivery in the future.
- The Council would object to the discharge of any previous S106 commitment to deliver up to 50% of biomass fuel by barge without further justification.
- The Council would object to the proposal unless the ODA demonstrate that consideration has been given to extending the CHP/CCHP scheme beyond the boundary of the Olympic site into surrounding communities.

- The Council would object to the proposal unless the ODA demonstrate that the CHP infrastructure delivered as part of the Energy Centre would not prejudice the future delivery of a more comprehensive network in the Fish Island area. As a minimum the Council need to be satisfied that connection facilities to the west are capable of being provided in the future and that there are no impediments as a result of this development that would frustrate these connections being made in the future. This would include the location of, sufficient capacity for and no obstruction to the routes of those potential connections.

The Council would also make the following requests for further information / clarification which should be provided prior to the determination of the application:-

- Additional information detailing accessible access routes from the site perimeter to the building entrances and of the detailed design of the accessible toilets.
- Additional assessments into the potential for windborne noise disturbance from the interconnecting flue structure
- Additional assessment of the potential impact of any external lighting on flight paths to City Airport and the closest residential properties.
- Detail of the energy efficiency measures that would be applied to the new building and the retained building.
- Does the ODA intend to supply power from the Energy Centre to domestic customers?
- Can the ODA confirm that the management of the Energy Centre will sign a statement of commitment to only procure the biomass fuel from a sustainable and certified fuel supplier?
- Details need to be provided of site-wide voltage optimisation to tap down over-supply of electricity from the grid
- That an assessment is made to determine the carbon cost of any external lighting proposals

Requests for conditions

A condition should be placed on any permission setting maximum permitted noise levels at closest residential receptors.

A condition should be placed on any permission restricting the hours of operation of external illumination unless it is demonstrated that it would not have any impact on residential amenity.

3. RECOMMENDATION

- 3.1 That the ODA Planning Decisions Team should consider the views and issues the London Borough of Tower Hamlets set out above under Summary of Observations.
- 3.3 That the Corporate Director Development & Renewal be delegated authority to make further observations and or recommendations as necessary to the ODA.

4. PROPOSAL AND LOCATION DETAILS

Proposal

Background

- 4.1 The application site is known as Kings Yard and is located to the East of the River Lea Navigation and to the North of Carpenters Road. The site forms part of the London 2012 Olympic and Paralympic Games Site. It is located within the London Borough of Tower Hamlets; however the Olympic Delivery Authority acts as the local planning authority.
- 4.2 Outline planning permission was granted in September 2007 for development associated with the London 2012 Olympic and Paralympic Games and the subsequent Legacy Transformation (ODA Reference: 07/90010/OUMODA). This outline permission established the principle of the erection of a new Energy Centre on the Kings Yard site and the retention and conversion of the existing western building.
- 4.3 The Outline permission prescribed the minimum and maximum 'built envelope' the proposed energy centre could occupy. This included a footprint of a maximum of 82m long x 42m wide, and a maximum height of 20m. The flue stack could be a maximum of 48m above ground level.
- 4.4 The detailed design of the proposed Energy Centre and the treatment of the retained western building were reserved by conditions. These conditions also ensure the proposal accords with other aspects of the approved Olympic masterplans. Detail in relation to the following conditions has been submitted to the ODA for approval:-

Conditions OD4.1 (i) to (xviii) require the submission of plans and a range of supporting technical information (the full text is attached as Appendix 1).

Condition OD 4.2 relates to the treatment of the retained Energy Centre building

Condition OD 4.3 requires the provision of a visitors centre

Condition OD 4.4 requires detail of, and restricts the amount of, parking provision

Condition OD 4.5 requires loading and unloading from vehicles to take place within screened loading docks.

- 4.5 The proposed Energy Centre must also accord with requirements specified in the Olympic S106 agreement. A full list of the relevant conditions and S106 requirements is appended to this report.
- 4.6 These reserved matters have now been submitted for approval to the Olympic Delivery Authority and the London Borough of Tower Hamlets has been consulted as a neighbouring Authority.

Detail of proposal

- 4.7 The submissions relate to the provision of an Energy Centre on an area of land known as Kings Yard located off Carpenters Road, E15. The Energy Centre comprises a Combined Cooling Heat and Power (CCHP) Plant, gas boilers and biomass boilers. The Energy Centre will supply heating to all developments and venues in the Olympic Park, heating to northern parts of the Stratford City development, cooling to the IBC/MPC and electricity to the grid.
- 4.8 The redeveloped site will comprise a new Energy Centre building, the restoration of the existing western building, the construction of an interconnecting flue and associated site landscaping works. The Centre would provide employment for 15 people although the

number on-site at any time would vary with shift patterns.

- 4.9 The submissions can be separated into four components:
- The proposed new Energy Centre Building;
 - The change of use and restoration of the retained western building;
 - The installation of a flue connecting these two buildings; and
 - The method of delivering biomass fuel to the Energy Centre

New Energy Centre

- 4.10 The proposed Energy Centre is located towards the Northern boundary of the site. Pedestrians and vehicles would enter the site from a new access to the East onto Carpenters Road. The Centre is orientated East – West, is rectangular in shape and has a footprint of approximately 70m x 25m. The main body of the building is 20m high. The flue is located at the North-west corner and would be 45m high. The building would house the heavy gas boilers on the ground floor and other CCHP plant equipment on the first floor. Associated office and staff welfare facilities would also be provided.
- 4.11 The exterior of the building is formed from a main box covered in black synthetic rubber (EPDM) membrane. A support system suspends a layer of Corten steel mesh around the main box structure on 3 of its five elevations. The flue is also clad in Corten steel panels and mesh. The submissions indicate that lighting could be installed in-between the rubber layer and the Corten Steel allowing varied lighting effects to be created. This creates a building with a modern industrial character but with the opportunity for drama and spectacle at night.

