

Meeting of the

# STRATEGIC DEVELOPMENT COMMITTEE

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Wednesday, 6 March 2013 at 7.30 p.m.

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## SUPPLEMENTAL AGENDA

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	PAGE NUMBER	WARD(S) AFFECTED
7 .1 The Robin Hood Gardens Estate together with land south of Poplar High Street and Naval Row, Woolmore School and land north of Woolmore Street bounded by Cotton Street, East India Dock Road and Bullivant Street (PA/12/03318)	1 - 78	Blackwall & Cubitt Town

Attached is the Committee report for the 15<sup>th</sup> March 2012 meeting for the outline consent.

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# Agenda Item 7.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> March 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6.1
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Simon Ryan		<b>Ref No:</b> PA/12/00001 and PA/12/00002	
		<b>Ward(s):</b> Blackwall and Cubitt Town	

## 1. APPLICATION DETAILS

**Location:** The Robin Hood Gardens Estate together with land south of Poplar High Street and Naval Row, Woolmore School and land north of Woolmore Street bounded by Cotton Street, East India Dock Road and Bullivant Street

**Existing Use:** Residential properties (Use Class C3), public house (Use Class A4), office, storage and light industrial units (Use Classes B1, B2 and B8), a faith building (Use Class D1) together with commercial car parking and a car washing facility (sui generis)

**Proposal:** PA/12/00001 (Outline Planning Permission)

Outline application for alterations to and demolition of existing buildings, site clearance and ground works and redevelopment to provide:

- Up to 1,575 residential units (up to 191,510 sq.m GEA - Use Class C3);
- Up to 1,710 sq.m (GEA) of retail floorspace (Use Class A1-A5);
- Up to 900 sq.m of office floorspace (Use Class B1);
- Up to 500 sq. m community floorspace (Use Class D1);
- Replacement school (up to 4,500 sq.m GEA - Use Class D1);
- Replacement faith building (up to 1,200 sq.m - Use Class D1)

The application also proposes an energy centre (up to 750 sq.m GEA); associated plant and servicing; provision of open space, landscaping works and ancillary drainage; car parking (up to 340 spaces in designated surface, podium, semi-basement and basement areas plus on-street); and alterations to and creation of new vehicular and pedestrian access routes.

All matters associated with details of appearance, landscaping, layout and scale and (save for the matters of detail submitted in respect of certain highway routes, works and/or improvements for the use by vehicles, cyclists and pedestrians as set out in the Development Specification and Details of Access Report) access are reserved for future determination and within the parameters set out in the Parameter Plans and Parameter Statements.

PA/12/00002 (Conservation Area Consent)

Demolition of building adjacent to and on east side of Steamship Public House, Naval Row

- Drawing Nos:**
- 512/0001 Revision A; 512/0002 Revision A; 512/0003 Revision A; 512/7001 Revision A; 512/7002 Revision A; 512/7003 Revision A; 512/7004 Revision A; 512/7005 Revision A; 512/7006 Revision A; 512/7007 Revision A; 512/7008 Revision A; 512/7101 Revision A; 512/7102 Revision A; 512/7103 Revision A; 512/7104 Revision A; 512/7105 Revision A; 512/7201 Revision A; 512/7202 Revision A; 512/7203 Revision A; 512/7204 Revision A; 512/7301 Revision A; 512/7302 Revision A; 512/7304 Revision A; 512/7305 Revision A; 512/7306 Revision A; 512/7307 Revision A; 512/7308 Revision A; 512/7401 Revision A; 512/7402 Revision A; 512/7403 Revision A;
  - Design and Access Statement: January 2012
  - Flood Risk Assessment: January 2012
  - Transport Assessment: January 2012
  - Planning Statement: January 2012
  - Heritage Appraisal Volume 1: January 2012
  - Environmental Statement Volume 1, Main Report: January 2012
  - Environmental Statement Volume 2, Appendices: January 2012
  - Environmental Statement Supplementary Information: February 2012
  - Crime Risk Assessment: January 2012
  - Design Code Revision A: March 2012
  - Development Specification: January 2012
  - Energy Strategy: January 2012
  - Public Realm Strategy: January 2012
  - Statement of Community Involvement: January 2012
  - Sustainability Strategy: January 2012
  - Television Reception Survey
  - Development Impact Assessment: January 2012

**Applicant:** London Borough of Tower Hamlets and the Homes and Communities Agency (HCA)  
**Owner:** Various  
**Historic Building:** N/A  
**Conservation Area:** The Naval Row Conservation Area partly falls within the application site. The All Saints Conservation Area is within close proximity of the application site

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 Officers have 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 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Development Management DPD (2012); as well as the London Plan (2011) and the relevant Government Planning Policy Guidance, and has found that:

With regard to the Outline Planning Application (PA/12/00001):

- The scheme will provide for the regeneration of the Robin Hood Gardens estate and the Blackwall Reach area through the provision of a new residential led mixed use development. The scheme maximises the use of previously developed land, ensures that there will be no net loss of housing (including affordable housing) and will significantly contribute towards creating a sustainable residential environment in

Poplar Riverside in accordance with the objectives Policy 3.4 the London Plan (2011), LAP 7 & 8 of the Core Strategy and Policies SP02 of Core Strategy (2010); DEV3 of the Unitary Development Plan 1998; and policy DM3 of Draft Managing Development DPD (2012). The proposal also accords with site allocation 14 (Blackwall Reach) of the draft Managing Development DPD.

- The extension of the existing retail provision on Poplar High Street and the provision of retail adjacent to Blackwall DLR station is considered to be acceptable and in line with Policy 2.14 of the London Plan (2011), SP01 of the Core Strategy (2010) and Policy DM2 of the draft Managing Development DPD (2012) which together seek to protect and enhance the Boroughs retail hierarchy and ensure adequate provision of supporting retail activity.
- The proposed replacement and upgrading of existing social and community facilities are supported in line with Policy SP03 of the Council's Core Strategy (2010) and Policy DM8 of the draft Managing Development DPD (2012) which together seek to protect existing community facilities and deliver new high quality facilities in accessible locations.
- On balance, transport matters, including parking, access and servicing, are considered acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy (2010) and DM20 and DM22 of the Draft Managing Development DPD (2012), which seek to ensure developments minimise parking and promote sustainable transport options.
- The indicative layout, building height, scale and bulk as set out in the parameter plans are acceptable and in accordance with Chapter 7 of the London Plan (2011); saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and policies DM23, DM24 and DM26 of the Managing Development DPD (2012) which seek to ensure buildings and places are of a high quality of design and suitably located.
- The proposed affordable housing offer is considered to be acceptable and in line with Policies 3.8 - 3.12 of the London Plan (2011) and Policies SP02 of the Core Strategy (2010) and Policy DM3 of the draft Managing Development DPD (2012) which seek to maximise the delivery of affordable homes in line with strategic targets whilst having regards to site constraints and viability.
- On balance the proposals indicate that the scheme can provide acceptable space standards and layout. As such, the scheme is in line with the London Housing Design Guide (Interim Edition, 2010), Policies 3.5 of the London Plan (2011), saved Policy HSG13 of the UDP (1998) and Policy SP02 of the Core Strategy (2010), Policy DM4 of the draft Managing Development DPD (2012) and the Council's Residential Standards SPG (1998).
- On balance, the quantity and quality of housing amenity space, communal space, child play space and open space which is considered acceptable and in line with the London Housing Design Guide (Interim Edition, 2010), saved policy HSG16 of the Council's Unitary Development Plan (1998), policy SP02 of the Core Strategy Development Plan Document (2010), and of DM4 of the Draft Managing Development DPD (2012) which seek to improve amenity and liveability for residents.
- On balance, and considering the site constraints and urban context, it is not considered that the proposal will give rise to any significant adverse impacts in terms of loss of privacy, overlooking, over shadowing, loss of sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity for the future

occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the of the Core Strategy (2010) and DM25 of the Draft Managing Development DPD (2012), which seek to protect residential amenity.

- Sustainability matters, including energy, are acceptable and accord with policies 5.2 and 5.7 to 4A.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010), policy DM29 of the draft Managing Development DPD (2012) which seek to promote sustainable development practices.
- The height, materials, scale, bulk and design of the building is acceptable and is considered to respect, preserve and enhance the character and setting of the Naval Row Conservation Area and surrounding conservation areas and the adjacent listed buildings and structures. As such, the proposal is in accordance with Planning Policy Statement 5, policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011), as saved policies DEV1 and DEV34 of the LBTH UDP (1998), policies DEV2, CON1, CON2 and L36 of the Interim Planning Guidance (2007), policies SP10 and SP12 of the Core Strategy Development Plan Document (2010) and policies DM24, DM26 and DM27 of the draft Managing Development DPD (Proposed Submission Version January 2012), which seek to protect the character, appearance and setting of heritage assets and the historic environment.
- The proposal does not detrimentally impact upon protected views as detailed within the London Plan London Views Management Framework Revised Supplementary Planning Guidance (July 2010) and the Draft Revised London View Management Framework and maintains local or long distance views in accordance policies 7.11 and 7.12 of the London Plan (2011), policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the draft Managing Development DPD (Proposed Submission Version January 2012) which seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- The Section 106 package is acceptable in light of the viability constraints identified in the proposal. The provision of 51.6% (gross) affordable housing across the site, alongside the agreed financial and non-financial obligations, is considered to be acceptable. Furthermore, and in consideration of the wider benefits that this application will deliver in terms of creating a much improved community for Blackwall Reach, the proposed S106 package is considered acceptable in line with Regulation 122 of Community Infrastructure Levy 2010, Government Circular 05/05, saved policy DEV4 of the Council's Unitary Development Plan (1998), policies SP02 and SP13 of the Core Strategy Development Plan Document (2010), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

With regard to the Conservation Area Consent application (PA/12/00002):

- The demolition of the building adjacent is considered acceptable because the building is not considered to contribute positively to the character and appearance of the Naval Row Conservation Area. As such, their demolition is considered to meet the objectives of saved policy DEV28 of the Unitary Development Plan (1998) as well as policy CON2 of the Council's Interim Policy Guidance (2007) and policy SP10 of the Core Strategy (2010) plus the advice set out in Planning Policy Statement 5: Planning for the Historic Environment, which seek to ensure appropriate demolition of buildings in Conservation Areas.

### 3. RECOMMENDATION

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

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

B The decision of **London Thames Gateway Development Corporation** to grant planning permission

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

#### Financial Obligations

a) Employment Skills and Training	£292,656
o <i>Employment and training during the construction phase</i>	
o <i>End use phase training</i>	
b) Education	£6,411,619
o <i>primary school places in the borough</i>	
o <i>secondary school places in the borough</i>	
c) Public Open Space	£1,000,000
o Upgrade and provision of opens space in the borough	
d) Highways, Connectivity and Public Realm improvements	£2,000,000
o <i>Preston's Road Roundabout capacity enhancement</i>	
o <i>Poplar High Street/Cotton Street Junction improvements</i>	
o <i>East India Dock Road crossing &amp; public realm improvements</i>	
e) Sustainable Transport – Smart Travel	£44,333
f) Sports and Leisure facilities	£1,064,432
o <i>Upgrade and provision of the borough's sports and leisure facilities</i>	
g) Health	£900,000
o <i>Contribution to NHS Primary Care Trust</i>	
h) Dockland Light Railway station improvements	£2,000,000
o <i>Contribution towards upgrade of Blackwall DLR station</i>	
i) London Buses	£450,000
o <i>Increased capacity of a local bus service</i>	
j) Crossrail	£27,360
o <i>Contribution in accordance with Crossrail SPG</i>	
k) S106 monitoring at 2% of sub total	£289,600
Total Financial Contribution (In accordance with phasing requirements)	<b><u>£14,480,000</u></b>

#### Non-Financial Obligations

- l) Affordable housing – 51.6% gross
- m) Ensuring the delivery of 51.6% affordable through phases
- n) Car free agreement
- o) Travel Plan

- p) Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy;
- q) Television reception survey
- r) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

D. With specific regard to PA/12/00002 (the Conservation Area Consent application), that the Committee resolve to refer the application to the Secretary of State with the recommendation that the Council would be minded to grant Conservation Area Consent subject to the conditions below

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

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 & INFORMATIVES**

### **PA/12/00001 (Outline Planning Application)**

#### Site Wide 'Compliance' Conditions –

- Timing – within 3yrs
- In accordance with approved plans
- Compliance with Design Code requirements
- In accordance Scale Parameter Table
- In accordance with the Environmental Statement
- Phasing plan
- Maximum floor areas per non residential land use
- Maximum no. of units (1575)
- Minimum playable space site wide
- Min amount of private amenity space
- Min amount of communal amenity space per phase
- Minimum floor areas for Community Centre
- Min floor area for faith centres
- Lifetime Homes Standards
- Maximum building heights for parcels A1, C and F
- 10% Wheelchair units
- Code for Sustain Homes Level 4
- BREEAM Excellent for non residential floorspace
- Secured by Design standards
- Compliance with Mayor's internal space standards
- Car Parking Strategy
- Maximum parking no. of car spaces (340)
- Min no. of car club spaces
- Min. No of disabled (10% site wide)
- Min no. electric charging spaces (20% site wide)
- Min no. of cycle space provision
- In accordance with approved Flood Risk Assessment
- Hours of construction
- Bird nesting (City Airport)
- Future land interests are bound by s106 provisions
- Flight path, crainage height, lighting (City Airport)
- Tree replacement



- Compliance with site wide energy strategy
- Compliance with plan submitted to London Fire and Emergency Planning Authority.
- Highway works and new highways design layout
- Biodiversity surveys to be undertaken and submitted prior to demolition

Site Wide 'Prior to Construction' Conditions:

- Drainage Strategy
- Contamination – investigation and remediation
- Archaeology – surveys, foundation design and records
- Green and Brown Roof plan
- Communal roof top balconies and gardens
- Access strategy including details of all public access ramps, wayfinding
- Landscape and public realm masterplan
- Child Play Strategy including size, detail design of play areas and equipment
- Demolition and Construction Environment Management Plan (DCEMP) including consideration of nesting season
- Construction Logistics Plan
- Waste Management Strategy
- Air Quality Management Plan
- Site Flood Emergency Plan
- Fire and Emergency detail (travel distance)
- Fire Access and Water Supplies
- National Grid investigation survey
- Thames Water infrastructure assessment
- Thames water foundation and piling details (Thames Tunnel)
- Thames water (minimum pressure head and flow rates)
- Thames water (drainage plans for all phases)
- Car Parking Management Plan
- Tree survey and protection plan
- PV plan
- Ground surface materials and boundary treatment details
- Security by Design Management Plan – CCTV, lighting, car park security
- Wind assessment and mitigation strategy
- Submission of Biodiversity Strategy
- Submission of details of Sustainable Urban Drainage strategy
- Submission of Noise and Vibration Mitigation Plan
- Estate Management Strategy
- Ventilation/extraction of any relevant non-residential uses
- Details of renewable energy per phase
- School to be built in accordance with Department of Education Guidance
- Installation of new MUGA pitch and floodlighting in accordance with Sport England guidance
- Planting Plan site wide
- Details of new bus shelters
- Remediation and reinstallation of Cycle Superhighway on Poplar High Street and Naval Row
- Reinstallation of Cycle Hire Station on Naval Row
- Decentralisation Energy Implementation and Business Strategy
- Single Energy CCHP capacity of 1000kWe

Site Wide 'Prior to Occupation' Conditions::

- Delivery and Servicing Plan

- Hours of Operation for non residential uses.
- CCTV strategy
- Wayfinding strategy in accordance with Legible London principles

#### Individual Phase Conditions:

#### **Phase 1A:**

##### *Compliance*

- Maximum height restriction on parcel A1 of 15 residential storeys (50 metres AOD)
- In accordance with Scale Parameters Table and all outline approved documents
- Restriction on hours of use of mosque
- No amplified call to prayer
- Restriction on hours of use for retail
- Restriction on hours of use for office
- Restriction on hours of use for community centre

##### *Prior to Commencement*

- Details of reserved matters (scale, layout, access, appearance, landscaping) per parcel
- Landscape Plan – full detail of hard/soft landscape and open spaces, public access areas, lighting, security, walking, cycles routes, play equipment, planting, finishes, fences, walls, gates, railings, screens/canopies, entrances, seating, signage, litter bins, bollards, furniture, CCTV.
- Public Access Areas (PAAs) Plan – public realm and routes access arrangements including interim construction period arrangements, management responsibilities, programme of delivery.
- Highway Plan – full detail of highway design layout including local authority roads/footways land and private estate roads and footways
- Details of Affordable Housing mix and tenure in accordance with outline scheme and impact upon future phases of development across the site.
- Demolition and Construction Environmental Management Plan
- Estate Management Plan – servicing, deliveries, safety, security, car parking, landscape, maintenance, utilities of PAAs, repairs, arts, events programmes.
- Environmental Statement Update Report
- Daylight and Sunlight Report
- Security by Design Management Plan – CCTV, lighting, car park security
- Waste and Refuse Management Plan
- Air Quality Management Plan – construction, sub basement parking emissions
- Access Statement – Levels, way finding measures, materials, colour/contrast of fittings.
- Contamination Plan – remediation and verification report
- Details of bicycle parking within public accessible areas.
- Basement parking plan
- Green and Brown Roof Plan.
- Car Parking Management Plan
- Surface and foul water drainage plan
- Sustainability and Energy Strategy
- Biodiversity Plan
- Emergency access routes
- Details of shop front designs, retail size and louvres

##### *Prior to Occupation of Residential Units*

- Completion of community centre

- Completion of retail units
- Completion of office unit
- Completion of all landscape, open space and public realm works as detailed in approved Landscape Plan.

## **Phase 1B**

### *Compliance*

- In accordance with Scale Parameters Table and all outline approved documents
- Restriction on hours of use for retail
- Restriction on hours of use for office

### *Prior to Commencement*

- Details of reserved matters (scale, layout, access, appearance, landscaping) per parcel
- Landscape Plan – full detail of hard/soft landscape and open spaces, public access areas, lighting, security, walking, cycles routes, play equipment, planting, finishes, fences, walls, gates, railings, screens/canopies, entrances, seating, signage, litter bins, bollards, furniture, CCTV.
- Public Access Areas (PAAs) Plan – public realm and routes access arrangements including interim construction period arrangements, management responsibilities, programme of delivery.
- Highway Plan – full detail of highway design layout including local authority roads/footways land and private estate roads and footways
- Details of Affordable Housing mix and tenure in accordance with outline scheme and impact upon future phases of development across the site.
- Updated Phasing Plan across remaining development zones
- Demolition and Construction Environmental Management Plan
- Estate Management Plan – servicing, deliveries, safety, security, car parking, landscape, maintenance, utilities of PAAs, repairs, arts, events programmes.
- Environmental Statement Update Report
- Daylight and Sunlight Report
- Security by Design Management Plan – CCTV, lighting, car park security
- Waste and Refuse Management Plan
- Air Quality Management Plan – construction, sub basement parking emissions
- Contamination Plan – remediation and verification report
- Access Statement – Levels, way finding measures, materials, colour/contrast of fittings.
- Details of bicycle parking within public accessible areas.
- Basement parking plan
- Green and Brown Roof Plan.
- Car Parking Management Plan
- Surface and foul water drainage plan
- Sustainability and Energy Strategy
- Biodiversity Plan
- Emergency access routes
- Details of shop front designs, retail size and louvers
- Details of public realm, lighting and street furniture proposed around subway entrance

### *Prior to Occupation of Residential Units*

- Completion of retail units
- Completion of office units
- Completion of all landscape, open space and public realm works as detailed in

approved Landscape Plan.

## **Phase 2**

### *Compliance*

- Maximum height restriction of 8 residential storeys (30 metres AOD) on parcel C1, C2, C3
- In accordance with Scale Parameters Table and all outline approved documents

### *Prior to Commencement*

- Details of reserved matters (scale, layout, access, appearance, landscaping) per parcel
- Landscape Plan – full detail of hard/soft landscape and open spaces, public access areas, lighting, security, walking, cycles routes, play equipment, planting, finishes, fences, walls, gates, railings, screens/canopies, entrances, seating, signage, litter bins, bollards, furniture, CCTV.
- Public Access Areas (PAAs) Plan – public realm and routes access arrangements including interim construction period arrangements, management responsibilities, programme of delivery.
- Highway Plan – full detail of highway design layout including local authority roads/footways land and private estate roads and footways.
- Details of Affordable Housing mix and tenure in accordance with outline scheme and impact upon future phases of development across the site.
- Updated Phasing Plan across remaining development zones
- Demolition and Construction Environmental Management Plan
- Estate Management Plan – servicing, deliveries, safety, security, car parking, landscape, maintenance, utilities of PAAs, repairs, arts, events programmes.
- Environmental Statement Update Report
- Daylight and Sunlight Report
- Security by Design Management Plan – CCTV, lighting, car park security
- Waste and Refuse Management Plan
- Air Quality Management Plan – construction, sub basement parking emissions
- Contamination Plan – remediation and verification report
- Access Statement – Levels, way finding measures, materials, colour/contrast of fittings.
- Details of bicycle parking within public accessible areas.
- Basement parking plan
- Green and Brown Roof Plan.
- Car Parking Management Plan
- Surface and foul water drainage plan
- Sustainability and Energy Strategy
- Biodiversity Plan
- Emergency access routes

### *Prior to Occupation of Residential Units*

- Completion of all landscape, open space and public realm works as detailed in the approved Landscape Plan.
- Completion of Community space

## **Phase 3**

### *Compliance*

- Maximum height restriction of 9 residential storeys (33 metres AOD) on parcel F1 and

F2

- In accordance with Scale Parameters Table and all outline approved documents

#### *Prior to Commencement*

- Details of reserved matters (scale, layout, access, appearance, landscaping) per parcel
- Landscape Plan – full detail of hard/soft landscape and open spaces, public access areas, lighting, security, walking, cycles routes, play equipment, planting, finishes, fences, walls, gates, railings, screens/canopies, entrances, seating, signage, litter bins, bollards, furniture, CCTV.
- Public Access Areas (PAAs) Plan – public realm and routes access arrangements including interim construction period arrangements, management responsibilities, programme of delivery.
- Highway Plan – full detail of highway design layout including local authority roads/footways land and private estate roads and footways.
- Details of Affordable Housing mix and tenure in accordance with outline scheme and impact upon future phases of development across the site.
- Updated Phasing Plan across remaining development zones
- Demolition and Construction Environmental Management Plan
- Estate Management Plan – servicing, deliveries, safety, security, car parking, landscape, maintenance, utilities of PAAs, repairs, arts, events programmes.
- Environmental Statement Update Report
- Daylight and Sunlight Report
- Security by Design Management Plan – CCTV, lighting, car park security
- Waste and Refuse Management Plan
- Contamination Plan – remediation and verification report
- Air Quality Management Plan – construction, sub basement parking emissions
- Access Statement – Levels, way finding measures, materials, colour/contrast of fittings.
- Details of bicycle parking within public accessible areas.
- Basement parking plan
- Green and Brown Roof Plan.
- Car Parking Management Plan
- Surface and foul water drainage plan
- Sustainability and Energy Strategy
- Biodiversity Plan
- Emergency access routes

#### *Prior to Occupation of Residential Units*

- Completion of all landscape, open space and public realm works as detailed in the approved Landscape Plan.
- Completion of Community space

#### **Phase 4:**

##### *Compliance*

- In accordance with Scale Parameters Table and all outline approved documents

#### *Prior to Commencement*

- Details of reserved matters (scale, layout, access, appearance, landscaping) per parcel
- Landscape Plan – full detail of hard/soft landscape and open spaces, public access areas, lighting, security, walking, cycles routes, play equipment, planting, finishes,

fences, walls, gates, railings, screens/canopies, entrances, seating, signage, litter bins, bollards, furniture, CCTV.

