

# STRATEGIC DEVELOPMENT COMMITTEE

Thursday 31<sup>st</sup> January 2008 at 7.30pm

## UPDATE REPORT OF HEAD OF DEVELOPMENT DECISIONS

### INDEX

Agenda Item No.	Reference No.	Location	Proposal
6.2	PA/07/2706	Caspian Works and Lewis House, Violet Road	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)
7.1	PA/06/2101	Building C, New Providence Wharf, Blackwall Way, London E14	Erection of a part 12, part 44 storey building to provide 486 flats, a 323 sqm retail unit (Use Class A1) and concierge, a 948 sq m Health and Fitness club (Use Class D2) together with associated landscaping, car parking, servicing and plant.
7.2	PA/07/2054	Greenheath Business Centre, 31 Colts Lane, London E1	Demolition of some of the existing commercial buildings. Erection of a side and roof extension plus atrium to the existing Greenheath Business Centre in connection with its use as class B1 business space (10,275sqm). The erection of new 9 and 16 storey buildings in connection with the use of the premises as 101 units (253 beds) of student accommodation and 572sqm of commercial floorspace (Class B1)



<b>Agenda Item number:</b>	6.2
<b>Reference number:</b>	PA/07/02706
<b>Location:</b>	Site at Caspian Works and Lewis House, Violet Road
<b>Proposal:</b>	Redevelopment to provide buildings of between four and eleven storeys (38.95 metres Above Official Datum) 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)

**1. Report correction**

- 1.1 In paragraph 5.4 of the report to Committee, a total of five (5) objections had been received at that time, not six (6) as noted.

**2. Additional neighbour responses**

- 2.1 In addition to abovementioned objections, a further three (3) objections have since been received raising the following issues:
- Objection to the height of the subject scheme and that in Caspian Wharf applications PA/07/2762 and PA/08/00019
  - Flooding risk
  - Concern for the conduct of the developer
  - Formal complaint in respect of notification procedures and “incoherent” design
  - Consideration of an appropriate setback for a future scheme to the north of the Strong site
  - Consideration of the prejudicial nature of future development in respect of the 3 applications 07/2706, 07/2762 and 08/00019
  - With particular reference to the subject application, concern for ground floor kitchen windows of flats D1G1 and D1G2 with windows that face the neighbouring site as shown on ground floor plan ref. 206081/120B.
  - Addressing this concern by a condition to make the kitchen and living areas into a single room such that the kitchen would benefit from additional windows rather than relying on a single northern aspect window.
- 2.2 Note that two (2) of the objectors previously made comments in respect of this application and as such their planning issues have been previously considered.
- 2.2 *Comments in respect of application 07/2762 and 08/00019*
- 2.3 Comments in respect of the other applications are not relevant to this assessment. Nevertheless, they are registered and will be considered as part of the assessment of those applications.
- 2.4 *Developer conduct*
- 2.5 This is not a relevant consideration.
- 2.6 *Formal complaint in respect of notification procedures and incoherent design*

- 2.7 The formal complaint related to the notification process and consideration of design issues. Whilst the formal complaint has been responded to separately following the Council's complaints procedure, it is noted that the application has been notified in accordance with Council's Statement of Community Involvement:
- 10.10.07 Neighbour notification letters sent to residents
  - 18.10.07 Site notice placed on site
  - 22.10.07 Newspaper advertisement in East End Life
  - 13.12.07 Site notice for revised application placed on site
  - 18.12.07 Neighbour notification letters sent to residents regarding the revised application
  - 20.12.07 Application deferred by the Strategic Development Committee
  - 07.01.08 Newspaper advertisement in East End Life for the revised application.
- 2.8 Design was a previous consideration and found to be acceptable.
- 2.9 *Height, and flood risk*
- 2.10 These matters were previously considered and found to be acceptable.
- 2.11 *Prejudice to potential of development site to the north*
- 2.12 Concern has been raised for the sole light-source windows of the kitchen of units D1G1 and D1G2 which are located on the ground floor being set back approximately 1.2m from the northern boundary. These windows are not considered prejudicial to the future development on the site to the north in that the urban context and regeneration intent of this area would be a consideration in assessing the appropriate separation and treatment between this development and any future scheme to the north. Notwithstanding there is no formal application received or approved scheme for the site to the north that the current scheme could be reasonably expected to have regard for.
- 2.13 Consideration of the setbacks for any development to the north (i.e. outside the red line of this application) are not within the scope of this application and are reserved for future pre-application negotiation and consideration of a formal application.
- 2.14 The objector proposes a solution to their concern in the form of a planning condition for the kitchen and living rooms be connected such that the kitchens would not rely solely on the north facing window. The imposition of a condition has been agreed by the agent for this application and is considered to satisfy the 6 tests of conditions of Circular 11/95: Use of Conditions in Planning Permission (i.e. necessary, relevant, to planning, relevant to the application, enforceable, precise and reasonable). Finally, the resulting change to the internal layout is minor, poses no adverse impact and would not require re-notification.

