

Committee: Development	Date: 20 th June 2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Directorate of Place	Title: Applications for Planning Permission
Case Officer: Kevin Crilly	Ref No: PA/15/01846
	Ward: Bromley South

1.0 APPLICATION DETAILS

Location:	Caspian Wharf 39 - 75 Violet Road, London E3 3FW.
Existing Use:	Residential (Class C3)
Proposal:	Erection of a vehicular and pedestrian gate at Voysey Square, instalment of a gated link through Block A3, retention of a vehicular and pedestrian gate located at Seven Seas Gardens, relocation of pedestrian gates on Ligurian Walk and reconfiguration and location of cycle parking and refuse storage within Voysey Square
Drawings and documents:	<div> 4D_1729_AP000 Rev 4D_1729_AP0011 4D_1729_AP026 RevB KMW_1616_AP003 KMW_1616_AP009B KMW_1616_AP021 KMW_1616_AP029A </div> <div> 4D_1729_AP007 Rev E 4D_1729_AP0012 Rev B 4D_1729_AP028 Rev B KMW_1616_AP008A KMW_1616_AP020 KMW_1616_AP0027 </div>
Applicant:	Berkeley Homes (North East London Ltd)
Ownership:	Berkeley Homes (North East London Ltd)
Historic Building:	None
Conservation Area:	Adjacent to Limehouse Cut Conservation Area

2.0 **BACKGROUND AND EXECUTIVE SUMMARY**

- 2.1 This application was presented to the Council's Development Committee on 20th June 2018 with an officer recommendation to grant planning permission.
- 2.2 The Committee were minded to defer the application to allow the applicant and the Council to explore alternative pedestrian access arrangements to the canal side on Ligurian Walk. The applicant submitted revised plans proposing to retain a pedestrian gate in a revised location within the site along Ligurian Walk.
- 2.3 The Local Planning Authority has considered this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) in

addition to the London Plan (MALP 2016) as well as the National Planning Policy Framework.

- 2.4 The applicant seeks permission to erect a vehicular and pedestrian entrance gate at the main vehicular entrance to the Caspian Wharf development within Voysey Square. Permission is also sought to retain the unauthorised vehicular and pedestrian gates to Seven Sea Gardens. These gates would be set back 6m further than the existing gates in this location. Further works are proposed across the site to provide improved access including a new pedestrian gate between Voysey Square and Bow Enterprise Park, the relocation of the unauthorised pedestrian gates at the entrance to Ligurian Walk and the creation of pedestrian access through the undercroft between Voysey Square and Seven Seas Gardens.
- 2.5 The main material planning considerations for members to consider are; whether the proposed works would provide appropriate improvements to the security of the site whilst not creating a gated community; or compromising on public access to the canalside walkway and the wider Limehouse Cut which is contrary to national, regional and local planning policies.
- 2.6 Officers accept that a number of residents have expressed concerns about the anti-social behaviour levels within, and surrounding, the Caspian wharf development. Following discussions between officers and the applicant the proposal has been revised and offers improved security through the addition of vehicular gates to Voysey Square whilst improving public access through the addition of a pedestrian gate between Voysey Square and the neighbouring Bow Enterprise Development and the relocation of the gates to Ligurian Walk within the site. The proposal is considered to provide sufficient security whilst also improving public access through the site and along the canal and to the blue ribbon network.

3.0 RECOMMENDATION

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

Conditions

Compliance conditions

1. Permission valid for 3 years;
2. Development in accordance with approved plans;

Prior to commencement conditions

3. Access Strategy, including hours each of the gates are open during daylight hours

3.1 Informative

That the Corporate Director of Place is given delegated authority to impose the following conditions and informative (or add or remove conditions acting within normal delegated authority) in relation to planning permission.

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The applicant seeks permission to erect a vehicular and pedestrian entrance gate at the main vehicular entrance to the Caspian Wharf development within Voysey

Square Permission is also sought to retain the unauthorised vehicular and pedestrian gates to Seven Sea Gardens. These gates would be set back 6m further than the existing gates in this location. Further works are proposed across the site to provide improved access including a new pedestrian gate between Voysey Square and Bow Enterprise Park, the relocation of the pedestrian gates at the entrance to Ligurian Walk to a location within the site allowing unimpeded public access to the canalside. Further works include the creation of pedestrian access through the undercroft between Voysey Square and Seven Seas Gardens.

- 4.2 The proposed entrance gates to Voysey Square and Seven Seas Garden would measure 8.3m in width and 3m in height. Both sets of gates will be set back 6 metres from the highway.



Figure 1 – Gates to Seven Sea Gardens

- 4.3 Vehicular access will be through a double gate opening inwards and pedestrian access will be through two single gates either side of the vehicular gate.

