

## APPENDIX 1

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

## 1. APPLICATION DETAILS

**Location:** Site At Caspian Works and Lewis House, Violet Road  
**Existing Use:** Warehouse B1 and B8  
**Proposal:** Redevelopment 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:

	<b>PA/07/2762</b>	<b>Extant + PA/07/270 6</b>	<b>Extant + PA/07/276 2</b>
<b>Units</b>	191	533	543
<b>Density</b> <i>(Habitable rooms per Ha)</i>	953	940	956

<b>Total Affordable Housing (%)</b>	46.5	34	37.6
<b>Total Family Housing (%)</b>	28	24.8	29
<b>Total Amenity Space (sqm)</b>	3192	12575	12792
<b>Playspace (sqm)</b>	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:

	<b>Market Sale</b>	<b>Social Rent</b>	<b>Shared Ownership</b>
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
<b>Total Units</b>	<b>104</b>	<b>35</b>	<b>14</b>
<b>Total Affordable Units</b>		<b>49</b>	

*(\*\*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	% <b>PA/07/2762</b>	% Extant + 2762
Social-rented	65.2	45	<b>45.7</b>	58.4
Intermediate (Shared ownership)	0	24	<b>28.6</b>	10.5

Market	16.7	22	<b>22</b>	18.2
Total	23	24	<b>28</b>	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 <sup>2</sup> )
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

## 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
<b>TOTAL</b>	<b>143</b>		<b>1262</b>
<b>Ground Floor Units</b>			
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
<b>Total</b>	<b>10</b>		<b>375</b>
<b>Grand Total</b>	<b>153</b>		<b>1637</b>
<b>Communal amenity</b>		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	<b>195</b>
<b>Total Housing Amenity Space Requirement</b>			<b>1832</b>

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 NO<sub>2</sub> (nitrogen dioxide) and PM<sub>10</sub> (particulate matter) and concentrations across site 20% below the National Air Quality Standard objectives;
  - The effect of additional road traffic by this development and cumulative development is negligible; and
  - Dust emissions during construction will be minor adverse impact that will be of temporary and local nature.

### Renewable Energy, Energy Efficiency and Sustainability

- 8.66 In respect of PPG22, CP38 'Energy Efficiency and Production of Renewable Energy', DEV5 'Sustainable Design', DEV6 'Energy Efficiency and Renewable Energy' of the Interim Planning Guidance the application is supported by an Energy Assessment 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.



