

Committee: Strategic Development	Date: 17 th April 2008	Classification: Unrestricted	Agenda Item No: 6.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Jason Traves		Ref No: PA/07/02706	
		Ward(s): 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 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. (AMENDED PROPOSAL)

A screening opinion was provided by the Council on 7th 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 No's:
P007, 206081/050, 206081/051, 206081/052, 20681/053, 20681/055, 206081/056, 206081/057, 206081/058, 206081/059, 206081/110A, 206081/120/D, 206081/121/D, 206081/122/E, 206081/123/F, 206081/124/F, 206081/125/E, 206081/126/F, 206081/127/D, 206081/128/E, 206081/129/D, 206081/130/D, 206081/150/C, 206081/151/C, 206081/152/B, 206081/153/C, 206081/155/B, 206081/156/C, 206081/157/B, 206081/158/B, 206081/159/D

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

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 a 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 20th December 2007 Strategic Development Committee meeting;
- b) Provide **£1821.00** towards bus stop survey;
- c) Provide **£14,565.00** towards bus stop improvements;
- d) Provide **£58,257.00** towards highway safety improvements;
- e) Provide **£269,846.00** towards education to mitigate the demand of the additional population on education facilities;
- f) Provide **£581,792.00** towards medical facilities to mitigate the demand of the additional population on medical facilities;
- g) Provide **£21,846.00** towards Public Art;
- h) Provide **£20,000.00** for a DLR train times information (DAISY) board;
- i) Provide **£20,000.00** for works towards British Waterways betterment of Limehouse Cut; and
- j) Agreement to secure removal of gates to provide access to internal courtyard agreed in planning permission PA/07/647 & 1648 approved May 2007.

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) Elevation treatment including a pallet board of samples of materials for external fascia of building, including balconies;
 - b) Screens on corners of D2 and D3 buildings per microclimate assessment and policy DEV5
 - c) The design of the lower floor elevations of commercial units including shop fronts
External lighting and security measures
- 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) Renewables
- 10) Land contamination study required to be undertaken with remediation certificate
- 11) Details of Piling Foundations as required by the Environment Agency
- 12) No infiltration of surface water drainage into ground
- 13) No storage of solid mater within 10m of Limehouse Cut
- 14) Storage facilities for oils, fuels and chemicals to be approved
- 15) Details of foul and surface drainage system as required by the Environment Agency
- 16) Method statement for the removal of waste and construction phase
- 17) Surface water source control measures in accordance with the approved details
- 18) Archaeology as required by English Heritage
- 19) Insulation and PPG 24 noise assessment
- 20) Details of the waste and recycling facilities
- 21) Construction Management Plan required
- 22) Details of inclusive design through the scheme
- 23) Construction noise limits
- 24) Construction vibration limits
- 25) Details of Brown Roofs
- 26) Lifetime homes standards
- 27) Reservation of access to DLR land
- 28) Details of fume extraction for the Class A3 premises
- 29) No roller shutters/hoardings
- 30) Details to be submitted during detailed design construction phase that level 3 Code for Sustainable homes is achieved.
- 31) Details of the CHP system
- 32) Residents of the Hoe site shall have access to the ground floor communal area of the strong site including the children's play area

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 on 31st January 2007. The previous reports are attached at Appendices 1 and 2. The Committee resolved to defer the matter to enable the agent to secure the removal of security gates through the s106 planning agreement.

Since the January 2008 meeting, the agent has also undertaken amendments to relocate the waste and cycle storage from the central courtyard of the Strong site to within the building footprint on the ground floor. This has resulted in the loss of 1 x 2bed flat and a reduction in the overall number of units to 142. Affordable and family housing provision remains unchanged. The subsequent mix is shown in the table below:

Table - Revised scheme (142 Units)

	Market Sale	Social Rent	Shared Ownership
Studios	2	0	0
1 Bedroom flat	28	7	2
2 Bedroom flat	44	12	6
3 bedroom flat	20	12	2
4 Bedroom flat	1	4	2
Total Units	95	35	12
Total Affordable Units		47	

The revisions were placed on renotification for 21 days between 25th February 2008 to 17th March 2008. Three (3) submissions from previous objectors were received raising issues relating to loss of light, impact on local character, impact on local services/infrastructure and separate application PA/08/00019. These matters have been considered previously in the assessment and findings are contained in the previous reports.

5. Further Consideration

5.1 Entry Gates

5.2 The entry gates of concern to the Committee control access to the central area of Site A and were previously agreed in planning permission for PA/07/647-1648 issued in May 2007. The gates fall outside the red line of the current application.

5.3 The agent agrees to the removal of the gates and this undertaken has been incorporated into the s106 agreement.

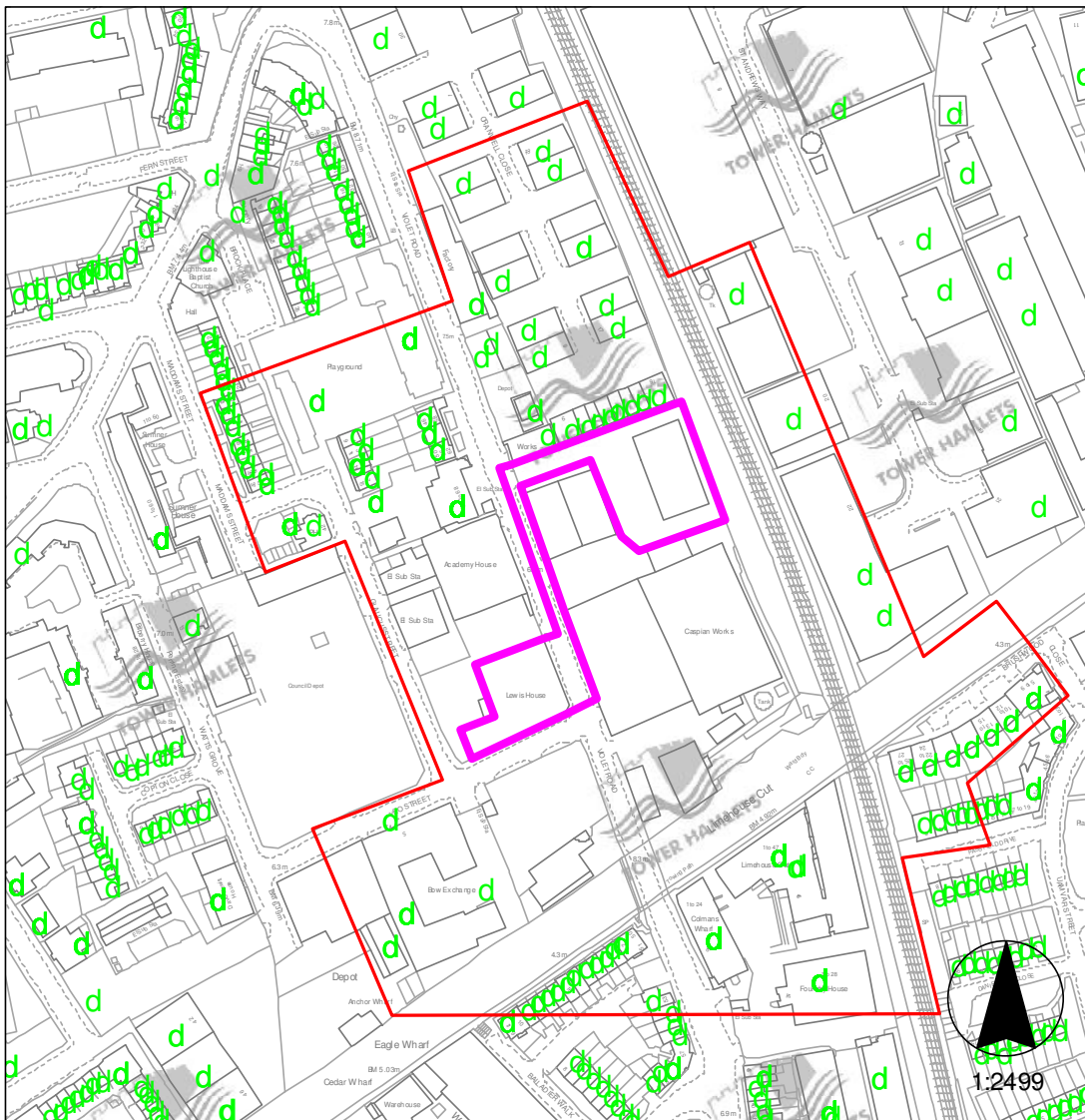
6. Conclusions

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.