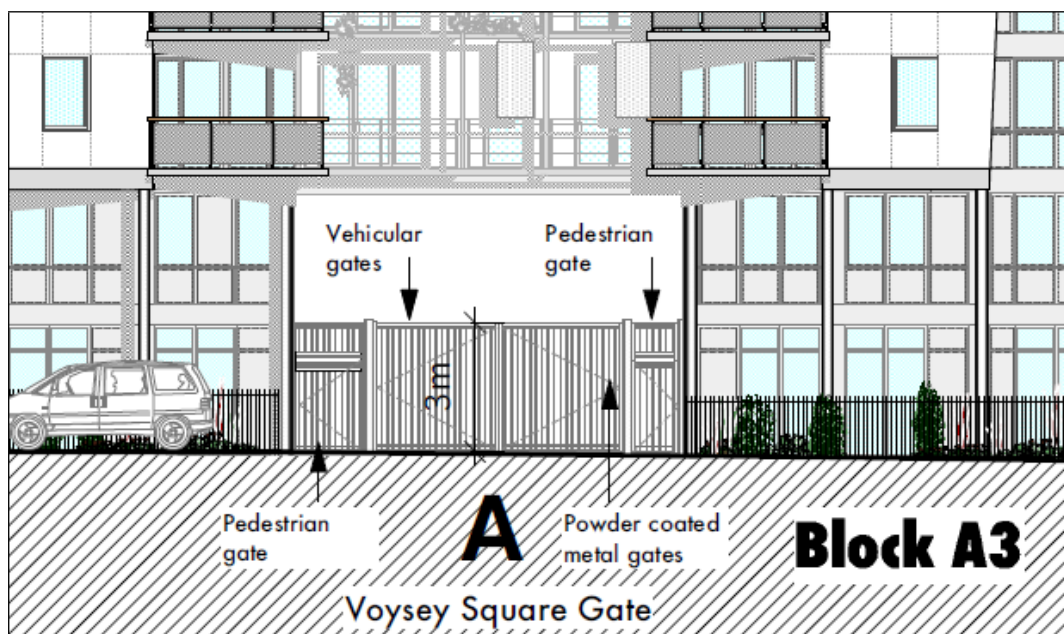


Figure 2 – Gates to Voysey Square

- 4.7 The application site is not located in close proximity to any listed buildings; however, the site does lie to the north of the Limehouse Cut Conservation Area with the southern boundary of the Caspian Wharf development and the canalside walkway being located on the boundary of this conservation area.

Planning History

- 4.8 There is a vast amount of planning history for the application site; however, the most relevant has been detailed below:
- 4.9 Caspian Wharf development site is effectively divided into two separate planning permissions for a) Sites A and B; and b) Sites C and D and following permissions are relevant.

Site A and B

- 4.10 PA/05/01647 (Parent Permission) for Site A and B - planning permission was first granted on 03/05/2007 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, canalside walkway and servicing. This permission was implemented.
- 4.11 PA/07/03049 (Varied Permission) – The planning permission PA/05/01647 was subsequently varied by this permission which was approved 30/05/08.

The amendments secured by this permission related to changes to the wording of the conditions which identified triggers for Site A and B. The application required a new permission to be issued and therefore PA/07/03049 is the varied permission for Sites A and B.

- 4.12 PA/11/00097 (Implemented Permission) – The Planning permission PA/07/3049 was further varied by this permission which was approved 21/07/11.

This permission secured minor amendments to the parent permission and therefore required a new planning permission to be issued and therefore becomes the Implemented Permission for Sites A and B.

Sites C and D

- 4.13 PA/07/2706 (Parent Permission) – 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 was granted on 18/07/2008
- 4.14 PA/07/2762 (Varied Permission) - Planning permission was granted on 29/08/2008 for the redevelopment of site to provide buildings of between four (11.8 metres) and eleven storeys (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 was a similar proposal to PA07/02706 however included semi private amenity areas within PA/05/01647 scheme to include basement parking for the proposal.

- 4.15 PA/08/01763 (Implemented Permission) – The planning permission PA/07/02762 was subsequently varied by this permission which was approved 29/01/2009.

The Implemented Permission altered access to the basement to allow affordable housing to be delivered at earlier phase however in general, the proposal was identical to PA/07/2762

- 4.16 The Section 106 Agreement for this permission is relevant which secured the obligation to remove gates along Violet Road frontage shown on the approved plans.
- 4.17 PA/14/02934 - Retrospective application for the erection of entry gates between block A1 and A2, fronting Violet Road. Withdrawn 23/02/2015
- 4.18 PA/14/01762 & PA/14/02059 - Erection of entry gates at the main vehicular access fronting Violet Road.

Presented to Development Committee on 17/12/2014

On a vote of six in favour of this proposal and one against, the Committee were minded to defer the application for further information on the enforcement action and investigation in respect of the canal side access and the unlawful gates within the development and also for consultation with the applicant about other alternatives measures to minimise anti-social behaviour within the Caspian Wharf development site.