2.15 There is no change to the recommendation.



## LONDON BOROUGH OF TOWER HAMLETS

<b>Agenda Item number:</b>	7.1.
<b>Reference number:</b>	PA/06/2101
<b>Location:</b>	Building C, New Providence Wharf, Blackwall Way, London E14
<b>Proposal:</b>	Erection of a part 12, part 44 storey building to provide 486 flats, a 323 sq m retail unit (Use Class A1) and concierge, a 948 sq m Health and Fitness club (Use Class D2) together with associated landscaping, car parking, servicing and plant.

### 1. UPDATE REPORT

- 1.1. Further to the original report, the applicant has reviewed the viability appraisal of their application in response to Officer's suggestion that additional options should be presented to Committee Members on the basis that reductions in the level of S106 financial contribution could be redirected towards on-site affordable housing.
- 1.2. The £4,000,000 contribution towards phases 1 and 2 of the Preston's Road Roundabout major infrastructure project could be reduced to pay for the phase 1 works only (relating solely to the provision of crossings to the eastern side of the roundabout). The estimated cost of these works is £1,500,000. Phase 2 involves 'capping' over the underpass to create a building from the space. Officer's view is that it is too early to agree this as the best approach to dealing with the roundabout and better solutions may emerge from the regeneration projects being delivered in the area.
- 1.3. Officers have also advised that the level of health contribution may be reduced to £500,000 to cover the capital (building) costs relating to healthcare provision, therefore deleting the revenue (staffing costs) element. This is consistent with other recent decisions. This is in addition to the education (£654,125) and open space (£250,000) contributions, giving a contribution of £1,404,125 in addition to the roundabout payment.
- 1.4. An updated viability assessment has been undertaken on the basis of these contributions and this shows that the level of affordable housing may be increased to 32% (by habitable rooms).
- 1.5. The following S106 options are therefore available to the Members in respect of this application.

### Options for the Section 106 Agreement at New Providence Wharf

Option 1	27% affordable housing	£4,000,000 Contribution to Preston's Road Roundabout: Phases 1 and 2	£2,500,000 Health / education contribution  (1.952m for health and £548 000 for education)	£250,000 Open space contribution
Option 2	30% affordable housing	£4,000,000 Contribution to	No education / health	£250,000 Open space

		Preston's Road Roundabout: Phases 1 and 2	contribution	contribution
Option 3	32% affordable housing	£1,500,000 Contribution to Preston's Road Roundabout: Phase 1 only	£1,154,125 Health / education contribution  (£654,125 towards education and £500,000 towards healthcare)	£250,000 Open space contribution

#### Option 1

- 1.6. Officers consider that Option 1 provides a significant range of benefits, because it provides a full health and education contribution, plus a £4 million contribution towards the roundabout project. Whilst this represents a significant opportunity to deliver this important infrastructure project, officers have concerns about whether the 'cap' solution is the right one and it's wide ranging benefits to the surrounding area.
- 1.7. The disadvantage with this option is that it provides the lowest level of affordable housing of the 3 options.

#### Option 2

- 1.8. Option 2 increases the percentage of affordable housing to 30%, but does so at the expense of any health and education contribution. It maintains the full roundabout infrastructure payment.
- 1.9. The disadvantage with this approach is that the Council could be seen as failing to mitigate against this developments impact on the Borough's Health and Education infrastructure.

#### Option 3

- 1.10. Option 3 increases the percentage of affordable housing provided on site to 32% and provides a full education contribution and healthcare contribution that covers capital (building) costs. However, the only links provided are for the phase 1 works (i.e. solely to the provision of crossings to the eastern side of the roundabout). As such, it does not fully address:
- the provision of all of the at-grade crossings,
  - the associated issues of safety and security within the underpass.

#### Conclusion

- 1.11. It should be noted that the London Plan indicates that affordable housing and public transport improvements should generally be given the highest importance in negotiating planning obligations (Policy 6A.4). This policy is reinforced by Council policy that stresses the need for affordable housing in the Borough.