Retained Building

- 4.12 The three storey brick built building to the west of the site, adjacent to the Canal, is referred to as the retained building. It dates from the early 20 century. The decision to retain this building was made at the time of the outline permissions to provide a link to the industrial past of the area. The building is orientated north-south alongside the canal towpath. It has a small frontage to Carpenters Road. The proposal would restore and retain this building. The restoration works would include a new slate roof, making good of brickwork and installation of new windows and glazed entrance canopy. The building would house biomass boilers, a fuel store, offices on the ground floor and a visitors' centre on first floor. It would be possible to view the biomass system from the visitors' centre.
- 4.13 There would be two accesses to the retained building. The first on the east elevation is via a staircase to the first floor. Step-free access to the building and visitors centre would be provided from a secondary access from the towpath. The submission notes that a separate application for a graded entrance ramp to the east side will be submitted at a later stage.
- 4.14 The biomass boilers will be fuelled by woodchip. The proposals for the method of woodchip delivery are discussed below.

Interconnecting Flue

- 4.15 A separate planning application for a flue to connect the retained building and the new building has also been submitted. A separate planning application is required as this interconnecting flue falls outside of the parameters of the outline permission. The flue links the retained building to the Energy Centre. It allows the dispersion of emissions from the biomass boilers in the retained building via the main chimney flue on the Energy Centre. The flue spans a distance of approximately 22m. The flue would be a steel lattice structure clad in Corten steel panels and mesh.

Other development

- 4.16 As well as the above three main structures the proposal includes detail of associated landscaping works and fencing. The ground area around the buildings would be surfaced with concrete paving. The space left between each block would vary according to how intensively that part of the hard-standing is likely to be used. In areas of infrequent use larger gaps would be left which would allow the planting of grass and shrub native species.
- 4.17 External security lighting and lighting to emphasise the architectural features of the buildings is also proposed. The 4.8m high Olympic Park fence will run between the railway and Energy Centre. The south and east boundaries will be surrounded by 2.8m high black mesh fencing.

Biomass Fuel Delivery

- 4.18 The Biomass boilers in the retained building use woodchip for fuel. The submissions identify an existing waste wood facility at Edmonton Ecopark as the likely source of this fuel. There is wharfage space available at this facility for the transfer of woodchip onto barges.
- 4.19 At Schedule 11, Part A, Paragraph 5 the S106 agreement attached to the outline planning permissions requires a study to be undertaken to determine if it is feasible to transfer up to 50% of the fuel required by the biomass boilers by barge. A study in relation to the discharge of this condition has been submitted to the ODA and also been sent to Tower Hamlets for observations. The findings of this study will be discussed in more detail in the main issues section of the report.
- 4.20 The application states that in the immediate future delivery of fuel to Kings Yard will be undertaken by road. The Applicant estimates that this would require a maximum of 9 -19 deliveries per week (depending on the size of vehicle used). The vehicles would approach the site via the distributor road network enter the complex via the new east access off Carpenters Road. The proposed source of the woodchips is approximately 6 miles by road from Kings Yard at the Edmonton EcoPark. The woodchip would be unloaded from the vehicles into a fuel store within the retained building.

Site and Surroundings

- 4.21 The application site is located in Fish Island East. It is within the London Borough of Tower Hamlets; however the Olympic Delivery Authority is the local planning authority. The site is approximately 0.69 ha and is bounded by the North London line to the north, White Post Lane to the South, the River Lee Navigation to the West and an Access Road to the East. The site is relatively flat with a fall of 0.5m from east to west. However, adjacent to Carpenters Road the site level rises by approximately 1m to form a vehicle access.
- 4.22 The site was previously used for a variety of light industrial employment uses. The outline planning permissions established the principle of the proposed uses.
- 4.23 The Olympic masterplans indicate that three buildings will be constructed on the land surrounding the proposed Energy Centre during the Games and Legacy phases of development. To the West an electrical substation is proposed. To the South buildings SSB12 and SSB13 are proposed which will be used to provide spectator support facilities. The use of these buildings in Legacy has not yet been determined.
- 4.24 In legacy the site would occupy a prominent position and could be viewed from the railway line, a pedestrian bridge over this railway and from the canal towpath.
- 4.25 Currently the closest residential properties are located approximately 300m to the northwest in Prince Edwards Road and 180m to the south in Roach Road.

