

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 4 December 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: Councillor Shafiqul Haque Vice-Chair: Councillor Ahmed Adam Omer	
Councillor Shahed Ali Councillor M. Shahid Ali Councillor Alibor Choudhury Councillor Stephanie Eaton Councillor Joshua Peck Councillor Dulal Uddin Vacancy	Councillor Marc Francis, (Designated Deputy representing Councillor Shafiqul Haque, Md. Shahid Ali, Alibor Choudhury, Ahmed Omer and Joshua Peck) Councillor Fazlul Haque, (Designated Deputy representing Councillor Shafiqul Haque, Md. Shahid Ali, Alibor Choudhury, Ahmed Omer and Joshua Peck) Councillor Azizur Rahman Khan, (Designated Deputy representing Councillor Stephanie Eaton) Councillor Abdul Matin, (Designated Deputy representing Councillor Stephanie Eaton) Councillor Abjol Miah, (Designated Deputy representing Councillor Dulal Uddin) Councillor Harun Miah, (Designated Deputy representing Councillor Dulal

Uddin)
Councillor Abdul Munim, (Designated
Deputy representing Councillor Dulal
Uddin)
Councillor Tim O'Flaherty, (Designated
Deputy representing Councillor Stephanie
Eaton)

[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, 4 December 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.

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 9th October 2008.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 8	
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4. RECOMMENDATIONS

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee. **9 - 10**

6. DEFERRED ITEMS **11 - 12**

7. PLANNING APPLICATIONS FOR DECISION **13 - 14**

7 .1 Site at North Dock Isle of Dogs Crossrail Station, Upper Bank Street, London **15 - 76** **Blackwall & Cubitt Town**

7 .2 Site At Caspian Works and Lewis House, Violet Road **77 - 132** **Bromley-By-Bow**

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, 9 OCTOBER 2008

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

Members Present:

Councillor Shafiqul Haque (Chair)

Councillor Lutfu Begum
Councillor Alibor Choudhury
Councillor Stephanie Eaton
Councillor Ahmed Adam Omer (Vice-Chair)
Councillor Joshua Peck
Councillor Dulal Uddin

Other Councillors Present:

Councillor Philip Briscoe
Councillor Rupert Eckhardt
Councillor Shirley Houghton

Officers Present:

Jerry Bell	– (Applications Manager)
Amy Cooper	– Planning Officer
Megan Crowe	– (Legal Services Team Leader, Planning)
Michael Kiely	– (Service Head, Development Control and Building Control, Development & Renewal)
Jen Pepper	– (Affordable Housing Programme Manager)
Tim Porter	– Major Projects Development Officer
Alison Thomas	– (Private Sector and Affordable Housing Manager, Housing Development, Development & Renewal)
Jason Traves	– Planning Officer
Alan Ingram	– (Democratic Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M. Shahid Ali.

2. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Type of Interest	Reason
Ahmed Adam Omer	All items on the agenda	Personal	He had been lobbied by applicants in respect of all the items of business.
Joshua Peck	Item 7.4 – Wood Wharf, Preston’s Road	Personal	He had attended a briefing organised by the applicants.
	Item 8.1 – 33-37 The Oval	Personal	He had previous involvement with the matter as a Lead Member of the Cabinet.
Lutfa Begum	Items 7.1 & 7.2 – St Andrew’s Hospital	Personal	She was an employee of Tower Hamlets Primary Care Trust.
Alibor Choudhury	Item 6.2 – 18-22 Damien Street	Personal	He had used the mosque facility for prayer.
	Item 7.4 – Wood Wharf, Preston’s Road	Personal	He had attended a briefing organised by the applicants.
	Item 8.1 – 33-37 The Oval	Personal	He had previous involvement with the matter as a Lead Member of the Cabinet.
Stephanie Eaton	Item 8.1 – 33-37 The Oval	Personal	Application is within Councillor’s ward.
Shafiqul Haque	Item 6.2 – 18-22 Damien Street	Personal	He had used the mosque facility for prayer.
	All other agenda items	Personal	He had received information on all other items.

3. UNRESTRICTED MINUTES

The minutes of the meeting were agreed and approved as a correct record, subject to the addition of the following resolution regarding agenda item 6.2 – St. George’s Estate, Cable Street, London, E1 (Section 106 agreement):

“That, if by 28th November 2008, being three months from 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. RECOMMENDATIONS

The Committee RESOLVED that

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee’s decision.

5. PROCEDURE FOR HEARING OBJECTIONS

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

NOTE: At the request of the Chair, Mr Alan Ingram, Democratic Services Officer, read out an announcement indicating that changes were to be made to the order of business of the meeting, as follows, to ensure that all representations could be heard: Items 6.1; 6.2; 8.1; 7.4; 7.5; 7.3; 7.1 and 7.2. However, agenda items are set out below in their original order, for ease of reference.

6. DEFERRED ITEMS

6.1 Newfoundland, Canary Wharf

After consideration of the officer’s report the Committee RESOLVED, on a vote of 5 for and 0 against, that planning permission should be granted for the reasons and in the form set out in the agenda with the AMENDMENT that financial contribution (c)(i) on page 26 should state “(i) Community projects (£150,000); and”.

6.2 Second Floor, 18-22 Damien Street, London, E1 2HX

After consideration of the officer's report the Committee RESOLVED, on a vote of 3 for and 2 against, that planning permission should be granted for the reasons and in the form set out in the agenda and as amended by the update report.

7. PLANNING APPLICATIONS FOR DECISION

7.1 St. Andrew's Hospital, Devas Street, London, E3 3NT (PA/08/1161)

The Chair indicated that the application would be considered in conjunction with agenda item 7.2, as both applications related to the same site. The committee however voted separately on each item.

After consideration of the officer's report the Committee RESOLVED, on a vote of 7 for and 0 against, that outline planning permission should be granted for the reasons and in the form set out in the agenda and as amended by the update report.

7.2 St. Andrew's Hospital, Devas Street, London, E3 3NT (PA/08/1162)

After consideration of the officer's report the Committee RESOLVED, on a vote of 5 for and 1 against, with 1 abstention, that planning permission should be granted for the reasons and in the form set out in the agenda and as amended by the update report.

7.3 Site at 2 Trafalgar Way, London

Julian Carter, for the applicant, had registered to speak but was happy to be available to answer any questions as the recommendation was for approval.

On a vote of 4 against and 2 for, with 1 abstention, the Committee indicated that it did not support the officer's recommendation to grant planning permission

Ms Megan Crowe, Legal Services Team Leader Planning, advised that, given the allocation of the site for housing, the Committee must carefully consider its course of action.

Accordingly, on a vote of 7 for and 0 against, the Committee indicated that it was minded to refuse planning permission, and that final consideration be deferred to enable a further report to be submitted to the next meeting of the Committee.

7.4 Wood Wharf, Preston's Road, London

Mr Michael Osman, Planning Consultant representing Hammersons, spoke in objection.

Mr Steven Brown, for the applicant, spoke in support.

After consideration of the officer's report the Committee RESOLVED, on a vote of 7 for and 0 against, that planning permission and listed building consent should be granted for the reasons and in the form set out in the agenda and as amended by the update report.

7.5 Mooring in Millwall Cutting and South Dock, Thames Quay, Marsh Wall, London, E14.

Dr Richard Wheal, a neighbouring resident, spoke in objection.

Rebecca Stockley, for the applicant, spoke in support.

After consideration of the officer's report the Committee RESOLVED, on a vote of 3 for and 3 against, with the Chair's casting vote, that planning permission should be granted for the reasons and in the form set out in the agenda and as amended by the update report and that the management plan addresses the potential for customers leaving events at the vessel causing a nuisance and that the detailed landscaping of the site ensures that vehicles cannot gain access eastwards along the dock.

8. OTHER PLANNING MATTERS

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

Councillor Eaton declared a personal, prejudicial interest in the item as she had spoken on behalf of the residents of Bethnal Green North Ward concerning the issue at a previous meeting of the Committee. She withdrew from the Chamber and took no part in the debate regarding the business nor voted thereon.

After consideration of the officer's report the Committee RESOLVED, on a vote of 4 for and 1 against, , that pursuant to its powers under Section 97 of the Town and Country Planning Act 1990 (as amended), the planning permission be REVOKED on the grounds set out in the agenda.

At 9.45 p.m. the Chair indicated that the meeting would **adjourn** for a short period. The meeting **reconvened** at 9.55 p.m.

At 10.20 p.m. Councillor Ahmed Adam Omer moved and the Committee RESOLVED:

That the closing time of the meeting be extended for a maximum of 30 minutes to allow the business on the agenda to be concluded.

The meeting ended at 10.33 p.m.

Chair, Councillor Shafiqul Haque
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: 4 th December 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
9 th October	PA/08/01321	Site at 2 Trafalgar Way, London	Redevelopment of the site to provide a residential-led, mixed use scheme comprising 355 residential units, 48 serviced apartments, re-provision of a drive-through restaurant (Class A5), retail or financial and professional service units (Class A1/A2), crèche, gymnasium, associated amenity space and car parking.	Committee indicated that it was minded to go against officer's recommendation and that decision could be contrary to the development plan. A supplementary report is therefore necessary

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 consider 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

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:
Application, plans, saved UDP, Interim Planning Guidance and London Plan

Tick if copy supplied for register:

✓

Name and telephone no. of holder:

Eileen McGrath (020) 7364 5321

new material is being reported to Committee and the recommendation is significantly altered.

5. RECOMMENDATION

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

Agenda Item 7

Committee: Strategic Development	Date: 4 th December 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 reports in this part of the agenda.

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 Tower Hamlets Unitary Development Plan (UDP) 1998 as saved September 2007
 - the London Plan February 2008 (consolidated with alterations since 2004)
- 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, saved 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: 4 th December 2008	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Devon Rollo		Ref No: PA/08/01666	
		Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

- Location:** Site at North Dock Isle of Dogs Crossrail Station, Upper Bank Street, London
- Existing Use:** Dock with deemed approval for Isle of Dogs Crossrail Station under The Crossrail Act 2008.
- Proposal:** Erection of building sitting over Isle of Dogs Crossrail Station comprising 9,471m² NIA of retail floorspace (A1, A3 and A4 Use Classes) and 1,860m² NIA of community use floorspace (D1 and D2) and a publicly accessible park, as well as elements of the Isle of Dogs Crossrail Station which fall outside the vertical limits of deviation as defined by The Crossrail Act 2008.
- Drawing Nos:** S 5000 00 (Location Plan), S 5001 00 (Site Plan), S 5002 00 (Ticket Hall Level Plan), S 5003 00 (Lower Concourse Level Plan), S 5004 00 (Upper Concourse Level Plan), S 5005 00 (Promenade Level Plan), S 5006 01 (Ground Level Plan), S 5007 01 (Park Level Plan), S 5008 00 (Roof Plan), S 5009 00 (South Elevation), S 5010 00 (North Elevation), S 5011 00 (East and West Elevation), S 5012 01 (Longitudinal Section) and S 5013 00 (Sections)
- Supporting Documents:** Design and Access Statement received 05/08/2008
Planning Statement received 05/08/2008
Transport Assessment received 05/08/2008
Travel Plan received 05/08/2008
Retail Assessment received 05/08/2008
Energy Statement received 05/08/2008
Resource Waste Strategy received 05/08/2008
Sustainability Statement received 05/08/2008
Open Space Statement received 05/08/2008
Environmental Statement (Volumes 1-4) received 05/08/2008
Environmental Statement (Volumes 5) received 10/10/2008
Further comments Regarding the Impact of the OSD on the Listed Docks received 05/11/2008
- Applicant:** Canary Wharf Properties (RT5) Limited
- Owner:** British Waterways
Cross London Rail Links
- Historic Building:** Grade I listed dock walls.
- Conservation Area:** The site is not located within a Conservation Area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan 2008, the London Borough of Tower Hamlets Unitary Development Plan 1998, the Council's Interim Planning Guidance 2007 and associated supplementary planning guidance, and Government Planning Policy Guidance and has found that:
- 2.2 The proposal is in line with the Mayor and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan 2008 (Consolidated with Alterations since 2004) which seeks to ensure this.
- 2.3 The Overstation development within the Blue Ribbon Network is considered acceptable as the development would maintain an acceptable navigational channel, while building on the consented Crossrail Station with an exceptional quality development that incorporates a publicly accessible park to replace the leisure opportunities lost from the dock. The proposal, due to the unique circumstance of the consenting of the Crossrail Station under the Crossrail Act 2008 is considered to be acceptable in terms of policies 3D.8, 4C.1, 4C.3, 4C.4, 4C.6, 4C.7, 4C.8, 4C.10, 4C.12 and 4C.14 of the London Plan 2008 (Consolidated with Alterations since 2004) and policies OS7 and T26 of the Unitary Development Plan (1998) and policies CP30, CP36, CP44, OSN2 and OSN3 of the Interim Planning Guidance (2007), which seek to protect the Blue Ribbon Network from inappropriate development and promote the use of the Blue Ribbon Network for transport and leisure uses.
- 2.4 The proposed retail land use is considered acceptable in principle, as in accordance with regional and local planning policy, both a quantitative and qualitative need for the retail floorspace can be demonstrated and there will be no adverse impacts on other centres arising from the proposal. The retail land use of the development would be acceptable in terms of policies ST34 S1 and S7 of the Unitary Development Plan (1998), policies CP15, CP16, CP17, RT4 and RT5 of the Interim Planning Guidance (2007) and policies 2A.4, 3D.1, 3D.2 and 3D.3 of the London Plan 2008 (Consolidated with Alterations since 2004) which seek to provide balance in town centre uses to encourage the vitality and viability of town centres and promote economic and job growth without adversely impacting on other established town centres.
- 2.5 The proposed community uses within the proposed development are acceptable in principle as they would be located in an area well located in relation to public transport and connected to a wide range of uses. The proposed community facilities would be in accordance with policy 3A.18 of the London Plan 2008 (Consolidated with Alterations since 2004) policies ST49, SCF8 and SCF11 of the Unitary Development Plan 1998 and policy SCF1 of the Interim Planning Guidance 2007, which seek to provide community facilities in areas well located and accessible and of high quality.
- 2.6 The development's height, scale, bulk and design is acceptable and in line with policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008 (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP4, DEV1 and DEV2 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.
- 2.7 Transport matters, including parking, access and servicing, are acceptable and in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 3C.1 and 3C.23, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure

developments minimise parking and promote sustainable transport options.

- 2.8 Sustainability matters, including energy, are acceptable. This is in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 4A.4 and 4A.7 and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007), these policies seek to promote sustainable development practices.
- 2.9 The proposed development will not involve works to the physical structure of the Grade I listed dock wall and is not considered to significantly impact upon the legibility of the historic conservation priorities in the area. As such, the scheme is in line with and policies 4B.11 and 4B.12 of the London Plan 2008 (Consolidated with Alterations since 2004) and policy CON1 of the Council's Interim Planning Guidance (2007), which seek to protect listed buildings and structures within the Borough and London.
- 2.10 The development will mitigate potential impacts upon the ecology and nature conservation area in accordance with 4C.13 of the London Plan 2008 (Consolidated with Alterations since 2004), policies DEV57, DEV61 of the Unitary Development Plan 1998 and CP31 and CP33 of the Interim Planning Guidance (2007), which seek to protect and enhance all sites of importance for nature conservation.
- 2.11 Contributions have been secured towards the provision of community facilities, employment and training, cycleway and cycling facilities improvements and access improvements in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.
- 2.12 Consideration has been given to the objections made to the scheme, but none of these are considered sufficient to outweigh the reasons for granting planning permission.

3. RECOMMENDATION

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

- A. Any **direction** by **The Mayor**
- B. Any **direction** by **The Secretary of State** pursuant to the Shopping Development Direction
- C. The prior completion of a **legal agreement**, to the satisfaction of the Assistant Chief Executive (Legal Services), to secure the following:

Education and Training

A financial contribution of **£150,000** towards local employment and training including Local Employment Access and Skillsmatch to maximise the employment of local residents.

Improvements to Connectivity and Integration

A financial contribution of **£45,000** towards the Preston Road/Trafalgar Way cycle improvement scheme. This involves widening the cycle lane on Blackwall Way, Preston's Road and Trafalgar Way.

A financial contribution of **£35,000** towards the Westferry Road, Narrow Street and Locksfield cycle route improvement and cycle parking/cycle hire provision along this

route to Canary Wharf and around the proposed development.

A financial contribution of **£70,000** towards the modification and improvements to the existing cycle by-pass lane and cycle lane improvements on Poplar High Street to improve the link to the development from the North of Canary Wharf.

A works contribution towards the provision of step free access improvements to the route from Poplar High Street to the eastern entrance of the development prior to the opening of the development, to a minimum value of £2,000,000.

Delivery of an acceptable signage strategy for the routes from Poplar High Street and the Preston's Road Roundabout to the proposed Crossrail Station and Overstation Development.

Community

Delivery of an on-site provision of 930m² floor space to accommodate community purposes as the Council may consider appropriate to a minimum construction value of £2,000,000.

Delivery of a publicly accessible Community Park, including management and maintenance, to a minimum construction value of £5,400,000.

Preparation, implementation and monitoring of a Management Plan for the Community Park, including the provision for community events and education programmes.

Highways

A Car Free development by changing of the Traffic Management Order to exclude occupiers of the development from obtaining parking permits

Preparation, implementation and monitoring of a Workplace Travel Plan (including welcome pack for occupiers).

Preparation, implementation and monitoring of a Servicing and Deliveries Management Plan for servicing and deliveries associated with the proposed development.

Construction

Obligations in relation to construction works (noise levels, hours of work, transport arrangements, air quality, method statements) to be secured through a Code of Construction Practice.

- 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) Time Period
- 2) Restriction on opening of development
- 3) Cladding Types Layout
- 4) External Materials Samples
- 5) ETFE Scale Mock-up
- 6) Landscaping Plan
- 7) Landscaping Management Plan
- 8) Planting restricted to native species

- 9) Petrol/Oil Interceptors
- 10) Lighting near waterways
- 11) Flood storage scheme
- 12) Oil, Fuel and Chemicals Storage
- 13) Water Efficiency
- 14) Barge usage
- 15) Security Management Plan
- 16) Site Waste Management Plan
- 17) Construction Management Plan
- 18) Noise attenuation measures
- 19) Ventilation and Extraction System Details
- 20) CCHP provision
- 21) Rainwater Harvesting Provisions and Details
- 22) Water saving technologies

Informatives

- 1) Thames Water Informative
- 2) Environment Agency Informatives
- 3) S106

- 3.3 That, if by 06 February 2008 the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (Legal Services), the Head of Development Decisions be delegated authority to refuse planning permission.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The application relates to an urban development project with a development area of more than 0.5 hectares. It thus falls within paragraph 10 of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended). As the project is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's environmental statement (ES), any further information submitted following request under Regulation 19 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.

- 4.2 An ES was submitted by the applicant with the planning application. The Council appointed consultants, Bureau Veritas, to examine the ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, Bureau Veritas detailed that in their view the report failed to provide sufficient information in several areas. A Regulation 19 request was therefore served on the applicant requesting further information and the further information was submitted to the Council on 14th October 2008, following which it was publicised in the required manner. Council's Environmental Impact Assessment officer has reviewed the response and is satisfied that the further information satisfactorily addresses the issues raised in the Regulation 19 request so as to complete the ES.

- 4.3 The ES addresses the following areas of impact (in the order they appear in the ES):

Volume 1: Main Report

- Chapter 1 Background to the EIA
- Chapter 2 Alternatives

- Chapter 3 The Site and the Proposed Scheme Description
- Chapter 4 Construction Environmental Management
- Chapter 5 Townscape and Views
- Chapter 6 Cultural Heritage
- Chapter 7 Transport
- Chapter 8 Noise and Vibration
- Chapter 9 Air Quality
- Chapter 10 Climate Change
- Chapter 11 Water Resources, Water Quality and Flood Risk
- Chapter 12 Ground Conditions and Land Contamination
- Chapter 13 Ecology
- Chapter 14 Socio-economics
- Chapter 15 Wind
- Chapter 16 Overshadowing
- Chapter 17 Cumulative Effects

Volume 2: Figures

Volume 3: Appendices

- 1.1 EIA Scoping Report
- 1.1 EIA Scoping Report
- 1.2 EIA Scoping Opinion
- 1.3 Scoping Response Table
- 3.1 Detailed Floor Space Schedule (Station Only Scheme and Proposed over Site Development)
- 3.2 Proposed Plant Species List
- 3.3 Assumptions about the CCHP
- 6.1 Gazetteer of Known Archaeological Sites and Listed Buildings
- 6.2 Import Dock and Export Dock Listing
- 7.1 Future Development Schemes for the Assessment of Transport Effects
- 7.2 Traffic Data
- 8.1 Extract from Crossrail Bill Supporting Documents, Section STR08 Noise and Vibration, Volume 03 Baseline Pt2, 2002_F_Baseline Noise Tables
- 8.2 Traffic Noise Data
- 8.3 Construction Noise Assumptions
- 8.4 Construction Noise Levels at Nearest Receptors
- 8.5 Extract from Draft Environmental Minimum Requirements, EMR Annex 1 - Construction Code - Draft 5.0, 12/05/08
- 9.1 Traffic Data Used for Air Quality Assessment
- 9.2 Model Verification
- 11.1 Flood Risk Assessment
- 15.1 Wind Technical Report
- 16.1 Permanent Overshadowing Results Drawings
- 16.2 Transient Overshadowing Results Drawings

Volume 4: Visual Impact Study

- 4.4 The ES and further information address the likely significant effects of the development, what the impacts are and their proposed mitigation. The various sections of the ES have been reviewed by officers. The various environmental impacts are dealt with in relevant sections of this report with conclusions given with proposals for mitigation of impacts by way of conditions and or planning obligations as appropriate.

- 4.5 In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental impacts are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

5. PROPOSAL AND LOCATION DETAILS

Background

- 5.1 The Crossrail Act 2008, which received Royal Assent on 22 July 2008, provides for the construction, maintenance and operation of Crossrail. Crossrail is a major new cross-London rail link project that has been developed to serve London and the southeast of England. The project includes the construction of a twin-bore tunnel on a west-east alignment under central London and the upgrading of existing National Rail lines to the east and west of central London.
- 5.2 The project will enable the introduction of a range of new rail journeys into and through London. It includes the construction of seven central area stations, providing interchange with London Underground, National Rail and London bus services, and the upgrading or renewal of existing stations outside central London. Crossrail will provide rail access to the West End and the City by linking existing routes from Shenfield and Abbey Wood in the east, with Maidenhead and Heathrow in the west.
- 5.3 Schedule 1 of The Crossrail Act 2008 describes the 'scheduled works' that the nominated undertaker will be authorised to carry out. A number of the scheduled works included in the Act are in relation to provision of a station on Crossrail at the Isle of Dogs. The Crossrail Act 2008 deems planning permission to be granted for the works authorised by it, subject to the conditions set out in Schedule 7 of the Crossrail Act 2008. Schedule 7 includes conditions requiring various matters be subject to the approval of the relevant local authority.
- 5.4 There are two types of submission that can be made by the nominated undertaker under Schedule 7:
- Plans and Specifications (permanent works); and
 - Construction Arrangements (temporary works)
- 5.5 The Nominated Undertaker has received approval under Schedule 7 of the Crossrail Act 2008 of the Plans and Specifications and Construction Arrangements Applications for the proposed Isle of Dogs Crossrail Station.
- 5.6 For proposed development of the station outside the Limits of Deviation of the Crossrail Act 2008 and the Overstation Development additional planning permission under the Town and Country Planning Act 1990 is required. This planning permission is therefore sought by the applicant and the officer's assessment of the application is the subject of this report.
- 5.7 Figures 5.1 and 5.2 below show the sections of the approved station only application and the proposed Overstation Development design.

