

Committee: Development	Date: 17 December 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Kirsty Flevill	Ref No: PA/14/01762 and PA/14/02059 Ward: Bromley South

1.0 APPLICATION DETAILS

Location: Former Caspian Works and Lewis House, 55-57 Violet Road, London.

Existing Use: Private highway to a residential use

Proposal: PA/14/01762 Full Planning Application for erection of entry gates at the main vehicular access fronting Violet Road

Drawings and documents: Location Plan
2023286/120/D Proposed Ground floor plan (as per the original consent
SZ0919.P100 Consented ground floor plan
SZ0919.P101 Proposed ground floor plan
SZ0919.P102 Consented elevation
SZ0919.P103 Proposed elevation

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 EXECUTIVE SUMMARY

2.1 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 (2011) and its subsequent Revised Early Minor Alterations (REMA) (2013) as well as the National Planning Policy Framework and all other material considerations.

2.2 The applicant seeks permission to erect a vehicular and pedestrian entrance gate at the main vehicular entrance to the Caspian Wharf development site. The proposed

gate will be located in the northernmost section of the wider Caspian Wharf development within the undercroft.

- 2.4 The main material planning considerations for Members to consider are; whether the proposed entrance gate would restrict the movement of people into and around the site and reducing permeability with the wider area leading to the creation of a gated community; whether the proposal would restrict access to the canalside walkway and the wider Limehouse Cut which forms a part of the blue ribbon network; and whether the proposal would be an unsightly addition to the public realm and detract from the character and setting of the development.
- 2.5 In addition to the above, Members' attention is also drawn to Schedule L of the Section 106 Agreement which forms part of the planning permission for the site (PA/08/01763) which clearly demonstrate on 'Plan 2' that the gates are to be permanently removed in order to allow unrestricted public access to the canal frontage (see Appendix 1 for 'Plan 2'). A separate application has been submitted by the applicant to vary the section 106 planning obligation to allow the erection of the entry gates which is detailed within the Planning History Section of this report.
- 2.6 Officers accept that a large number of residents have expressed concerns about the anti-social behaviour levels within the Caspian wharf development site; however, it is considered that it would be more appropriate for problems to be addressed by the managing agent and local police service, as opposed to erecting a gate which is contrary to the Council's objectives of building inclusive and welcoming communities.
- 2.7 In conclusion, officers consider that the erection of a security gate is not acceptable for the reasons set out below, primarily because it would create a gated community; and restrict access to the canalside walkway and the wider Limehouse Cut which is contrary to national, regional and local planning policies.

3.0 RECOMMENDATION

That the Committee resolve to **REFUSE** planning permission for the reasons below:

- a) The proposal would restrict full public access and inclusive access resulting in an unacceptable form of development that would fail to retain a permeable environment, by reason of creating a physical barrier and the loss of a legally secured publically accessible route, leading to the canalside walkway and the Limehouse Cut which forms a part of the Blue Ribbon Network. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 7.2 and 7.27 of the London Plan (2011), policies SP04 and SP10 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies require development to protect and improve existing access points to the Blue Ribbon Network and increase opportunities for public access and use of water spaces.
- b) The proposed gates and fixed means of enclosure would appear visually intrusive within the streetscene and would result in an inappropriate form of development that would create a 'gated' community and would therefore fail to achieve an inclusive environment and create an unacceptable level of segregation. This would be contrary to the general principles of the National Planning Policy Framework (2012), policies 3.9, 7.1-7.5 and 7.27 of the London Plan (2011), policies SP04, SP09, SP10 and SP12 of the Core Strategy (2010), and policies DM12 and DM23 of the Managing Development Document (2013). These policies

require development to promote the principles of inclusive communities, improve permeability and ensure development is accessible and well connected.

- c) The proposed entrance gate would introduce security measures at the site which are overbearing and would compromise the visual quality of the local environment and would be an unsightly addition to the public realm. This would be contrary to the general principles of the National Planning Policy Framework (2012), the London Plan (2011), policy SP10 of the Core Strategy (2010), and policy DM24 of the Managing Development Document (2013). These policies seek to ensure that design is sensitive to and enhances the local character and setting of the development.

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The applicant seeks full planning permission to erect a vehicular and pedestrian entrance gate at the main vehicular access to the Caspian Wharf development on the eastern side of Violet Road. The gates will be located in the undercroft to the northernmost part of the wider Caspian Wharf development. In addition, as the gates were removed from the approved plans through a planning obligation via s106 Agreement through granting of the development on the application site (with reference PA/08/01763, see planning history). A separate application has been submitted to vary the s106 Agreement (Deed of Variation) to remove this obligation.
- 4.2 The proposed entrance gate measures 8.3m in width and 3m in height. The gate will be set back 6 metres from the highway.
- 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.

Site and Surroundings

- 4.5 The application relates to the main vehicular entrance to the Caspian Wharf development, which is a mixed use development including residential development. The wider Caspian Wharf development encompasses a large rectangular shaped block located on the eastern side of Violet Road and directly adjacent to the Limehouse Cut as well as a smaller square shaped block on the western side of Violet Road also directly adjacent to the Limehouse Cut and bounded to the north by Yeo Street. Facing Violet Road, many of the ground floor units are commercial in use with residential development above. The wider area is currently going through some further redevelopment with the adjacent site to the north (on the eastern side of Violet Road) which is known as the Bow Enterprise Park and is currently being built out.
- 4.6 The location of the proposed gates will be fronting Violet Road which forms a part of the local highway network. The gates will be located in the undercroft off the main vehicular access to the Caspian Wharf development.
- 4.7 The Caspian Wharf development on the eastern side of Violet Road benefits from two vehicular and pedestrian entrances facing on to Violet Road. This includes the area where the proposed gates are under this application which is the main access point and also the set of gates directly opposite Yeo Street which is an emergency vehicle access point. In addition two further canalside walkway access points are available to the south of the Caspian Wharf site along the canalside path both of which are currently gated unlawfully. One is located at the start of the bridge by the

set of steps and a further gate is located along the level access around the curved point of building 'A1'. These four access points now feature gates which appear to be constantly closed. From the case officer's investigations, it does not appear as though any of these gates benefit from planning permission, therefore restricting movement to/from the canalside walkway and the wider Limehouse Cut (see figure 6). In addition, the installation of gates would be contrary to the obligation secured as set out in Schedule L of the Section 106 Agreement which forms part of the planning permission for the site (PA/08/01763) which clearly demonstrate on 'Plan 2' that the gates are to be permanently removed. The obligation was sought following concerns raised about the gates by the Strategic Committee Member when considering the application in late 2007 and again as a deferral item early 2008. The applicant agreed to the planning obligation to remove the gates from the plans and thereby resulting in the said Schedule within the s106 Agreement. The applicant has also recently submitted another planning application for retrospective planning permission for the retention of this gate (PA/14/02934); however, this application is yet to be determined and does not form part of the considerations under this application. Nevertheless, the Members should be mindful that the decision made on the subject application will have a material consideration in any future decision for the retrospective application for retention of gates, and the decision on Deed of Variation Application to remove the obligation under Schedule L.