- 1.12. Moreover, other sites in the immediate vicinity of the site are likely to come forward (Trafalgar Way, Poplar Business Park and Blackwall Reach) that will be able to deliver a full solution to the roundabout issues.
- 1.13. In these circumstances, Officers consider that option 3 should be recommended for approval, since it:
- maximises the percentage of affordable housing this scheme can viably bring forward,
  - mitigates the applications affect on the health and education infrastructure of the area adequately and:
  - addresses this sites access issues to public transport.

As such, the recommendation attached to the original report is amended to reflect option 3.

## **2. ADDITIONAL COMMENTS**

2.1 The Coldharbour Residents Association has written in support of Ballymore's application and in particular they support:

- The improved access to public transport proposed.
- The removal of the need to use the underpass.

2.2 They have also noted that they would like to see an improvement of bus services in this area. However, officers consider that this request is unrealistic, since the applicant is already proposing improvements to public transport, via the new links to Blackwall DLR and the viability of the scheme would be further affected by payments to such an improvement.

2.3 Ballymore have also recently written to Members on this subject in an undated letter. In summary, they concluded that:

- i) The provision of an at grade deck and crossing will address the existing difficulties of crossing Aspen Way and the associated issues of safety and security within the underpass (there have been a number of reported instances of muggings at the roundabout). This will be addressed by safe and secure crossing points.
- ii) Moreover, the improved linkages across Aspen Way will also promote connections between the Poplar and Isle of Dogs communities.
- iii) Furthermore, the Phase 2 works to the roundabout have the potential to deliver community facilities including leisure or workspace in a central location at the hub of a number of regeneration schemes. The delivery of such a facility would make the most of this opportunity.

(OFFICER COMMENT: It should be noted that no application to provide such facilities has been made to date).

## **3. RECOMMENDATION**

3.1 The proposed legal agreement, set out in paragraph 3.3 of the report, should be amended in paragraphs 1, 2, 4 and 5 to state the following:

1. Affordable housing provision of 32% (of the total proposed habitable rooms);
  2. A contribution of £1,500,000 towards the proposed Preston's Road Roundabout Project, to mitigate the impacts of the additional population on the surrounding highways
  4. A contribution of £500,000 to mitigate the demand of the additional population on health care facilities;
  5. A contribution of £654,125 to mitigate the demand of the additional population on education facilities.
- 2.2 All the other clauses remain unchanged.
- 2.3 The conditions and informatives are unaltered.

## LONDON BOROUGH OF TOWER HAMLETS

<b>Agenda Item number:</b>	7.2
<b>Reference number:</b>	PA/07/2054
<b>Location:</b>	Greenheath Business Centre, 31 Colts Lane, London E1
<b>Proposal:</b>	Demolition of some of the existing commercial buildings. Erection of a side and roof extension plus atrium to the existing Greenheath Business Centre in connection with its use as class B1 business space (10,275sqm). The erection of new 9 and 16 storey buildings in connection with the use of the premises as 101 units (253 beds) of student accommodation and 572sqm of commercial floorspace (Class B1)

### 1. SUMMARY

#### Additional Objections

- 1.1 Following the publication of the original committee report, an additional 18 objections, including a 160-signature petition, have been received.
- 1.2 In summary, these objections again reiterated issues addressed in the original report. Specifically, they raise the following issues:

#### *Land Use*

- i) The proposal "gives preferential treatment to students" and "ignores the needs of families and constituents already living in the area".
- ii) The cumulative increase in the local student population is not desirable.
- iii) "There is no overarching plan".
- iv) "The increased population will spread resources even thinner"

#### *Amenity*

- v) The proposal will result in a loss of and privacy, daylight and sunlight to adjacent properties.
- vi) The proposals do not provide adequate amenity and open space.
- vii) These plans will not improve the overall quality of life for people living and working in the borough.
- viii) The proposal will result in increased noise, litter and crime.

#### *Design*

- ix) The scale, massing and height of the proposed development is out of context with the surrounding environment.

#### *Highways*

- x) Traffic and pollution will increase.
- xi) Transport plans are un-realistic

#### *Other*

- xii) There is no provision for security of residents outside the developments.
- xiii) "This is a 'white elephant' that will adversely affect the borough for generations".
- xiv) "Workspace and Unite have sought to misrepresent and hide the scale of the development".
- xv) An Environmental Impact Assessment (EIA) should have been sought for the project.
- xvi) "The development is designed for profit not for people"

- 1.3. Despite these further objections, Officers still consider that the analysis of the application, contained in the original report, remains relevant and sound. There are no objections that have changed Officers opinions on this application. As such, they do not consider a change in recommendation is required.