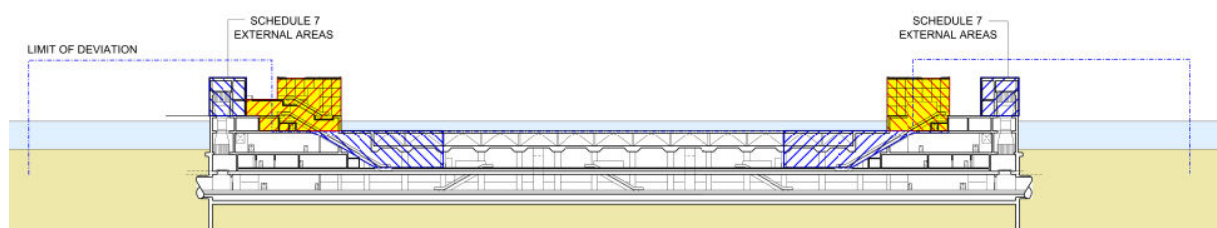


Figure 5.1 – Section of the approved Crossrail Isle of Dogs Station Only Scheme

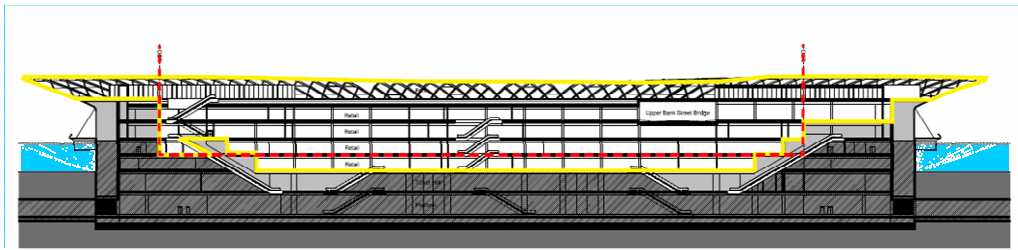


Figure 5.2 – Section of the approved Crossrail Station with proposed Overstation Development Scheme

Proposal

- 5.8 The applicant proposes to erect a building sitting over the proposed Isle of Dogs Crossrail station comprising A1, A3, A4, D1 and D2 uses and a publicly accessible semi open indoor park. In addition the proposed development will include elements of the Isle of Dogs Crossrail station which fall outside the vertical limits of deviation as defined by the Crossrail Act 2008. The building will be 26.78m (AOD) in height and 311m long running east to west within the North Dock.
- 5.9 The applicant is making a major financial commitment to the Crossrail project and will be responsible for the construction of the Isle of Dogs station, bearing a significant contribution to the costs of the development of the Isle of Dogs station, which would otherwise be required to be funded by public money. The Overstation Development is proposed in order to mitigate the costs on the applicant of this commitment and bring additional benefits to the community, in the form of improved access links, new community facilities and a publicly accessible park space.
- 5.10 Floorspace within the Overstation Development can be identified as follows:
- Shops (A1 use) – 4,672m² Net Internal Area (NIA)
 - Restaurants and cafes (A3 use) - 2,016m² NIA
 - Drinking establishments (A4 use) – 2,783m² NIA
 - Non residential institutions/assembly and leisure (D1/D2 use) – 1,860m² NIA
- 5.11 The floorspace is proposed to be distributed on a floor by floor basis as follows:

	Floor	Unit Type	Net Internal Area (m ²)
Below water	Lower Concourse	A1	460
		A1	422
		A1	420
		A1	421
	Upper Concourse	A3	144
		A3	1,222
D1/D2		930	
Above water	Promenade	A1	64
		A1	691
		A1	2,194
	Ground level	A4	2,475
		A4	308
	Park Level	A3	650
		D1/D2	930
	Total		11,331

Table 5.1 – Proposed floorspace distribution within the proposed development

- 5.12 The semi open indoor publicly accessible park will be located on top of the Overstation Development at 'Park Level'. It will occupy an area of approximately 5,000m² and be located between the restaurant at the western end and the flexible D1/D2 uses at the eastern end. The park will be open to the public during the normal business hours of the retail centre.
- 5.13 The proposed building will sit on top of the Isle of Dogs Crossrail station, which has deemed consent provided by the Crossrail Act 2008, within the specified limits of deviation. Figure 5.3 shows the proposed scope of the building in relation to the Crossrail station as consented by the Crossrail Act 2008.

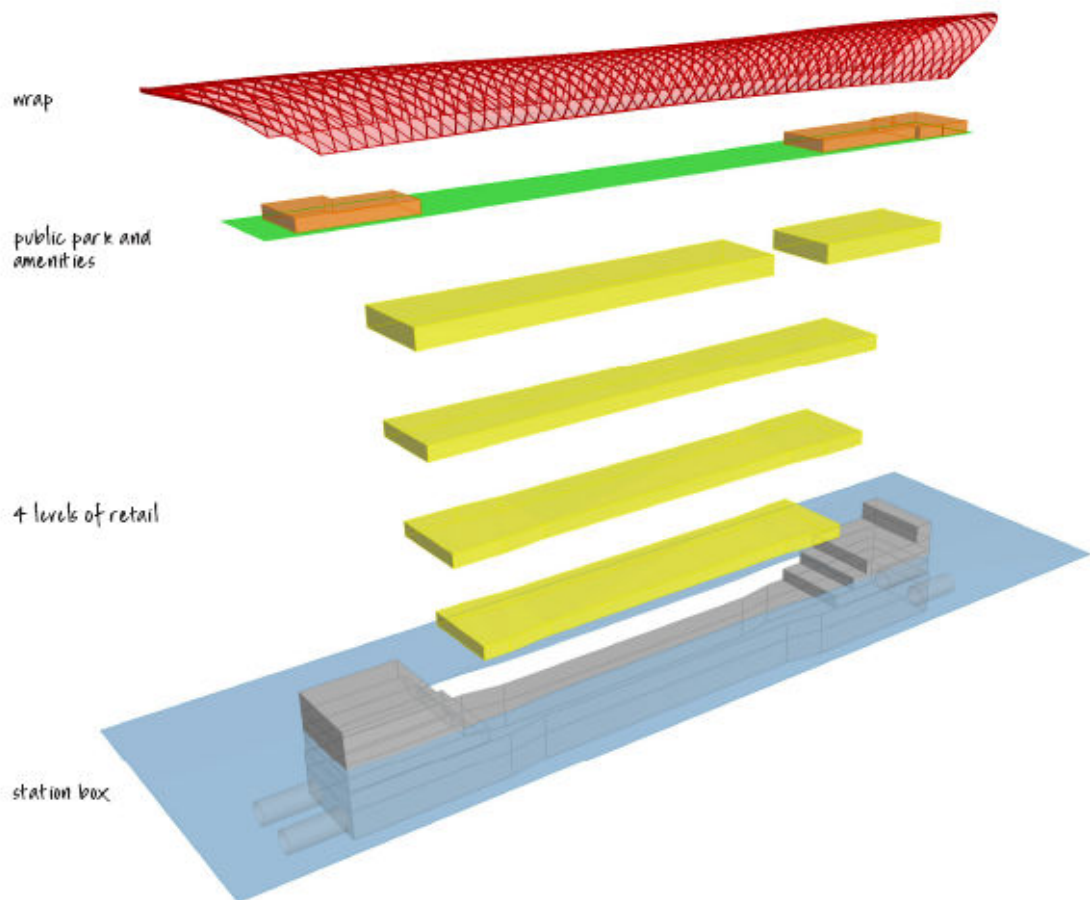


Figure 5.3 – Showing the scope of the proposed over site retail and park development and consented Isle of Dogs Crossrail Station below.

- 5.14 The proposed Overstation Development will consist of two levels of retail below the waterline and two levels above the waterline, between the entrance islands at the ends of the station. The park would sit on top of the station. The proposed Overstation Development would increase the overall height of the development from 17.75m AOD to 26.78m AOD at the highest points.
- 5.15 The external appearance of the building is proposed to be wrapped in a shell of exposed timber lattice structure incorporating a range of cladding panels as required by the design, internal layout and use of the building. Figure 5.4 shows the concept of the external cladding for the above ground portion of the development.

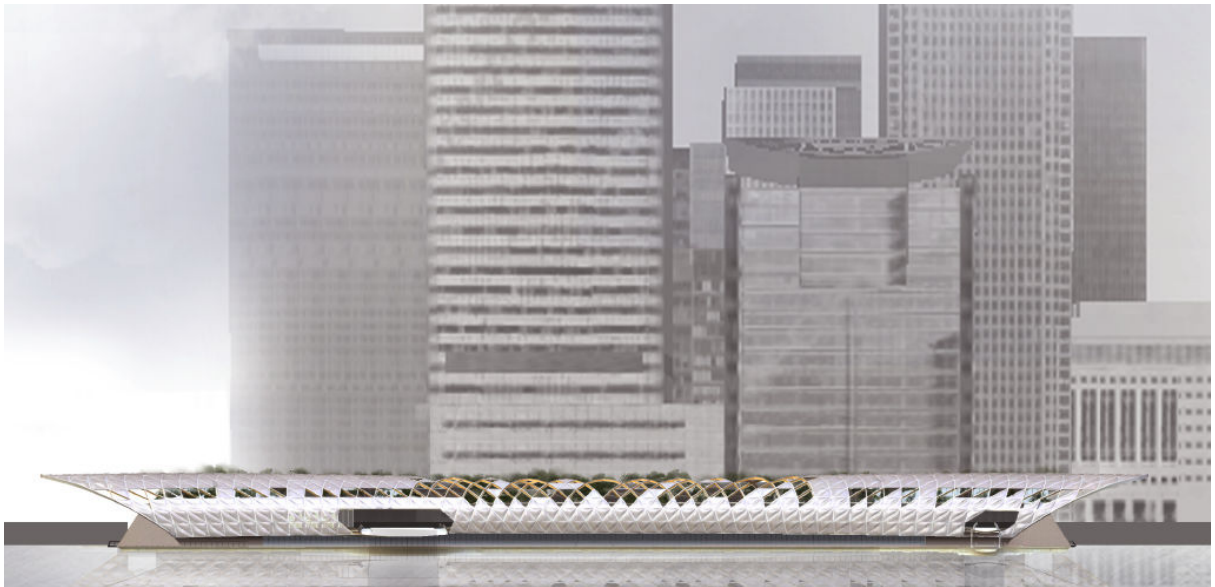


Figure 5.4 – Showing the concept of the external cladding

- 5.16 In addition to the building the development proposes the replacement of the Upper Bank Street bridge to pass through the eastern end of the development and the introduction of a pedestrian promenade along the southern side of the development.

Site and Surroundings

- 5.17 The subject site is a 0.92 hectare site and is located at the northern end of the Canary Wharf estate and to the south of Poplar, within North Dock. The majority of buildings in the immediate vicinity of the Canary Wharf estate are commercial; however Poplar, which lies to the north of Aspen Way, is generally residential in nature. North Dock is connected by water to the surrounding dock network including Middle Dock, South Dock, the Blackwall Basin and Poplar Dock. The River Thames is linked to this network by locks which sit within the Blackwall Basin and South Quay.
- 5.18 Immediately to the north of the site is the North Quay site which benefits from an extant planning permission for an office led mixed use development comprising 377,984 m² of floorspace within three towers extending 43, 37, and 23 storeys (ref PA/03/00379). To the North east is Billingsgate Market. To the east lies the Upper Bank Street road bridge which links Canada Square to Aspen Way to the north. To the south lies the Canary Wharf estate, the HSBC and Bank of America buildings which are 210 m and 97 m high respectively. To the west is the DLR bridge which links West India Quay DLR station with Canary Wharf DLR station.
- 5.19 The site is well located for public transport, being a short walk from Canary Wharf Jubilee Line station, West India Quay, Poplar, Heron Quays, Canary Wharf and Westferry DLR stations and within easy walking distance of numerous bus routes including 135, 277, D3, D7, D8 and N50.
- 5.20 The site is dominated by the connection with water and navigation. The banana walls of the dock are listed as grade I and to the west of the subject site on the north side of the dock are listed warehouses contributing to the dockland heritage and character that permeates the area.

Planning History

- 5.21 PA/08/01651 Erection of elements of Isle of Dogs Crossrail station, which fall outside the vertical limits of deviation as defined by the Crossrail Act 2008.
- Town and Country Planning Act 1990 application for the portions of the station only design that fall outside of the Limits of Deviation as defined in the Crossrail Act 2008.*
- Granted – 13/11/2008
- 5.22 PA/08/01641 Submission for approval of Construction Arrangement for the Isle of Dogs Crossrail Station pursuant to Schedule 7 of the Crossrail Act 2008.
- Application submitted under Schedule 7 of the Crossrail Act 2008. Relates to the construction arrangements for the construction of the Isle of Dogs Crossrail Station within the Limits of Deviation as detailed in the Crossrail Act 2008.*
- Granted – 20/10/2008
- 5.23 PA/08/01642 Submission for approval of plans and specifications for the Isle of Dogs Crossrail Station to accommodate Overstation development pursuant to Schedule 7 of the Crossrail Act 2008
- Application submitted under Schedule 7 of the Crossrail Act 2008. Relates to the permanent station and associated structures for the station within the Limits of Deviation detailed in the Crossrail Act 2008, for a design which includes Overstation development outside the Limits of Deviation as applied for in this application PA/08/01666.*
- Granted – 20/10/2008
- 5.24 PA/08/01643 Submission for approval of plans and specifications for the Isle of Dogs Crossrail Station (main design) pursuant to Schedule 7 of the Crossrail Act 2008.
- Application submitted under Schedule 7 of the Crossrail Act 2008. Relates to the permanent station and associated structures for the station within the Limits of Deviation detailed in the Crossrail Act 2008, for the station only design.*
- Granted – 20/10/2008
- 5.25 PA/08/01667 Erection of replacement Upper Bank Street Road bridge linking Canada Square to Aspen Way.
- Town and Country Planning Act 1990 application for the erection of a replacement Upper Bank Street road bridge, as this bridge is required to be removed to facilitate construction of the Crossrail Station.*
- Granted - 10/10/2008
- 5.26 Crossrail Act 2008 Provides deemed consent for the proposed Isle of Dogs Crossrail Station within the limits of deviation
- Royal Assent Received - 22 July 2008
- 5.28 T/91/251 Construction of a road junction onto Aspen Way including a new road bridge and a palisade fence around the area adjoining Billingsgate Market
- Granted by London Docklands Development Corporation 13 March 1992

6. POLICY FRAMEWORK

- 6.1 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:

The London Plan Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (February 2008)

2A.1	Sustainability Criteria
2A.8	Town Centres
2A.9	The Suburbs: Supporting Sustainable Communities
3A.3	Maximising the Potential of Sites
3A.18	Protection and enhancement of Social Infrastructure and Community facilities
3B.1	Developing London’s Economy
3C.1	Integrating Transport and Development
3C.2	Matching Development to Transport Capacity
3C.3	Sustainable Transport in London
3C.21	Improving Conditions for Walking
3C.23	Parking Strategy
3D.1	Supporting Town Centres
3D.2	Town Centre Development
3D.8	Realising the Value of Open Space and Green Infrastructure
3D.11	Open Space Provision In DPDs
3D.14	Biodiversity and Nature Conservation
3D.15	Trees and Woodland
4A.1	Tackling Climate Change
4A.3	Mitigating Climate Change
4A.4	Energy Assessment
4A.5	Provision of Heating and Cooling Networks
4A.6	Decentralised Energy: Heating, Cooling and Power
4A.7	Renewable Energy
4A.9	Adaptation to Climate Change
4A.10	Overheating
4A.11	Living Roofs and Walls
4A.12	Flooding
4A.13	Flood Risk Management
4A.14	Sustainable Drainage
4A.16	Water Supplies and Resources
4A.17	Water Quality
4A.19	Improving Air Quality
4A.20	Reducing Noise and Enhancing Soundscapes
4A.28	Construction, Excavation and Demolition Waste
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.8	Respect Local Context and Communities
4B.10	Large-scale buildings – Design and Impact
4B.11	London’s Built Heritage
4C.1	The Strategic Importance of The Blue Ribbon Network
4C.2	Context For Sustainable Growth
4C.3	The Natural Value of The Blue Ribbon Network
4C.4	Natural Landscapes
4C.6	Sustainable Growth Priorities for the Blue Ribbon Network

4C.8	Freight Uses on the Blue Ribbon Network
4C.13	Moorings facilities on the Blue Ribbon Network
4C.14	Structures Over and Into the Blue Ribbon Network
4C.15	Safety On and Near to the Blue Ribbon Network
4C.23	Docks

Unitary Development Plan 1998 (as saved September 2007)

Proposals:

FPA	Flood Protection Area
CAZ	Central Area Zone
WPA	Water Protection Area
SNI	Site of Nature Importance

Policies:

ST1	Effective and Fair Planning Service
ST12	Availability and Accessibility
ST15	Expansion and Diversification of Local Economy
ST17	High Quality Work Environments
ST28	Restrain Use of Private Cars
ST30	Improve Road Safety
ST34	Improved Provision of Shopping
ST35	Retention of Local Shops
ST37	Attractive Environment
ST43	Public Art
ST49	Social and Community Facilities
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Development
DEV4	Planning Obligations
DEV12	Provision of Landscaping in Development
DEV37	Alteration of Listed Buildings
DEV46	Protection of Waterway Corridors
DEV48	Strategic Riverside Walkways and New Development
DEV49	Moored Vessels and Structures
DEV50	Noise
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Development Affecting Nature Conservation Areas
DEV69	Efficient Use of Water
CAZ1	Location of Central London Core Activities
EMP6	Employing Local People
T1	Improvements and Extensions to the Underground
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T19	Priorities for Pedestrian Initiatives
T21	Pedestrian Needs in New Development
T26	Use of the Waterways for Freight
S7	Considerations for Development of Special Uses
U2	Development in Areas at Risk From Flooding
U3	Flood Protection Measures

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

Proposals:

IODAAP	Isle of Dogs Area Action Plan
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SINC	Site of Importance for Nature Conservation
FRA	Flood Risk Area
MC	Major Centre
DCB	Draft Crossrail Boundary
BRN	Blue Ribbon Network

Core Strategies:

CP 1	Creating Sustainable Communities
CP 3	Sustainable Environment
CP 4	Good Design
CP 5	Supporting Infrastructure
CP 7	Job Creation and Growth
CP8	Tower Hamlets' Global Financial and Business Centre and the Central Activities Zone
CP 15	Provision of a Range of Shops
CP16	Vitality and Viability of Town Centres
CP17	Evening and Night-time Economy
CP 27	High Quality Social and Community Facilities to Support Growth
CP 30	Improving the Quality and Quantity of Open Spaces
CP 31	Biodiversity
CP 33	Sites of Importance for Nature Conservation
CP 36	The Water Environment and Waterside Walkways
CP 37	Flood Alleviations
CP 38	Energy Efficiency and Production of Renewable Energy
CP 39	Sustainable Waste Management
CP40	A Sustainable Transport Network
CP 41	Integrating Development with Transport
CP43	Better Public Transport
CP 46	Accessible and Inclusive Environments
CP 47	Community Safety
CP 49	Historic Environment

Policies:

DEV 1	Amenity
DEV 2	Character and Design
DEV 3	Accessibility and inclusive Design
DEV 4	Safety and Security
DEV 5	Sustainable Design
DEV 6	Energy Efficiency and Renewable
DEV 7	Water Quality and Conservation
DEV 8	Sustainable Drainage
DEV 9	Sustainable Construction Materials
DEV 10	Disturbance from Noise Pollution
DEV 11	Air Pollution and Air Quality
DEV 12	Management of Demolition and Construction
DEV 13	Landscaping and Tree Preservation
DEV 14	Public Art
DEV 15	Waste and Recyclables Storage
DEV 16	Walking and Cycling Routes and Facilities
DEV 17	Transport Assessments
DEV 18	Travel Plans
DEV 19	Parking for Motor Vehicles
DEV 20	Capacity of Utility Infrastructure
DEV 21	Flood Risk Management
DEV 24	Accessible Amenities and Services
DEV 25	Social Impact Assessment

RT 4	Retail Development and the Sequential Approach
RT 5	Evening and Night-time Economy
SCF1	Social and Community Facilities
OSN2	Open Space
OSN 3	Blue Ribbon Network and the Thames Policy Area
IOD 15	Retail and Leisure Uses in the Northern Sub-Area
IOD 16	Design and built form in the Northern Sub-Area

Supplementary Planning Guidance/Documents

Designing Out Crime – SPG 2002
Riverside Walkways – SPG 1998
Landscape Requirements – SPG 1998

Government Planning Policy Guidance/Statements

PPS 1	Delivering Sustainable Development
PPS 6	Planning for Town Centres
PPG 13	Transport
PPG 22	Renewable Energy
PPG 24	Planning and Noise

Community Plan –One Tower Hamlets

The following Community Plan objectives relate to the application:

A Great Place To Be
Healthy Communities
Prosperous Communities
Safe and Supportive Communities

7. CONSULTATION RESPONSE

7.1 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 Access Officer

- 7.2 The following concerns regarding the development are raised:
- Access to the station from the north via the current road has an adverse gradient; this makes it very difficult for people with mobility impairments.
 - The proposed interface between the road and the station entrance could adversely affect users – it does not conform to latest best practice, DFT Manual for Streets, which requires that the street hierarchy of use is Pedestrian first then cyclist and lastly vehicle traffic this proposal is the reverse and as the road to the South has a vehicle check point and the road north has traffic lights at the station entrance staggered priority or other such method of slowing and containing traffic should be considered.
 - Lift access to the garden to the west is not obvious it should be adjacent to the escalator access as that is more logical.
 - Lift access from the promenade on the east is not obvious.
 - It is vital that the walking routes to the north are strengthened, preferably at grade and given priority.

Officer's Comments

- 7.3 The applicant has provided schemes for improvements to the route to the north through to Poplar High Street, improving the gradient and providing step free access. It is considered that this would remove the issues with the gradient on Upper Bank Street. These matters would be secured via the S106 agreement.
- 7.4 The applicant has proposed alterations to the eastern entrance to assist with the conflict between the road and pedestrians. A pedestrian crossing is proposed to be introduced to the south of the development providing for pedestrians to cross Upper Bank Street. A speed table within the undercroft of the development was considered by the applicant however was dismissed as the implementation was considered to impact on road safety and the engineering design of the building.
- 7.5 Due to the constraints of the design and having the station entrances located at the ends of the development the lifts from the promenade level to park level are not well connected. These lifts have been designed with the primary purpose of servicing the Crossrail Station. Lifts are provided to enable mobility impaired persons to access between the promenade level and the ground level and good links are provided from the ground level to the park at either end of the development. In addition there is a lift access with the centre of the park from the retail development below.

LBTH Energy Efficiency Unit

- 7.6 No objections received

LBTH Environmental Health

- 7.7 The Environmental Health Team has reviewed the proposal. After discussions with the applicants and receiving further technical information the Environmental Health Team consider that adequate ventilation and extraction systems can be incorporated within the proposed development without adversely impacting on the amenity of the area or the occupiers. While final details of the proposals for ventilation and extraction systems have not been provided it is considered that conditions of consent can ensure that plant is installed appropriately to protect the amenity of the area and the occupiers.

Officer's Comments

- 7.8 It is recommended the conditions of consent proposed by the Environmental Health Team are included on any approval in order to ensure that the proposed ventilation and extraction system does not adversely impact on the amenity of the surrounding area or occupiers and visitors to the proposed Overstation Development.

LBTH Highways

- 7.9 The increase in traffic movement on Upper Bank Street is significantly high; above 5% of the existing traffic movement. This may have serious impact at the junction signal junction with Aspen Way. TFL should be comment on the application and suitability of the proposal.
- 7.10 The link and connectivity with Poplar and the north of Canary Wharf is very poor. The existing footbridge over Aspen Way may not adequately provide enough link between Poplar, the Overstation development and the proposed Crossrail station. Contributions to improve this link should be secured as part of the Overstation development. A replacement footbridge which link directly from Poplar DLR Station to the Overstation development should be considered.

Officer's Comments

- 7.11 TFL have been consulted and provided comments as per the GLA response.

- 7.12 The applicant has provided schemes for improvement of the link to the north and Poplar High Street. The provision of these schemes will be secured via the S106 agreement. A replacement footbridge which would link directly from the poplar DLR to the Overstation development would not be practical given the existing consented development on the North Quay site. If a further consent for development on this site was to be submitted to Council this issue could then be looked at.