- 4.8 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 wider Caspian Wharf development and the canalside walkway being located on the boundary of this conservation area.

Planning History

- 4.9 There is a vast amount of planning history for the application site; however, the most relevant has been detailed below:
- 4.10 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

- 4.11 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.
- 4.12 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.

- 4.13 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

- 4.14 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
- 4.15 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.
- 4.16 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.
- 4.17 PA/08/01763 (Implemented Permission) – The planning permission PA/07/02762 was subsequently varied by this permission which was approved 29/01/2009.
- 4.18 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
- 4.19 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.

Related applications

- 4.20 Whilst there are various planning history for the site, including applications to discharge of Conditions and Non-material amendments, however the above are directly relevant to the subject applications with further directly related planning application for the site below.
- 4.21 PA/14/02934 - Retrospective application for the erection of entry gates between block A1 and A2, fronting Violet Road. This application is yet to be determined and was received 12th November 2014. This application is undergoing statutory consultation at the time of writing.
- 4.22 PA/14/02059 – Application for Deed of variation to Schedule L (removal of gates) of Section 106 Planning Obligation dated 03/05/2007 for PA/08/01763 dated 29/01/2009. This application seeks to vary the S106 Agreement to remove Schedule L which includes the gates of the subject application and gates within application PA/14/02934. Therefore, any decision made for the subject application and PA/14/02934 will result in whether the officers finalise the deed of variation or not.

Bow Enterprise Park, Cranwell Close (located to the north of the application site)

- 4.23 PA/10/01734 – planning permission was granted on 28/09/2011 for the demolition of existing buildings and erection of new buildings between 3 to 20 storeys plus

basement and comprising of Use Class B1 (up to 6220sq.m), flexible Use Class A1/A2/A3 (up to 490sq.m), 557 residential units (Use Class C3) (up to 46,844sq.m) with associated landscaping, highways and infrastructure works. This application is accompanied by an Environmental Impact Assessment under the provisions of the Town & Country Planning (Environmental Impact Statement) Regulations 1999.

- 4.24 This is relevant in the context of the gate installation as this permission also secured site linkage with Caspian Wharf development site through a creation of green corridor within the site which would allow permeability through the sites leading to and from the publicly accessible Canal Walkway and the Devon's Road DLR Station.
- 4.25 Refer to Figures below for mentioned sites and Blocks referred to above.

Figure 1. Caspian Wharf site showing blocks as referred to.