Previous comments from Tower Hamlets

4.26 London Borough Tower Hamlets were consulted on the original Outline planning applications (reference PA/07/218 and PA/07/345). Members made a number of observations and recommendations in relation to the proposed Energy Centre. Specifically that:-

- the building should be designed to a high standard
- a detailed energy statement is submitted
- at least 15% of energy efficiency requirements provided to above 2006 Part L Building regulations
- All Olympic and legacy facilities must be connected to, and maintain their primary energy sources, from CCHP
- All public facilities within legacy facilities and Olympic park to be powered by CCHP plant
- The capacity, operation and technology within the CCHP plant must be reviewed every 5 years after the Olympic Games to ensure that new technologies are implemented in order to ensure sustainable energy production throughout the area
- Supplies for CCHP plant biomass boilers must be sourced from local suppliers within Greater London Area
- At least 50% of supplies for the CCHP biomass boilers must be delivered to the site by water
- That all permanent legacy facilities be connected to the CCHP plant
- That the plant has the capacity to potentially provide energy for surrounding communities
- That the CCHP plant is adaptable for future technologies
- That woodchip should be sourced from local suppliers
- That a comprehensive air quality assessment is submitted

4.27 Following receipt of the current request for observations Officers also returned some initial views to the Olympic Delivery Authority. A copy of the letter giving these views is attached at Appendix 2.

5. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design
	DEV2	Amenity
	DEV10	Telecommunications
	DEV12	Landscaping
	DEV46	Protection of waterways
	DEV50	Noise
	T16	Operational traffic
	T26	Promotes use of waterways for freight
	U1	Criteria for utility development

Interim Planning Guidance for the purposes of Development Control

Core Strategies:	CP1	Creating sustainable communities
	CP2	Equality of opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP6	A sustainable legacy from the 2012 Olympics

	CP11	Sites in Employment Use
	CP31	Biodiversity
	CP36	The Water Environment and Waterside Walkways
	CP38	Energy Efficiency and Production of Renewable Energy
	CP44	Promoting Sustainable Freight Movement
	CP46	Accessible and Inclusive Environments
	CP48	Tall Buildings
	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 and Renewable Energy
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV13	Landscaping and Tree Preservation
	DEV16	Walking and Cycling Routes and Facilities
	DEV19	Parking for Motor Vehicles
	DEV21	Flood Risk Management
	EE2	Redevelopment / change of use of employment sites
	U1	Utilities
	U3	Telecommunication Equipment

Supplementary Planning Guidance/Documents

None relevant

Spatial Development Strategy for Greater London (London Plan 2008)

	2A.1	Sustainability Criteria
	3C.25	Freight Strategy
	4A.1	Tackling climate change
	4A.2	Mitigating climate change
	4A.3	Sustainable Design and Construction
	4A.4	Energy Assessment
	4A.5	Provision of heating and cooling networks
	4A.6	Decentralised Energy: Heating, Cooling and Power
	4A.7	Renewable Energy
	4B.1	Design principles for a compact city
	4B.2	Promoting world class architecture and design
	4B.5	Creating an inclusive environment
	4B.9	Tall buildings
	4C.8	Freight uses on Blue Ribbon Network
	4C.11	Increasing access alongside and to Blue Ribbon Network
	4C.20	Development adjacent to canals

Government Planning Policy Guidance/Statements

	PPG8	Telecommunications
	PPG24	Noise
	PPS1	Sustainable Development
	PPS22	Renewable Energy
	PPS24	Pollution Control

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

- A better place for living safely
- A better place for living well

A better place for creating and sharing prosperity
A better place for learning, achievement and leisure
A better place for excellent public services

6. CONSULTATION RESPONSE

- 6.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2 Detailed comments from specialist Officers from the Council's Environmental Health Section are presented in the main body of this report.
- 6.3 **British Waterways** were consulted by the ODA on the planning applications and have raised the following objections to the proposals:-
- The Energy Centre represents an excellent opportunity to deliver exemplar freight by water development.
 - The submitted feasibility study is flawed and does not satisfactorily address issues
 - The design of the retained building does not make allowance for future barge deliveries
 - The complexities of barge delivery have been overstated

7. LOCAL REPRESENTATION

- 7.1 The London Borough of Tower Hamlets has been consulted by the Olympic Delivery Authority as a neighbouring planning authority. As Tower Hamlets has the status of a consultee no direct external consultation with local residents has been carried out by the Borough as this would be done by the ODA as the local planning authority.
- 7.2 For information Members are advised that the application documentation includes a 'Statement of Participation' which details the communication process undertaken by the Applicant to inform local residents, and other interested parties, of the proposal. This process included drop in exhibitions and community liaison meetings.
- 7.3 As the relevant local planning authority the Olympic Delivery Authority (Planning Decisions Team) have also carried out consultation in accordance with statutory requirements.

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:
1. The design of the new Energy Centre, retained building and interconnecting flue;
 2. Telecommunications;
 3. Accessibility
 4. The feasibility of delivering biomass fuel by barge;
 5. Energy and sustainability; and
 6. Amenity and emissions.

Design of the new Energy Centre, retained building and interconnecting flue

8.2 Energy Centre

Outline planning permission has been given for the erection of an Energy Centre building within certain maximum and minimum size parameters. The proposed Energy Centre is contained within this previously permitted 'built envelope'. When Members were consulted on the outline proposals they noted that a building of the scale permitted would have to be

designed to the highest standards to be acceptable.