LBTH Planning Policy

- 7.13 The proposal is seen to be in general conformity with government and Council guidance whereby it has taken into consideration key matters and criteria regarding quantitative and qualitative need (where it includes a shopper survey), existing retail offer, impact on other town centres, as well access and scale of development. Further consideration will need to be given to the retail offer and opening hours.

LBTH Strategic Transport

- 7.14 Officers welcome the 240 cycle parking spaces. In the scheme, it has proposed 80 near the western entrance of the station. It is suggested that there should be plans for additional cycle parking (not only limited to 80 cycle parking) as it is expected that the cycle parking usage could be increased due to its proximity to the West India Quay DLR Station.
- 7.15 Officers support no parking provision for this development. Whilst there is no parking proposed for the development, there should be clear signage or maps/ plans showing the nearest disabled parking locations.
- 7.16 In the PERS assessment (Appendix C), Links 5 (North Quay Bridge), 6 (Aspen Way), 10, 12 (Herstmere Road), 14 (Ming Street), 15 (Dolphin Lane), 16 (Castor Lane) and 18 (Poplar Footbridge) have been identified as "average" routes. It is suggested that S106 or S278 to be contributed to improve the walking environment, especially the links to Poplar and the Poplar Footbridge (see comments from Highways). The agreements should be discussed between TfL, LBTH and the applicants.
- 7.17 The applicants to specify the length of Travel Plan monitoring period. In TfL guidance, it is suggested that there should be a minimum of 5 years to monitor the TP. S106 maybe required for staff resource for TP monitoring and iTrace input

Officer's Comments

- 7.18 The cycle parking provided is in order to mitigate the impact from the proposed development. Providing additional cycle parking spaces for other existing developments would be outside of the scope of this application.
- 7.19 The parking locations around the surrounding area are already signposted. It is not considered that additional signposts or maps within the development would assist drivers to find carparking areas as parking of vehicles would occur before the drivers entered the development.
- 7.20 Options for improvement of the routes to Poplar in the north have been discussed with the applicant and will be included in a S106 agreement requiring the proposed improvements to be implemented.
- 7.21 Through the S106 agreement the Council will require the applicant to carry out Travel Plan monitoring.

LBTH Waste Management

7.22 No objections received

British Waterways

- 7.23 British Waterways are the landowner and navigation authority as well as a relevant statutory consultee. As a consequence, British Waterways have been heavily engaged in the parliamentary process and fully involved in the evolution of these proposals over the past 9 months.
- 7.24 British Waterways are satisfied that all of their requirements have been met. For example, British Waterways have secured all navigation requirements to the North of the station and the 'over site development'. Furthermore, our initial concerns regarding the potential for an incongruous 'box' located in North Dock have been allayed by the exemplary, iconic design of the proposed development.
- 7.25 British Waterways are keen though to work closely with the applicants to ensure that the ventilation shafts are well designed and integrate with the waterspace. British Waterways welcome the idea of high quality, masted vessels moored adjacent to the cantilever at the ends of the station (as discussed in Section 4.4 and p61 of the Design & Access Statement). British Waterways believe that secure moored vessels can be appropriately designed to screen the louvre grilles and help to blend the new structure into the dock context. British Waterways also support the potential for temporary floating pontoons in this location to host special events.
- 7.26 British Waterways have also discussed the option of depositing displaced bed silt arising from the excavation of the proposed station on the adjacent dock bed. This is acceptable to us as the dock owner with statutory responsibility for navigation, flood risk, biodiversity and heritage. British Waterways will though be discussing this option further with the Environment Agency who may take a different view.
- 7.27 British Waterways are discussing an emerging Waterspace Strategy with the Council. The Waterspace Strategy identifies opportunities for water taxis. British Waterways will be encouraging an interface in North Dock in due course which will be able to help connect Canary Wharf with other parts of the Isle of Dogs community.
- 7.28 British Waterways are satisfied that the new station and over site development will deliver a high quality, exemplary development that positively addresses the water and meets all of their requirements.
- 7.29 British Waterways therefore raise no objections to the proposed development.
- 7.30 Ordinarily, British Waterways would propose a number of planning conditions and informatives and request financial contributions (or work in kind) through a planning obligation to mitigate the impact of a development and to improve the waterways for the long-term. In this particular case, British Waterways have already been able to build in their requirements from the earliest stage of the design process and will continue to have considerable influence throughout the planning and development processes. British Waterways therefore have no requests for conditions or planning obligations.

Commission for Architecture and the Built Environment (CABE)

- 7.32 We applaud the design team for their confident proposal for a new public park and shopping centre above the new Crossrail station at Canary Wharf. We support the proposition of encapsulating the station operations, retail, community uses and a public park into a single architectural expression, which also acts as a bridge between Canary Wharf and the wider community.

- 7.33 However, the largely illustrative material presented, and the lack of hard-line drawings giving exact information, made the presentation at times unclear, and even misleading. We believe there is further scope to explore the building's long and cross sections to achieve a more effective synergy between the contained uses and an inviting public park above.
- 7.34 We would like to see a clearer account of predicted movement flow associated with the station, shopping centre and public park. The local authority will need to assure itself that this has been comprehensively addressed prior to determination of the planning application.

Officer's Comments

- 7.35 The applicant has since the presentation of the proposal to CABE provided more detailed drawings with regards to the comments made by CABE in relation to the access to the park. The development of the proposal has included a new escalator route at the eastern station entrance up into the park level.
- 7.36 In addition to this the applicant has presented the concept of living walls or water walls at the park access points. These would bring the park level down into the entrances of the development inviting and welcoming users to explore up into the park level. These would increase the visibility of the park and result in a clearer legibility to the park entrances.

Crossrail

- 7.37 The site of this planning application is identified within the limits of land subject of consultation under the Safeguarding Direction. The implications of the Crossrail proposals for the application have been considered and CLRL do not wish to make any comments on this application as submitted.

Environment Agency (Statutory)

- 7.38 Following recent discussions with Canary Wharf Properties Ltd, The Environment Agency are close to completing and signing a legal agreement for Canary Wharf Properties Ltd to provide 100% compensatory flood water storage due to the reduction of flood storage capacity within the dock caused by the development within this application. The agreement is between the Environment Agency and Canary Wharf Properties Ltd. The Environment Agency has confirmed that the Environment Agency will not be objecting to the above application subject to the agreement being agreed and signed.
- 7.39 However, if the legal agreement is not agreed on or signed by the date of the committee meeting (set for the 4th December 2008) then the Environment Agency will object to the proposed development and this position will be superseded by an objection letter.
- 7.40 Once the wording of the agreement has been reached and signed by all parties the Environment Agency requests that conditions be imposed on any planning permission granted. Conditions cover flood storage capacity mitigation, species of plants to be planted within the development, lighting, storage facilities for oils, fuels and chemicals and water efficiency measures.

Officer's Comments

- 7.41 It is considered that the proposed legal agreement between Canary Wharf and the Environment Agency would ensure that 100% flood storage mitigation is provided for the area of flood storage lost due to the proposed development. This would be acceptable mitigation of the developments impact on flood storage.
- 7.42 Conditions of consent proposed by the Environment Agency are recommended to be

included on any consent to ensure that the appropriate species of planting are used, lighting does not impact on the aquatic habitat, pollution from spills is avoided and water efficiency measures are appropriately employed within the development.

English Heritage (Statutory)

- 7.43 English Heritage wishes to object, in the strongest possible terms, to the Over Site Development aspects of the scheme for the reasons set out below.
- 7.44 The enormous historic significance of the West India Docks is reflected in its Grade I listed status. The list description states that it is the 'first and greatest of the enclosed security commercial docks'. 'These docks with Nos 1 and 2 warehouses are now the only surviving examples of the first intensive period of London dock construction: 1800-10.' West India Docks is of national and international significance; a key survivor of a period of the nation's history characterized by massive growth in international, Empire related trade. The Docks continue to have significant communal value being the *raison d'être* for many historic East End communities and they are key in defining the mental map of a part of London which has become known as Docklands. The large bodies of water have huge aesthetic value. The water within the docks provides the setting and relevance for the Grade I listed warehouses as well as for the towers of Canary Wharf.
- 7.45 The docks which were listed in 1983 have been subject to much change as Canary Wharf has developed into a major commercial centre. Approximately half of the total historic water area of the North (import) and South (export) dock have been lost due to infilling and significant stretches of the historic dock wall, including the southern wall of the north dock and the northern wall of the south dock, are now hidden from view within recent commercial developments. The north wall of the North Dock is the only complete edge which is visible along its entire length. Recent proposals within and around the Canary Wharf estate have included much discussion with regard to the treatment of sensitive dock edge sites.
- 7.46 The proposed Over Site Development will be 26.78m (AOD) in height and 271.5m long running from east to west in the North Dock. We consider that it would significantly detract from the setting of the Grade I listed quay. The structure would significantly narrow the body of water within the north dock, effectively changing its visual character from that of a dock to a canal-like fourteen metre wide navigation channel.
- 7.48 The Planning Statement (page 21) submitted with the applications states that 'A separate listed building consent application with regard to the setting of the North Dock wall is not proposed; it is considered that the appreciation of the waterbody enclosed within the remaining area of the Dock would remain legible, albeit reduced....' Whilst decisions as to whether Listed Building Consent is necessary fall within the remit of the Local Planning Authority, we strongly disagree with this statement and consider that understanding of the waterspace would be significantly reduced if the current Overstation development were to proceed as currently proposed.
- 7.49 English Heritage, in its recently produced policy document 'Conservation Principles, Policies and Guidance' (page 7) defines Conservation as 'the process of managing change to a significant place in its setting in ways that will best sustain its heritage values, while recognizing opportunities to reveal or reinforce those values for present and future generations'. The document advises that (page 10) 'Changes which would harm the heritage values of a significant place should be unacceptable unless:
- a. the changes are demonstrably necessary either to make the place sustainable, or to meet an overriding policy objective
 - b. there is no reasonably practicable alternative means of doing so without harm:
 - c. that harm has been reduced to a minimum consistent with achieving the objective;
 - d. it has been demonstrated that the predicated public benefit decisively outweighs the harm to the values of the place, considering:

- its comparative significance
- the impact on that significance, and
- the benefits to the place itself and/or the wider community or society as a whole'.

- 7.50 English Heritage would consider that whilst it could be argued that the approach, characterized by visually lightweight glass pavilions, advocated within the Schedule 7 related scheme (i.e. the basic station, as granted deemed consent by the Crossrail Act 2008), meet, at least, criteria (a) and (c) above. The Over Site Development related application however, which involves placing of a substantial retail facility within the confines of the Grade I listed dock, demonstrably does not meet any of the above criteria. Neither would it comply with national local or local planning policy.
- 7.51 English Heritage does not consider that the Overstation Development complies with policies in the London Plan relating to the Blue Ribbon Network. English Heritage considers that the water space should be considered a valuable visual amenity - not something to be lost, even if it provides new amenity space. English Heritage acknowledge the desire for more open green space but consider that this can be provided elsewhere and not involve the loss of historic and valuable water space.
- 7.52 English Heritage objects in the strongest possible terms to the Overstation Development aspects of the scheme and urge that ref PA/08/01666 is refused.

Officer's Comments

- 7.53 The description of the listing, states that it is the Quay walls, copings and buttresses to the Import Dock and Export Dock that have been listed and not the dock as an entity. Thus it is not considered that listed building consent is required as the development would not impact on the fabric of the dock wall.
- 7.54 The acceptability of introducing a structure within the dock area at this location has already been approved by parliament through the approval of the location of the Isle of Dogs Station under the Crossrail Act 2008.
- 7.55 It is agreed that the docks have a significant historical importance and the Crossrail Station and the proposed Overstation Development would impact on the appearance of the docks and the setting of the listed dock walls. As stated below in Section 8 the proposal would build upon the proposed Crossrail Station with an extremely high quality design that would be considered to minimise the impact of the development and on balance, given the significant alterations to the docks area with structures such as the DLR station, buildings of Canary Wharf and various bridges, the proposal would not result in a significant loss of legibility of the historic context. It should also be noted that the only portion of the original North Dock wall that is visible is a portion that is located outside the Museum of London Docklands at the western end of the dock, separated from the site by the DLR station and bridge.

Government Office for London (Statutory)

- 7.56 No objection received

Greater London Authority (Statutory)

- 7.57 The Mayor considers that the Overstation Development application does not comply with the London Plan, for the reasons set out below, but that the possible remedies also set out below could address these deficiencies.
- 7.58 The Overstation Development application complies with some of the London Plan policies but not with others, for the following reasons:

- Mix of uses and retail: the delivery of Crossrail has an important role to play in supporting the growth of the financial and business services sector in Central London and the Isle of Dogs; the Overstation Development will maximise the development opportunities of the Crossrail station and this is supported; the provision of additional retail in an existing major centre is supported.
- Urban design: the design is of exceptional quality and is appropriate to this location. However, the public park is not currently directly accessible from the promenade or ground level and the layout of the park and access needs further clarification.
- Blue Ribbon Network: given the special circumstances of this scheme the additional infilling of the dock is acceptable; but the capacity for navigation around the station is not clear, and the flood risk assessment is flawed.
- Climate change mitigation: the application does not demonstrate how energy efficient measures have achieved compliance with building regulations 2006; modelling work to support the sizing of the CCHP has not been provided; the opportunities that may arise from the use of waste heat generated via the low temperature distribution scheme have not been investigated; the location of the energy plant has not been demonstrated on plan; the energy strategy has not demonstrated future flexibility for connection to an external heating and/or cooling network; connection to the Barkentine district heating system has not been investigated; the provision of renewable energy has not been robustly considered.
- Climate change adaptation: measures to minimise overheating have not been considered; rainwater harvesting has not been fully investigated.
- Transport: in general the application is supported as it will perform a strategic function improving public transport choice, capacity, interchange and accessibility to existing and proposed development in the Canary Wharf area. However, insufficient information on the likely highway and traffic impact has been provided; no disabled parking is provided; the impact on the bus network needs further investigation; further work is needed on a temporary route to Poplar station during the construction of the adjacent site; further work is needed on servicing.
- Employment: the ways in which employment in the construction and operational phases of the development could benefit local residents should be considered further together with consideration of how existing local businesses could benefit from the development

7.59 The following changes might remedy the above-mentioned deficiencies, and could lead to the station only application becoming compliant with the London Plan:

- Urban design: further work should be undertaken to make the public park accessible from the promenade or ground level and further information should be provided on the layout of the park and on access.
- Blue Ribbon Network: the capacity for navigation around the station should be clarified; and a revised flood risk assessment should be provided.
- Climate change mitigation: demonstration of how energy efficient measures have achieved compliance with building regulations 2006 should be provided or alternatively justification as to why this is not possible; modelling work to support the sizing of the CCHP should be provided; the opportunities that may arise from the use of waste heat generated via the low temperature distribution scheme should be

investigated; the location of the energy plant should be demonstrated on plan; the energy strategy should demonstrate future flexibility for connection to an external heating and/or cooling network; connection to the station, neighbouring developments and/or Barkentine district heating system should be investigated; the provision of renewable energy should be considered in full.

- Climate change adaptation: measures to minimise overheating should be considered; rainwater harvesting should be fully investigated.
- Transport: Further information is needed on the likely highway and traffic impact; no disabled parking should be provided; the impact on the bus network should be further investigated; further work should be undertaken on a temporary route to Poplar station during the construction of the adjacent site; further work should be undertaken on servicing.
- Employment: Initiatives to create training and employment opportunities and to utilise the goods and services of small and medium enterprises and local businesses could be formalised through a s106 agreement between the applicant and Tower Hamlets Council.

Officer's Comments

- 7.60 The applicant has amended the design of the internal access at the eastern end of the station to include an escalator from the ground floor directly up to the park level. The addition of feature walls into the design will create more legibility to the access and the presence of and public accessibility to the park level.
- 7.61 The layout of the park will respond directly to the layout of the cladding panels and the planting areas. The concept of the layout has been provided within the application however, the details of exact routes and planting layout will be approved via the landscaping plan which is recommended to be secured by condition of consent.
- 7.62 The design of the development and the provision of a 14m wide navigational area to the north of the development have been approved by British Waterways, the owner and manager of the dock asset. It is therefore considered that there is sufficient navigational capacity remaining for the operational requirements within the dock.
- 7.63 As discussed in section 8 of the report, it is considered that the energy efficiency of the proposed development would provide significant CO² reductions to the notional building. It is recommended that a condition of consent be included on the application in order to ensure the maximum energy efficiency is gained through the correct sizing of the CCHP plant. The developer has investigated connections to the Barkantine heating scheme and use of renewable energy however given the location within the dock these are considered unfeasible.
- 7.64 The proposed development has been designed to include rainwater harvesting to reduce runoff and mains supply water usage. Conditions of consent are recommended to ensure maximisation of the rainwater harvesting and approval of the method. The Overstation Development is mechanically ventilated via a central plant. Conditions relating to the ventilation systems are also recommended by condition of consent to ensure appropriate amenity is maintained.
- 7.65 It is acknowledged that the proposed development would increase the number of vehicle trips to the area and the use of the highway network. With the exception of Preston's Road Roundabout the highway network has been shown to have capacity to cater for peak flows. Preston's Road Roundabout would be already over capacity as a result of other developments in the area. The 3% increase in traffic flow at the peak time is within

acceptable levels provided by guidance. The development minimises the use of vehicles related to the development through providing no on-site vehicle parking and given the high transport accessibility of the area would result in the majority of trips to the development being undertaken by public transport.

- 7.66 Disabled parking is provided within existing parking locations within the Canary Wharf Estate and would provide step free access to the proposed development. In addition to this the applicant has proposed options for step free access from the north to be provided, with or without the construction of North Quay development. These provisions would be secured through the S106 agreement.
- 7.67 The application includes assessment of the impact of the development on the bus network. The increase in numbers of 2 people per bus during the peak hours is not considered significant.
- 7.68 The S106 agreement will secure local employment in construction through the skillsmatch requirements. In addition the S106 agreement would include additional financial contributions for employment and training of local community members for employment within the development. Furthermore, training and employment opportunities are provided for in parliamentary undertakings given under the Crossrail Act 2008 process.

Metropolitan Police

- 7.69 It's quite an early stage from the police viewpoint, but the main concern would be the security of the building, whether it be the Hotel, the Retail or the Station itself. If the station complex is to come under Canary Wharf security, then concerns would be generally allayed. Main concern centres on the security of the retail units when they close, how access will operate for the public still using the Crossrail station at these times and how the park area is to be monitored/secured when not in use.

Officer's Comment

- 7.70 The proposed Overstation Development would come under the security of the Canary Wharf Estate. However, no details have been provided at this stage as to the exact security arrangements between the Crossrail Station and the Overstation Development. It is recommended that details of this information by way of a security management plan are required by condition for approval of the Local Planning Authority to ensure that adequate provisions are made to ensure a safe and secure environment at all times.

National Air Traffic Services Ltd. (Statutory)

- 7.71 NATS (En Route) Limited has no safeguarding objections to this proposal.

National Grid (Statutory)

- 7.72 No objection received

Natural England (Statutory)

- 7.73 After careful consideration of the information provided it is Natural England's opinion that this proposal does not significantly affect any priority interest areas for Natural England, in respect of conservation of biodiversity, geology or landscape issues within Greater London.
- 7.74 Natural England commends and supports the provision of a new 5,000 square metre park as part of the proposed development.
- 7.75 Natural England make no formal objection to this proposal

Port of London Authority (Statutory)

- 7.76 Port of London Authority has no objection to the proposed development. The Port of London Authority is pleased to see references to bulk excavation materials being transported using barges and the River Thames whenever that is reasonable and practicable to do so. This should be required by condition. The applicant should also be required by condition to investigate the transport of construction materials to the site by water.

Officer's Comment

- 7.77 The proposed excavation for the station development would be carried out under the approvals provided by the Crossrail Act 2008 for the development of the Isle of Dogs Station. The excavation of material and the mode of transport of that material are therefore outside the scope of this application and therefore Council is unable to impose conditions regarding this matter.
- 7.78 The delivery of materials for the construction of the Overstation development however is within the scope of the application and it is recommended that a condition is included on the consent to investigate the feasibility of transporting materials to the site by barge in order to minimise the use of road vehicle transport as discussed in Section 8 of this report.

Thames Water Utilities Ltd. (Statutory)

Waste Comments

- 7.79 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water Thames Water advises that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 7.80 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Water Comments

- 7.81 On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.
- 7.82 Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Officer's Comments

- 7.83 The proposed Overstation development includes the provision of a vehicle bridge through the development and a loading area at the eastern end. It is therefore recommended that a condition be included to ensure the fitting of petrol/oil interceptors in drainage linked to this area.
- 7.84 The informative is recommended to be included as per Thames Water's request.

8. LOCAL REPRESENTATION

8.1 A total of 953 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 Objecting: 6 Supporting: 1 (Museum of London Docklands)

8.2 The following local groups/societies were notified but made no representations:

- The Greenwich Society
- Maritime Greenwich Heritage Site
- Alpha Grove and Barkantine Tenants Association
- Barkantine Tenants and Residents Association
- SPLASH Tenancy Association
- SS Robin Trust
- West India Quay Residents Association

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

- Traffic and deliveries during construction
- Timing of construction with regards other developments
- Noise and vibration during construction
- Loss of dock and water area
- Loss of historic character
- Impact on the setting of listed building
- Uninspired design
- Loss of amenity space
- Oversupply of retail

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

- The consultation of the public prior to the application

Officer's Comment

8.5 Construction traffic would be minimised by the development being undertaken at the same time as the Crossrail Station Development with shared resources. Construction of the Crossrail Station has lorry routes restricted by the Crossrail Schedule 7 applications, which have approved the lorry routes. It is recommended that a condition of consent regarding the submission of a code of construction management is included if the planning permission is to be approved to ensure that the potential impacts of construction traffic are mitigated. The Code of Construction Management would stipulate the hours of deliveries and ensure the routes of construction traffic do not significantly impact on neighbouring residents.

8.6 The construction of the proposed development would be undertaken at the same time as the construction of the Crossrail Station. While the proposal for the Overstation Development would result in an increase in the construction time, it is considered that as the Overstation development would be built at the same time and with shared resources as the Crossrail

Station, the construction disruption would be minimised. Construction of Crossrail is set to a strict timetable for completion and operation by 2017; however it is proposed to complete the station and Oversight Development by 2015.

- 8.7 It is recommended that a condition of consent regarding the submission of a code of construction management for approval is included if planning permission is approved. This would ensure that matter related to construction such as noise and vibration, as well as hours of construction are adequately managed.
- 8.8 As detailed in paragraphs 9.136 - 9.141 it is acknowledged that the proposed Overstation Development would result in a loss of water area within the dock. However, it is considered that given the alterations that have already taken place within the surrounding environment, with the presence of the DLR station, the adjacent large scale buildings of Canary Wharf Estate and the baseline of the approved Crossrail Station, that the proposed Overstation Development would not be significantly further detrimental to the legibility and historic context of the docks.
- 8.9 The quality of the design of the proposed Overstation Development is considered to be exceptional. This is detailed further in Section 9 of this report; however it is considered that the design of the development will result in a highly recognisable and unique building.
- 8.10 The proposed development includes the provision of a publicly accessible park on the upper level. This would provide replacement amenity space. In addition the proposed development would provide new opportunities to interact with the dock space through the provision of a boardwalk along the southern side of the development. Further, as stated in section 9 of the report the development would provide improved links to the communities to the north, increasing the opportunities for residents in the wider community, particularly South Poplar, to access the area and recreational opportunities.
- 8.11 As detailed in paragraphs 9.28-9.34 of this report the Retail Impact Assessment identifies that both a quantitative and qualitative need for the retail proposal can be demonstrated and that there will be no adverse impact on other centres.
- 8.12 It is not possible to take into account the applicant's consultation, or perceived lack of, prior to the application being submitted. While there is no statutory requirement for the applicant to carry out any pre-application consultation with the public, the applicant has undertaken a level of consultation with the community including discussions with community groups and public displays of the proposal. The Council has undertaken full public consultation on the application in accordance with the statutory requirements, including site notices, public notices in the paper and letters being posted to 953 neighbouring properties in the surrounding area.