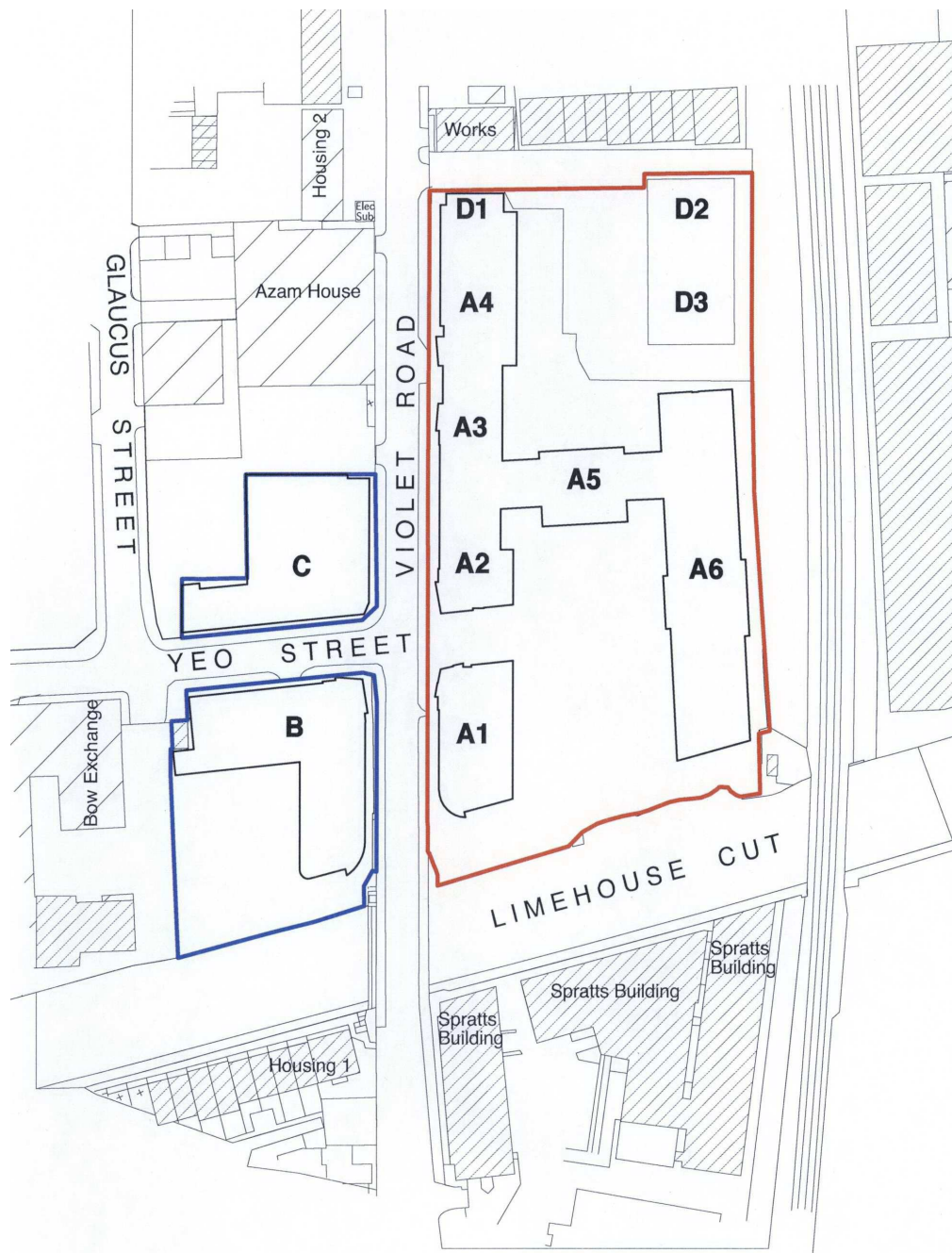


Figure 2. Caspian Wharf Application Site Boundary

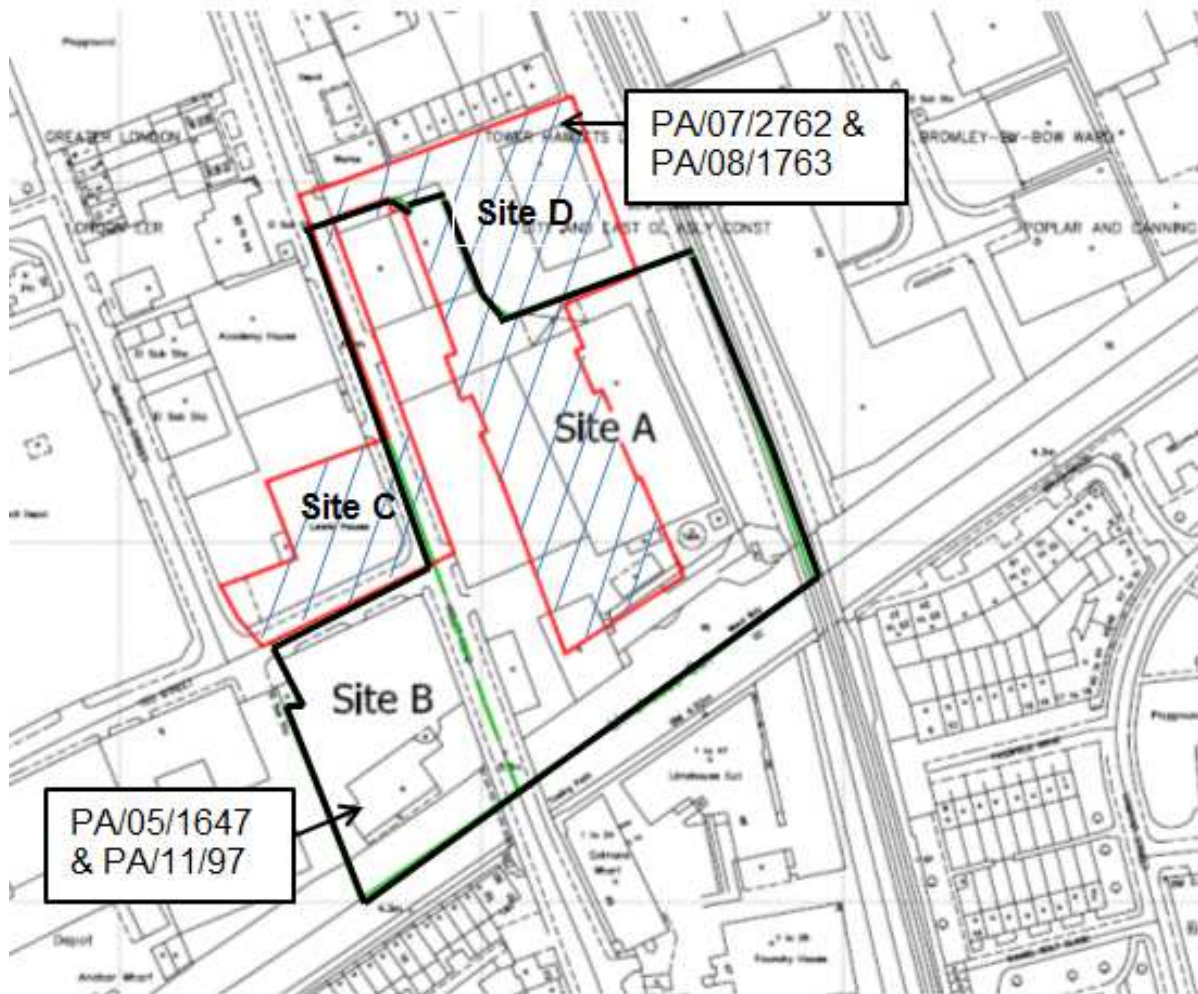
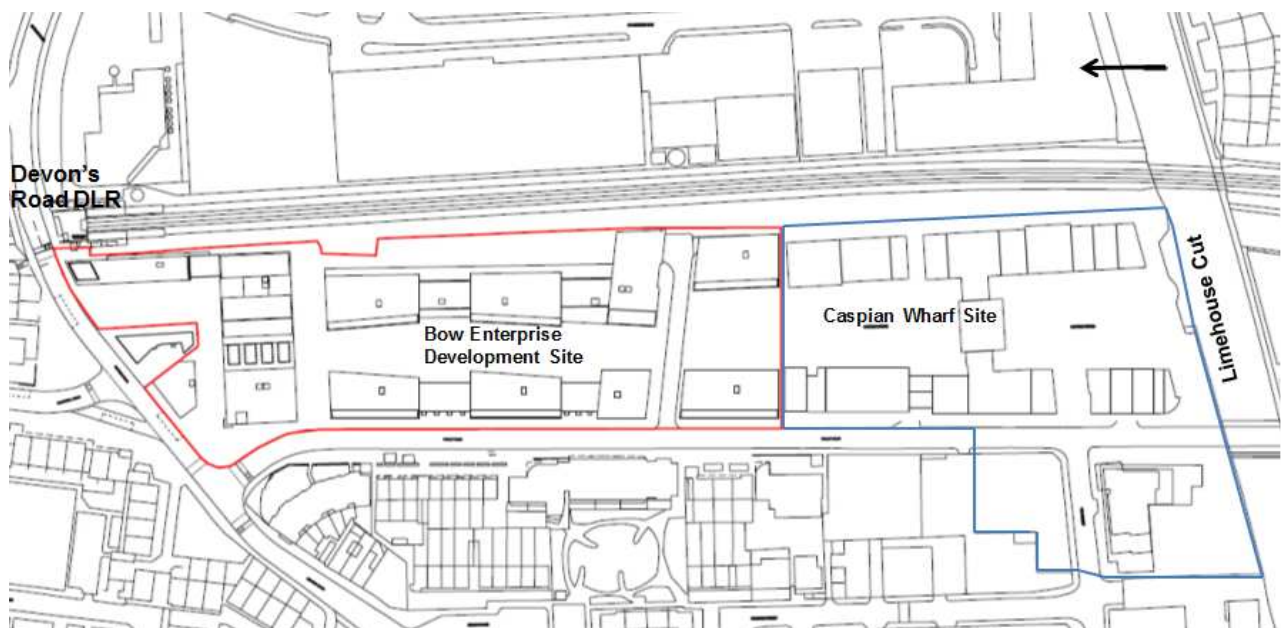


Figure 3 Site wide context



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
National Planning Practice Guidance 2014

5.3 London Plan 2011 (including Revised Early Minor Alterations)

- 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 - Building London’s neighbourhoods and communities
- 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

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 Generally highways and transportation do not support gates to the access road to a car park especially where they are located close to the highway but in this circumstance, the minimum level standing area of 3 metres (5 metres if used by Lorries) from the back edge of footway to the proposed gate has been met. This would prevent vehicles backing into the highway and hindering the flow of traffic. The transportation and highways department have no objection to the scheme.

Officer comment: noted

Crime Prevention Officer

- 6.4 It appears that as a result of ASB/crime issues residents have pointed out that the gate, which was not to be re-instated under section L of the 106 agreement, needs to be put back. The proposal is to erect a 3m high metal gate 6m from the building line (within the undercroft) in Violet Road:

- This is a far better option than what is currently in place. These spaces are almost always an issue with regard to ASB and crime on this borough.
- Although a better option, it is by no means the panacea for crime in this location. Due to the large recess still being in place after a gate is installed, there will still be an undercroft. This will still be offering 6m of shelter and cover from being seen for those with illegitimate intentions.
- The gate itself, although a good height will need to be thought through in terms of the detail. It is important that horizontal strengtheners are not required as these are used to make climbing over very easy. Consider the location of locks as these are used in a similar way.
- Regarding point 2 above, could there be consideration to a gate that can be operated remotely by vehicle users, be inward opening and of a faster opening speed to ensure there is no long delay for vehicles when entering the site.

