

<b>Committee:</b> Strategic Development	<b>Date:</b> 31 <sup>st</sup> January 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6.2
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Jason Traves		<b>Ref No:</b> PA/07/02706	
		<b>Ward(s):</b> Bromley by Bow	

## 1. APPLICATION DETAILS

**Location:** Site At Caspian Works and Lewis House, Violet Road  
**Existing Use:** Warehouse B1 and B8  
**Proposal:** Redevelopment to provide buildings of between four and eleven storeys (38.95 metres AOD) for mixed use purposes including 143 residential units, Class A1, A2, A3 and B1 (shops, financial and professional services, restaurants/cafes and business) uses with associated works including car parking and cycle parking, roof terraces, landscaping and servicing. (AMENDED PROPOSAL)

A screening opinion was provided by the Council on 7<sup>th</sup> September 2007 confirming that the proposed development did not fall within Schedule 2 of the EIA Regulations 2006 and therefore, that and EIA is not required.

**Drawing No's:** Plan Nos:  
P007, 206081/050, 206081/051, 206081/052, 20681/053, 20681/055, 206081/056, 206081/057, 206081/058, 206081/059, 206081/110, 206081/120/B, 206081/121/B, 206081/122/C, 206081/123/D, 206081/124/D, 206081/125/C, 206081/126/D, 206081/127/B, 206081/128/C, 206081/129/B, 206081/130/B, 206081/150/C, 206081/151/C, 206081/152/B, 206081/153/C, 206081/155/B, 206081/156/B, 206081/157/B, 206081/158/B, 206081/159/C

Documents:  
Accessibility and Lifetime Homes Statement  
Air Quality Assessment  
Arboricultural Report  
Archaeological Desk Based Assessment  
BRE Daylight/Sunlight Report  
Computer Generated Images (CGIs)  
Design and Access Statement  
Ecological Impact Assessment  
Employment Property Market Review  
Energy Assessment  
Flood Risk Assessment  
Ground Conditions Report  
Landscape Design Statement  
Materials Used and Purchasing Strategy  
Microclimate Assessment

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### LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Eileen McGrath 020 7364 5321

Noise and Vibration Report  
Planning Statement  
Socio-economic Impact Report  
Sustainability Strategy and Code for Sustainable Homes  
Telecommunications Assessment  
Townscape and Visual Assessment  
Transport Statement (Incl. TA)  
Waste Management Report  
Water Resources Report

**Applicant:** Berkeley Homes (North East London) Ltd  
**Owner:** Strong Holdings PLC  
**Historic Building:** N/A  
**Conservation Area:** N/A

## **2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, Interim Guidance, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

(1) The proposal is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 4B.3 of the London Plan and HSG1 of the Council's Interim Planning Guidance (October 2007).

(2) Principle of a mixed use scheme is an efficient use of the site, with the subject scheme being of sufficient quality consistent with the extant permission and posing no significant impacts to future occupiers, users or to neighbours. The proposal accords with 2A.1 Sustainability Criteria, 2A.6 Spatial Strategy for Suburbs, 3B.1 Developing London's Economy, 3B.4 and 5C.1 of The London Plan 2004 as well as Policy DEV3 and EMP12 of the adopted UDP 1998.

(3) The loss of industrial floorspace is acceptable as the viability of the Strong and Hoe sites remaining in industrial use is balanced by the available industrial floorspace in the local area, the opportunities to relocate the displaced Strong and Hoe activities in the area, as well as the lack of demand for industrial floorspace in this area as evidenced in the marketing justification for the extant permission. The proposal accords with policies CP11 of the Interim Planning Guidance and EE2 of the adopted UDP 1998.

(4) A reduction in the employment floorspace is justified as more jobs will be created by the more intensive class of uses of the mixed-use scheme which will benefit the local area. The building will be of better quality that will support a range of smaller businesses in a modern and more flexible space. Although contrary to CP9 of the Interim Planning Guidance the proposal is justified and accords with policies EMP1 and EMP2 of the adopted UDP 1998.

(5) Provision of 36% affordable housing based on habitable rooms exceeds the required provision whilst 33% family-sized housing across all tenures (market, social rent, and shared ownership) complies with policy, will contribute significantly towards addressing housing need in the borough and accords with policies CP21 and CP22 of the adopted UDP 1998.

(6) The proposal meets the floor spaces standards for residential dwellings and provides amenity open space including children's play space which exceeds the Borough's requirements in terms of overall provision. The scheme accords with Policies HSG 13 and HSG16 of the adopted UDP 1998 and HSG7 of the Interim Planning Guidance.