9. MATERIAL PLANNING CONSIDERATIONS

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

1. Principles of the Land Use
2. Impact on the Amenity of Adjoining Occupiers and the Surrounding Area
3. Traffic and Servicing Issues
4. Design and Layout of the Development
5. Sustainability
6. Planning Obligations

Principle of the Land Uses

9.2 The London Plan 2008, The Council's adopted Unitary Development Plan 1998 (UDP) and

the Council's Interim Planning Guidance 2007 (IPG) include a number of policies requiring discussion when assessing the principle of land use.

- 9.3 The approval of the Isle of Dogs Crossrail Station through the Crossrail Act 2008, the associated schedule 7 submissions and the Town and Country Planning Act planning permission approves the concept of development with the North Dock.
- 9.4 While the design has carefully been developed to minimise the impact and maximise the remaining dock and water area, the development nevertheless results in loss of open water space, lost water based recreational opportunities within the dock, lost navigational space and a change in the visual character of the dock area, which is addressed in detail below.

Principle of Overstation development

- 9.5 The proposed Overstation development is proposed by the applicant to offset some of their financial commitment to the Crossrail project and provide significant benefits to the community in terms of improved links, community facilities and a publicly accessible park space. The applicant has agreed to construct the Isle of Dogs station, bearing the costs of the development of the Isle of Dogs station, which would otherwise be required to be funded by public money.
- 9.6 Policies 2A.1, 2A.2, 2A.6, 2A.8, 3A.3, 3D.1, 3D.2 and 4B.1 of the London Plan 2008, ST15 and ST34 of the UDP and CP1, CP8, CP16 and CP17 of the IPG seek to maximise the potential of development sites and seek to enhance and intensify economic activities within town centre locations particularly those well integrated with public transport.
- 9.7 It is considered that the proposal builds on the approved station development and seeks to maximise the development opportunities of the Crossrail Station, the potential of the site, and enhances and intensifies the economic activity within the existing Town Centre.
- 9.8 As discussed below the proposed land uses within the development are acceptable in terms of local and regional policy and the design is considered to be of extreme high quality. The site is well integrated with public transport and would provide significant economic and social benefits to the communities of Northern Isle of Dogs and Poplar.
- 9.9 Therefore the principle of the Overstation development is considered acceptable and would be in accordance with the relevant policies.

Principle of development with the Blue Ribbon Network

- 9.10 Policies 3D.8, 4C.1, 4C.3, 4C.4, 4C.6, 4C.7, 4C.8, 4C.10, 4C.12 and 4C.14 of the London Plan 2008 and policies DEV46, OS7 and T26 of the UDP and policies CP30, CP36, CP44, OSN2 and OSN3 of the IPG seek to protect open space and the Blue Ribbon Network from inappropriate development and promote the use of the Blue Ribbon Network for transport and leisure uses.
- 9.11 The Blue Ribbon Network is a prominent element of the Borough and one of its main attractions for both residents and visitors. Any development on or within the Blue Ribbon Network needs to take into consideration the functionality of the waterways, specific character and visual amenity of the areas.
- 9.12 The proposed Overstation Development results in a further loss of visible water within the Blue Ribbon Network, to that of the approved Crossrail Station Only scheme. However, the Overstation Development provides replacement open space in the form of a semi open indoor park. The publicly accessible park of approximately 5000m² and valued at approximately £5,400,000 located on the top level of the proposed Overstation Development is considered to adequately provide replacement recreational space provision for the area

lost from the dock as a result of the development.

The applicant through their consultation with the community has identified a need for and is proposing to include within the park a performance area for the use of the community, where it is envisaged the surrounding community can meet for events. In addition the applicant is proposing the community be involved with the design, planting and education programmes that would utilise the park facility. It is considered that the facility would be significantly more accessible and usable than the recreation potential of the Blue Ribbon Network area lost.

- 9.13 While policy DEV46 of the UDP seeks particularly to restrict the loss of waterspace and the proposed Overstation Development would be located within the Blue Ribbon Network, it would be located above the footprint of the consented Crossrail Station. The proposed development would effectively infill the area between the station entrance island above the ticket concourse and station platform levels. The 14m navigational channel to the north of the station would be maintained thereby maintaining the navigational route along the docks and thereby the functionality of the waterway for movement of boats.
- 9.14 The high quality of the design of the development is considered to maintain the quality of the amenity of the area. While it is acknowledged that the appearance of the dock and the open water is altered by the proposed development, the design is of a significantly high standard that it is considered to mitigate any loss of visual amenity within the area, caused due to the loss of open water area.
- 9.15 When considering the issue of the loss of the water space it must be considered from the baseline point of the approved Crossrail Station Only scheme and not the empty dock. Therefore, it must be viewed that the site already has a building constructed within the water interrupting and altering the visual amenity, as shown in Figures 5.1 and 9.1.



Figure 9.1 – Photo-montage showing the approved station only scheme within the dock

- 9.16 As seen in the artist's impressions in Figures 9.2 and 9.3, the proposed Overstation development maintains the waterway to the north and south sides of the development and would provide for an enhanced interaction with the water area. The development would significantly enhance the public realm and access to the dock side and Blue Ribbon Network.



Figure 9.2 – Artists impression of the navigational channel to the north side of the development

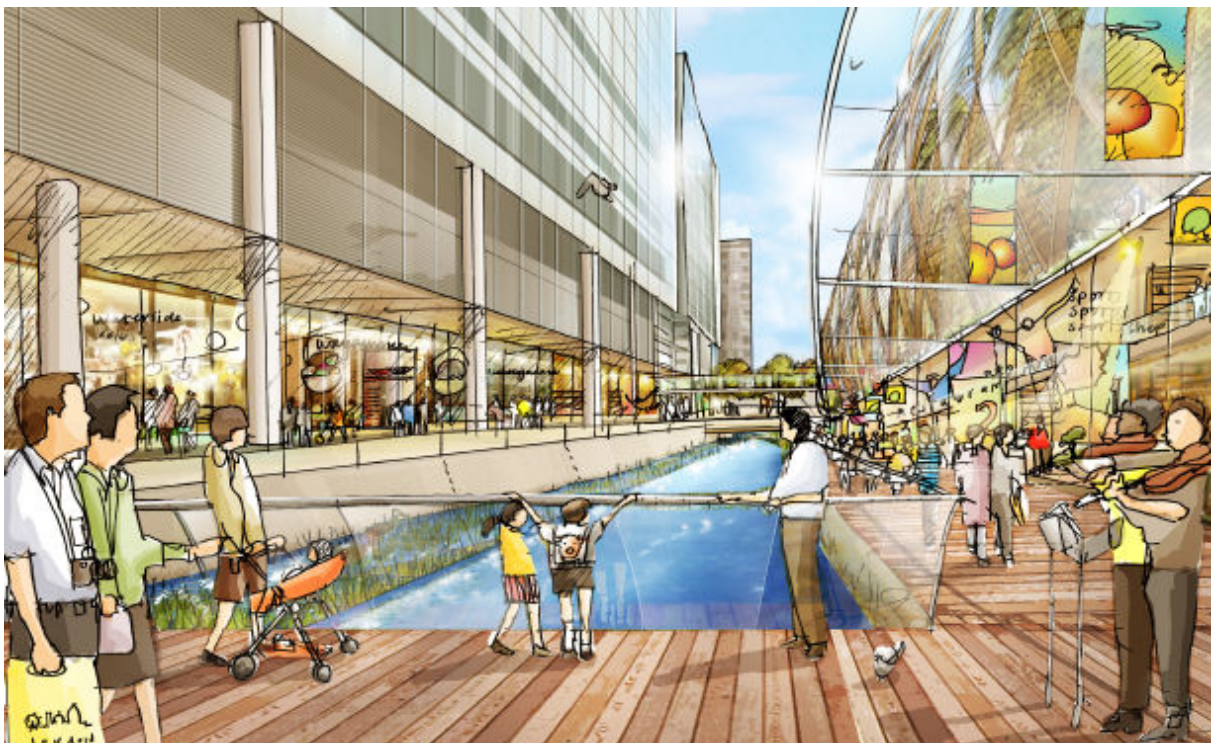


Figure 9.3 – Artists impression of the retained waterway to the south side of the proposed development between the office buildings on the Canary Wharf Estate and the development

9.17 It is therefore considered that the proposed development would maintain the navigational and functional requirements of the dock and Blue Ribbon Network, while maintaining a high quality of amenity through the extremely high quality design of the Overstation Development Scheme. The proposal would enhance opportunities for interaction with the Blue Ribbon Network and would replace the recreational space opportunities that are lost by the building

infill through the introduction of a semi enclosed indoor park space.

- 9.18 As the Overstation Development will maximise the development potential of the site, while providing for the functionality of the dock, navigational requirements, recreational opportunities, as well as maintaining the high quality visual amenity of the area, it is therefore considered that on balance in, terms of all aspects of the application, the principle of the development within the Blue Ribbon Network is acceptable in terms of local and regional policies.

Principle of development within a site of nature conservation

- 9.19 The subject site is considered a site of Nature Conservation Importance under the UDP and IPG. Policy DEV57 of the UDP, policy CP33 of the IPG and policy 3D.14 of the London Plan 2008 seek to protect and enhance sites of importance for nature conservation.
- 9.20 As previously stated, the planning permission for development of the Crossrail Station on the site is provided by the Crossrail Act 2008. This will have a certain level of impact on the site and its nature conservation values. As discussed later in this report, the proposed development provides a number of nature conservation and biodiversity enhancements that would otherwise not be provided in the station only scheme.
- 9.21 The impact of the Crossrail Station Only mass on reducing the water body within the Nature Conservation Area can be seen in Figure 5.1. The approved Station Only scheme has already reduced the water volume with only a small depth of water is retained above the station body. While this area is removed of water is removed by the Overstation Development proposal it is only the area above the station impacted. Furthermore, the Overstation Development would not require any ground works and therefore not impact on the bed of the dock.
- 9.22 It is therefore considered that the proposed Overstation Development would enhance the nature conservation potential of the site and would be in accordance with policy DEV57 of the UDP, policy CP33 of the IPG and policy 3D.14 of the London Plan2008.

Principle of the station components Outside the Limits of Deviation

- 9.23 The Crossrail Act 2008 under section 10 (1) gives deemed planning consent for a new station within the North Dock. The design given deemed planning consent under the Crossrail Act is the scheme detailed in the Additional Provision 3 (AP3) of the Crossrail Environmental Statement.
- 9.24 Due to a redesign of the station during the development of detailed working drawings the footprint of the station only scheme was reduced and the entrances at the east and west ends of the station moved closer together, resulting in portions of the station being located outside the Limits of Deviation.
- 9.25 Approval of the planning permission PA/08/01651 was granted on 14 November 2008 for those elements of the amended station only scheme outside the vertical limits of deviation. This approval provides a material consideration when considering the principle of the station elements outside the vertical limits of deviation.
- 9.26 The redesigned station will allow a more efficient station to be constructed than that envisaged by the consented AP3 scheme, with reduced footprint, reduced construction costs and shorter build time.
- 9.27 Policy 3C.12 of the London Plan 2008 details a requirement to improve the strategic public transport system, including a focus on the implementation of Crossrail, in order to support further development, and policy T1 of the Unitary Development Plan 1998 supports

improvements and extensions to the rail network.

- 9.28 Due to the approval of the Crossrail Act 2008 and the deemed consent for the Crossrail Station within the dock, it is considered the principle of the Isle of Dogs Crossrail Station within the North Dock site is acceptable. As the proposed Oversight Development includes elements of the station, outside the Limits of Deviation of the Crossrail Act, the principle of these station elements is considered acceptable.
- 9.29 This is in accordance with policy T1 of the Unitary Development Plan 1998, policies CP40 and CP43 of the Interim Planning Guidance 2007 and policies 3C.1, 3C.3 and 3C.12 of the London Plan 2008.

Principle of Retail

- 9.30 The site is located within the area identified within the Council's UDP as a Central Activity Zone and under the IPG proposal maps as a Major Centre. Policies ST34 S1 and S7 of the UDP, policies CP15, CP16, CP17, RT4 and RT5 of the IPG and policies 2A.4, 3D.1, 3D.2 and 3D.3 of the London Plan 2008 which are applicable for these areas seek to provide a balance of town centre uses to encourage the vitality and viability of the area and promote economic and job growth.
- 9.31 Retail within the development would complement the existing retail floorspace within the Canary Wharf Estate. The applicant has provided a retail assessment detailing how the retail floorspace would be compatible with the existing retail provision within the area and within the wider borough context.
- 9.32 The retail assessment concludes the existing comparison offer within the six larger centres closest to the application site (Lewisham, Surrey Quays, Stratford, Woolwich, Eltham, and Greenwich) has a significantly different appeal and target market to that of Canary Wharf. None of these centres lie within the London Borough of Tower Hamlets.
- 9.33 Furthermore, the assessment states, whilst each centre is considered to be a healthy centre, and predominantly there is a good representation of national multiples and department stores, there is a clear qualitative need for an additional retail floorspace of the quality proposed in Tower Hamlets and within the vicinity of Canary Wharf. This provides for the local population in terms of higher order comparison shopping and help to meet the needs of the whole community.
- 9.34 A shoppers' survey was carried out at Canary Wharf to inform the retail assessment. This supported the identified qualitative need for the proposal by demonstrating that there is a clear demand for additional retail facilities at Canary Wharf. The retail assessment also demonstrated that there will be more than sufficient additional expenditure to support the additional floorspace proposed.
- 9.35 The report ultimately concludes that the application proposal accords with national, strategic and local planning policy, that both a quantitative and qualitative need for the proposals can be demonstrated and that there will be no adverse impact on other centres arising from the application proposals.
- 9.36 It is considered that the retail component of the development would be acceptable in terms of policies ST34 S1 and S7 of the UDP, policies CP15, CP16, CP17, RT4 and RT5 of the IPG and policies 2A.4, 3D.1, 3D.2 and 3D.3 of the London Plan 2008.

Principle of community uses

- 9.37 The proposed publicly accessible park provides amenity space in replacement of the dock water area that is lost due to the construction the Isle of Dogs Crossrail Station and the

proposed Overstation Development. The park would provide an arguably more accessible and usable area than the current dock space, as addressed further in this report.

- 9.38 A feature of the proposed park will be a proposed performance space for events planned as part of an overall Arts and Events programme with community participation, including local and educational activities. The applicant has stated that the park will provide potential for local schools and community groups to be involved in projects relating to the park such as growing annuals for seasonal bedding and community organised events. The inclusion within a legal agreement of the requirement for an appropriate management plan for the park would ensure that these opportunities are made available to schools and community groups to participate.
- 9.39 The applicant is proposing a community facility at the eastern end of the park level to be provided for the Council. The proposed use of this facility has not been confirmed, however, the option of procurement of this facility will be ensured through the S106 agreement to confirm the availability and management of this space for a suitable community use.
- 9.40 The facility is well located in relation to public transport links and with the improved links the development of the Crossrail station and Overstation development provides to Poplar and the north the site; as such the use is considered to be well connected to a wide range of users.
- 9.41 The proposed community facilities are considered to be in accordance with policies ST49, SCF8 and SCF11 of the UDP, policy SCF1 of the IPG and policy 3A.18 of the London Plan

Vehicle Bridge link

- 9.42 The subject site is already occupied by a bridge link on Upper Bank Street between the north and south sides of North Dock. The proposal seeks to replace this vehicle bridge as part of the new development.
- 9.43 The removal of the bridge does not require approval from Council, as the bridge is part of the Canary Wharf Estate and not an adopted highway administered by the Council as Highway Authority and the original permission for the bridge did not include any conditions requiring the bridge to be retained.
- 9.44 The existing bridge link is required to be temporarily removed to enable the construction of the Isle of Dogs Crossrail Station within the West India North Dock. The proposed replacement bridge, approved under PA/08/01667 dated 10/10/2008, would be located in the same location as the existing bridge and would reconnect Upper Bank Street and the Canary Wharf estate to Aspen Way.
- 9.45 The proposed replacement bridge link as part of the Overstation Development would maintain the ability for vessels to pass beneath in order to maintain navigational access the western end of West India North Dock. The bridge link would pass through the middle of the Overstation Development at the Ground Level providing a taxi and car drop off facility and pedestrian access to the eastern station entrance at ground level, not provided under the station only scheme.
- 9.46 Given the existing use of the site for a vehicle and pedestrian bridge link and that planning permission approval (PA/08/01667 dated 10/10/2008) for a replacement bridge should the station only scheme be built out has been granted, it is considered that the replacement bridge link as part of the Overstation Development which would make provisions for both vehicles and pedestrians, would be an acceptable use in accordance with policies ST30 and T8 of the UDP, policy CP40 of the IPG and policy 3C.16 of the London Plan 2008.
- 9.47 The impacts of the proposed Overstation Development upon the highway are explored in

detail later in this report.

Impact on the Amenity of Adjoining Occupiers and the Surrounding Area

Daylight and Sunlight

- 9.48 The proposed development is located within the North Dock to the north side of the commercial office buildings within the Canary Wharf Estate fronting the North Dock and to the South of the proposed North Quay construction site and Billingsgate Market. The development would sit above the consented Crossrail Station development incorporating elements of the entrance lobbies within the development.
- 9.49 Policy DEV2 of the Unitary Development Plan 1998, policy DEV1 of the Interim Planning Guidance 2007 and policy 4B.10 of the London plan require that developments preserve the amenity of the adjacent occupiers, including sunlight and daylight.
- 9.50 BRE Report 209 "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (1991) is accepted as an appropriate method to identify the impact of daylight and sunlight on developments. However, the BRE guidelines do not provide daylight targets for non-domestic commercial buildings. Properties of this nature have a lower requirement for natural lighting, as they are thought to have a greater reliance upon supplementary electric lighting.
- 9.51 Thus as the adjacent buildings are commercial in nature, while the buildings may potentially experience a small loss in the daylight received, in accordance with BRE guidelines it is not considered that this would be detrimental on the acceptable levels of day lighting to any of the adjacent sites.
- 9.52 The buildings to the south of the development within the Canary Wharf Estate have north facing windows and thus the proposed development to the north would not impact on the sunlight received by these buildings. The buildings and sites to the north are already overshadowed by the large buildings within the Canary Wharf Estate and the proposed low level development, relative to other developments, would not further impact on the sunlight received.
- 9.53 It is therefore considered that the development would not significantly impact on the daylight or sunlight received by any of the adjacent occupiers.

Privacy

- 9.54 Issues of privacy/overlooking are need to be considered in accordance with policy DEV2 of the Unitary Development Plan 1998 and policy DEV1 of the Interim Planning Guidance 2007, which informs that new developments should be designed to ensure that there is sufficient privacy for adjacent habitable rooms.
- 9.55 The adjacent buildings are non-domestic commercial buildings within a dense office and commercial area. The position of the Overstation Development within the North Dock within the station footprint would therefore not be considered to result in significant loss of privacy.

Noise and Vibration

- 9.56 In protecting the amenity of the surrounding area Policies DEV2 and DEV 50 of the UDP and policy DEV1 and DEV 10 of the IPG also require the noise and vibration nuisance from a development to be minimised.
- 9.57 The establishment of the railway station within the dock was given deemed consent by the Crossrail Act 2008 as previously detailed. Therefore noise and vibration associated with the operation of the railway and associated development cannot be considered within the scope

of this application.

- 9.58 The site being located in the dock to the north of the Canary Wharf office development and the south of Billingsgate Market has no adjacent residents and therefore the development would not be considered to impact on any residential receptors in terms of noise given the distance of the development from the nearest residents.
- 9.59 There are no significant sources of vibration connected to the operation of the Overstation Development.
- 9.60 The possible impacts from operational noise come from three general areas:
- Installation of new fixed mechanical and electrical plant serving the retail spaces
 - Noise from additional deliveries to the site.
 - Effect of increase road traffic noise resulting from delivery requirements of retail spaces
- 9.61 Noise from the operation of fixed mechanical and electrical plant can be designed to achieve the suitable requirements to ensure that noise does not impact on amenity. The specific requirements of the fixed mechanical and electrical plant are not yet available however a condition of consent would be able to ensure that the noise from plant is minimised. As such it is recommended a condition be included to require approval of noise attenuation associated with plant equipment.
- 9.62 Noise associated with deliveries to the development are predicted to result in noise levels incident at neighbouring residential receptors which are significantly below the prevailing ambient noise level of Aspen Way to the north of the site. Therefore no significant effect is predicted due to this activity.
- 9.63 Noise associated with the increase in road traffic movements as a result of the development including deliveries, is predicted to increase the existing noise levels by less than 0.5dB. Therefore no significant effect is predicted due to this activity.

Odour & ventilation

- 9.64 The proposed development includes restaurants, cafes and drinking establishments. As such, there will generally be a large amount of food cooking and associated odours being created within the development. Policy DEV 2 of the UDP and Policy DEV1 of the IPG require the mitigation of odours in order to protect amenities within the development and of the wider area.
- 9.65 In order to remove these odours from the development and create suitable internal amenity ventilation and extract systems would be required to be installed. This would consist of general ventilation for the development, in order to provide fresh air into the development, and extract systems to the units with cooking facilities, in order to extract cooking odours.
- 9.66 The general ventilation plant will effectively be centralised 'Landlord Plant' and will provide the base design levels of fresh air and associated extract to both the common areas and tenant areas to meet the requirements of occupancy.
- 9.67 Where prospective tenant's requirements exceed the base design levels of ventilation and there are requirements associated with the provision of kitchen extraction systems it will be a requirement that the respective tenants install approved systems to cater for the necessary ventilation enhancements.
- 9.68 While the exact details of the systems have yet to be completed, the applicant has provided details as to the general ventilation and extraction system. This has been reviewed by Council's Environmental Health Team who has accepted the proposals subject to conditions regarding modelling, noise and design. It is recommended that these conditions are included

on the consent if approved.

Construction

- 9.69 Representations from the public have raised concerns about continued construction effects impacting on the surrounding area. While it is acknowledged that the area is and will be undergoing a number of developments and therefore has caused some disruption, the construction effects of the proposed development will be temporary in nature.
- 9.70 The nearest residential premises are located to the north side of the dock on the western side of the DLR station. The construction impacts are minimised by undertaking the development at the same time as the Crossrail Station development and would allow for shared resources, minimising vehicle movements and construction time. Furthermore, the construction impacts would be present in the area without the Overstation Development due to the construction of the Crossrail Station.
- 9.71 Demolition and construction is already controlled by requirements to adhere to numerous other legislative standards, such as Building Act 1984, Environmental Protection Act (EPA) 1990, Environment Act 1995 and Air Quality Regulations 2000 and Health and Safety at Work Act 1974. However, PPS23 makes provision for the inclusion of conditions of consent to mitigate effects of construction.
- 9.72 It is therefore recommended that if approved a condition of consent is included, which would require the submission of a Construction Management Plan in order to ensure that the best practice examples are followed to avoid, remedy and mitigate the effects of construction. It should also be noted that under the Parliamentary Undertakings and Assurances that have been made regarding the construction of the station and any Overstation development the Crossrail Code of Construction standards must be adhered to as a minimum. This would provide additional safeguards for the control of construction impacts.

Vehicle Traffic Movements

- 9.73 Vehicle movements associated with the proposed development have the potential to impact on the amenity of the area through noise, pollution and the general vehicle movement within the public realm. Policy DEV2 of the UDP and DEV 1 of the IPG seek to protect this amenity. As detailed below there is no parking associated with the proposed development. As such, while the proposed development is estimated to increase the number of private motor trips to the area, the use of private vehicles will be minimised by restrictive parking provision.
- 9.74 The location of the development in relation to Aspen Way means that the background noise, pollution and vehicle movements within the area are significantly high given the traffic flow along Aspen Way. It is not considered that the vehicle trips associated with the development would significantly increase the existing situation nor have a noticeable impact on the amenity of any of the surrounding residents or occupiers.
- 9.75 Furthermore the location of the development in relation to Aspen Way means that vehicles servicing the development will be unlikely to access the development via routes through residential areas or the office dominated Canary Wharf Estate to the south. This will minimise the conflict between vehicle movements and occupiers in the area.

Traffic and Servicing Issues

Parking

- 9.76 The Council's parking standard within the IPG does not permit onsite parking provisions for

retail, restaurant and pub and bar uses. There are also no specific parking standards for D1 use.