Appendices

- 1 31st January 2008 Strategic Development Committee Report**
- 2 20th December 2007 Strategic development Committee Report**

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d 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 Stationary Office © Crown Copyright. London Borough of Tower Hamlets LA086568

Committee: Strategic Development	Date: 31 st January 2008	Classification: Unrestricted	Agenda Item No: 6.2
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Jason Traves		Ref No: PA/07/02706	
		Ward(s): 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 7th September 2007 confirming that the proposed development did not fall within Schedule 2 of the EIA Regulations 2006 and therefore, that an EIA is not required.

Drawing No's: Plan Nos:
P007, 206081/050, 206081/051, 206081/052, 206081/053, 206081/055, 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
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:

- k) 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 20th Dec 2007 Strategic Development Committee meeting;
- l) Provide **£1899.00** towards bus stop survey;
- m) Provide **£14,667.00** towards bus stop improvements;
- n) Provide **£58,667.00** towards highway safety improvements;
- o) Provide **£271,524.00** towards education to mitigate the demand of the additional population on education facilities;
- p) Provide **£585,889.00** towards medical facilities to mitigate the demand of the additional population on medical facilities; and
- q) 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

- 8) Consult the Environment Agency in terms of conditions 10, 11
- 9) Consult Thames Water in respect of 10, 11 and 13
- 10) Consult Metropolitan Police in terms of conditions 2b, 3, 21, 22
- 11) Site notice specifying the details of the contractor required
- 12) Building Regulations in terms of means of escape
- 13) 278 agreement to be entered into for Highway works surrounding the site
- 14) 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 is attached at Appendix 1. 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 28th 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.

Committee: Strategic Development	Date: 20 th December 2007	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Jason Traves		Ref No: PA/07/02706	
		Ward(s): 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 4 and 11 storeys for mixed use purposes including 148 residential units, Class A1, A2, A3 and B1 (shops, financial and professional services, restaurants/cafes and business) uses with associated car parking and cycle parking, roof terraces, landscaping and servicing.

A screening opinion was provided by council on 07 September 2007 confirming that the proposed development did not fall within Schedule 2 of the EIA Regulations 2006 and therefore, that an EIA is not required.

Drawing No's: Plan No's:
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/B, 206081/123/B, 206081/124/B, 206081/125/B, 206081/126/B, 206081/127/B, 206081/128/B, 206081/129/B, 206081/130/B, 206081/150/B, 206081/151/B, 206081/152/B, 206081/153/B, 206081/155/B, 206081/156/B, 206081/157/B, 206081/158/B, 206081/159/B

Documents:
Accessibility and Lifetime Homes Statement
Air Quality Assessment
Arborcultural 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
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 37% affordable housing based on habitable rooms exceeds the required provision whilst 25% family-sized housing across all tenures (market, social rent, shared ownership) is in line with policy and exceeds the amount achieved across the borough in the most recently published annual Monitoring Report 2005-6. The scheme will contribute significantly towards addressing housing need in the borough and accords with policies CP21 and CP22 of the adopted UDP 1998

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

(7) The development is not considered to adversely affect the amenity of any neighbouring properties including overshadowing. It is considered to be in accordance with policies DEV2

of the Council's Unitary Development Plan 1998 and policies DEV1 of the Interim Planning Guidance (October 2007) which seek to ensure the amenity of adjoining residential properties is protected and maintained.

(8) Transport matters, including parking, access and servicing 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:

- r) A proportion of 37% on habitable rooms of the proposed units to be provided as affordable housing with the socially rented mix as specified in the table attached in Section 8;
- s) Provide **£1899.00** towards bus stop survey;
- t) Provide **£15,180.00** towards bus stop improvements;
- u) Provide £60,718.00 towards highway safety improvements;
- v) Provide **£258,233.00** towards education to mitigate the demand of the additional population on education facilities;
- w) Provide **£606,375.00** towards medical facilities to mitigate the demand of the additional population on medical facilities; and
- x) Provide **£22,770.00** towards Public Art.

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

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

Conditions:

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:
 - Elevational treatment including samples of materials for external fascia of building;
 - The design of the lower floor elevations of commercial units including shopfronts
 - External lighting and security measures
- 3) Landscape plan for amenity courtyards and ground floor public realm improvements and with Management Plan.
- 5) Parking maximum cars and minimum cycle and motorcycle spaces
- 6) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
- 7) Piling hours of operation limits (10am – 4pm)
- 8) Details of insulation of the ventilation system and any associated plant required
- 9) Wheel cleaning facility during construction
- 10) Details of the energy Scheme to meet 10% renewables
- 11) Land contamination study required to be undertaken with remediation certificate
- 12) Details of surface water control measures as required by the Environment Agency
- 13) Details of sustainable drainage measures as required by the Environment Agency
- 14) Details of Piling Foundations as required by the Environment Agency

- 15) Details of foul and surface drainage system as required by the Environment Agency
- 16) Archaeology as required by English Heritage
- 17) Details of the waste and recycling facilities
- 18) Construction Management Plan required
- 19) Bat survey completed
- 21) Details of inclusive design through the scheme
- 22) Construction noise limits
- 23) Construction vibration limits
- 24) Parking, loading and serving areas to be used solely for these purposes.
- 25) Crane Heights as required by London City Airports
- 26) Details of Brown Roofs
- 27) Submission of details of walls, fences, gates and railings
- 28) Submission of details of common area lighting which is to be efficient lighting with daylight passive controls
- 29) Submission of details of recycling and refuse
- 30) Submission of details of any external surface
- 31) Submission a pallet board showing external facing materials
- 32) Details of balcony and joinery (scale 1:5 plans)
- 33) Submission of details to be approved in writing by the local planning authority in consultation with the GLA of the 10% renewable energy measures, CHP, biomass boiler which shall be in accordance with the revised energy strategy submitted Dec 2007
- 34) Implementation of the noise control measures as submitted strategy and commitment for bio-fuel boiler, achieve code for sustainable homes level 3 for detailed design and at completed development
- 35) Retention of the land providing access to DLR land to be retained unless otherwise agreed in writing by DLR and the local planning authority
- 36) 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
- 37) One silver birch tree on the north east boundary of the Strong site to be retained and protected
- 38) Condition preventing roller shutter or hoardings without prior permission
- 39) Screens on corners of D2 and D3 buildings per microclimate assessment and policy DEV5
- 40) Details to be submitted during detailed design construction phase that level 3 Code for Sustainable homes is achieved.
- 41) Details to be submitted following completion that level 3 Code for Sustainable homes is achieved.
- 42) Residents of the Hoe site shall have access to the ground floor communal area of the strong site including the children's play area
- 43) Details of the children's play area
- 44) Any other conditions considered necessary by the Head of Development and Renewal

Informatives

- 15) Consult the Environment Agency in terms of conditions 12-13
- 16) Consult Metropolitan Police in terms of conditions 3, 27, 28, 32
- 17) Site notice specifying the details of the contractor required
- 18) Building Regulations in terms of means of escape
- 4) 278 agreement to be entered into for Highway works surrounding the site

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal is for redevelopment of the Strong Packing Case site on the eastern side of Violet Road and the E.W. Hoe (Export Packers) Ltd site on the corner of Yeo Street and Violet Road. The scheme is for buildings of between 4 and 11 storeys (Highest point is 38.95m Above Ordinance Datum) for mixed use purposes including 148 residential units, Class A1, A2, A3 and B1 (shops, financial and professional services, restaurants/cafes and business) uses with associated car parking and cycle parking, roof terraces, landscaping and servicing.
- 4.2 The details of the development of the Strong and Hoe sites is as follows:
- The provision of 386sqm Gross Estimated Area (GEA) of Office B1 floorspace and 101 sqm of Retail A1/A2/A3 predicted to generate between 30-39 jobs;
 - 12,893sqm of residential C3 flats with sizes ranging between studio – 4 bedroom;
 - Affordable housing provision which equates to 37% of total habitable rooms or 42% of the GEA, or 24% of unit yield;
 - Residential design that achieves level 3 for the Code for Sustainable Homes Criteria as well as 10% wheelchair housing;
 - Incorporation of energy efficient and sustainable measures into the scheme including rainwater re-use, brown roof, Sustainable Urban Drainage System (SUDs) and a Biomass Combined Heat and Power (CHP) system predicted to provide 10% of energy needs;
 - A total of 2,975sqm of amenity space comprising 1,314sqm of private amenity space which includes terraces and balconies, 85sqm of semi public space and 1,575sqm of communal amenity space;
 - The provision of parking on both the Strong and Hoe sites providing a total of 28 car parking spaces including 3 spaces for people with a disability;
 - The provision of 166 secure cycle spaces for both residential and employment components of the mixed use scheme as well as visitors to the site.
 - The provision of refuse and recycling facilities at ground floor for both the Strong and Hoe Sites; and
 - The provision of landscaping which includes permeable surfacing where possible and reservation of access to the Dockland Light Rail (DLR) land and infrastructure to the east of the site.