(7) The development is not considered to adversely affect the amenity of any neighbouring

properties including overshadowing. It is considered to be in accordance with policies DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 of the Interim Planning Guidance (October 2007) which seek to ensure the amenity of adjoining residential properties is protected and maintained.

(8) Transport matters, including parking, access and servicing is acceptable and in line with policies T16 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments can be supported within the existing transport infrastructure and will not affect the safe operation of the highways.

### 3. RECOMMENDATION

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

A. Any **direction** by **The Mayor**

B. The prior completion of a **legal agreement** to secure the following planning obligations:

- a) A proportion of 36% on habitable rooms of the proposed units to be provided as affordable housing with the socially rented mix as specified in the addendum report to the 20<sup>th</sup> Dec 2007 Strategic Development Committee meeting;
- b) Provide **£1899.00** towards bus stop survey;
- c) Provide **£14,667.00** towards bus stop improvements;
- d) Provide **£58,667.00** towards highway safety improvements;
- e) Provide **£271,524.00** towards education to mitigate the demand of the additional population on education facilities;
- f) Provide **£585,889.00** towards medical facilities to mitigate the demand of the additional population on medical facilities; and
- g) Provide **£22,000.00** towards Public Art.

3.2 That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal be delegated authority to impose conditions and informatives on the planning permission to secure the following matters:

#### **Conditions:**

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:
  - a) External including a pallet board of samples of materials for external fascia of building;
  - b) Details of balcony and joinery (scale 1:5 plans)
  - c) Screens on corners of D2 and D3 buildings per microclimate assessment and policy DEV5
  - d) The design of the lower floor elevations of commercial units including shop fronts
- 3) Landscape plan for amenity courtyards and ground floor public realm improvements and with Management Plan.
- 4) Parking maximum cars and minimum cycle and motorcycle spaces
- 5) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
- 6) Piling hours of operation limits (10am – 4pm)
- 7) Details of insulation of the ventilation system and any associated plant required
- 8) Wheel cleaning facility during construction
- 9) Submission of details of the 10% renewable energy measures
- 10) Land contamination study required to be undertaken with remediation certificate
- 11) Details of Piling Foundations as required by the Environment Agency
- 12) Details of surface water control measures as required by the Environment Agency

- 13) Details of foul and surface drainage system as required by the Environment Agency
- 14) Details of sustainable drainage measures as required by the Environment Agency
- 15) Archaeology as required by English Heritage
- 16) Details of the waste and recycling facilities
- 17) Construction Management Plan required
- 18) Details of inclusive design through the scheme
- 19) Construction noise limits
- 20) Construction vibration limits
- 21) Details of Brown Roofs
- 22) Details confirming lifetime homes standards and 10% wheelchair accessible homes
- 23) Retention of the land providing access to DLR land to be retained unless otherwise agreed in writing by DLR and the Local Planning Authority
- 24) Prior to occupation details of the fume extraction for class A3 premises shall be submitted to and approved in writing by the Local Planning Authority prior to occupation
- 25) One silver birch tree on the north east boundary of the Strong site to be retained and protected
- 26) Condition preventing roller shutter or hoardings without prior permission
- 27) Details to be submitted during detailed design construction phase that level 3 Code for Sustainable homes is achieved.
- 28) Details to be submitted following completion that level 3 Code for Sustainable homes is achieved.
- 29) Residents of the Hoe site shall have access to the ground floor communal area of the strong site including the children's play area
- 30) Any other conditions considered necessary by the Head of Development Decisions.

### **Informatives**

- 1) Consult the Environment Agency in terms of conditions 10, 11
- 2) Consult Thames Water in respect of 10, 11 and 13
- 3) Consult Metropolitan Police in terms of conditions 2b, 3, 21, 22
- 4) Site notice specifying the details of the contractor required
- 5) Building Regulations in terms of means of escape
- 6) 278 agreement to be entered into for Highway works surrounding the site
- 7) Thames Water informative for water pressure

- 3.4 That, if within 3-months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

### **4. Further Consideration**

- 4.1 The application was presented to the Strategic Development Committee in December 2007. The original report and addendum update report are attached at Appendix 1 and 2. The Committee resolved to defer the matter to enable the following:

- Expiration of the re-notification of the amended scheme as described above in Section 1; and
- Further consideration of the gated access into the site.

These matters are discussed in the following sections.