- 8.3 Policy DEV1 of the UDP, CP4 and DEV27 of the IPG and 4B.2 of the London Plan all require new development and tall structures to be of the highest standard of design. This is particularly important given the size of the Energy Centre and the height of the flue which makes it very prominent.
- 8.4 The Energy Centre has several functional requirements that have influenced the proposed design. Firstly is the need to house numerous pieces of very large and heavy plant equipment. Secondly is the requirement for these pieces of equipment to be removed and replaced over the life-time of the building - which would require an adaptable external cladding system.
- 8.5 In overall terms Officers are impressed with the architecturally led response to the functional requirements of the Energy Centre and Flue Stack. The innovative use of a black rubber membrane with the Corten steel mesh above is considered to work well. In particular the opportunity to light the mesh from behind creating 'skeletal' views is likely to result in an impressive visual landmark. The incorporation of glazing on the ground floor of the South elevation improves the relationship of the building to pedestrians within the site and to passer-by's on Carpenters Road.
- 8.6 The design is considered to be high quality design and responds to most of the issues raised at the time of the initial applications about the potential impact of a building of this scale. However, issues relating to telecommunications and accessibility remain and these are discussed below.

Retained building

- 8.7 This building has fallen into a state of disrepair and is neglected in appearance. In general terms the proposed restoration and adaptation to provide office space, a visitors' centre and the biomass plant is acceptable.
- 8.8 However, the design of this building could have implications for the feasibility of delivering fuel to the biomass boilers by barge. The current plans do not appear to indicate any possible loading / unloading path from canal side to the proposed fuel stores. The Council would object to the current proposals unless it is demonstrated that the current designs do not preclude the future delivery of woodchip by barge.
- 8.9 The Council is also not satisfied with the current access arrangements to the building and this matter is discussed in the Accessibility section below.

Design of the Interconnecting Flue

- 8.10 An interconnecting flue is required to link the biomass boilers in the retained building with the main flue on the Energy Centre. The interconnecting flue spans a distance of approximately 22m. The bottom of the flue meets the Energy Centre at a height of 10.5m falling to 5.8m where it joins the retained building. The flue is clad in Corten steel panels and mesh.
- 8.11 In design terms the flue is seen as part of the operational Energy Centre where such plant is to be expected. It is set back from the front of the site to help minimise its visual impact. It is appropriate in scale given the size of Energy Centre and the use of matching Corten Steel materials is appropriate. In overall terms the design is appropriate and there is no objection to this aspect of the development.

Telecommunications

- 8.12 Saved UDP Policy DEV10, IPG Policy U3 and guidance in PPG8: Telecommunications emphasise the importance of minimising the impact of telecommunications equipment such as masts and antennae.
- 8.13 The Council has repeatedly drawn the attention of the ODA to the importance of designing Olympic legacy buildings so that they can host telecommunications equipment internally. Without making this provision it is likely that the appearance of the iconic legacy buildings and parklands is likely to be seriously marred by the addition of 'bolted-on' antennae and free-standing phone masts.
- 8.14 The current proposals for the Energy Centre make no provision for the installation of telecommunications equipment. The potential problems caused by this were raised with the ODA soon after the receipt of the submissions. In response to this a feasibility study, prepared by Elyo East London Energy Ltd, was submitted for consideration. This concludes that the installation of antennae to the flue unlikely to be practical or aesthetically acceptable.
- 8.15 Fundamentally Officers' cannot agree with this conclusion as if the Energy Centre had been designed from the outset to incorporate telecommunications equipment the problems discussed would have been avoided. Officers' are of the opinion that the Architect should have been given a brief that included the ability to accommodate telecommunications apparatus within the building. It is this failure to properly brief the Architect that has created the difficulties identified in the feasibility report.
- 8.16 Because of this omission Officers' lodged an interim objection to the proposals and recommended to the ODA that, as a matter of urgency, the design of the Energy Centre and flue stack should be revisited to make proper provision for the internal installation of telecommunications equipment.
- 8.17 Further discussions on this matter have taken place and the ODA have informed Officers' that a site-wide strategy for the provision of telecommunication apparatus is currently being prepared. The results of this strategy may show that all necessary apparatus can adequately be installed on other legacy buildings. If this were the case there would be no objection to the current design of the flue - as the risk of additional bolt-on antennae or free standing masts would be removed.
- 8.18 However, until the outcome of the site-wide strategy is known there remains a possibility that the flue may be required as a potential site for antennae - and that it should therefore be designed accordingly. So, unless a mechanism is agreed that would allow the design of flue to be re-visited, should it prove necessary to do so to accommodate antenna, Officers recommend the Council retains its current objection.

Accessibility

- 8.19 Policy DEV1 of the UDP and policies CP46 and DEV3 of the IPG require development to fully incorporate inclusive design principles. The policies require that development can be easily accessed and used by as many people as possible without undue effort, special treatment or effort.
- 8.20 The submitted Inclusive Access Statement has been reviewed by the Council's Access Officer and several objections have been raised to the current proposals. The first of these relates to the access arrangements for the Visitors Centre. The Visitors Centre would be valuable community resource and is likely to be used by school groups and it is of paramount importance that it is designed to be fully accessible.
- 8.21 The Visitors Centre would be located on the first floor of the retained building. Currently two accesses are proposed. The first of these is on the eastern side of the building. This

entrance is at first floor level and is reached by a flight of stairs. Another access is provided on the western side of the building from the canal towpath. This entrance is located on the ground floor and provides access to a lift to the upper floors.