Site and Surroundings

- 4.3 The application site comprises two properties, the Strong Packing Case site on the eastern side of Violet Road and the E.W. Hoe (Export Packers) Ltd site on the corner of Yeo Street and Violet Road. Both are occupied and operational.
- 4.4 The Strong and Hoe sites adjoin but are completely separate to the Caspian Wharf sites A and B which were granted planning permission on 3 May 2007 for a mixed use scheme of 4-9 and 13 storeys comprising 390 residential units and Class A1, A2, A3, B1, and D2 uses (LBTH Refs. Nos. PA/05/01647 & PA/05/01648). In this way the extant permission could be constructed as approved independent of any decision for the subject planning application being considered.
- 4.5 The Strong property is a back land site that adjoins DLR land to the east and benefits from an accessway onto Violet Road. The site comprises a two storey building in the rear which houses the packing case manufacturing operation as well as a storage shed that is located to the side of the accessway. The site is virtually entirely covered by hard surfacing and there are no significant landscape features or ecological values to consider on this site. There are two silver birch trees both of which are located on the site boundary adjoining DLR land.
- 4.6 The Hoe property is located to the southwest of the Strong site to the west of Violet Road at

the intersection with Yeo Street. This warehouse has a blank frontage to both Violet Road and Yeo Street with the point of access being located in Glaucus Street. The site is covered by the 1.5 storey warehouse and forecourt parking, access and loading area. Consequently, there are no trees, landscape features or ecological values to consider.

- 4.7 Pursuant to the adopted Unitary Development Plan (UDP) 1998 the Strong and Hoe sites fall within a flood protection area and the Hoe site also falls within an Industrial Employment Area. In respect of the Interim Planning Guidance 2007 and Leaside Area Action Plan, the Strong site is within LS33 Caspian Wharf. The Strong site is also designated for Mixed Use in adopted UDP 1998. In respect of the spatial development strategy The London Plan (February 2004) the site is located within the East London and Thames Gateway sub-region and is identified in an Area for Regeneration.
- 4.8 Further South is the Spratt's site, 45-48 Morris Road which is now a mixed use scheme.
- 4.9 To the east, the Strong site is bordered by DLR land and further still, residential and commercial uses. Immediately to the north of the Strong and Hoe sites are other commercial uses. Further along Violet Road on the western side and into adjacent streets are residential flats of varying ages including more recent redevelopment schemes at 42 Glaucus Street and 1-24 Violet Road. To west, land is also in commercial use including Bow Exchange and the council depot site.

Planning History

- 4.10 On 4 July 1997, planning permission was given for extensions to an existing factory building (Application Ref. PL/96/0048).
- 4.11 In respect of the history of adjoining sites, the extant permission for Caspian Wharf granted in May 2007 is relevant as outlined in the previous section. The Strategic Committee report and decision notice are **Appendix A**.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

Unitary Development Plan 1998 (as saved September 2007)

Proposals:	Flood Protection Area (Strong and Hoe sites)
	Industrial Employment Area (Hoe site)
Policies:	DEV1 Design Requirements
	DEV2 Environmental Requirements
	DEV3 Mixed Use Developments
	DEV4 Planning Obligations
	DEV8 Protection of Local Views
	DEV9 Control of Minor Works
	DEV12 Provision Of Landscaping in Development
	DEV43 Protection of Archaeological Heritage
	DEV44 Preservation of Archaeological Remains
	DEV46 Protection of Waterway Corridors
	DEV50 Noise
	DEV51 Contaminated Soil
	DEV55 Development and Waste Disposal
	DEV56 Waste Recycling
	DEV69 Efficient Use of Water
	EMP1 Promoting economic growth and employment opportunities
	EMP5 Compatibility with Existing Industrial Uses

EMP6	Employing local People
EMP8	Encouraging Small Business Growth
EMP10	Development Elsewhere in the Borough
EMP12	Business Uses in Industrial Employment Areas
EMP13	Residential Development in Industrial Employment Areas
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG 14	Provision for Special Needs
HSG15	Development Affecting Residential Amenity
HSG16	Housing Amenity Space
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
S10	Requirements for New Shop front Proposals
OS9	Children's Playspace
U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures

Interim Planning Guidance for the purposes of Development Control (October 2007)

Proposals: L33 Caspian Wharf: Preferred Uses – Residential (C3),
Employment (B1) , Public Open Space

Core Strategies:	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP9	Employment Space for Small Businesses
	CP11	Sites in Employment Use
	CP15	Provision of a Range of Shops and Services
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP24	Special Needs and Specialist Housing
	CP25	Housing and Amenity Space
	CP28	Healthy Living
	CP29	Improving Education Skills
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP41	Integrating Development with Transport
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials

DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV14	Public Art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE1	Industrial Land Adjoining Industrial Land
EE2	Redevelopment/Change of Use of Employment Sites
EE3	Relocation of Businesses Outside of Strategic Industrial Locations and Local Industrial Locations
RT3	Shopping Provision Outside of Town Centres
RT4	Shopping Provision Outside of Town Centres
HSG1	Determining Housing Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Ratio of Social Rent to Intermediate Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Affordable Housing
CON5	Protection and Management of Important Views

Supplementary Planning Guidance/Documents

Residential Space Standards
 Archaeology and Development
 Leaside Area Action Plan (AAP)

Spatial Development Strategy for Greater London (London Plan) 2004

Polices	2A.1	Sustainability Criteria
	2A.4	Areas for Regeneration
	2A.6	Spatial Strategy for Suburbs
	2A.7	Strategic Employment Locations
	3A.1	Increasing London's Supply of Housing
	3A.2	Borough Housing Targets
	3A.4	Housing Choice
	3A.5	Large Residential Developments
	3A.7	Affordable Housing Targets
	3A.8	Negotiating Affordable Housing in Individual Private Residential and Mixed use Schemes
	3A.14	Addressing the Needs of London's Diverse Population
	3A.15	Protection and Enhancement of Social Infrastructure and Community Facilities
	3A.17	Health Objectives
	3A.20	Health Impacts
	3A.21	Education Facilities
	3A.23	Community Strategies
	3A.24	Meeting Floor Targets
	3A.25	Social and Economic Impact Assessments
	3B.1	Developing London's Economy

3B.3	Office Provision
3B.4	Mixed Use Development
3C.1	Integrating Transport and Development
3C.2	Matching Development with Transport Capacity
3C.22	Parking Strategy
3D.10	Open Space Provision in UDPs
3D.12	Biodiversity and Nature Conservation
4A.2	Spatial Policies for Waste Management
4A.7	Energy Efficiency and Renewable Energy
4A.8	Energy Assessment
4A.9	Providing for Renewable Energy
4A.11	Water Supplies
4A.12	Water Quality
4A.13	Water and Sewerage Infrastructure
4A.14	Reducing Noise
4A.16	Bringing Contaminated Land into Beneficial Use
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Maximising the Potential of Sites
4B.4	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4B.6	Sustainable Design and Construction
4B.8	Tall Buildings
4B.9	Large Scale Buildings
5C.1	The Strategic Priorities for East London

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG 4	Industrial, Commercial Development and Small Firms
PPG9	Nature Conservation
PPG16	Archaeology and Planning
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Flood Risk

Community Plan The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

LBTH Highways

6.2 The department raised no objection to the scheme subject to amending ground floor plan to address doors swinging out onto the public highway. Recommended appropriately worded standard condition of approval for highway works plan (section 278/72 Agreement), and appropriately worded standard informative for highway licence for any balconies overhanging the public highway (Section 177 & 178 of the Highways Act 1980).