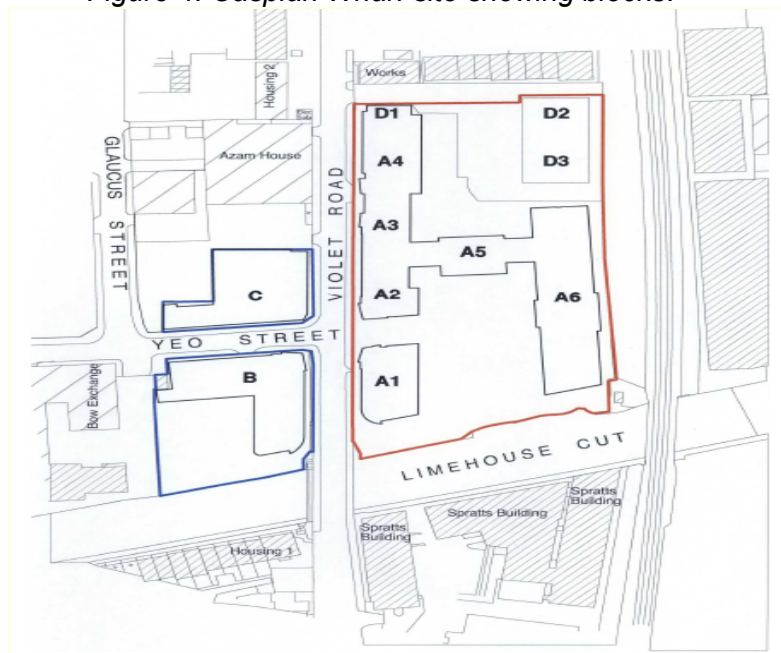
- 4.19 PA/15/01846 - Erection of a vehicular and pedestrian gate at Voysey Square, instalment of a gated link through Block A3, retention of a vehicular and pedestrian gate located at Seven Seas Gardens, relocation of pedestrian gates on Ligurian Walk and reconfiguration and location of cycle parking and refuse storage within Voysey Square.

This current application was presented to the Council's Development Committee on 20th June 2018 with an officer recommendation to grant planning permission.

The Committee were minded to defer the application to allow the applicant and the Council to explore alternative pedestrian access arrangements to the canal side on Ligurian Walk. The applicant submitted revised plans proposing to retain a pedestrian gate in a revised location within the site within Ligurian Walk

4.20 Figures 4 below details the sites and blocks referred to in the site history above

Figure 4. Caspian Wharf site showing blocks.



5.0 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:

5.2 Government Planning Policy

National Planning Policy Framework 2012 (NPPF)

National Planning Practice Guidance (NPPG)

5.3 London Plan (2016)

- 2.18 - Green infrastructure: the network of open and green spaces
- 3.9 - Mixed and balanced communities
- 6.3 - Assessing effects of development on transport capacity
- 7.1 - Lifetime Neighbourhoods
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.8 - Heritage assets
- 7.14 - Improving air quality
- 7.27 - Blue ribbon network: supporting infrastructure and recreational use

5.4 Tower Hamlets Core Strategy 2010

- SP04 - Creating a green and blue grid
- SP09 - Creating attractive and safe streets and spaces

- SP10 - Creating Distinct and Durable Places
- SP12 - Delivering placemaking

5.5 Managing Development Document 2013

- DM12 - Water spaces
- DM20 – Supporting a sustainable transport network
- DM23 - Streets and the public realm
- DM24 - Place-sensitive design
- DM25 - Amenity
- DM27 - Heritage and the historic environment

5.6 Supplementary Planning Documents

Limehouse Cut Conservation Area Character Appraisal

5.7 Emerging Policy

The weight given to the emerging Local Plan 'Tower Hamlets 2031: Managing Growth and Sharing the Benefits', the Draft New London Plan and the Draft National Planning Policy Framework is currently limited given that the documents have not yet been subject to Examination in Public.

6.0 CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

LBTH Transportation & Highways

6.3 The applicant has submitted a revised application. This includes changes to the proposed vehicle gates and cycle storage. The gates are now sufficiently set back to allow a vehicle to sit fully off the public highway and are acceptable.

6.4 It is proposed that there is no loss of cycle parking over the consented scheme and 190 spaces are proposed. It appears that cycle theft is still being reported and although the gating may reduce this the thefts are taking place from the existing cycle stores. The applicant has not proposed any further security measures to prevent this

6.5 It would appear that the applicant is still proposing to cut off public access to the canalside side. In terms of permeability this should be resisted and the public should continue to be allowed access to the canalside rather than this area being made a private amenity.

6.6 Officer comment: *The application has been amended to remove the pedestrian gates to Ligurian Walk. Full details of the cycle and waste storage including 1:20 drawings of cycle stands will be secured by condition*

Crime Prevention Officer

6.7 The Metropolitan Police welcome the addition of further gates at Voysey Square but cannot support the removal of the pedestrian gates adjacent to the canal and Gym.

- 6.8 Removal of the pedestrian gates in this isolated aspect of the development will undermine the developments successful security strategy which has delivered a 50% reduction in reported crime over the last two years.
- 6.9 The lack of any alternative to the removal of these pedestrian gates will place staff, local business and homes under enhanced risk of crime and disorder. With no alternative mitigation offered to reassure police or residents that this location will not become a crime generator once the changes have been made.
- 6.10 Officer comment: The objections of the crime prevention officer are acknowledged however no evidence has been provided which identify this development as being a particularly high crime area. Officers are of the view that the introduction of gates as a method of crime prevention should only be employed in exceptional circumstances where the benefits of creating a secure environment outweigh the harm from creating a gated development, restricting access to the blue ribbon network and reducing permeability.