- 9.77 The parking standards are based on operational needs and provision for mobility impaired users. No operational parking is proposed for the development; however, a drop-off/pick-up area is proposed to be located near the eastern entrance to be located along the western side of Upper Bank Street, within the building envelope, for mobility impaired uses.
- 9.78 Existing public car parks in Canary Wharf Estate would be available for use by visitors and mobility impaired users and would provide step free access to the station for mobility impaired users.
- 9.79 It is therefore considered that the vehicle parking provisions would be in accordance with policies 3C.17 and 3C.23 of London Plan 2008, policy DEV17 and DEV19 of the IPG. A S106 legal agreement should be entered into in order that the Traffic Management Order can be amended to exempt occupiers and employees of this site from obtaining parking permits. This will ensure no overflow parking on the road network.

Cycle Parking and Facilities

- 9.80 Policy 3C.22 of the London Plan 2008, policy ST30 of the UDP and policies CP40, CP42 and DEV16 of the IPG seek to provide better facilities and a safer environment for cyclists. The Council's Parking Standards within the IPG require the Overstation development to provide cycle parking in association with the A1, A3 and A4 uses, as well as have a provision for the D1/D2 uses proposed.
- 9.81 Cycle parking spaces for the Overstation Development and the Station are to be provided at promenade level in two locations. Cyclists will be able to access these spaces from connections to the promenade level via The North Colonnade, Upper Bank Street and North Quay (once constructed). In general, pedestrian and cycle movement in the area surrounding the Over Site Development would be improved as part of the scheme and additional pedestrians links to the development from ground and promenade level will improve permeability to the site for pedestrians and cyclists.
- 9.82 A minimum of 240 cycle parking spaces would be provided. These would comprise 160 to the east end of the development on the promenade connection and 80 on the North Quay promenade. This provision has been assessed by the Council's Strategic Transport Team and the GLA as being sufficient provision for cycle parking.
- 9.83 As the cycle parking for the development is located within the public realm area created by the Crossrail Station Development it is provided under the Crossrail Act 2008 schedule 7 application approvals and is required by condition on that approval to provide details of the cycle parking. The provision of cycle parking spaces secured under the approved Schedule 7 application is considered sufficient for provide the necessary requirement for the Overstation Development also.
- 9.84 A contribution to cycleway improvements in the surrounding area is also proposed. In total £150,000 is to be provided through the S106 agreement to three cycle improvement schemes. This would provide a significantly improved environment for cyclists and improve links to the site and within the surrounding environment.
- 9.85 It is therefore considered that acceptable cycle parking has been secured under the linked schedule 7 applications and would not require further conditions or discussions under this application. Further, the contribution to cycleway improvements within the surrounding area would improve the conditions for cyclists and the proposed development is considered to meet the principle of policy 3C.22 of the London Plan 2008, policy ST30 of the UDP and policies CP40, CP42 and DEV16 of the IPG.

Deliveries and Servicing

- 9.86 Policies ST30 and T16 of the UDP and policy DEV17 of the IPG seek to provide adequate provision for the servicing and operation of developments while minimising the impact on the highway.
- 9.87 Four service bays are proposed in the Over Station Development. These will be managed by the operators of the building. Deliveries will be pre-booked and the building will be managed in a similar way to other developments within the Canary Wharf Estate. In order to ensure that the servicing and deliveries is acceptably managed a requirement for a servicing management plan would be included within the S106 agreement.
- 9.88 The number of service vehicle trips to the Over Station Development has been estimated using previous data collected in relation to servicing activity. Table 9.1 below shows the estimated service vehicle trips for each land use per day

Land Use	IN	OUT	TOTAL (two-way)
Retail (A1)	14	14	28
Restaurant (A3)	10	10	20
Bar/Pub (A4)	14	14	28
D1/D2 Use	2	2	4
TOTAL	40	40	80

Table 9.1 – Estimated vehicle trips in relation to the servicing of the proposed Over Station Development

- 9.89 It is considered that if the servicing and deliveries to the development is adequately managed through the servicing management plan that the servicing area provided would be acceptable for the estimated requirements.
- 9.90 Given that the servicing area would be accessed via Upper Bank Street, directly off Aspen Way, and would provide for off street servicing, it is not considered that the servicing of the development would significantly impact on the highway network.
- 9.91 The proposed servicing arrangements are therefore considered acceptable in terms of policies ST30 and T16 of the UDP and policy DEV17 of the IPG.

Trip Generation

- 9.92 Policies 3C.1, 3C.2, 3C.17 and 3C.23 of the London Plan 2008, policies ST28 and T16 of the UDP and policies CP41, DEV17 and DEV19 of the IPG seek to restrain unnecessary trip generation, integrate development with transport capacity and promote sustainable transport and the use of public transport systems.
- 9.93 Survey data has been used to predict the number of trips generated to the proposed new Overstation development. Focusing on the retail, a total of 16,070 new trips per day, as shown in Table 9.2, are forecast to be generated to and from the retail component of the development. The proposed community uses will provide additional trip generation, which has been estimated on the basis of the use of the area as a Child Care Centre and is shown in Table 9.3 The total number of trips generated by the retail and community uses is detailed in Table 9.4

Mode	AM			PM			DAILY		
	IN	OUT	TOTAL	IN	OUT	TOTAL	IN	OUT	TOTAL
Private*	85	13	98	117	131	247	1,331	1,331	2,662
Jubilee	133	15	148	123	169	291	1,479	1,479	2,958
DLR	164	18	183	152	208	360	1,829	1,829	3,659
Crossrail	107	12	119	98	135	233	1,182	1,182	2,364
Bus	48	6	54	50	65	115	597	597	1,194
Walk	73	13	87	119	124	242	1,330	1,330	2,660
Other	19	3	22	25	29	54	286	286	572
Total	630	80	710	683	860	1,543	8,035	8,035	16,070

*Drivers and passengers of cars, taxis and motorcycles

Table 9.2 – Estimated new trip generation due to the retail component of the development

Mode	AM			PM			DAILY		
	IN	OUT	TOTAL	IN	OUT	TOTAL	IN	OUT	TOTAL
Car Driver	3	1	4	2	1	3	12	12	23
Car Passenger	3	1	4	2	1	3	12	12	23
Taxi	1	1	2	1	1	2	5	5	11
Jubilee Line	1	0	1	1	1	2	33	33	66
DLR	6	3	9	5	3	8	4	4	9
Bus	8	3	11	6	4	10	26	27	53
Walk	3	1	4	3	2	5	14	14	28
Cycle	0	0	0	0	0	0	0	0	0
Total	25	10	35	20	13	33	105	108	213

Table 9.3 – Estimated new trip generation due to the community uses of the development

Mode	AM			PM			DAILY		
	IN	OUT	TOTAL	IN	OUT	TOTAL	IN	OUT	TOTAL
Private*	92	16	108	122	134	255	1,360	1,360	2,719
Jubilee Line	136	16	151	125	170	295	1,491	1,491	2,983
DLR	167	20	187	154	210	364	1,844	1,844	3,690
Crossrail	109	13	121	100	136	236	1,192	1,192	2,384
Bus	56	9	65	56	69	125	623	624	1,247
Walk	76	14	91	122	126	247	1,344	1,344	2,688
Other	19	3	22	25	29	54	286	286	572
Total	655	90	746	704	873	1,576	8,141	8,141	16,283

*Drivers and passengers of cars, taxis and motorcycles

Table 9.4 – Total estimated new trips generation as a result of the proposed development

- 9.94 The applicants transport assessment has detailed the impact of the additional private vehicle trips (including taxis) on the traffic flow in the nearby road network, particularly the intersections at Aspen Way/Upper Bank Street, Westferry Road South/Limehouse Link and Preston's Road Roundabout.
- 9.95 The Overstation Development is expected to generate minimal increases in traffic flows on

the local highway network and vehicle use is constrained by the parking free nature of the development.

- 9.96 While the traffic flows would increase on all the routes as a result of the Overstation Development, during peak morning and evening hours Preston's Road Roundabout would be the only junction that would be increased beyond capacity. Preston's Road Roundabout would be operating over capacity in the morning peak hour, however without the additional vehicle trips generated by the Overstation Development this route would still be operating at over capacity due to the traffic flow from other developments.
- 9.97 The applicants Transport Assessment details that the Overstation Development would only increase the morning traffic levels by 3% on Preston's Road Roundabout. While it is acknowledged that the Preston Road Roundabout junction would be overcapacity the 3% increase in traffic flow would be well under the 5% increase which, in accordance with guidance, is considered to have a significantly detrimental impact on the highway.

Public transport capacity

- 9.98 The higher levels of employment in Canary Wharf since 2003 have resulted in increased loadings on the Jubilee Line and DLR, especially services from the west. At the end of 2002, Canary Wharf employment was 51,000, this rose to 87,000 at the end of 2006. The increased population has resulted in higher base loadings on rail services.
- 9.99 When Crossrail is operational (2017) it is anticipated that there will be a mode shift from existing rail services (DLR/Jubilee) to Crossrail.
- 9.100 A total of 38 consented development schemes (including built scheme that were not yet fully occupied at 2006), have been included in the submitted Transport Assessment when calculating the future baseline. A total of 91,100 jobs are expected to be created by the consented developments and a total of 12,130 new residential units constructed. Transport movements associated with these developments were included in the future baseline assessment.
- 9.101 In 2017, with Crossrail operational, all rail services from the west in the AM peak hour would be operating below capacity. This includes the North Quay development although this cannot be constructed in advance of Crossrail due to a planning condition imposed on the site.
- 9.102 The proposed Overstation Development is estimated to generate approximately 8,140 one way person trips per day. Private trips would equate to approximately 17% of trips and the remaining 83% of trips by non car modes.
- 9.103 The capacity of the public transport networks to accommodate increased demand associated with the proposed Overstation Development is assessed below

London Underground

- 9.104 The forecast demand for the Jubilee Line resulting from the proposed Overstation Development is shown in Table 9.5. This demand for the Jubilee Line to and from the Overstation Development will very depending on the operation of Crossrail.

Area	One-way person trips		
	AM Peak (0800-0900)	PM Peak (1700-1800)	Daily Total
Arriving From West	80	84	985
Arriving From East	56	41	506
Total Inbound	136	125	1,491
Departing to West	11	107	985
Departing to East	6	64	506
Total Outbound	16	170	1,419

Table 9.5 – Additional Jubilee Line Demand Due to the Overstation Development in 2017 with Crossrail operational

9.105 The capacity of the Jubilee Line is dependent on:

- Trains per hour;
- Number of cars (carriages) per train; and
- Car capacity

9.106 In 2013 the Jubilee Line is proposed to be operating with 30 trains per hour, with each train having 7 cars, as per scheduled improvements. The applicant's Transport Assessment states that in 2017, with Crossrail operational, it is expected that a significant proportion of Jubilee Line and DLR users would transfer to Crossrail, especially those arriving to the Isle of Dogs from the west.

	OSD without Crossrail pre 2017	Crossrail without OSD 2017	OSD with Crossrail 2017
Demand	29,750	22,760	22,840
Capacity Assessment for Planning Standard			
Planning Standard (30 Trains > 2009)	24,360	24,360	24,360
Ratio of Demand to Capacity	122%	93%	94%
Planning Standard (33 Trains > 2009)	26,800	26,800	26,800
Ratio of Demand to Capacity	111%	85%	85%
Capacity Assessment for Crush Standing Capacity			
Crush Standing Capacity (30 Trains > 2009)	28,770	28,770	28,770
Ratio of Demand to Capacity	103%	79%	79%
Crush Standing Capacity (33 Trains > 2009)	31,650	31,650	31,650
Ratio of Demand to Capacity	94%	72%	72%

Table 9.6 – Morning peak eastbound demand and capacity on the Jubilee Line

9.107 Table 9.6 shows that in 2017 with Crossrail operational and without the Overstation Development there would be 22,760 passengers travelling between Canada Water and Canary Wharf in the AM peak period. This would mean that the Jubilee Line would be operating at 93% capacity of the planning standard with a 30 trains per hour service.

- 9.108 With the Overstation Development the AM peak flow increases by 80 passengers to 22,840 passengers per hour. Capacity increases to 94% of planning Standard, still below the maximum capacity. It is therefore considered that the proposed development would not have a significant impact on the operation of the Jubilee Line when Crossrail is operational in 2017.
- 9.109 Table 9.6 also shows the impact of the Overstation Development should it open without Crossrail be operational. This would increase the planning standard above the planning standard to 122% of capacity. This would have an adverse impact on the operation of the service. As such it is recommended a condition be included on the planning permission, if approved, to ensure that the opening of the Overstation Development is restricted to a level that can be shown will not significantly impact on the surrounding transport network until Crossrail becomes operational.

Docklands Light Rail

- 9.110 The DLR is expected to carry a significant portion of public transport trips to the Overstation Development and will assist in relieving the Jubilee Line during any periods. The DLR provides services to Canary Wharf from the City, Stratford, Lewisham, Beckton and City Airport. A further extension to Woolwich is currently under construction with completion scheduled for Feb 2009.
- 9.111 DLR passengers will have the choice of using Poplar, West India Quay and Canary Wharf stations to access the Overstation Development. The walk time between the OSD and the closest DLR stations would be less than four minutes.
- 9.112 Table 9.7 shows the estimated demand for DLR during the peak times in relation to trips associated with the Overstation Development

	<i>AM Peak</i>		<i>PM Peak</i>		<i>Daily (one way)</i>
	<i>In</i>	<i>Out</i>	<i>In</i>	<i>Out</i>	
<i>OSD DLR Passenger Demand 2017 with Crossrail</i>	<i>132</i>	<i>18</i>	<i>152</i>	<i>184</i>	<i>1,844</i>

Table 9.7 – OSD DLR Passenger Demand 2017

- 9.113 As with the Jubilee line, the capacity of the DLR is dependent on:
- Trains per hour;
 - Number of cars (carriages) per train; and
 - Car capacity
- 9.114 The capacity totals for are based on the Operation of 3-car trains on the Bank/Stratford to Lewisham lines and 2-car trains on branches east of Poplar. The upgrade to platform lengths on the Bank/Tower Gateway/Stratford to Lewisham lines has approval with completion and operation of 3-car trains scheduled for December 2009. Further proposals seek to upgrade stations on branches east of Poplar to allow 3-car trains to operate. However, funding to operate 3-car trains east of Poplar has not been approved at this time.
- 9.115 With the introduction of Crossrail in 2017, the Overstation Development would generate 167 inbound DLR trips in the morning peak hour. The most significant shift to Crossrail from the DLR will be from the west inbound in the morning peak hour. Based on the proposed routing of Crossrail there would be only a marginal shift to Crossrail from DLR services from the north, south and east.

Origin	OSD without Crossrail			Crossrail without OSD			OSD with Crossrail		
	Flow	Capacity	F/C %	Flow	Capacity	F/C %	Flow	Capacity	F/C %
From West	12,479	12,600	99	9,695	12,600	77	9,749	12,600	77
From North	5,108	5,400	94	3,784	5,400	70	3,820	5,400	71
From East	5,108	6,300	81	5,147	6,300	82	5,164	6,300	82
From South	12,402	10,800	115	9,202	10,800	85	9,265	10,800	86

Table 9.8 – DLR Demand with and without Crossrail

9.116 Once the Overstation Development is open the flow increases by 54 passengers to 9,749 passengers per hour. Capacity would remain below 100% if the Overstation Development is not opened until after Crossrail is operational, although again could result in the demand exceeding capacity if the development was to be opened prior to Crossrail becoming operational. This again supports the recommendation that a condition restricting the opening of the Overstation Development to that which can be shown to not significantly impact on the transport capacity until Crossrail is operational.

Crossrail

9.117 Crossrail would operate with metro-style trains that are expected to carry up to 1,500 passengers with 12 trains in the peak hour servicing a new Isle of Dogs Station in each direction. It is assumed that a proportion of existing rail based trips will transfer to Crossrail, particularly from the west. The highest passenger demand on Crossrail will be from the west in the morning peak hour.

9.118 The additional demand due to the Overstation development is presented in Table 9.9.

Area	One-way person trips		
	AM Peak (0800-0900)	PM Peak (1700-1800)	Daily Total
Arriving From West	82	75	894
Arriving From East	27	25	298
Total Inbound	109	100	1,192
Departing to West	9	102	894
Departing to East	3	34	298
Total Outbound	13	136	1,192

Table 9.9 – Additional demand on Crossrail due to Overstation Development

9.119 Crossrail will have significant spare capacity on the critical service inbound from the west in the morning peak hour even with the Overstation Development passenger demand, as shown in Table 9.10.

Line From	Without OSD 2017			With OSD 2017		
	Flow	Capacity	F/C	Flow	Capacity	F/C
West	11,245	18,000	62%	11,327	18,000	63%

Table 9.10 – Crossrail Demand and Capacity (morning inbound from the west)

London Buses

9.120 It is estimated that a total of 65 additional passengers will travel to and from the Overstation Development during the morning peak hour. This equates to additional loading per service as shown in Table 9.11, assuming no change to existing service frequencies. However, TFL

are scheduled to increase service frequencies at peak times for the majority of bus routes within the Isle of Dogs.

Service	Passengers per hour	Buses per hour ¹	Passengers per bus
135	13	7.5	2
277	13	8	2
D3	13	6	2
D7	13	7.5	2
D8	13	5	3
Total	65	32.5	2

¹ Current services - these will be increased as demand grows

Table 9.11 – Additional Demand On Bus Services During AM Peak Hour

- 9.121 It is considered that the on average 2 additional passengers per bus would not significantly impact on the capacity of the bus service network.

Sight lines

- 9.122 The proposed development is set well back from any intersections, being located within the dock. The proposed entrance and exit to service area would be a location of potential interaction with the road network. However, the applicant has provided details of how the servicing area would accommodate manoeuvring and enable vehicles to enter and exit in a forward gear. The building is set back from the roadway which allows for a clear view of the road both ways when exiting the servicing area.
- 9.123 The proposed drop off area located on the western side of Upper Bank Street would allow taxis and private vehicles to drop off and pick up passengers. As Upper Bank Street is controlled by traffic lights at both the intersection with Aspen Way and the intersection with Canada Square, as well as being controlled to the north of the dock by the security barriers, speeds on this section of the road are low and it is not considered that the proposed drop off bay would create significant conflict with traffic flow.
- 9.124 It is therefore not considered that the proposed development would impact on the sight lines within the road network.

Design and Layout of the Development

Mass and Scale

- 9.125 Policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies DEV1, DEV2 and DEV3 of the UDP and policies CP4, DEV1 and DEV2 of the IPG seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment, high quality in design and protect the amenity of the surrounding environment and occupiers.
- 9.126 Development would be located within North Dock and linked to the surrounding vehicular and pedestrian network by several bridge structures. The proposal would comprise a long low building with a curving outer skin of lattice construction. The upper central section of the building would be open, allowing vegetation from within the roof garden to extend outside.
- 9.127 The proposal would reflect the predominant architectural style of the townscape character of existing and consented schemes at Canary Wharf, whilst also providing diversity in terms of form and scale. The proposed building would be located above the Station Only Scheme within North Dock and have a height of 26.78m AOD and the length would be 311m.

- 9.128 The built environment of the area is dominated by the large scale office buildings to the south in the Canary Wharf Estate. Further to the north is the Billingsgate Market building, which, while not tall, is a large scale in terms of its footprint cover.
- 9.129 The length and width of the proposed development is dictated by the station only development. The north-south plan dimension of the station development is informed by the alignment of the tunnels and the box construction necessary to receive them, while the east-west length is the minimum practical to accommodate the tunnel ventilation and the escalators to Crossrail standards.
- 9.130 As the Overstation Development generally fits within the station development parameters it is considered that the length and width is kept to a minimum. The height of the development is generally dictated by the curve of the external lattice cladding structure and the required height of the ventilation and station entrance structures for the station development.
- 9.131 It is considered that the massing and scale of the development is in proportion with the station development and would be acceptable within the established built environment of large scale buildings on both the North and South side of the subject site.

Appearance and Materials

- 9.132 The external appearance of the proposed development is dominated by the curving outer skin of lattice construction. The timber lattice of the enclosing structure would incorporate a range of cladding panels as required by the design, internal layout and use of the building.
- 9.133 Inflated Ethylene Tetrafluoroethylene (ETFE) panels would be the principal form of enclosure. Pillows would comprise 2 or 3-layer ETFE (dependant on location/performance) and the finish of the panels shall be a combination of transparent, translucent and/or opaque ETFE layers. As required by the building design some of the ETFE layers would incorporate a frit pattern. Profiled metal cover strips would be used together with integral profiled gutters/downpipes and gaskets. This arrangement is shown in Figure 9.4. Also as required by the building design selected panels would incorporate integral lighting the colour of which can be varied.

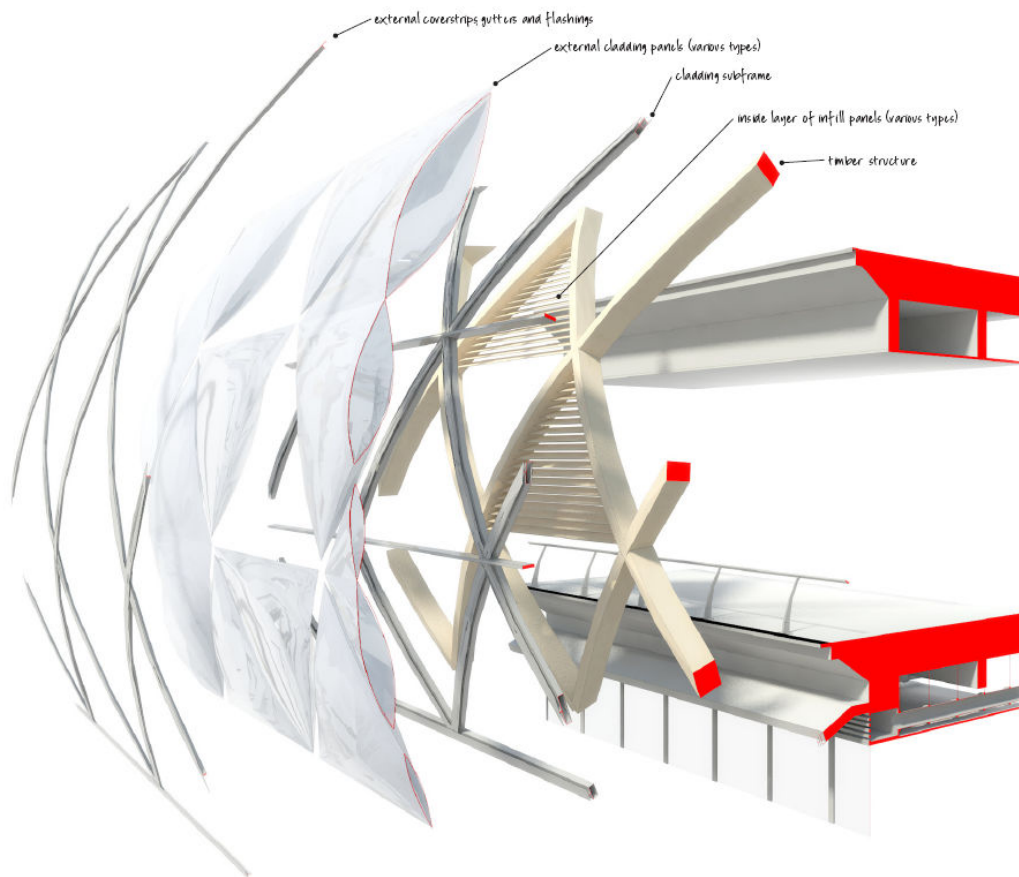


Figure 9.4 - Showing the arrangement of the proposed principle cladding system of ETFE panels

- 9.134 Opaque metal cladding panels would be applied to areas required to be screened, for example to plant, services and storage areas. Louvre panels would also be incorporated as required by the design of services to the development and to facilitate natural ventilation where required. Louvers or perforate panels would also be used to control/filter natural daylight and/or create a visual/acoustic screen in some areas. Internal infill panels would also be used where considered necessary.
- 9.135 The lattice structure would be left open in selected areas including over the park and around the bridge connections to facilitate access. By having the structure open in areas above the park, the concept is that trees and plants will be able to grow up through the outer cladding of the development. This would create an additional uniqueness to the development, allowing the vegetation of the park to be viewed from external viewpoints, inviting interest in the development and advertising the presence of the park level. Further, this would allow wildlife interaction with the external environment, enabling bird and insect life within the park. Figure 9.5 shows an image of the proposed developments external appearance.