6.3 The department agreed with the pro-rata section 106 contributions offered in respect of

transport infrastructure with the advice that the highway improvement works for the extant Caspian Wharf permission contained in the agreed heads of Terms should be the basis for the pro-rate payment of contributions associated with this application. Specific mention is made of street works on Violet Road from the north of the site to the Roundabout on Devons Road.

(Officer Comment: Amended plans have been received showing amendments such that doorways do not open out across the public highway and the draft s106 includes the abovementioned contribution and a s278 agreement will be secured by an informative and will include the highway works identified above)

LBTH Education

- 6.4 The s106 contribution towards education is a pro-rata rate based on the extant permission is acceptable as the mix of the current scheme would otherwise warrant a contribution that is only £10,000.00 more being £259,182.00.

(Officer comment: the agent has agreed to pay the additional £10,000.00 and this undertaking will be included in the s106)

LBTH Environment and Ecology Officer

- 6.5 Satisfied that the proposal poses little risk to biodiversity. Recommends opportunities should be taken to promote diversity including flower beds, nectar rich plants and bat bricks and reference to Design for Biodiversity GLA/English Nature publication. Advises the incorporation of a brown roof into the scheme is excellent and recommends use of native seed to accelerate plant establishment.

(Officer comment: Conditions have been added requiring the use of native seedings)

LBTH Energy Efficiency Unit

- 6.6 The following comments were provided:
- SAP calculations to be provided for every flat type in the scheme;
 - Retrofitting cooling systems is prohibited therefore cannot make the allowance for such devices in calculations of electricity demand;
 - In considering energy use reduction, a commitment is needed to achieve Part L Building Regulations, a cooling assessment is required and communal areas shall be powered by efficient lighting and daylight passive controls;
 - In considering renewable energy, a commitment to the hybrid wind-PV system is needed; signing up to green power tariffs cannot be included in CO2 reduction targets; if a biofuel boiler is to be used a clear strategy and commitment is needed; also, must demonstrate the scheme meets the 10% renewable energy requirement;
 - In respect of supplying energy a full CHP study is needed; and
 - Whilst the scheme meets code for sustainable homes, it will need to be revised at detailed design stage and at completion.

(Officer comment: Additional information was provided which was considered satisfactory and addresses the above issues. These issues are covered further in section 8 of this report)

LBTH Arborculturalist

- 6.7 Two silver birch trees should be retained where possible.

(Officer Comment: The trees are not protected by a Tree Preservation Order and the site is not within a conservation area and could be removed at any time. Nevertheless, the agent has confirmed that one tree could be retained and appropriately worded condition is recommended).

LBTH Trading Standards, Environmental Health

6.8 The following comments are provided:

- Food premises are to be registered 28 days prior to opening;
- Hand washing facilities to be provided in food handling areas;
- Toilets are to be provided and should not be directly accessible from food rooms

(Officer Comment: No action is required as these matters would be considered in any future application for occupation and fitout for Class A3 use).

LBTH Contaminated Land Officer, Environmental Health

6.9 The industrial use of this and surrounding site gives rise to the potential for contamination and appropriately worded standard conditions for investigation and remediation are recommended.

LBTH Cleansing Team

6.10 The team was satisfied with the scheme and made the following comments:

- Clarification of bin hauling distances necessary;
- For information that the council's refuse and recycling centre at Northumberland Wharf does not take asbestos material.

LBTH Building Control

6.11 No comments received

LBTH PCT

6.12 The s106 planning contribution of £606,375.00 for health is considered reasonable and acceptable.

Crime Prevention Officer (Metropolitan Police)

6.13 The following comments have been provided:

- Suggests that the podium area to be secured for residents only and not available to general public;
- Address issue of ground floor balconies being used to climb up a building;
- Ensuring access to buildings by emergency vehicles;
- Walls/planters and railings being designed to prevent use as seating;
- Gates to be +3m to prevent climbing;
- Secure boundaries to be at least 2.4m high;
- Avoid recessed entrances
- No tradesman intercom buttons;
- Railing for defensible space to be =1m high to avoid being used for seating

(Officer comments: Clarification was received that address the abovementioned issues:

- **The podium would only be accessed from the communal areas of the residential units and would be secured, for residents use only;**
- **All first floor balconies would be 3m above ground level, where this is not possible the balcony doors would comply with SBD standards for ground floor doors;**
- **The access to the rear of Building D would be through a secure gate, with all private gardens to the boundary having suitably high fences;**
- **The Landscape Architect will ensure that any walls or planters or low level railings are designed so they are not used as seating;**
- **Points 5-9 of your letter are general requirements which will need to be considered as a matter of course to meet Secured by Design requirements.**

The Crime Prevention Officer confirmed the advice was satisfactory. It is noted that details including boundary treatments, landscaping and balcony details are subject to conditions requiring details be submitted for approval in writing by the council and an appropriately worded informative for Metropolitan Police to be consulted).

Greater London Authority (Statutory Consultee)

- 6.14 Informal comments from the GLA suggest that the application would be viewed within the context of the precedent for development set in the area by the extant permission.

(officer comments: It is anticipated that the scheme will be presented to Mayor of London mid December 2007 with formal comments to follow)

TfL (Statutory Consultee)/DLR

- 6.15 No comments received.

Environment Agency (Statutory Consultee)

- 6.16 No objection is raised to the scheme subject to appropriately worded standard conditions:
- All surface water control measures to be installed,
 - No storage of materials within 10m of Limehouse Cut;
 - Construction of any storage devices and drainage in accordance with plans to prevent pollution;
 - Consideration of site contamination and any necessary remediation;
 - No infiltration of water or penetrative foundations design without approval from the Local Planning Authority.

English Heritage (Archaeology) (Statutory Consultee)

- 6.17 No comments received.

London City Airport (Statutory Consultee)

- 6.18 No objection is raised to the development

Thames Water

- 6.19 No comments received.

National Air Traffic Services Ltd (NATS) (Statutory Consultee)

- 6.20 No objections to the application.

British Waterways

- 6.21 No objection was raised to the proposal subject to the following recommendations:
- Safeguarding the pedestrian link to the east to enable access of future residents to the wider development in this canal-side location;
 - £20k towards local towpath works such as access improvements and signage

In justification for seeking a contribution British Waterways although specific costing for projects was not available, they were considering works in the vicinity including a pavement upgrade scheme; a scheme to form a compliant access ramp to the canal towpath; a bridge painting scheme; and signage and interpretation on the canal side. Any money secured through s106 from this site would be pooled into these schemes. Alternatively it was suggested that monies could fund a stand-alone scheme for bridge painting, signage or interpretation for example and this would be acceptable to British Waterways as any of these schemes would contribute to the protection and enhancement of public access to riverside walkways in accordance with Policy SP 18. In terms of justifying a planning contribution, British Waterways said that whilst market research indicated that canals enhanced property values, the additional impacts as a consequence of regeneration needed to be mitigated. British Waterways cited Circular 5/05 Planning Obligations as well as reports produced by the House of Commons Environment, Food and Rural Affairs Committee and The Department of the Environment, Transport and Regions as justification for seeking planning contributions.

(Officer Comment: At the time of finalising the report the Agent was negotiating with British Waterways in respect for stand-alone schemes such as bridge painting to

secure a contribution up to £20,000.00)

Lea Valley Regional Park Authority

- 6.25 Objects to scheme on grounds of not demonstrating adequate provision for open space for large scale residential development in this area and requests council to identify additional land for public open space and secure partly fund this through s106 planning contributions.