### **5.0 Re-notification**

- 5.1 The re-notification period ends 28<sup>th</sup> January 2007 and the results of which will be reported to the Strategic Development Committee in the addendum report. In the meantime, submissions from neighbours and consultees have been received, as discussed below.

## 5.2 *Internal/External Consultation Responses*

- National Air Traffic Services (NATS) Ltd – No objection
- Olympic Delivery Authority (ODA) – No objection
- London City Airport – No objection
- Thames Water – No objections raised and informatives recommended for their consultation on drainage and water supply matters
- TFL – Confirmed that contributions being offered for the bus stop survey and works were welcomed
- British Waterways – Previous comments stand (reported in Dec 2007 Strategic Development Committee Report)
- LBTH Primary Care Trust PCT – Revised s106 contribution acceptable
- LBTH Housing Dept – Happy with the revised housing mix
- LBTH Highways - No objection
- LBTH Education – Revised s106 contribution requirement is £271,524.00 (This figure is being offered by the agent)

## 5.3 *Neighbour Consultation Responses*

5.4 At the time of finalisation of this report, six (6) submissions have been received raising the following issues:

- Impact to water pressure;
- Impact to light/overshadowing;
- Flood risk;
- Overpopulation with many flats going up in the area;
- Concern for design and character of the area including an alternative opinion offered in respect of the design assessment in the Dec 2007 case officer report;
- Incremental series of applications not intended to be constructed but to arrive at a grander scheme for the overall development;
- Concern about the developer's engagement of the local community in consultation on the future scheme;
- References to separate future application including a tower of 30 storeys; and
- Context and design criticism for the future 30 storey tower scheme.

In respect of these matters comments are offered below.

## 5.5 *Water pressure*

5.6 Although not a planning issue, the Thames Water Authority has considered the scheme and no concerns have been raised.

## 5.7 *Impact to Light/Overshadowing*

5.8 This matter was previously considered in the Dec 2007 report advising that no significant overshadowing impact is posed to neighbours.

## 5.9 *Flood Risk*

5.10 This matter was previously considered in the Dec 2007 report advising that the Environment Agency considered this matter and raised no objection to the scheme.

## 5.11 *Overpopulation*

5.12 This matter was previously considered in the Dec 2007 report in section 8 under Density and was considered to be acceptable.

### 5.13 *Design & Character*

5.14 The further re-iteration of concerns in response to re-notification has been taken into account although it is further considered that the assessment contained in the December 2007 report stands.

### 5.15 *Future schemes*

5.16 Whilst not the subject of this application, it is confirmed that there are two (2) separate applications received for Caspian Wharf which have been made valid subsequent to the December 2007 Strategic Development Committee Meeting;

- PA/07/2762 for a scheme of between four and eleven storeys for mixed use purposes including 191 residential units (2 x studio, 54 x 1 bed, 92 x 2 bed, 36 x 3 bed, 7 x 4 bed), 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; and
- PA/08/00019 for a scheme of between 7, 14 and 30 storeys for mixed use purposes including 634 residential units, Class A1, A2, A3 B1 and D2 uses with associated car parking and cycle parking, roof terraces, landscaping, canalside walkway and servicing.

5.17 PA/07/2762 is for a similar scheme in terms of external appearance with obvious differences to PA/07/2706 that include relocating parking to a new basement level to make way for more communal space for future residents as well as an additional block of residential units. This scheme would link into the design of the extant permission in May 2007 for Caspian Wharf (See **Appendix A** of the December 2007 Strategic Development Committee report).

5.18 PA/08/00018 is for a scheme that supersedes these previous proposals, being an entirely new scheme with a different site layout and appearance including a 30 storey residential tower.

Both schemes are the subject of public consultation in January 2008 and the assessment will follow.

## **6.0 Further Consideration**

### 6.1 *Entry Gates*

6.2 In respect of gated access and any concern such as restricting access to the site, there are two new gates proposed in this application:

- Gated access to the Hoe site bicycle and car parking area;
- Gates to the access way to DLR land behind the Strong Site for maintenance purposes.

6.3 Note that the access to the Strong site is through the entry gates agreed as part of the extant permission and are not part of this application. Nevertheless, in all cases, entry gates do not alter the extant planning permission for Caspian Wharf including the publicly accessible area adjacent to the canal.