Figure 9.5 - Concept image showing the external appearance of the development at the western entrance to the southern side.

- 9.136 It is proposed that the exact layout of panel types would be developed in direct response to the functionality of the building and the design of the landscaping/park as the scheme progresses. The final arrangement would be the subject of further clarification and it is recommended that this should be reserved by condition for subsequent approval.
- 9.137 The design of the enclosing structure would enable the building to adapt to accommodate planned changes to the detailed layout of the retail and other amenities and to the requirements of users of the park.
- 9.138 An exposed timber structure would be used as the principle facade structure. This would be visible from the interior and, where cladding panels are omitted, also from the outside. The timber is proposed to be a sustainably sourced softwood, suitably treated or chemically modified for resistance to decay. It would also have a protective coating/film treatment applied to maintain a natural or slightly darker colour and may also include protective metal capping strips to some external areas. Connections would be metal and either exposed or concealed depending on the detailed design of the cladding.
- 9.139 A glazed canopy would be incorporated above areas of a south boardwalk circulation area with minimal metal framing. The glazing would have a solid perimeter edge frit to conceal framing and may incorporate integrated external lighting.
- 9.140 While outside of the scope of the Overstation Development application, and already approved under the Crossrail Act schedule 7 approvals, the metal profiled louvres to station ventilation shafts, the timber decking to boardwalks/promenades adjacent to building, combination of stone flooring, concrete paving and other hard surfacing to other areas and entrances and profiled vertical metal balustrade supports to dock edges and bridges would integrate with the proposed design.
- 9.141 From a design viewpoint an application to build within an historic and protected dock space

would normally be resisted, due to the impact on the character of the area. However, it is considered that the design merits of the scheme and the beneficial elements overcome the potential adverse impact and that the proposal should be supported.

- 9.142 The development provides a site specific design response with structural framework of light weight canopy and will be highly beneficial for the local area with its public park. Further, given that the Crossrail Station will introduce structures within the dock the impact of the development would not be as significant as would be the case if the dock was void of any buildings. The proposal has potential to transform positively the relationship of the Canary Wharf group of buildings with the Dock as well as link the Canary Warf Estate with Poplar and the areas to the North.
- 9.143 The dock wall is listed and forms part of wider historic asset. However, the relationship between the Dock and the surrounding building has always been situation specific and changed since Canary Wharf was developed. At this instance, it is considered that the architects have carefully addressed this edge by clearly separating out the new development from the historic assets and providing well designed light weight bridges.
- 9.144 In order to ensure quality and durability of materials and design conditions are recommend requiring the approval of a mock up for roof canopy ETFE panels and timber sections, samples of all external finishes, scale drawings for typical cladding system, lighting layout and signage strategy for the development and public realm.

Impact on Conservation and Heritage Values

- 9.145 Policies 4B.11, 4B.12 and 4B.13 of the London Plan, policies DEV32 and DEV37 of the UDP and policies CON1 and CON2 of the IPG seek to preserve the historic assets of the city.
- 9.146 The significance of the North Import Dock wall is reflected in its status as a Grade I listed building, identifying it as a nationally import structure. The Overstation Development would have no direct impact on the fabric of the North Import Dock wall as it is located above the proposed Crossrail Station.
- 9.147 However, the development within the dock would affect the setting of the West India Dock Conservation Area, the Grade I listed Numbers 1 & 2 Warehouse, the Grade I North Import Dock wall and the Grade II accumulator tower, together with nearby built heritage resources.

Impact During Construction

- 9.148 The construction of the Over Site Development will be limited to superstructure, services and cladding. The station sub-structure will form the foundations that provide support. The Overstation Development structure would be formed of a reinforced concrete or steel framework with structural concrete walls below 106m level (i.e. approx 2m above mean water level) and infill walls for the two storeys above.
- 9.149 Impacts during construction would generally be present during the construction of the Crossrail station only scheme and associated development, such as the replacement bridge. While the construction of the Overstation Development would increase the time period of the construction on the site it would not introduce significant new impacts. It is therefore considered that during the construction of the Overstation development that there would be no significant impact on the heritage conservation priorities in the area.

Impact of Completed Scheme

- 9.150 The Overstation Development would effectively infill between the two Station Only Scheme islands, along the Dock. The Overstation Development structure, once completed, would further reduce the area of visible water in the east end of the North Dock by approximately

17%.

- 9.151 The Import Dock is a nationally important feature. The new Overstation Development structure would substantially reduce the water surface in the eastern half of the dock impacting on the setting and the appreciation of the wet dock.
- 9.152 The walls themselves in the vicinity of the development are largely altered to the northern edge of the dock from the creation of a more modern false dock wall, and hidden to the southern edges of the dock. Their setting has in this respect already been changed considerably since it was built 200 years ago. The development of the approved Crossrail Station within the dock will result in development in the dock, further impacting on the setting.
- 9.153 The position of the existing DLR bridge and station to the west of the proposed Overstation Development has already compromised the wider setting of the historic Import Dock, with views along the water in any direction being interrupted by these structures.
- 9.154 The proposed Overstation Development alters the basin context in a localised area, by adding additional built mass within the Dock, however the world class architecture of the development ensures that the impact of the development is minimised. As stated above it is considered the architecture of the development separates out the new development from the historic assets.
- 9.155 It is considered that the proposed Overstation Development would impact on the setting of the historic North Import Dock and the other historical elements of the area. However, it is considered that the high quality of the architectural design minimises the impact of the development and on balance, given the extent of existing alterations to the dock and the introduction of structures within the dock through the approval of the station only scheme, the proposed Overstation Development would not result in a significant loss of legibility of the historic context.

The Park Space

- 9.156 Policies 3D.8, 4B.1, 4B.2 and 4B.3 of the London Plan 2008, policy DEV12 of the UDP and policies CP4, CP30 and DEV13 of IPG promote the good design of public places and the provision of green spaces.
- 9.157 The Isle of Dogs and the surrounding area of Poplar have a rich and diverse range of open space environments that have helped to build a unique identity for this area of London as well as providing the local community with inspiring spaces in which to meet, play and relax.
- 9.158 The new park design occupies a unique location within this network and will compliment the quality of existing open space provision with an appealing, legible and well managed public facility, one that is easily accessible for all abilities and provides comfortable spaces from which to experience at close hand the rich and diverse planting scheme with opportunities for community involvement.
- 9.159 The canopy that wraps over the park and building structure adds shape and form to the park space as well as modifying the local microclimate. The canopy has three conditions that have an impact on temperature and exposure within the park.
- Open Structure
 - Partially enclosed structure
 - Fully enclosed Structure
- 9.160 The open framework allows full sun to penetrate the park but provides relatively minimal wind shelter. Precipitation falls directly onto the surface. The space beneath therefore mimics the surrounding landscape in terms of ambient temperature and exposure.

- 9.161 The semi enclosed canopy with louvers between the structural members prevents a proportion of sunlight reaching the ground creating a semi shaded and cool environment. Wind exposure is modulated and precipitation limited. The space mimics a forest floor with dappled shading.
- 9.162 Where a transparent membrane sits between the frames solar radiation is permitted through but then the membrane traps the wave lengths under the canopy creating localised warm zones. The membrane also screens the wind so that the trapped air pockets are warmed. Rain fall is prevented from reaching the ground. The space mimics a dry arid climate zone.
- 9.163 The localised microclimates create the potential to propagate varying plant communities able to thrive within these zones.
- 9.164 The landscaping of the park will play an important part in the design and success of the park space and the design of the development itself. Within the park the concept is one of fracture and colonisation where the plant life will appear to grow up from beneath the floor, expressing the energy and vitality of plant life.
- 9.167 From outside of the development the plant life will be seen projecting through the openings in the canopy of the building, creating a visual link to the park and unique aspect to the buildings design. The concept of this can be seen in Figure 9.5
- 9.168 Within the entrances to the station the developer has created a concept of a living wall or water wall to bring the park environment down to the entrances from the upper level, advertising its presence and welcoming the public to explore the park level. Concepts of this are shown in Figure 9.6



Figure 9.6 - Concepts for water wall or living wall within the entrances to enhance the visibility of the park and bring it down within the development

- 9.169 As previously stated it is considered that the park space will provide a suitable replacement for the lost of recreational potential due to the reduction of open water space within the dock. The site is fully publicly accessible and would be well linked to both Canary Wharf Estate and the Poplar communities. A feature of the proposed park will be a proposed performance space for events planned as part of an overall Arts and Events programme with community participation, including local and educational activities.
- 9.170 As discussed below, a landscaping plan and management plan will be required to ensure

appropriate planting to achieve the proposed design concept.

Micro-Environment

9.171 Planning guidance contained within the London Plan 2008 places great importance on the creation and maintenance of a high quality environment for London. Policy 4B.10 of the London Plan 2008, requires that “All large-scale buildings including tall buildings, should be of the highest quality design and in particular: ... be sensitive to their impacts on microclimates in terms of wind, sun, reflection and over-shadowing”. Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 of the IPG also identifies microclimate as an important issue stating that:

“Development is required to protect, and where possible seek to improve, the amenity of surrounding and existing and future residents and building occupants as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should: ...not adversely affect the surrounding microclimate.”

9.172 The applicant has undertaken an assessment of the impact of the proposed development on the microclimate surrounding the buildings. The assessment has focused on the suitability of the Site for desired pedestrian use and also assessed the development against the future baseline of the Station Only Scheme if the Overstation Development was not to be built.

9.173 The acceptability of windy conditions is subjective and is taken to depend mainly on the physical action of wind on individuals. The onset of discomfort depends on the activity in which the individual is engaged, and is defined separately for each activity in terms of an average wind speed, which is exceeded for 5% of the time. In this process, it is assumed that the individual is seasonably dressed and not affected by thermal discomfort. Details of these criteria are summarised below in Tables 9.12 and 9.13.

Comfort Level Guideline	Description in Lawson (Lawson, 1980)	Mean Wind Speed Exceeded 5% of Time	Beaufort Scale	Description of Wind Effects
C1+	Exceeds Comfort Criteria	> 10 m/s	> 5	<ul style="list-style-type: none"> • Umbrellas used with difficulty • Hair blown straight • Difficult to walk steadily • Wind noise unpleasant
C1	Walking Purposefully or Business Walking	10 m/s	5	<ul style="list-style-type: none"> • Force of wind felt on body • Trees in leaf begin to sway • Limit of agreeable wind on land
C2	Strolling or “Window Shopping”	8 m/s	4	<ul style="list-style-type: none"> • Moderate, raises dust & loose paper • Hair disarranged • Small branches moved
C3	Standing or Sitting – Short Exposure	6 m/s	3	<ul style="list-style-type: none"> • Hair disturbed, clothing flaps • Light leaves and twigs in motion • Wind extends lightweight flag
C4	Standing or Sitting – Long Exposure	4 m/s	2-3	<ul style="list-style-type: none"> • Light wind felt on face • Leaves rustle

Table 9.12 - Pedestrian Comfort Criteria

Comfort Level Guideline	Description	Appropriate Uses and Activities
C1+	Exceeds Comfort Criteria	Not recommended for any activity.
C1	Walking Purposefully or Business Walking	The business walking condition is generally considered acceptable at local corners of buildings and relates to the conditions where people are walking briskly between locations. It is also appropriate for cycling.
C2	Strolling or "Window Shopping"	The pedestrian walking or strolling condition is more generally acceptable on access routes.
C3	Standing or Sitting – Short Exposure	Areas near shops and building entrances or areas for sitting for a short time period should normally achieve pedestrian standing conditions.
C4	Standing or Sitting – Long Exposure	Outdoor sitting areas which are frequently used for long durations should achieve pedestrian sitting – long exposure at least during summer months.

Table 9.13 - Pedestrian Comfort Criteria and appropriate uses

- 9.174 The assessment concluded that comfort levels would be generally C2 or better at all measurement locations around the immediate project site. These predicted comfort levels are generally acceptable for public access routes. Predicted comfort levels of C4 in the park area of the proposed development would be suitable for long-exposure standing or sitting activities. The geometry and height of the proposed scheme would produce only minor variations in predicted comfort levels at all other measurement locations.
- 9.175 The differences in the proposal and the baseline situation of the station only development in terms of comfort were found to be of negligible significance.
- 9.176 It is therefore considered that the proposed development would be acceptable in terms of the impact on microclimate conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site in accordance with London Plan policy 4B.10 and policy DEV1 of the IPG.

Landscaping

- 9.177 Landscaping provisions for the wider public realm development are secured adequately through condition on the Schedule 7 approval under the Crossrail Act for the areas of the station development. The provisions secured would result in an acceptable interaction between the station development and the wider public realm.
- 9.178 Further landscaping outside of the schedule 7 approvals, such as provision of street furniture on the bridge link and the specific landscaping of the park is recommended to be secured through a condition requiring approval of a landscaping plan and landscape management plan.
- 9.179 This would ensure the appropriateness of additional landscaping proposed within the public realm, the appropriateness of the species of plants proposed and ensure the maintenance and management of the landscaping and public realm furniture is acceptable and suitably carried out.
- 9.180 It is considered that with appropriate landscaping and management, the public realm around the proposed development would enhance the quality of the design of the building and the

provision and maintenance of appropriate planting within the park would provide suitably for the quality and visual amenity of the park level.

- 9.181 It is therefore considered the proposed development would be in accordance with policy DEV12 of the UDP, policies DEV1, DEV2 and Dev 13 of the IPG and policies 4A.11, 4B.1 and 4B.10 of the London Plan 2008.

Views

- 9.182 Policies 4B.10, 4B.16, 4B.17 and 4B.18 of the London Plan 2008, policy DEV8 of the UDP and policies CP50 and CON5 of the IPG protect strategic views of the city and locally important views of the townscape.
- 9.183 The site does not fall within a designated Strategic view Consultation Area under the adopted UDP or IPG. However, the application is supported by a detailed assessment of local views included within the Environmental Statement. Table 9.14 details the locations of the views assessed.
- 9.184 The low level nature of the Over Site Development proposal within a context of high rise buildings at Canary Wharf would restrict views into the development from areas of London beyond the site's immediate setting.
- 9.185 The 11 viewpoints used in the assessment were selected to represent a range of visual receptors (e.g. conservation area, residential properties, pedestrians, commuters, users of public open space etc).

1	Thames Path at the O2: An open mid-distance view across the river towards the Isle of Dogs. The Canary Wharf cluster lies to the left of centre with recently completed residential development to the right of centre. The presence of cranes throughout the panorama highlight the extensive ongoing development within this part of London. The varied skyline of tall buildings form a dramatic backdrop and contrast to the broad expanse of Blackwall Reach.
2	Blackwall DLR Station: A channelled view along the transport corridors of the DLR and Aspen Way towards the Canary Wharf cluster. Tall buildings either side of the corridor frame the view and create a dramatic skyline. Billingsgate Market forms a low level building in front of North Dock in the middle distance. Buildings undergoing construction are prominent in the view.
3	Poplar DLR Station: An open, close range view over North Dock to a backdrop of development at Canary Wharf. The extensive construction site of North Quay lies in the foreground beyond Aspen Way. Billingsgate Market lies to the left of the view beside Upper Bank Street bridge. The road corridor and construction works have equal prominence in this view to the buildings of the Canary Wharf cluster.
4 (Note: this viewpoint does not appear in the Visual Impact Study due to restricted access during construction works)	West India Quay DLR Station: A channelled, close range view from an elevated location above North Dock. The wall of buildings rising up to the right of the view contrast with the relatively open expanse of the construction site at North Quay. Poplar DLR station and Billingsgate Market lie in the middle distance with the tops of tall buildings visible beyond. The O2 centre is visible in the centre of the view beyond the Upper Bank Street bridge.

5	West India Dock Conservation Area: A close range, diverse and enclosed view at North Dock. The historic buildings and structures of the West India Dock Conservation Area contrast with the architecture of the Canary Wharf cluster. Boats and maritime details form a prominent characteristic of the foreground. The West India Quay DLR station cuts through the centre of the view.
6	North Dock Footbridge: A close range, channelled view along North Dock. Tall buildings at Canary Wharf frame the view. The West India Quay DLR station and the Upper Bank Street over bridge span the dock in the foreground and middle distance, further concentrating views of the dock. Cranes and moored boats form a characteristic link to docklands heritage.
7	North Dock Promenade: A close range, asymmetric view of North Dock provides a contrast between the tall buildings of Canary Wharf to the right with the expanse of open water and construction site at North Quay beyond to the left. The tops of some tall buildings and cranes are visible on the skyline beyond. The over bridge at Upper Bank Street crosses the dock in the centre of the view.
8	Dockside at base of North Colonnade: A close range channelled view between tall buildings on North Colonnade, along the spur of North Dock. The construction site of North Quay and the West India Quay DLR station lie beyond in the centre of the view. Dock side trees break up the expanse of the sky.
9	Upper Bank Street Bridge: A close range, channelled view along North Dock. Tall buildings to the left and centre of the view follow the edge of the dock and contrast with the open North Quay construction site to the right of the view. The elevated West India Quay DLR station cuts through the centre of the view.
10	Upper Bank Street: A narrow, close range view along Upper Bank Street, between tall buildings on North Colonnade. The bridge lies within the centre of the view, which focuses on a tower block at Poplar in the distance.
11	Trafalgar Way: An open view across the car park and service area of Billingsgate Market towards North Dock. Tall buildings at Canary Wharf to the left contrast with the low market buildings to the right. The tower of the Marriot Hotel at 1 West India Quay forms a focal point in the centre of the view with "The Gherkin" on the skyline beyond.

Table 9.14 – Views assessment

- 9.186 None of the views identified within the London Views Management Framework would be affected by the proposals. The views assessment concluded that there would be a negligible magnitude of visual effect which is neutral in nature, resulting in a negligible significance of effect on one view from a conservation area (Viewpoint 5: West India Dock Conservation Area). The Over Site Development proposals would form a very minor new element within this view. The building would be seen predominantly within the context of the surrounding contemporary architecture of Canary Wharf.
- 9.187 The majority of the viewpoints assessed are within close range of the proposals. The assessment concluded that there would be negligible effects on five close range views (Viewpoint 2, Viewpoint 3, Viewpoint 5, Viewpoint 6 and Viewpoint 10) and that there would be minor beneficial effects on five views (Viewpoint 4, Viewpoint 7, Viewpoint 8, Viewpoint 9 and Viewpoint 11).
- 9.188 There would be no change in view from Viewpoint 1 at the Thames Path beside the O2

Centre due to intervening development screening the proposals.

- 9.189 The proposal is therefore considered in accordance with policies 4B.10, 4B.16, 4B.17 and 4B.18 of the London Plan 2008, policy DEV8 of the UDP and policies CP50 and CON5 of the IPG

Access

- 9.190 The Overstation Development is designed to be fully accessible to the mobility impaired. The development will include lifts and escalators at both the eastern and western ends of the development servicing the station, retail and park levels and also escalators within the centre of the development servicing the retail area. In addition, disabled parking provision will be available to visitors and employees within the existing public car parks under Canada Place and Cabot Place. This parking will be clearly signposted and will provide step-free routes from the car parks to the promenade level of the Overstation Development.
- 9.191 As part of improving the access links from the north of the development the applicant has proposed two schemes for improvements of the links from Poplar High Street to the development. The alternative schemes are for when the North Quay development to the north side of the dock is implemented and if it is not implemented prior to the opening of the development.
- 9.192 Both schemes achieve a step free access for mobility impaired persons from Poplar High Street to the Overstation Development through the use of lifts and escalators. The provision of these improvements would need to be secured by a S106 legal agreement.
- 9.193 In addition to improving the access to the Overstation Development the improvements to the route from Poplar High Street would improve the link from Poplar to the Canary Wharf Estate and Isle of Dogs as a whole. This would decrease the segregation in the communities which currently exists due to the poor links between the areas.
- 9.194 It is therefore considered that the access for mobility impaired persons is acceptable and would be in accordance with policy ST12 of the Unitary Development Plan 1998, policies CP46 and DEV3 of the Interim Planning Guidance 2007 and policy 4B.5 of the London Plan 2008

Waste Storage

- 9.195 The applicant has provided a Resource and Waste Management Strategy detailing the estimated waste generation during the operation of the proposed development, based on the details that the proportion of the Over Site Development allocated to each land-use is approximately 49% for A1 land-use, 43% for A3 and A4 land-use and 8% for the D1 and D2 land-use.
- 9.196 Table 9.15 shows the calculated waste generation for each of the proposed uses within the development based on the floor area with the development.

Land-use	Net Internal Area (m ²)	Waste Volume (m ³ /year)	Waste Quantity (tonnes/year)
A1	4,672	2,429	364
A3	2,016	3,763	564
A4	2,783	4,052	608
D1	930	33.36	5
D2	930	242	36
TOTAL	11,331	10,520	1,578

Table 9.15 – Calculated waste generation for the proposed uses within the development

9.197 The Resource and Waste Management Strategy further breaks the developments waste estimates into type of waste as shown in Table 9.16 based upon typical waste generation composition for each of the uses.

Waste stream	Retail (tonnes/year)	Hospitality (tonnes/year)	Children's Centre and Leisure (tonnes/year)	Total (tonnes/year)
Mixed dry recyclables	18	35	6	59
Cardboard and paper	200	117	21	338
Organic waste	0	117	0	117
Glass	11	469	1	481
Residual waste	135	434	13	582
TOTAL	364	1,172	41	1,577

Table 9.16 – Typical waste generation composition

9.198 All commercial tenants will be situated within the shared Over Site Development and will be served from a central waste servicing area by a facilities management team, one of whose functions will be to oversee the management of the waste. Waste will be segregated by tenants and temporarily stored in 'back of house' intermediate waste rooms located within each individual unit or within areas located adjacent to service corridors; from the intermediate waste rooms the facilities management will collect mixed dry recyclables and residual waste and transfer it to a central waste storage area.

Sustainability

9.199 The London Plan 2008 has a number of policies aimed at tackling the increasingly threatening issue of climate change. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. Policies within the UDP and IPG also seek to reduce the impact of development on the environment, promoting sustainable development objectives.

Energy

- 9.200 The applicant has provided an initial Energy Statement with the application detailing the estimated energy usage, energy efficiency and what renewable energy provisions have been provided within the development.
- 9.201 PPS22 seeks to require the inclusion of renewable technology and energy efficiency within developments, as do policies CP38 and DEV6 of the Interim Planning Guidance 2007 and policies 4A.1, 4A.2, 4A.4 and 4A.7 of the London Plan, unless it can be demonstrated that the provision is not feasible.
- 9.202 Table 9.17 details how various renewable energies have been assessed in terms of inclusion within the development and whether or not the technology has been adopted and why.

Technology	Assessment	Adopted
Biomass	Considered but not proposed due to delivery and storage restrictions and adoption of CHPC to provide heat.	No
Energy from waste (Biological)	Considered but not proposed due to absence of suitable feedstock, space and suitability of the technology in this application.	No
Energy from waste (Thermal)	Considered but not proposed due to absence of suitable feedstock, space and suitability of the technology in this application.	No
Small scale hydro power	Not proposed due to absence of suitable water flow.	No
Passive solar design	Incorporated. Building partially below ground and also provided with solar shading by external envelope.	Yes
Solar electric (photovoltaics)	Considered but not generally adopted due to severe overshadowing by adjacent tall buildings and lack of suitable space. External roof to be a park for community use. The profile and orientation of the remaining envelope not suitable for application of PVs. The possibility of installing small scale local PV arrays associated with specific areas will be explored.	Overall No, but Yes locally.
Solar water heating (solar thermal)	Considered but not generally adopted due to severe overshadowing by adjacent tall buildings and lack of suitable space. External roof to be a park for	Overall No, but Yes locally.

Table 9.17 – Details of renewables assessment for the proposed development.