(Officer Comment: In respect of open space benefiting future residents the scheme provides a total amenity open space provision in excess of the adopted UDP 1998 and Interim Planning Guidance as discussed in Section 8 under ‘Amenity Space’. In respect of publicly available space such provision in accordance with LS33 has already been secured along the northern bank of Limehouse Cut in the extant permission as outlined in the case officer report in Appendix A. Separately, all planning contributions have been secured on a pro-rata basis based on the extant permission heads of terms which does not include open space)

BBC

- 6.26 No comments received

London Fire and Emergency Planning Authority (LFEPA)

- 6.27 No comments received

7. LOCAL REPRESENTATION

- 7.1 A total of 347 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No. of individual responses: 4 Against: 4 In Support: Nil

- 7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

Design and Conservation

- Subject application and extant permission PA/05/1647 cannot be considered in isolation and need to be considered as an integrated whole
- Concern with response to the industrial context
- Questioning of judgements about the area in the context appraisal and notes the (successful) development of Anderson’s Wharf is not mentioned
- Criticises scheme as having no relationship to the immediate context and for being a competitive rather than integrative development

Amenity

- Overshadowing

Other

- Significant increase in the intensity of development on Caspian Wharf
- Concern for mix of uses: incompatibility, loss of industrial component
- Questioning supporting information in respect of judgements about the viability of industrial uses on the site and the marketing undertaken

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the committee must consider are:

1. Landuse
2. Housing

3. Design, external appearance, character and tall buildings
4. Amenity for future occupiers and users
5. Neighbour Impacts
6. Transport Impacts
7. Sustainability

Landuse

Introduction

- 8.2 As noted in the 'Site and Surroundings' section 4 of this report, the Hoe site also falls within an Industrial Employment Area pursuant to the adopted UDP 1998. In respect of the Interim Planning Guidance October 2007 (withdrawn Local Development Framework) and Leaside Area Action Plan (AAP), the Strong site is allocated for mixed use under LS33 'Caspian Wharf'. The Strong site is designated for Mixed Use in the adopted UDP 1998. In respect of the spatial development strategy, The London Plan (February 2004) both the Strong and Hoe sites are located within the East London and Thames Gateway sub-region.

Principle of mixed use

- 8.3 National, regional and local policy promote a mixed use development approach on this site subject to the following considerations.
- 8.4 In respect of national policy PPS 1 Creating Sustainable Development (Jan 05) promotes in its 'General Approach' for the more efficient use of land with higher density, mixed-use schemes using previously developed, vacant and underutilised sites to achieve national targets. This consideration of the effective use of land, the re-use of industrial sites and the range of incentives or interventions to facilitate this is also encouraged in 'Effective Use of Land' of PPS3 'Housing' (Nov 06). The 'Re-Use of Urban land' section of PPG 4 'Industrial, Commercial Development and Small Firms' (Nov 1992) states that re-use and optimisation of underutilised or vacant industrial sites is important to achieving regeneration.
- 8.5 In respect of regional policy, The London Plan 2004, 2A.1 'Sustainability Criteria' also promotes the optimisation of land use. Policy 2A.6 'Spatial Strategy for Suburbs' refers to promoting change and enhancing of quality of life with higher density, mixed use development and by considering means of improving sustainability of landuse. Policy 3B.1 'Developing London's Economy' seeks to support the economy of London by promoting a range of premises of different types and sizes thereby encouraging the mixed uses. Policy 3B.4 'Mixed use Development' (90) mentions that mixed uses are also encouraged with sub-regional development frameworks. Identifying capacity to accommodate new job and housing opportunities through mixed-use development is encouraged in Policy 5C.1 'The Strategic Priorities for East London'.
- 8.6 In considering local policy including the adopted UDP 1998, DEV3 'Mixed Use Developments' are generally encouraged with regard to the character and function of the area, the scale and nature of development, the site constraints and the policy context. In Policy EMP12 'Business Uses in Industrial Employment Areas' the principle of mixed use schemes can be considered.
- 8.7 In policy terms, a mixed use scheme is possible. Furthermore, The London Plan identifies the this site as being in an area of regeneration and the Leaside AAP specifically identifies the site as being for a mixed use development. The scheme proposed is discussed in more detail below and in respect of 'Density', 'Housing' and 'Loss of Industrial Floorspace', the development is shown to be acceptable.

Density

- 8.8 In addition to the general guidance Policies 4B.3 'Maximising the Potential of Sites' of The London Plan and Policies CP20 'Sustainable Residential Density' and HSG1 'Determining Residential Density' of the Interim Planning Guidance outline the standards for maximising

intensity and efficient use of sites.

- 8.9 The scheme is equivalent to 893 habitable rooms per hectare. Given the Strong site has a Public Transport Accessibility Level (PTAL) of 4 and the Hoe site has just below PTAL 3, the indicative density provisions based on habitable rooms per hectare are as follows:
- London Plan: 450-700 in an area of accessibility index 4 and 300-450 in area of accessibility index 2-3
 - Interim Guidance: 450-700 HabRms/Ha in PTAL 4 and 200-450 HabRms/Ha in PTAL 1-3
 - Bromley-by-Bow sub area, Leaside Area Action Plan (AAP): 450-700
- 8.10 The density is not considered to be significantly in excess of the range in a PTAL 4 area, and noting that the Traffic and Transportation team have not raised objection to the scheme. Furthermore, the extant planning permissions for Caspian Wharf was in May 2007 with a density of equivalent to 960 habitable rooms per hectare (See Appendix A). In the absence of any significant demonstrable harm to neighbours, future occupiers and users of the scheme as well as to the environment, numerical non-compliance with density provisions alone is not a reason to refuse planning permission. This is reinforced by Interim Planning Guidance Policy CP20 'Sustainable Residential Density' which states:

"The council will resist any proposed housing development that results in an efficient use or under-development of a site."

Principle of Housing

- 8.10 Consideration in this section is limited to the principle of a residential component to a mixed-use redevelopment. The quality of the provision is discussed separately under 'Housing'.
- 8.11 In the Leaside AAP includes Policy L28 'Site Allocation in the Bromley-by-Bow South Sub-Area' the Strong site falls within site LS33 'Caspian Wharf' which requires a residential component for any redevelopment scheme. Note that the Hoe site falls outside the Leaside AAP and has no specific designations. Therefore there is nothing to prevent the consideration of a residential component rather, it is a presumption and reinforced by the extant permission of May 2007.

Loss of industrial Uses

- 8.12 Having established that policy encourages the more efficient and optimal use of industrial sites with mixed use schemes, the acceptability of ceasing altogether the industrial activity is considered below.
- 8.13 Whilst Policy CP11 'Sites in Employment Use' of the Interim Planning Guidance seeks to retain industrial uses, when they become unviable, it allows for alternative employment uses that suit the site and benefit local people. In the adopted UDP 1998 Policy EE2 'Redevelopment/Change of Use of Employment Sites' also allows for the loss of Industrial floorspace to be considered.
- 8.14 The agent proposes that this scheme will bring forth development that maximises the use of the site including employment without significant impact to the availability of industrial floorspace in this area. Furthermore, reference is made to the marketing undertaken by Stretton's Chartered Surveyors for the land associated with the extant Caspian Wharf permission which yielded no success. Although no marketing has been undertaken it is argued that the same set of circumstances make the Strong and Hoe sites undesirable in comparison to the available industrial floorspace in the borough. The points are explored in more detail in the Employment Market Review, URS, September 2007. The report conclusions are that the Strong and Hoe sites are almost 30-40 years old and are outmoded, being no longer suitable for the needs and requirements of modern business for example:
- Servicing requirements;
 - Replacement floorspace has a degree of flexibility for a variety of uses and modern

- accommodation would be more attractive to potential occupiers;
- Considers demand for B2 Industrial uses to be limited in Violet Road;
- Mentions the inability of Stretton's to let the premises of the extant permission;
- Identifies that there are 22 industrial units equivalent to 7,00sqm within a 1 mile radius of the site;
- Mentions the demand for B1 offices limited and notes 48 offices equivalent to 3,678sqm within 1 mile radius;
- Advises that the proposed floorspace would employ a similar number of workers plus would be more viable in the long term being flexible space that is part of a mixed use format which is considered more sustainable

8.15 Notwithstanding that the Interim Planning Guidance does not designate the Strong and Hoe sites for industrial, the above information supports the case that the loss of industrial uses is not at the expense of local area, the availability of industrial space within the borough and sustainable regeneration. Additionally, information concerning the relocation of the displaced Strong and Hoe uses has been provided pursuant to Policy EMP13 'Residential Development in Industrial Employment Areas' of the adopted UDP 1998. Therefore, the loss of industrial floorspace is considered to be adequately justified and therefore accords with Policy.

Loss of employment floorspace

8.16 In establishing the appropriateness of mixed use scheme, the employment generating floorspace component is important.

8.17 Policy CP9 'Employment Space for Small Businesses' of the Interim Planning Guidance indicate schemes should supply the same net amount of floorspace. Policy EMP1 'Encouraging New Employment Uses' of the adopted UDP 1998 promotes employment growth that meets the needs of local people. Whilst EMP 2 'Retaining Existing Employment Uses' apposes loss of floorspace, it allows exceptions where quality buildings and a reasonable density of jobs will result.