Officer comment: This is discussed further in the material planning considerations section of the report

LBTH Conservation and Design Officer

- 6.5 The Council's Design officer raised no comment on the application.

Canal and River Trust

- 6.7 No objections to the application

7.0 LOCAL REPRESENTATION

- 7.1 A total of 705 neighbours letters were sent to neighbours and interested parties. Due to the site lying adjacent to the Limehouse Cut Conservation Area, a site notice was displayed outside the application site and the application was advertised in East End Life.

- 7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses: letters: 14 letters of representation (in support)

7.3 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

Officer comment: This is discussed further in the main body of the report. Also see appendix.2 for details of the crime log.

- 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.

Officer comment: the location of the undercroft is located on private highway and is therefore a matter for the estate management to resolve and not a matter for the council to resolve nor is this a material planning consideration. The surrounding roads restrict parking by double yellow lines and there are specified parking bays along Violet Road. This matter should be discussed with the Council's Parking enforcement team however, it is noted that highways officers have not indicated that there is parking stress in the vicinity.

- The proposed gates will improve the amenity of the site and will make the area quieter in general

Officer comment: this is discussed in the 'amenity' section of the report

- The proposed gates will improve the safety of the area and also the safety of young children using the play area

Officer comment: this is discussed in the material planning considerations section below.

8.0 MATERIAL PLANNING CONSIDERATIONS

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

1. Crime
2. Accessibility/Permeability
3. Design
4. Amenity
5. Transportation
6. Conclusion

8.2 The application proposes no change of use at the site and therefore raises no land use implications.

Crime

- 8.3 The planning application proposes an entrance gate at the main vehicular access to the Caspian Wharf development to the east of Violet Road. The application has been submitted to seek to address concerns raised by residents that unrestricted access is the cause for anti-social behaviour and incidents of crime at the application site. Full details of the levels of crime are detailed below.
- 8.4 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.
- 8.5 Policy 7.3 of the Adopted London Plan (2011) 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.
- 8.6 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.
- 8.7 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.
- 8.8 The principle of erecting entry gates to create a gated community is not supported by the National Planning Policy Framework (2012), the London Plan (2011) or Tower Hamlets planning policies. It is considered that only in exceptional circumstances should the Council make an exception to the policy position.
- 8.9 Whilst the comments received from the Metropolitan Police's Crime Prevention Officer are in support of the proposal, it should be considered that the Crime Prevention Officer's role is purely that of crime prevention, and officers recommendation to refuse the application takes into account a much broader set of considerations which in many instances are in discordance with both national, London-wide and local planning policies.
- 8.10 A crime log was submitted by the applicant as part of the evidence in support of the application (see appendix.2) and comments were received from the Crime Prevention Officer (discussed above). As detailed below, further crime statistics were also provided by the Crime Prevention Officer due to difficulties in obtaining statistics for the Caspian Wharf development.
- 8.11 Figure 4 shows the boundary area of the Bromley-by-Bow ward. The boundary area has a total of 5,149 households as of 2011 census (according to www.neighbourhood.statistics.gov.uk), whilst the Caspian Wharf development site has a total of 590 households. However the census data does not include the 590 households from Caspian Wharf development site. It can thus be derived from these

figures that The Caspian Wharf development represents 9.7% of the total households within the Bromley-by-Bow ward (derived from the number of households from 2011 census data and Caspian Development site; but assuming no other new dwellings were created between when census data was collected and Caspian Wharf development was completed). The Caspian Wharf development boundary is demonstrated in Figure 5.

- 8.12 Crime statistics over the period of the 2011 census data for the Bromley-by-Bow boundary area have been collated for the period January 2011- December 2011 inclusive. The Bromley-by-Bow boundary area (which does not include the Caspian Wharf development site) recorded 2,322 crimes with a crime level per property of 0.45 for the year 2011. It should be noted that this figure represents all 'notifiable' crimes, and that the Metropolitan Police website defines a notifiable offence as an 'incident where the police judge that a crime has occurred. Not all incidents that are reported to the police result in a crime'.
- 8.13 Crime statistics over the most recent period have also been collated (October 2013 – September 2014) which represent the most recent crime statistics currently available (true of November 2014) for the Bromley-by-Bow boundary area. The Bromley-by-Bow boundary area recorded 2,180 crimes. However given that the total household number for Bromely-by-Bow Ward is unknown for this period, the crime rate per household is not defined.
- 8.14 It should be noted that from an investigation of the www.police.uk website there appears to be no crime statistics for the Caspian Wharf development for any period as indicated in figure 5. Officers have expanded the crime area to include the Bow Enterprise Park and also the properties on Yeo Street. The crime statistics are limited in that they record crime as 'on or near Yeo Street' and 'on or near Violet Road' and are not location specific. In order to investigate these figures further officers have tried to marry the figures up with the crime report submitted by the applicant and these figures do not match up either.
- 8.15 Despite the above, the Crime Prevention Officer has provided statistics from the Metropolitan Police Crime Reporting Investigation System. The figures relate to the following areas:
- Voysey Square – the northern part of the Caspian Wharf development (where the proposed gates will be located) on the eastern side of Violet Road
 - Seven Seas Gardens – the southern part of the Caspian Wharf development on the eastern side of Violet Road
 - Yeo Street – the Caspian Wharf development to the western side of Violet Road

- 8.16 The following section details the recorded crime for each of the above referenced locations.

Voysey Square – total of 9 crimes for the period 02/01/14 – 24/11/14.

Seven Seas Gardens – total of 14 crimes for the period 16/12/13 – 11/11/14

Yeo Street – total of 8 crimes for the period 12/01/14 – 11/07/14

- 8.17 The Crime Prevention Officer has also stated that in addition to the above, a total of 83 crimes were recorded in Violet Road in the last 12 months. As these figures are

not location specific and it is not clear how they relate to crime within the Caspian Wharf development site, these crime figures have not been interrogated further.

- 8.18 The total recorded crime for the Caspian Wharf development is therefore 31 crimes for the most recent 12 month period. Given the number of households in the original Caspian Wharf application is 590 households, this gives a crime level per property of 0.05 which is significantly below the crime level per property of 0.4 for the Bromley by Bow Boundary area (from 2011 data).
- 8.19 Whilst officers do observe that there is evidence of a level of criminal activity recorded in and around the Caspian Wharf development site, in light of the above evidence it cannot be considered that the crime rate experienced specifically on the Caspian Wharf development site is exceptional given its context, and therefore officers consider it would not be appropriate for the Council to make an exception to the policy position in this instance.
- 8.20 Whilst the effects of anti-social behaviour on site can have a negative impact on the amenity of residents, there is insufficient evidence to suggest that crime and anti-social behaviour levels are such that greater weight should be given to this argument in planning terms. In addition it should also be considered that the applicant has not demonstrated or outlined any steps that have been taken by management or in association with the police to address the current issues with anti-social behaviour in the first instance without resorting to the gating of the estate. In light of the above, it is considered on balance that the negative implications of the proposal by virtue of its potential to contribute to the segregation of communities, far outweigh the perceived benefits of providing a gated entrance.