Canal and River Trust

- 6.11 No objections to the application

7.0 LOCAL REPRESENTATION

- 7.1 A total of 705 neighbours letters were sent to neighbours and interested parties.
- 7.2 Since the submission of the application in July 2015 a number of amendments have been made to the proposal following discussions between Council officers and the applicant. The consultation responses have been separated into three sections to acknowledge the changes to the proposed scheme and the different issues that have arose as a result of these changes.

- 7.3 The number of representations received in response to notification and publicity of initial version of the application in July 2015 is as follows:

No of individual responses:	letters: 30 letters of support
	1 letter in objection
	Petition: 175 signatures in support

- 7.4 The following comments were raised in relation to supporting the proposal:

- The installation of an entrance gate will prevent anti-social behaviour and enhance the security of the flats. Examples of ASB include; people making excessive noise (particularly late at night), garage and bike theft and gangs hanging around
- The undercroft and immediately surrounding roads suffer from congestion with cars blocking the main entrance and restricting access to the basement parking. Many of these individuals are uncooperative toward residents. This action has resulted in accidents caused by illegally parked cars and dangerous car movements.
- The proposed gates will improve the amenity of the site and will make the area quieter in general

- The proposed gates will improve the safety of the area and also the safety of young children using the play area
- The installation of the gates will improve the flora and fauna and improve the wildlife habitats
- The introduction of gates to Voysey Square will improve security for cars and bicycles within the development.

7.5 The revised proposal included improved access between Bow Enterprise Park, improved access between Voysey Square and Seven Seas Gardens and the removal of the pedestrian gates to Ligurian Walk

7.6 The number of representations received in response to notification and publicity of initial version of the application in February 2018 are as follows:

No of individual responses:	Letter: 18 letters in objection 1 letter in support
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7.7 The following comments were raised in objection to the proposal:

- Removing the pedestrian gates will greatly increase anti-social behaviour.
- There are many other examples of gated developments within the borough and along the canalside.
- It seems unnecessarily inconvenient for users of the underground car park who will now have to open the Voysey Square gates as well as the existing car park gates.
- Integration with the wider community and public access is fine, but as a resident, that should not be at the expense of my safety around the estate.
- Part of this proposal is to remove the pedestrian gates at Ligurian Walk. I am opposed to this as it would allow unrestricted access to the Caspian Wharf estate. It would render the gates at Seven Sea Gardens meaningless as there would be unrestricted access via Ligurian Walk.
- There are significant number of other developments in the close neighbourhood that can enjoy 24 hrs gated protection incl. the council's newly built own estate at Watts Grove which includes a publicly financed playground that the general public don't have access to.

7.8 The number of representations received in response to notification and publicity of revised version of the application in July 2018 are as follows:

No of individual responses:	Letter: 61 letters in objection
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7.9 The following comments were raised in objection to the proposal:

- Relocating the pedestrian gates will greatly increase anti-social behaviour.
- Maintenance costs
- Noise and nuisance from public accessing the area

- There are significant number of other developments in the close neighbourhood that can enjoy 24 hrs gated protection.
- Residents were sold the flats with gated access
- Potential damage to the wildlife area along the canal

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 The main application has been assessed against all relevant policies under the following report headings:

1. Design
2. Transportation
3. Amenity
4. Conclusion

Design

- 8.2 According to paragraph 56 of the NPPF the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.3 Policy 7.1 and 7.4 of the London Plan states that development should promote a good quality environment, provide a character that is easy to understand and relate to and have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Development should also improve an areas visual or physical connection with natural features.
- 8.4 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.
- 8.5 The Council's Managing Development Document DM23 (3) states that development will be required to improve safety and security without compromising good design and inclusive environments. Furthermore, policy DM24 (1A) seeks to ensure that design is sensitive to and enhances the local character and setting of the development.
- 8.6 Entrance gates such as those proposed within this application would not be considered good placemaking or urban design and would not be considered an enhancement to the character and setting of the property or the wider streetscene. However, given the gates would be set back 6m from the street frontage, and improved pedestrian access is proposed both from the neighbouring Bow Enterprise Development and along the Canal at Ligurian Walk the addition of the vehicle gates is considered by officers to be acceptable from a design perspective in this instance.

Accessibility/Permeability

- 8.7 According to paragraph 69 of the NPPF the planning system can play an important role in facilitating social interaction and inclusive communities. Paragraph 73 states that access to high quality open spaces and the opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. In

paragraph 75 it is stated that all opportunities for the protection and enhancement of public rights of way and access should be taken in both the formation of planning policy and in planning decisions.