- Public Access Areas (PAAs ) Plan – public realm and routes access arrangements including interim construction period arrangements, management responsibilities, programme of delivery.
- Highway Plan – full detail of highway design layout including local authority roads/footways land and private estate roads and footways, London Bus waiting stands (in consultation with TfL)
- Details of Affordable Housing mix and tenure in accordance with outline scheme and impact upon future phases of development across the site.
- Demolition and Construction Environmental Management Plan
- Estate Management Plan – servicing, deliveries, safety, security, car parking, landscape, maintenance, utilities of PAAs, repairs, arts, events programmes.
- Environmental Statement Update Report
- Daylight and Sunlight Report
- Security by Design Management Plan – CCTV, lighting, car park security
- Townscape and Heritage Impact Assessment
- Waste and Refuse Management Plan
- Contamination Plan – remediation and verification report
- Air Quality Management Plan – construction, sub basement parking emissions
- Access Statement – Levels, way finding measures, materials, colour/contrast of fittings.
- Details of bicycle parking within public accessible areas.
- Basement parking plan
- Green and Brown Roof Plan.
- Car Parking Management Plan
- Surface and foul water drainage plan
- Sustainability and Energy Strategy
- Biodiversity Plan
- Emergency access routes
- Cycle Super Highway Diversion Strategy in consultation with TfL
- Bus stop locations and detail designs

#### *Prior to Occupation of Residential Units*

- Completion of all landscape, open space and public realm works as detailed in approved Landscape Plan.

#### Reserved Matters Applications for Each Phase:

- Compliance with Outline Application
- Approval of Reserved Matters relating to (i) Layout, (ii) Scale, (iii) Access, (iv) Appearance, (v) Landscaping.

3.4 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

#### **3.5 Informatives:**

- S106 required
- S278 required
- Consultation with Building Control
- Thames Water Advice
- London City Airport Advice
- Contact DLR regarding exclusion zone

3.6 Any other informative(s) considered necessary by the Corporate Director Development &

Renewal

### 3.7 PA/12/00002 (Conservation Area Consent application)

#### Conditions

1. Demolition work within 3 years;
2. Grampian condition preventing demolition works until submission of construction contract relating to associated planning permission;
3. Details of the means of enclosure prior to construction;
4. Demolition Environmental Management Plan.

#### Informatives

1. Building Control Department with regard to the submission of a Demolition Notice;
2. Submission of a Demolition Notice to Building Control;

- 3.8 Any other conditions or informative(s) considered necessary by the Corporate Director Development & Renewal
- 3.9 That the Corporate Director Development & Renewal is delegated power to engage with LTGDC and the applicant to negotiate the legal agreement indicated above.
- 3.10 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

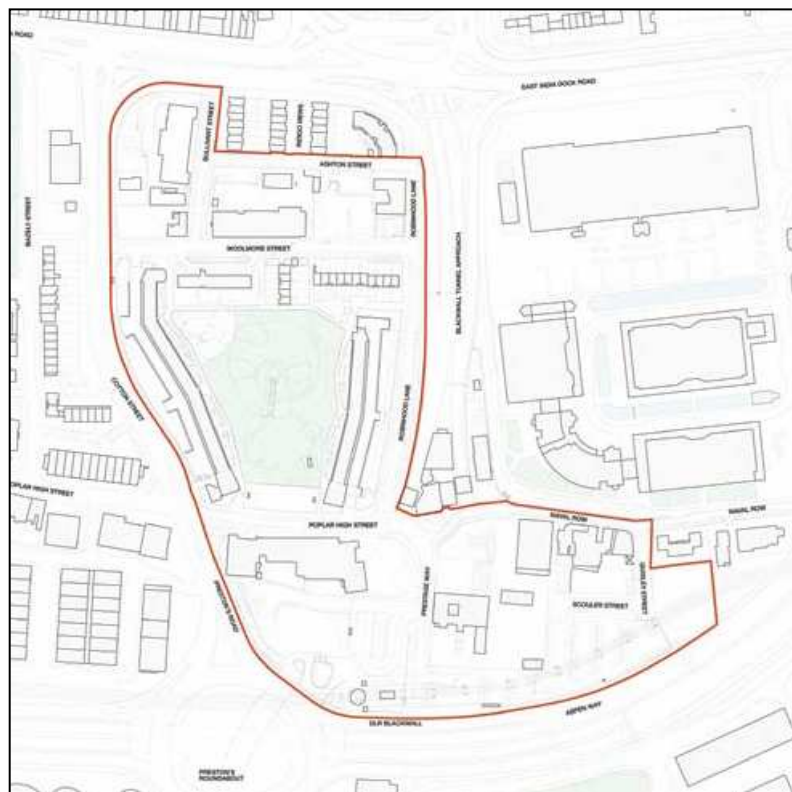
### Site and Surroundings

#### The application site

- 4.1 Blackwall Reach comprises an area of 7.7 hectares and comprises of the Robin Hood Gardens, together with land parcels to the north and south. The application site is bounded by East India Dock Road (A13) to the north, Blackwall Tunnel Approach Road (A12) to the east, Cotton Street (A1260) to the west and Preston's Road roundabout/Aspen Way (A1261) to the south. The southern boundary is also marked by the elevated DLR tracks and the Blackwall DLR station. The application site can be seen overleaf in Figure 1.
- 4.2 The site is located within the London Borough of Tower Hamlets, although a small section of the site in the south east corner also falls within the administrative boundary of the London Thames Gateway Development Corporation.
- 4.3 The Robin Hood Gardens Estate is the largest land parcel within the development area and comprises an existing social housing estate containing 214 residential units set around a landscaped area known as the Millennium Green. The estate was built in 1972 and constructed in concrete, however has decayed over recent years. The buildings are not listed and have been exempt from listing for 5 years from May 2009 by the Secretary of State.
- 4.4 The northernmost part of site contains a further 22 maisonettes located in Anderson House and 16 terraced house and flats between Robin Hood Gardens and Woolmore Street. Poplar Mosque & Community Centre, Woolmore School and the All Saints NHS health centre building are located to the north of Woolmore Street, whilst the north-west are of the application site contains a small number of poor quality buildings.
- 4.5 The southern part of the site between Poplar High Street and Blackwall DLR station contains

a number of light industrial units and temporary buildings, together with commercial car parking facilities. Some of the former industrial buildings are presently in use for community and non-residential institution purposes. Immediately adjacent to the DLR station is a TfL bus stand and turnaround.

- 4.6 The south-eastern area of the site also includes part of the Naval Row Conservation Area. This L-shaped conservation area wraps around the former East India Docks, whose perimeter dock walls, railings and steps are Grade II listed and immediately adjacent to the application site boundary. The bridge parapet above the entrance to the Blackwall Tunnel, together with the East India Dock pumping station are also Grade II listed.



**Figure 1: The application site (as existing)**

- 4.7 The scale of the buildings within the site varies from 3-storey town houses immediately to the north, whilst Robin Hood Gardens rise to 7 and 10 storeys. In the south it is generally single or 2 storey industrial units rising to 3 storeys for the Steamship public house and 4 storeys for the residential block adjacent to the site boundary.

### Surroundings

- 4.8 The scale of buildings beyond the site boundary contrast with those within. Within East India Dock immediately to the east of the application site are 10 storey commercial buildings, whilst to the south residential buildings of 25-35 storeys in height exist at New Providence Wharf and Wharfside Point South. On the opposite side of Prestons Road roundabout, there is an extant planning permission at 2 Trafalgar Way for two residential-led mixed use buildings of 29 and 35 storeys in height.
- 4.9 There are a number of conservation areas within close proximity of the application site. As mentioned above, the Naval Row Conservation Area is partially located within the site boundary. All Saints Conservation Area is located opposite the site to the west, on the opposite side of Cotton Street, the focus of which is the Grade II\* listed All Saints Church, its churchyard and Grade II listed rectory on the opposite side of Newby Place. The St Mathias Church Poplar and Lansbury Conservation Areas are located further to the west. To the north of the application site to the north of East India Dock Road lie St Frideswide's and the



Balfour Tower Conservation Areas.

#### Transport infrastructure and connectivity

4.10 The site has a good public transport accessibility level (PTAL) ranging from 3 to 5 with an average across the site of 4 (1 being poor and 6 being excellent). The A12, A13 and A1261 highways that surround the site area all part of the Transport for London Road Network (TLRN). Blackwall DLR station within the southern part of the application site provides services on the Beckton and Woolwich Arsenal branches. Furthermore, All Saints DLR is within reasonable walking distance of the site and provides services on the Stratford to Lewisham branch. Seven bus routes are within walking distance from the site; D6, D7, D8, 15, 108, 115 and 277. The bus stand and turnaround presently located in Ditchburn Street adjacent to the DLR station acts as the terminus for the route 15 bus. Cycle superhighway route 3 (CS3) runs through the site along Poplar High Street to Naval Row. However, pedestrian connectivity is generally poor given that the site is surrounded by heavy traffic routes and poor permeability through the site.

#### **Proposal**

4.11 Outline planning permission is sought for alterations to and demolition of existing buildings, site clearance and ground works and redevelopment to provide the following uses:

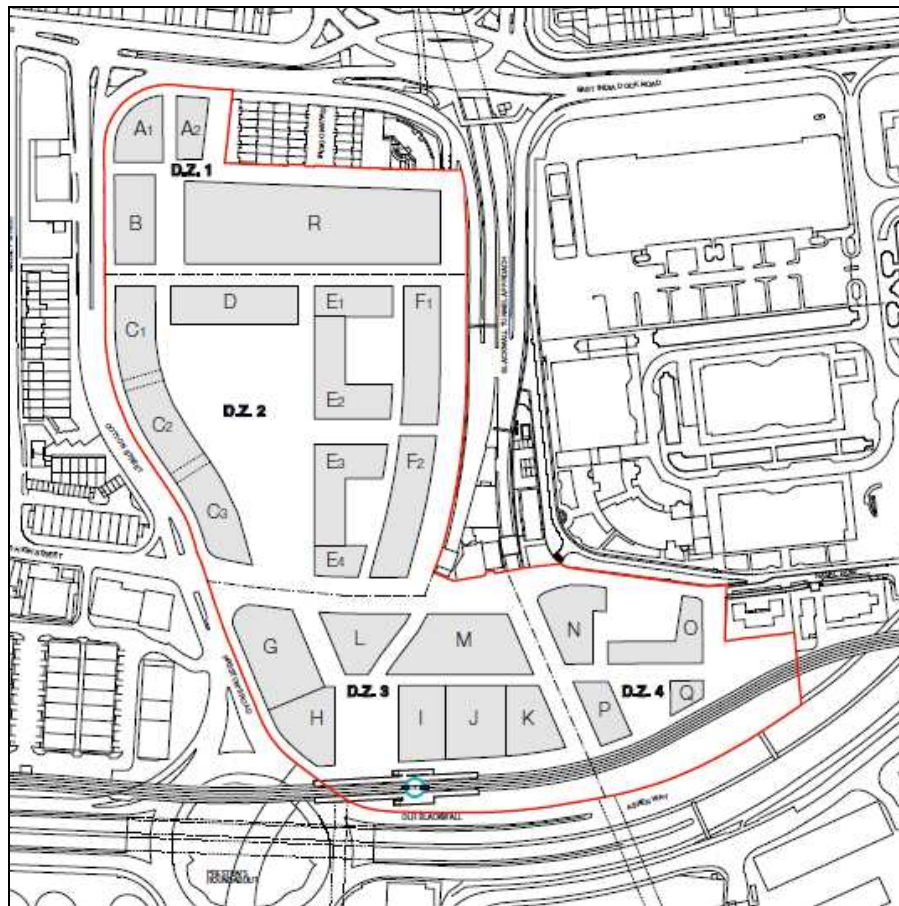
- Up to 1,575 residential units (up to 191,510 sq.m GEA - Use Class C3);
- Up to 1,710 sq.m (GEA) of retail floorspace (Use Class A1-A5);
- Up to 900 sq.m of office floorspace (Use Class B1);
- Up to 500 sq. m community floorspace (Use Class D1);
- Replacement school (up to 4,500 sq.m GEA - Use Class D1);
- Replacement faith building (up to 1,200 sq.m - Use Class D1);
- An energy centre (up to 750 sq.m GEA); and
- Car parking (up to 340 spaces in designated surface, podium, semi-basement and basement areas and on-street)

4.12 All matters associated with details of appearance, landscaping, layout and scale and access are reserved for future determination, however, matters of detail have been submitted in respect of certain highway routes, works and/or improvements for the use by vehicles, cyclists and pedestrians.

4.13 An application for Conservation Area Consent has also been submitted to the Council which proposes the demolition of a warehouse building adjacent to and on the east side of the Steamship Public House, Naval Row. The building is located within the Naval Row Conservation Area.

#### Application Documents

4.14 With regard to the outline planning application, the applicant has submitted three 'control' documents, together with a number of supporting documents containing information, analysis and evidence to support the regeneration proposal.



**Figure 2: The Development Zones and blocks as presented in the parameter plans**

4.15 The proposal will be controlled through the use of the three control documents, as follows:

- Parameter Plans – these define the extent of the streets, spaces and buildings across the site against a series of minimum and maximum dimensions. **Figure 2** above shows one of the submitted parameter plans, which identifies each of the development blocks (A1 to R) within the development zones (D.Z 1-4). The parameter plans also control the broad arrangement of blocks, land uses, open spaces, transport routes and building heights and the respective limits of deviation.
- The Development Specification – this document sets out a written account of the parameter plans and details the description of the proposed development and the quantity of development that could arrive within each development parcel
- The Design Code – this document provides a further level of detail beyond the parameter plans such as architectural detail and key design objectives and standards. Any future reserved matters applications for the development of any of the parcels defined in the parameter plans will need to comply with the design code if they are to be considered acceptable.

### **Relevant Planning History**

4.16 There are no historic planning applications relevant to the planning application site and proposal.

## **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)**

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
	DEV15	Tree Retention
	DEV17	Siting and Design of Street Furniture
	DEV43	Archaeology
	DEV44	Preservation of Archaeological Remains
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV57	Nature Conservation and Ecology
	DEV63	Green Chains
	DEV69	Efficient Use of Water
	EMP1	Promoting Economic Growth & Employment Opportunities
	EMP3	Change of use of office floorspace
	EMP6	Employing Local People
	EMP7	Enhancing the Work Environment & Employment Issues
	EMP8	Encouraging Small Business Growth
	EMP10	Development Elsewhere in the Borough
	HSG4	Loss of Housing
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG15	Residential Amenity
	HSG16	Housing Amenity Space
	T3	Extension of Bus Services
	T7	Road Hierarchy
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development
	S4	Local Shopping Parades
	S10	Shopfronts
	OSN3	Blue Ribbon Network
	OS9	Children's Playspace
	SCF8	Encouraging Shared Use of Community Facilities
	SCF11	Meeting Places
	U2	Development in Areas at Risk from Flooding
	U3	Flood Protection Measures

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

Proposals:	LS25	Blackwall Reach development site – preferred uses: residential (C3), employment (B1), retail (A1, A3, A4), social and community (D1)
	LS26	St Mathias Church development site – preferred uses: residential (C3) Area of Archaeological Importance or Potential Site of importance for nature conservation (Robin Hood Gardens)

		Open Space (Robin Hood Gardens)
		Flood Risk Area - Combined Flood Zones 2 and 3
		Leaside Area Action Plan
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
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV23	Hazardous Dev & Storage of Hazardous Substances
	DEV24	Accessible Amenities and Services
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings Assessment
	EE2	Redevelopment/Change of Use of Employment Sites
	RT3	Shopping Provision outside of Town Centres
	HSG1	Determining Housing Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG5	Estate Regeneration Schemes
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing
	SCF1	Social and Community Facilities
	OSN2	Open Space
	CON1	Listed Building
	CON3	Protection of WHS's, London Squares, Historic Parks and Gardens
	CON4	Archaeology and Ancient Monuments
	CON5	Protection and Management of Important Views

#### **Interim Planning Guidance - Leaside Area Action Plan 2007 (LAAP)**

Development	LS25	Blackwall Reach
Sites:	LS26	St Mathias Centre
Policies:	L1	Leaside spatial strategy
	L2	Transport
	L3	Connectivity
	L5	Open Space
	L6	Flooding
	L7	Education provision
	L8	Health provision
	L9	Infrastructure and services

L10	Waste
L34	Employment uses in East India North sub-area
L35	Residential and retail uses in East India North sub-area
L36	Design and built form in East India North sub-area
L37	Site allocations in East India North sub-area

### **Interim Planning Guidance - Other**

Blackwall Reach Project Development Framework 2008

### **Core Strategy Development Plan Document (September 2010)**

Policies:	SP01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Placemaking
	SP13	Planning Obligations
Annexe 9:		Blackwall Vision, Priorities and Principles

### **Managing Development Plan Document - Proposed Submission Version January 2012**

Allocations:	14	Blackwall Reach Regeneration Project
Proposals:		Zone 2 (water space)
		Site of importance for nature conservation
		Publicly accessible open spaces
		CAZ frontage
		Poplar High Street neighbourhood centre
		Archaeological priority area
		Green Grid
		Cycle Superhighway
Policies:	DM2	Protecting Local Shops
	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM18	Delivering Schools and Early Learning
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
DM26	Building Heights	
DM27	Heritage and Historic Environment	
DM28	World Heritage Sites	
DM29	Zero-Carbon & Climate Change	

**Supplementary Planning Guidance/Documents**  
Planning Obligations SPD 2012

**Spatial Development Strategy for Greater London (London Plan 2011)**

- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature

## **London Plan Supplementary Planning Guidance/Documents**

Lower Lea Valley Opportunity Area Planning Framework 2007  
London Housing Design Guide 2010  
Interim Housing SPG  
London View Management Framework 2010  
Housing  
Land for Transport Functions 2007  
East London Green Grid Framework 2008  
Sustainable Design & Construction 2006  
Accessible London: Achieving an Inclusive Environment 2004  
Providing for Children and Young People's Play and Informal Recreation 2008  
Draft All London Green Grid 2011  
Draft Housing 2011  
Draft London World Heritage Sites – Guidance on Settings 2011  
Draft London View Management Framework 2011  
Draft Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012

## **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPS12	Local Spatial Planning
PPG14	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Noise
PPS25	Flood Risk

## **The Draft National Planning Framework 2011**

**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  
A better place for learning, achievement and leisure  
A better place for excellent public services

## **6. CONSULTATION RESPONSE**

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

### **LBTH Biodiversity**

- 6.3 Robin Hood Gardens is designated as a Site of Local Importance for Nature Conservation and consequently, the potential adverse impact of the development, particularly in terms of access to nature in the local area, is somewhat greater than the submitted Environmental Statement suggests.

Nevertheless, there are certainly no irreplaceable habitats within the application site and

there is plenty of scope, within the parameters set out in the application, to compensate for the loss of existing habitat and end up with an overall gain for biodiversity. The achievement of this will depend on the detailed design of the open spaces and buildings. Key issues, which could be conditioned, are:

- the landscaping of the new park – it is important to ensure that the new park includes equally good or better habitats than that on site at present;
- Sustainable Urban Drainage Systems (SUDS) – water features which function effectively as SUDS should be incorporated;
- living roofs – The number of living roofs should be maximised;
- the provision of bird and bat boxes

Further conditions should be imposed requiring a biodiversity strategy to show how the development would mitigate the loss of the existing Robin Hood Gardens and how the new park would meet the criteria for a Site of Local Importance for Nature Conservation. Also, vegetation clearance should be undertaken during September to February inclusive (the nesting season) and similarly, buildings are to be demolished during the black redstart nesting season (April to July inclusive), a black redstart survey should be undertaken immediately before demolition.