8.18 The scheme proposes a reduction of employment floorspace from 1,945sqm GEA on the Strong and Hoe sites currently to 386sqm proposed with the redevelopment. Whilst a reduction in employment floor area, the agent advises that the current Strong and Hoe operations provide only 22 jobs whilst the more intensive mixed use scheme proposed would create 30-39 jobs. It is noted that the May 2007 permission of application PA/05/1647 and PA/05/1648 involved a reduction in employment floorspace from 6330sqm to 1825 sqm.

8.19 The loss of floorspace is considered to be justified for the following reasons:

- The potential future uses will generate more jobs for local residents;
- The provision of the employment floor area is suitably accommodated in the scheme and
- That the supporting documentation indicates there is significant existing employment floorspace locally;
- That the supporting documentation indicates demand for floorspace in Violet Road is low;
- The May 2007 permission from Caspian Wharf which involved a loss of employment floorspace;

8.20 Therefore, the loss of floorspace is not significant to the employment and regeneration of the area and the scheme is otherwise justified in terms of policy. Furthermore the scheme is consistent with DEV3 'Mixed Use Developments', EMP 6 'Employing Local People', EMP8 'Encouraging Small Business Growth' of the adopted UDP 1998, and CP1 'Creating Sustainable Communities', CP11 'Sites in Employment Use' and CP15 'Provision of a Range of Shops and Services' of the Interim Planning Guidance.

Concluding Remarks

8.21 This section considered that a mixed use scheme involving a residential and the loss of industrial activity and employment floorspace was acceptable and justified in terms of policy. The remainder of the report considers the acceptability of the scheme.

Housing

8.22 The application proposes 148 residential (Class C3) units in the following mix when split into market, social-rent, shared-ownership tenures:

	Market Sale	Social Rent	Shared Ownership
Studios	2	0	0
1 Bedroom flat	32	10	2
2 Bedroom flat	45	15	6
3 bedroom flat	19	9	2
4 Bedroom flat	0	4	2
Total Units	98	38	12
Total Affordable Units		50	

8.23 This section of the report considers the acceptability of the housing provision on site in terms of key issues including Affordable housing provision, provision of family sized units, wheel chair housing, lifetime homes, floorspace standards and provision of amenity space.

Affordable Housing

8.24 UDP policy requires affordable housing on schemes greater than the 10 ten units.

8.25 Based habitable rooms Policy CP22 'Affordable Housing' requires 35% affordable housing provision which the scheme exceeds in providing 37%. It is noted that the extant permission PA/05/1647 and PA/05/1648 permission provided 35% affordable housing based on habitable rooms.

8.26 Based on floor area the schemes provides 42% affordable housing which complies with HSG10 'Density of New Housing Development' which requires that the disparity between habitable room (the primary indicator) and floorspace is only 5%.

8.27 The affordable housing provision is further split into social rented and shared ownership tenures and a split of 80:20 is required pursuant to Policy HSG 4 'Loss of Housing' in the interim Planning Guidance whilst The London Plan 2004 indicates a region wide requirement of 70:30 split pursuant to Policy 3A.7 'Affordable Housing Targets'. The scheme provides a 75:25 split which is acceptable and considered to be in line with policy. Overall, the proportion of affordable housing provision is acceptable.

Family Housing

8.28 Family sized housing (+3 bedrooms p255 of the Interim Planning Guidance) is a requirement in all three housing tenures (market, social-rent, shared-ownership) although varying amounts are required in each.

8.29 CP21 'Dwelling Mix and Type' requires family housing in all three tenures. For intermediate housing the policy requires 25% family housing and the scheme provides 33%. In the social-rent housing 45% is required and 35% is provided. In the market housing, 25% is required and 19% is provided. This corresponds to a total provision of 24% family housing provision across the whole scheme for which the policy aspiration is 30%. Additionally, Policy HSG 2

'Location of New Housing' and Table DC.1 set out the appropriate mix of units in the social rent tenure.

8.30 It is considered that the overall provision of affordable housing including the provision of family sized units is in line with policy aspirations. It is noted that the scheme provides more affordable housing than required based on habitable rooms and floor area. Furthermore, a financial viability assessment in the form of the GLA's Toolkit has been submitted justifying the financial viability of the mix as proposed. Importantly, the scheme exceeds the amount of family housing otherwise achieved across the borough based on the most recently published LBTH Annual Monitoring Report 2005-6 as shown in the table below. Therefore the scheme is a positive step towards LBTH achieving key housing targets and better catering for housing need.

Table: Family housing provision comparison

Tenure	% Borough-Wide	% PA/07/2706
Social-rented	21.7	35
Intermediate (Shared ownership)	9.5	33
Market	1.7	19
Total	6.8	24

Wheelchair Housing and Lifetime Homes

8.31 Policy HSG9 'Density of Family Housing' of the Interim Planning Guidance requires housing to be design to Lifetime Homes Standards and for 10% of housing to be wheelchair accessible or "easily adaptable".

8.32 An 'Accessibility and Lifetimes Homes Statement' by Berkley Homes was submitted in support of the application. It states that all units in the scheme are accessible in accordance with Lifetime Homes Standards including wheelchair accessibility.

Floor Space

8.33 Policy HSG13 'Conversions and Internal Standards for Residential Space' of the adopted UDP 1998 and Supplementary Planning Guidance (SPG) 'Residential Space' (adopted 1998) sets the minimum space standards for residential developments.

8.34 The floorspace schedule for the scheme shows that the total floor area of each flat complies with the SPG requirements. Whilst clarification that individual rooms of units meet the standards was outstanding at the time writing, internal adjustments to individual rooms could address any shortfall whilst not altering the development in other respects.

Amenity Space

8.35 Policy HSG 16 'Housing Amenity Space' of the adopted UDP 1998 requires schemes to incorporate adequate provision. The Residential Space SPG 1998 sets the space criteria as does HSG7 'Housing Amenity Space' of the Interim Planning Guidance.

8.36 The application proposes the following amenity space provision:

- 2,975sqm of space overall of which;
- 1,314sqm is private amenity space including terraces and balconies (Policy HSG 16 otherwise requires 1,299sqm);
- 85sqm of semi-public amenity space (Policy HSG 16 requires 185sqm); and
- 1,575sqm of communal amenity space.

The Policy requirements are summarised in the tables below

Residential Space SPG 1998 requirements

Tenure	Proposed	SPG Requirement	Total (m ²)
Family Units	36	50sqm of private space per family unit	1800
Non-family units	112	50sqm plus an additional 5sqm per 5 non-family units;	165
Child Bed spaces (according to the ES calculations)	46	3sq.m per child bed space	138
Total			2,103

Interim Planning Guidance

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	2	6	12
1 Bed	43	6	258
2 Bed	62	10	620
3 Bed	29	10	290
4 Bed	2	10	20
5 Bed	-	10	-
TOTAL	138		1200
Ground Floor Units			
Studio	-	25	-
1 Bed	1	25	25
2 Bed	4	25	100
3 Bed	1	50	50
4 Bed	4	50	200
5 Bed	-	50	-
Total	10		375
Grand Total			1575
Communal amenity		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	188
Total Housing Amenity Space Requirement			1763

8.37 Although there are instances where private amenity space for individual units falls below the criteria for individual units in balconies for example, the general amenity space provision across the scheme exceeds the total required provision. The SPG clearly states that space can be provision can be in open spaces and/or private gardens. In considering this scheme it

is emphasised that all flats have some private open space provision and any shortfall is made up in communal space.

- 8.38 In addition, 126sqm of child space is required and amended plans were received showing provision of 195sqm of children's play space linked to the approved play space proposed in the extant planning permission PA/05/1647 and PA/05/1648. Whilst there is no provision on the Hoe site due to physical constraints, the agent advises that the Strong site play area would be available to Hoe residents. Whilst not ideal the arrangement is realistic and allows for the suitable location of play space and access to it for Hoe residents can be secured by a condition.

Concluding Remarks

- 8.39 This section considers that provision of housing is acceptable. The affordable housing provision of 37% based on habitable rooms and 42% based on floor area exceeds the minimum criteria. The total provision of 24% family housing is in line with policy aspirations and represents a significant improvement upon the overall delivery of family housing in the borough as reported in the most recently published Annual Monitoring Report 2005/6. Finally, the proposed units have sufficient floor area and amenity space provision in surplus of the minimum requirements giving a suitable baseline for a scheme that meets the amenity needs of its future occupiers.