- 8.22 The application states that the canal side entrance is the primary route into the building and that it provides a suitable accessible entrance. Officers do not agree that this canal side entrance is the main entrance to the building; as the submitted plans shows that a large lobby area is provided at the top of the stepped access from the east, whereas only a narrow corridor to the lift is found through the canal side entrance.
- 8.23 It is noted that the submitted access statement states that an application for a graded entrance route to the first floor will be made in the future. Given the importance of providing a fully accessible entrance the Council would object to the proposals unless detail of the proposed route is submitted prior to the determination of the application. This detail is required to ensure that the ramp provides suitable access arrangements and that it is acceptable in appearance.
- 8.24 The second objection relates to the failure to provide step free access to the control room of the Energy Centre which is located on the first floor. The application notes that a lift could be installed at a later date. However, policy requires that accessibility is fully integrated into buildings from the outset, and a step-free access should be provided. Officers recommend that an objection is raised against this omission.
- 8.25 The Council's Access Officer has also requested additional information on accessible routes around the application site and for information regarding the layout of the accessible toilets. Officers recommend that the Council request this information from the ODA for comment prior to the determination of the application.

The feasibility of delivering biomass fuel by barge

- 8.26 Unitary Development Plan policy T26, IPG policy CP44 and London Plan policy 4C.11 all promote the transportation of freight by water. In response to commitments attached to the Olympic planning applications a study has been submitted assessing the feasibility of delivering 50% of the fuel required by the biomass boilers by barge.
- 8.27 The study identifies Edmonton Ecopark as the likely source of the woodchip fuel used by the biomass boilers and reviews three possible methods of fuel transportation : -
- Delivery by barge direct to the Energy Centre,
 - Delivery by road direct to Energy Centre,
 - Delivery by barge to an intermediate transfer station and then delivery by road.
- 8.28 In a discussion of the merits of barge transportation the study recognises the benefits this mode of transport brings in terms of carbon savings in comparison to road transport. It is estimated that 3 barge deliveries would be needed per week. The study states that there are a number of practical difficulties which makes this method their 'least preferable' solution. The majority of these difficulties are associated with the unloading of biomass material at the Energy Centre.
- 8.29 The study notes that the physical characteristics of the woodchip fuel selected for use means that it does not 'flow' (in effect the large and uneven size of each individual chip means that they tend to bind together and clog pneumatic and auger based machinery. This means that the opportunities to move the fuel from the barge to the fuel stores using pneumatic pumps or an auger screw system is restricted, and instead the fuel would have to be containerised and moved by gantry / crane. The report suggests that the installation of such equipment to the side of canal building would be aesthetically unacceptable and that it would also require

the closing of the towpath during unloading times. It is also noted that the canal towpath would be closed during the Olympic Games for security reasons and that during this period road delivery would have to be under-taken anyhow.

- 8.30 The study finds that road transport is the 'most preferable' option. The Edmonton Ecopark is located approximately 6 miles by road from the Energy Centre. The study estimates that this would require a maximum of 9 -19 deliveries per week (depending on size of vehicle used and seasonal variations in energy demand). The vehicles would approach the site via the distributor road network and enter the complex via the new east access off Carpenters Road. The woodchip would be unloaded from the vehicles using moving floor technology directly into the fuel stores. The study concludes that this method is the least technologically complex and the least costly method of fuel delivery.
- 8.31 The final method discussed is the delivery of fuel by barge to a new wharf somewhere within the Olympic park, and completing the journey by road. Potential wharf sites include Waterworks River, adjacent to the aquatics centre or Bow Midlands East – on the East Bank of the River Lea in PDZ14. The possibilities of removing waste from the facility by barge are also considered. The study concludes that this option could be appropriate in the medium to long term reflecting the fact that the provision of the required wharf space is unlikely to occur until later phases of the Olympic site developments.
- 8.32 British Waterways, a statutory consultee, have lodged an objection to the submitted feasibility study and the selection of a road based delivery method. In essence British Waterways consider that the submitted study considerably overstates the complexities of delivering fuel by barge and that states that waterborne transport is being dismissed prematurely. British Waterways also consider that the possibility of incorporating the removal of waste from the site by barge also needs to be investigated.
- 8.33 Officers are of the opinion that delivery of fuel direct to the Energy Centre by barge is the most desirable option. In light of the British Waterways objection, and the weight of policy in favour of water freight, Officers recommend that, at this time, the Council objects to:-
1. The approval of any design of the retained building that does not make provision for barge deliveries, or that precludes barge delivery in the future
 2. The discharge of any previous S106 commitment to deliver up to 50% of biomass fuel by barge without further justification.

It is understood that the ODA and British Waterways are having further discussions about the content and assumptions made in the feasibility study and Members will be updated should this alter the current objection.

Amenity and Emissions

Noise

- 8.34 The submission includes a noise report prepared by Parsons Brinckerhoff Ltd. This is required to demonstrate that the proposal accords with the requirements of saved UDP policies DEV2 and DEV50 which seek to ensure that noise from proposed developments does not have an adverse impact on residential amenity. The submitted report details baseline conditions in the area and likely noise output from the proposed CCHP plant. It also specifies a range of noise attenuation and mitigation measures. It notes that the proposed gas engines generate very high levels of noise.
- 8.35 The study takes into account the location of current noise receptors at Prince Edwards Road and Roach Road. It also gives consideration to the potential location of future residential

occupiers in Legacy development. The study concludes that current Olympic masterplans indicate Whitepost Lane and the Handball arena will be the closest residential receptors at a distance of 55m. The study also notes that if in future residential properties are proposed closer to the Energy Centre they would have to be insulated against external noise in accordance with Building Regulation requirements.