- 9.203 Due to the particulars of the design of the building and the constraints of the site, primarily it being located to the north of the large buildings in Canary Wharf, renewable energy technology is not proposed to be provided.
- 9.204 However, the proposed energy efficiency measures include a CCHP that, together with other design features proposed, would achieve an estimated 19.5% reduction of carbon (CO₂) emissions when compared with the “notional building”.

- 9.205 While renewable energy technology has not been proposed, as outlined in Table 9.17 above, it is considered that the development would provide significant energy efficiency CO² reductions on the notional building through the provision of the CCHP.
- 9.206 It is considered that a condition should be included on any approval to ensure the adequacy of the size of CCHP and energy efficiency provisions within the development once detailed working plans of the development have been made. As such a condition to this order is recommended.
- 9.207 With such a condition the proposed development would be considered in accordance with policies CP38 and DEV6 of the Interim Planning Guidance 2007 and policies 4A.1, 4A.2, 4A.4 and 4A.7 London Plan.

Biodiversity

- 9.208 Policy 3D.14 of the London Plan 2008, policies DEV57 and DEV61 of the UDP and Policies CP31 and CP33 of the IPG seek to protect and enhance biodiversity and natural habitats.
- 9.209 Furthermore, PPS 9 Biodiversity and Geological Conservation sets out the Government's objectives for planning as:
- To promote sustainable development by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, environmental and economic development, so that policies and decisions about the development and use of land integrate biodiversity and geological diversity with other considerations.
 - To conserve, enhance and restore the diversity of England's wildlife and geology by sustaining, and where possible improving, the quality and extent of natural habitat and geological and geomorphological sites; the natural physical processes on which they depend; and the populations of naturally occurring species which they support.
 - To contribute to rural renewal and urban renaissance by:
 - Enhancing biodiversity in green spaces and among developments so that they are used by wildlife and valued by people, recognising that healthy functional ecosystems can contribute to a better quality of life and to people's sense of well-being; and
 - Ensuring that developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment.
- 9.210 The proposed Overstation Development above the Isle of Dogs Crossrail Station would significantly enhance the biodiversity and habitat range within the area. The proposed development includes the provision of a 5000m² park on the upper level of the development and would provide the following ecological measures:
- Small scale drifts of native trees and scrub within the park area
 - Areas of wildflower grassland within the park area
 - Native hedgerow planting, delineating areas within the park
 - Bird boxes and bat roost units incorporated into the building structure and bridge structure
 - Timber fenders attached to the building structure below the waterline
 - Additional reed beds in the water to the south of the building
- 9.211 These ecological enhancements would significantly increase the habitat quality and type. The introduction of reed beds would provide areas suitable for fish breeding that the current dock environment is significantly void of, with the exception of a small area in Adams Place. The park and associated planting provides the opportunity to introduce suitable species of flora to the area which could encourage a range of insect and bird life.
- 9.212 It is therefore considered that the proposed development would provide important

biodiversity enhancements to this inner city location and that the proposed development would be consistent with policy DEV61 of the UDP policy CP31 of the IPG and Policy 3D.14 of the London Plan 2008.

Water

Water run-off

- 9.213 It is proposed that rain water would be harvested from the envelope and external roofs, stored and either used to provide recycled water under gravity to flush the public toilets within the retail or pumped back to the park space for irrigation. Any surface water that is not harvested as described above would drain directly into North Dock.
- 9.214 In combination with the rain water harvesting, surface water draining into the dock would not result in an increase in the volume of water reaching the dock system and will not result in excessive flows offsite. It is recommended that a condition of consent be included requiring that the applicant provided details of the rainwater harvesting provisions to ensure that the method is appropriate and that maximum opportunities for the reuse of this water are undertaken.
- 9.215 The impact of the Over Site Development on water quality would be of negligible significance and there would not be a deterioration in water quality of the dock system. However, as the Upper Bank Street vehicle link through the development would be used by vehicles, which have the potential to result in spills of oils and other vehicle related contaminants onto the roadway, it is recommended a condition be included on the consent that oil/petrol interceptors are include in drainage systems in this area.

Waste Water

- 9.216 Services for the Over Site Development would be largely self-contained. However, the foul water drainage system would be shared with the Station and, therefore, all foul water would be drained to foul sewer and would have no impact on water quality in the docks.

Water use

- 9.217 The proposed development will cause an increase in water demand to meet the needs of the new occupants, especially when other consented schemes in the Isle of Dogs are taken into account. These increases can be offset by the adoption of a variety of water-saving devices in the retail development and the rainwater harvesting mentioned above. To ensure that the appropriate low flow devices are provided to maximise the mitigation of water usage it is recommended a condition be included on the consent if approved to require the submission of details of water saving techniques within the development.

Flood Risk

- 9.218 The flood storage area lost due to the Over Site Development is due to the infill of the area between the two station islands on the Station Only Scheme. The flood storage area potentially lost as a result of the Over Site Development permanent works would be in the region of 4,155m² - 4,515m² depending on the construction method.
- 9.219 An agreement is being made between the developer and the Environment Agency that 100% compensatory flood storage would be provided in relation with the proposed Isle of Dogs station Over Site Development. The Applicant is currently investigating (in consultation with the Environment Agency) a number of options that could be provided to the River Thames flood plain as a way of mitigating against the flood storage loss from the station.
- 9.220 Given the commitment to providing 100% compensatory flood storage, there would be no impact on flood risk due to the Over Site Development. The Environment Agency has proposed a condition in relation to this matter which it is recommended is included on the

consent if approved.

- 9.221 The proposed development is therefore considered in accordance with policies, DEV69, U3 of the Unitary Development Plan 1998, policies CP37, DEV7, DEV 8 and DEV21 of the IPG and policies 4A.12, 4A.13, 4A.14 and 4A.16 of the London Plan 2008.

Construction Waste and Recycling

- 9.222 The applicant has provided details of how construction waste management is proposed to be dealt with during construction. All construction waste generated during the construction of the Over Site Development would be managed in such a way that it encourages a circular product life-cycle, whilst being guided by the waste hierarchy.
- 9.223 Where practicable, the developer will ensure that resource efficiently is achieved through measures such as:
- Designing out waste;
 - Off-site construction;
 - Material procurement (minimising over-ordering);
 - Construction logistics; and
 - Waste segregation and recovery on or off-site
- 9.224 A Site Waste Management Plan will be produced in accordance with the Site Waste Management Plan Regulations 2008. The Site Waste Management Plan will ensure that waste production is minimised and that recycling and re-use is maximised through monitoring, recording, sorting and separating construction waste wherever practicable. Strategies including just-in-time deliveries and suitable storage of materials prior to use will also be applied to prevent spoiling. It is recommended that the requirement for a Site Waste Management Plan is secured by condition of consent to ensure this document is provided to Council for approval.

Planning Obligations

- 9.225 Policy DEV 4 of the UDP and policy IMP1 of the IPG state that the Council will seek planning obligations to secure onsite or offsite provisions or financial contributions in order to mitigate the impacts of a development.
- 9.226 In order to mitigate against the impacts that the proposed development would have on the character of the area, the loss of water space and the increases in trip generation and provide benefits from the development to the wider community and surrounding area the applicant has proposed a number of financial and works contributions which should be secured under planning obligations.

Financial Contributions

- 9.227 The applicant has proposed a total financial contribution of £150,000 to go toward employment and training. This contribution would be used to provide training and employment programmes for local residents in order to provide increased opportunities for local residents to be employed within the development.
- 9.228 A further £150,000 has been provided for contributions towards improvements to cycleway projects. This would assist in increasing the connectivity and integration between community and access to the site. Improvements to cycle facilities and networks would encourage cycling as an alternative to motor vehicle transport, reducing traffic congestion and benefiting health and the environment. The £150,000 would be split between three schemes as follows:

- £45,000 towards the Preston Road/Trafalgar Way cycle improvement scheme. This involves widening the cycle lane on Blackwall Way, Preston's Road and Trafalgar Way.
- £35,000 towards the Westferry Road, Narrow Street and Locksfield cycle route improvement and cycle parking/cycle hire provision along this route to Canary Wharf and around the proposed development.
- £70,000 towards the modification and improvements to the existing cycle by-pass lane and cycle lane improvements on Poplar High Street to improve the link to the development from the North of Canary Wharf.

Works Contributions

- 9.229 In addition to the applicants financial contributions package the applicant has proposed to undertake a number of projects in order to mitigate the impacts of the development and provide benefits to the community.
- 9.230 The applicant is proposing to undertake a works contribution to provide improvements to the pedestrian link from Poplar High Street to the proposed development, providing step free access for mobility impaired people. The works will include the provision of lifts and escalators and would be to a minimum contribution value of £2,000,000. Additionally a signage strategy has been secured. Securing this works through the S106 agreement would significantly improve the public realm environment and the connectivity between Poplar and the development.
- 9.231 The applicant has also offered under the S106 agreement 930m² floor space unit valued at £2,000,000 to the Council for the provision of a community facility. A community facility in this location would provide a further community provision within the development increasing the connections with the wider community.
- 9.232 The S106 would secure the delivery of the Community Park and the public accessibility of this asset. The proposed park would have a construction value of £5,400,000 and provide space for a community performance area. The requirement for a management plan is agreed in the Heads of Term which will insure that the community get the most benefit possible from this park by the provision for community performances and educational uses.
- 9.233 In addition to these works contributions the S106 would secure management plans for construction and servicing and deliveries as well as Travel Plan monitoring.

Conclusions

- 9.234 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

Agenda Item 7.2

Committee: Strategic Development	Date: 4 th December 2008	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director of Development and Renewal Case Officer: Shay Bugler		Title: Planning Application for Decision Ref No: PA/08/1763 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 (3 x studios; 54 x 1 bed; 91 x 2 bed; 36 x 3 bed; 7 x 4 bed) residential units Class A1, A2, A3 and B1 uses with associated basement and ground level car parking (70 spaces) and cycle parking (221), roof terraces, children's play area, landscaping, access and servicing.

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

Drawing No's: Drawing numbers: 0803/100; 0803/101; 0803/102; 0803/103; 0803/104; 0803/105; 207041/121C; 207041/122C; 207041/123C; 207041/124C; 207041/125C; 207041/126C; 207041/127C; 207041/128C; 207041/129C; 207041/130C; 207041/150A; 207041/151A; 207041/152A; 207041/153A; 207041/155A; 207041/156C; 207041/157A; 207041/159C; 207041/160

Documents:

- Materials used and purchasing strategy by Berkeley Homes
- Sustainability Strategy and Code for sustainable homes statement by Berkeley Homes dated Oct 2007.
- Transport and access by Caspian Wharf
- Energy Assessment by Berkeley Homes
- Environmental Statement by Berkeley Homes
- Accessibility and Lifetime Homes Statement by Oct 2007 by Berkeley Homes
- Archaeological desk-based assessment dated August 2008
- Code for Sustainable Pre assessment estimator tool
- Environmental Statement Non-Technical Summary Oct 2007
- Revised Design and Access Statement
- Environmental Statement
- Transport Statement (Incl. TA) Oct 2007

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

Applicant: Berkeley Homes (North East London) Ltd
Owner: Berkeley Homes (North East London)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 (1998), Interim Guidance, associated supplementary planning guidance (2007), the London Plan (2008) 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 3A.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 policy 2A.1; 2A.9; 3B.1; 3B.3 and 5C.1 of The London Plan (Consolidated 2008) as well as Policy DEV3 and EMP12 of the adopted UDP 1998.

(3) 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.

(4) The building height, scale, bulk and design is acceptable and in line with GLA and Council criteria for tall buildings; Planning Policy Guidance 15, policies 4B.1, 4B.5, 4B.8 and 4B.9 of the consolidated London Plan (2008), policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV 27 and CON5 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.

(5) The quantity and quality of housing amenity space and the public realm strategy is considered to be acceptable and in line with PPS3 and 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.

(6) The loss of the employment use on site is acceptable because the site is unsuitable for continued industrial use due to its location, accessibility, size and condition. As such, the proposal is in line with employment policies 3B.1 and 3B.2 of the consolidated London Plan (2008), and policies CP9, CP11, CP19 and EE2 of the Council's Interim Planning Guidance (2007), and CFR1 of Council's Interim Planning Guidance City Fringe Area Action Plan (2007), which consider appropriate locations for industrial employment uses.

(7) The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.4, 3A.7 and 3A.8 of the consolidated London Plan (2008), 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.

(8) 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 which seeks to ensure appropriate amounts of amenity space is provided.

(9) 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.

(10) Transport matters, including parking, access and servicing & location of the basement are acceptable and in line with London Plan policy 3C.1, 3C.2, 3C.22 and 3C.23, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport option.

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 total of 46.5% based on habitable rooms to be provided on site as affordable housing
- Provide £1,961.54 towards bus stop survey;
- Provide £15,692.31 towards bus stop improvements;
- Provide £62,769.23 towards highway safety improvements;
- Provide £309,972.66 towards education to mitigate the demand of the additional population on education facilities;
- Provide £626,860.22 towards medical facilities to mitigate the demand of the additional population on medical facilities;
- Provide £23,538.46 towards Public Art;
- Provide £20,000.00 for British Waterways Improvements;
- Provide £43,762.00 towards improvements to the Langdon Park DLR station
- 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) Details of brown roofs
- 29) Historic building recording is required by English Heritage
- 30) Access for people with a disability to the implemented prior to occupation
- 32) 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.
- 17) Consult Metro Police in respect of condition 3
- 18) Prepare archaeological project design in respect of condition 17 to address impact to archaeological remains as required by English Heritage
- 19) Asbestos survey and handling

- 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.

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The application relates to an urban development project with a development area of more than 0.5 hectares. It thus falls within paragraph 10 of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (as amended). As the project is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's environmental statement (ES), any further information submitted following request under Regulation 19 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.
- 4.2 An ES was submitted by the applicant with the planning application. The Council appointed consultants, Bureau Veritas, to examine the ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, Bureau Veritas detailed that in their view the report failed to provide sufficient information in several areas. A Regulation 19 request was therefore served on the applicant requesting further information. The further information was subsequently submitted to the Council, following which it was publicised in the required manner. Council's Environmental Impact Assessment officer has reviewed the response and is satisfied that the further information satisfactorily addresses the issues raised in the Regulation 19 request so as to complete the ES.
- 4.3 The ES addresses the following areas of impact (in the order they appear in the ES):

Volume 1

Chapter 1: Introduction
Chapter 2: Environmental Impact Assessment Methodology
Chapter 3: The application site
Chapter 4: The proposed development
Chapter 5: Alternatives and Design evolution
Chapter 6: Development programme and consultation
Chapter 7: Socio economics
Chapter 8: Townscape and Visual
Chapter 9: Transport
Chapter 10: Air Quality
Chapter 11: Noise and vibration
Chapter 12: Water Resources
Chapter 13: Ground conditions and contamination
Chapter 14: Ecology
Chapter 15: Daylight, sunlight and overshadowing
Chapter 16: Archaeology and built heritage
Chapter 17: Wind microclimate
Chapter 18: Lighting
Chapter 19: Telecommunications
Chapter 20: Waste
Chapter 21: Summary of migration and monitoring
Chapter 22: Statement of significance

Volume 2

Flood risk assessment

Volume 3

Figures

- 4.4 The ES and further information address the likely significant effects of the development, what the impacts are and their proposed mitigation. The various sections of the ES have been reviewed by officers. The various environmental impacts have been dealt with in the extant permission.
- 4.5 In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental impacts are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

5. PROPOSAL AND LOCATION DETAILS

Context

- 5.1 On the 29th August 2008, planning permission was approved for the 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 (3 x studio; 54 x 1 bed; 91 x 2 bed; 36 x 3 bed; 7x 4 bed) 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 (ref no: PA/07/2762).
- 5.2 The applicant submitted a new application on the 19th August 2008 for redevelopment of the site. Identical to the extant permission (PA/07/2762), the proposal comprises of the following sites as show on the attached map as Appendix 3 & 4.
- Site A Caspian Works
 - The Strong Packing Case site on the eastern side of Violet Road (site D)
 - The E.W Hoe (Export Packers) Ltd site on the corner of Yeo Street and Violet Road (Site C)

The detailed assessment on the above matters is contained in the committee report (dated 29th May 2008). They are attached as appendix 3 and 4 to this report.

- 5.3 The site boundary, building layouts, footprints, design, residential amenity, elevational treatments, mix of residential units, provision for renewable energy remains the same as the extant permission. The only change between the proposed application & the extant permission are as follows:
- a): The relocation of the basement car parking and ramp approach from within Site D/Site A to wholly within Site A.
- b): The removal of the ramped access and the lift/stair access to the basement to the northern boundary of the site.
- 5.4 In the previously approved scheme, the basement extended along the northern boundary of the site (site D and partially site A). The previous proposed basement was located beneath the affordable housing units. In the current proposal the basement has been relocated to the southern boundary of site D, directly beneath the market tenure housing. The applicant has informed the Council that the relocation of the basement to the southern end of the site will enable the affordable units at northern end of the site to be delivered sooner. It is understood that this will permit the delivery of a substantial portion of the affordable units within an earlier time frame than what was proposed in the extant permission

- 5.5 The vehicle entrances to the site from Violet Road remain unaltered to that of the extant permission.

Site and Surroundings

- 5.6 Site D is a back land site that adjoins DLR land to the east and benefits from an access way onto Violet Road. 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 and are immediately adjacent the boundary adjoining DLR land to the east.
- 5.7 Site C is located to the southwest of the Sites D west of Violet Road at the intersection with Yeo Street.
- 5.8 To the east, Site D and Site A are bordered by DLR land and further still, residential and commercial uses. Immediately to the north of Sites C & D are commercial uses. Further along Violet Road on the western side and into adjacent streets are residential flats of varying ages including more recent development at 42 Glaucus Street and 1-24 Violet Road.

Planning History

- 5.9 On the 29th August 2008, planning permission was granted for the 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. This application was accompanied by an Environmental Impact Assessment under the provisions of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 (ref. no: PA/07/2762).
- 5.10 On the 18th July 2008, planning permission was approved 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. (AMENDED PROPOSAL)(Ref. no: PA/07/2706)
- 5.11 On the 3rd April 2008, planning permission was refused for the 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. (planning ref. no: PA/08/00019)
- 5.12 On the 17th May 2007, a revised application for redevelopment of site to provide buildings of between 4 & 9 storeys and of 13 storeys for mixed use purposes including 416 residential units, Class A1, A2, A3, B1 and D2 uses with associated car and cycle parking, roof terraces, landscaped, canalside walkway and servicing was withdrawn.
- 5.13 On the 3rd May 2007, planning permission was approved for the 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.

6. POLICY FRAMEWORK

- 6.1 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

Lower Lea Valley Opportunity Area Planning Framework

B1	Providing of mix of uses
D4	Encourage the protection of industrial capacity whilst introducing additional uses and activities
D5	Encourage mix of employment uses

Leaside Area Action Plan

L33	Site Allocation in the Bromley-by-Bow South Sub-Area
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Supplementary Planning Guidance/Documents

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

The London Plan Spatial Development Strategy for Greater London Consolidated with Alterations since 2004

Policies	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.3	Maximising the potential of sites
	3A.4	Effective use of stock
	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.18	Protection and Enhancement of Social Infrastructure and Community Facilities
	3A.20	Health Objectives
	3A.23	Health Impacts
	3A.24	Education Facilities
	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.22	Improving conditions for cycling
	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
4B.8	Respect local context and communities
4B.9	Tall Buildings – Location
4B.10	Large Scale Buildings – Design and Impact
5C.1	The Strategic Priorities for North 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

7. CONSULTATION RESPONSE

7.1 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

7.2 No comments received on this current proposal. However, it was noted in the extant approval that Tower Hamlets Primary Care Trust would accept the s106 contribution of £626,860.22 towards medical facilities to mitigate the demand of the additional population on medical facilities. As there is no changes to the overall dwelling mix. This contribution will also be secured in this approval.

LBTH Highways

7.3 No objections to the scheme and conditions and informatives recommended, consistent with the extant permission.

LBTH Environmental Health

a) Daylight & Sunlight

7.4 No comments received on this current proposal. However, the daylight/sunlight Officer noted in the extant permission (PA/07/2762) that the scheme proposes minimal impact and is therefore acceptable in the urban environment. There are no additional daylight/sunlight matters that need to be considered where the building envelope remains unchanged from the extant permission.

b) Environmental Health (noise)

- 7.5 No comments received on this application. However, it was noted in the extant approval that the noise mitigation and sound insulation measures are acceptable.

(Officers comment: A condition is recommended to secure the implementation of the noise mitigation and sound insulation measures consistent with the extant permission)

LBTH Education

- 7.6 No comments received on the proposed development. However, it was noted in the extant permission that the scheme would create a need for an additional 25 primary school places with the associated s106 contribution being £309,972.66. As there is no changes to the residential mix, this contribution will also be secured in this application.

LBTH Energy Efficiency Unit

- 7.7 No comments received on this current proposal. However, the Energy Efficiency officer considered that the energy strategy submitted for the extant approval was acceptable. Again, there are no additional energy related matters with the proposed application from what was reviewed in the extant permission.

LBTH Waste

- 7.8 No comments received on this current application. However, LBTH Waste Department had no objection to the previous scheme subject to standard waste details conditions, consistent with the extant permission.

The Government Office of London

- 7.9 No comments received, consistent with the extant permission.

Greater London Authority (Statutory Consultee)

- 7.10 GLA have noted that there are no strategic issues with the application and do not raise any formal objections. This is consistent with the extant permission.

Environment Agency (Statutory Consultee)

- 7.11 No objection is raised to the scheme subject to appropriately worded standard conditions:

- a) All surface water control measures to be installed,
- b) No storage of materials within 10m of Limehouse Cut;
- c) Construction of any storage devices and drainage in accordance with plans to prevent pollution;
- d) Construction of foul and surface drainage systems
- e) Consideration of site contamination and any necessary remediation;
- f) No infiltration of water or penetrative foundations design without approval from the Local Planning Authority.
- g) Piling and foundations in accordance with any approval granted
- h) Method statement for waste removal

(Officers comment: These conditions are consistent with the extant permission)

Informatives

- a) Dewatering of excavated material

b) Section 34 and duty of care regarding storage of excavated/construction materials

(Officer Comment: These informatives are consistent with the extant permission)

TfL (Statutory Consultee)

7.12 No comments received on the proposed development.

In the extant permission, TfL made the following informal comments through the referral to the GLA:

- Confirms the DLR authority's request for S106 planning contributions to be spend on improvements to the Langton Park DLR station (a total of £43, 762.00) instead of contributions for its Docklands Arrival System (DAISY) system.
- Requires consideration of the schemes impact on the DLR radio signals.
- Requirement for a 'car free agreement' to exempt future occupiers.
- Welcomes a Travel Plan for the development but further discussions in respect of measures and targets will be required.
- Expects the development to adhere to TfL's Cycling Parking Guidance and segregation between residential and commercial spaces.

(Officers comment: The DLR station improvement contribution, DLR radio reception, monitoring/migration and car free agreement shall be secured as part of the S106 planning agreement. Furthermore, the applicant will be required to submit a Travel Plan and keep the residential and commercial cycle spaces separate. This will be secured by way of condition, consistent with the extant permission.

BBC

7.13 No comments received.

English Heritage (Archaeology) (Statutory Consultee)

7.14 No comment received. The site is not designated as an area of archaeological importance in either the Unitary Development Plan (1998) or the Interim Planning Guidance (Oct 2007), consistent with the extant permission.

London City Airport (Statutory Consultee)

7.15 London City Airport has no safeguarding option, consistent with the extant permission.

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

7.16 No comments received on this current application. However, it is noted in the extant permission that NATS had no safeguarding objection.

Thames Water Authority

7.17 No comments received on this current application. However, it is noted in the extant permission (PA/07/2762) that in respect of waste comments, the authority recommended standard informatives and prior approval to discharge into the public sewer.

(Officer Comment: An appropriate informative is recommended to address the above matter, consistent with the extant permission).

British Waterways

7.18 British Waterways have confirmed that they have "no comments to make", consistent with

the extant permission.
Lea Valley Regional Park Authority

7.19 Lea Valley Regional Park Authority have no objection to report.

DLR

7.20 No comments received on the proposed development. In the extant permission, £43, 762 was secured towards the Langdon Park DLR station. This has also been secured for the proposed scheme.