Design, External Appearance, Character, Tall Buildings

- 8.40 Guidance in the form of policy as well as the extant permission noted in Paragraph 4.11 guide the design considerations of this scheme.
- 8.41 Pursuant to regional Policy contained within The London Plan 2004, Policy 4B.1 'Design Principles for a Compact City' requires schemes, amongst other criteria, to create/enhance the public realm, respect local context/character and be attractive to look. Policy 4B.8 'Tall Buildings – Location' outlines related Plan policies and considerations for the siting of tall buildings which includes tall buildings as a "catalyst" for regeneration. Policy 4B.9 'Large-Scale Buildings – Design and Impact' provides further guidance on design considerations including context, attractiveness and quality.
- 8.42 In consideration of Local Policy and the saved policies of the adopted UDP 1998, Policy DEV1 'Design Requirements' indicates a need for a development to be sensitive to the area, the capabilities of the site, consideration of street frontages, building lines roof lines and street patterns and provide for safety and security. Within the Interim Planning Guidance CP4 'Good Design' buildings and spaces should be high quality, attractive, safe and well integrated. Policy CP48 'Tall Buildings' confirms that tall buildings can be considered anywhere if justified and all proposals should seek, amongst other things, to contribute to a high quality, attractive environment, respond to context and contribute to vitality.
- 8.43 In addition to the Planning Statement, the application is supported by full drawing sets including landscaping plan, as well as a Design and Access Statement, Landscape Design Statement, Townscape and Visual Assessment, Computer Generated Images (CGIs).
- 8.44 In respect of the design the extant planning permission for Caspian Wharf in May 2007 is a recent precedent. The subject application seeks to integrate with it in terms of building relationships and access whilst reflecting the architecture of the elevations, the bulk, scale, massing and height. In respect of more detailed assessment of design beyond its appearance and context in terms of the functioning of the building, the application has been considered by different departments of the council and their considerations are reported in Section 6 of this report.
- 8.45 The scheme is considered to be consistent with policy in important respects. The aspirations of regeneration and housing in London will come forth in this mixed use scheme, reflective of

the form of development permitted in the extant permission. In respect of ground floor commercial uses and servicing, height/bulk/scale, stepped building form, elevation treatment and materials, treatment of amenity open spaces, the building will reinforce the future character of Caspian Wharf. Minor design improvements have been agreed in terms of materials, terrace treatment and roof form to strengthen the presentation of the proposal especially the Strong building. However, it is queried if the scheme is appropriate to the local context and this is the main substance of neighbour objection on design grounds.

8.46 In reflecting upon the context appraisal and the relevance of the architecture to local character and subsequently, aspirations for a contextual and sensitive scheme, the extant planning permission for Caspian Wharf of May 2007 (See Appendix C) is a consideration. In light of the extant permission and the acceptability of the scheme as discussed above, the specific objections to the architecture and how it does not reflect the local context, whilst valid, are not considered significant to warrant refusal. To require a complete rethink and redesign is similarly unreasonable. In fairness to the scheme for example, the design of the elevations and variation in material choices provides a building of interest with defined base, middle and roof components that will add to the varying character of Violet Road. On balance, the design is acceptable, is reflective of the extant permission and will contribute positively to redevelopment in Violet Road.

Amenity for Future Occupiers and Users

8.47 The general consideration of amenity for future occupiers and Users is identified in Policies 4B.1 'Design Principles for a Compact City', 4B.5 'Creating an Inclusive Environment', 4B.6 'Sustainable Design and Construction', 4B.9 'Large-scale Buildings – Design and Construction' of The London Plan 2004, Policies CP1 'Creating Sustainable Communities' of the Interim Planning Guidance as well as PPS1 and PPS3.

8.48 In addition to matters under the 'Housing' section of this report, the following details how the scheme accords with more specific amenity considerations and applicable policies;

- Building separation distances in excess of 18m are provided between buildings specifically on the Strong Site to mitigate any issues in respect of privacy, overlooking and outlook;
- The provisions of Waste and recycling storage in accordance with Policy Dev15 'Waste and Recyclables Storage';
- The provision of secured cycle parking for residents and visitors in accordance with Policy DEV16 'Walking and Cycling Routes and Facilities';
- The provision of car parking including spaces for people with a disability in accordance with Policy DEV3 'Accessibility and Inclusive Design' and DEV19 'Parking for Motor Vehicles';
- The consideration of renewable energy and sustainability in the design which to amenity, the details of which are discussed later under 'Sustainability'.

8.49 Overall, the amenity of future occupiers and users of the scheme is satisfactorily addressed in accordance with Policy.

Neighbour Impacts

8.50 The consideration of potential impacts to neighbours is identified national, regional and local policies previously referred to in this report. It is noted that objections have been received from occupiers of the Spratt's complex to the south of the site across Limehouse Cut on grounds of overshadowing. As outline in section 4 under Site and Surroundings, the nearest residential occupiers are those across the street from the Strong Site and commencing at Property numbers 64-68 Violet Road and further north. Notwithstanding the extant permission, all other properties surrounding both the Strong and Hoe sites are commercial uses.

8.51 Impacts during construction such as noise, dust, vibration and general disturbance, vehicular

movements are temporary and not a consideration. Nevertheless it is noted that these will be otherwise mitigated through the management of the construction process and any unreasonable or excessive impacts subject to investigation and enforcement action.

8.52 There are no significant neighbour impacts identified with the operation of the scheme. It is particularly noted in respect of objections received that the potential overshadowing affects of the proposal were considered by the Council's Environmental Health Team and were not significant. Notwithstanding that overshadowing is more of a concern where it affects residential properties rather than commercial uses, nevertheless, no significant impact was identified and the scheme is acceptable in this regard. There are no significant privacy/overlooking impacts and any noise or general disturbance impacts are considered to be reflective of the residential use and commercial activity which applicable to and compatible with the surrounding area. No significant impacts are identified in respect of vehicular access and parking as discussed under 'Transport'. Any impacts to the capacity of service provision including education, health and transport will be mitigated by the securing a s106 planning contribution.

Transport

8.53 Transport provision and impact is considered in PPG13 'Transport' as well as Policies 2A.1 'Sustainability Criteria', 3A.5 'Large Residential Developments', 3C.1 'Integrating Transport and Development' of The London Plan, Policies ST25, ST28, ST30, EMP10 'Development Elsewhere in the Borough' of the adopted UDP 1998 and Policies CP1 'Creating Sustainable Communities, CP41 'Integrating Development with Transport' CP43 'Better Public Transport', DEV16 'Walking and Cycling Routes and Facilities' of the Interim Planning Guidance.

8.54 The application is supported by a Transport Assessment and Travel Plan by WSP Development and Transportation (Sep '07) providing consideration of the policy context, baseline conditions in respect of the local area, public transport and road network. The report then considers trip generation, impacts of the construction phase as well as consideration of an assessment of the implications in respect of walking/cycling, public transport and road network. A travel plan is proposed. The report concludes that the site has a good level of accessibility to sustainable modes of transport such that there is a reduced need to travel and facilities are available locally; that parking is consistent with Policy; and trips in different modes (walking, cycling, public transport) can be accommodated by the available infrastructure in the area.

8.55 The application was considered by the Traffic and Transportation team who raise no objection to the scheme and endorse the s106 contribution offered for transport improvements.

Environmental Impact Assessment (EIA)

8.56 A screening opinion was provided by council on 07 September 2007 confirming that the proposed development did not fall within Schedule 2 of the EIA Regulations 2006 and therefore, that an EIA is not required. Nevertheless, the following issues have been considered in the assessment.

Socio-economic Impact

8.57 Pursuant to DEV25 'Social Impact Assessment' of the Interim Planning Guidance a socio-economic impact assessment has been submitted in support of the scheme. The following case is made;

- Considers adequate open space in area therefore no mitigation measures are required in this regard,
- A financial contribution is recommended to address assessment that provision of health and education would not otherwise meet demand;
- Considers that recreational opportunities in area are adequate; and
- That the scheme will create employment opportunities.

8.58 Additionally, the proposal is not considered to pose any significant impacts to particular communities or groups pursuant to Policy CP2 'Equality of Opportunity' of the Interim Planning Guidance.