- 8.8 Policy 3.9 of the London Plan states that development should foster social diversity, repress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbours. Policies 7.1 – 7.5 sets out that development should interface appropriately with its surroundings, improve access to the blue ribbon network and open space, be inclusive and welcoming with no disabling barriers and be designed so that everyone can use them without undue separation. Policy 7.27 states that development should protect and improve existing access points to the blue ribbon network.
- 8.9 The Council's Core Strategy policy SP04 (4E) seeks to improve the accessibility to and along waterspaces to maximise usability and promote these places for cultural, recreational and leisure activities. Policy SP09 (2C) states that the Council will not support developments that create gated communities which restrict pedestrian movement. Policy SP10 (4) states that the Council will ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. Policy SP12 (G) seeks to ensure that places provide for a well-connected, safe, and attractive network of streets and spaces that make it easy and pleasant to walk and cycle.
- 8.10 The Council's Managing Development Document policy DM12 (3) states that development within or adjacent to the Blue Ribbon Network will need to identify how it will improve the quality of the water space and provide increased opportunities for access, public use and interaction with the water space. Policy DM23 (1A, 1E & 1F) seeks to ensure that development should be well connected with the surrounding area and should be easily accessible for all people by; improving permeability and legibility, particularly to public transport, town centres, open spaces and social and community facilities; incorporating the principles of inclusive design; and ensuring development and the public realm are comfortable and useable. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement.
- 8.11 The photograph below shows the existing gates to Seven Seas Gardens which would be retained and set back 6m from the street.



Existing gates to Seven Seas Gardens

- 8.12 The proposed application would restrict access to the site through the installation of gates to Voysey Square and the retention of the gates to Seven Seas Gardens. This is generally not supported by Local Plan policy and would be considered poor urban design. However, the application proposes to create improved access between the neighbouring Bow Enterprise residential development and Caspian Wharf as well as between Voysey Square and Seven Seas gardens, and additionally improving the public access along the canalside at Ligurian Walk. Given the improvements to the access proposed throughout the site, it is officer's view that on balance, the addition of gates to the Violet Road entrances would be acceptable in this instance.
- 8.13 The photograph below shows the entrance to Voysey Square. The application proposes installing both vehicle and pedestrian gates to this entrance which will provide improved secure access to Voysey Square residential properties and to the car park



Entrance to Voysey Square

Secure by Design

- 8.14 The application has been submitted to address concerns raised by residents that unrestricted access is the cause for anti-social behaviour and incidents of crime at the application site.
- 8.15 According to paragraph 69 of the NPPF the planning system should encourage safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
- 8.16 Policy 7.3 of the London Plan (2016) seeks to create safe, secure and appropriately accessible environments where crime and disorder and the fear of crime does not undermine the quality of life or cohesion. This policy also highlights that developments should reduce opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.

- 8.17 The Council's Core Strategy policy SP09 (2C) states that gated communities will not be supported. The supporting text for policy SP09 highlights evidence from the Urban Design Compendium 2 dated 2007 which states that a high quality urban environment and layout can help deliver social benefits, including civic pride, increased connectivity, social cohesion, reduced fears of crime and improved health and well-being. The supporting text goes on to state that a poor quality public realm can have severe negative effects on communities.
- 8.18 The Council's Managing Development Document DM23 (3) states that development will be required to improve safety and security without compromising good design and inclusive environments. Furthermore paragraph 23.6 which refers to part (1E) of policy DM23 states that the Council will seek to prevent the creation of barriers to movement.
- 8.19 The development as proposed has been designed following extensive discussions between officers and the applicant and seeks to improve security for residents by limiting access to the car park entrance within Voysey Square whilst also limiting the barriers to movement and comply with Development Management policy DM23 by providing public access to the canal side and the blue ribbon network and improve connections between Caspian Wharf and the neighbouring development at Bow Enterprise Park.
- 8.20 The photograph below shows the unauthorised pedestrian gates to Ligurian Walk which are proposed to be relocated as part of this application to improve public access to the canal side and the blue ribbon network whilst still providing security for residents.



Unauthorised pedestrian gates to Ligurian Walk

- 8.21 It is acknowledged that a number of residents from within Caspian Wharf have objected to the relocation of the pedestrian gates adjacent to the canal on Ligurian Walk primarily due to concerns over anti-social behaviour. Whilst these concerns are noted it is officers view that the presence of on-site security and a 24 hour concierge service as well as CCTV in this area would be sufficient to manage any anti-social concerns. Furthermore, the addition of the vehicular gates to Voysey Square would

improve security and limit access to the car park. It is noted from the crime log submitted with the application (Appendix 1) that a significant number of the logged incidents involved access to this car park area.

- 8.22 Whilst the anti-social behaviour and crime concerns of residents are acknowledged it is necessary to balance these concerns against the original intentions for the site and the wider public access in particularly along the canal side and to the blue ribbon network. As can be seen from the image in figure 5 and 6, which are taken from the original landscape strategy for the site, whilst there is no direct route through to the remainder of the canalside, the intention for this area along Ligurian Walk was to provide enhanced amenity space which would be open and accessible to the public. The relocation of the unauthorised pedestrian gates would create a more open and welcoming access to this space. It is officer's view that this compromise would go some way to achieving this vision and would in part counter balance the barriers created by the addition of the vehicular gates to the two entrances to the development on Violet Road.