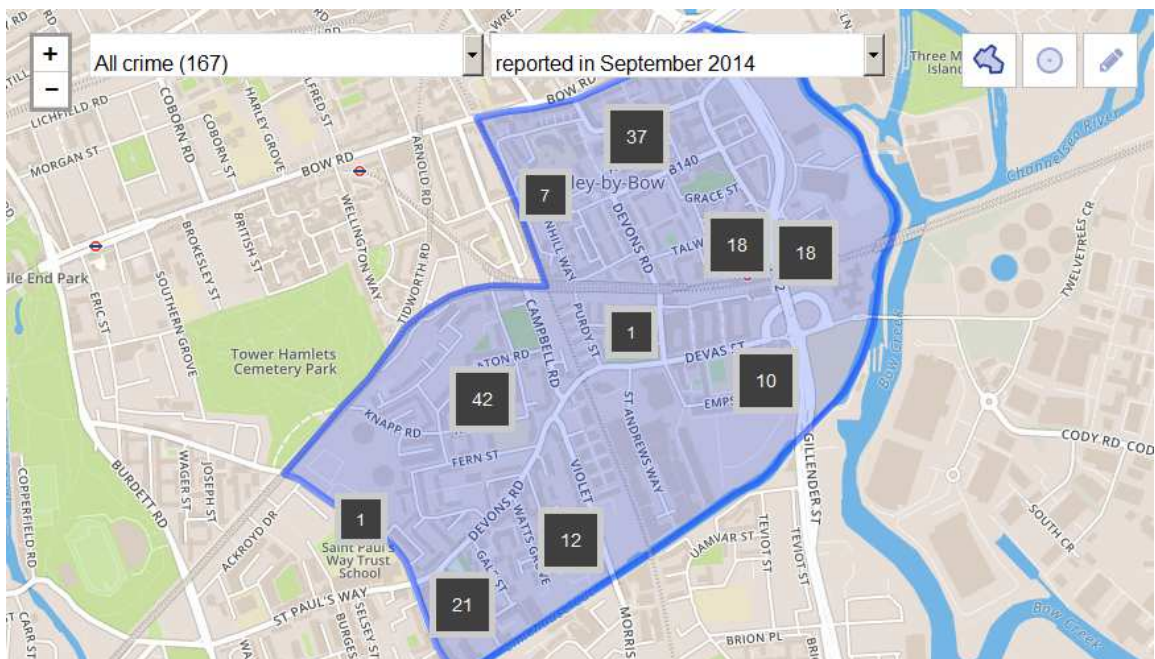


Figure.4 – Crime map of Bromley by Bow boundary area (2013/14) (taken from www.police.uk)

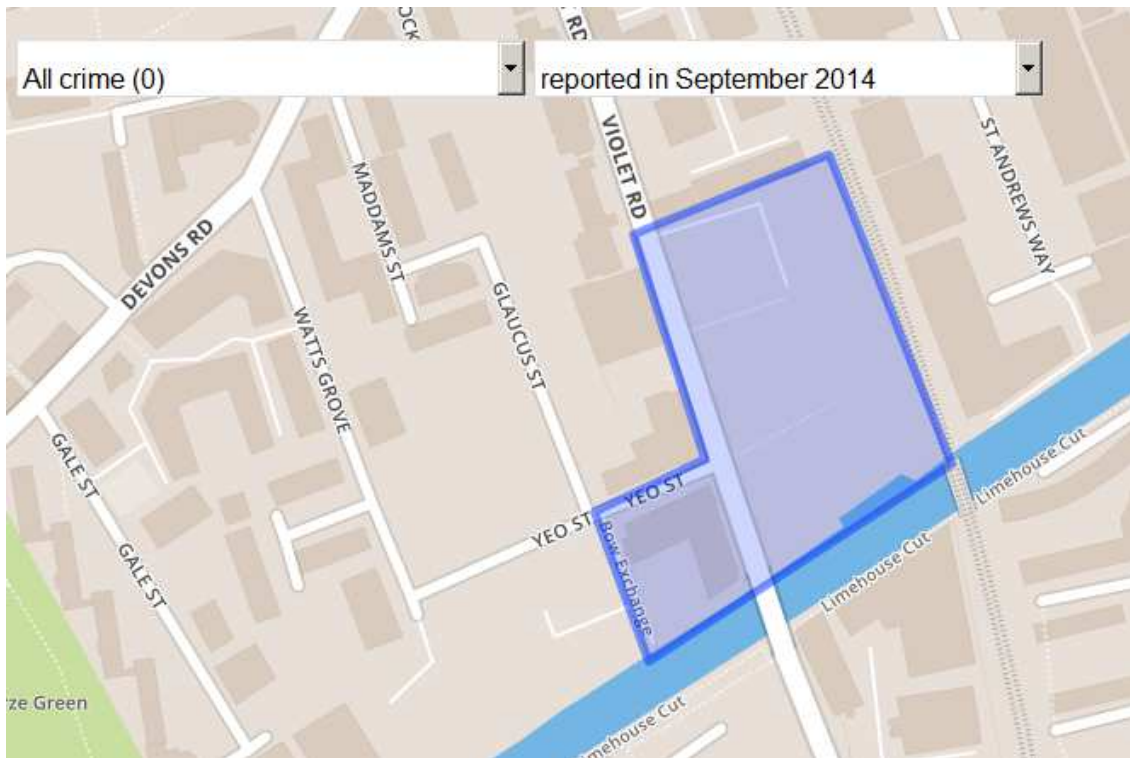


Figure.5 – Crime map of the Caspian Wharf development (taken from www.police.uk)