(OFFICER COMMENT: Conditions have been attached as requested, as detailed at paragraph 3.3)

#### **LBTH Building Control**

6.4 No comments received.

#### **LBTH Communities, Localities & Culture**

6.5 Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. The proposed development of 1,575 units is calculated to result in 2,956 residents and an employee yield of 154. Accordingly, following review by the Council's Planning Contributions Overview Panel [in light of the viability constraints of the proposal], the following financial contributions are requested:

- Sports facilities: £1,064,432
- Open space: £1,000,000
- Smarter travel: £44,333

(OFFICER COMMENT: The requested contributions have been agreed with the applicant, as detailed above in section 3 of this report)

#### **LBTH Corporate Access Officer**

6.6 Comments to follow.

#### **LBTH Children, Schools & Families**

6.7 Children, Schools & Families is developing a proposal to expand Woolmore School to provide additional school places in view of the increased number of homes in Blackwall Reach and to respond to the overall need for more school places in Tower Hamlets. It will contribute to creating a sustainable local community. It is proposed to expand the school from 1Form Entry (210 places plus nursery class) to 3 Form Entry (630 places plus nursery classes). The s106 contribution sought from this application will contribute towards the



overall funding of this project as well as other schemes in the programme to provide more school places. The proposal for Woolmore School assumes that the additional land now occupied by the health centre will be incorporated into the expanded school site.

The following financial obligations are sought:

- £5,169,204 towards primary school places in the borough
- £2,499,030 towards secondary school places in the borough

Total contribution request: £7,668,234.

(OFFICER COMMENT: In light of the viability constraints of the proposal, a total financial contribution of £6,411,619 is sought. This takes into account the £1,000,000 cost of acquiring the site adjacent to the existing Woolmore School in order to accommodate its expansion)

### **LBTH Enterprise & Employment**

6.8 No objection, subject to the following obligations:

#### Construction Phase

- The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The Council will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services;
- To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. We will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place;
- A financial contribution of £505,683 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created. In exceptional circumstances and with the prior agreement of the Council, the developer may deliver their own in-house training programme where appropriate. The appropriateness of the in-house training will be assessed by the Council on a case by case basis.

#### End Phase

- The Council seeks a monetary contribution of £23,701 towards the training and development of unemployed residents in Tower Hamlets to access either:
  - i) jobs within the A1-A5, and B1-B8 uses in the end-phase
  - ii) jobs or training within employment sectors in the final development
- Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

(OFFICER COMMENT: The requested contributions have been revised following viability considerations and have been agreed with the applicant. The sum agreed is detailed within section 3 of this report, above)

### **LBTH Environmental Health**

6.9 Contamination

No objections, subject to a condition to secure a site investigation and remediation.

(OFFICER COMMENT: A contamination and remediation condition has been included within section 3 of this report)

#### Noise and Vibration

The western end of Woolmore Street is located within noise exposure category D of PPG24 during the daytime, where planning permission should normally be refused. Accordingly, it is recommended that the buildings are redesigned to ensure that no habitable rooms are exposed to noise levels falling within Category D. The Environmental Health department therefore recommends refusal at this stage. It is also noted that other conflicts of use may occur between the commercial and residential occupation of the proposal.

(OFFICER COMMENT: It is considered that sufficient noise mitigation measures can be incorporated into the proposed to minimise adverse noise impacts. Conditions have been attached to ensure this. Conditions are also attached to restrict the hours of operation of the commercial units and their associated delivery and servicing times)

#### Health & Housing

No objections subject to the proposed units satisfying the GLA's London Housing Design Guide.

(OFFICER COMMENT: The Design Code will ensure that the standards of the GLA's Housing Design are adhered to)

#### **LBTH Housing**

6.10 The proposal exceeds the Council's minimum target by providing 52% affordable housing (by habitable room). It should be noted that the habitable room calculation assumes that all properties of 3 bed and larger are provided with a kitchen diner large enough to count as a habitable room. The generic unit types shown in the Design & Access statement meet this design and it will be expected that the detailed design stages will confirm this.

- Taking into account the 207 existing social rent units to be demolished, the net additional housing provides 43.8% affordable (by hab room) with a split 79 / 21% (net) between social rent and intermediate tenures. The provision of intermediate housing is below our target of 30% of all affordable, but this shortfall is not a major concern;
- The social rent housing is supported by grant and is due to be provided at target rent levels, which is an important element of the council's regeneration plans for the estate. We would like to see confirmation of the rent level promise in the planning approval;
- In the social rented tenure, the provision of 303 new family units is very welcome and equates to 53.5% of the rented units. The number of family units across all tenures is now 26%, still some way short of our target of 30%, but this shortfall can be balanced against the generous provision of family homes in the rented tenure;
- Across all tenures there is an under-provision of one-bedroom units and an over provision of two-bedroom units;
- Details of internal layout, amenity space and tenure distribution is to be confirmed at reserved matters stage;
- The planning statement confirms that all homes will meet Lifetime Homes standards and that 10% will be wheelchair accessible or easily adaptable. We would like confirmation that these units will be spread across all tenures and that at least 10% will be provided within the rented tenure units, where the council's most pressing need is for wheelchair accessible family units; and
- It is essential that all wheelchair accessible units at any upper floor level are able to access a second lift, to ensure access during periods of lift maintenance.

(OFFICER COMMENT: Matters relating to the proposed housing are discussed in detail within the Material Considerations section of this report, below)

### **LBTH Parking Services**

- 6.11 The proposed redevelopment scheme has the potential to generate significant additional permit-based (residential and business) and casual (school, retail, and the mosque) parking demand. Some off-street parking is proposed against which there is likely to be a reduction in the availability of on-street parking.

There is an established pattern of low car ownership and consequent low car dependency in the borough. Based on 2007/08 to 2009/10 data, the 2011 TfL London Travel Demand Survey reports that only 39% of Tower Hamlets households own a car and looking at trips made by Tower Hamlets residents in 2008/09 to 2010/11, 41.5% are made by walking, 34.7% by public transport and only 20% by car (or motorcycle). It is likely that this existing pattern of low car ownership will be reflected within the new development. Accordingly, a s106 car-free agreement should be entered into. The following is also encouraged:

- On-site parking provision for larger families;
- A system of pool cars or the use of a car club;
- The school and mosque should submit travel plans; and
- Disabled parking should be personalised and provided on site

(OFFICER COMMENT: Parking is discussed within section 9 of this report below)

### **LBTH Parks & Open Spaces**

- 6.12 No objections.

### **LBTH Sustainability & Renewable Energy**

#### **6.13 Energy**

The information provided in the energy strategy is principally in accordance with adopted climate change policies and follows the revised “Energy Hierarchy”. However, the energy strategy will need to respond to the emerging Managing Development DPD Policy DM29. The applicant will need to detail how the new targets can be delivered for the relevant phases and subsequent planning applications. An appropriately worded Condition should be applied to ensure a detailed energy strategy and sustainability strategy are submitted to demonstrate the design is in accordance with the policies at the time of any subsequent application

#### **Sustainability**

The sustainability strategy should include the appropriate Code for Sustainable Homes and BREEAM pre-assessments to demonstrate how the development achieves the highest levels of sustainable design and construction and appropriate rating in accordance with the policies at the time of the subsequent submission.

(OFFICER COMMENT: Conditions have been attached as requested)

### **LBTH Transportation & Highways**

- 6.14 JMP Consultancy was commissioned to review the transport and highways aspects of this outline planning application. Utilising the technical notes and reports produced by JMP, LBTH Highways have raised concerns regarding the impacts of the development proposal upon the surrounding highway network as follows:

### Transport Assessment

LBTH Highways have concerns over the impact of the development proposals on the surrounding highway network. The Transport Assessment that has been produced in support of the planning application demonstrates that the development proposals have a significant impact on the operation of the highway junctions in the immediate vicinity of the site. The re-opening of Woolmore Street should not be used as mitigation for the level of vehicle trips generated by the development proposals and the associated highway impacts (reopening Woolmore St will only serve to relieve the eastern arm of Poplar High St - it will not affect total numbers exiting the Cotton St / Poplar High St junction to the south and could have a negative impact on capacity of the A13/ Cotton St junction).

### Parking and Highway Capacity

The lowering of the proposed on-site parking provision [up to 340 spaces] would be a logical response to the highway capacity issues which have been demonstrated within the TA that would be welcomed by LBTH Highways. Where a junction is at, or approaching, capacity any additional traffic will further worsen the situation (as demonstrated in the TA) and measures should be introduced to lower the level of vehicle trips generated by the development (however lowering car parking on site would only be effective if there were no additional spaces on-street for parking overflow, particularly after CPZ control hours).

Notwithstanding the above, if planning permission is granted for this outline application, there are a number of issues which will need to be dealt with by future detailed/reserved matter applications. These include:

- Detailed design of all parking areas (notwithstanding the comments regarding reducing the on-site parking provision), including ramp gradients, head height clearances, etc;
- Detailed design of all site accesses (basement car parks, etc, including general arrangement and visibility splay drawings);
- Detailed design of all cycle parking areas;
- Detailed design of refuse and recycling collection (URS currently proposed);
- Detailed design of all servicing areas (including Delivery & Servicing Management Plans);
- Travel Plans;
- Detailed design of highway layout within the site boundary (including retention of existing cycle hire docking station location – to be agreed with LBTH and TfL respectively)
- Detailed design of on-street parking layouts and assessment of maximum capacity for permit parking.

### S106 Obligations

Following review at the Planning Contribution Overview Panel, financial contributions of £2,000,000 should be secured towards the following local improvements:

1. Contributions towards the design and works associated with the Preston's Road Roundabout capacity enhancement to accommodate increased local movements by all modes and improvements in pedestrian facilities (subway and crossings)
2. Poplar High Street/Cotton Street Junction and Neighbourhood Centre improvements to Poplar High Street (East)
3. East India Dock Road crossing and public realm improvements

The following non-financial obligations should also be secured:

4. Permit free agreement
5. All highways works to be undertaken by the Council at the applicant's cost

### Conditions & Informatives

The following conditions should be imposed upon any planning permission:

- Details of drainage
- No occupation of the development until highway improvements have been completed at Poplar High St/Cotton St junction
- Section 278 Highways Agreement
- No blocking of footway and carriageway

A number of developments impacting on Preston's Road Roundabout will contribute to funding the design and delivery of capacity enhancements. The strategy for dealing with the accumulation of S106 contributions for the roundabout will require whichever development comes first to complete the design and then the rest contribute to building the agreed design. There are already options on the table, but the traffic capacity enhancement may not yet be sufficient to meet the needs identified. Because of uncertainties over individual development programming, it would compromise the development unreasonably to restrict occupation to the delivery of all the highway improvements. The obligation restricting occupation is only necessary for the Poplar High St/Cotton Street junction.

(OFFICER COMMENT: Highways and transportation matters are discussed below within the Material Planning Considerations section of the report. The requested s106 obligations and conditions/informatives have also been recommended, as detailed above within section 3 of this report).

### **LBTH Waste Management**

- 6.15 The parameter plans present an overview and we will await full details to be presented at reserved matters stage to give constructive comments. The Underground Refuse and Recycling Storage System (URS) systems should be used for both refuse and recycling.

(OFFICER COMMENT: A condition has been attached requiring the submission of details of the URS system)

### **English Heritage (Statutory Consultee)**

- 6.16 Outline Planning Application (PA/12/00001)

English Heritage has raised concern with regard to the lack of information submitted with regard to aspects of this application. In particular, EH consider that there is insufficient information contained within the submitted material to allow a thorough assessment of the impact of the proposed development on aspects of the surrounding historic environment. In particular the submitted views, illustrating the proposal in context, are inadequate. English Heritage raise the following particular concerns:

#### *The impact of the proposed Blocks A1, B and C1*

All Saints Poplar Conservation Area was designated in 1986. It is centred on the Church of All Saints with St Frideswide which is listed at Grade II. The church was erected in 1817 to designs by J Hollis. It is an elegant, classical stone building with a fine slender spire rising above a dignified portico. The church within its rectilinear churchyard surrounded by fine railings and substantial rusticated stone gate piers (listed at Grade II) forms the centrepiece of a formalized urban layout. Tower Hamlets has few urban squares and this area comprises a particularly distinctive part of the Borough.

All Saints Church was designed to be seen 'in the round', viewed between trees against a background of low rise, late Georgian residential development situated on the elegant streets surrounding it. On the west, east and south sides of the church are Newby Place, Montague

Place and Bazeley Street, all of which contain designated assets; surviving elements of the valuable late Georgian townscape. Parts of Montague Place and Bazeley Street are occupied by surviving groups of early nineteenth century townhouses; nos. 5, 6, 7, 8, 9, 10, 11 and 12 Montague Place are each separately listed at Grade II and nos. 45 to 51 (odd) Bazeley Street are listed at Grade II as a group. Newby Place is lined on its west side by railings and gates (listed at Grade II) which mirror those of the graveyard on the opposite side of the street to form a dignified approach to the main entrance of the church; an important part of a grand, wider setting to the church. The fine Vicarage (listed at Grade II) is situated directly opposite the church; part of the overall formal layout, referred to earlier.

The northern side of the square (outside the All Saints Poplar Conservation Area boundary) forms part of East India Dock. The part of the road which is directly opposite the Conservation Area is lined by a mix of two and three storey, nineteenth and twentieth century development. The existing residential tower, located at the junction of East India Dock Road and Chrisp Street is out of scale with its surrounding context.

Despite rebuilding, following losses due to war damage, and later demolitions, a relatively consistent scale survives on Newby Place, Montague Place and Bazeley Street within the Conservation Area. By virtue of its large scale and open setting, the visual primacy of the church remains unchallenged in key Conservation Area views. The relevant Conservation Area appraisal (page 8) notes that *'There are many long views to the spire of All Saints from outside the Conservation Area. Within the area, the views to the church across the churchyard are important from all directions, including diagonal views across the gardens.'*

The Conservation Area Appraisals document (page 14) recommends a sensitive approach to development around the church noting that *'There is potential for redevelopment on the east side of Basely St, where very high quality new buildings could restore a sense of definition to the square. Development would not need to be in a neo-Georgian style, but the materials, scale, proportions and rhythm should be consistent in character with the existing historic frontage to Montague Street.'* The proposed tower of up to 23 storeys (Block A1) by virtue of its scale and form would be severely detrimental to the setting of the Conservation Area and in particular the listed church, appearing as a dominating element in several views and largely negating the potential benefits of any future sympathetically scaled development of the east side of Bazely Street. Similarly blocks B and C1, whilst much lower than the proposed tower would impose themselves on views east across the Conservation Area.

#### *The impact of the proposed Blocks O and N*

The Naval Row Conservation Area was designated in 1987 by the London Docklands Development Corporation. It is a linear conservation area, running alongside a key surviving section of the former boundary wall of the former East India Dock which is listed at Grade II. A raised, tree lined, walkway runs parallel with the wall alongside Naval Row; the embankment wall, railings and steps to the walkway are listed at Grade II.

The relevant Conservation Area Appraisal notes that *'The southern edge of the street [Naval Row] is lined with historic buildings of interest including the listed hydraulic pumping station ... [and the Steamship Public House and Naval House], and it is their group value which is safeguarded by the Conservation Area designation'*.

This is a small Conservation Area, situated within a part of the Borough which has undergone profound change since the 1960's. The wider setting of the Conservation Area is likely to undergo further substantial change and to this extent the Conservation Area is vulnerable. Whilst views out of the area include elements of many large scale developments, the part of Naval Row within the Conservation Area boundaries retains 'an intimate feel', as noted within the relevant Conservation Area Appraisal. This intimate feel is strengthened by the very different and widely varying spatial characteristics of surrounding, large scale developments, outside the Conservation Area boundaries.

It is particularly important that the Council ensures that any new development within and directly abutting the Conservation Area boundaries, is appropriate in terms of scale and form, if important elements of its existing character are to be preserved. The proposed Block N (immediately outside the Conservation Area boundary) would be up to eight storeys tall and Block O (part within the Conservation Area boundary) would be up to five stories tall and would be situated amongst lower buildings on the south side of the street. The impact of the development cannot be fully assessed, given the outline nature of the application, but we consider that, by virtue of their form and scale, these blocks would form a disquieting visual intrusion in Conservation Area views along Naval Row. Together, Blocks N and O have the potential to alter the existing character of the Conservation Area; substantially intruding on its intimate feel.

### *Conclusion*

We recommend that the Council seek amendments with regard to the scale and form of Blocks A1, B, C1, O and N and that additional detail is obtained at this stage, particularly with regard to these aspects of the development. We would be happy to advise further.

### Conservation Area Consent (PA/12/00002)

English Heritage has not raised any objections to the Conservation Area Consent application.

### Archaeology

The proposed regeneration site is situated in an area where archaeological remains may be anticipated, and lies in part within a designated Archaeological Priority Area. Accordingly, the following conditions are recommended:

- Programme of archaeological investigation and recording of remains to be agreed, implemented and completed
- Implementation of a programme of archaeological recording of the standing historic buildings prior to demolition

(OFFICER COMMENT: The Heritage impacts of the proposal are discussed in greater detail below, within the material planning considerations section of this report. Conditions relating to archaeological investigation and recording have been attached as requested).

### **Environment Agency (Statutory Consultee)**

6.17 No objections subject to the following conditions being imposed:

- No commencement of development until such time as a scheme to ensure finished floor levels are set no lower than 300mm above the predicted flood levels has been approved
- Submission of a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development

(OFFICER COMMENT: The requested conditions have been attached as detailed above in section 3 of this report)

### **Greater London Authority (GLA - Statutory Consultee)**

6.18 In summary, the GLA have advised that proposal does not presently comply with the London Plan, but that there are possible remedies. In particular, the GLA have made the following comments:

#### Principle of development

The principle of development at this density is not justified in terms of creating a sustainable community. A reduction in density in Development Zone 1 and 2 is required. The applicant should consider a reduction in unit numbers of between 120 and 130 units.

#### Urban design, heritage impacts and access

The report identifies a number of heritage impacts which have not been justified in the context of PPS5 and the London Plan. The design code is broadly supported subject to minor amendments. Phasing strategy for play space delivery is required. A reduction in density as described above will help to minimise the impact on heritage assets in the setting of the All Saints Conservation Area. Further work is needed on the design code regarding inclusive access and regarding delivery of play space on a phased basis.

#### Housing

The approach to estate renewal is broadly consistent with the London Plan, the bedroom size mix needs to be confirmed and targets secured as part of the s106.

#### Climate change mitigation

Commitment is needed and appropriate conditions required regarding site wide technologies and potential links to a future heat and power network and delivery of a single energy centre on completion of the masterplan. Suitable conditions are required regarding the proposed technologies.

#### Climate change adaptation

Broadly acceptable subject to the imposition of conditions.

#### Noise and air quality

Requires further consideration as part of ongoing discussions.

#### Biodiversity

No significant species identified on site however there is opportunity to improve conditions through the use of rooftops – green and brown roofs.

#### Transport

Further work is required regarding matters set out in the report including trip generation, highways and various transport contributions which will need to be discussed and agreed.

(OFFICER COMMENT: Following these comments from the GLA, the applicant has reduced the proposal by 125 units from 1700 to 1575. The applicant has also provided additional information with regard to the issues identified above. Each issue is discussed within the Material Planning Considerations section of this report, below)

### **London Borough of Greenwich (Statutory Consultee)**

6.19 No objections.

### **London City Airport (Statutory Consultee)**

No safeguarding objection, subject to the following conditions:

- The construction methodology and use of cranes in relation to location, maximum operating height of crane and start/finish date during the development of the project is to be agreed with London City Airport;
- All landscaping plans and all plantations should be considered in view of making them unattractive to birds so as not to have an adverse effect on the safety of operations at the airport by presenting a bird strike threat to aircraft operating at the



- airport; and
- Given the proximity of the development to the airport, all relevant insulation in building fabric including glazing and ventilation elements will be supplied and fitted in compliance with current noise attenuation regulations and tested

(OFFICER COMMENT: Conditions are attached relating to crane construction, biodiversity strategy and noise attenuation as requested)

**London Thames Gateway Development Corporation (Statutory Consultee)**

- 6.20 At the time of writing, LTGDC have prepared an update report to their Members for information ahead of their planning committee meeting on 8<sup>th</sup> of March and requests that a further meeting is scheduled for which a report will be prepared. The report raises various concerns with regard to height, scale, mass, density and heritage impacts of the proposal.

(OFFICER COMMENT: It is understood that LTGDC intend to produce a full report for their planning committee, details of its content will be provided within an update report)

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

- 6.21 No safeguarding objections.

**Natural England (Statutory Consultee)**

- 6.23 No detailed comments to make on the application, however Natural England request the Council to take the following matters into consideration:

- The proposed site is presently designated as a Millennium Green. As such the Robin Hood Millennium Green Trust should be consulted;
- Local wildlife sites – The application site comprises a Site of Nature Conservation Importance (SNCI). As such, the London Wildlife Trust should be contacted;
- Protected species – the Council should request survey information if they are aware of any protected or Biodiversity Action Plan species are on the site;
- Biodiversity enhancements – The Council should consider securing measures to enhance the biodiversity of the site in accordance with PPS9.