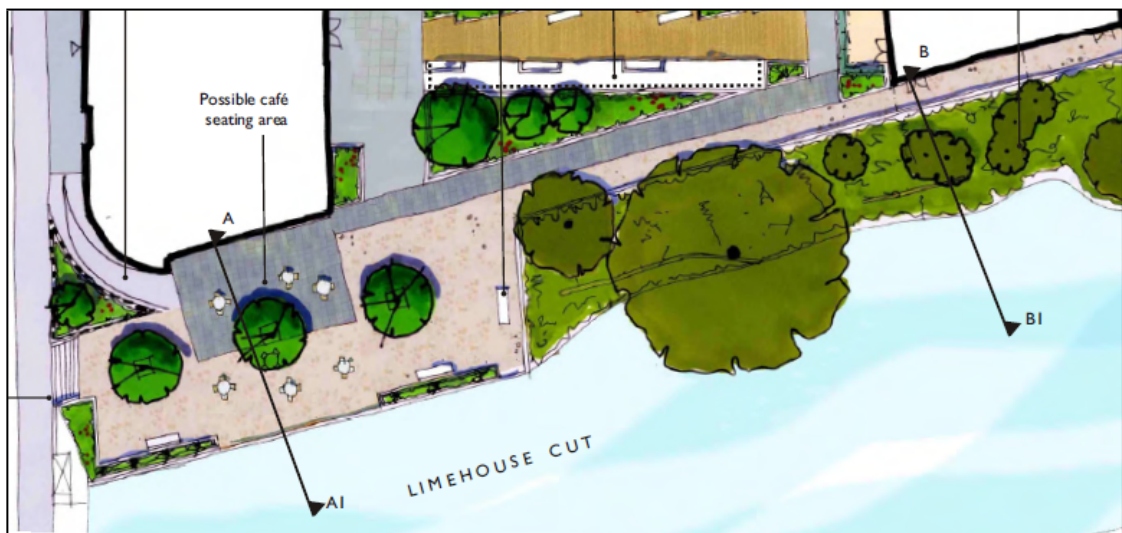


Figure 5 – Landscape Plan- Ligurian Walk – Canal side

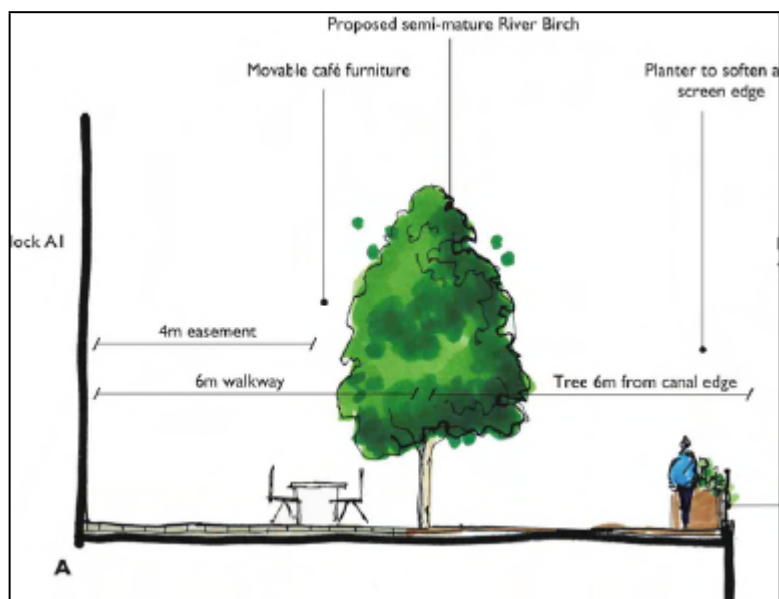


Figure 6 – Section A-A1 - Ligurian Walk – Canal side section

- 8.23 Members should note that an agreement exists between the developer and the Council (set out in the original s.106) in terms of maintaining an unrestricted public access route through the Caspian Wharf development to the canalside walkway and beyond.
- 8.24 Considering the above, officers conclude that, on balance, the erection of the vehicular gates to the Violet Road entrances, the relocation of the unauthorised gates along Ligurian Walk and the creation of access between the Bow Enterprise Development and Caspian Wharf would both improve security for residents of the development whilst providing improved access for members of the public to the blue ribbon network and to the canal side walkway.

Amenity

- 8.25 According to paragraph 17 of the NPPF local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.26 Policy 7.14 of the London Plan states that local planning authorities should put in place strategies to achieve reductions in pollutant emissions and minimise public exposure to pollution.
- 8.27 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that development protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight); and uses design and construction techniques to reduce the impact of noise and air pollution.
- 8.28 The Council's Managing Development Document policy DM25 (1A & 1E) seek to ensure that development does not result in an unacceptable increased sense of enclosure or create unacceptable levels of noise, odour or fumes during the life of the development.
- 8.29 The Council's policies (see Core Strategy SP10 and Managing Development Document DM25) seek to protect, and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.30 It is noted that the proposed gate to Voysey Square will be directly below and adjacent to habitable rooms. Given that the undercroft is currently used for vehicular and pedestrian access in the existing situation, introducing a gate in this location is unlikely to cause a significant detrimental impact on neighbouring amenity.
- 8.31 It is not thought that the relocation of the pedestrian gates to Ligurian Walk would cause a significant detrimental impact on neighbouring amenity given this would be adjacent to the existing ground floor gym and not directly adjacent to any ground floor residential units.

Highways and Transportation

- 8.32 According to paragraphs 32 and 35 of the NPPF local planning authorities should take account of whether safe and suitable access to the site can be achieved for all people; and whether development creates safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, and avoid street clutter.