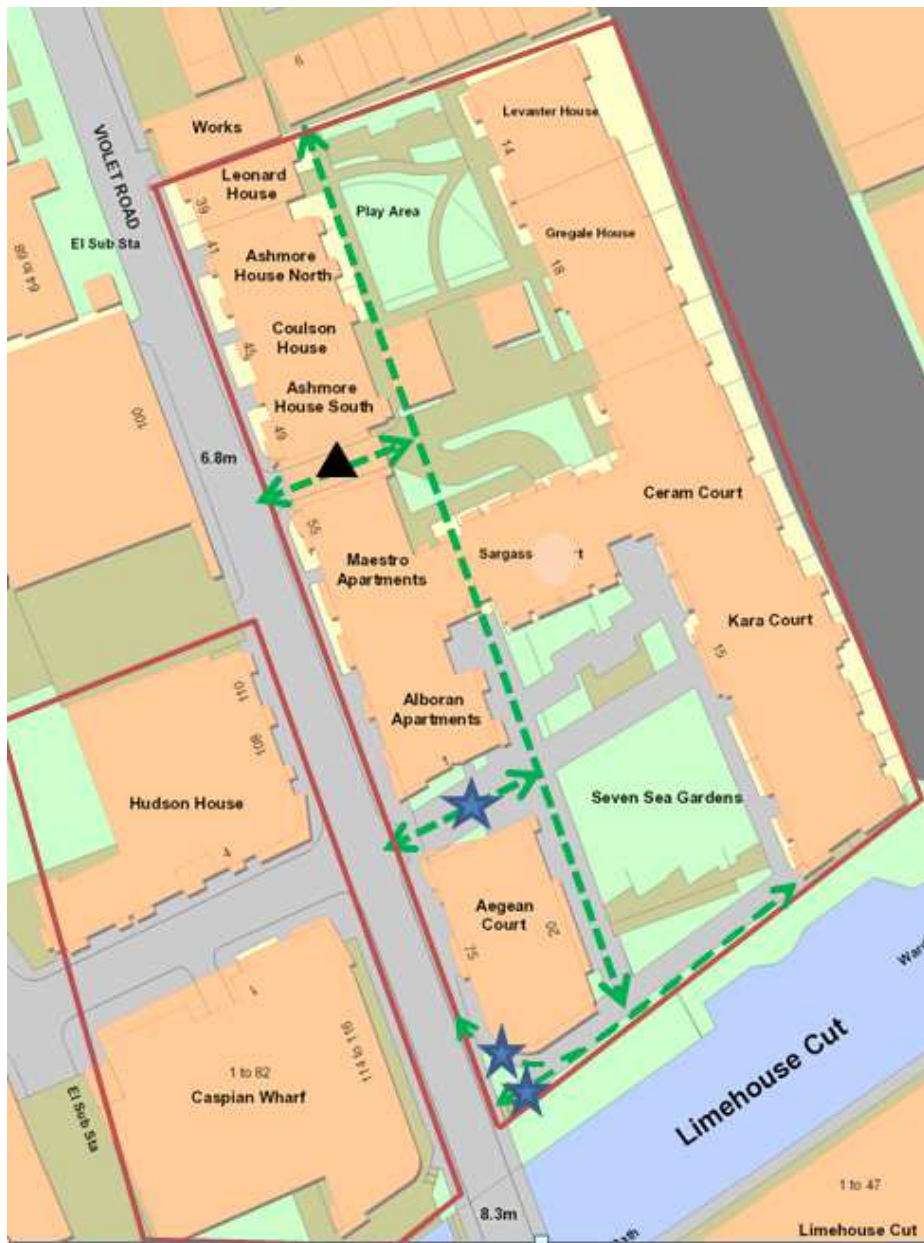
Accessibility/Permeability

- 8.21 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.
- 8.22 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 set 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.
- 8.23 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.

- 8.24 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.
- 8.25 The erection of an entrance gate which will restrict access, interaction and movement with the wider surrounding sites including the Bow Enterprise Park to the north which would be contrary to planning policies at a number of levels (see NPPF paragraph 75, London Plan 7.2, Core Strategy SP12 and Managing Development Document DM23). This proposal would result in a structure which would be intended to be a barrier to movement, and will subsequently restrict the movement of non-residents and to a lesser extent, residents of the Caspian Wharf development. The erection of a gate will not contribute towards the Council's objectives of creating a more well-connected Borough and the proposals do not support the vision for Bow Common as they seek to remove an access point to the Limehouse Cut and as consequence limit movement and reduce permeability in the area.
- 8.26 The permeability of the site and to allow public access to the Canal is a part of wider planned approach, with the adjacent Bow Enterprise Park development site. The scheme for Bow Enterprise Park which would deliver a central publicly accessible amenity space corridor linking up with the Caspian Wharf site, with eventuality of allowing people to access from Devons Road DLR station to the Canal would be lost. The Caspian Wharf development also included consideration for linking up with Bow Enterprise Park when applications were considered for the subject site and equally Bow Enterprise Park development, which came after Caspian Wharf's development, followed this approach. The proposed installation of gates would hinder the planned approach for permeability of the sites and movement of people. See Figure 3 for a site context.
- 8.27 Both national and local planning policies place a strong emphasis on creating mixed and inclusive communities where social interaction between all members of society is encouraged (see NPPF paragraph 69, London Plan 3.9, Core Strategy SP09 and Managing Development Document DM23). This Council has made a clear stance in its planning policies that it is against the creation of gated communities, and any proposals to segregate communities will be strongly resisted.
- 8.28 The proposed gates would create a gated community for the northern parcel of the Caspian Wharf development site on the eastern side of Violet Road. If the proposed gates are approved, blocks D2, D3, A5 and the northern portion of block A6 would become part of a gated community. This equates to approximately one third of the overall Caspian Wharf development becoming a gated community (sites A, B, C and D as indicated in Figure 2). This is contrary to the council's policies, in particular policies DM23 of the Managing Development Document (2013) and SP09 of the Core Strategy (2010).
- 8.29 The Caspian Wharf development site fronts onto the Limehouse Cut and the erection of this gate would restrict non-residents access to the waterfront to a degree which is

contrary to both national and local policy (see NPPF paragraph 73, London Plan 7.27, Core Strategy SP04 and Managing Development Document DM12). These policies seek to ensure that existing access to the blue ribbon network is maintained and enhanced, and that any proposals to further restrict access to waterfront spaces and open space in general should be strongly restricted. 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 from across and through the Caspian Wharf development to the canalside walkway and beyond. Officers are currently investigating the status of the existing three gates which are located to the south of this gate. As detailed above, these would be in breach of the original s.106 agreement which forms a part of the planning permissions for the site.

- 8.30 Considering the above, officers conclude that the erection of an entrance gate such as that being proposed would be contrary to national, regional and local policy, as the proposal would restrict full public access to the Blue Ribbon Network through the loss of a legally secured publically accessible route to the canal walkway. The proposal would also create a 'gated' community which would be impermeable for non-residents which is against the general planning principle of inclusive communities.



- — Planning Permissions Site boundary
- ◀---▶ - Permeable routes through the site
- ★ — Gates without the benefit of planning permission
- ▲ — (Application site) Unrestricted access point (permeable)

Figure 6. Caspian Wharf site with its access points.

Design

8.31 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.

- 8.32 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.
- 8.33 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.
- 8.34 The Council's Managing Development Document policy DM24 (1A) seeks to ensure that design is sensitive to and enhances the local character and setting of the development.
- 8.35 The proposed entrance gate measures 8.3m in width and 3.0m in height. Due to its overall scale and finish, along with its closed pedestrian gates and pedestrian gates, it is considered that such an addition into the streetscape would be unsightly and out of character with the more open nature of Violet Road.
- 8.36 The Council's planning policies seek to ensure that development is sensitive to and enhances the local character of an area (see Core Strategy SP10 and Managing Development Document DM24). Entrance gates such as that proposed are an unsightly addition to the public realm and would not enhance the character and setting of the proposal. Whilst the LBTH Design officer has not objected to the proposal, officers consider the gate will create a sense of impermeable public realm from the streets and surrounding areas, and as such discords with the relevant planning policies.

Amenity

- 8.37 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.
- 8.38 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.
- 8.39 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.
- 8.40 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.
- 8.41 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.