Daylight and Sunlight (Building Research Establishment – BRE)

8.59 Pursuant to CP1, CP3, DEV1, DEV5 and DEV27 of the interim Guidance and 2A.1 of The London Plan 2004 the application is supported by a daylight and sunlight assessment by Anstey Horne and Co.

8.60 Following receipt of further details concerning overshadowing, it was confirmed by the Environmental Health team that there is no significant impacts to neighbours or to future occupiers proposed by the scheme.

Microclimate

8.61 In respect of Policy CP1 'Creating Sustainable Communities', CP3 'Sustainable Environment', DEV5 'Sustainable Design', DEV27 'Tall Buildings Assessment' the application is supported by a microclimate assessment by URS Corporation Limited. The report advises of the following in terms of any residual impact;

- Winds are from a southwest direction throughout the year;
- The analysis of meteorological data indicates that site conditions on an idealised site would be suitable for standing/entrance use;
- The site will be safe and suitable for leisure walking or better during the windiest season;
- Microclimates outside entrances are suitable for entrance use;
- Protruding balconies are generally suitable for sitting in summer although, the report recommends that an end screen would provide benefit to balconies along the Yeo Street elevation of building C and near to the corners of buildings D2 and D3.

The report concludes that there are no residual impacts following mitigation measures such as the screens mentioned above and landscaping.

Flood Risk

8.62 In respect of PPS 25, and Policies 'Flood Alleviation' and DEV21 'Flood Risk management' of the Interim Planning Guidance and U2 and U3 'Tidal and Flood Defences' of the adopted Plan the application is supported by a Flood Risk Assessment (FRA) by URS Corporation Ltd. The site is within proximity to Limehouse Cut to the south although, does not fall within an area of flood risk. Some key points of the FRA are summarised below;

- Finish Floor Levels (FFLs) are 6.6m Above Official Datum (AOD) and 1.3m above tidal flood levels of the Limehouse Cut so there is no risk from tidal flooding, nor overland flow or groundwater flood risk,
- The FFLs also provide sufficient margin of safety to deal with climate change;
- Surface attenuation is provided by Sustainable Urban Drainage Systems (SUDS) including porous surface materials and cellular storage limiting runoff to 1 in 30 yr events and 30% climate change with discharge to public sewer;
- Conclusions: flood risk is low; any 1-100 year flood event is 1.3m below floor levels exceeding the Environment Agency's guidelines; discharge from site is reduced and will not be increased elsewhere in accordance with PPS25 flood risk.

8.63 The Environment Agency raised no objection and recommended appropriately worded standard conditions of approval (See paragraph 6.19 of this report).

Water Resources

8.64 In respect of DEV46 'Protection of Waterway Corridors', DEV69 'Efficient Use of Water' of the adopted Plan and DEV7 'Water Quality and Conservation', DEV8 'Sustainable Drainage', of the interim Planning Guidance and Policies 2A.1 'Sustainability Criteria', 4A.11 'Water Supplies', 4A.12 'Water Quality', 4A.13 'Water and Sewerage Infrastructure' of The London Plan, the proposal is supported by a Water Resources report by URS Corporation Limited and the following considerations have been incorporated into the scheme;

- Permeable paving where possible;
- Brown roof with runoff collected and reused for watering;
- SUDS providing 50% attenuation during peak discharge; and
- Discussion justifying the unfeasible nature of greywater re-use given the conflict of providing the additional infrastructure (piping) with other competing needs of high density development.

The Environment Agency and Thames Waterways raised no objection and recommended appropriately worded standard conditions of approval (See paragraph 6.19 of this report).

Air Quality

8.65 The site falls within an Air Quality Management Area and pursuant to Policies DEV11 'Air Pollution and Air Quality', DEV12 'Management of Demolition and Construction' an Air Quality Assessment by URS Corporation Ltd has been submitted in support of the application. The key points are:

- Modelling shows application site and sensitive receptors are predicted to comply with National Air Quality Strategy Objectives for NO₂ (nitrogen dioxide) and PM₁₀ (particulate matter) and concentrations across site 20% below the National Air Quality Standard objectives;
- The effect of additional road traffic by this development and cumulative development is negligible; and
- Dust emissions during construction will be minor adverse impact that will be of temporary and local nature.

Renewable Energy, Energy Efficiency and Sustainability

8.66 In respect of PPG22, CP38 'Energy Efficiency and Production of Renewable Energy', DEV5 'Sustainable Design', DEV6 'Energy Efficiency and Renewable Energy' of the Interim Planning Guidance the application is supported by an Energy Assessment by Energy for Sustainable Development Ltd. Recommendations are made in the report and the following key indicators are reported:

- 10% of energy needs are provided through a biomass combined heat and power (CHP) plant;
- 16% reduction in Carbon Dioxide will be achieved

8.67 Although development should seek to reduce Carbon Dioxide by 20% what is achieved is in line with policy aspirations and is acceptable to council's Energy officer, subject to consideration by the Greater London Authority.

Biodiversity

8.68 Pursuant to PPG9 and Policy CP31 'Biodiversity' of the Interim Guidance and 3D.12 'Biodiversity and nature Conservation' of The London Plan an Ecological Impact Assessment by SLR Consulting Ltd has been submitted in support of the application. The relevant considerations are summarised below:

- There are no wildlife designations but notes that a portion of Limehouse Cut is within the London Canals Site of Importance for nature Conservation being a Site of Metropolitan Importance for nature Conservation,
- The baseline assessment for both the Strong and Hoes sites does not identify any significant vegetation,
- Greenspace Information for Greater London confirmed that Strong and Hoe sites are not critical or important for any protected, rare or notable species of flora (plants) or fauna (animals),
- In respect of birds, the site falls within a key Known Area for Black Redstart and similar habitats available in the area but no suitable habitat on this site.
- Mitigation measures regarding dust and noise generation during construction and water discharge and lighting during operational phase amongst other things will ensure no significant impact.

The councils Council's Environment and Ecology officer who raised no objection.

Site Contamination

- 8.69 In respect of PPS23 as well as DEV51 'Soil Tests' of the adopted and DEV22 'Contaminated Land' of the Interim Planning Guidance a Ground Conditions Report by URS Corporation Ltd has been submitted in support of the application. The key aspects of the report are summarised below:
- ground conditions not well defined for this site,
 - It is necessary undertake risk assessment and subsequently develop a remediation strategy,
 - Commencement of an asbestos survey for demolished buildings will be necessary,
 - All demolition should be according to standards;
 - Validation of any necessary remediation works is to be provided.
- 8.70 The application was considered by the Council's Contaminated Land Officer, Environmental Health and no objection raised subject to appropriately worded conditions for investigation, remediation and validation.

Construction Materials Sourcing

- 8.71 Pursuant to DEV9 of the Interim Planning Guidance and 4B.6 of The London Plan a Materials Used and Purchasing Strategy by Barton Wilmore has been submitted in support of the application detailing measures to reduce consumption of materials and waste generation whilst promoting reuse, recycling as well as more prudent use of resources and consequently, environmental protection.

Telecommunications

- 8.72 Pursuant to PPG8 DEV27 of the Interim Guidance and 4B.9 of the London Plan a Telecommunications Assessment has been submitted in support of the application. The key matters are summarised below:
- There would be negligible to moderate adverse impacts to various telecoms with mitigation measures possible to make any residual impact negligible.
 - Only Microwave link (line of site) would be a major adverse effect due to the physical obstruction created nevertheless mitigation measures would result in the residual impact being also negligible.

There was no summary/conclusions provided but it is considered that the report suggests any potential impact can be resolved such that this is not a matter to refuse planning permission. No comments from the BBC had been received at the time of finalising this report.

Archaeology

- 8.73 Having regard to PPG16, 4B.14 of The London Plan and Archaeological Desk Based Assessment has been prepared by the Museum of London Archaeology Service in support of the scheme. The report advised there are no monuments, sites or finds recorded in the Greater London Sites Monuments Record. Although the site has an uncertain but possibly low potential for unrecorded remains of prehistoric and roman periods land low potential for medieval and early post-medieval periods. It is recommended that monitoring and rapid recording (watching brief) be carried out prior and during construction with the details to be agreed by the Council as secured in an appropriately worded condition. No comments or objection was received from English Heritage at the time of finalising this report.

9.0 Conclusions

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