

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.

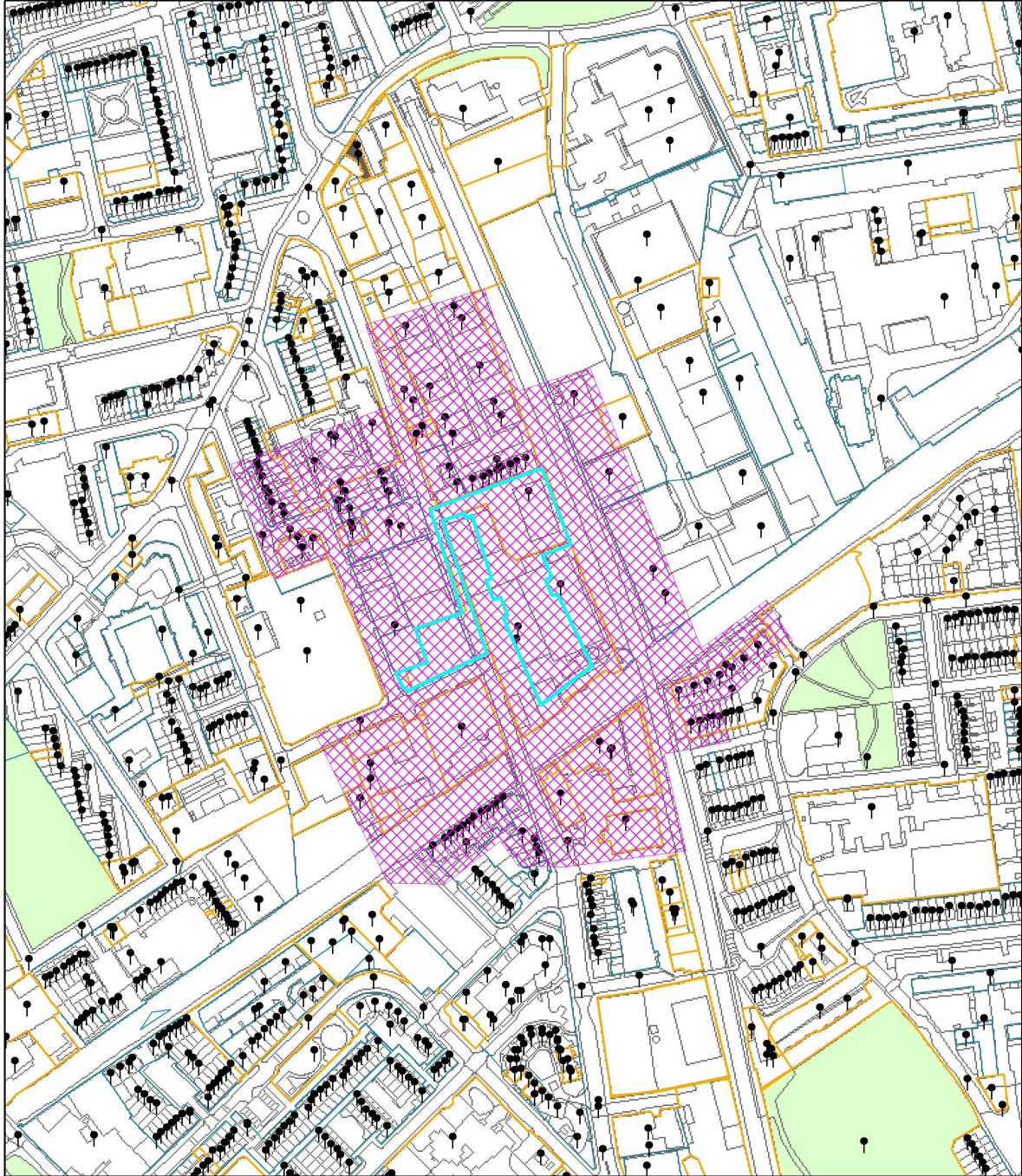
- 9.6 The landscaped courtyard to Site D has been improved in amenity terms with the omission of the ramped access and the lift/stair access to the previously proposed basement in the extant permission. The final details of which will be secured by condition.
- 9.7 Whilst the amendments to the basement 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

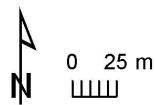
All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

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