(OFFICER COMMENT: Both the Robin Hood Millennium Green Trust and the London Wildlife Trust have been consulted and their comments are detailed within this report. Conditions are attached with regard to protected species and a biodiversity strategy)

**NHS Tower Hamlets PCT (Statutory Consultee)**

- 6.24 The Tower Hamlets PCT offered the following general comments upon the proposal:

- Requests that all of the health and wellbeing criteria within the Code for Sustainable Homes assessment are met, and that every non-ground floor dwelling should be accessible by a lift which can accommodate an ambulance trolley;
- The proposed A5 uses (hot food takeaway) will lead to an over concentration of these uses;
- The proposal should include some segregated cycle routes; and
- the proposal should ensure that it integrates fully with the Tower Hamlets Green Grid Strategy as a way to address the deficiency of green open space

(OFFICER COMMENT: With regard to the first two points, such details can be addressed at the reserved matters stage. Also, a condition has been attached restricting the proposed A5 floorspace. The Transport Assessment accompanying the application sets out that the design of the development includes improvements to the local cycle networks, and that the

Cycle Superhighway route CS3 will be retained within the site, with improved highway width through the realigned Poplar High Street/Naval Row. With regard to the final point, the proposed open spaces are intended to form a part of the Green Grid, as discussed further within section 9 of this report, below)

Tower Hamlets PCT also requested the following contributions based on the previously proposed 1700 units:

- Total capital planning contribution: £2,109,811
- Total revenue planning contribution: £10,889,704

(OFFICER COMMENT: Only the capital contribution is sought in line with standard practice. In light of the viability constraints of the proposed development, the s106 package has been reviewed by the Council's Planning Contribution and Overview Panel and a contribution of £900,000 has been apportioned. This is further discussed in section 9 of this report, below)

### **Olympic Delivery Authority (Statutory Consultee)**

6.25 No comments received.

### **Transport for London (Statutory Consultee)**

#### 6.26 Parking

The development will provide 320 spaces and 72 on street spaces. Overall, the level of resident parking is expected to achieve 0.2 spaces per dwelling, with the remainder being mixed bays. This level is supported as it is within the London Plan maximum. The car park management strategy should be underpinned by the principle that spaces are leased rather than sold and the allocation for new residents should be informed by the specific PTAL of the site and the proposed housing mix. Furthermore the development should include spaces for car club vehicles and electric vehicle charging infrastructure.

The 2,246 cycle parking spaces comply with TfL's minimum cycle parking standards as set out in the London Plan. Furthermore the provision of visitor stands is welcomed. The provision of CCTV is recommended for additional security. It is noted and welcomed that the development may provide improvements to the cycle network east of Cotton Street.

(OFFICER COMMENT: Conditions have been attached with regard to the submission of a parking strategy, electric vehicle charging and CCTV)

#### Trip Generation

It is suggested that a comparison with local census data is undertaken to ensure that the presented modal splits are appropriate.

(OFFICER COMMENT: Further information has been provided by the applicant as detailed within section 9 of this report)

#### Highways

The application indicates that Preston's Road roundabout is currently operating at capacity and will be over capacity in future years as a result of this and other developments in the area. The report also suggests that Poplar High Street east will be very close to capacity. The impact of the proposal upon the Cotton Street/A13 junction should also be provided and mitigation identified. It is also considered that the re-opening of Woolmore Street should be implemented in order to relieve Poplar High Street (east). The potential for being able to provide pedestrian and public realm improvements at this junction is also therefore increased in Woolmore St is reopened.

(OFFICER COMMENT: Contributions towards highway improvements have been agreed,

and the reopening of Woolmore Street is sought as part of the wider highway improvements condition. Further discussion of this matter can be found at section 9 of this report)

#### Walking and the public realm

TfL considers as a matter of priority, this scheme should provide improvements in and around transport nodes and facilitate walking trips to nearby town centres. The Cotton Street/A13 junction also requires significant improvements to the pedestrian environment to accommodate additional demand from this development. TfL supports Tower Hamlets Council's ambitions to improve the wider public realm as detailed in their 'Poplar and Blackwall Connection and Public Realm Study' July 2011. Contributions should therefore be secured from this development and pooled with those from nearby schemes to enable improvements identified in the study to be delivered. 'Legible London' signage should also be implemented to improve wayfinding.

(OFFICER COMMENT: As detailed above, financial contributions towards a number of public realm and connectivity improvements within the local are sought)

#### Docklands Light Railway

TfL considers that it is likely that most trips on the DLR will be made from Blackwall Station. When taken with other nearby developments, this is likely to lead to capacity constraints at Blackwall station, generating the need for additional staircases. Improvements would therefore be required including the extension of existing canopies to cover the boarding area at the top of these stairs so as to spread demand along the platform and assist in efficient boarding. The total cost of these works is estimated at £3 million. TfL expects that a substantial portion of this cost would be borne by this development as the largest generator of new trips to the station, with the remaining to come from nearby schemes. TfL also request that the land for the stair towers is safeguarded.

TfL welcomes the inclusive use of the DLR viaduct protection and maintenance zones. It should be noted that the DLR restrictions in the protection zone may mean that they should not be regarded as play spaces or other activity space.

(OFFICER COMMENT: As detailed above, a contribution of £2 million towards improvements to Blackwall DLR station has been agreed)

#### Buses

TfL expects that additional capacity will be required on one of the bus services in the vicinity of the site. The introduction of an additional return journey (£90,000) would mitigate the impact of the development on the bus network. TfL therefore requests a contribution of £450,000 over a five year period.

The proposed relocation of stands and stops to serve route 15 are considered acceptable, subject to further details. A capped contribution of £15,000 towards the improvement of the bus stands in Poplar High Street should be secured through the s278 agreement.

(OFFICER COMMENT: The requested bus contribution has been agreed, as detailed in section 3 of this report)

#### Cycling

TfL welcomes the proposal to improve Naval Row and further discussion should be held with TfL to ensure the changes are acceptable in terms of Cycle Superhighway 3. Given the uplift in proposed development at the site, TfL considers that this will generate demand for further Cycle Hire docking points in the area. A contribution of £118,000 is therefore required to extend the existing Naval Row docking station, or if that is not feasible, £189,000 for a new docking station in the northwest corner of the site.

(OFFICER COMMENT: Due to viability constraints and the presence of a docking station on

site at present, a contribution has not been sought towards the Cycle Hire Scheme. However a condition has been attached to safeguard the land for the docking station)

#### Travel Demand Management

A travel plan should be secured through the s106 agreement and a construction travel plan.

(OFFICER COMMENT: Conditions have been attached to this effect)

#### Crossrail

A contribution of £27,360 is requested in accordance with the GLA's Crossrail SPG 2010, in light of the development's uplift in retail floorspace of 1,710 sq.m GIA.

(OFFICER COMMENT: The requested contribution has been secured as detailed in section 3 above)

### **British Broadcasting Corporation – Reception Advice**

6.27 No comments received.

### **Commission for Architecture and the Built Environment (CABE – part of the Design Council)**

6.28 CABE consider that in principle, the proposal has the potential to create a good place to live, but consider that some changes to the masterplan are required.

- CABE consider that the masterplan lacks a clear logic in terms of defining building blocks, spaces and routes, with the spaces appearing fractured and overshadowed by the tall residential blocks;
- Whilst the north-south route across the site parallel to Cotton Street could become a successful pedestrian route, it could have a detrimental impact on Cotton Street which has greater potential to become the principal urban road where activities should be concentrated. CABE urge the developer, local authority and TfL to work together to slow down traffic and to civilise Cotton Street;
- For a development of such scale, a more ambitious environmental strategy that addresses energy, water management and waste as well as transport and socio-economic issues is expected;
- Single aspect flats that overlook the Blackwall Tunnel must be avoided;
- The proposed arrangement of the green space (a large central area and two garden courts) takes away potential generosity and usability of the left-over spaces is limited. Further thought is required regarding how the spaces will work and to avoid overshadowing issues;
- In principle, CABE consider that a case can be made for tall buildings adjacent to Blackwall DLR station, however do not consider that the collection of buildings lined up behind Aspen Way works well together. The tall building at the northern end of the site does not relate well to the spire of the All Saints Church and has a detrimental impact on East India Dock Road. CABE consider that a convincing case needs to be made for the amount of development and the heights of the buildings; and
- Whilst an outline application helps to set out the general parameters of the scheme, CABE believes that it is not strong enough to ensure that a scheme of such complexity can be illustrated in sufficient quality

(OFFICER COMMENT: Matters relating to design are discussed in detail below within section 9 of this report)

### **EDF Energy Networks**

6.29 No comments received.

## **London Borough of Newham**

6.30 No comments received.

## **London Fire and Emergency Planning Authority**

6.31 Request that details of brigade access and water supplies are considered at the earliest opportunity.

(OFFICER COMMENT – a pre-commencement condition has been attached accordingly)

## **London Wildlife Trust**

6.32 No comments received.

## **National Grid**

6.33 The works proposed are likely, unless controlled, to adversely impact the safety and integrity of National Grid apparatus. If you decide to proceed with these works, please contact us again so that we may arrange for technical advice and guidance to be provided.

(OFFICER COMMENT: An informative has been attached accordingly, as detailed above at section 3)

## **Thames Water**

6.34 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following conditions be imposed:

- The development should not be commenced until impact studies of the existing water supply infrastructure have been approved; and
- No impact piling shall take place until a piling method statement has been approved

Thames Water also state that the surface water strategy is revised to increase usage of SUD's in accordance with the methodology set out within policy 4A.14 of the London Plan.

(OFFICER COMMENT: The requested conditions have been attached as well as a condition relating to the drainage strategy)

## **Twentieth Century Society**

6.35 Robin Hood Gardens

The Twentieth Century Society consider that the existing Robin Hood Gardens Estate have very high heritage significance and therefore strongly object to the proposed demolition. In particular, they consider that Robin Hood Gardens is a highly significant example of post war housing and represents the progressive state of architecture, design and public expectation at a time of change and social advance when it was completed in 1972 by architects Alison and Peter Smithson, who were among the main instigators of the New Brutalism.

In architectural terms, the Twentieth Century Society state that *“the highly modelled exposed concrete facades create large scale geometric patterns by juxtaposing protruding linear window frames and columns with recessed balconies. Changing views are provided from the walkways (or streets-in-the air) positioned on the exterior elevations of the two cranked linear blocks which enclose the open ended landscaped public space. In an echo of the urban city square the architects designed an impressive landscape between the two blocks*

*from the rubble of the buildings demolished to make way for development. These elements combine to make Robin Hood Gardens an exceptional ensemble”.*

The Twentieth Century Society also considers that the refurbishment and upgrading of Robin Hood Gardens provides a sustainable opportunity for the estate to continue to provide good quality homes, rather than demolition.

#### Woolmore School

The Twentieth Century Society object to the demolition the school building, which was designed by the Schools Division in the London County Council Architect's Department and opened in 1916. In particular, the Twentieth Century Society consider the building to be a non-designated heritage asset in terms of PPS5 and state that *“This neo-Georgian building is constructed of yellow London stock brick with pitched and hipped roofs and is characteristic of this design between 1912 and 1918. A distinguishing feature of this building is the upper stage vent stacks on the Woolmore Street elevation. Disguised as chimney stacks, these stacks provided continuous removal of stale air from classrooms and cloakrooms in the building. Despite the replacement fenestration, we consider main neo-Georgian part of this building makes a positive contribution to the townscape, and urge Tower Hamlets Planning Authority to reject plans incorporating its demolition”.*

(OFFICER COMMENT: Design and heritage issues are discussed below within section 9 of this report).

## **7. LOCAL REPRESENTATION**

7.1 A total of 4,848 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, the Evening Standard 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:	15	Objecting:	9	Supporting:	2	Neither:	4
No of petitions received:	none						

7.2 The following local groups/societies made representations:

- All Saints Church
- Poplar Mosque & Community Centre
- Robin Hood Millennium Green Trust
- Tenants and Residents Association of Robin Hood Gardens and Beazly Street

7.3 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:

#### In objection

##### Design & Heritage

- The existing Woolmore Primary School building is a very good example of a neo-Georgian London County Council elementary school and is one of only six surviving neo-Georgian schools in Tower Hamlets. The writer therefore objects to its demolition and urge that the main neo-Georgian part of the existing building is retained, refurbished and extended, in line with English Heritage advice on historic school buildings;
- The height of the buildings adjacent to the Blackwall DLR are unwarranted;
- The proposal would be a blot on the landscape due to the proposed heights;
- Development should be capped at 10 storeys which is in keeping with the existing area;
- The impact on the [local] conservation areas has not been fully considered. The application states that a tall building will not diminish the visual prominence of All Saints

Church, however it is possible to see an existing modern tall building has had a diminishing impact upon the church; and

- The proposed tower block on the north-west corner of the site is higher than that consulted upon

#### Amenity

- The height of the proposed buildings adjacent to Blackwall DLR would result in a loss of privacy given their close proximity and extreme height;
- The proposal would cause significant disruption, traffic congestion and noise pollution during construction;
- The proposal would block light and in particular, sunlight to the adjacent Wharfside development; and
- The proposal is too much construction in too small an area;

#### Housing

- The proposal would result in existing freeholders of individual residential properties being uprooted and forced out. The writer requests that the proposals be modified to include freehold units so that existing freeholders can remain on a like-for-like basis; and
- The proposal does not take into account the additional infrastructure required for the increase in housing, such as school provision, recreation and transport provision

#### Highways & Transportation

- The proposal would create traffic congestion during construction; and
- Construction works in the area are impacting upon the state of local roads

#### Other

- More community halls are required;
- Green spaces should not be built on; and
- The proposal results in a net loss of open space, play space, community floorspace and school floorspace per person

#### In Support

- The proposal will generate jobs and homes;
- The existing Robin Hood Gardens estate is in a state of disrepair and should be demolished and replaced;
- The scheme seems overall to be a welcome development for the local area; and
- A canopy in the central green area is welcomed

#### General Observations

- The Polar Mosque & Community Centre state that the submitted plans have not been agreed with the Mosque and the illustrative proposals should be seen as a guide to possible use, rather than a final design;
- A writer seeks assurance that highway access to Naval Row would not be significantly disrupted during construction and that loud construction would not take place during anti-social hours;
- A further writer queries the duration of the demolition phase and how surrounding buildings will be protected;
- The proposal should provide a zebra crossing at the end of Poplar High Street as the Preston's Road roundabout subway is uninviting;
- The proposal should provide an additional primary school or a nursery;
- A job training centre should be provided;
- A community centre should be provided;
- Car parking and green spaces are essential;
- More bus routes are required;

- More shops are required for residents and also the creation of jobs;
- The mosque and community centre should be housed in separate buildings; and
- Education funding should be ring-fenced solely for Woolmore School

7.4 The following issues were raised in representations, but they are not material to the determination of the application:

- The proposal would block views from the adjacent Wharfside development (OFFICER COMMENT: The loss of a view is not considered to be a material planning consideration)

7.5 The following other issues were raised in representations:

- The legal position of the Millennium Green Trust has not been taken seriously and there has been inadequate consultation on this subject (OFFICER COMMENT: The Council has consulted the Millennium Green Trust upon the application. The applicant will be required to continue dialogue with the Millennium Green Trust in order to facilitate development)

## **8. MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by this application that the committee are requested to consider are:

- Principle of Development and Land Uses
- Density
- Transport, Connectivity & Accessibility
- Design
- Heritage & Conservation
- Housing
- Amenity
- Energy & Sustainability
- Contamination
- Flood Risk
- Environmental Impact Assessment
- Health
- Biodiversity
- Section 106 Planning Obligations
- Human Rights Considerations
- Equalities Act Considerations

### **Principle of Development and Land Uses**

8.2 At national level, planning policy promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve national housing targets.

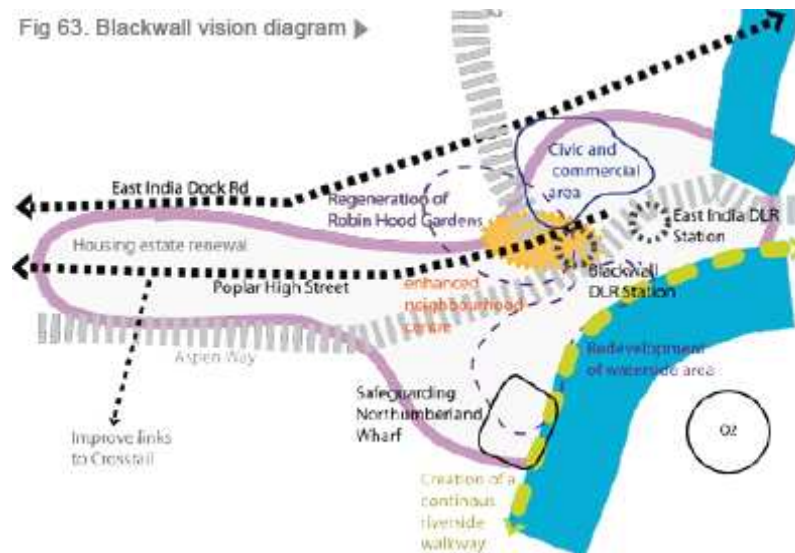
8.3 At the local level, the site is located within Blackwall as part of the Local Area Partnership 8. The redevelopment of Robin Hood Gardens as part of the Blackwall Reach Regeneration Projects is listed as one of the priorities. Part of the site is also allocated within the Interim Planning Guidance as part of the Leaside Area Action Plan (2007). The draft Development Management DPD (2011) allocates the site for a comprehensive mixed-use redevelopment to provide housing, a school, commercial floorspace, open space and other compatible uses.

8.4 The regeneration of sites such as this within east London is also a strategic target of the London Plan (2011). Policy 1.1 states “the development of east London will be a particular priority to address existing need for development, regeneration and promotion of social and



economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs”.

- 8.5 The comprehensive regeneration of the Robin Hood Gardens Estate will re-provide the existing affordable housing units and further increase the supply of high quality affordable and private housing. The principle of increased private and affordable housing supply at the site is supported by London Plan Policy 3.3, which states that boroughs should increase housing supply in particular “through the potential to realise brownfield housing capacity through the spatial structure it provides” including “sensitive renewal of existing residential areas”. The current target for Tower Hamlets is set at 2,885 units per annum.
- 8.6 At a local level, the vision for the housing-led regeneration of Blackwall is set out in the LBTH Core Strategy (September 2010). Blackwall is identified within the Core Strategy as an area that “will go undergo transformation through housing growth and investment, and will emerge as an attractive and desirable place to live and work” (LAP7&8). Core Strategy policy SP02(1a) identifies Blackwall Reach Regeneration as a key project in the delivery of these housing targets within the borough. Core Strategy Annex 9 “Delivering Placemaking” sets out the vision for Blackwall, as depicted by figure 63 below.



**Blackwall Vision diagram (Source: LBTH Core Strategy 2010, figure 63)**

- 8.7 The Vision includes the regeneration of Robin Hood Gardens in accordance with the Blackwall Reach Development Framework (Interim Planning Guidance 2008) and provides guiding principles including:
- The improvement of the neighbourhood centre by extending Poplar High Street in and around Blackwall DLR;
  - Creating and improving east west connections to the Town Hall;
  - Delivering a new active public square around Blackwall DLR station; and
  - Addressing barriers to the A12 and Aspen Way.
- 8.8 The site allocation for Blackwall Reach as detailed within the draft Managing Development DPD (January 2012) supports the Core Strategy’s Vision of a comprehensive mixed-use development. In particular, the site allocation requires:
- A strategic housing development;
  - An expanded Woolmore Primary School;
  - A district heating facility;
  - New publicly accessible open space; and
  - Commercial floorspace and other compatible uses
- 8.9 The principle of estate renewal is therefore supported at strategic and local level. With regard to the Core Strategy’s vision for Blackwall, The proposed outline planning application

provides for the regeneration of Robin Hood Gardens by providing for up to 1,575 residential units as well as retail, business and community floorspace, together with an expansion of the Woolmore Primary Schools. The new retail space will be located along the eastern section of Poplar High Street and around a new public square outside Blackwall DLR station, and the proposal includes new routes through the site on both north south and east west axis.

- 8.10 With particular regard to the proposed provision of up to 1,710sq.m of retail floor space (Use Classes A1-A5), the applicant has submitted a Retail Statement in support of the planning application. This states that the retail provision accords with the principles of national planning policy set out within PPS4. The Retail Statement concludes that the retail provision is in conformity with the key development management policies of PPS4, on the basis that there is a site-specific need for adequate local shopping facilities to serve both existing and future residents at the site and given that the proposals are of an appropriate scale and will have a negligible impact on existing centres in the surrounding area.
- 8.11 The proposals include up to 900 sq m of B1 floorspace in addition to the 1,710sq.m of retail floorspace. The existing 'B' use floorspace for the site is circa 2,670 sq.m. While this results in a reduction in 'B' use employment floorspace, the proposals would allow for a range of new employment opportunities on the site through retail and residential uses and therefore, on balance, given the regenerative benefits of the proposal it is considered that the proposal is acceptable.
- 8.12 Policy SP03 of the Core Strategy seeks the creation of "healthy and liveable" neighbourhoods. The proposal includes new community facilities including a new community centre and a re-provided and expanded faith building. The proposed community uses are therefore considered to accord with policy SP03, which encourages provision of "high quality social and community facilities".
- 8.13 The planning application also allows for the expansion of Woolmore Primary School from a two-form entry to a three-form entry school. This accords with Core Strategy policy SP07, which encourages the "continued improvement and expansion of existing primary and secondary schools".
- 8.14 Accordingly, it is considered that the broad principles of the proposal are in accordance with the London Plan, Core Strategy and draft Managing Development DPD.

### **Density**

- 8.15 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by corresponding the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location.
- 8.16 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) ranging from 3 to 5 with an average across the site of 4 (1 being poor and 6 being excellent).
- 8.17 In terms of density characteristics the GLA's stage 1 refers to the site as having a largely urban character. Table 3.2 of the London Plan sets out that where accessibility to public transport is highest, densities in urban settings can reach up to 700 habitable rooms per hectare. The applicant has provided an indicative accommodation schedule which states that the density within the area to the north of Poplar High Street/Naval Row would be approximately 591 hr/ha whilst the density to the south is approximately 1242 hr/ha, with an overall average density of approximately 847hr/ha.
- 8.18 With regard to the distribution of the density, this is higher to the south of the site in the areas adjacent to the Blackwall DLR station where the public transport accessibility level is highest

(PTAL level 5). The surrounding built form also increases in scale and mass towards the Canary Wharf tall building cluster to the south, where numerous high density schemes can be found. Accordingly, this is considered to be an appropriate approach to density distribution.