- 8.42 It is considered by residents that the installation of a gate will reduce the levels of noise which in turn will improve the amenity of the area in general. No thorough assessment of noise has been made as part of this application; however, it is noted that the proposed gate 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.

Highways and Transportation

- 8.43 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.
- 8.44 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.
- 8.45 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.
- 8.46 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.
- 8.47 The proposed gate is 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 and does not form a reason for refusal of the application.

Conclusion

- 8.48 Whilst Officers acknowledge the existing anti-social behaviour issues on site that cause harm to some residents of the Caspian Wharf development site and have led to the applicant submitting this application (and other related applications) it cannot be overlooked that such a proposal discords with planning policy at all levels and for so many different reasons. In principle, Officers cannot consider the proposal to be acceptable in the context and the proposal goes against the core principles of creating inclusive communities which is integral to the success of the Borough.
- 8.49 In light of the above, it is considered that the proposal would be contrary to national, regional and local planning policy as it restricts movement, creates a gated community, restricts access to the canalside walkway, does not incorporate the principles of inclusive design and is not sensitive to nor enhances the local character of the area.

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.

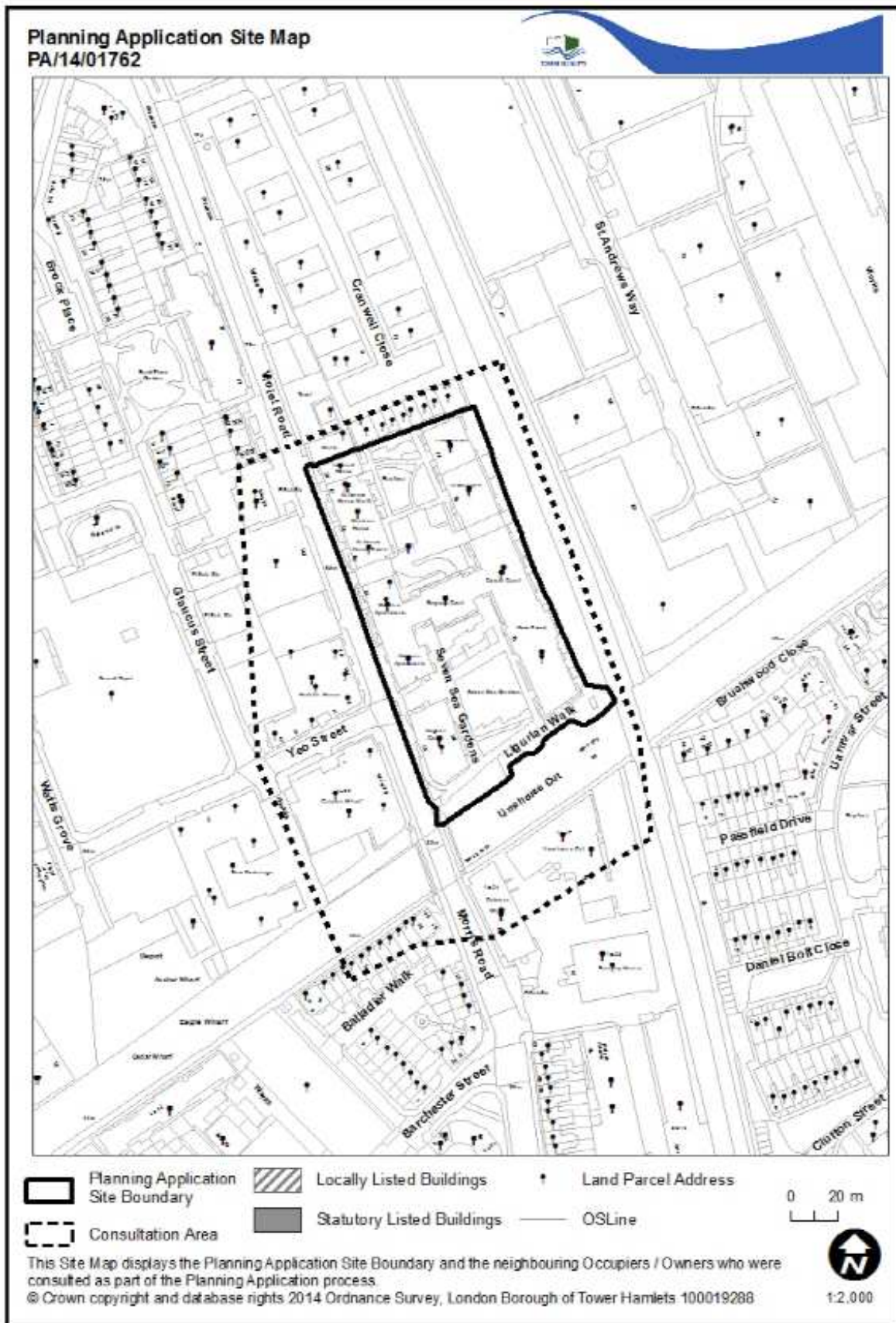
10.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably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

8.3 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 other relevant policies and considerations have been taken into account. Planning permission should be REFUSED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.

12.0 SITE MAP



14.0 APPENDIX. 2

Crime log (submitted by applicant) 07.11.14

09/09/2012 Voysey Square - The lady from 504 Levanter came in crying and screaming saying a guy has a knife, and threatening to kill people in her flat. I called the police CAD-468-090912 I when with her to the HA blocks, and stayed in the street to wait for the police. The police arrested the guy and got the knife (10 inch blade) and left site at 01:17. I then learned that the guy that was arrested did not live here he is the father of the child that lives in 503 Levanter. The police officer let me know he did damage to the door.

10/09/2012 Ligurian Walk - Youths smoking and drinking - moved on by Concierge. No police reference

12/09/2012 Seven Seas Gardens - Two Youths smoking drugs at car park gates residents made complaints, ask MO the security guard to deal with it he refused so I had to deal with it myself the two youths became abusive and threatening and refused to move so I called the police on 101 they sent out a unit to search the area for the youths. Reference CHS/9408/12912

14/09/2012 Voysey Square - A guy has broken the window at the back of the building with a brick and got into the flat, its believed to be the boyfriend of the lady. Reference CHS 4225901/12

15/09/2012 Ligurian Walk - Youths smoking and drinking - moved on by Concierge. No police reference

15/09/2012 108 Kara Court - Burglary - Residents returned home to find a window smashed and laptops stolen. Accused must have entered via side of estate and climbed up balcony. Reference CAD-9665-15/09/12

26/10/2012 Voysey Square – The same 4 Asian youths smoking marijuana, and breaking lights (at 22:10). Made a video of the youths saved in Ashmore folder called police, and sent Stuart a email. Police arrived at 23:30 I showed the videos, and took them to Ashmore South. The police caught the 4 teens and arrested them. Reference CAD 1063426

27/10/12 Ligurian Walk - Youths smoking and drinking - moved on by Concierge. No police reference

28/10/2012 Ligurian Walk - Youths smoking and drinking - moved on by Concierge. No police reference