6.4 In further consideration of this matter, the Crime Prevention Officer and agent confirmed that the proposed gates were a necessary feature of the scheme in the interests of safety, security and crime. The gate for the Hoe site as well as the gate securing access to DLR land behind the Strong site prevent unauthorised entry to areas not intended to be publicly

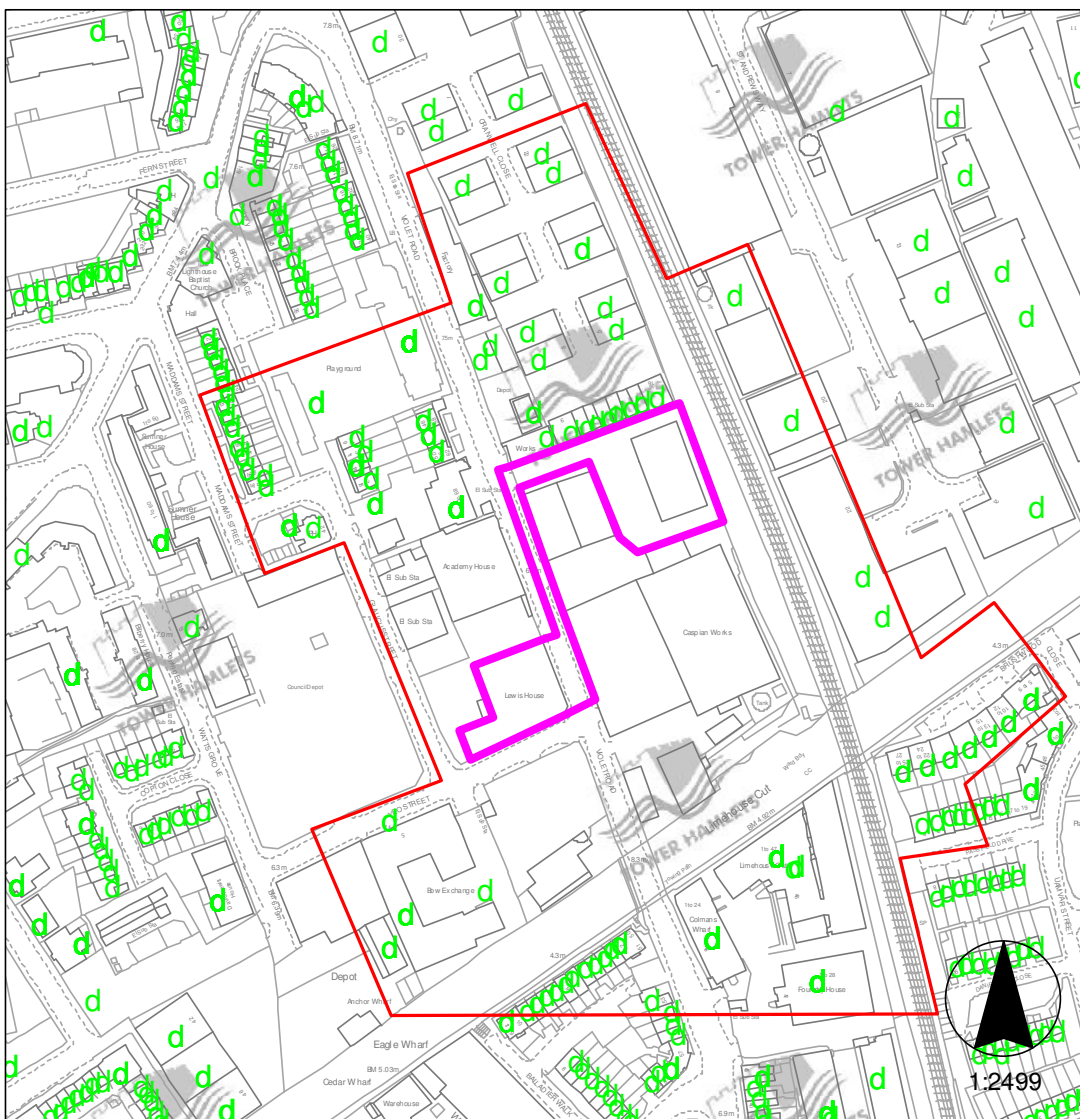
accessible. From a crime prevention and police point of view, it was considered that the proposed gates should not be removed or changed. It was further pointed out that this development is not an open site providing a shortcut to or from somewhere else and therefore, there is no justification to alter the scheme.

## **7. Conclusions**

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

# Caspian Works and Lewis House, Violet Road, London

## Site Map



### Legend

-  Planning Application Site Boundary
-  Consultation Area
-  Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568