- 8.36 The submitted study has been reviewed by the Council's specialist Environmental Health Officers; who have concluded that the proposed noise attenuation levels are acceptable - subject to maximum noise levels being specified in a condition. The Council should recommend such a condition to the ODA.
- 8.37 The Council's Environmental Health Officer has raised some additional concerns about potential noise and vibration caused by wind turbulence around the building and flue structures. The Council would expect the ODA to investigate this matter further by way of a condition attached to any planning permission.

Air Quality and Emissions

- 8.38 IPG (2007) Policy DEV11 requires an assessment of the impact of new development on air quality and the incorporation of mitigation measures if necessary. An air quality assessment and emissions dispersal statement has been submitted for review. The study does identify that there will be an increase in fine particulate matter and nitrogen dioxide concentrations in the vicinity of the area. However, these will not result in air quality objectives for the area being exceeded. The study includes a consideration of potential impacts on a future residential tower to the north of the facility and concludes that the impact would be acceptable with no anticipated adverse health impacts.
- 8.39 The study has been reviewed by the Council's specialist Environmental Health Air Quality Officer who is satisfied with the methodology used and the findings of the study. The study provides adequate justification that the 48m high flue is required.

Energy

- 8.40 Policy CP38 of the IPG (2007) and Policies 4A.4 and 4A.6 of the London Plan 2008 detail the approach taken to CCHP installations. The submissions include an Energy Appraisal and supporting technical information that have been reviewed by the Council's Energy Officer.
- 8.41 The Energy Officer notes that the scheme is designed to be in-line with current local, regional and national energy policies. The Centre will contain

2 x 5MW gas fired CHP Units
1 x 3MW Woodchip biomass boiler
4 x 20MW gas boilers
2 x 2 MW dual effect absorption chillers
3 x 5MW electric chillers
2 x 800 cubic metre water storage tanks

There is the capacity for an additional 5 MW gas fired CHP unit, a 5MW gas boiler and a 3 MW biomass boiler should additional capacity be required in the future.

- 8.42 London Plan policy 4A.6 requires that consideration should be given to extending proposed CCHP schemes to serve adjacent areas. The Council has previously commissioned research to identify locations for the delivery of decentralised energy networks. This research identified Fish Island as a potential location. The ODA need to demonstrate to the Council that consideration has been given to extending the CHP/CCHP scheme beyond the boundary of the site into surrounding communities.

8.43 The ODA also need to demonstrate that the CHP infrastructure delivered as part of the Energy Centre should not prejudice the future delivery of a more comprehensive network in the Fish Island area. As a minimum the Council need to be satisfied that facilities to the West are capable of being provided in the future and that there are no impediments as a result of this development that would frustrate these connections being made. This would include the location of, sufficient capacity for and no obstruction to the routes of those potential connections.

8.44 The Council would also expect details of the energy efficiency measures that would be applied to the new building and to the retained building themselves.

In terms of other sustainability measures it is noted that the centre has been designed to minimise water use and that the Centre exceeds current building standards by 15%.

8.45 The Council's Energy Officer has also made a number of recommendations and requests for additional technical information which the ODA should respond to, specifically:-

- That the Energy Centre should be designed to allow gas boilers to switch to biomass fuel source
- The management of the Energy Centre should sign a statement of commitment to only procure the biomass fuel from a sustainable and certified fuel supplier.
- Details need to be provided of site-wide voltage optimisation to tap down over-supply of electricity from the grid
- Does the ODA intend to supply power from the Energy Centre to domestic customers
- That consideration be given to the carbon cost of any external lighting proposals

Conclusions

8.46 All other relevant policies and considerations have been taken into account. The observations set of in the SUMMARY OF OBSERVATIONS should be made to the Olympic Delivery Authority.

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Appendix 1 - Full text of relevant conditions attached to planning permission reference 07/90010/OUMODA and S106 requirements related to fuel delivery.

Energy Centre

OD.4.1 Before construction of the Energy Centre is commenced; a Reserved Matters application shall be submitted to and approved by the Local Planning Authority. Unless otherwise agreed by the Local Planning Authority, the details to be submitted shall include those of:

- (i) The layout, scale, appearance and external materials to be used;
- (ii) An emissions dispersion statement, which shall be used to assist in justifying the stack height and design which has been submitted pursuant to (i);
- (iii) A noise report, which shall demonstrate compliance with BS 4142;
- (iv) A statement of compliance with the UDLF;
- (v) A statement of participation;
- (vi) An equalities statement;
- (vii) An inclusive access statement;
- (viii) A micro-climate report (including wind tunnel tests where appropriate);
- (ix) An energy appraisal;
- (x) A water use statement;
- (xi) Details of sustainable construction measures;
- (xii) External lighting of that building and the public realm adjoining it, except for the latter where details are to be submitted pursuant to condition OD.0.35 in accordance with the programme of Work Packages submitted pursuant to OD.0.14.
- (xiii) Accommodation for the loading and unloading, set down and pick up, of vehicles;
- (xiv) Vehicle and cycle parking, except where details have been approved pursuant to Condition OD.0.20;
- (xv) The means by which any loading and unloading from the Lea Navigation is to be achieved, including any proposed works to the tow path;
- (xvi) A series of development context drawings (comprising plans, elevation and section drawings of 1:200, 1:500 or some other scale agreed with the Local Planning Authority which shows development approved under this planning permission, or conditions pursuant to this permission, within 200m from the Reserved Matters site);
- (xvii) A 1:1250 scale drawing on an OS base showing details of any Reserved Matters already approved in respect of the relevant Planning Delivery Zone; and
- (xviii) Hard and soft landscape details, except where these are to be submitted pursuant to condition OD.0.28 in accordance with the programme of Work Packages submitted pursuant to OD.0.14

Reason: To ensure that high standards of urban design, landscaping and ecological mitigation are achieved

- OD.4.2. **Retained building**
All alterations and works of making good to the building to be retained shall be in materials and finishes to match the original work in respect of material, colour, texture, and profile, and in the case of facing brickwork, bond and pointing, unless a variation is agreed by the Local Planning Authority, before that part of the work is undertaken.