- 8.19 It should also be noted that the scheme incorporates new pedestrian routes through the application site, as well as s106 obligations towards public realm and connectivity improvements towards the Preston's Road roundabout, Poplar High Street/Cotton Street and East India Dock Road, all of which would support a high density development in this location.
- 8.20 Furthermore, density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any symptoms of overdevelopment or have any significantly adverse impacts on the quality of the residential amenity. As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan (2011) and Policy SP02 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

### **Transport, Connectivity and Accessibility**

- 8.23 PPG 13 and the London Plan 2008 and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity.
- 8.24 Saved UDP policies T16, T18, T19 and T21, Core Strategy Policy SP08 & SP09 and Policy DM20 of the draft Managing Development DPD (2012) together seek to deliver accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.25 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) ranging from 3 to 5 with an average across the site of 4 (1 being poor and 6 being excellent). The site is bounded by the A12, A13 and A1261 highways. Blackwall DLR station is located within the southern part of the application site and All Saints DLR is within reasonable walking distance of the site. Seven bus routes are within walking distance from the site and the bus stand and turnaround presently located in Ditchburn Street adjacent to the DLR station acts as the terminus for the route 15 bus. Cycle superhighway route 3 (CS3) runs through the site along Poplar High Street to Naval Row. However, pedestrian connectivity is generally poor given that the site is surrounded by heavy traffic routes and poor permeability through the site.

### Highways

- 8.26 The application proposes a series of interventions into the existing highways network in and around the application site. The applicant's summary of the highways strategy is set out below, all of which are considered to be appropriate:-
- Woolmore Street is reopened as a left-in/left-out operation. This enables vehicular circulation through the site, reduces the number of internal vehicular two-way movements and provides a secondary point of access. The significant intensification of residential development on the site necessitates the creation of a secondary access point, reducing the pressure on the Poplar High Street/Cotton Street junction;
  - Cotton Street and Preston's Road will provide the main links to the wider highway network. No alterations are proposed to the alignment of these roads, however the active building edge will be improved. A planting strip will be introduced along Cotton

Street to create a more attractive building frontage and enhanced pedestrian environment;

- Poplar High Street will adopt a 'High Street' typology as it forms the main access to the site and will form the axis of the neighbourhood centre;
- The internal routes providing vehicular access and circulation will have a 'residential street' typology. These have been designed to allow safe two-way operation for service vehicles, whilst reducing the dominance of the highway;
- Naval Row would be converted to one-way operation for vehicular traffic, except for cycles, along its eastern section to allow buses to access the new stand facility safely;
- The existing Prestage Way/Ditchburn Street and bus turnaround will be stopped up. A realigned Prestage Way will be created to the east which will form part of the new one-way bus loop;
- Two sections of adopted shared surface are proposed - a realigned Bullivant Street and Scouler Street. These will provide an enhanced pedestrian environment in these areas whilst maintaining servicing and waste collection access; and
- A series of internal private routes will be provided within the development to allow restricted access to all buildings for servicing, waste collection and emergency access.

- 8.27 The developer has modelled local junctions, with the results indicating that Preston's Road roundabout is currently operating at capacity and will be over capacity in future years as a result of this and other developments in the area. In addition, the results suggest that Poplar High Street east will be very close to capacity.
- 8.28 The application proposes the re-opening of Woolmore Street, with the modelling work indicating that this would relieve Poplar High Street east. TfL identify that this would therefore result in the ability to provide pedestrian and public realm improvement works at this junction and therefore support the reopening of Woolmore Street.
- 8.29 Accordingly, and as also supported by LBTH Highways, the applicant has agreed to a £2 million obligation towards highways, connectivity and public realm improvements, in particular the design and works associated with the Preston's Road Roundabout capacity enhancement to accommodate increased local movements by all modes and improvements in pedestrian facilities (subway and crossings). The financial obligation would also deliver improvements to the Poplar High Street/Cotton Street junction, together with Neighbourhood Centre improvements to Poplar High Street (East).
- 8.30 In order to assess the capacity of existing road networks to accommodate the proposed development, the application is supported by a Transport Assessment to examine the existing and proposed trip generation for the development. As detailed in the table below, the findings indicate that the net change in vehicle trips forecasts a decrease of 46 inbound trips during the morning peak and an increase of 127 outbound trips during the morning peak. The application states that due to the changes in floorspace, the peak flows have altered from the majority inbound to the majority outbound during the morning peak hour. During the evening peak, an additional 65 inbound trips are forecast with a reduction in forecast outbound trips of 56. Whilst this results in an overall increase in peak hour traffic movements, given the public transport improvements and public realm enhancements within the area, it is considered that on balance the proposed impact is acceptable.

Development	AM Peak Hour		PM Peak Hour	
	In	Out	In	Out
Existing Uses	166	56	69	141
Proposed Uses	120	183	134	85
Net Change	-46	+127	+65	-56

**Above: Forecast net vehicle trips**

8.31 Construction traffic is expected to occur during the 8.75 year build program from 2012 onwards. The maximum predicted vehicle movements are 15-25 construction vehicle movements per day, with a maximum peak of 80 construction vehicles per day. It is assumed that 90% of construction vehicles will access the Blackwall Reach site via Aspen Way and 10% via Aspen Way West. Given these are maximum figures, it is not considered that this would result in undue amenity impacts that could not be controlled by a condition. The specific controls over construction vehicles will be secured by a condition requiring a Construction Method Statement.

### Servicing and Deliveries

8.32 London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in IPG CS Policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes.

8.33 The commercial units will be accessible for deliveries, and will have designated loading bays for goods delivery. The retail units in the Southern Quarter will be served by an internal service which will have restricted access. The table below extracted from the submitted Transport Assessment identifies the number of servicing vehicle trips as a result of the development.

Land Use	AM Peak		PM Peak		Daily	
	Inbound	Outbound	Inbound	Outbound	Inbound	Outbound
Office	0	0	0	0	1	1
Retail	1	1	0	0	9	9
Residential	3	3	10	10	121	121
TOTAL	4	4	10	10	131	131

**Above: Forecast total servicing vehicle trips**

8.34 The application is currently in outline form and it is proposed that servicing and deliveries would be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of further phases.

### Waste, Refuse & Recycling

8.35 The application is currently in outline form and it is proposed that servicing and deliveries would be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation of further phases.

8.36 Notwithstanding the above, the application indicates the provision of servicing routes across the site ensuring that all blocks can be accessed by delivery and refuse vehicles. It is

proposed that the majority of the residential developments will be provided with an underground refuse system (URS) with collection points located around site. The applicant has provided an indicative swept path analysis showing a refuse a successfully operable internal service route through the Central Quarter. These internal routes are indicative at this stage with the potential to alter the route alignments within the reserved matters applications. The parameters of the internal routes are set within the Design Code, such as the following:

**R3-3:** The public realm design must give priority to the pedestrian dominated areas and non-adoptable areas over the vehicle route that crosses it

**R4-24:** URS collection points must be located with sufficient area to enable the collection vehicle to park, stabilise and lift the URS container. The minimum dimensions of such a collection area are: 10 metres by 6 metres parking area; with maximum 10 metres reach for the crane collection

**R4-25:** Where URS is not appropriate, sufficient bin stores and refuse vehicle access will be required

### Car Parking

- 8.37 Policies 6.13 of the London Plan 2011, Saved Policy T16 of the UDP, Policy SP09 of the Core Strategy and Policy DM22 of the draft Managing Development DPD (2012) seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.38 The existing on-street car parking capacity on all roads within the site is 240 vehicles. The site falls within a controlled parking zone, of which the operational hours are Monday to Friday 0830 – 1730 hours. In addition there are off-street parking facilities at Robin Hood Gardens and off Prestage Way. Robin Hood Gardens currently has 143 garages (of which the applicant advises 17 are in use). There is also an 80-space public car park adjacent to Blackwall DLR station.
- 8.39 The scheme proposes a maximum of 340 off-street car parking spaces (surface, basement, semi-basement and podium). This reflects a ratio of 0.22 spaces per residential unit (not including the on-street spaces). This is in accordance with LBTH IPG Core Strategy Planning Standard 2, which sets a policy maximum car parking ratio of 0.5 spaces per residential unit, where it can be shown that the proposed level would not result in a detrimental impact on the safe and free flow of traffic on the surrounding highway network. The application therefore results in an increase of 29 on and off-street parking spaces (if all of the 143 existing garages are considered).
- 8.40 The applicant has detailed that the 72 on-street spaces will be primarily residential permit spaces, with further mixed bays where possible. This provision would include 10% disabled car parking spaces and a minimum of three car club spaces. The applicant has advised that there is a commitment to provide existing residents of Robin Hood Gardens who currently have a parking space or on-street parking permit to re-provide this facility in the completed development (there are a maximum of 149 residents who would be in this position through a combination of resident permits, blue badge holders and garages). Furthermore, the applicant advises that over and above this commitment, under the LBTH Permit Transf3er Scheme tenants moving to three-bedroom or larger social rented car free homes are permitted one residential parking permit per household.
- 8.41 The Borough's Highways Department are not in support of any additional parking provision given the development proposals would impact upon the operation of the highway junctions in the immediate vicinity of the site, a number of which are nearing capacity.
- 8.42 The applicant has been asked to rationalise/reduce the existing on-site parking. Accordingly, the applicant has advised that a detailed Car Parking Management Strategy will be developed as the scheme comes forward to ensure that demand and supply are matched. In

accordance with LBTH Parking Services and TfL advice, the applicant has set out the following measures:

- The provision for existing residents will come forward through a combination of on- and off-street parking. This will reduce any immediate pressures on the on-street parking;
- The creation of a Blackwall Reach specific CPZ zone would help to restrict access to parking on site;
- All on-street spaces will be restricted to residents, with the removal of business permit spaces;
- A proportion of off-street parking spaces may be made available on a lease basis rather than purchase to enable residents more flexibility with regards to their parking requirements over time; and
- Regular parking monitoring surveys will be carried out to ensure that both on-street and off-street parking provision is appropriate;

8.43 In addition to the above, further measures to discourage car use in this development proposal include a car-free permit agreement within the s106, together with proposed cycling parking, car club spaces, and improved pedestrian access and permeability within the site, together with financial obligations towards bus and DLR services and public realm improvements and crossings beyond the site boundary.

8.44 As such, it is the view of officers that this development comprises an estate regeneration proposal, certain provisions need to be honoured (e.g, replacement parking provision) and considering there is a significant decrease in the ratio of total parking spaces to number of dwellings and it complies with the maximum parking ratio, the additional 29 car parking spaces is considered acceptable.

8.45 The Borough's Highways Officer and Parking Services Department have confirmed a permit free agreement will be required through the S106 restricting new residents from securing parking permits (other than those qualifying for the Permit Transfer Scheme), which has been agreed with the applicant. Conditions have also been attached requiring the submission of a Car Parking Management Strategy and Travel Plan for the commercial and community elements of the proposal.

#### Provision for Cyclists

8.46 The proposal includes improvements to the local cycle network through the inclusion of cycle routes through the development. In addition, a total of 2,246 cycle parking spaces are proposed within the development for all land uses, which complies with London Plan policy 6.13. Provision is proposed to be within a mixture of basement, courtyard and secure communal areas. Furthermore, the provision of Sheffield stand visitor spaces adjacent to the southern square is welcomed. Full details of the cycle parking are secured via condition for each phase.

8.47 Cycle Superhighway route CS3 presently runs through the application site along Poplar High Street and Naval Row, and will be retained. The application indicates that improvements will be made to highway width along this route, which is welcomed.

8.48 The application site presently contains a recently installed 21-point Cycle Hire docking station on the northern footway at the junction of Naval Row and Prestage Way. Given the uplift in proposed development at the site, TfL considers that this will generate demand for the additional capacity of 30 docking stations in the area and has requested a financial contribution accordingly. Given the viability constraints associated with the application, it has been considered that other financial obligations should be prioritised and accordingly, a contribution towards the Cycle Hire scheme is not sought in this instance. However, the land necessary to extend to docking station will be secured by condition.

## Public Transport Improvements

- 8.49 The Core Strategy (Policy SP08) seeks to promote the good design of public transport interchanges to ensure they are integrated with the surrounding urban fabric, offer inclusive access for all members of the community, and provide a high-quality, safe and comfortable pedestrian environment.

### *Buses*

- 8.50 As part of the proposal, a new bus stand facility (with four bus capacity) is provided to the south east of the site to accommodate the terminus of Route 15. New bus stops are proposed to be provided along Poplar High Street, which would improve access to bus routes and improve connectivity. TfL have confirmed that they consider the proposed relocation of the bus stops and stands to be acceptable, subject to full details being submitted and agreed.
- 8.51 In addition, TfL have requested a contribution of £450,000 towards increasing the capacity of one of the bus services in the vicinity of the site. This sum has been agreed with the applicant and would fund an additional return journey for a five-year period.

### *Docklands Light Railway*

- 8.52 TfL considers that it is likely that most trips on the DLR will be made from Blackwall station, which is likely to lead to capacity constraints, generating the need for additional staircases, at a cost of £2 million. In addition, improvements to the station to extend the platform canopies to cover the boarding areas and spread passengers along the platform are also sought (at a cost of £1 million). TfL have requested that a substantial contribution towards the cost of these works is borne by the application, with the remaining to come from nearby schemes. Accordingly, a contribution of £2 million towards improvements to the Blackwall DLR station has been agreed with the applicant.

## Pedestrian Environment

- 8.53 The development will undoubtedly result in an increase in the number of walking trips, mainly due to the improved accessibility of the site and the draw of new and improved local shopping and community facilities and the existing public transport infrastructure. The proposal incorporates a new north-south route through the central park linking Woolmore Street (containing the proposed mosque, expanded school and community centre as well as routes beyond to the north) and the southern square and Blackwall DLR station. Pedestrian access to the site is proposed to be improved through alterations to Poplar High Street / Cotton Street junction, whilst the Preston's Road roundabout subway will be retained with an improved step-free connection between the subway and the southern square and DLR station. The design code seeks to ensure that all areas of public space must achieve a high level of passive surveillance from the residential buildings through orientation and layout (Requirement R2-15).
- 8.54 In accordance with the Council's ambitions to improve the wider public realm as detailed in the 'Poplar and Blackwall Connection and Public Realm Study' (July 2011), as detailed above, the applicant has agreed to a £2 million obligation towards the following:
- The design and works associated with the Preston's Road Roundabout capacity enhancement to accommodate increased local movements by all modes and improvements in pedestrian facilities (subway and crossings)
  - Poplar High Street/Cotton Street Junction and Neighbourhood Centre improvements to Poplar High Street (East)
  - East India Dock Road crossing and public realm improvements



- 8.55 Measures such as 'Legible London' directional signage are also proposed to assist the pedestrian environment and general wayfinding. TfL support the Council's ambition to improve the wider public realm and advise that contributions are secured from this development and pooled with those from nearby schemes to enable improvements identified in the study to be delivered. Conditions are recommended seeking full details of the improvement works to be delivered as a result of the above agreed financial obligations towards public realm improvements.

#### Inclusive Access

- 8.56 Policy 7.2 of the London Plan (2011); and Saved UDP Policy DEV1 and Policy SP10 of the Core Strategy seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 8.57 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind.
- 8.58 The site has a number of identified constraints to accessibility, primarily caused by the significant highway and DLR infrastructure that bound the application site. The submitted 'details of access' document details that all areas of the site will have step-free access. The improved subway access is proposed to incorporate stairs and step-free access via ramps, lifts or a combination of the two. The layout for this area will be developed further as detailed phase applications are brought forwards. Step-free access is maintained on all areas of shared surface with the use of tactile pavements, raised tables and level crossovers. The application also detailed that routes through the central park area would enable step-free movement between Poplar High Street and Woolmore Street. Lift access is also maintained to Blackwall DLR station.
- 8.59 Inclusive access measures would be secured via the Design Code document, which picks up on comments made by the Council's Access Officer and the GLA. The Design Code now enshrines the principle of inclusive design and will ensure that the development adheres to inclusive access design policy.

#### Other

- 8.60 Highways Officer has confirmed that the applicant will require a Highways Oversailing Licence for any projections over the adopted highway. The applicant has been informed of this requirement.
- 8.61 A contribution of £27,360 towards Crossrail has been agreed with the applicant, as required by the GLA's 'Use of planning obligations in the funding of Crossrail' SPG 2010.

#### **Design**

- 8.62 PPS1 promotes high quality and inclusive design in the creation of well mixed and integrated developments which avoid segregation, and which have well planned public spaces. PPS1 recognises that good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development.
- 8.63 CABE's guidance, By Design (Urban Design in the Planning System: Towards Better Practice) (2000) lists seven criteria by which to assess urban design principles, as follows: character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity.

- 8.64 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that compliment the local character, quality adaptable space, optimising the potential of the site.
- 8.65 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. Core Strategy Policy SP10 and Policy DM23 and DM24 of the draft Managing Development DPD (2012) seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.66 The planning application is in outline with all matters reserved. Details of layout and external appearance are therefore reserved at this stage. However, the planning application includes parameter plans, which set a framework within which the layout of buildings and spaces will arrive. A Design Code has also been submitted, which sets out mandatory requirements that reserved matters applications must accord with, as well as promoting further design aspirations. The application is supported by a Design and Access Statement, which includes an indicative masterplan, illustrating how the scheme parameters may be interpreted. The indicative layout is shown below.



**Above: the indicative masterplan**

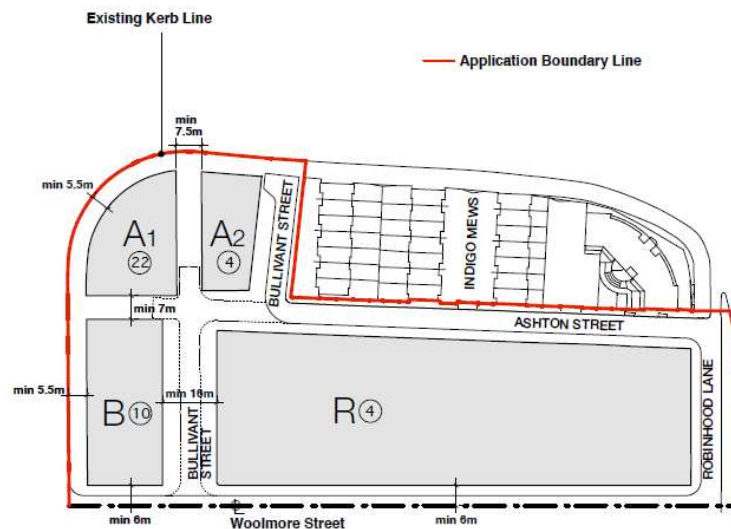
- 8.67 As detailed on the above proposed indicative masterplan, the proposal incorporates four urban quarters, as follows::
- Zone 1: The northern quarter and mosque site including residential development, the community centre, re-provided and expanded faith building and the expanded Woolmore School;
  - Zone 2: A central, predominantly residential quarter incorporating an extensive area of open space and a variety of other areas of open space;
  - Zone 3: A southern quarter including higher density residential accommodation, retail and leisure uses centred around a new urban plaza adjacent to Blackwall DLR; and
  - Zone 4: An eastern quarter, with a lower scale of development around the Naval Row

## Conservation Area.

- 8.68 The proposal covers an area of 7.7hectares and in order to give the new development a sense of character and individuality – each of the development zones is intended to have an individual character as identified by the applicant, each of which respond to each other and the adjoining context. This also assists in explaining the proposed layout of the masterplan:

### *Development Zone 1 (Northern Character Area)*

- 8.69 The Northern Quarter is located adjacent to the Cotton Street and East India Road junction and contains the existing Woolmore Primary School and is shown in the parameter plan extract overleaf. A new square is the focus for community and civic activities as it is surrounded and defined by a school (building R), mosque (building A2), community facilities and a proposed housing office (building A1 ground level). New residential buildings define the urban spaces and create new routes into the site from the north and west. The enlarged school and relocated mosque would generate a high level of pedestrian activity at intermittent intervals on the new square.
- 8.70 This Character Area includes a taller building of up to 22 storeys defining the northern point of entry and signifying the Blackwall Reach area within the East India Road context. The applicant states that this is situated to way-mark the entry to site when viewed in either direction along the A13. It should also be visible from the DLR station as a way finder to the north when entering the southern area of the site.

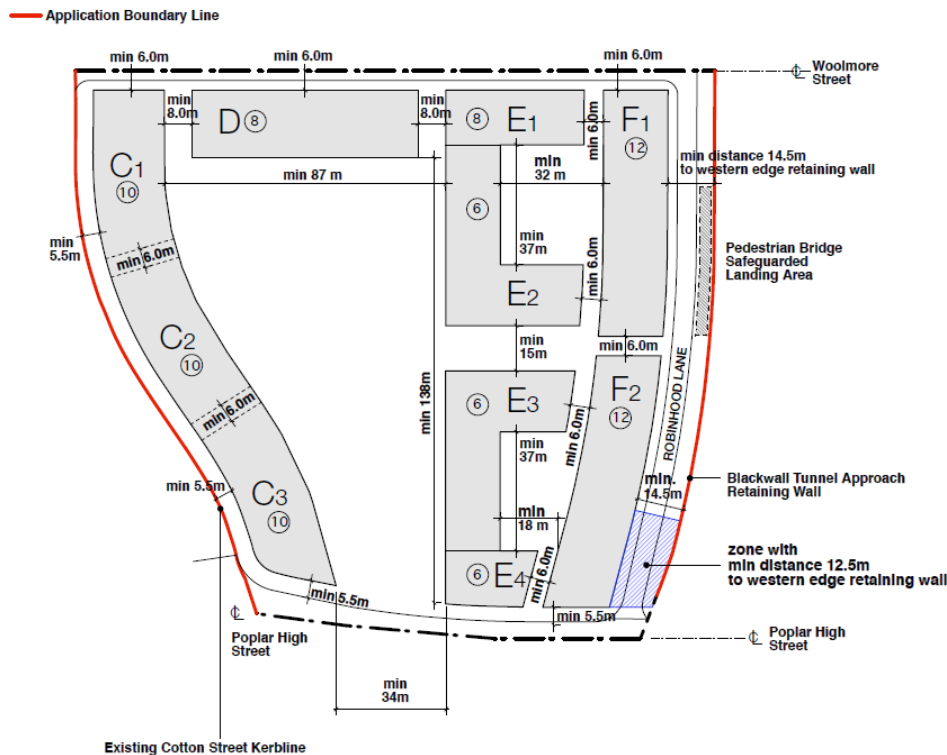


**Above: Parameter plan for the Northern Character Area with maximum heights encircled**

- 8.71 The perimeter building in the northern west block (building B) is one of a series of perimeter buildings along Cotton Street. On its east side the building defines the west side of the community square which is located between itself and the school. At the ground level of building B, community facilities relate directly to the new square and lift the residential up to the first floor at this busy junction. Entrances to the building are equally important from both the square and Cotton Street and would be secured via the Design Code.