#### **Letter of support**

- 1.4. London Metropolitan University wrote in support of this application stating that it will go some way towards meeting the demand from their students in this area, whilst also alleviating some of the pressure on the private rented housing sector.

#### **Further energy comments**

- 1.5. To date, officers have not received any updated comments from the GLA on this subject. Nevertheless, subject to conditions ensuring the requisite renewable energy is provided and further details are forwarded (conditions 14 and 24), the Council are satisfied that this scheme is energy efficient and therefore acceptable in policy terms.

### **2. CHANGES TO RECOMMENDATION**

- 2.1 This application is referable to the Mayor of London because of its height. Consequently, the recommendation needs to be amended to reflect this and note that permission should be granted, subject to his direction.
- 2.2 Moreover, it is standard practice that, should a legal agreement not be completed to the satisfaction of the Chief Legal Officer within 3 months, the Head of Development decisions be delegated power to refuse planning permission. A clause has therefore been added to recommendation to reflect this practice.

- 2.3 The amended recommendation is noted below.

### **3. RECOMMENDATION**

- 3.1 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 obligations:

- a) Contributions to Bethnal Green Gardens: **£50,000**.
- b) Preparation of a Green Travel Plan.
- c) Car Free Agreement.
- d) Contribution to Highways of **£50,000** towards highways works.
- e) Contribution towards employment **£10,847**.

- 3.2. That the Head of Development Decisions be delegated to impose conditions and informatives on the planning permission to secure the following:

#### **Conditions**

- 1) Time limit for Full Planning Permission.
- 2) Details of the elevational treatment including samples of materials for external fascia of buildings.
- 3) Details of the ground floor public realm (paving and ground floor public realm improvements).

- 4) Details of window specification for student accommodation
- 5) Landscape Management Plan required.
- 6) Student housing Management Plan required.
- 7) Secured by Design Statement for windows and doors required.
- 8) Submission of full details of the proposed lighting and CCTV scheme.
- 9) Full particulars of the refuse/ recycling storage required.
- 10) Submission of an Investigation and remediation measures for land contamination.
- 11) Submission of a Noise and Vibration Survey to ensure minimal impact during construction to surrounding properties and to protect future residents from surrounding industrial impacts.
- 12) Submission of further vibration surveys to protect future occupiers
- 13) 10% Disabled Access for student accommodation
- 14) Renewable Energy Measures (at least 20%) reduction in carbon dioxide emissions.
- 15) Provision of a minimum of 157 cycle spaces.
- 16) 278 (Highways) agreement required.
- 17) Hours of construction limits (0800 – 1800, Mon-Fri, 0800 – 1300 Sat).
- 18) Power/hammer driven piling/breaking (10am – 4pm Monday – Friday).
- 19) Code of Construction Practice, including a Construction Traffic Management Assessment required.
- 20) Details required for on site drainage works.
- 21) Details of surface water source control measures required.
- 22) Details of finished floor levels required.
- 23) Details of parking, access, loading/unloading and manoeuvring
- 24) Details of energy technologies
- 25) Any other condition(s) considered necessary by the Head of Development Decisions.

#### Informatives

- 1) Section 106 of the Town and Country Planning Act 1990.
- 2) With regard to (Decontamination), contact Council's Environmental Health Department.
- 3) Code of Construction Practice, discuss this with Council's Environmental Health Department.
- 4) Consult with the Council's Highways Development Department regarding any alterations to the public highway.
- 5) Site notice specifying the details of the contractor required
- 6) Standard of fitness for human habitation means of fire escape and relevant Building Regulations.
- 7) The developer should be directed to 'Design for Biodiversity', a publication jointly produced by the LDA, Greater London Authority and English Nature which illustrates how ecologically sensitive designs and features can be integrated into new development.
- 8) Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 9) It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water

Developer Services will be required. They can be contact on 0845 850 2777.  
Reason - To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 10) There are public sewers crossing this site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over / diversion application form, or other information relating to Thames Waters assets be required, the applicant should be advised to contact Thames Water Developer Services on 0845 850 2777.
  - 11) Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
  - 12) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 3.3. That, if by 1<sup>st</sup> May 2008, the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development decisions be delegated power to refuse planning permission.