Reason: To ensure that any alterations are in keeping with the retained building.

- OD.4.3 **Visitor Centre**
Unless otherwise agreed in writing by the Local Planning Authority prior to commencement of the development of the Energy Centre, details for the provision of a visitor centre within the Energy Centre shall be submitted to and approved by the Local Planning Authority. The visitor centre shall be opened at a date to be agreed with the Local Planning Authority.

Reason: To secure appropriate visitor facilities.

- OD.4.4 **Parking**
Any vehicle parking for the Energy Centre and building SSB13 pursuant to condition LTD.6 shall be provided prior to the occupation of the premises and retained permanently thereafter for vehicles of the occupiers (including employees using the building) and persons calling at the building for the purpose of conducting business with the occupiers thereof and for no other purpose. No public parking for visitors other than Blue Badge holders shall be provided.

Reason: To manage parking and ensure that it is only provided for business use.

- OD.4.5 **Loading and Storage**
No loading or unloading of goods, including fuel, from vehicles serving the premises shall be carried out other than within the building or a fully screened loading dock. No external storage of fuel shall take place without the prior approval of the Local Planning Authority.

Reason: To protect the amenities of local residents.

The following conditions shall apply to the Olympic Development in Planning Delivery Zone 5

**SUSTAINABILITY - OLYMPIC CONSTRUCTION, GAMES AND LEGACY TRANSFORMATION PHASES
(ODA) AND LEGACY PHASE (LDA)**

Part A - Protocol between ODA and Local Planning Authority

1. Throughout the Olympic Construction, Games and Legacy Transformation Phases, the ODA shall in relation to the Development:-
 - 1.1 use Reasonable Endeavours to ensure 90% of material (by weight) from demolition works connected with the Development are reused or recycled where the material is suitable for such treatment;
 - 1.2 use Reasonable Endeavours and subject to obtaining Requisite Consents to seek achievement of the following targets:-
 - 1.2.1 that overall at least 50% of construction materials by weight are delivered to Site by rail and/or water; and
 - 1.2.2 a reduction in carbon emissions (against 2006 Building Regulation standards) for the built aspects of the Development of 50 per cent by 2013;
 - 1.2.3 monitor compliance with the above sustainability targets annually as a minimum;
 - 1.2.4 submit to the Local Planning Authority an annual report to be published providing a review of whether the sustainability targets have been achieved and where reasonably practicable to take action to improve on the delivery of the above sustainability targets.
2. During the Olympic Games and the Paralympic Games the ODA shall use Reasonable Endeavours to seek achievement of the target that 70 per cent of waste generated on the Site from the holding of the Olympic Games and Paralympic Games shall be reused, recycled or composted.
3. If and to the extent that it is claimed that disproportionate cost or material delay to the ODA's programme would hinder the delivery of the targets specified in paragraph 1, details shall be provided to the Local Planning Authority.
4. The obligations in paragraphs 1, 2 and 3 of this Part A are to be considered in relation to the Development as a whole and in relation to the Site as a whole.
5. The ODA shall use Reasonable Endeavours to carry out a feasibility study to examine whether and if so to what extent it is financially viable and otherwise reasonably practicable for deliveries of up to 50% of biomass fuels for the Combined Heat and Power Plant comprised in the Development to be delivered by water. The factors to be taken into account in preparing such study shall include:
 - 5.1 likely significant environmental effects of delivery by barge
 - 5.2 capacity of waterways to accommodate the number frequency and scale of barges required
 - 5.3 sources of biofuels and their proximity to wharfage and barge loading facilities
 - 5.4 practicality of construction and use of unloading facilities at the Development having regard to the craneage conveyor and other unloading facilities needed proximity to members of the public noise safety urban design and the need for Requisite Consents
 - 5.5 costs of transport by water

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- 5.6 costs of delivery of biomass fuels by water to the extent that they differ from those of other means of transport
- 6. The ODA shall:
 - 6.1 review the outcome of the feasibility referred to at paragraph 5;
 - 6.2 provide the feasibility study findings to the Local Planning Authority and consult on its findings with the GLA, LDA, Local Planning Authority, the Department of Culture Media and Sport, the Host Boroughs and other persons requested by the Local Planning Authority (acting reasonably);
 - 6.3 review the feasibility study findings following such consultation;
 - 6.4 thereafter report in writing the details and outcome of the feasibility study, such consultation responses and subsequent review of the findings to the ODA's Executive Team (EMB) for a recommendation and decision on how to proceed; and
 - 6.5 confirm in writing the recommendation and decision of the ODA's Executive Team (EMB) to the Local Planning Authority as soon as possible thereafter.