### *Development Zone 2 (Central Character Area)*

- 8.72 This character area is located between Cotton Street, Ashton Street, the Blackwall Approach Road and Poplar High Street and is defined by medium- rise residential buildings surrounding a large public open space, landscaped as a park. Further lower buildings on the east side define both the edge of the park and semi-private courtyards which contain additional play areas.

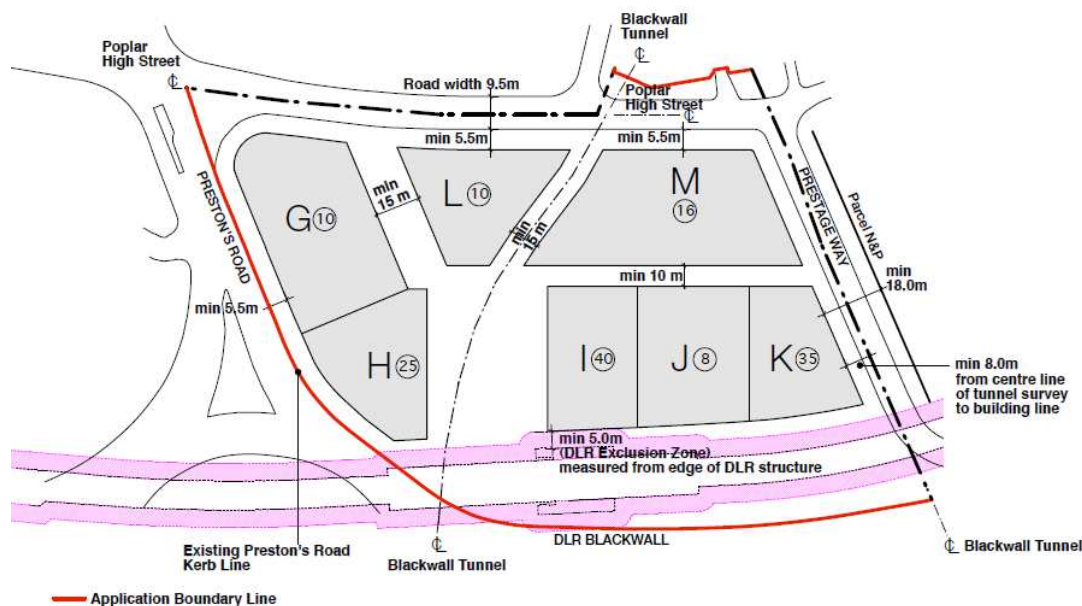


**Above: Parameter plan for the Central Character Area with maximum heights encircled**

- 8.73 Courtyards on the east side of the park are defined by perimeter buildings to Robin Hood Lane and lower buildings facing the park. The design & access statement details that public access through these spaces would be ensured so that the courts are used and enjoyed by the wider community. Direct accessibility to and from the park would integrate these courts with the larger central open space.
- 8.74 The perimeter buildings are linear apartment blocks of 8-12 storeys in height. The plots that accommodate this building type lie to the east and west of the park. More than one building can within the constraints of the parameter plans be accommodated within each plot. Courtyard buildings are defined as those lower buildings that enclose a public court against the perimeter block. This provides opportunities for multiple public entrances into the open space, and apartments overlooking shared public or semi-public spaces. These are typically of a mid-rise height, but of similar architectural expression as the taller perimeter blocks. The design code would secure such characteristics.

*Development Zone 3 (Southern Character Area)*

- 8.75 The Southern Character Area is located between Poplar High Street, Preston’s Road, Cotton Street, Aspen Way, a realigned Prestage Way and Naval Row. This Character Area is defined by a public square (plaza) surrounded by a cluster of tall residential towers. At ground level there will be and community facilities and commercial activities, specifically retail and restaurant uses. The public square will provide direct access to the Blackwall DLR station.
- 8.76 Located adjacent to the DLR Blackwall Station, the Public Square forms an important piece of public space which would be both a destination in itself and a pedestrian connection and arrival point for the Blackwall DLR Station. The Design Code details that this space would be significantly hardscaped in character, with high quality contemporary surfaces and furnishings. There would also be of public art, seating and high quality lighting.



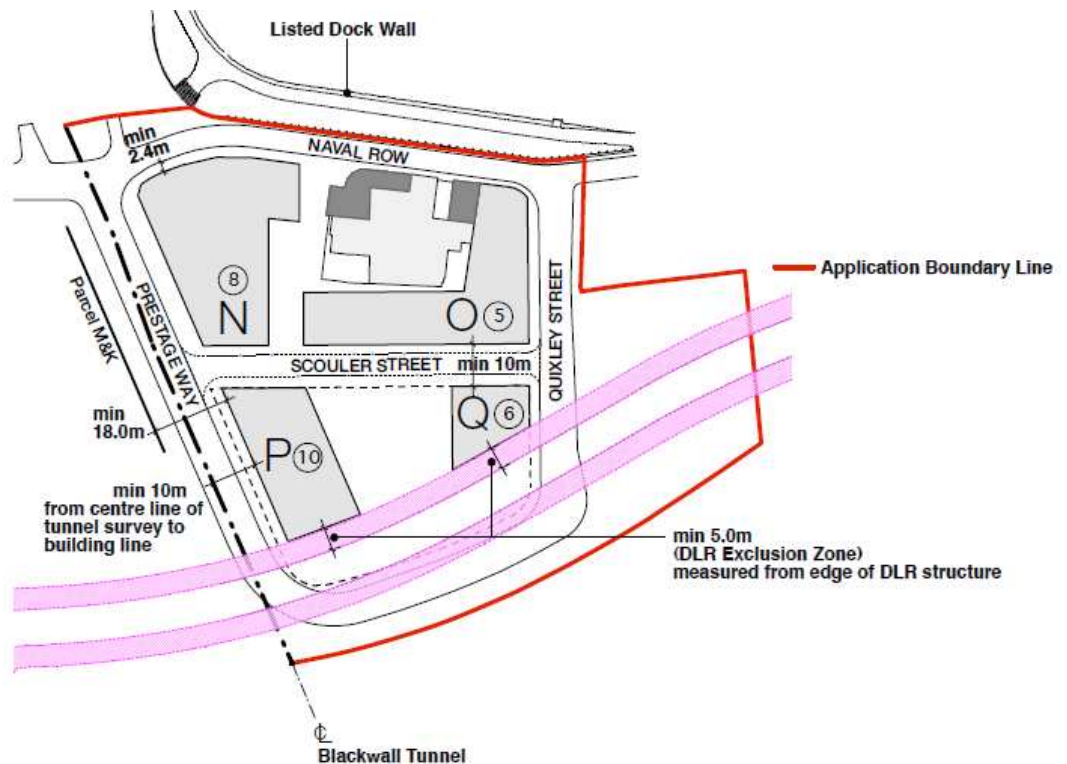
**Above: Parameter plan for Southern Character Area with maximum heights encircled**

- 8.77 The design & access statement details that the spaces under the DLR could provide opportunities for new youth facilities, wheeled play and ball games as well as becoming a destination where people can meet and gather, incorporating a range of seating types. The design of these spaces should take into account specific guidance from the DLR when developing spaces within the curtilage of the DLR structure. The exploration of the use of the DLR undercrofts will be secured by conditions requiring the submission of a public realm strategy.
- 8.78 A pair of tall buildings with a maximum height of 35 and 40 storeys respectively, are located at the very southern end of the site, which the applicant details would sit at the centre of an emerging cluster of towers around Blackwall DLR station.
- 8.79 The perimeter buildings to Cotton Street and Poplar High Street create street enclosures and are punctuated by pedestrian routes into the new public square. The parameter plan ensures that legible routes lead through the site from the DLR and arrival square to the various destinations beyond, such as Woolmore School, the central park and the pedestrian linkages to areas south of Aspen Way.

*Development Zone 4 (Eastern Character Area)*

- 8.80 The Eastern Character Area is located between Naval, Quixley Street and the realigned Prestage Way. This eastern Character Area is defined by the Naval Row Conservation Area, the retention of some historic buildings, a new community activity play space and a residential garden court. The area is also divided by pedestrian and shared surface courts creating a series of interlinking routes through alleyways and small courtyards.
- 8.81 The proposed buildings range in height from a maximum of 5 storeys adjacent to retained buildings such as the Steamship public house and rising to 10 storeys adjacent to the DLR and Southern Character Area. The Design Code would ensure that each building has active residential ground floor presence that engages with the small scale street, courts and open spaces.





**Above: Parameter Plan for Eastern Character Area with maximum storey heights encircled**

- 8.82 The brownfield land at the very southeastern corner of the site is bisected by the DLR viaduct. In light of the height of the DLR tracks the space has good sunlight and has been designed as a whole area flowing under the DLR. The application proposes this area to be utilized as an older children playing area, which the design and access statement details as being a combination of sports, climbing, skate boarding and other spaces for relaxation. The area would natural surveillance from adjacent residential properties, whilst protection from the Aspen Way slip road would be ensured through landscape screening in the form of an ecological zone and fencing. Full details of this play area would be secured via conditions requiring the submission of a public realm strategy.
- 8.83 This area also connects the DLR station with the proposed community play space at the eastern end of the site. It is important, therefore, that this space does not dissect these adjacent spaces, yet is designed to link the two areas despite its other functions. The street in this area also accommodates 4 bus stands for the no.15 bus and provides some off street parking for the residents. The Naval Row, Quixley Street and Prestage Road will also form a one-way turnaround route for the no.15 bus, which will stand underneath the DLR track.

Assessment

- 8.84 Whilst the application is in outline form, it is considered that the overall design strategy (secured via requirements in the Design Code) and proposed layout parameters and development specification carefully balances all of the site constraints and opportunities and provides an acceptable option for the redevelopment of Blackwall Reach.
- 8.85 It should be noted that in order to address the density concerns of the GLA, together with the design and heritage concerns raised by English Heritage and LTGDC, the applicant reduced the number of proposed units from 1,700 to 1,575 – a reduction of 125. The applicant has detailed that these reductions would be targeted at parcels A1 (tall building at NW corner of application site in northern character area), C and F (the perimeter blocks on Cotton Street and Robin Hood Lane). Additional design information and images illustrating the impact of these reductions will be presented to Members at the Strategic Development Committee meeting and, should permission be granted, heights of these buildings shall be limited to the

lower parameter limit and secured via condition as suggested in section 3 of this report.

- 8.86 The general bulk, scale and mass of the building blocks proposed are considered acceptable as they respect the scale and mass of existing building within the vicinity and are not considered to be unduly overbearing or inappropriate in townscape terms. The distribution of heights is considered to be appropriate and conducive to successful placemaking. In particular, the lower buildings adjacent to the central open space allow the space to receive daylight and sunlight and present it with a human scale boundary, whilst the taller buildings to the south of the site within closer proximity of the Canary Wharf tall building cluster and adjacent to the public transport hub is considered to be acceptable. Furthermore, the tall building at the north western corner of the application site is considered to be appropriate as it assists in wayfinding through the site and in the local area.
- 8.87 The overall improvement to the site's permeability is welcomed as this will greatly enhance connectivity and permeability through the site and to other destinations such as East India Dock, Poplar High Street West, to the areas to the south of Preston's Road roundabout and to the north of East India Dock Road. The location of pedestrian routes, open spaces and play space is considered to be acceptable, as the building layout ensures that they will be well surveillanced and legible.
- 8.88 It is considered that the location of retail and commercial frontages around the Blackwall DLR station to create a hub is appropriate and in accordance with the Core Strategy and emerging Managing Development DPD, as it provides an extension to Poplar High Street. With regard to CABA's view that Cotton Street should be the principle urban road where activities should be concentrated, given the level of vehicular traffic on Cotton Street it is considered that the provision of the commercial activity is better focussed where proposed, thus creating an active and inviting public square and pedestrian friendly routes within the site.
- 8.89 Whilst the application is in outline, the visual appearance of the buildings and the overall palette of materials outlined in the Design Statement and Design Code are considered to be sympathetic to the site's context particularly in relation to the existing fabric of the Naval Row Conservation Area and the nearby All Saints Conservation Area (Heritage and Conservation aspects are discussed in greater depth below). The proposed mix of materials are considered to be appropriate to the context of the buildings on which they are proposed, and also add visual interest and character to each of the individual character areas. It will be for the reserved matters stage to confirm the quality of this detail and suitable conditions are recommended.
- 8.90 The proposal is therefore considered to provide a high standard of urban design, having regard to the pattern and grain of the existing spaces and streets in the Blackwall Reach area. The proposal appears sensitive to the character of their surroundings in terms of overall layout, bulk, scale and use of materials, however the detailed reserved matters will confirm this further.
- 8.91 As such, the scheme accords with Chapter 7 of the London Plan (2011); saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the draft Managing Development DPD (2012) which seek to ensure buildings and places are of a high quality of design and suitably located.

#### Building Heights and Tall Buildings

- 8.92 With regards to appropriateness of the development for tall buildings, this has been considered in the context of London Plan and local plan policies. A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2011) deals with tall and large buildings,

setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.

- 8.93 The tall buildings guidance paper prepared by CABI and English Heritage (EH), 'Guidance on Tall Buildings' (2007) recognises that in the right place, tall buildings can make a positive contribution to city life. Tall buildings can be included as part of outline planning applications however the CABI / EH guidance notes that "outline planning applications for tall buildings will need to include a comprehensive assessment of the site context and a visual impact assessment based on maximum and minimum scale parameters as part of the EIA".
- 8.94 SP10 of the Core Strategy also provide guidance on the appropriate location for tall buildings requiring them to relate to design and context, environment, socio-economic factors, access and transport and aviation requirements. The Core Strategy also seeks to restrict the location of tall buildings to Canary Wharf and Aldgate. Policy DM26 of the draft MD DPD reinforces the Core Strategy and states that buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings. The policy also states that development will need to provide a transition between taller buildings in Canary Wharf and the lower heights of the surrounding areas.
- 8.95 There is an existing cluster of tall buildings that surround Blackwall DLR station and a number of extant consents for further tall structures, predominantly to the south of Aspen Way. The scale of proposed development in the southern part of the site is considered to be defined within the context of these buildings and also in the townscape context of the tall building cluster at Canary Wharf. Subject to localised impacts concerning amenity and heritage as discussed below, the principle of tall buildings to the south of the site is considered to be acceptable in principle.
- 8.96 The taller buildings have a higher proportion of private for sale accommodation and smaller unit sizes. The scale of buildings reduces within the interior of the site to relate to the central park. Family homes and affordable housing will generally be located away from the edges of the development and at ground floor levels and will benefit from being closer to open space.
- 8.97 As detailed above, the application proposes a tall building at the northwest corner of the site within Development Zone 1. Both the GLA and English Heritage have raised concerns regarding the principle of a tall building of up to 22 storeys in height in this location, particularly with regard to its proximity to and impact upon nearby heritage assets. This impact is discussed below.
- 8.98 In terms of local views, the application is accompanied by a number of verified views and a full townscape analysis in the ES which following consideration indicates that the proposal will relate positively to the surrounding site context. The development is considered to form a positive addition to London's skyline, without causing detriment to local or long distant views. With particular regard to the impact of building A1 in the NW corner of the site, as detailed above, the applicant has provided additional illustrative material which reduces this in height to 15 storeys, which is secured via condition. This is further discussed below in the heritage and conservation section of this report.

#### The Design Code

- 8.99 To ensure the principles identified above are imposed into the detailed design of each phase of the development, a Design Code has been developed by the applicant in consultation with



GLA, LTGDC and LBTH officers. The design code provides the design approach to be taken with each development zone/character area and the various individual blocks within.

- 8.100 The Design Code sets principles and standards regarding scale, mass and building height; aspect and orientation; open space and public realm; street widths, footways, shared surfaces, planting and landscaped areas; relationship of building block frontages with public realm; details of amenity and play space, balconies and back gardens; commitment to London Housing Design Guide standards and inclusive access standards; sustainability, materials, public art, parking location and access.
- 8.101 This Design Code is a fundamental instrument in establishing the design principles at reserved matters stage and has given officers the assurance that high quality estate regeneration will be delivered for Blackwall Reach.

### **Heritage & Conservation**

- 8.102 PPS 5 sets out the Government's objectives in respect of the historic built environment. These are defined as: delivering sustainable development; conserving England's heritage assets in an appropriate manner; and contributing to knowledge and understanding of the past by capturing evidence from the historic environment and making this publically available.
- 8.103 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011), saved policies DEV1 and DEV34 of the LBTH UDP (1998), policies DEV2, CON1 and CON2 of the Interim Planning Guidance (2007), policies SP10 and SP12 of the Core Strategy Development Plan Document (2010) and policies DM24, DM26, DM27 and DM28 of the draft Managing Development DPD (Proposed Submission Version January 2012) seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 8.104 London Plan policies 7.11 and 7.12 of the London Plan (2011), policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the draft Managing Development DPD (Proposed Submission Version January 2012) seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

### Strategic Views

- 8.105 Assessment point 5A.1 of the Draft Revised London View Management Framework is relevant to the application (relating to the General Wolfe Statue in Greenwich Park overlooking Maritime Greenwich World Heritage Site). The townscape conclusions suggest that the proposed development would be visible but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the World Heritage Site. Neither the GLA nor English Heritage raise any objections in this respect.

### Local Views and Impacts

#### *All Saints*

- 8.106 As detailed above within section 4 of this report, there are a number of conservation areas within close proximity of the application site. As mentioned above, the Naval Row Conservation Area is partially located within the site boundary, which contains listed features. All Saints Conservation Area is located opposite the site to the west, on the opposite side of Cotton Street, the focus of which is the Grade II\* listed All Saints Church, its churchyard and Grade II listed rectory on the opposite side of Newby Place. The St Mathias Church Poplar and Lansbury Conservation Areas are located further to the west. To the north of the application site to the north of East India Dock Road lie St Frideswide's and the

#### Balfron Tower Conservation Areas.

- 8.107 Both the GLA and English Heritage have raised concerns with regard to the proposed impact of building A1(min 50m high, max 79m) in the northwest corner and perimeter blocks B and C (min 30m high, max 39m high) along Cotton Street upon the All Saints Conservation Area and the setting of the Grade II\* listed All Saints Church.
- 8.108 Following receipt of these comments, the applicant has revised the proposal, reducing the number of units from 1,700 to 1,575. The applicant has detailed that these reductions would be targeted at parcels A1, C and F. Additional design information and images illustrating the impact of these reductions will be presented to Members at the Strategic Development Committee meeting. It is considered that a condition restricting the height of building A1 to a maximum height of 50 metres within the approved parameter plans, and the restriction of building C to a maximum of 30 metres in height would ameliorate their impact upon the aforementioned heritage assets.

#### *Naval Row*

- 8.109 The southern character area is identified as the main location of large scale and tall buildings. It sits in the context of the listed dock wall and a row of low scale heritage assets along Naval Row. Whilst the submitted views assessment details that the setting of the conservation area would undoubtedly alter as a result of the proposal and the backdrop of the proposed tall buildings, the more intimate elements of the conservation area will be retained – i.e. the pedestrian experience and narrow nature of Naval Row, the raised tree lined walkway, and the experience of these buildings viewed from the street.
- 8.110 Both English Heritage and LTGDC have raised concerns with regard to the impact of the proposal upon the Naval Row Conservation Area and the listed buildings in and around it. Whilst there would be new impacts upon the setting of the conservation area, it is considered that the applicant's response as detailed within the Design Code and parameter plans is appropriate. In particular, the broad approach of stepping down in scale and the appropriate use of materials which seek to complement the form and materials of existing buildings and the preservation of the existing line of mature trees, which would maintain the intimacy of the conservation area. Accordingly, both GLA and LBTH officers are content that the group value of the listed buildings and the conservation area would be preserved, whilst the control documents would ensure that their setting would not be harmed.

#### *Balfron and surrounds*

- 8.111 It is not considered that the proposal would have a detrimental impact upon the setting of the nearby listed Balfron Tower or the character and appearance of the conservation area.

#### *Robin Hood Gardens and Woolmore Primary School*

- 8.112 The submitted Heritage Statement states that most of the existing buildings on the site are not of sufficient heritage significance as to warrant their retention. With particular regard to the Robin Hood Gardens buildings, it should be noted that the Department for Culture, Media and Sport granted a Certificate of Immunity from listing for a period of five years on 13<sup>th</sup> of May 2009.
- 8.113 With regard to the existing buildings, the applicant has stated the following:

*“Dating from 1972, the homes in Robin Hood Gardens require substantial repairs. The built fabric quality is poor and the buildings are deteriorating. There are significant defects to the external envelope, roof coverings, bathrooms, kitchens, electrical wiring and other service infrastructures. It was estimated when the Council's Cabinet adopted the development framework in 2008 that at least £20 million would be required to*

*remedy these defects and bring the dwellings up to a satisfactory standard to deliver sustainable improvements. Whilst some attributes of the original urban design approach remain sound, Robin Hood Gardens is generally accepted as a flawed design approach”*

- 8.114 It is considered that the Robin Hood Gardens buildings are not of special architectural or historic interest and so can only be allocated a low level of heritage significance. It is therefore considered that the overall range of benefits of the proposal to regenerate Blackwall Reach is considered to outweigh their loss.
- 8.115 With particular regard to Woolmore Primary School and the objections raised by local residents and the 20<sup>th</sup> Century Society, the applicant has provided a detailed heritage appraisal of the school building and do not consider it to be a heritage asset as defined within Annex 2 of PPS5. In particular, the applicant notes that the building has been heavily altered and is one of many such LCC schools in London. The applicant has also stated the following:

*“Woolmore Primary School is included in the project area. There is a need to plan for an expansion of this from one form entry school to three form entry, to provide sufficient school places for the local community, including families living in new homes in the area. This is within the context of the Council needing to increase primary school places in the Borough overall, particularly in the south eastern area of the borough, to meet the needs of the rising population. Proposals for Woolmore School will take into account the need to keep the existing school open during construction of new facilities and as well as the need to plan for additional community services which may be provided from the school”*

Accordingly, it is considered that the overall benefits arising from the proposal outweighs the loss of the building.