Olympic Delivery Authority

7.21 No comments received

London Fire and Emergency Planning Authority (LFEPA)

7.22 No comments received on this current application. LFEPA noted in the extant permission that they had queries regarding emergency vehicle access to the site 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. This approach was considered acceptable in the extant permission.

English Nature

7.23 English Nature have no objections subject to attaching a condition requiring a management plan including consideration of the impacts of lighting on nocturnal wildlife should be attached.

(Officer Comment: This should be secured by way of condition, in line with the extant permission.)

8. LOCAL REPRESENTATION

8.1 A total of 349 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 Objection

8.2 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:

8.3 • Development intensity/Overpopulation

(Officers comment: The density of the development has been assessed and is considered acceptable. The proposal is not considered to result in overall development of the site, consistent with the extant permission which was approved by members on the 29th May 2008 at the Strategic Development Committee)

8.4 • Building height

Officers comment: The proposed building height has been assessed and is considered to be

acceptable, consistent with the extant permission which was approved by members on the 29th May 2008 at the Strategic Development Committee)

8.5 • Character

(Officers comment: The proposal will not adversely affect the character of the area, consistent with the extant permission which was approved by members on the 29th May 2008 at the Strategic Development Committee)

8.6 • Overshadowing

(Officers comment: The proposal will not adversely affect the character of the area, consistent with the extant permission which was approved by members on the 29th May 2008 at the Strategic Development Committee)

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

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

9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning matters raised by the application are as follows:

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

9.2 The above planning matters (1-6) were assessed and found to be acceptable by members in the extant permission which was presented at the Strategic Development Committee on the 29th May 2008. The committee members unanimously resolved that planning permission should be granted for the extant permission.

9.3 A detailed assessment of the above matters is contained in the committee report (dated 29th May 2008) for the extant permission. The committee report and subsequent addendum report are attached as Appendix 1 and 2 to this report.

9.4 In considering the proposed application, there are no changes proposed to any of the related matters listed above in section 9.1. The site boundary, building layouts, footprint, design, elevational treatment, no of cars (70) and bicycle spaces (221) within the basement, mix of residential units and renewable energy measures are the same as the scheme that was considered by committee on the 29th May 2008. Therefore, the attached report is considered to be an accurate assessment of the proposed application.

9.5 As noted in section 4 of the report, the only differences between the extant permission and this proposal are as follows

- a): The basement car park and ramp approach has been relocated from within Site D and Site A to wholly within Site A

b): The removal of the ramped access and the lift/stair access to the basement.

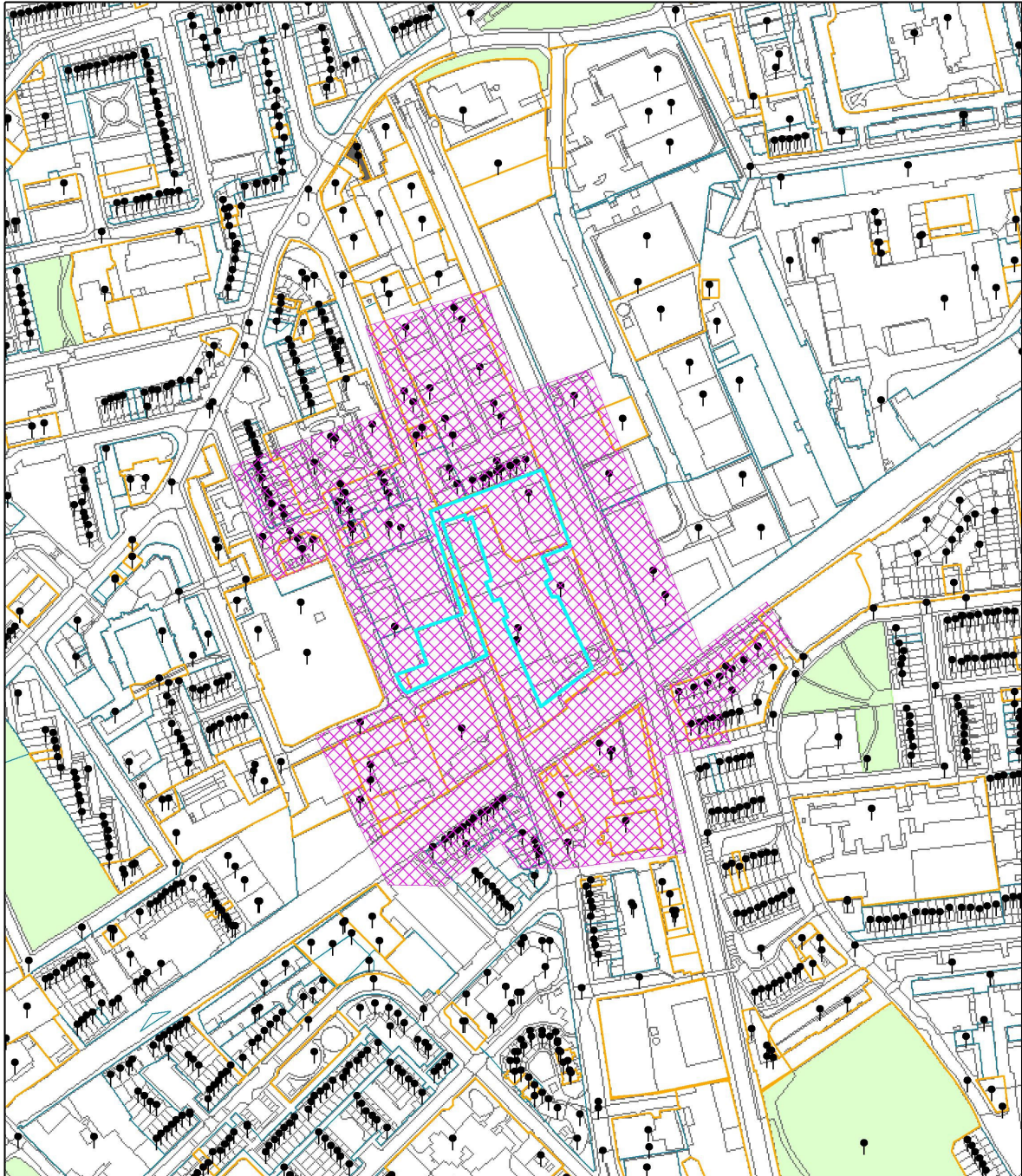
- 9.6 The landscaped courtyard to Site D has been improved in amenity terms with the omission of the ramped access and the lift/stair access to the previously proposed basement in the extant permission. The final details of which will be secured by condition.
- 9.7 Whilst the amendments to the basement appear to be minor, it is considered to be development in accordance with Section 55 of the Town and Country Act 1990 which defines development as meaning:
- “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”.*
- 9.8 As such, the proposed relocation of the basement is considered to be “development” as the scheme proposes building operations under land.
- 9.9 As noted in Section 6 of the report, LBTH Highways, LBTH Environmental Health and Environmental Health do not raise any formal objections to the location of the basement subject to appropriate conditions.
- 9.10 The proposal is not considered to present any significant changes from the extant permission because the design, provision for family and affordable housing will remain unaltered and the impacts on surrounding residential amenity will be the same as the extant permission which the members found to be acceptable. There are also no alterations to the number of car parking spaces and cycle spaces proposed. In addition, the pedestrian and vehicular trips forecast are consistent with the extant permission. Furthermore, provision of renewable energy and carbon savings remains the same as the extant permission. As such, the proposal is considered to be acceptable.

10. 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.

Site map

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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Committee: Strategic Development	Date: 29 th May 2008	Classification: Unrestricted	Agenda Item No:
Report Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Jason Traves		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, 157A, 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

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, 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 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:
 - 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 is delegated power 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 are 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/07/270 6	Extant + PA/07/276 2
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 (sqm)	3192	12575	12792
Playspace (sqm)	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 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 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 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

Policies:	CP48	Tall Buildings
	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

Policies	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 standard 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 for mitigation of adverse impacts to the DLR radio operations should remain including 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 Stong, 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 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 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 (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 is 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, 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 1mile 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 create 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 which 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, 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 have assessed the scheme and consider 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. 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 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. 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.

Agenda Item number:	7.2
Reference number:	PA/07/2762
Location:	Caspian Works and Lewis House, Violet road
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.

1. Further objections received

Five (5) additional objections have been received.

The following issues have been previously considered in the case officer report:

- Overpopulation
- Right to Light
- Building height
- Overshadowing
- Density
- Visual amenity
- Traffic generation
- Parking
- Contamination

The following additional issues have been raised and are considered below:

- Security and anti-social behaviour
(Officer comment: The scheme has been considered by the Council crime prevention officer as reported in section 6 of the case officer report. Appropriate conditions 2 and 3 are recommended to ensure the detailed design and landscaping including lighting and CCTV cameras will consider safety and security and crime matters. An informative is including for metropolitan Police to be consulted when considering the discharge of these conditions. Therefore, it is considered that any potential impact can be suitably mitigated and is not a reason for refusal)
- Impact on services
(Officer comment: section 6 of the case officer report indicates consultation with council departments and external organisations. Where there are potential impacts these are mitigated by securing s106 planning contributions for example health, education, and transport improvements. Therefore, potential impacts to local services is suitably mitigated and is not a reason for refusal.)

The following issues are raised but are not material to the determination of the application:

- Despite providing various facilities on site, the developer is only concerned with making money
- That the development is will be a magnet for gangs
- Demolition of existing buildings
- Query as to whether the current application will be constructed or the recently approved scheme PA/07/2706
- Comments in respect of PA/07/2706
- Anger at speculative nature of the development in such a close proximity
- Comparison of the schemes design as a replica of development in other places, specifically the Costas and Algarve.
- Comments in respect of the Berkley group AGM and handling of development
- Criticism of the negotiation process securing planning contributions and balancing of different criteria of the assessment
- Criticism that the development process is not about urban renewal and sustainable development
- Reference to a published articles in the London Bulletin and London Review of Books

3. Additional consultation responses

Environmental Health – Noise/vibration

The noise mitigation and sound insulation measures are acceptable.

(Officer comment: A condition is recommended to secure the implementation of the measures)

TFL

Informal comments subject to comments made through the referral to the Greater London Authority:

- Confirms the DLR authority's request for s106 planning contributions to be spent on improvements to the Langdon Park DLR station (a total of £43,762.00 agreed) instead of contributions for a Docklands Arrival Information System (DAISY) system.
- Requires consideration of the schemes impact on DLR radio signals
- Requirement for car free agreement to exempt future occupiers from applying for parking permits
- Welcomes a Travel Plan for the development but further discussions in respect of measures and target will be required
- Notes the reduction from 130 to 83 parking space which represents 0,43 spaces per residential unit although still expects the ratio to be no higher than 0.23
- Welcomes the provision of 221 cycle spaces
- Expects the development to adhere to TFL's Cycle Parking Guidance and segregation between residents and commercial spaces.
- Should investigate the use of Limehouse Cut for material and waste deliveries
- Considers the scale of development will not have an adverse impact on public transport

(Officer Comment:

- The station improvement contribution, DLR radio reception monitoring/mitigation and car-free agreement shall be secured as part of the s106 planning agreement;
- The reduction in parking spaces complies with LBTH Policy which allows for 0.5spaces per unit and therefore, no objection is raised in this regard
- An appropriately worded informative is recommended for TFL to be consulted on the use of Limehouse Cut for transport, the final details for cycle parking)

DLR

Request for s106 planning contributions to be spent on improvements to the Langdon Park DLR station (a total of £43,762.00 agreed) instead of contributions for a DAISY system.

3. Site plan

Two Site plans showing the application site and buildings heights respectively are attached

4. Recommendation

The issues raised in the additional consultation responses and objection as well have been addressed within the scope of the committee report and were found to be acceptable.

However, my recommendation is amended as follows:

Conditions

DELETE condition 27

ADD Access for people with a disability to be implemented prior to occupation and maintained

ADD Details of brown roofs

ADD Implementation of the energy system to meet a minimum of 20% of the scheme's energy demand

ADD Historic building recording as required by English Heritage

Informatives

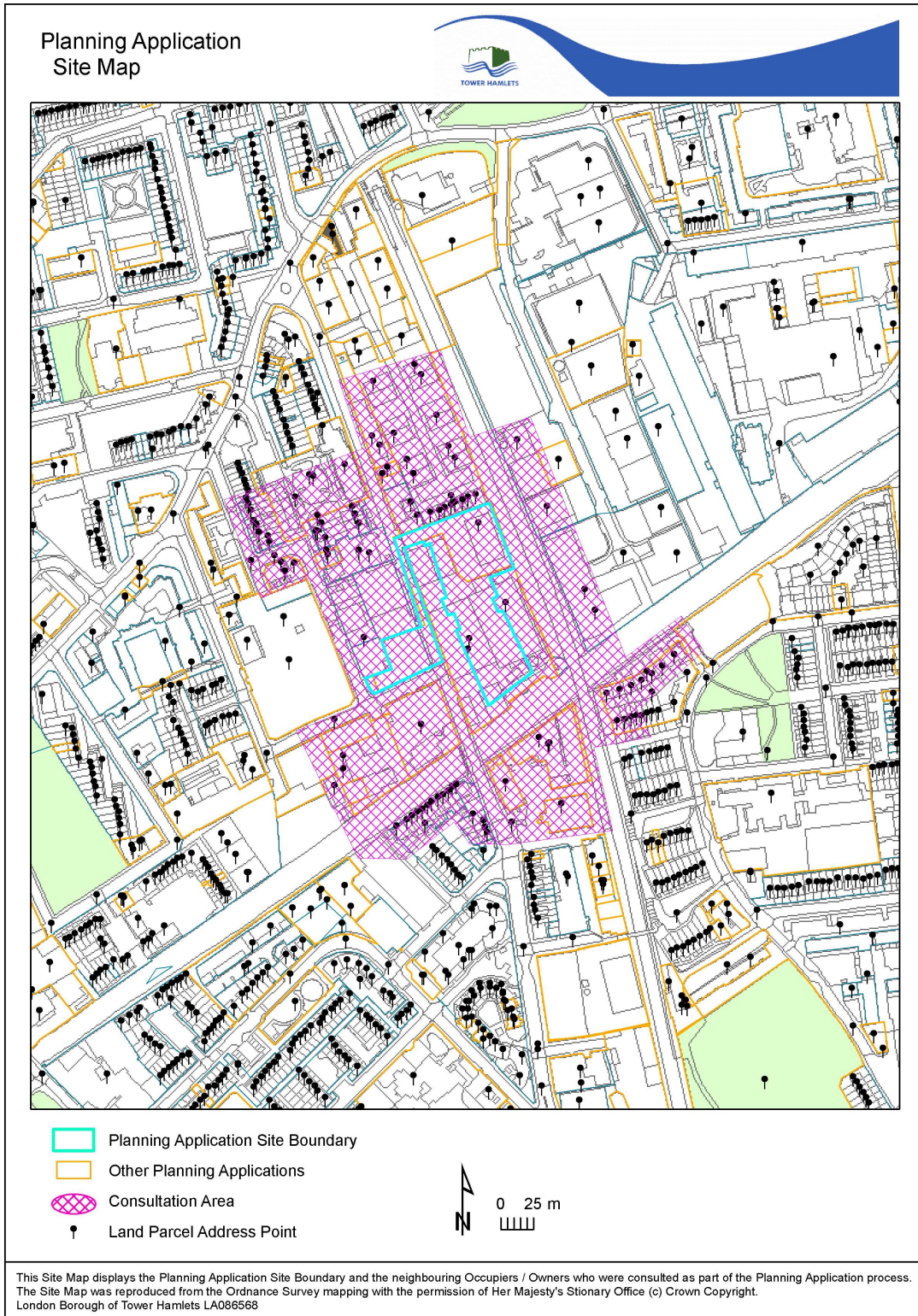
ADD Consult Metro Police in respect of conditions to and 3

ADD Prepare archaeological project design in respect of condition 17 to address impact to archaeological remains as required by English Heritage

ADD Prepare project design in respect of condition 30 to address impact to structural remains as required by English Heritage

ADD Asbestos survey and handling

Change the s106 planning contributions to be spent on improvements to the Langdon Park DLR station (a total of £43,762.00 agreed) instead of contributions for a DAISY system



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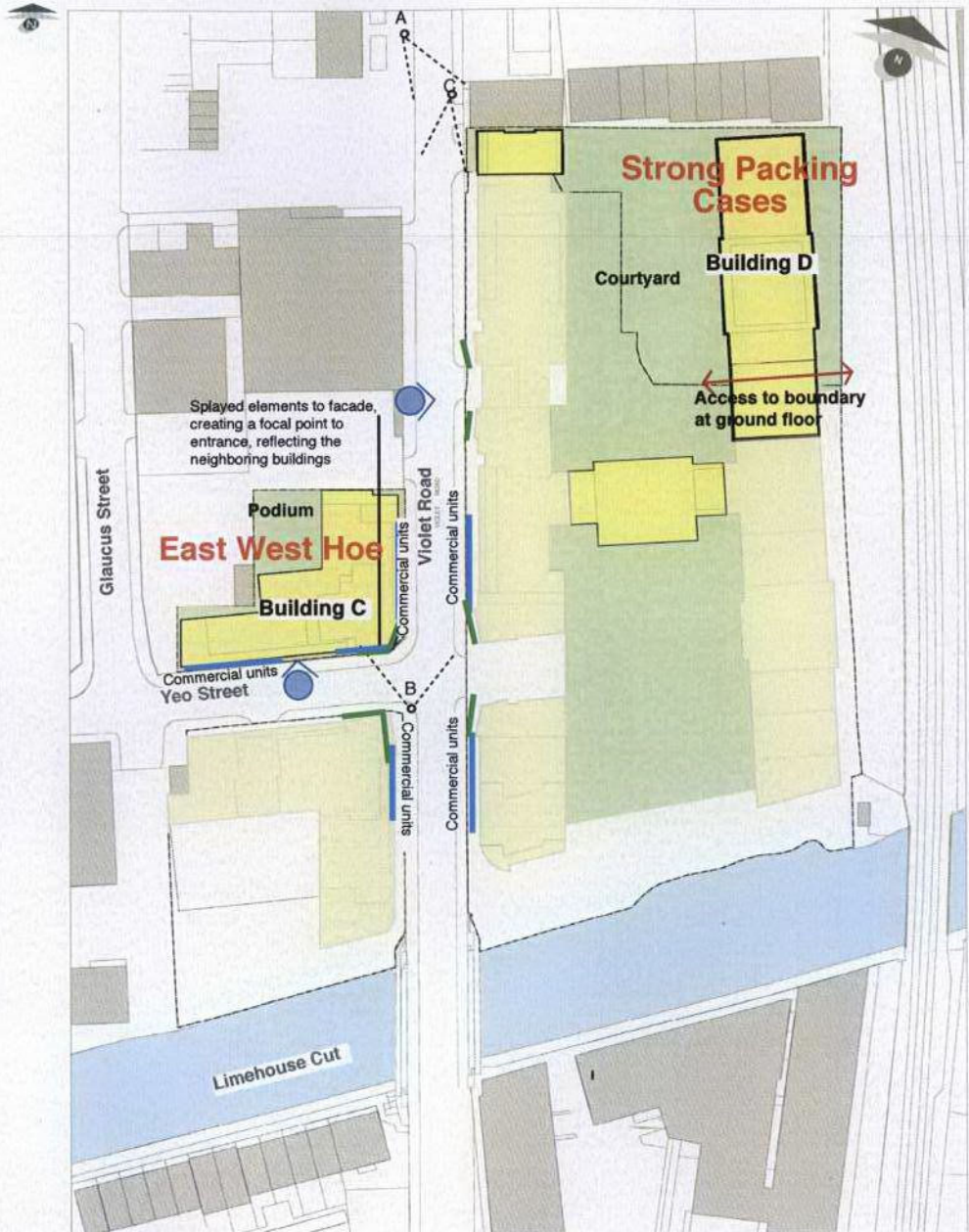
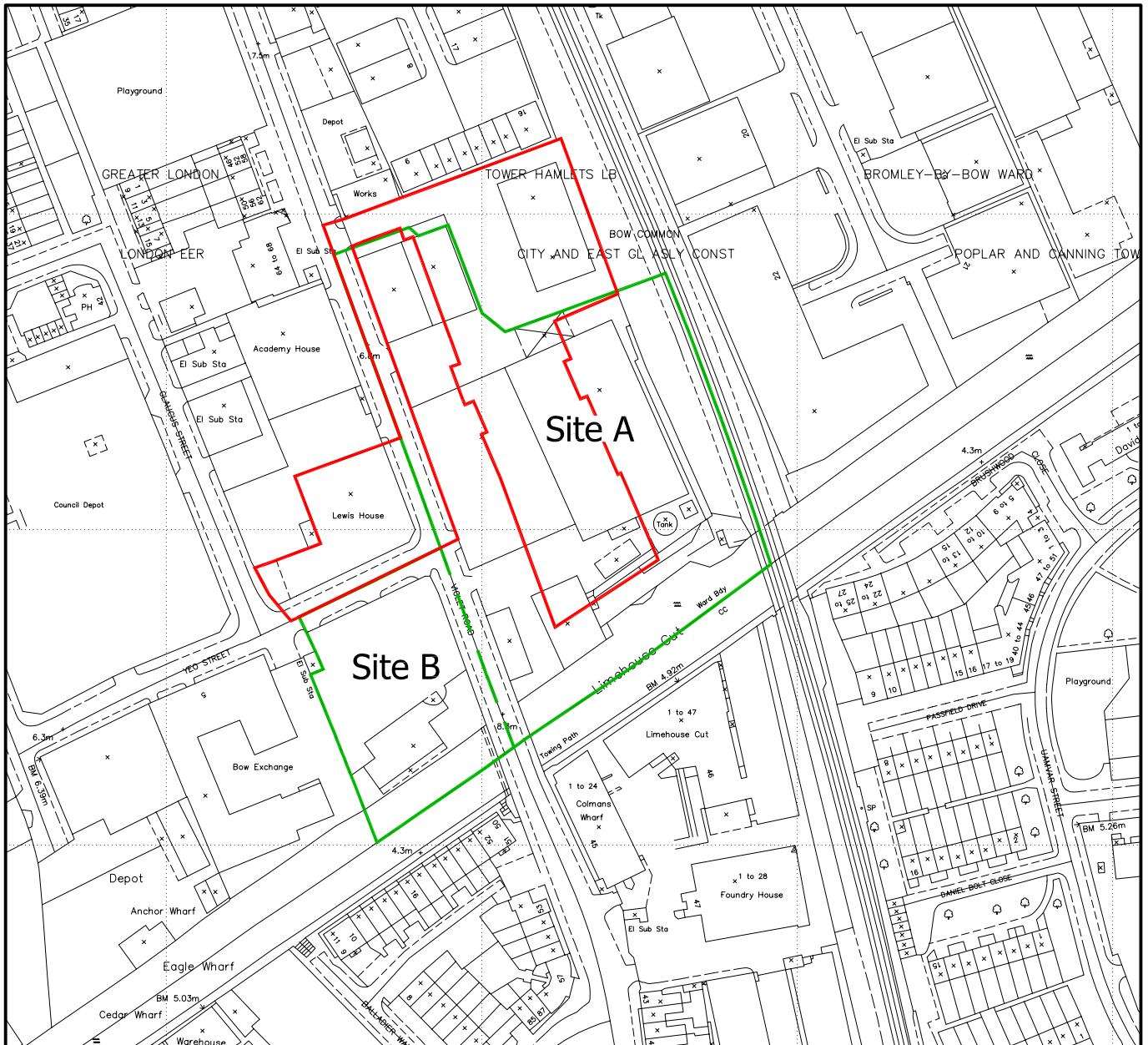




fig. 2 Site plan

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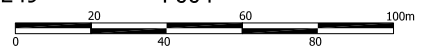
LEGEND

-  Application Site Boundary
-  2006 Consented Caspian Wharf Site Boundary



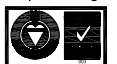
Project
**CASPIAN WHARF,
 LIMEHOUSE CUT**
 Drawing Title
APPLICATION SITE BOUNDARY

Date	Scale	Drawn by
02.10.2007	1:2,000 @A4	ML
Project No	Drawing No	Revision
16249	P004	-



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