Part B

- 1. Throughout the duration of the Legacy Phase, the LDA shall use Reasonable Endeavours to maintain and where reasonably practicable continue to improve on the delivery of the above sustainability targets in the Legacy Phase of the Development where relevant to the operations and use of the Site in the Legacy Phase.

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Vivienne Ramsey
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28 April 2008

richard.murrell@towerhamlets.gov.uk

Dear Ms Ramsey,

**Town and Country Planning Act 1990 (As Amended)
Town and Country Planning (General Development Procedure Order) 1995
Observations to the Olympic Delivery Authority**

LBTH reference: PA/08/00615 and PA/08/00682
ODA reference: 08/90076/REMODA and 08/90077/FULODA

Location: Land East of the River Lea navigation and Land North of Carpenters Road (known as Kings Yard) contained within Planning Delivery Zone 4. London.

Proposal: Observations to the Olympic Delivery Authority
1- New Energy Centre building housing combined heat and power units, absorption chillers, gas boilers, electric chillers and associated plant. Use of existing 2 storey building to house biomass boilers, offices and a visitors centre and provision of car-parking spaces.
2 – To construct an interconnecting flue between the existing 2 storey building and proposed Energy Centre.

I write in reference to the above applications. I would like to submit the following initial Officer level observations. I would remind you that Council intends to report these observations to Strategic Development Committee and they are therefore subject to additional or amendment.

Observations:

The format of the following observations follows the topic headings given in Council's response to the main Olympic planning applications.

Issue 1 - Commitment to Sustainable Regeneration (Urban Design)

In overall terms Council is impressed with the architecturally led design of the proposed Energy Centre and Flue stack. The retention of the existing western building is also welcomed. The high quality design responds to most of the issues raised at the time of the initial applications about the potential impact of a building of this scale.

However, the omission of a graded access ramp to the visitors centre from the current submission is a cause for concern. Council would object to the proposal unless detail of the proposed ramp is submitted prior to the determination of the application. This detail is required to ensure that the ramp provides suitable access arrangements and that it is acceptable in appearance. Council would expect new and existing buildings to be fully accessible and require additional plans showing step-free circulation around building.

Telecommunications:

Council has repeatedly drawn attention to the importance of designing legacy buildings so that they can host telecommunications equipment internally. Without making this provision it is likely that the appearance of the iconic legacy buildings and parklands will be seriously marred by the addition of 'bolted-on' antennae and free-standing phone masts.

Council has reviewed the feasibility study prepared by Elyo East London Energy Ltd which concludes that the installation of antennae to the flue unlikely to be aesthetically acceptable. Fundamentally the Council cannot agree with this conclusion as if the Energy Centre had been designed from the outset to incorporate telecommunications equipment the problems discussed would have been avoided if the architect had been given a brief that included incorporating the ability to accommodate telecommunications apparatus within the building. It is this failure that has created the difficulties identified in the feasibility report.

Because of this omission Council would object to the current proposals, and as a matter of urgency the design of the Energy Centre and flue stack should be revisited to make proper provision for the internal installation of telecommunications equipment, particularly antennae.

Council is commissioning its own additional research by a telecommunications expert into the feasibility of introducing telecommunications equipment into the flue stack and may make additional observations on this matter.

Issue 2. Sustainable Environment

Council's Environmental Health Officers are in the process of reviewing the technical information contained in the submitted documents. Council's Noise Officer has made a number of detailed comments and has raised no objection to the proposals subject to compliance with recommended conditions. Additional information is required on potential noise disturbance from wind turbulence.

The Noise Officer's detailed comments are appended to this letter. Additional comments from the Council's Air Quality Officer will follow in due course.

Issue 3: Making the best use of waterways

Commitments attached to the Olympic Planning Applications required 50% of the fuel deliveries to the CCHP biomass boilers to be delivered by water. Council notes the findings of the 'Fuel Delivery Feasibility' report which states that at this time it is not viable to deliver fuel by barge direct to the Energy Centre, however we understand that British

Waterways Board have objected to these findings. We will comment further once we have considered all the issues.

Council remains convinced that in the longer term delivery by barge is the most desirable option and one that will set an example for future projects elsewhere. Accordingly LBTH would recommend that a mechanism be put in place requiring the periodic review of the fuel delivery for the site. This should require the adoption of a barge / road method as soon as it is practicable.

Issue 4: Renewable Energy

The ODA need to demonstrate to Council that consideration has been given to extending the CHP/CCHP scheme beyond the boundary of the site into surrounding communities. Council has previously identified Fish Island as a site for decentralised energy networks. The ODA also need to demonstrate that the CHP infrastructure delivered as part of the Energy Centre should not prejudice the future delivery of a more comprehensive network in the Fish Island area. As a minimum LBT would need to be satisfied that connection facilities to the west are capable of being provided in the future and that there are no impediments as a result of this development that would frustrate these connections being made in the future. This would include the location of, sufficient capacity for and no obstruction to the routes of those potential connections.

Council note that the Energy Centre itself will only be built to the requirements of the Building Regulations 2006 and recommend that a commitment should be given to exceed this minimum standard.

Council's Energy Officer has made a number of detailed comments on the proposals to which the ODA should respond.

Others:

Additional detail is also required in relation to the proposed lighting of the Energy Centre Flue and the proposed boundary fencing.

Should you have any further queries in relation to the above, please contact Richard Murrell on 020 7364 5203.

Yours sincerely,



Michael Kiely
Service Head Development Decisions

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