- 8.33 Policy 6.3 of the London Plan states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network.
- 8.34 The Council's Core Strategy policy SP09 (3) states that the Council will not support development which has an adverse impact on the safety and capacity of the road network.
- 8.35 The Council's Managing Development Document policy DM20 (2) states that development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network.
- 8.36 The proposed gates are sited on private highway within the Caspian Wharf development which is set back from the boundary with the public highway. LBTH Highways and Transportation department have not objected to the proposal as there is sufficient set back from the boundary with the public highway so that vehicles can wait within the boundary of the private road before entering the estate. It is considered that the proposal accords with policy on both safety and capacity grounds.

Conclusion

- 8.37 Officers acknowledge the existing anti-social behaviour issues on site that cause harm to some residents of the Caspian Wharf development. The addition of the vehicle gates to Voysey Square will improve security and limit access to the car park and cycle storage in this area. The concerns raised by residents with regards anti-social behaviour in relation to the removal of the gates to Ligurian Walk are also acknowledged and the application has been revised to include additional pedestrian gates within the site to alleviate these concerns whilst also providing public access to the canal side. The amended scheme including additional pedestrian gates within Ligurian Walk together with the existing CCTV, security, and the 24hr concierge is considered sufficient to manage the anti-social behaviour concerns.

9.0 HUMAN RIGHTS CONSIDERATIONS

- 9.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:
- 9.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

9.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

9.4 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

9.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

9.6 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

10.0 EQUALITIES ACT CONSIDERATIONS

10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

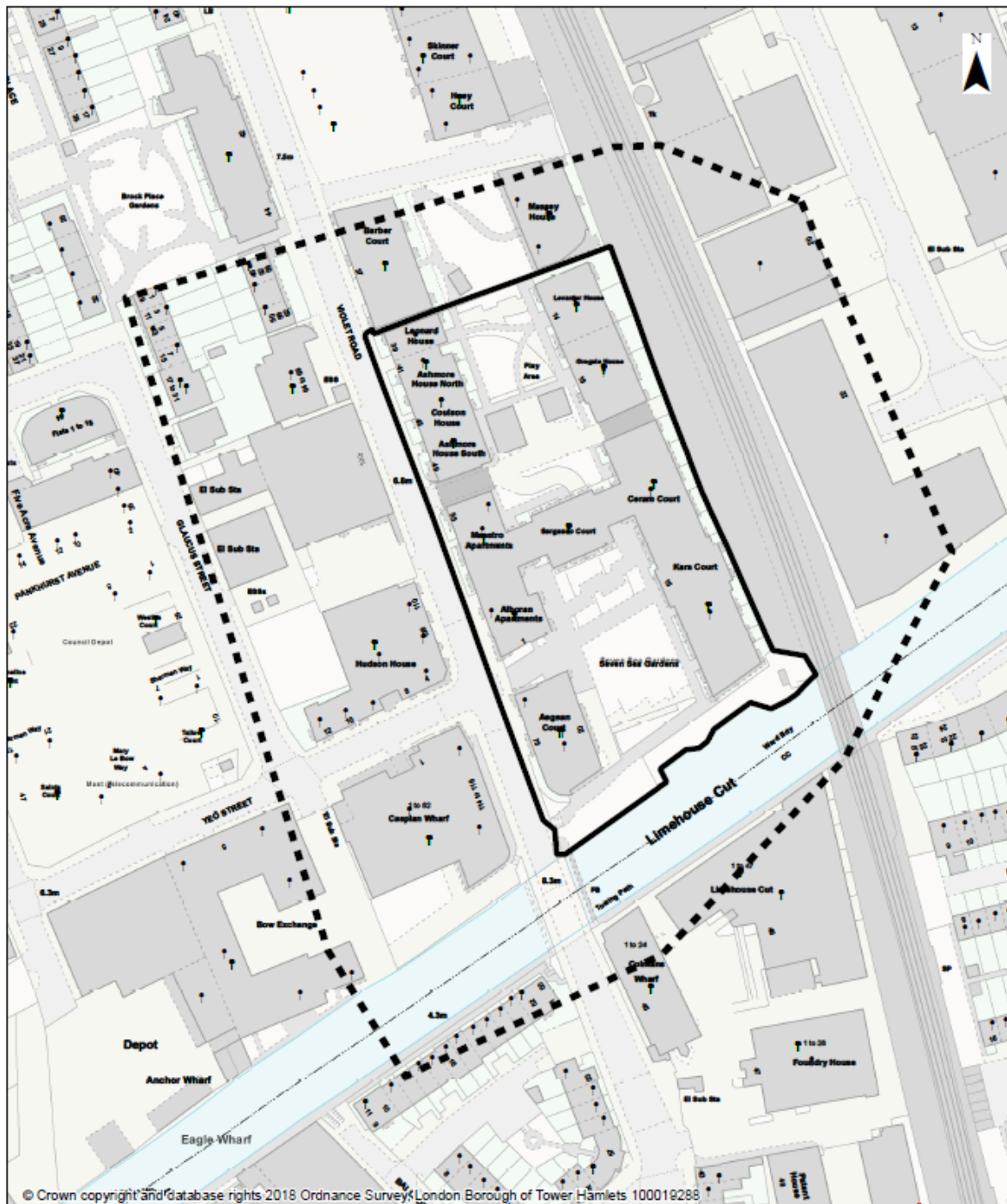
10.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