03/11/2012 110 Kara Court - Burglary - Residents left a window unlocked. Accused entered open estate, climbed up onto the railings on the terrace of the flat below (G10 Kara) and up onto the balcony of 110, gained entry through open window. Resident did not provide police reference

10/11/2012 G11 Kara Court - Burglary - Residents left french door unlocked. Accused entered open estate and entered the terrace gaining access through door. Reference 4231608/12

12/11/2012 110 Kara Court - Residents came home to find front door was unlocked. Alerted concierge to escort them into the apartment. Nothing disturbed but window prized open. No police reference

13/11/2012 Ligurian Walk - Group of youths smoking weed and drinking became abusive and threatening when asked to leave - police called. Reference CAD 9057-12-11

14/11/2012 Ligurian Walk - Youths smoking and drinking - moved on by Concierge. No police reference

20/11/2012 Seven Seas Gardens - 4 Asian young men drinking, and brothering women that walk by. Asked to move on - they did. No reference

22/11/2012 Hudson House - Burglary - Accused tailgated into block and entered onto communal terrace - jumped over private terrace and entered through unlocked window. Reference 4232928/12

23/11/2012 Voysey Square - Theft x 2 of Bikes from Bike Shed, Mr Patrick Rochester of 302 Gregale House has just come into the Concierge Suite to report that 1 x Canondale and 1 x Ridgeback Mountain bikes have been stolen, he Last saw these in the bicycle shed 14 days ago! I Have advised Mr Rochester to report this to 101 which he is going to do now, he wanted advise as to if we have CCTV covering the Bicycle Shed, I told him our CCTV covers only the entrance doors. He wanted somebody from the Estate Management Team to contact him, and I explained that Stuart Was not back until Monday and he was fine with that. No reference.

01/12/2012 Ligurian Walk - Youths smoking and drinking - moved on by Concierge. No police reference

02/12/2012 Seven Seas Gardens - 5 youths entered around 2:30pm via forced entry on pedestrian gate A6 car park. They went straight to Ceram Bike store and cut off two chains. Upon leaving i confronted one of them and took the bike from him, but was unable to detract the other youth's from stealing the bike, as 4 others emerged from the bike store with a second bike. They threatened me and said they would get him on his way home. I called police who attended approx. 4 mins later. Further details to follow (including Statement) Statement attached in email to Stuart Fuller and Laura Bemment. Reference CAD4975

04/12/2012 Gregale - Resident in 902 Gregale reported that 3 young guys are smoking drugs on the 8th floor and that when asked they refused to leave. Reference CHS868604122012

05/12/2012 Ligurian Walk - Youths smoking and drinking - moved on by Concierge. No police reference

06/12/2012 Gregale - Youths congregated on the stairwell smoking. S.Fuller called 101, but they will not be able to attend yet. 7 youths smoking cannabis. Reference CHS5819/6/12

06/12/2012 Seven Seas Gardens - Youths collected around Ligurian Walk I got one of the security guards to go with me and there was 6 Asian youths behind there being loud and selling/smoking drugs. I informed them they had to leave, and they are not allowed to be in this area. One of them got aggressive, and threating towards me. As they were walking down Yeo Street the police arrived, and stopped them all. The one

that was aggressive with me was arrested for drugs (he had 13 selling bags of marijuana). This is the same group that I have talked the police on more than once. No reference.

07/12/2012 Seven Seas Gardens - Saw a dodgy guy in the car park. I called security on the radio and run down stairs tripping on the way. When I got down I noticed that the plant outside Sargaso was vandalized, and 203 Cerams scooter was stolen. I went and found security and let them know what happen. I went and found the supervisor for Cre-Namic and let him know as well. I then tried to review the CCTV footage but got the system locked (screen) and could not reset it. I tried calling Stuart 2 times on work phone and 1 time on personal number but no answer. John from Cre-Namic (supervisor called police. I then went to 203 Ceram and let Mr Oliver Heller know what happened. No reference

08/12/2012 Ligurian Walk - Youths smoking and drinking - moved on by Concierge. No police reference

09/12/2012 Ligurian Walk - Youths smoking and drinking - moved on by Concierge. No police reference

17/12/2012 Ashmore - Youths congregated on the stairwell smoking. S.Fuller called 101, Police arrived 30mins later and escorted them from the building. Reference CAD6062/17Dec

21/12/2012 Ashmore - I saw people in the stairway 9th floor Gregale. I went up and caught the same 4 youths from 14/12/12. Reference CAD1386211212

Freedom of Information request from Metropolitan Police (submitted by applicant) 28.11.14

Offences of Burglary, Theft from Vehicles and Theft of Motor Vehicle & Pedal Cycles in the Seven Seas Development For the Financial Year Periods 12/13 and 13/14

Financial Year	Offence Description	Total
FY 12/13	Aggravated Taking Involving Dangerous Driving; or Any Accidental Injury or Damage; or Damage to the Vehicle.	1
	Attempted burglary in a Dwelling.	1
	Burglary in a Building other than a Dwelling.	1
	Burglary in a Dwelling.	3
	Theft in a Dwelling Other Than from Automatic Machines and Meters	1
FY 12/13 Total		7
FY 13/14	Attempted burglary in a Building other than a Dwelling.	1
	Attempted burglary in a Dwelling.	1
	Burglary in a Building other than a Dwelling.	3
	Burglary in a Dwelling.	1
FY 13/14 Total		6
Grand Total		13

Offences of Burglary, Theft from Vehicles and Theft of Motor Vehicle & Pedal Cycles
in the Yeo Street Development
For the Financial Year Periods 12/13 and 13/14

Financial Year	Offence Description	Total
FY 12/13	Burglary in a Building other than a Dwelling. Burglary in a Dwelling. Theft of Pedal Cycles	2 1 1
FY 12/13 Total		4
FY 13/14	Burglary in a Building other than a Dwelling. Theft from Motor Vehicles	6 3
FY 13/14 Total		9
Grand Total		13

Offences of Burglary, Theft from Vehicles and Theft of Motor Vehicle & Pedal Cycles
in the Voysey Square Development
For the Financial Year Periods 12/13 and 13/14

Financial Year	Offence Description	Total
FY 12/13	Burglary in a Building other than a Dwelling.	5
FY 12/13 Total		5
FY 13/14	Attempted burglary in a Building other than a Dwelling. Attempted burglary in a Dwelling. Burglary in a Building other than a Dwelling. Other Theft Offences under the Theft Act 1968, Sec.1, Not Classified Elsewhere Theft of Motor Vehicle	2 1 2 1 1
FY 13/14 Total		7
Grand Total		12

A Count of Incidents of Anti-Social Behaviour Calls to Police for the Residential
Developments
Voysey Square, Seven Seas and Yeo Street in Tower Hamlets
For the Financial Year Periods 12/13 and 13/14

Financial Year	Residential Development in Tower Hamlets	ASB CAD Incidents
FY 12/13	Voysey Square Seven Seas	15 1

	Yeo Street	19
FY 12/13		
Total		35
FY 13/14	Voysey Square	7
	Seven Seas	10
	Yeo Street	19
FY 13/14		
Total		36
Grand		
Total		71