#### Archaeology

- 8.116 In accordance with English Heritage’s advice, archaeology conditions have been attached.

#### Conservation Area Consent Application (ref. PA/12/00002)

- 8.117 As detailed above, the application also seeks Conservation Area Consent for the demolition of two buildings adjacent to and on east side of Steamship Public House, Naval Row. The buildings are located within the Naval Row Conservation Area and are an unlisted, blank sided brick warehouse structure. They are not considered to make a positive contribution to the character and appearance of the Conservation Area. Neither the Council’s Conservation Officer nor English Heritage have objected to their demolition.
- 8.118 In light of the above, it is recommended that Conservation Area Consent is granted subject to the conditions suggested earlier in this report and also subject to any decision that the Department for Communities and Local Government may take, given the application is referable to them.

#### **Housing**

- 8.119 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 8.120 Policy 3.25 of the London Plans (2011) and Policy DM3 of the Draft Managing Development DPD (2012) resists the loss of existing housing unless replaced with stock to an equivalent

or better standard.

- 8.121 Policy SP02 of the LBTH Core Strategy (2010) seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. The aim is to focus the majority of new housing in the eastern part of the borough, in a number of identified places and Blackwall is identified as one of such places.
- 8.122 The application proposal will deliver up to 1,575 residential units, following the demolition of 252 existing homes. This represents a net increase of 1,323 new homes.

#### Decant Strategy

- 8.123 With regard to the housing decant strategy, the submitted Development Specification states that all secure tenants will be re-provided a new home to meet their housing need. Whatever the final phasing strategy agreed, there will be sufficient new units, of the required sizes, to accommodate those current residents who do not wish to move away before existing homes are demolished. There will also be rehousing offers in the Intermediate tenure unit to resident leaseholders who wish to return to new homes in the development.

#### Affordable Housing

- 8.124 As detailed in the table below, the proposal includes 51.6% gross affordable housing provision by habitable room, or 698 units. Taking into account the 207 existing social rent units on site that are proposed to be demolished, this equates to a net provision of 43.8% affordable housing.

	<b>Units</b>	<b>% of units</b>	<b>Habitable rooms</b>	<b>% Hab rooms</b>
Affordable Social Rent	566	33.0%	2337	43.7%
Affordable Intermediate	132	10.2%	417	7.8%
<b>Total Affordable</b>	<b>698</b>	<b>43.2%</b>	<b>2754</b>	<b>51.6%</b>
Market Sale	877	56.8%	2588	48.4%
Total	1575	100%	5342	100%

**Above: The proposed tenure mix**

#### Housing Type and Tenure Mix

- 8.125 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 8.126 Further to this, Saved Policy HSG7 of LBTH's UDP (1998) requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms.
- 8.127 Policy SP02 of the Core Strategy (2010) also seek to secure a mixture of small and large housing, requiring an overall target of 30% of *all* new housing to be of a size suitable for families (three-bed plus), including 45% of new rented homes to be for families.
- 8.128 Policy DM3 (part 7) of the draft Managing Development DPD (2012) requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).
- 8.129 The proposed ratio of social rent to intermediate units is 85% - 15% based on the gross provision, and 79% - 21% net when taking into account the existing social housing to be

demolished.

8.130 The table below shows the applicant's indicative unit and tenure mix:

	Social Rent units	Intermediate units	Market Sale units
1 Bed	99	6	227
2 Bed	164	114	558
3 Bed	189	9	92
4 Bed	96	3	
5 Bed	18		
<b>Totals</b>	<b>566</b>	<b>132</b>	<b>877</b>

**Above: Summary of indicative tenure unit mix**

8.131 In order to assess the acceptability of the mix against the Council's preferred mix as set out in the Policy SP02 of the Core Strategy, the table below describes the proposed mix in the context of the Borough's preferred dwelling mix:

		Affordable Housing						Private Housing		
		Social Rent			Intermediate			Market Sale		
Unit size	Tot Unit	Unit	%	LBTH target %	Unit	%	LBTH target %	Unit	%	LBTH target %
1bed	332	99	17%	30%	6	5%	25%	227	26%	50%
2bed	836	164	29%	25%	114	86%	50%	558	64%	30%
3bed	290	189	33%	30%	9	7%	25%	92	10%	20%
4bed	99	96	17%	15%	3	2%		0		
5bed	18	18	3%		0			0		
<b>Total</b>	<b>1575</b>	<b>566</b>	100	100	<b>132</b>	100	100	<b>877</b>	100	100

**Above: Indicative unit and tenure mix**

8.132 The application proposes Social rented housing. This is defined as:

*“Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant”*

8.133 The Council's Housing team are supportive to the provision of social rent housing and have stated that that the provision of this is an important element of the regeneration plans for the estate. These units will be let at target rent levels which are controlled by the government's National Rent Regime and will be confirmed at reserved matters stage.

8.134 The Council's Housing team have noted that there is a noticeable under-provision of one bed units. A total of 17% of the social rent units (30% required by policy), 5% intermediate units (25% policy) and 26% sale units (50% policy) are proposed. There is a consequential over-provision of 2 bed units which in both intermediate and the social rent tenures is significantly larger than the SHMA researched demand-led policy indicates. It is also noted that there is an overprovision of 2 bedroom units within the private housing provision.

8.135 In terms of family accommodation, the overall percentage of family units across the scheme is 26% which falls short of the Borough's target of 30%. In particular, there is an under-

provision of family housing within the intermediate and private units. However, the provision of family units in the rented tenure equates to 53.5% which exceeds the target of 45%. Considering the overall uplift in affordable housing provision, this is considered to be acceptable on balance.

- 8.136 The applicant has acknowledged that elements of the proposed housing mix fail to meet policy targets at this stage and states that the unit mix could be revisited at reserved matters stage. The provision of 51.6% gross affordable housing will be secured via the S106 agreement at outline stage. Proposed revisions to the indicative mix will be agreed at reserved matters stage, but will ensure that overall affordable provision and proportions of family housing do not fall below the levels reported here.
- 8.137 On balance, it is considered that the proposal would provide an acceptable mix of housing and contributes towards better mixed and balanced communities across the wider area. Furthermore, the emphasis on the provision of large family housing within the Social Rented sector is welcomed. Therefore it is considered that the application provides an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the LBTH Core Strategy (2010) and Policy DM3 of the draft Managing Development DPD (2012) which seek to ensure developments provide an appropriate housing mix to meet the needs of the borough.

#### Internal Space Standards

- 8.138 The BRRP planning application is in outline and the internal arrangements are yet to be designed in detail. However, the applicant is committed to meeting the internal space standards set out within both the Housing Design Guide and London Plan. The accompanying Design Code, requires that detailed reserved matters applications accord with the internal space standards in accordance with the Housing Design Guide and London Plan.

#### Private and Communal Amenity Space

- 8.139 Policy HSG7 of the LBTH IPG (2007) states that all new housing amenity spaces should be designed to be fully integrated into a development and should be located so that they are safe, maximise accessibility and usability, and do not detract from the appearance of a building. Policy HSG7 also sets out minimum thresholds for private amenity space in relation to unit sizes. Table DC2 of LBTH IPG (2007) sets out minimum standards for private amenity space.
- 8.140 The Mayor's Housing Design Guide (2010) recommends that a minimum of 5 sq. m of private outdoor space is provided for 1-2 person dwellings and an extra 1 sq. m is provided for each additional occupant. The Council's draft Managing Development DPD adopts the same standard.
- 8.141 The BRRP planning application is in outline only and so has not carried out a detailed assessment of proposed private and communal amenity space against the above standards. Private and communal amenity space will be designed at reserved matters stage. However, the submitted Design Code requires that the reserved matters applications accord with the private amenity space standards as set out by the Mayor's Housing Design Guide (2010) and therefore the draft Managing Development DPD, i.e. a minimum of 5 sq. m for 1-2 person dwellings and an extra 1 sq. m for each additional occupant. The Design Code details that this will largely be provided by a mixture of balconies and roof terraces.

#### Child Play Space

- 8.142 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the draft Managing

Development DPD (2012) seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Providing for Children and Young People's Play and Informal Recreation' (which sets a benchmark of 10 sq.m of useable child play space per child).

- 8.143 Using LBTH child yield calculations and based on the submitted indicative unit mix, the proposed development is anticipated to deliver 879 children and accordingly the development should provide a minimum of 8790 sq.m of play space in accordance with the London Plan and the emerging MD DPD's standard of 10sq.m per child. The submitted public realm strategy details that the development proposes to deliver 8,315 sq.m of play space.
- 8.144 Whilst there is an apparent shortfall of 475sq.m of child play space, it should be noted that the unit mix is presently indicative and is therefore subject to deviation at reserved matters stage. Furthermore, it should be noted that the play space is proposed to be provided on site,
- 8.145 A condition has been attached requiring the submission of details of the play space strategy for each phase. At this stage, the child yield of the finalised unit mix can be reviews and the provision of the appropriate amount and typology of play space provided accordingly.
- 8.146 The submitted public realm strategy sets out basic principles and typologies for the proposed play space in terms of the location, distance, level of boundary treatment, character, age group and likely form of equipment. In particular, the strategy details that the following will be provided on site:
- Adventure playgrounds;
  - Sport recreation space such as a multi use games area;
  - Skate park and bike park; and
  - Fitness trails or other age appropriate equipped areas
- 8.147 Importantly, the Design Code at requirement R2-17 states that the play provision will accord with the GLA's Providing for Children and Young People's Play and Informal Recreation SPG (2008).
- 8.148 Accordingly, the Design Code officers an assurance that a policy compliant level of child play space which accords with age group requirements and design standards would be secured on site. Accordingly, the proposal is considered to accord with the aforementioned policies.

#### Wheelchair Housing and Lifetime Homes Standards

- 8.149 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.
- 8.150 The accompanying Design Code ensures that the detailed design of units will accord with the above London Plan and LBTH requirements in terms of wheelchair accessibility and Lifetime Homes Standards.

#### Open Space

- 8.151 Policy 7.18 of the London Plan supports the creation of new open space in London to ensure satisfactory levels of local provision to address areas of deficiency. London Plan Policy 7.5 seeks to ensure that London's public spaces are secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces and the development proposals

will accord with the objectives of this policy.

- 8.152 Policies DEV12 and HSG16 of the LBTH UDP, Policy DEV13 of LBTH IPG, and policies SP02, SP04 and SP12 of the LBTH Core Strategy promote the good design of public spaces and the provision of green spaces.
- 8.153 The applicant has calculated that the existing amount of useable public open space across the site is 10,707 sq. m. This includes 7,350 sq. m for the Millennium Green within Robin Hood Gardens Estate. As set out within the submitted Development Specification, the outline planning application requires the provision of a minimum of 18,000 sq. m public open space across the site. There will therefore be a significant uplift in the quantum of open space provided. The parameter plans require that a central area of open space is provided of at least 8,800 sq. m, which is larger than the existing Millennium Green. In total, the additional 7,293sq.m of public open space as proposed equates to an uplift of 68% uplift.
- 8.154 The proposed amount of open space provided within the development falls below LBTH's standard of 12 sq. m per one person (in order to achieve 1.2 ha per 1,000 residents as set out in the LBTH 2006 Open Space Strategy), and would provide approximately 6sq.m per person. Accordingly, the Council's CLC department have requested a financial contribution of £1,000,000 to mitigate this impact, which would be used to provide and improve public open spaces in the borough.
- 8.155 On balance, it is considered that the scheme benefits outweigh the net loss of open space per capita as a result of the proposal. The submitted public realm strategy and Design Code have provided officers with sufficient comfort that the quality of open space that would be provided within the development would be of a high standard. Accordingly, it is considered that the proposal is acceptable in this regard.

## **Amenity**

### Daylight, Sunlight and Overshadowing

- 8.156 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.157 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the draft Managing Development DPD (2012) seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.
- 8.158 Section 9 of the Environmental Statement considers the impacts of the development with respect to daylight and sunlight.

### *Daylight*

- 8.159 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky contour (NSC) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment. The independent assessor of the daylight and sunlight impacts of the proposal also recommends that the Average Daylight Factor (ADF) results are considered and where these are higher than the recommended minimum standard set out in Appendix C of the BRE report, then consideration should be given to accepting those buildings as having suitable internal illuminance, particularly where the VSC result is still relatively good for an urban location.



- 8.160 British Standard 8206 recommends ADF values for residential accommodation and the recommended daylight factor level for dwellings are:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.

- 8.161 The daylight assessment for the new blocks to be constructed has been carried out by testing regular points on the elevations of the buildings, given the outline nature of the application. The independent assessor states:

*“I agree that this is an appropriate method of assessment where detailed design has yet to be undertaken. I also agree with the comment in paragraph 9.5.36 that for most of the development scheme it is expected that suitable levels of interior daylighting can be achieved through appropriately sized windows and rooms and by detailed design generally. Blocks can be designed to place secondary rooms in locations of poorer daylight and sunlight and any external balconies will need to be sited in locations that do not materially reduce the access of daylight and sunlight to those elevations where access of light is already likely to be poor”*

- 8.162 In terms of daylight impacts upon surrounding buildings, the results indicate that there the results for Wharfside South are poor and the building would be left with low levels of VSC and ADF with 44 rooms failing both standards. The applicant has responded to this matter by stating that the impact on Wharfside South is considered minor by virtue of the building having deep balconies on the east façade, such that minimum recommended levels of daylight are not achieved and therefore argue that the dwellings do not currently enjoy substantial daylight amenity.
- 8.163 Given the outline nature of the application and the urban character of the site, it is considered that the proposed impact of the proposal is acceptable on balance. Full assessment of daylight and sunlight impacts will be undertaken at reserved matters stage.
- 8.164 With regard to the daylight impacts of the development upon itself, blocks E2, E3, E4, J, M, N and P are identified as having potentially low levels of daylight as proposed. However, it is noted that the blocks are potentially capable of being designed to meet the required standard by detailed design of actual room layout at reserved matters stage, through appropriate layout and design. Therefore on balance, the applicant has shown that there is scope for designing proposed flats to have adequate daylight.

#### *Sunlight*

- 8.165 The independent assessor of the daylight and sunlight impacts of the proposal concludes that the proposed development does not generally have an adverse impact on sunlight to neighbouring properties. For sunlight to elevations within the development, there are some areas where sunlight will be substandard, particularly to Block F2, the south elevation of Block M and the west elevation of Block N, however this could be addressed at reserved matters stage when considering residential unit layouts as well as block dimensions and scale.

#### *Overshadowing*

- 8.166 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *“it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should received at least 2 hours of sunlight of 21 March”*.
- 8.167 The results for the proposed development show that the proposed amenity spaces within the development, including the central park and the southern square adjacent to the DLR station

would meet the 2011 BRE guidelines for shadowing and that the impact should therefore be considered to be acceptable.

#### Air Quality

- 8.168 PPS23 and Policy 7.14 of the London Plan (2011) seek to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP (1998), Policy SP02 and SP10 of the Core Strategy (2011) and Policy DM9 of the Managing Development DPD (2012) seek to protect the Borough from the effect of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 8.169 The Air Quality assessment (chapter 16 of the Environmental Statement) suggests there are two key distinct elements regarding changes to air quality – during construction and the development itself. During construction it is intended that the construction process will be managed in accordance with the Council's Code of Construction Practice, which clarifies a number of obligations to mitigate against potential air quality deterioration. Regarding the air quality in the completed development, it is highlighted that the design of appropriate mitigation methods will be determined at reserved matters stage, once the layout and design of buildings is fixed.
- 8.170 On balance and subject to the imposition of appropriate conditions, it is considered that the impacts on air quality are acceptable and any impacts are outweighed by the regeneration benefits that the development will bring to the area. The Borough's EHO has not commented however, it is recommended that the submission of a Construction Environmental Management Plan be conditioned prior to commencement.
- 8.171 As such, the proposal is generally in keeping with PPS23, Policy 7.14 of the London Plan (2008), Policy DEV2 of the UDP (1998), Core Strategy SP02 (2010), Policy DM9 of the draft Managing Development DPD (2012) and the objectives of Tower Hamlets Air Quality Action Plan (2003).

#### Noise and Vibration

- 8.172 Planning Policy Guidance Note 24 is the principal guidance adopted England for assessing the impact of noise. The guidance uses noise categories ranging from NEC A (where noise doesn't normally need to be considered) through to NEC D (where planning permission should normally be refused on noise grounds).
- 8.173 Policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development DPD (2012) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.174 Due to the site's proximity to significant highways and the location of many of the proposed residential blocks backing on to those carriageways, areas of the development fall within *Category D* of PPG24 and the Borough's EHO has objected to the application, noting the site's unsuitability for residential occupation.
- 8.175 The surround key transport routes are major constraints to the development in terms of noise and vibration. It is the view of officers that these constraints should be weighed against the regeneration objectives of the proposal which seeks to provide a better quality residential environment for existing and future occupiers of Blackwall Reach. The submitted noise assessment states that the extent to which mitigation is required will be determined by the final orientation and dimensions of the buildings, which will be set at the reserved matters stage. The noise assessment states that all buildings would comply with required internal

noise levels. Amenity areas within the development site have also been designed to that they are sheltered from the noise by the perimeter blocks in order to provide relatively quiet residential environments.

- 8.176 As such, a balanced view has had to be taken with regard to the EHO's objection on grounds of noise. It is the view of the case officer that any impacts in terms of noise are outweighed by the regeneration benefits that the development will bring to the area and in any event sufficient mitigation measures can be employed to minimise adverse noise impacts. A condition to ensure this is recommended.
- 8.177 The Borough's EHO has also advised that if the application is to be approved, conditions should be attached with regard to the attenuation measures. Conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Management Plan which will further assist in ensuring noise reductions for future and existing neighbouring occupiers.
- 8.178 As such, it is the officers view that considering the site constraints, the proposals are generally in keeping with Planning Policy Guidance Note 24, Policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of the Tower Hamlets UDP (1998), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development DPD (2012).

#### Sense of Enclosure and Outlook

- 8.179 Policy SP10 of the Core Strategy (2010) seeks to protect residential amenity and Policy DM25 of the draft Managing Development DPD requires development to protect through ensuring development does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.
- 8.180 Much of the site is an island, cut off from surrounding areas by the existing road infrastructure. Thus there are few buildings that are directly adjacent to the site and the impact of the proposal is largely internal, upon itself.
- 8.181 The development scheme is closely linked to improvements in open space and public realm improvements, with buildings set around open spaces or new 'squares'. This provides good separation distance between buildings in excess of privacy distance requirements and ensures no adverse impacts on their outlook. The parameter plans also instil minimum separation distances between blocks to ensure that no occupiers would encounter an undue sense of enclosure.
- 8.182 It is considered that based on the parameter plans and design code, the development affords acceptable levels of outlook for residential occupiers. Each phase should be assessed at reserved matters stage when the layout of residential units and open spaces is known.
- 8.183 The proposals are therefore generally in keeping with the abovementioned policies.

#### **Energy & Sustainability**

- 8.184 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency.
- 8.185 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green)

The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

- 8.186 The information provided in the submitted energy strategy is principally in accordance with adopted the climate change policies. Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. The Council's Sustainability & Renewable Energy Team have commented that the proposed development will need to ensure it complies with draft Policy DM29 of the draft Managing Development DPD (2012) which requires:

2011-2013 = 35% CO2 emissions reduction;  
2013-2016 = 50% CO2 emissions reduction; and  
2016-2031 = Zero Carbon

- 8.187 The applicant will need to detail how the new targets can be delivered for the relevant phases and subsequent planning applications prior to the reserved matters stage. These subsequent energy strategies should demonstrate how the applicant will seek to minimise CO2 emissions through the steps of the energy hierarchy and in accordance with the outline Energy Strategy dated January 2012. Any subsequent application energy strategy will need to detail a feasibility study into the maximisation of renewable energy technologies on-site. As the proposals are for an outline application a condition has been attached to ensure a detailed energy strategy and sustainability strategy per phase are submitted to demonstrate the design is in accordance with the policies at the time of reserved matters applications.
- 8.188 The submitted energy strategy has emerged from a process of evaluation the technical and economic feasibility of a series of potential alternative energy options including photo-voltaic cells, solar hot water, ground source heat pumps, air source heat pumps, micro wind power and biomass. The energy statement states photovoltaic (PV) cells technology can potentially provide a source of on site renewable energy (Be Green) with a potential to achieve approximately 1,525kW of PV panels across the potential roof capacity of the development (5,640sqm). It is recommended that a minimum amount of PV cells are secured through a condition.
- 8.189 In addition to the technologies the development proposes a central energy plant with 3 x conventional centralised gas boilers (temporary). These technologies and the CHP option have been endorsed by the GLA and Tower Hamlets energy officers subject to one single energy centre being in place by the completion of Phase 3 and 4. To date the GLA have not had confirmation from the applicant that they will commit to a single energy plant and decommission the 3 temporary CHP plants in Phase 1A, 1B, 2. It is therefore recommended that the feasibility of this is sought by condition accordingly with a further commitment to explore the feasibility of establishing a pipe network infrastructure across the site to serve the development zones. This can be sought within the energy strategy condition.
- 8.190 In terms of district heating network and the development's ability to connect to the wider area beyond the site boundary, the applicant has undertaken an investigation that concludes that the site is too far from the wider heat network in this area of East London. High cost is also identified as preventing connection to district heat network. The GLA and energy officers recommend that, in order to substantiate this, a condition requiring a full feasibility study investigating future connection to the district heat network is required upon completion of Phase 3.
- 8.192 Finally, the overall sustainability rating of all new residential development is required to

achieve a minimum of Code for Sustainable Homes Level 4 and all commercial development to achieve a BREEAM 'Excellent' rating on non-residential land uses. The submitted Energy Statement sets out the commitment to achieving these rating and targets which is supported by officers. As per above a condition requiring each phase at reserved matters submission will be required to ensure the development meets the highest levels of sustainability and energy efficiency in accordance with the current day policy standards at the time of any subsequent planning application.