- 10.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

11.0 CONCLUSION

- 11.1 All relevant policies and considerations have been taken into account. Planning Permission should be GRANTED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report

12.0 SITE MAP



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Planning Application Site Map PA/15/01846

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

Legend:

- Consultation Area
- Planning Application Site Boundary
- Statutory Listed Buildings
- Locally Listed Buildings

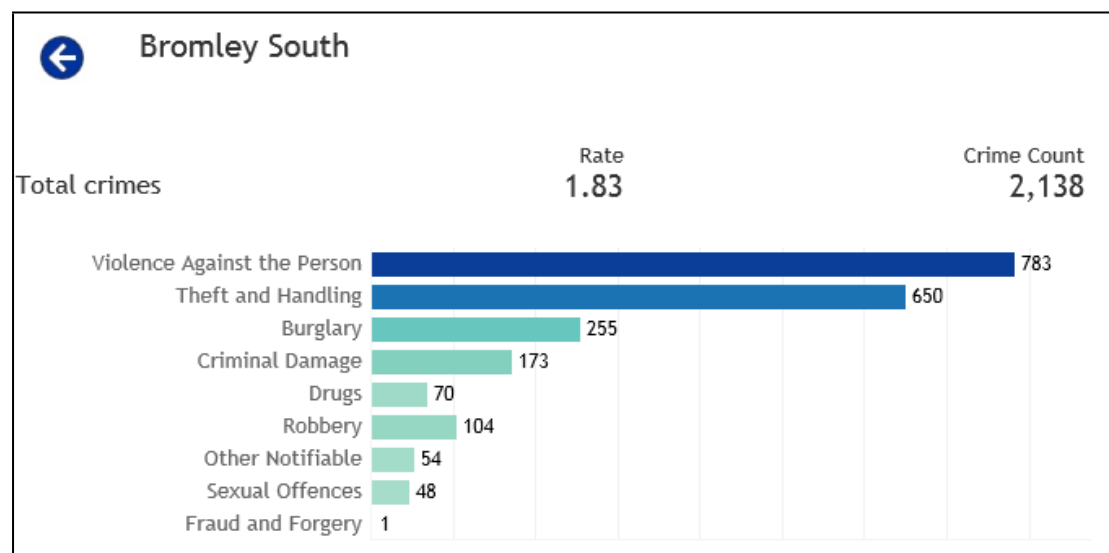
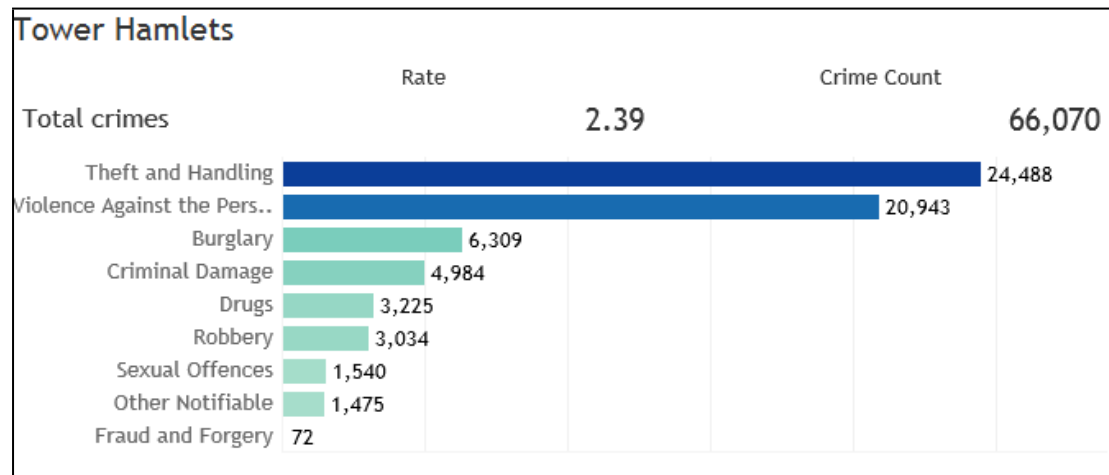
Scale @ 1:1,436
20 10 0 20 40 60 Meters

TOWER HAMLETS
LONDON BOROUGH OF TOWER HAMLETS
Date: 06/06/2018

GIS for Place Directorate

Appendix 1 – Crime Figures

Total Crime rate April 2016 – April 2018



Recorded crime for Caspian Wharf in particular

Total Crimes from 2017 - 2018 = 9

1 x Residential burglary

2x Criminal damage

1 x Public order

3x malicious communications

1 x Domestic incident

Total Crimes from 2016 - 2017 = 18

2 x Sexual assault female

1 x Actual Bodily Harm

1x Common Assault

3 x Commercial Burglary

1 x Criminal damage

7 x Theft of or theft from a motor vehicle

1 x Theft of cycle

1 x malicious communications