### **Contamination**

- 8.193 In accordance with the requirements of PPS23, saved UDP policy DEV51 and policy DM30 of the Managing Development DPD (proposed submission version 2012), the application has been accompanied by an Environmental Statement which suggests that there is potential of shallow soil/groundwater contamination, soil gas generation and a remediation strategy is provided. The Council's Environmental Health department does not object to these findings and recommends conditions to secure this strategy accordingly.
- 8.194 A condition to secure further exploratory works and remediation has been attached as requested.

### **Flood Risk**

- 8.195 Planning Policy Statement 25 (PPS25), Policy 5.12 of the London Plan (2011) and Policy SP04 of Tower Hamlets CS (2010) relate to the need to consider flood risk at all stages in the planning process.
- 8.196 The development falls within Flood Risk Zone 3 and the applicant has been in consultation with the Environment Agency (EA) since the early pre-app stages in developing a mitigation strategy. The application is supported by a flood risk assessment and describes various potential flood mitigation options.
- 8.197 These options include setting all habitable (sleeping accommodation) finished floor levels above the 1 in 1000 year plus climate change breach level; all finished ground floor levels raised 300mm above predicted breach levels, or the ground floor designed to incorporate flood resilient construction measures and predicted flood levels to be considered at detailed design stage for basement access and in the ground floor design to ensure flood waters will not impact infrastructure and properties located within the basement and ground floors of the proposed development.
- 8.198 The FRA acknowledges that the ground level within the development site will change significantly during the detailed design and recommends the model is rerun with the proposed ground levels. This information will further inform the necessary mitigation in terms of finished floor levels of the residential component, and whether safe access is achievable.
- 8.199 Accordingly, the EA have suggested a condition to secure details of finished floor levels, set no lower than 300mm above the predicted flood levels.
- 8.200 The application also proposes a surface water management strategy that aims to reduce the off-site discharges to rates where practical. The EA has reviewed this, and recommended a condition to secure the submission of a surface water drainage scheme.
- 8.201 Subject to the inclusion of conditions as per the recommendation of the EA, it is considered that the proposed development by virtue of the proposed flood mitigation strategy complies with PPS25, Policy 5.12 of the London Plan (2011) and Policy SP04 of the Core Strategy (2010).

### **Environmental Impact Assessment**

- 8.202 The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) regulations 2011.
- 8.203 As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.
- 8.204 The ES addresses the following areas of impact (in the order they appear in the ES):
- Air Quality and Dust
  - Noise and Vibration
  - Ecology
  - Townscape and Visual
  - Water Resources and Flooding
  - Land Contamination
  - Traffic and Transport
  - Archaeology and Cultural Heritage
  - Socio-economics
  - Wind and Microclimate
  - Daylight, sunlight
  - Telecommunications
  - Cumulative Impacts
- 8.205 As the application is in outline, for the purposes of the assessment of environmental impacts and to comply with the requirements of the EIA Regulations and associated European directive, the applicant has submitted parameter plans and other information to prescribe key aspects of the development. These include, for example, quantum of floorspace and heights, widths and lengths of building to create 'building parcels'. Should the scheme be approved, the parameters will be fixed in order to keep the development within those assessed in the Environmental Statement and ensure that the scheme does not give rise to significant environmental impacts which have not been assessed through the EIA process. Should the applicant then bring forward proposals which alter the range of impacts identified and assessed in the Environmental Statement and further information on which this current application has been determined they may need to be reassessed and/or a new application submitted.
- 8.206 The Council appointed consultants, Land Use Consultants (LUC) to examine the applicant's ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, LUC confirmed their view that whilst a Regulation 22 request was not required, further clarification was sought in respect of a number of issues. These issues have been satisfactorily addressed by the applicant and further review concluded that the ES have adequately addressed all the requirements of the EIA regulations.
- 8.207 The applicant has however submitted supplementary information to the original ES which addresses the impact of the scheme at a reduced scale of 1,575 units. This supplementary information ('Environmental Statement: Supplementary Information', February 2012) has also been reviewed by the LUC, who concluded that the proposed scheme changes do not lead to any changes within the ES in terms of adverse impacts as the reductions in scale all lie within the initially assessed parameters. The supplementary information,

therefore, when considered alongside the original ES, also satisfies the requirements of the EIA regulations.

- 8.208 The various sections of the ES have been reviewed by officers. The various environmental impacts are dealt with in relevant sections of this report above with conclusions given, proposals for mitigation of impacts by way of conditions, and/or planning obligations as appropriate.
- 8.209 In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental impacts are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

### **Health Considerations**

- 8.210 Policy 3.2 of the London Plan (2011) seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 8.211 Policy SP03 of the Core Strategy (2010) seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.212 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - Promoting and supporting local food-growing and urban agriculture.
- 8.213 This development is within Blackwall and Cubitt Town Ward. The nearest current practice that has the development in its catchment area is All Saints Practice. To accommodate the expected population growth from this and other developments in the locality, a new network service hub is being development at the Newby Place. Therefore, financial contribution of £900,000 from this development towards the lease or fit out costs for this health centre would help to improve health and active lifestyles.
- 8.214 The application will also propose public open spaces within the site which is to be delivered in each of the four phases. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby. This new open space is approximately 18,000 sq.m and will complement the surrounding area by introducing open green spaces within this part of Poplar, including an expanded 8,800sq.m Millennium Green. Cycle routes are also included within the proposal.
- 8.215 The proposal also includes retail spaces (Use Class A1 –A5) which can include take-aways and restaurants. As the application is currently in outline and no details of the retail floorspace is provided, the details and allocation of the retail floor space will be secured through a planning condition to ensure that there is no over-concentration of any particular use types which could detract from the healthy and attractive life styles in line with policy SP03 of the Core Strategy.
- 8.216 It is therefore considered that the financial contribution towards health facility and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and

active lifestyles.

### **Biodiversity**

- 8.217 The London Biodiversity Action Plan (2008), Policy 7.19 of the London Plan (2011), Policy SP04 Core Strategy (2010) and Policy DM11 of the Managing Development DPD (proposed submission version 2012) seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the Managing Development DPD (proposed submission version 2012) also requires elements of living buildings.
- 8.218 Robin Hood Gardens is designated as a Site of Local Importance for Nature Conservation and therefore, the potential impact of the development on the existing habitat and ecology is likely to be significant. However, there are plenty of scope within the parameters of the proposal to significantly enhance the existing value of biodiversity and ecology through detailed design of the open spaces and buildings. This can include living roofs and walls where available, and landscaping details to encourage habitat through provision of bat and bird boxes. Such details are proposed to be secured by planning condition. In addition, a requirement of a biodiversity strategy will also be secured through a condition to show how the new park would meet the criteria for a Site of Local Importance of Nature Conservation. The proposal is considered is to provide significant opportunities to improve the biodiversity and ecology value within the area and therefore is supported.
- 8.219 The Borough's Biodiversity Officer has also confirmed that through planning conditions any impact to the existing biodiversity and ecology value can be minimised and that there are greater scope of enhancing the nature conservation on site. The proposed development is not considered to have adverse impacts in terms of biodiversity. The development will ultimately provide an enhancement for biodiversity for the local area in accordance with the above mentioned policies.

### **Section 106 Agreement**

- 8.220 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. Obligations must be:
- (i) Relevant to planning;
  - (ii) Necessary to make the proposed development acceptable in planning terms;
  - (iii) Directly related to the proposed development;
  - (iv) Fairly and reasonably related in scale and kind to the proposed development;
- and
- (v) Reasonable in all other respects.
- 8.221 Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet they are
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.222 This is further supported by Saved Policy DEV4 of the UDP (1998) and Policy IMP1 of the Council's IPG (2007) policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

- 8.223 The Council's Supplementary Planning Document on Planning Obligations was adopted in



January 2012; this SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport

8.224 LBTH and LTGDC are the determining authorities on the development site . As such and with regard to planning obligations, the LTGDC would normally apply their LTGDC Planning Obligations Community Benefit Strategy to ensure that developments contribute financially and in kind towards the infrastructure that is needed to support the developments that are coming forward within its area.

8.225 LTGDC's Planning Obligations Community Benefit Strategy places the site in an area that should recover a discounted standard charge of £10,000 per residential unit. In these circumstances, however, LBTH administers the majority of the site area and in light of the pending dissolution of LTGDC in 2012, it has been agreed the Borough lead on the S106 negotiations and apply the Borough's adopted SPD on Planning Obligations accordingly.

8.226 As such, based on the SPD, LBTH Officers have identified a contribution request of approximately **£14.48million**.

This can be summarised as follows:

- Education: £6,411,619
- Enterprise & Employment: £292,656
- Community Facilities: £1,004,442 and on site in-kind facility
- Public Realm: £3,000,000
- Health: £900,000
- Sustainable Transport: £44,333
- Transport for London: £2,477,360
- Monitoring & Implementation 2% of total.

8.227 The applicant has demonstrated through the submission of a viability assessment that there is no additional provision for S106 contributions beyond £14.48 million. The Council has independently reviewed this assessment and concludes that this figure is agreeable given the relative high affordable housing offer of 51.6% gross based on habitable room.

8.228 The development also provides wider estate regeneration improvements, which whilst not contributing to the Council's priorities as set out in the Planning Obligations SPD, are material in considering its acceptability.

#### Affordable Housing

8.229 As described in previous sections of this report, a minimum of 51.6% (hab room) of the overall resulting scheme will be for affordable housing. As a minimum, the scheme will re-provide all affordable homes lost through demolition and will introduce a net addition of 43.8% uplift (hab room) of new affordable homes and it is recommended that this is tied into the S106.

- 8.230 Based on the supporting viability report and the site constraints, officers accept the site circumstances and it is recommended that the proposed quantum of affordable housing is supported.
- 8.231 It is important to note that the amount of affordable housing permitted will be monitored, controlled and apportioned through phasing conditions to ensure these obligations are fulfilled throughout the lifetime of the developments implementation.

#### Education

- 8.232 The proposed increase in residential development on the site will generate an increased child yield and therefore an increase in demand for primary and secondary school places in the Borough.
- 8.233 As such, based on the adopted Planning Obligations SPD, the increase in units results in the need for 349 additional primary school places. This amounts to a requested contribution of £4,141,880. As part of the comprehensive redevelopment of Blackwall Reach it is proposed that this sum is targeted towards the expansion of Woolmore Primary School to a 3 form entry school which forms part of this outline planning application. Should the redevelopment of the school not be forthcoming, then it is recommended that a commuted sum be secured within the S106 for Primary school places in the Borough.
- 8.234 Regarding secondary school provision the SPD calculates that the development will result in a need for 110 additional net spaces which equates to a requested £2,269,739 contribution.
- 8.235 The applicant has offered to meet both these financial contribution requests totalling £6,411,619 for education and this is welcomed by officers.

#### Enterprise and Employment

- 8.236 The SPD requires developments to exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be for local residents of Tower Hamlets, to be supported through the Skillsmatch Construction Services. In addition, the SPD requires that 20% of the goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 8.237 The SPD also seeks a financial contribution towards the training and skills needs of local residents in accessing job opportunities created through the construction phase of all new development and a contribution towards end use phase of commercial developments. In addition, the SPD states that in-house training programmes may be considered in lieu of the construction phase skills and training contribution; however this is assessed on a case by case basis.
- 8.238 A financial contribution of £279,873 has been agreed with applicant towards skills and training at construction phase. In addition, a further £12,783 is sought towards jobs within the end-phase of the development.
- 8.239 The applicant has agreed to participate in the Skillsmatch programme and meet the financial contribution requests for skills and training. This is welcomed by officers.

#### Community Facilities

- 8.240 The SPD identifies Idea Store, Libraries, Archives, Leisure, Multi-Use Community Facilities within the Community priority.
- 8.241 With respect to community facilities a contribution of £1,064,432 is sought to contribute

towards leisure facilities in the Borough based on the SPD.

- 8.242 With regard to Idea Store and Libraries the Councils Directorate of Communities, Localities and Culture have indicated that there is sufficient capacity at Crisp Street Market Idea Store to accommodate the population uplift resulting from the development.
- 8.243 In addition to the financial contribution, the application will be delivering 500sqm of community space on site in the early phases of development. At this stage officers do not know the detailed nature of community use, access and management arrangements of the proposed facility but this will be explored at reserved matter stage in order to secure benefits for all Borough residents and is subject to on going negotiations with the applicant
- 8.244 It is worth noting that the applicant also proposes to replace and relocate the existing faith centre on Woolmore Street and a provide a new purpose built faith centre up (up to 1200 sq.m) next to the proposed residential block (A1) on Bullivant Street. Whilst this is not sufficient to mitigate against the impact of the proposed development, officers welcome these aspects of the proposal and recognise them as contributing to the overall regeneration benefits of the scheme.
- 8.245 Overall officers consider the applicants commitment to meeting the financial contribution towards leisure facilities in the borough and on site community provision as sufficient in mitigating the development impact on Council services.

#### Public Realm

- 8.246 Public Realm in the SPD includes Public Open Space, Streetscene and Built Environment, Highways and Public Art.

#### *Public Open Space*

- 8.247 The development is proposing 18,000sqm of new and refurbished Public Open Space, with an uplift of 7,893sqm (68%) spaces across 5 new open spaces across the site area. By applying the SPD against population uplift the development remains deficient in providing on site open space and therefore a contribution of £1,000,000 is sought to mitigate against lack of site provision.
- 8.248 The viability toolkit indicates that the scheme cannot provide any further financial contributions towards open space. Officers do however have regard to the *quality* of the open space proposed despite the shortfall in quantitative terms. At present, the existing residents of the surrounding area are served only relatively small parkland open spaces at Millennium Green and All Saints church yard which lack modern inclusive amenity and facilities.
- 8.249 It is considered that the refurbishment of existing Millennium Green and creation of 4 new open spaces together with investment in surrounding landscaping and biodiversity across the site will greatly improve open space quality and proviso. As a result the quality of life for existing and future residents will be enhanced and therefore it is considered that to some extent the quality of the open space proposed should be considered in the context of the overall shortfall.
- 8.250 Officers also recognise the significant benefit of refurbished and new open spaces across the site and will seek to ensure through the S106 and conditions that a fully detailed landscape masterplan plan is produced for the site and also per phase.
- 8.251 In light of the above, officers accept the viability constraints of this site and welcome the applicant agreement to the £1,000,000 contribution requested. Overall, officers consider the proposal mitigates its impact upon open space within the locality of the development.

### *Streetscene, Built Environment Improvements, Highways*

- 8.252 Based on the SPD, an obligation of £2,000,000 is sought towards Street scene and Built Environment Improvements, identifying 3 public realm improvement projects abutting the site and supported by findings of the Council's recently commissioned 'Blackwall and Poplar Connectivity and Public Realm Strategy 2011'.
- 8.253 These three key project are supported by Transport for London include public realm improvements to:
- Preston Road roundabout crossings, subway refurbishment, and highway capacity;
  - Poplar High Street neighbourhood centre and pedestrian crossing over Cotton Street
  - East India Dock Road/ Cotton Street pedestrian crossings.
- 8.254 It is a long standing Council commitment to upgrade pedestrian crossing points and public realm at ground level on Preston's Road Roundabout in order to improve pedestrian links between the major centre of Canary Wharf, the River Thames and communities of Poplar and Blackwall. Currently the pedestrian crossing conditions are dangerous and unsafe with no formal or signalled crossing points at ground level. The contributions will also be pooled from this development and surrounding sites to improve the vehicular capacity of Preston Road roundabout.
- 8.255 Regarding improvements to Poplar High Street and crossing conditions at Cotton Street junction this project intends to improve the usability and quality of the existing neighbourhood centre while seeking to improve safety of the pedestrian crossings over the busy Cotton Street highway. This public realm / highways project will also seek to link with the new extension to Poplar High Street neighbourhood centre and public piazza space around Blackwall DLR station as proposed by this outline application.
- 8.256 The third public project identifies improving similar unpleasant and unsafe pedestrian crossing condition between the site and East India Dock Road shopping parade on the junction of Cotton Street.
- 8.257 In summary officers welcome the applicant's commitment to meeting the requested SPD amount of £2,000,000 towards improving public realm and highways in the immediate surrounding areas to benefit of local residents in the borough. It is therefore considered that the development adequately mitigates its impact in this respect.

### Sustainable Transport

- 8.258 Officers welcome the applicant agreement to meet the requested SPD amount of £44,333 towards SMART travel initiatives that seek to promote sustainable transport in the borough.

### Health

- 8.259 The SPD requests that the borough also prioritise health facilities to mitigate the increasing future population of the borough.
- 8.260 In consultation with Tower Hamlets NHS, a sum of £12,999,515 is sought towards capital costs of delivering new health facilities and revenue costs within the borough as result of the developments impact. In accordance with Circular 05/05 and CIL regulations officers consider that revenue costs should not be secured by new development. However the capital costs for new facilities is considered reasonable to secure from new development and regarding this contribution type the NHS requests a total of £2,109,899.

- 8.261 In response to this request, the applicant submitted a viability assessment that states the scheme can only afford a total £14.48 million for all S106 contribution of which only £900,000 has been secured for health facilities.
- 8.263 It should be noted that the NHS has confirmed that provision of an expanded new health centre at Newby Place (close to the site) scheduled to open in 2012/13 will seek to accommodate the displaced All Saints Surgery practice within the site boundary on Robin Hood Lane. Therefore no mitigation is necessary to offset this displacement.
- 8.264 Notwithstanding the NHS updated response, officers can verify that the applicant viability assessment as being sound in that the scheme can only afford a maximum sum of £900,000 towards health facilities. This sum together with significant improvements to open spaces, environment and accommodation at the site and within the wider area are considered to not only improve the health of residents but mitigate impact on health facilities resulting from the development. Therefore the applicants proposed financial contribution is considered acceptable.

#### TfL Transport

- 8.267 TfL have noted that the development is likely to generate demand for additional bus capacity and request a sum of £450,000 towards a new service to improve residents' access to public transport. The applicant has agreed to this request which is welcomed by officers
- 8.268 TfL is also seeking a contribution of £3,000,000 towards improvements towards improving Blackwall DLR station by installing a new stairway and canopy to cover the platforms. The applicant has agreed to contribute £2,000,000 and TfL have agreed this sum in principle. Officers will seek to update Members on this matter should further comments be received prior to this application being considered by the Strategic Development Committee on 15<sup>th</sup> March 2012.
- 8.269 TfL have also requested £189,000 towards a new Cycle Hire Docking Station. Officers consider that the applicant's commitment to on site cycle spaces and the recent implementation of the new Cycle Hire Docking Station on Naval Row will adequately mitigate the development's impact. However, officers have requested that a safeguarded area of land to accommodate a Cycle Hire Docking Station be secured by condition at the site to ensure future provision can be accommodated.
- 8.270 Finally a contribution of £27,360 towards Crossrail is requested by TfL which is sum measured against the non-residential floorspace uplift.

#### Monitoring & Implementation

- 8.271 The SPD requires a contribution towards the monitoring and implementation of the S106 agreement. The Council normally applies a 2% fee to the total financial contribution sought. However in certain circumstances a higher contribution will be sought. The S106 for Blackwall will require a lengthy agreement with complex clauses requiring future reviews of each phase of the development in order to ensure the level of affordable housing can be maximised in future phases. As such, officers consider it appropriate to request a higher than normal monitoring fee. 2% is considered appropriate.
- 8.272 It is recognised that the Council is both landowner (along with the HCA) and local planning authority in respect of the majority of the application. Legal advice has been sought from counsel with regards to the requirements of the section 106 agreement and the Council as local planning authority is satisfied that the provisions of s106 of the Town and Country Planning Act 1990 do not prevent a Council as landowner from entering into a s106 Agreement where such obligations fulfil all the tests (CIL Regulations and Circular 05/2005).

A condition will be sought to ensure that when land interests are acquired by future developer partners that a supplemental s106 agreement will be entered into to bind such interests.

- 8.273 However developments that secure affordable housing through s.106 agreements (as is the case for this proposal) are highly unlikely to receive grant from the HCA as they seek to reserve funding for Registered Social Landlords who specialise in providing affordable housing.

### **Human Rights Considerations**

- 8.274 The application potentially raises some Human Rights Act 1998 implications. These are summarised in this section. In terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-

- 8.275 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that *"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole"*.

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

- 8.277 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

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

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

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

- 8.281 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with

Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

### **Equalities Act Considerations**

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

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

8.283 The contributions towards various community assets/improvements and infrastructure improvements (such as access to open space and contributions to transport improvements and education) addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.

8.284 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

8.285 The recreation and leisure related uses and contributions (which will be accessible by all), such as the improved public open spaces and play areas, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

8.286 The contributions to affordable housing along with commitments to re-house existing residents support community wellbeing and social cohesion.

### **Conclusions**

9.0 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.

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